



---

## Smoke and Fire Detection System Legal Updates for 2023

By: Nicholas P. Bartzen

---

Effective January 1, 2023, both the State of Illinois and the City of Chicago have new requirements for smoke and fire detectors, including everything from single-family townhomes to high-rise condominium associations. The laws aim to phase out the use of the old removable battery-powered smoke detectors and replace them with modern, safer alternatives, increasing safety for the occupants of older buildings. This article will focus on the requirements for BRK clients (condominium and homeowner associations) and provides a short summary only – **we strongly recommend that each condo and HOA board work with their fire system professional to determine whether their community is compliant with the law and maintaining systems that maximize safety for all occupants.**

As of January 1, 2023, the following requirements are in effect in both the State of Illinois and City of Chicago:

- All condos and HOAs which still use battery-powered smoke detectors (within units or in common areas) must begin using detectors with self-contained, non-removable, long-term batteries. This means the older model smoke detectors, which use removal 9v batteries, must be replaced with newer-model detectors with *non*-removable, sealed, long-term batteries (i.e., batteries that last up to 10 years).
- The law does not require the “old” smoke detector models to be replaced immediately (though it is advisable to do so). The law requires that the “old” removal battery models be replaced when:
  - o The “old” models are more than ten (10) years past their date of manufacture; or
  - o The “old” models fail to respond to operation tests or start to malfunction.
- The law does not require the replacement of detection systems that feature fire alarms, or smoke or heat detection systems that are electronically connected, hard-wired, centrally-monitored/supervised, use radio frequency wireless communication or are WiFi enabled.
- For condos and HOAs constructed or substantially remodeled after December 31, 1987, battery-powered smoke detectors are prohibited; such communities must have smoke and fire detection systems that are permanently wired to the building’s AC power lines and interconnected for device-to-device communication.
- For condos and HOAs constructed or substantially remodeled after January 1, 2011, all smoke and fire detection systems must be not only permanently wired and interconnected, but must also maintain a back-up power source (such as a backup battery or generator power).

The State of Illinois law (425 ILCS 60/3) does not apply to municipalities with more than 1,000,000 inhabitants (such as Chicago). However, the Chicago City Council adopted an ordinance that also goes into effect on January 1, 2023, and substantially mirrors the State law. **Thus, Chicago condos and HOAs are effectively bound to follow the same requirements as condos and HOAs in other Illinois municipalities.**

No matter the age of your community or State and local requirements, we recommend that all “old” smoke detectors, particularly in association common areas, be updated immediately to enhance the safety of the community.

Fines for non-compliance vary depending on the municipality in which your community is located.

For any further questions, feel free to contact [Bartzen Rosenlund Kasten](#) at 312.450.6655 or at [info@brkchicago.com](mailto:info@brkchicago.com)