

## Tenant oxygen explosions and what to do about it

Home oxygen explosions take lives and destroys entire buildings. In this blog, we explore this horrifying hazard and how you can prevent it.

In February of 2012, a woman using an oxygen tank got up to prepare coffee in the early morning. This was probably a routine part of her life, but on this fateful morning the hose of her oxygen tank somehow made contact with the hot stovetop burner. The heat burned through the hose and lit her oxygen tank on fire, causing a three-alarm fire that took the life of two other people in the apartment building. In the end, more than thirty apartment units were damaged or destroyed from the fire and water damage.

Stories like this are not a new phenomenon. In August of 2010, an apartment resident in Newaygo, Michigan cleaned the filters on her oxygen unit and then went into her bedroom. Shortly after, her oxygen unit exploded, causing a fire that displaced residents from six apartment units. All six apartments suffered smoke and water damage.

It is stories like this that make the evening news the most tragic reality show for anyone involved in property management or concerned with apartment safety. The fact is an explosion like the ones detailed above can happen at any moment in any unit you are housing someone who needs oxygen to live.

### Bad Things Happen to Good People

The most difficult aspect to a home oxygen explosion is that it can happen to anyone. It doesn't have to occur as a result of careless actions, and it doesn't have anything to do with how well a tenant cares for your property.

In fact, there could be someone in one of your units right now on an oxygen tank and you may not be aware of it. A tenant may take in an elderly or sick parent or grandparent as they recover from surgery. Relatives may visit for the holidays. Friends come to visit on a routine basis. The pastor of a local church may pay a visit for a prayer session.

Visitors with oxygen tanks can be even more dangerous than tenants with oxygen tanks. If your tenants and others in the unit are unfamiliar with oxygen tanks and how they work, they are more likely to make a deadly mistake while someone is visiting their home with a portable oxygen tank.

## The Dangers of Oxygen

The danger of oxygen is often misunderstood. Many believe that oxygen is flammable, but according to the National Fire Prevention Association, this is incorrect. Oxygen is not flammable, but is a critical ingredient in fire. Without the presence of oxygen, a fire cannot burn. The amount of oxygen naturally contained in the air we breathe is not enough to start a fire, but when you add oxygen into the air through a medical device, you increase flammability. Everything being saturated by that extra oxygen becomes more flammable as well, including human hair, clothing, and furniture.

This is why those on oxygen tanks are ordered to stop smoking by their doctors, and it is advised that others living in the presence of oxygen tanks smoke outside of the home as well. Unfortunately, the National Fire Prevention Association reports that smoking is the leading source of ignition for medical oxygen device explosions. They estimate that of all patients seen in emergency rooms for burns resulting from oxygen tank fires, 73% ignited their tanks while smoking.

It is common for patients using portable oxygen tanks to turn the tanks off when they want to smoke. Unfortunately, the oxygen often remains in the air and in fabric, hair and other places around the home. Therefore, a fire can still take place.

Other heat sources can also cause an explosion when used near an oxygen source, including:

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- \* Candles
- \* Cooking appliances
- \* Furnaces

- \* Fireplaces
- \* Hair dryers
- \* Space heaters
- \* Oil based cosmetics/products

The more oxygen in the air, the higher the chance of fire, the faster a fire is going to spread, and the hotter the flames and smoke are going to become. Simply put: more oxygen means more danger of property damage, injury, and the loss of life.

### The Secondary Risk

The primary danger with oxygen is that someone lighting up a cigarette or otherwise applying heat too close to an oxygen tank could cause an explosion. There is also a secondary danger in that a fire starting from another source can be intensified when the heat or smoke causes an oxygen tank to explode. This is an often neglected fact of apartment safety.

Small fires quickly become massive fires that take lives and destroy property when this occurs. You may not hear about this as often since most papers will report the initial cause of the fire, which is not the oxygen explosion. Unfortunately, oxygen can accelerate the fire so it becomes much larger than it would have been without the oxygen explosion.

### Property Management and Your Rights

One law office in Massachusetts sums up the problem property management and landlords face quite nicely:

“Landlords face a bad choice. If they stop tenants from smoking around medical oxygen, they’ll face claims of breach of contract, handicap discrimination, and violation of civil rights. If they ignore a known danger, and someone gets hurt, they may be liable.”

The thought of being sued is scary for anyone involved with property management. Even if you are not found to be liable in the end, the legal expenses to defend yourself in a battle over the right to smoke in a home

with medical oxygen could be staggering. Yet, it is clear that you have to implement some type of policy to protect your property and your tenants from the risk of oxygen explosion.

The above lawyer's website advises landlords to forbid smoking in any unit where medical oxygen is being used, but warns that it cannot be something that is thrown on a tenant after signing a lease without such a clause. The best way to protect yourself seems to be adding such a clause into every rental agreement you offer. This would protect you in the case of a tenant moving in without notice that they will be using oxygen. It also protects you when a tenant is placed on oxygen at some point after signing the lease.

It can be difficult to know for sure whether a tenant is smoking while using medical oxygen, but in many cases residents sharing property with the tenant in question will notify property management when this is the case. If you place signs outside the door of the apartment, duplex, or condo, the neighbors will be aware that oxygen is being used in that unit. That will hopefully encourage them not to smoke when visiting the resident in that unit.

Of course, there is no way you can do away with all risks involved with residential oxygen use. You cannot forbid your tenants from lighting candles and you may not know if they are using space heaters in their unit. You have to just accept that there will still be some amount of risk when oxygen is involved.

It is a good idea to talk with a lawyer familiar with landlord/tenant laws in your state. Find out what you are legally encouraged to do to limit your risk, and what you absolutely cannot do without opening yourself to a lawsuit. It is always best to formulate your rental agreements so that you are protected, but the last thing you need is to be accused of discriminating against a certain population or breaking the law in any other way.

### Will You Scare Away Tenants?

If you are already struggling to keep all of your units full, you may

worry that implementing a no smoking policy for all units using oxygen will scare away some potential tenants. You cannot deny that this may be the case in some instances. Someone that needs oxygen to breathe but also still needs the daily cigarette will probably not want to sign a lease that stipulates they cannot smoke inside their living unit, even when the oxygen is turned off (since it is still a danger).

You do have the right to protect your property and your tenants, and oxygen use is a clear risk. Just make sure you are doing everything possible to limit the risks without crossing the line of your state and local laws.

### Other Ways to Protect Your Property

When someone comes to look at your property and you notice they are using a portable oxygen unit, be careful when deciding what unit you allow them to rent. Keep in mind that gas appliances can present a higher risk for explosions and fire when oxygen is being used in the unit. You may be increasing your risk by placing someone with oxygen in a unit with a fireplace and other sources of heat and flame as well. It is in your best interests to find the safest possible unit to rent out when you know an oxygen unit is going to be used.

In most cases, everyone living in a unit will show up for a walk through or to sign the lease, so you should be able to see if anyone is using a portable oxygen device. Since there is still a risk that someone may be using oxygen in the unit at least part time, make sure to point out the clause regulating smoking in the unit when those devices are used. Do this for everyone that rents a unit from you, so it is known from the start of the lease.

You also have to post signs warning others of the danger. If the tenants requiring oxygen are living in an apartment building, then make sure the signs are posted where all of the neighbors can see. In some cases, neighbors may notify you if they notice someone in the unit is smoking inside. They will be concerned for their own safety, and that translates into extra protection for your property.

### In Conclusion

The use of oxygen in a unit simply increases the chances that a fire will eventually start. It also ensures that the resulting fire is going to be more damaging and lethal than a fire that might start with less oxygen saturation in the environment. There is nothing you can do to eliminate all risk, but there is plenty you can do to protect yourself from lawsuits while limiting the potential for a tragedy.

What are your thoughts? Do you have any experiences with home oxygen to share? Please do!

Posted by [Global Administrator](#) on 5/8/2012 8:18:26 AM