



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 860

PRINTERS NO. 2422

PRIME SPONSOR: Polinchock

### COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
General Fund	See Fiscal Impact	See Fiscal Impact

**SUMMARY:** House Bill 860, Printer's Number 2422, establishes the Smoke Alarm Responsibility Act requiring the installation and maintenance of smoke alarms in rented or leased buildings.

**ANALYSIS:** This bill establishes the Smoke Alarm Responsibility Act, provides for new definitions related to "dwelling", "dwelling unit" and "smoke alarm" and requires the installation and maintenance of smoke alarms in rented or leased buildings with dwelling units. The term "dwelling" does not include a care facility, as defined in section 2 of the act of June 23, 2016 (P.L.357, No.48), known as the Care Facility Carbon Monoxide Alarms Standards Act.

Section 3 outlines the requirements for the owner of a dwelling unit as follows:

- (1) Equip, within 24 months of the effective date of the bill, the unit with a smoke alarm that is installed in accordance with the Uniform Construction Code adopted at 34 Pa. Code § 403.21 under the authority granted in the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.
- (2) Replace any smoke alarm that has been stolen, removed, found missing or rendered inoperable during prior occupancy of the dwelling unit before any new occupancy of the unit.
- (3) Ensure the smoke alarm is operating at the time the new tenant takes residence in the unit.
- (4) Upon notification by the tenant in writing of any deficiency with the smoke alarm, address the deficiency and ensure the dwelling unit is equipped with a smoke alarm within 96 hours.

The owner of a dwelling unit used for rental purposes shall not be responsible to maintain, repair or replace a smoke alarm while it is occupied. Responsibility for the smoke alarm shall revert to the owner of the dwelling unit upon the vacancy of the dwelling unit.

It also states that the equipping and installation of smoke alarms shall not require new construction, alterations, repairs or additions, while the owner also is not required to replace a working smoke alarm that is not more than 10 years old.

Section 4 outlines the responsibilities of a tenant of a dwelling unit as follows:

- (1) Maintain the smoke alarm in the dwelling unit in good repair.
- (2) Ensure that the smoke alarm in the dwelling unit is tested annually.

- (3) Not remove or render the smoke alarm in the dwelling unit inoperable.
- (4) Notify the owner or authorized agent in writing of any smoke alarm deficiencies.

The bill also provides for enforcement provisions stating that an individual who violates the requirements of the bill commits a summary offense punishable by a fine of up to \$50.

This legislation would take effect in 120 days upon enactment.

**FISCAL IMPACT:** Enactment of this legislation will have no impact on Commonwealth funds. As established in the bill, any violations could be punishable as a summary offense by a fine of up to \$50 paid within the local jurisdiction where the unit is located.

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House Appropriations Committee (R)

**DATE:** December 14, 2021

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*