

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 1139

(Delegate Haynes, *et al.*)

Environmental Matters

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**Fire Safety - High-Rise Buildings - Individuals Confined to Wheelchairs**

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This bill requires the owner of a residential high-rise building to give priority to individuals confined to wheelchairs when renting units on the first five floors of the building.

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**Fiscal Summary**

**State Effect:** None. The bill would not directly effect State operations.

**Local Effect:** None.

**Small Business Effect:** Minimal. Although this bill requires an owner to give a priority to wheelchair confined individuals, it does not require that the person rent the lower floor unit.

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**Analysis**

**Current Law:** High-rise building means a building for human occupancy that is four or more stories above grade level or over 45 feet in height. It does not include a structure or building used exclusively for open air parking or a building used exclusively for agricultural purposes.

Under provisions applicable to high-rise building safety in case of fire (to provide for the physical safety and protection of property of occupants) there is a stated legislative finding that, without adequate protection, residents of high-rise buildings are dependent on descending multiple flights of steps or jumping from windows when a fire occurs. For

many elderly residents of high-rise buildings, this is physically impossible. Most fire fighting and rescue operations are also conducted inside the high-rise building where there are greater obstacles to rescuing occupants and controlling and extinguishing the fire. Many tragedies could be avoided by installation of automatic fire extinguishing equipment in these situations, usually at no great additional cost to builders.

Each high-rise building constructed after July 1, 1974, is required to be protected by a complete automatic sprinkler system installed in accordance with accepted engineering practices as approved by the authority with jurisdiction. This provision does not apply to a building that is less than 75 feet in height above grade level if:

- the local fire department has at least one approved first line piece of aerial equipment that is capable of reaching the roof of the building; and
- accessibility to the building is provided on two sides of the perimeter of the building by a public way that is:
  - kept accessible at all times to the local fire department; and
  - close enough to the building to allow the fire department aerial equipment to reach 75 feet in height.

For purposes of these provisions, height above grade level must be determined by using the lowest elevation of the public way as a reference datum.

**Local Effect:** The provisions of this bill would apply to high-rise public housing units. Few of these units are known to still exist in the State. In any case, although this bill requires an owner to give a priority to wheelchair confined individuals, it does not require that the person rent the lower floor unit. Accordingly, some public housing authorities could experience some minimal operational changes, but without measurable fiscal impact.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2005  
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Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510