

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 1205 (Delegate Ross, *et al.*)  
Environmental Matters

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Public Safety - Fire Alarm Systems - Modification for Hearing Impaired  
Condominium Owner

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This bill requires a condominium's council of unit owners to modify the wiring of the building's fire alarm system and install visual fire alarms in an owner's unit on written request of a deaf or hearing impaired unit owner. The bill specifies that the visual fire alarms must be installed in the sleeping area and one additional room normally occupied during daytime hours (as selected by the unit owner). When activated, the alarm must provide a signal that is listed by a nationally recognized testing laboratory for visual fire alarms in sleeping areas and are sufficient to warn the unit owner.

The unit owner is required to pay up to \$200 of the costs of modifications and the purchase of the alarms. The modifications are required to comply with local fire and building codes and the State Fire Prevention Code.

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Fiscal Summary

**State Effect:** None. The requirements of this bill could be handled with the existing budgeted resources of the State Fire Marshal.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful. Assuming compatibility, and without significant modification to meet fire code requirements, the cost (including installation) of a single visual fire alarm in one unit is estimated at \$500. However, given the possibility that such an installation in only one unit may require systemwide modifications or replacements, an installation of one unit to code could cost between \$10,000 and \$20,000. This amount could be more in larger condominium settings.

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## Analysis

**Current Law:** Each sleeping area within each occupancy classified residential, as defined in the most recent edition of the National Fire Protection Association Life Safety Code adopted by the State Fire Prevention Commission, is required to be equipped with at least one approved smoke detector installed in a manner and location approved by the State Fire Prevention Commission. When activated, the smoke detector must provide an alarm suitable to warn the occupants.

A landlord must install smoke detectors. On written notification by certified mail by the tenant or on notification in person by the tenant, the landlord is required to repair or replace the smoke detector. If the tenant personally notifies the landlord of the failure of a smoke detector, the landlord must provide a written receipt acknowledging the notification. A tenant may not remove a smoke detector or render a smoke detector inoperative.

On written request of a deaf or hearing impaired tenant, the landlord is required to provide a smoke detector that, when activated, provides a signal that: (1) is approved by a nationally recognized testing laboratory for electrical appliances; and (2) is sufficient to warn the deaf or hearing impaired tenant.

On or before July 1, 1982, an occupant of a one, two, or three family residential dwelling constructed before July 1, 1975, must: (1) equip each occupant's living unit with at least one approved battery or alternating current (AC) primary electric powered smoke detector; and (2) maintain the smoke detector.

Chapter 636 of 2001 requires residential property disclosure statements to include information as to whether the property's smoke detectors will provide an alarm in the event of a power outage.

Under provisions requiring smoke detection systems for residential dwelling buildings or units, a smoke detector must be of a type that operates both by battery and on an alternating current (AC) primary source of electric power if the smoke detector is installed in a new residential dwelling unit: (1) containing alternating current (AC) electrical service; (2) designed to be occupied by one or more families; and (3) for which a building permit is issued for new construction on or after July 1, 1990.

The affairs of the condominium are required to be governed by a council of unit owners which, even if unincorporated, is constituted a legal entity for all purposes. The council of unit owners must be comprised of all unit owners. The bylaws may authorize or provide for the delegation of any power of the council to a board of directors, officers, managing agent, or other person for the purpose of carrying out the responsibilities of the

council. The council is granted specified powers, including the power to: (1) regulate the use, maintenance, repair, replacement, and modification of common elements; and (2) cause additional improvements to be made as a part of the general common elements.

**Background:** Residential dwelling units built after 1990 are required under State law to have both battery backup and alternating current smoke detectors.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Secretary of State, Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2004  
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