

8.1.25 CHAPTER 25 – Three Family Apartment Building

(Add) 25.1 Compliance with State Building and Minimum Housing Codes.

(Add) 25.1.1

All three (3) family apartment buildings shall remain subject to, and comply with, the State Building Code adopted pursuant to R.I. Gen. Laws Chapter 23-27.3 *et seq.*

(Add) 25.1.2

All three (3) family apartment buildings shall further remain subject to, and comply with the Minimum Housing Standards outlined in R.I. Gen. Laws § 45-24.2-1 *et seq.*

(Add) 25.2 Installation of Smoke and Carbon Monoxide Alarms.

(Add) 25.2.1 New Three-Family Apartment Buildings

All three (3) family apartment buildings hereinafter constructed or converted for residential occupancy, including modular homes, shall be provided with smoke alarms, installed in accordance with § 9.6.2.10.1.

(Add) 25.2.1.1 In addition to the smoke alarms required within the dwelling unit, smoke alarms shall also be located in common areas as follows:

- (1) On each floor landing of common stairways
- (2) In common corridors
- (3) In common basements

Exception: Common area smoke alarms shall not be required in three (3) family apartments that are protected with an approved automatic sprinkler system.

(Add) 25.2.1.2 The smoke alarms required by § 25.2.1.1 shall all be interconnected, however, shall not be interconnected with any dwelling unit smoke alarms.

(Add) 25.2.1.3 All three (3) family apartment buildings hereinafter constructed or converted for residential occupancy, including modular homes, shall be provided with carbon monoxide alarms in accordance with § 9.12.

Carbon monoxide alarms shall only be required where either of the following conditions exist:

- (1) Dwelling units with communicating attached garages, unless otherwise exempted by § 25.2.1.3.1.
- (2) Dwelling units containing fuel-burning appliances or fuel-burning fireplaces.

(Add) 25.2.1.3.1 Carbon monoxide alarms shall not be required in the following locations:

- a. In garages
- b. Within dwelling units with communicating attached garages that are open parking structures as defined by the Building Code
- c. Within dwelling units with communicating attached garages that are mechanically vented in accordance with the Mechanical Code

(Add) 25.2.1.4

The above smoke and carbon monoxide alarms may be installed as either separate or combination units approved by the AHJ.

(Add) 25.2.1.5

The above smoke and carbon monoxide alarms may be either hardwired one hundred twenty (120) vAC powered devices with an approved secondary (standby) power source or low-power radio (wireless) devices. Hardwired AC-powered devices utilizing wireless interconnection technology shall be permitted.

(Add) 25.2.1.6

The local fire authorities certified by the State Fire Marshal as prescribed in R.I. Gen. Laws § 23-28.2-9, in cooperation with the local building code officials, shall enforce the provisions of this Chapter. The State Fire Marshal's Office may enforce the provisions of this Chapter when so requested to by the local authority or when the local authority is either unwilling or unable to fulfill its obligations under this Chapter.

(Add) 25.2.1.7

Compliance with the above provisions shall be considered a prerequisite to the approval, by the fire authority, of any certificate of occupancy issued by the building official pursuant to R.I. Gen. Laws § 23-27.3-120.

(Add) 25.2.1.8

It shall be the responsibility of the owner to maintain in operable condition smoke and carbon monoxide alarms, installed as required pursuant to this Chapter, and the owner shall make operable, within seven (7) days after being notified by certified mail by the occupant and/or enforcement official, any inoperable alarms.

(Add) 25.2.1.8.1

If the owner fails to make the alarms operable within the required seven (7) days, the tenant may cause the alarms to be made operable if the reasonable total reasonable cost of making the repairs does not exceed the sum of twenty dollars (\$20.00), and the tenant may deduct from his or her rent the actual reasonable cost of repairs not to exceed twenty (\$20.00).

(Add) 25.2.1.8.2

The payment of the reasonable costs, outlined in § 25.2.1.8.1, shall not exempt the owner from the payment of fines for violation of this Code as outlined in R.I. Gen. Laws § 23-28.3-9.

(Add) 25.2.2 Existing Three-Family Apartment Buildings

All existing three (3) family apartment buildings used for residential occupancy, including modular homes, shall, be provided with smoke alarms, installed in accordance with § 9.6.2.10.1.

(Add) 25.2.2.1 The provisions of § 9.6.2.10.3 shall not apply.

(Add) 25.2.2.2 In addition to the smoke alarms required within the dwelling unit, smoke alarms shall also be located in common areas as follows:

- (1) On each floor landing of common stairways
- (2) In common corridors
- (3) In common basements

Exception: Common area smoke alarms shall not be required in three (3) family apartments that are

protected with an approved automatic sprinkler system.

(Add) 25.2.2.3 The smoke alarms required by § 25.2.2.2 shall all be interconnected, however, shall not be interconnected with any dwelling unit smoke alarms.

(Add) 25.2.2.4 All existing three (3) family apartment buildings used for residential occupancy, including modular homes, shall be provided with carbon monoxide alarms in accordance with § 9.12.

Carbon monoxide alarms shall only be required where either of the following conditions exist:

- (1) Dwelling units with communicating attached garages, unless otherwise exempted by § 25.2.2.4.1.
- (2) Dwelling units containing fuel-burning appliances or fuel-burning fireplaces.

(Add) 25.2.2.4.1 Carbon monoxide alarms shall not be required in the following locations:

- a. In garages
- b. Within dwelling units with communicating attached garages that are open parking structures as defined by the Building Code
- c. Within dwelling units with communicating attached garages that are mechanically vented in accordance with the Mechanical Code

(Add) 25.2.2.5

The above smoke and carbon monoxide alarms may be installed as either separate or combination units.

(Add) 25.2.2.6

The above smoke and carbon monoxide alarms may be either hardwired one hundred twenty (120) vAC powered devices with an approved secondary (standby) power source or low-power radio (wireless) system devices. Hardwired AC-powered devices utilizing wireless interconnection technology shall be permitted.

(Add) 25.2.2.7

The local fire authorities certified by the State Fire Marshal's Office as prescribed in R.I. Gen. Laws § 23-28.2-9, in cooperation with the building code officials, shall enforce the provisions of this Chapter. The State Fire Marshal's Office may enforce the provisions of this Chapter when so requested to by the local authority or when the local authority is either unwilling or unable to fulfill its obligations under this Chapter.

(Add) 25.2.3 Power Supplies

(1) Power supplies for smoke alarms shall be in accordance with NFPA 72 (2019).

(2) Power supplies for carbon monoxide alarms shall be in accordance with NFPA 72 (2019).

(Add) 25.2.4

The local fire authority that performs smoke and carbon monoxide alarm inspections in all residential occupancies shall, at the time of the inspection, be allowed to charge a thirty dollar (\$30.00) fee for the inspection of any residential occupancy. The responsibility of this charged fee will be borne by the seller on each occurrence before title to the property is transferred. A sixty dollar (\$60.00) fee will be allowed for any subsequent re-inspection of the same residential occupancy due to improper installation, wrong location, improper wiring method, or the seller's failure to maintain a mutually agreed upon appointment with the local fire authority that performs the inspection function. The fees collected by the local fire authority shall be used for fire prevention purposes in that particular city, town, fire district, or other municipal subdivision.

(Add) 25.2.4.1

At the time of the transfer of title, the seller must provide the purchaser with a certificate from the fire department for the community in which the dwelling is located stating that the smoke and carbon monoxide alarms have been inspected within one hundred twenty (120) days prior to the date of sale and has been determined to be in good working order. The fire department for the community in which the dwelling is located must inspect the smoke and carbon monoxide alarms of the dwelling within ten (10) days of a request from the owner. The inspection may be conducted by qualified personnel of the department or the State Fire Marshal's Office. No fire department nor the State Fire Marshal shall be liable for any damage caused by the subsequent malfunction of a smoke or carbon monoxide alarm which it inspected.

(Add) 25.2.4.2

Transfers of real property are exempt from compliance with the provisions of §§ 25.2.2 through 25.2.4.5 if:

1. The property being transferred does not contain residential dwellings;
2. Within the past six (6) months a certificate of use or occupancy has been issued for the property being transferred;
3. The property being transferred currently maintains the smoke and carbon monoxide alarms, as certified by the local AHJ, in accordance with § 25.2.2.3.1;
4. The property being transferred is uninhabitable without the issuance of a certificate of use and occupancy referenced in § 25.2.1.7;
5. The property is being transferred pursuant to a foreclosure sale, a tax sale, as a redemption of a tax sale, or in lieu of foreclosure, and provided further that the requirements of this Chapter shall met prior to the re-occupancy of the property;
6. The property is being transferred by operation of law, or pursuant to an order of any United States Court, or any Superior or Family Court of the State of Rhode Island, and provided

further that such court order specifically directs non-compliance with this Chapter; or

7. The property is being acquired by the State for demolition and will not be sold or used by the State for residential purposes.

(Add) RILSC 25.2.4.3

It shall be the responsibility of the owner to maintain in operable condition smoke and carbon monoxide alarms, installed as required pursuant to this chapter, and the owner shall make operable, within seven (7) days after being notified by certified mail by the occupant and/or enforcement official, any inoperable alarms.

(Add) RILSC 25.2.4.4

If the owner fails to make the alarms operable within the required seven (7) days, the tenant may cause the alarms to be made operable if the reasonable total reasonable cost of making the repairs does not exceed the sum of fifty dollars (\$50.00), and the tenant may deduct from his or her rent the actual reasonable cost of repairs not to exceed fifty (\$50.00).

(Add) RILSC 25.2.4.5

Owners of existing residential properties, previously required to install smoke alarms, shall maintain those detectors in good operating condition.

(Add) RILSC 25.2.4.6

The State Fire Marshal is hereby authorized to consult with the Chief Judge of the Rhode Island Family Court to develop and implement a plan of action, addressing the installation appropriate limited smoke and carbon monoxide detection for the immediate safe temporary placement of children, supervised by the Rhode Island Department of Children, Youth and Families, in properties covered under this Chapter.