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Date: January 20, 2011

DQA Memo 11-003

To: Adult Family Homes
Community-based Residential Facilities
Residential Care Apartment Complexes

AFH 02
CBRF 03
RCAC 01

From: Kevin Coughlin, Director
Bureau of Assisted Living

Via: Otis Woods, Administrator
Division of Quality Assurance

**Carbon Monoxide Alarms
New Requirements Expand Coverage to Most Residential Buildings
Effective February 1, 2011**

UPDATE

On February 1, 2011 new requirements in 2009 Wisconsin Act 158 and Chapters Comm 21 and 28 relating to Carbon Monoxide Alarms will go into effect. The Act is available at: <http://www.legis.state.wi.us/2009/data/acts/09Act158.pdf> The new rules will be updated online in the last week of January, 2011 and available at: <http://www.legis.state.wi.us/rsb/code/comm/comm021.pdf> and <http://legis.wisconsin.gov/rsb/code/comm/comm028.pdf> In the meantime, an unofficial draft of the rules are available at <http://www.commerce.state.wi.us/SB/docs/SB-UdcAlarmsDraftComm021.pdf> and <http://www.commerce.state.wi.us/SB/docs/SB-UdcAlarmsDraftComm028.pdf>

New requirements

As you may be aware, 2009 Wisconsin Act 158 expands the types of residential facilities requiring installation of carbon monoxide alarms. Effective February 1, 2011, the new law requires installation of carbon monoxide alarms in all adult family homes licensed for 3 – 4 persons and in community-based residential facilities licensed for 5 – 8 persons that were built before October 1, 2008 and which have fuel-burning appliances. Owners are required to install carbon monoxide alarms in the basement of the facility and on each floor level except the attic, garage, or storage area of each dwelling unit.

For adult family homes licensed for 3 - 4 persons and community-based residential facilities licensed for 5 – 8 persons with a building permit for the initial construction issued prior to October 1, 2008, there is no mandatory type of power sources for the carbon monoxide alarms,

thereby allowing batteries, electrical outlet plug-ins or wiring to the building's electrical service, with backup battery power supply.

Adult family homes and community-based residential facilities licensed for 5 – 8 beds constructed on or after October 1, 2008 were required under 2007 Wisconsin Act 205 to install carbon monoxide alarms. For additional information regarding these requirements, see DQA memo 10-006 at: http://www.dhs.wisconsin.gov/rl_DSL/Publications/10-006.htm

The Department of Health Services/Division of Quality Assurance is sending this information to adult family homes and community-based residential facilities requesting all administrators, designated service managers and licensees to inform their staff of these new requirements.

Current rule

2007 Wisconsin Act 205, created section 101.149 of the Wisconsin Statutes, requiring installation of carbon monoxide alarms in most residential buildings which have fuel burning appliances beginning October 1, 2008, and in most existing residential buildings by April 1, 2010. The law defines a “residential building” as a tourist rooming house, a bed and breakfast establishment, or any “public building” used for sleeping or lodging, excluding a nursing home or hospital. The definition of “public building” in section 101.01(12) of the Wisconsin Statutes excludes a previously constructed building used as a community-based residential facility (CBRF) which serves 20 or fewer residents or a previously constructed adult family home.

Summary of the Requirements for Assisted Living Facilities

The *new and current* requirements are summarized below. For additional information regarding the requirements in Wisconsin for carbon monoxide alarms, please see the brochures developed by the Department of Commerce and available at <http://commerce.wi.gov/SB/docs/SB-PubCarbMonoBroch209.pdf> and <http://www.commerce.state.wi.us/SB/SB-UdcAlarmsInfo.html>

Facilities that require installation of carbon monoxide alarms include:

- CBRFs licensed for more than 20 residents
- CBRFs licensed for 9 – 20 residents constructed on or after October 1, 2008
- CBRFs licensed for 5 to 8 residents
- Adult family homes
- Residential care apartment complexes

Facilities that do not require installation of carbon monoxide alarms include:

- A CBRF licensed for 9 - 20 residents constructed prior to October 1, 2008

Additional information regarding requirements for carbon monoxide alarms in adult family homes, community-based residential facilities and in residential care apartment complexes can be found in DQA memo 10-006 at: http://www.dhs.wisconsin.gov/rl_DSL/Publications/10-006.htm

Thank you for your attention to this matter. If you have any questions about this information, please contact the Wisconsin Department of Commerce at <http://commerce.wi.gov/sb>. To obtain contact information for Commercial Building Code Inspectors at the Department of Commerce website, go to Contact S & B Staff, and then click on “Find S&B staff for **Specific Counties**” in right hand side of the table labeled Contact Safety and Buildings Division Staff. The Division of Safety and Buildings inspector’s name, phone and fax numbers are listed by county.

Attachment

[Carbon Monoxide Alarm Requirements in Health Care](#)