

HOUSE BILL 1413

E4

3lr2907
CF SB 969

By: **Delegate Malone**

Introduced and read first time: February 15, 2013

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 26, 2013

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2013

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Fire Protection and Prevention – Residential Smoke Alarms**

3 FOR the purpose of repealing and recodifying certain provisions of law dealing with
4 smoke detection systems; clarifying that the installation of certain smoke
5 alarms is required in certain areas of certain buildings; providing that this Act
6 is applicable statewide; authorizing a local jurisdiction to adopt certain
7 regulations; requiring a minimum number of smoke alarms be installed in
8 certain areas of certain residential occupancies; requiring a certain smoke
9 alarm to activate other smoke alarms in certain circumstances; requiring
10 certain power sources for certain smoke alarms; requiring a certain upgrading
11 of certain smoke alarm placement under certain circumstances; requiring
12 certain existing residential occupancies to be upgraded on or before a certain
13 date; requiring a certain smoke alarm for a sleeping room occupied by a deaf or
14 hard of hearing individual; requiring a landlord to respond to a certain notice in
15 a certain manner; requiring hotels and motels to make a certain minimum
16 number of smoke alarm notification appliances available under certain
17 circumstances and to post a certain notice; authorizing a hotel or motel to
18 charge a certain deposit; authorizing a certain landlord to require
19 reimbursement from a tenant for the cost of a certain smoke alarm; providing
20 for enforcement of and responsibility for installation and maintenance of smoke
21 alarms; authorizing a smoke alarm to be combined with a carbon monoxide
22 alarm in certain circumstances; authorizing certain authorities to issue a
23 certain order; requiring a certain person to respond within a certain period of
24 time; altering the information about smoke alarms that must be included in a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain residential property disclosure statement; providing for the application
2 of certain provisions of this Act; defining certain terms; and generally relating
3 to residential smoke alarms.

4 BY repealing
5 Article – Public Safety
6 Section 9–101 through 9–106
7 Annotated Code of Maryland
8 (2011 Replacement Volume and 2012 Supplement)

9 BY adding to
10 Article – Public Safety
11 Section 9–101 through 9–106
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Public Safety
16 Section 9–107 and 9–109
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Public Safety
21 Section 9–108
22 Annotated Code of Maryland
23 (2011 Replacement Volume and 2012 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Real Property
26 Section 10–702(e)(2)
27 Annotated Code of Maryland
28 (2010 Replacement Volume and 2012 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article – Public Safety**

32 [9–101.

33 (a) (1) Notwithstanding any other provision of this article, this subtitle
34 applies in Baltimore City.

35 (2) In Baltimore City, the Baltimore City fire department shall enforce
36 this subtitle.

1 (3) In Baltimore City, appeals concerning this subtitle shall be made
2 to the Baltimore City fire board.

3 (b) This subtitle does not affect a public local law or regulation that existed
4 on July 1, 1982, that required smoke detectors in occupancies with less than ten
5 dwelling units.]

6 [9-102.

7 (a) (1) Each sleeping area within each occupancy classified residential, as
8 defined in the most recent edition of the National Fire Protection Association Life
9 Safety Code adopted by the State Fire Prevention Commission, shall be equipped with
10 at least one approved smoke detector that:

11 (i) senses visible or invisible particles of combustion; and

12 (ii) is installed in a manner and location approved by the State
13 Fire Prevention Commission.

14 (2) When activated, the smoke detector shall provide an alarm
15 suitable to warn the occupants.

16 (b) (1) The landlord shall install smoke detectors as required under
17 subsection (a) of this section.

18 (2) On written notification by certified mail by the tenant or on
19 notification in person by the tenant, the landlord shall repair or replace the smoke
20 detector.

21 (3) If the tenant personally notifies the landlord of the failure of a
22 smoke detector, the landlord shall provide a written receipt acknowledging the
23 notification.

24 (4) A tenant may not remove a smoke detector or render a smoke
25 detector inoperative.

26 (5) Except for hotels or motels, a landlord may require a refundable
27 deposit for a smoke detector not exceeding the value of the smoke detector.

28 (6) On written request of a tenant who is deaf or hearing impaired, the
29 landlord shall provide a smoke detector that, when activated, provides a signal that:

30 (i) is approved by a nationally recognized testing laboratory for
31 electrical appliances; and

32 (ii) is sufficient to warn the deaf or hearing impaired tenant.

1 (c) (1) Regardless of the number of units, each hotel or motel shall have
2 available at least one smoke detector for the deaf or hearing impaired for each 50 units
3 or fraction of 50 units.

4 (2) The hotel or motel may require a refundable deposit for a portable
5 smoke detector not exceeding the value of the smoke detector.

6 (3) The hotel or motel shall post in a conspicuous place at the
7 registration desk a permanent sign that states the availability of smoke detectors for
8 the deaf or hearing impaired.

9 (d) On or before July 1, 1982, an occupant of a one, two, or three family
10 residential dwelling constructed before July 1, 1975, shall:

11 (1) equip each occupant's living unit with at least one approved
12 battery or alternating current (AC) primary electric powered smoke detector; and

13 (2) maintain the smoke detector.]

14 [9-103.

15 (a) At least one smoke detector shall be installed on each level, including a
16 basement but excluding an attic, of each new residential dwelling unit:

17 (1) that contains alternating current (AC) electrical service;

18 (2) that is classified residential, as defined in the most recent edition
19 of the National Fire Protection Association Life Safety Code adopted by the State Fire
20 Prevention Commission; and

21 (3) for which a building permit is issued for new construction on or
22 after January 1, 1989.

23 (b) If two or more smoke detectors are required under subsection (a) of this
24 section, the smoke detectors shall be of a type and installed in a manner so that
25 activation of one smoke detector causes activation of all other required smoke
26 detectors in the residential dwelling unit.

27 (c) A smoke detector required under this subtitle shall operate both by
28 battery and on an alternating current (AC) primary source of electric power if the
29 smoke detector is installed in a new residential dwelling unit:

30 (1) that contains alternating current (AC) electrical service;

31 (2) that is designed to be occupied by one or more families; and

1 (3) for which a building permit is issued for new construction on or
2 after July 1, 1990.

3 (d) This section:

4 (1) may be enforced by a county fire chief, fire administrator, or
5 municipal fire chief; and

6 (2) does not prevent a county from enacting more stringent laws that
7 relate to smoke detectors.]

8 [9–104.

9 (a) (1) Except as provided in paragraph (2) of this subsection and §
10 9–102(d) of this subtitle, smoke detection systems shall operate on an alternating
11 current (AC) primary source of electric power.

12 (2) Smoke detection systems may operate on approved power supplies
13 other than an alternating current (AC) primary source of electric power if:

14 (i) the power supply is approved by the State Fire Prevention
15 Commission; and

16 (ii) it is clearly evident that reasonable safety is secured.

17 (b) Each approved smoke detector shall be installed so as not to exceed the
18 lineal or square footage allowances specified for the smoke detector, based on the
19 generally accepted test standards under which the smoke detector was tested and
20 approved.

21 (c) Smoke detection systems, including specialized smoke detectors for the
22 deaf and hearing impaired, shall be approved for the particular system and shall only
23 be used for detection and signaling in the event of fire.

24 (d) Each lease for an existing residential dwelling unit that contains
25 alternating current (AC) electric service shall contain a disclosure in 10–point bold
26 type that states:

27 “**This residential dwelling unit contains alternating current (AC) electric
28 service. In the event of a power outage, an alternating current (AC) powered smoke
29 detector will not provide an alarm. Therefore, the occupant should obtain a dual
30 powered smoke detector or a battery powered smoke detector.**”]

31 [9–105.

1 A person may sell or install a smoke detection system, smoke detector, smoke
2 alarm, or specialized smoke detectors or smoke alarms for the deaf and hard of
3 hearing only in accordance with the State Fire Prevention Code.]

4 [9-106.

5 (a) If approved by the State Fire Prevention Commission, an approved
6 automatic fire sprinkler system may be installed instead of a smoke detection system.

7 (b) Installing an approved automatic fire sprinkler system does not nullify
8 the other requirements of the State Fire Prevention Code or exempt an occupancy
9 from other requirements that are clearly applicable under the State Fire Prevention
10 Code.]

11 **9-101.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) “SLEEPING AREA” MEANS A SPACE THAT INCLUDES ONE OR MORE
15 SLEEPING ROOMS AND A HALL OR COMMON AREA IMMEDIATELY ADJACENT TO
16 ANY SLEEPING ROOM.

17 (C) “SLEEPING ROOM” MEANS AN ENCLOSED ROOM WITH A BED
18 ARRANGED TO BE USED AS A BEDROOM.

19 ~~(B)~~ (D) “SMOKE ALARM” MEANS A SINGLE OR MULTIPLE STATION
20 DEVICE THAT DETECTS VISIBLE OR INVISIBLE PRODUCTS OF COMBUSTION AND
21 INCLUDES A BUILT-IN INTERNAL ALARM SIGNAL.

22 ~~(C)~~ (E) “SMOKE DETECTOR” MEANS A SYSTEM-CONNECTED SMOKE
23 SENSING DEVICE TIED TO A FIRE ALARM CONTROL PANEL OR A HOUSEHOLD
24 FIRE WARNING PANEL.

25 **9-102.**

26 (A) THIS SUBTITLE APPLIES THROUGHOUT THE STATE, INCLUDING
27 BALTIMORE CITY.

28 (B) AN AUTOMATIC SMOKE ALARM SHALL BE PROVIDED IN EACH
29 SLEEPING AREA WITHIN EACH RESIDENTIAL OCCUPANCY, INCLUDING ONE- AND
30 TWO-FAMILY DWELLINGS, LODGING OR ROOMING HOUSES, HOTELS,
31 DORMITORIES, AND APARTMENT BUILDINGS, AS DEFINED IN NFPA 101: LIFE
32 SAFETY CODE AS ADOPTED BY THE STATE FIRE PREVENTION COMMISSION.

1 **(C) SMOKE ALARMS SHALL:**

2 **(1) BE INSTALLED IN ACCORDANCE WITH NFPA 72: NATIONAL**
3 **FIRE ALARM CODE AS REFERENCED BY THE STATE FIRE PREVENTION CODE;**

4 **(2) BE LISTED AND LABELED BY A NATIONALLY RECOGNIZED**
5 **TESTING LABORATORY TO COMPLY WITH UNDERWRITERS LABORATORIES (UL)**
6 **217, "STANDARD FOR SAFETY FOR SINGLE AND MULTIPLE STATION SMOKE**
7 **ALARMS";**

8 **(3) BE SUITABLE FOR SENSING VISIBLE OR INVISIBLE PRODUCTS**
9 **OF COMBUSTION; AND**

10 **(4) SOUND AN ALARM SUITABLE TO WARN THE OCCUPANTS.**

11 **(D) LOCAL JURISDICTIONS MAY ADOPT SMOKE ALARM REGULATIONS**
12 **THAT ARE MORE STRINGENT THAN THE PROVISIONS OF THIS SUBTITLE.**

13 **9-103.**

14 **(A) THIS SECTION APPLIES ONLY TO NEW RESIDENTIAL UNITS**
15 **CONSTRUCTED ON OR AFTER JULY 1, 2013.**

16 ~~**(A)**~~ **(B) AT LEAST ONE SMOKE ALARM SHALL BE INSTALLED IN EACH**
17 **SLEEPING ROOM, IN THE HALLWAY OR COMMON AREA OUTSIDE OF SLEEPING**
18 **ROOMS, AND IN THE HALLWAY OR COMMON AREA ON EACH LEVEL WITHIN A**
19 **RESIDENTIAL DWELLING UNIT, INCLUDING BASEMENTS AND EXCLUDING**
20 **UNOCCUPIED ATTICS, GARAGES, AND CRAWL SPACES.**

21 ~~**(B)**~~ **(C) IF TWO OR MORE SMOKE ALARMS ARE REQUIRED WITHIN A**
22 **RESIDENTIAL UNIT, THE SMOKE ALARMS SHALL BE ARRANGED SO THAT**
23 **ACTIVATION OF ANY ONE SMOKE ALARM CAUSES ALARM ACTIVATION OF ALL**
24 **OTHER REQUIRED SMOKE ALARMS WITHIN THE RESIDENTIAL UNIT.**

25 ~~**(C)**~~ **(D) EACH SMOKE ALARM REQUIRED BY THIS SECTION SHALL**
26 **OPERATE ON AN ALTERNATING CURRENT (AC) PRIMARY SOURCE OF ELECTRIC**
27 **POWER WITH A BATTERY BACKUP OR AN APPROVED ALTERNATE SECONDARY**
28 **POWER SOURCE.**

29 ~~**(D)**~~ **(E) IN ONE- AND TWO-FAMILY DWELLINGS, A SMOKE DETECTOR**
30 **INSTALLED AS A PART OF AN APPROVED HOUSEHOLD FIRE ALARM SYSTEM IS AN**
31 **ACCEPTABLE ALTERNATIVE TO THE AC POWERED-BATTERY BACKUP SMOKE**
32 **ALARM REQUIRED BY THIS SECTION, IF THE SMOKE DETECTOR IS INSTALLED**
33 **AND LOCATED AS SPECIFIED IN SUBSECTION ~~**(A)**~~ **(B) OF THIS SECTION.****

1 ~~(E)~~ (F) A SMOKE DETECTOR INSTALLED AS A PART OF AN APPROVED
2 FIRE ALARM SYSTEM IS AN ACCEPTABLE ALTERNATIVE TO THE AC
3 POWERED-BATTERY BACKUP SMOKE ALARM REQUIRED BY THIS SECTION, IF
4 THE SMOKE DETECTOR IS INSTALLED AND LOCATED AS SPECIFIED IN
5 SUBSECTION ~~(A)~~ (B) OF THIS SECTION.

6 9-104.

7 (A) (1) AT LEAST ONE SMOKE ALARM SHALL BE PROVIDED IN EACH
8 RESIDENTIAL SLEEPING AREA.

9 (2) SMOKE ALARMS REQUIRED IN ONE- AND TWO-FAMILY
10 DWELLINGS CONSTRUCTED BEFORE JULY 1, 1975, SHALL BE BATTERY
11 POWERED OR ALTERNATING CURRENT (AC) PRIMARY ELECTRIC POWERED
12 UNITS.

13 (3) SMOKE ALARMS REQUIRED IN ONE- AND TWO-FAMILY
14 DWELLINGS CONSTRUCTED BETWEEN JULY 1, 1975, AND JUNE 30, 1990, SHALL
15 BE ALTERNATING CURRENT (AC) PRIMARY ELECTRIC POWERED UNITS.

16 (4) SMOKE ALARMS REQUIRED IN MULTIFAMILY RESIDENTIAL
17 OCCUPANCIES INCLUDING APARTMENTS, LODGING OR ROOMING HOUSES,
18 DORMITORIES, AND HOTELS SHALL BE ALTERNATING CURRENT (AC) PRIMARY
19 ELECTRIC POWERED UNITS.

20 (5) SMOKE ALARMS REQUIRED IN A RESIDENTIAL OCCUPANCY
21 CONSTRUCTED ON OR AFTER JULY 1, 1990, SHALL BE ALTERNATING CURRENT
22 (AC) PRIMARY ELECTRIC POWERED UNITS WITH BATTERY BACKUP OR AN
23 APPROVED ALTERNATE SECONDARY POWER SOURCE.

24 (B) AT LEAST ONE SMOKE ALARM SHALL BE INSTALLED IN EACH LEVEL
25 OF A RESIDENTIAL OCCUPANCY CONSTRUCTED ON OR AFTER JANUARY 1, 1989,
26 INCLUDING BASEMENTS AND EXCLUDING UNOCCUPIED ATTICS, GARAGES, AND
27 CRAWL SPACES.

28 (C) IF TWO OR MORE SMOKE ALARMS ARE REQUIRED WITHIN A
29 RESIDENTIAL UNIT CONSTRUCTED ON OR AFTER JANUARY 1, 1989, THE SMOKE
30 ALARMS SHALL BE ARRANGED SO THAT ACTIVATION OF ANY ONE SMOKE ALARM
31 CAUSES ALARM ACTIVATION OF ALL OTHER REQUIRED SMOKE ALARMS WITHIN
32 THE RESIDENTIAL UNIT.

33 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, SMOKE
34 ALARM PLACEMENT IN A ONE- OR TWO-FAMILY DWELLING SHALL BE

1 UPGRADED TO COMPLY WITH PARAGRAPH (3) OF THIS SUBSECTION IN EXISTING
2 RESIDENTIAL OCCUPANCIES WHEN ANY ONE OF THE FOLLOWING OCCURS:

3 (I) THE EXISTING SMOKE ALARMS EXCEED 10 YEARS FROM
4 THE DATE OF MANUFACTURE;

5 (II) THE EXISTING SMOKE ALARMS FAIL TO RESPOND TO
6 OPERABILITY TESTS OR OTHERWISE MALFUNCTION;

7 (III) THERE IS ~~A CHANGE OF OWNERSHIP OR~~ A CHANGE OF
8 TENANT IN ~~THE~~ A RESIDENTIAL UNIT AND THE RESIDENTIAL UNIT HAS NOT
9 PREVIOUSLY BEEN EQUIPPED IN ACCORDANCE WITH THIS SUBTITLE WITH
10 SEALED LONG-LIFE BATTERY SMOKE ALARMS WITH SILENCE/HUSH BUTTON
11 FEATURES WITHIN THE 10 YEARS PRECEDING THE CHANGE OF TENANT; OR

12 (IV) A BUILDING PERMIT IS ISSUED FOR AN ADDITIONAL
13 RESIDENTIAL UNIT OR ALTERATION TO A RESIDENTIAL UNIT.

14 (2) SMOKE ALARM PLACEMENT SHALL BE UPGRADED TO COMPLY
15 WITH PARAGRAPH (3) OF THIS SUBSECTION IN ALL EXISTING RESIDENTIAL
16 OCCUPANCIES ON OR BEFORE JANUARY 1, 2018.

17 (3) UPGRADED SMOKE ALARM PLACEMENT SHALL INCLUDE THE
18 FOLLOWING:

19 (I) A MINIMUM OF ONE SMOKE ALARM ON EACH LEVEL OF
20 THE RESIDENTIAL UNIT, INCLUDING BASEMENTS AND EXCLUDING UNOCCUPIED
21 ATTICS, GARAGES, AND CRAWL SPACES;

22 (II) SMOKE ALARMS SHALL BE ALTERNATING CURRENT
23 (AC) PRIMARY POWERED UNITS WITH BATTERY BACKUP, EXCEPT AS FOLLOWS:

24 1. SMOKE ALARMS IN ONE- AND TWO-FAMILY
25 DWELLINGS CONSTRUCTED BEFORE JULY 1, 1975, MAY BE BATTERY OPERATED;
26 AND

27 2. SMOKE ALARMS REQUIRED IN NEW LOCATIONS BY
28 THIS SECTION, IF SMOKE ALARMS DID NOT PREVIOUSLY EXIST, MAY BE BATTERY
29 OPERATED; AND

30 (III) IF BATTERY OPERATED SMOKE ALARMS ARE
31 PERMITTED, ONLY SEALED, TAMPER RESISTANT UNITS INCORPORATING A
32 SILENCE/HUSH BUTTON AND USING LONG-LIFE BATTERIES MAY BE USED.

1 **(E) IN ONE- AND TWO-FAMILY DWELLINGS, A SMOKE DETECTOR**
2 **INSTALLED AS A PART OF AN APPROVED HOUSEHOLD FIRE ALARM SYSTEM IS AN**
3 **ACCEPTABLE ALTERNATIVE TO THE AC POWERED-BATTERY BACKUP SMOKE**
4 **ALARMS REQUIRED BY THIS SECTION, IF THE SMOKE DETECTORS ARE**
5 **INSTALLED AND LOCATED AS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

6 **(F) A SMOKE DETECTOR INSTALLED AS A PART OF AN APPROVED FIRE**
7 **ALARM SYSTEM IS AN ACCEPTABLE ALTERNATIVE TO THE AC**
8 **POWERED-BATTERY BACKUP SMOKE ALARMS REQUIRED BY THIS SECTION, IF**
9 **THE SMOKE DETECTORS ARE INSTALLED AND LOCATED AS SPECIFIED IN**
10 **SUBSECTION (A) OF THIS SECTION.**

11 **9-105.**

12 **(A) EACH SLEEPING ROOM OCCUPIED BY A DEAF OR HARD OF HEARING**
13 **INDIVIDUAL SHALL BE PROVIDED WITH A SMOKE ALARM SUITABLE TO ALERT**
14 **THE DEAF OR HARD OF HEARING INDIVIDUAL.**

15 **(B) (1) ON WRITTEN REQUEST ON BEHALF OF A TENANT WHO IS DEAF**
16 **OR HARD OF HEARING, A SLEEPING ROOM OCCUPIED BY A DEAF OR HARD OF**
17 **HEARING INDIVIDUAL SHALL BE PROVIDED WITH AN APPROVED NOTIFICATION**
18 **APPLIANCE DESIGNED TO ALERT DEAF OR HARD OF HEARING INDIVIDUALS.**

19 **(2) THE LANDLORD SHALL PROVIDE A NOTIFICATION APPLIANCE**
20 **THAT, WHEN ACTIVATED, PROVIDES A SIGNAL THAT IS SUFFICIENT TO WARN**
21 **THE DEAF OR HARD OF HEARING TENANT IN THOSE SLEEPING ROOMS.**

22 **(C) HOTELS AND MOTELS SHALL HAVE AVAILABLE AT LEAST ONE**
23 **APPROVED NOTIFICATION APPLIANCE FOR THE DEAF OR HARD OF HEARING**
24 **INDIVIDUAL FOR EACH 50 UNITS OR FRACTION OF 50 UNITS.**

25 **(D) HOTELS AND MOTELS SHALL POST IN A CONSPICUOUS PLACE AT**
26 **THE REGISTRATION DESK A PERMANENT SIGN THAT STATES THE AVAILABILITY**
27 **OF SMOKE ALARM NOTIFICATION APPLIANCES FOR THE DEAF OR HARD OF**
28 **HEARING INDIVIDUAL.**

29 **(E) (1) HOTELS, AND MOTELS, ~~AND LANDLORDS~~ MAY REQUIRE A**
30 **REFUNDABLE DEPOSIT FOR NOTIFICATION APPLIANCES FOR THE DEAF OR**
31 **HARD OF HEARING INDIVIDUAL.**

32 **(2) THE AMOUNT OF THE DEPOSIT MAY NOT EXCEED THE VALUE**
33 **OF THE NOTIFICATION APPLIANCE.**

1 **(F) A LANDLORD MAY REQUIRE REIMBURSEMENT FROM A TENANT FOR**
2 **THE COST OF A SMOKE ALARM REQUIRED UNDER THIS SECTION.**

3 **9-106.**

4 **(A) SMOKE ALARM REQUIREMENTS SHALL BE ENFORCED BY THE STATE**
5 **FIRE MARSHAL, A COUNTY OR MUNICIPAL FIRE MARSHAL, A FIRE CHIEF, THE**
6 **BALTIMORE CITY FIRE DEPARTMENT, OR ANY OTHER DESIGNATED AUTHORITY**
7 **HAVING JURISDICTION.**

8 **(B) (1) THE BUILDING PERMIT APPLICANT IS RESPONSIBLE FOR THE**
9 **PROPER INSTALLATION OF REQUIRED SMOKE ALARMS IN RESIDENTIAL**
10 **OCCUPANCIES CONSTRUCTED ON OR AFTER JULY 1, 2013.**

11 **(2) IF A BUILDING PERMIT IS NOT REQUIRED, THE GENERAL**
12 **CONTRACTOR SHALL BEAR THE RESPONSIBILITY DESCRIBED IN PARAGRAPH (1)**
13 **OF THIS SUBSECTION.**

14 **(C) THE LANDLORD OR PROPERTY OWNER IS RESPONSIBLE FOR THE**
15 **INSTALLATION, REPAIR, MAINTENANCE, AND REPLACEMENT OF SMOKE ALARMS**
16 **REQUIRED BY THIS SUBTITLE.**

17 **(D) OCCUPANTS OF A RESIDENTIAL OCCUPANCY MAY NOT REMOVE OR**
18 **TAMPER WITH A REQUIRED SMOKE ALARM OR OTHERWISE RENDER THE SMOKE**
19 **ALARM INOPERATIVE.**

20 **(E) (1) TESTING OF SMOKE ALARMS IS THE RESPONSIBILITY OF THE**
21 **OCCUPANT OF THE RESIDENTIAL UNIT.**

22 **(2) (I) A TENANT SHALL NOTIFY THE LANDLORD IN WRITING**
23 **OF THE FAILURE OR MALFUNCTION OF A REQUIRED SMOKE ALARM.**

24 ~~**(3) THE LANDLORD SHALL PROVIDE WRITTEN**~~
25 ~~**ACKNOWLEDGMENT OF THE NOTIFICATION AND SHALL REPAIR OR REPLACE**~~
26 ~~**THE SMOKE ALARM WITHIN 5 CALENDAR DAYS AFTER THE NOTIFICATION.**~~

27 **(II) THE WRITTEN NOTIFICATION REQUIRED UNDER**
28 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE DELIVERED BY CERTIFIED**
29 **MAIL, RETURN RECEIPT REQUESTED TO THE LANDLORD, OR BY HAND DELIVERY**
30 **TO THE LANDLORD OR THE LANDLORD'S AGENT, AT THE ADDRESS USED FOR**
31 **THE PAYMENT OF RENT.**

32 **(III) IF THE DELIVERY OF THE NOTIFICATION IS MADE BY**
33 **HAND AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**

1 LANDLORD OR THE LANDLORD'S AGENT SHALL PROVIDE TO THE TENANT A
2 WRITTEN RECEIPT FOR THE DELIVERY.

3 (IV) THE LANDLORD SHALL PROVIDE WRITTEN
4 ACKNOWLEDGMENT OF THE NOTIFICATION AND SHALL REPAIR OR REPLACE
5 THE SMOKE ALARM WITHIN 5 CALENDAR DAYS AFTER THE NOTIFICATION.

6 (F) (1) IF A RESIDENTIAL UNIT DOES NOT CONTAIN ALTERNATING
7 CURRENT (AC) PRIMARY ELECTRIC POWER, BATTERY OPERATED SMOKE
8 ALARMS OR SMOKE ALARM OPERATION ON AN APPROVED ALTERNATE SOURCE
9 OF POWER MAY BE PERMITTED.

10 (2) BATTERY OPERATED SMOKE ALARMS SHALL BE SEALED,
11 TAMPER RESISTANT UNITS INCORPORATING A SILENCE/HUSH BUTTON AND
12 USING LONG-LIFE BATTERIES.

13 (G) A SMOKE ALARM MAY BE COMBINED WITH A CARBON MONOXIDE
14 ALARM IF THE DEVICE COMPLIES WITH:

15 (1) THIS SUBTITLE;

16 (2) TITLE 12 OF THIS ARTICLE; AND

17 (3) UNDERWRITERS LABORATORIES (UL) STANDARDS 217 AND
18 2034.

19 9-107.

20 Failure to comply with this subtitle may not be used as a policy defense in the
21 settlement of a property insurance claim.

22 9-108.

23 (a) If [after investigating a fire in a one, two, or three family residential
24 dwelling] the State Fire Marshal or [local investigating] OTHER DESIGNATED
25 authority WITH JURISDICTION finds the absence of OPERATING, required smoke
26 detectors, the State Fire Marshal or [local investigating] OTHER authority shall issue
27 [to the occupant] a smoke [detection] ALARM installation order TO THE
28 RESPONSIBLE LANDLORD, OWNER, OR OCCUPANT.

29 (b) [A] THE RESPONSIBLE person [may not fail to] SHALL comply with a
30 smoke [detection] ALARM installation order within [15] 5 CALENDAR days [of
31 reoccupancy].

