

Key changes to smoke alarm requirements for rented homes

Information on who can repair or replace a smoke alarm or change a battery in a tenancy

From 23 March 2020, NSW landlords and agents need to ensure that smoke alarms installed in rented properties are in working order.

Requirements for landlords and agents

- Where a smoke alarm is not in working order, landlords and agents must ensure the alarm is repaired (this includes replacing a battery) within 2 business days.
- Landlords and agents must check smoke alarms every year to ensure they are working.
- Landlords and agents must ensure:
 - smoke alarms are replaced within 10 years of manufacture, or earlier if specified by the manufacturer
 - batteries are installed or replaced every year (or for lithium batteries, in the period specified by the manufacturer).
- Landlords and agents must give at least 2 business days' notice to inspect or assess the need for smoke alarm repair or replacement, and at least 1 hour notice to carry out repair or replacement of a smoke alarm.

Requirements for tenants

- Tenants must notify their landlord or agent if they discover that a smoke alarm is not working (this includes when the battery needs to be changed).
- Tenants must notify their landlord when they change a battery in a smoke alarm or engage a licensed electrician to repair or replace an alarm. The different circumstances where a tenant can change a battery or engage a licensed electrician are provided in the table below. This does not apply to social housing tenants.

Responsibilities for certain types of alarms

Below is more information to help landlords and agents understand their responsibilities for different types of smoke alarms, and the situations where a tenant can change a battery in a smoke alarm or arrange for a repair.

Battery-powered alarms

Type of repair	Responsibility in non-strata premises	Responsibility in strata premises
Replace alarm unit	<p>The landlord, agent or person authorised by the landlord</p> <p>The tenant may replace the alarm unit or arrange for the unit to be replaced if the landlord or agent does not do this within 2 business days of being notified that the alarm is not working. The tenant must notify the landlord or agent within 24 hours of the work being completed</p>	<p>The landlord, agent or person authorised by the landlord, unless the Owners Corporation is responsible (this will be indicated in the tenancy agreement)</p> <p>If the Owners Corporation is not responsible, the tenant can arrange for replacement if the landlord or agent does not do this within 2 business days of being notified that the alarm is not working. The tenant must notify the landlord or agent within 24 hours of the work being completed</p>
Repair alarm unit	<p>Battery operated alarm units should not be repaired unless the repair is changing the removable battery in the alarm</p> <p>Otherwise, the alarm unit should be replaced</p>	<p>Battery operated alarm units should not be repaired unless the repair is changing the battery in the alarm</p> <p>Otherwise, the alarm unit should be replaced</p>
Change removable battery	<p>The landlord, agent or person authorised by the landlord</p> <p>The tenant can choose to change the battery – they must:</p> <ul style="list-style-type: none"> let the landlord know that they will replace the battery replace the battery within 2 business days notify the landlord or agent within 24 hours of replacing the battery 	<p>The landlord, agent or person authorised by the landlord, unless the Owners Corporation is responsible (this will be indicated in the tenancy agreement)</p> <p>If the Owners Corporation is not responsible, the tenant can arrange for replacement if the landlord or agent does not do this within 2 business days of being notified that the alarm is not working. The tenant must notify the landlord or agent within 24 hours of the work being completed</p>

Hard-wired alarm

Type of repair	Responsibility in non-strata premises	Responsibility in strata premises
Replace alarm unit	A licensed electrician arranged by the landlord or agent	A licensed electrician:
Repair alarm unit	The Tenant may engage a licensed electrician if the landlord does not arrange for the work within 2 business days of being notified that the alarm is not working. The tenant must notify the landlord within 24 hours of the work being completed	- arranged by the Owners Corporation if they are responsible (this will be indicated in the tenancy agreement) - arranged by the landlord or agent if the Owners Corporation is not responsible
Change removeable back-up battery	The landlord, agent or person authorised by the landlord The tenant can choose to change the battery – they must: <ul style="list-style-type: none"> • Let the landlord know that they will replace the battery • Replace the battery within 2 business days • notify the landlord or agent within 24 hours of replacing the battery 	The landlord, agent or person authorised by the landlord, unless the Owners Corporation is responsible

Reimbursement for repairs

A tenant is entitled to reimbursement within 7 days after giving written notice of relevant expenses. The notice must detail the nature and cost of repairs together with copies of receipts or invoices. This does not apply to social housing tenants.

<https://www.fairtrading.nsw.gov.au/housing-and-property/renting/new-residential-tenancy-laws/key-changes-to-smoke-alarm-requirements-for-rented-homes> 07-02-20

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