

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 969

(Senator Glassman, *et al.*)

Education, Health, and Environmental Affairs

Environmental Matters

Public Safety - Fire Protection and Prevention - Residential Smoke Alarms

This bill generally clarifies existing laws related to smoke alarms and specifies technological and installation requirements for residential and nonresidential structures. The bill also requires additional smoke alarm information to be included in a specified disclosure form required in a contract of sale for single-family residential real property.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations. Potential minimal increase in general fund revenues from increased fines for noncompliance with smoke alarm installation orders. The Department of Labor, Licensing, and Regulation (DLLR) can make necessary changes to the real estate disclosure form with existing budgeted resources.

Local Effect: The bill is not anticipated to materially affect local finances or operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill clarifies that smoke alarm requirements must be enforced by the State Fire Marshal, a local fire marshal, a fire chief, the Baltimore City Fire Department, or any other designated authority with jurisdiction. Various requirements for smoke alarm type and location for existing structures are clarified. These include smoke alarms required in:

- *one- and two-family dwellings constructed before July 1, 1975:* must be battery powered or alternating current (AC) primary electric powered units;
- *one- and two-family dwellings constructed between July 1, 1975, and June 30, 1990:* must be AC primary electric powered units;
- *all specified multifamily residential occupancies:* must be AC primary electric powered units; and
- *specified multifamily residential occupancies constructed on or after July 1, 1990:* must be AC primary electric powered units with battery backup or another approved secondary power source.

Two or more smoke alarms in a residential unit constructed on or after January 1, 1989, must be arranged so that activation of any one smoke alarm activates all other smoke alarms in the unit.

The bill clarifies a landlord or property owner's responsibilities for the proper installation, repair, maintenance, and replacement of required smoke alarms and the responsibilities of the occupants. It further clarifies the provisions related to smoke alarms for deaf or hard of hearing individuals.

The bill clarifies that the building permit applicant is responsible for the proper installation of required smoke alarms in residential occupancies constructed on or after July 1, 2013. If no building permit is required, the responsibility is on the general contractor.

Updated Requirements

By January 1, 2018, smoke alarm placement in existing residential occupancies must be upgraded to comply with minimum specified standards, which vary according to when each building was constructed and the type of residential occupancy.

Smoke alarms must be (1) installed in accordance with specified codes; (2) listed and labeled by a nationally recognized testing laboratory to comply with specified safety standards; (3) suitable for sensing visible or invisible products of combustion; and (4) sound an alarm suitable to warn the occupants.

For all new residential units constructed after July 1, 2013, at least one smoke alarm must be installed in each sleeping room, in the hallway or common area outside of sleeping

rooms, and in the hallway or common area on each level within a residential dwelling unit, including basements and excluding specified unoccupied spaces such as attics.

Battery operated smoke alarms must be sealed, tamper resistant units incorporating a silence/hush button and using long-life batteries. A smoke alarm may be combined with a carbon monoxide alarm if the device complies with the bill, Title 12 of the Public Safety Article, and other specified standards.

A responsible person must comply with a smoke alarm installation order within five calendar days. A violator is guilty of a misdemeanor and on conviction is subject to a maximum penalty of a \$1,000 fine and/or 10 days imprisonment.

Finally, the residential property disclosure form provided to the purchaser of specified single-family residential real property must include whether the smoke alarms (1) are over 10 years old and (2) if battery operated, are sealed, tamper resistant units incorporating a silence/hush button and use long-long life batteries as required in all Maryland homes by 2018.

Current Law: Various requirements for smoke alarm type and location exist for different vintages of housing, as discussed above. Landlords and property owners are generally responsible for the proper installation, repair, maintenance, and replacement of required smoke alarms. Local jurisdictions may adopt smoke alarm regulations that are more stringent than State law.

Under current law, a person who fails to comply with a smoke alarm installation order within 15 days of reoccupancy is guilty of a misdemeanor and on conviction is subject to a maximum penalty of a fine of up to \$50.

Prior to the sale of single-family residential real property improved by four or fewer dwelling units, the vendor must complete and deliver to each purchaser either a written residential property condition disclosure statement or a written residential property disclaimer statement. Both statements must be on a form provided by the State Real Estate Commission within DLLR. The residential property disclaimer statement must disclose any latent defects of which the vendor has actual knowledge, including, among other things, whether the smoke detectors will provide an alarm in the event of a power outage.

Background: The Office of the State Fire Marshal (OSFM) within the Department of State Police is responsible for statewide fire, arson, and explosive investigations, enforcement of the State Fire Prevention Code, coordination of fire prevention efforts, and the collection of fire incident data. In calendar 2012, OSFM reported 53 fire fatalities, the lowest number of fatalities since 1980, which had 127 fatalities. Although

fire fatalities can vary in the short run, over the past 30 years, there has been a clear downward trend in fire fatalities. Every year, OSFM completes an analysis of fire fatalities to assist public education efforts and the development of legislation aimed at reducing fire fatalities.

In March 2010, the Maryland Smoke Alarm Technology Task Force was formed at the request of the State Fire Marshal to explore changing technologies within the smoke alarm industry and to see if improvements in smoke alarms could further reduce fire fatalities in residential structures. The task force solicited information from manufacturers, educational institutions, and other organizations involved in smoke alarm research. This bill incorporates the recommendations of the task force related to smoke alarm technology and the installation of best practices.

Additional Information

Prior Introductions: None.

Cross File: HB 1413 (Delegate Malone) - Environmental Matters.

Information Source(s): Dorchester County, Garrett County, Town of Bel Air, Town of Leonardtown, Town of Riverdale Park, City of Salisbury, City of Westminster, Anne Arundel County, Baltimore City, Baltimore County, Office of the Attorney General (Consumer Protection Division), Department of Housing and Community Development, Howard County, Judiciary (Administrative Office of the Courts), Montgomery County, Department of State Police, Maryland Smoke Alarm Technology Task Force, Department of Legislative Services

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