

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senator Grosfeld**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **~~Public Safety – Apartment and Condominium Buildings – Visual Smoke and~~**  
3 **~~Evacuation Alarms~~**  
4 **Task Force to Study Visual Smoke and Evacuation Alarms for the Deaf and**  
5 **Hard of Hearing**

6 FOR the purpose of ~~altering a certain requirement to require a landlord to install~~  
7 ~~certain smoke detectors upon written request of a tenant who is deaf or hearing~~  
8 ~~impaired or who has a dependent or spouse who is deaf or hearing impaired;~~  
9 ~~requiring a landlord to install certain evacuation alarms upon written request of~~  
10 ~~a tenant who is deaf or hearing impaired or who has a dependent or spouse who~~  
11 ~~is deaf or hearing impaired; requiring a landlord to modify the wiring of the~~  
12 ~~general evacuation alarm system of an apartment building if necessary to~~  
13 ~~comply with the provisions of this Act; requiring a council of condominium unit~~  
14 ~~owners or its agent to install certain evacuation alarms upon written request of~~  
15 ~~a unit owner who is deaf or hearing impaired or who has a dependent or spouse~~  
16 ~~who is deaf or hearing impaired; requiring a unit owner to pay up to a certain~~  
17 ~~amount of the cost of modifying a general evacuation alarm system under this~~

1 Act; requiring any modifications to a general evacuation alarm system made  
 2 under this Act to comply with certain applicable fire and building codes;  
 3 defining certain terms; and generally relating to smoke and evacuation alarms  
 4 in apartment and condominium buildings establishing a Task Force to Study  
 5 Visual Smoke and Evacuation Alarms for the Deaf and Hard of Hearing;  
 6 providing for the membership of the Task Force; providing for the designation of  
 7 a chair of the Task Force; providing for the staff of the Task Force; prohibiting a  
 8 member of the Task Force from receiving compensation; authorizing a member  
 9 of the Task Force to receive reimbursement for certain expenses; requiring the  
 10 Task Force to study certain issues; requiring the Task Force to report its  
 11 findings and recommendations to the Governor and General Assembly on or  
 12 before a certain date; providing for the termination of this Act; and generally  
 13 relating to the establishment of a Task Force to Study Visual Smoke and  
 14 Evacuation Alarms for the Deaf and Hard of Hearing.

15 ~~BY repealing and reenacting, with amendments,~~  
 16 ~~Article—Public Safety~~  
 17 ~~Section 9-102~~  
 18 ~~Annotated Code of Maryland~~  
 19 ~~(2003 Volume and 2004 Supplement)~~

20 ~~BY adding to~~  
 21 ~~Article—Public Safety~~  
 22 ~~Section 14-1101 through 14-1103, inclusive, to be under the new subtitle~~  
 23 ~~"Subtitle 11. General Evacuation Alarms for Deaf and Hearing Impaired~~  
 24 ~~Occupants of Apartment and Condominium Buildings"~~  
 25 ~~Annotated Code of Maryland~~  
 26 ~~(2003 Volume and 2004 Supplement)~~

27 ~~BY repealing and reenacting, without amendments,~~  
 28 ~~Article—Real Property~~  
 29 ~~Section 11-101(a), (f), and (g) and 11-109(a), (b), and (d)(12) and (13)~~  
 30 ~~Annotated Code of Maryland~~  
 31 ~~(2003 Replacement Volume and 2004 Supplement)~~

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

34 (a) There is a Task Force to Study Visual Smoke and Evacuation Alarms for  
 35 the Deaf and Hard of Hearing.

36 (b) The Task Force consists of the following members:

37 (1) one member of the Senate of Maryland, appointed by the President of  
 38 the Senate;

- 1 (2) one member of the House of Delegates, appointed by the Speaker of  
 2 the House;
- 3 (3) the Secretary of the Department of Disabilities, or the Secretary's  
 4 designee;
- 5 (4) ~~one member~~ the Director of the Governor's Office of the Deaf and  
 6 Hard of Hearing, appointed by the Governor;
- 7 (5) one member ~~of~~ from the Maryland Disabilities Law Center;
- 8 (6) one member from Making Choices for Independent Living;
- 9 (7) one member from the Maryland Association of the Deaf;
- 10 (8) one member from the Maryland Coalition for the Deaf and Hard of  
 11 Hearing;
- 12 (9) one member from the Governor's Office of Homeland Security;
- 13 (10) the State Fire Marshal, or the Fire Marshal's designee;
- 14 (11) one member from the Maryland Legislative Action Committee for the  
 15 Community Associations Institute;
- 16 (12) one member from the National Association of the Deaf;
- 17 (13) one member from the Maryland Chapter of the AARP;
- 18 (14) one member each from the Columbia and Frederick campuses of the  
 19 Maryland School for the Deaf;
- 20 (15) one member from a Maryland association representing landlords of  
 21 rental apartments, appointed by the Governor;
- 22 (16) one member from the Maryland Multi-Housing Association;
- 23 (17) one member from the Maryland Realtors Association; and
- 24 (18) two members of the public who are deaf, appointed by the Governor.
- 25 (c) ~~The Secretary of the Department of Disabilities~~ Director of the Governor's  
 26 Office of the Deaf and Hard of Hearing shall serve as the chair of the Task Force.
- 27 (d) ~~The Department of Disabilities~~ Governor's Office of the Deaf and Hard of  
 28 Hearing shall provide staff for the Task Force.
- 29 (e) A member of the Task Force:
- 30 (1) may not receive compensation; but

1 (2) is entitled to reimbursement for expenses under the Standard State  
2 Travel Regulations, as provided in the State budget.

3 (f) The Task Force shall study and make recommendations regarding:

4 (1) emergency evacuation plans in the State for people who are deaf and  
5 hard of hearing and who are living in apartments and condominiums;

6 (2) the availability of emerging technology and the costs of the  
7 technology related to the security and safety of people who are deaf and hard of  
8 hearing;

9 (3) the costs of installation in the common areas and individual units  
10 within apartment buildings and condominiums of alarm systems specifically designed  
11 for people who are deaf and hard of hearing;

12 (4) a comparison of other states' emergency evacuation plans and the  
13 costs of those plans for emergency evacuation of people who are deaf and hard of  
14 hearing and are living in apartments or condominiums;

15 (5) an examination of all public and private funding sources available for  
16 the purpose of providing emergency evacuation plans, devices, and equipment to  
17 people who are deaf and hard of hearing and living in apartments or condominiums.

18 (g) The Task Force shall report its findings and recommendations to the  
19 Governor and, subject to § 2-1246 of the State Government Article, the General  
20 Assembly on or before September 30, 2006.

21 **Article—Public Safety**

22 ~~9-102.~~

23 (a) (1) ~~[Each] EXCEPT AS PROVIDED IN SUBSECTION (B)(6) OF THIS~~  
24 ~~SECTION, EACH sleeping area within each occupancy classified residential, as defined~~  
25 ~~in the most recent edition of the National Fire Protection Association Life Safety Code~~  
26 ~~adopted by the State Fire Prevention Commission, shall be equipped with at least one~~  
27 ~~approved smoke detector that:~~

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

29 (ii) ~~is installed in a manner and location approved by the State Fire~~  
30 ~~Prevention Commission.~~

31 (2) ~~When activated, the smoke detector shall provide an alarm suitable~~  
32 ~~to warn the occupants.~~

33 (b) (1) ~~The landlord shall install smoke detectors as required under~~  
34 ~~subsection (a) of this section.~~

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

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

6           (4)     A tenant may not remove a smoke detector or render a smoke  
7 detector inoperative.

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

10          (6)     (†)     On written request of a tenant who is deaf or hearing impaired,  
11 OR HAS A DEPENDENT OR SPOUSE WHO IS DEAF OR HEARING IMPAIRED, the landlord  
12 shall provide [a] smoke [detector] DETECTORS that, when activated, [provides]  
13 PROVIDE a signal that:

14                    {(i)}    1-     is approved by a nationally recognized testing laboratory  
15 for electrical appliances; and

16                    {(ii)}   2-     is sufficient to warn the deaf or hearing impaired tenant.

17           (II)     SMOKE DETECTORS REQUIRED UNDER THIS PARAGRAPH  
18 SHALL BE INSTALLED IN EACH SLEEPING AREA IN THE UNIT THAT IS SELECTED BY  
19 THE TENANT AND IN ANY TWO ADDITIONAL ROOMS THAT ARE SELECTED BY THE  
20 TENANT.

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

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

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

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

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

33                    (2)     maintain the smoke detector.

~~SUBTITLE 11. GENERAL EVACUATION ALARMS FOR DEAF AND HEARING IMPAIRED  
OCCUPANTS OF APARTMENT AND CONDOMINIUM BUILDINGS.~~

~~14-1101.~~

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

~~(B) "APARTMENT BUILDING" MEANS A BUILDING THAT CONTAINS AT LEAST  
ONE DWELLING UNIT AND IN WHICH ALL THE DWELLING UNITS ARE OCCUPIED  
PRIMARILY FOR NONTRANSIENT USE WITH RENT PAID IN INTERVALS OF 1 WEEK OR  
LONGER.~~

~~(C) "CONDOMINIUM" HAS THE MEANING STATED IN § 11-101 OF THE REAL  
PROPERTY ARTICLE.~~

~~(D) "COUNCIL OF UNIT OWNERS" HAS THE MEANING STATED IN § 11-109 OF  
THE REAL PROPERTY ARTICLE.~~

~~(E) "GENERAL EVACUATION ALARM" MEANS AN ALARM THAT SIGNALS  
THROUGHOUT AN ENTIRE BUILDING.~~

~~(F) "UNIT" HAS THE MEANING STATED IN § 11-101 OF THE REAL PROPERTY  
ARTICLE.~~

~~(G) "UNIT OWNER" HAS THE MEANING STATED IN § 11-101 OF THE REAL  
PROPERTY ARTICLE.~~

~~(H) (1) "VISUAL ALARM" MEANS A GENERAL EVACUATION ALARM THAT  
MEETS THE UNDERWRITER LABORATORIES/ANSI STANDARD 1971 FOR SLEEPING  
AREAS.~~

~~(2) "VISUAL ALARM" INCLUDES AN ALARM WITH A STROBE LIGHT  
WARNING SYSTEM.~~

~~14-1102.~~

~~(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PRESENCE OF A  
FIREWALL IN AN APARTMENT BUILDING MAY NOT EXEMPT AN APARTMENT FROM  
THE PROVISIONS OF THIS SECTION.~~

~~(B) (1) ON WRITTEN REQUEST OF A TENANT WHO IS DEAF OR HEARING  
IMPAIRED, OR HAS A DEPENDENT OR SPOUSE WHO IS DEAF OR HEARING IMPAIRED,  
THE LANDLORD SHALL INSTALL VISUAL ALARMS IN:~~

~~(1) EACH SLEEPING AREA OF THE TENANT'S APARTMENT THAT IS  
SELECTED BY THE TENANT AND ANY TWO ADDITIONAL ROOMS OF THE TENANT'S  
APARTMENT THAT ARE SELECTED BY THE TENANT; AND~~

1                   (H)     ANY COMMON AREA OF THE APARTMENT BUILDING REQUIRED  
2 TO HAVE A GENERAL EVACUATION ALARM UNDER THE STATE FIRE PREVENTION  
3 CODE.

4                   (2)     A VISUAL ALARM INSTALLED UNDER THIS SUBSECTION SHALL,  
5 WHEN ACTIVATED, PROVIDE A SIGNAL THAT IS:

6                   (1)     APPROVED BY A NATIONALLY RECOGNIZED TESTING  
7 LABORATORY FOR VISUAL ALARMS IN SLEEPING AREAS; AND

8                   (H)     SUFFICIENT TO WARN THE DEAF OR HEARING IMPAIRED  
9 TENANT, DEPENDENT, OR SPOUSE.

10                  (C)     A LANDLORD SHALL MODIFY THE WIRING OF THE GENERAL EVACUATION  
11 ALARM SYSTEM OF AN APARTMENT BUILDING IF NECESSARY TO COMPLY WITH THE  
12 PROVISIONS OF SUBSECTION (B) OF THIS SECTION.

13                  (D)     ANY MODIFICATION TO THE GENERAL EVACUATION ALARM SYSTEM OF  
14 AN APARTMENT BUILDING MADE IN ACCORDANCE WITH SUBSECTION (C) OF THIS  
15 SECTION SHALL COMPLY WITH THE APPLICABLE LOCAL FIRE AND BUILDING CODES  
16 AND THE STATE FIRE PREVENTION CODE.

17 14-1103.

18                  (A)     (1)     NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
19 PROVISIONS OF THIS SECTION APPLY TO ANY CONDOMINIUM BUILDING,  
20 REGARDLESS OF THE NUMBER OF UNITS.

21                  (2)     NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PRESENCE  
22 OF A FIREWALL IN A CONDOMINIUM BUILDING DOES NOT EXEMPT ANY UNIT FROM  
23 THE PROVISIONS OF THIS SECTION.

24                  (B)     (1)     ON WRITTEN REQUEST OF A UNIT OWNER WHO IS DEAF OR HEARING  
25 IMPAIRED, OR HAS A DEPENDENT OR SPOUSE WHO IS DEAF OR HEARING IMPAIRED,  
26 THE COUNCIL OF UNIT OWNERS OR ITS AGENT, AS AUTHORIZED UNDER § 11-109 OF  
27 THE REAL PROPERTY ARTICLE, SHALL INSTALL VISUAL ALARMS IN:

28                         (1)     EACH SLEEPING AREA OF THE OWNER'S UNIT AND ANY TWO  
29 ADDITIONAL ROOMS OF THE OWNER'S UNIT THAT ARE SELECTED BY THE UNIT  
30 OWNER; AND

31                         (H)     ANY COMMON AREA OF THE CONDOMINIUM BUILDING  
32 REQUIRED TO HAVE A GENERAL EVACUATION ALARM UNDER THE STATE FIRE  
33 PREVENTION CODE.

34                         (2)     A VISUAL ALARM INSTALLED UNDER THIS SUBSECTION SHALL,  
35 WHEN ACTIVATED, PROVIDE A SIGNAL THAT IS:

36                         (1)     APPROVED BY A NATIONALLY RECOGNIZED TESTING  
37 LABORATORY FOR VISUAL ALARMS IN SLEEPING AREAS; AND

1 (H) SUFFICIENT TO WARN THE DEAF OR HEARING IMPAIRED UNIT  
2 OWNER, DEPENDENT, OR SPOUSE.

3 (C) (1) A COUNCIL OF UNIT OWNERS OR ITS AGENT SHALL MODIFY THE  
4 WIRING OF THE GENERAL EVACUATION ALARM SYSTEM OF A CONDOMINIUM  
5 BUILDING IF NECESSARY TO COMPLY WITH THE PROVISIONS OF SUBSECTION (B) OF  
6 THIS SECTION.

7 (2) THE UNIT OWNER SHALL PAY UP TO \$200 OF THE COST OF  
8 MODIFYING THE WIRING OF THE GENERAL EVACUATION ALARM SYSTEM OF A  
9 CONDOMINIUM BUILDING AND THE PURCHASE OF FIRE ALARMS.

10 (D) ANY MODIFICATION TO THE GENERAL EVACUATION ALARM SYSTEM OF A  
11 CONDOMINIUM BUILDING MADE IN ACCORDANCE WITH SUBSECTION (C) OF THIS  
12 SECTION SHALL COMPLY WITH THE APPLICABLE LOCAL FIRE AND BUILDING CODES  
13 AND THE STATE FIRE PREVENTION CODE.

14 **~~Article—Real Property~~**

15 ~~11-101.~~

16 (a) In this title the following words have the meanings indicated unless  
17 otherwise apparent from context.

18 (f) "Council of unit owners" means the legal entity described in § 11-109 of  
19 this title.

20 (g) "Unit" means a three-dimensional space identified as such in the  
21 declaration and on the condominium plat and shall include all improvements  
22 contained within the space except those excluded in the declaration, the boundaries of  
23 which are established in accordance with § 11-103(a)(3) of this title. A unit may  
24 include 2 or more noncontiguous spaces.

25 ~~11-109.~~

26 (a) The affairs of the condominium shall be governed by a council of unit  
27 owners which, even if unincorporated, is constituted a legal entity for all purposes.  
28 The council of unit owners shall be comprised of all unit owners.

29 (b) The bylaws may authorize or provide for the delegation of any power of the  
30 council of unit owners to a board of directors, officers, managing agent, or other  
31 person for the purpose of carrying out the responsibilities of the council of unit  
32 owners.

33 (d) The council of unit owners may be either incorporated as a nonstock  
34 corporation or unincorporated and it is subject to those provisions of Title 5, Subtitle  
35 2 of the Corporations and Associations Article which are not inconsistent with this  
36 title. The council of unit owners has, subject to any provision of this title, and except  
37 as provided in paragraph (22) of this subsection, the declaration, and bylaws, the  
38 following powers:



1           (12)    To regulate the use, maintenance, repair, replacement, and  
2 ~~modification of common elements;~~

3           (13)    To cause additional improvements to be made as a part of the general  
4 ~~common elements;~~

5       ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
6 ~~October 1, 2005.~~

7       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2005. It shall remain effective for a period of 1 year and, at the end of  
9 September 30, 2006, with no further action required by the General Assembly, this  
10 Act shall be abrogated and of no further force and effect.