

---

By: **Senator Grosfeld**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Apartment and Condominium Buildings - Visual Smoke and**  
3 **Evacuation Alarms**

4 FOR the purpose of altering a certain requirement to require a landlord to install  
5 certain smoke detectors upon written request of a tenant who is deaf or hearing  
6 impaired or who has a dependent or spouse who is deaf or hearing impaired;  
7 requiring a landlord to install certain evacuation alarms upon written request of  
8 a tenant who is deaf or hearing impaired or who has a dependent or spouse who  
9 is deaf or hearing impaired; requiring a landlord to modify the wiring of the  
10 general evacuation alarm system of an apartment building if necessary to  
11 comply with the provisions of this Act; requiring a council of condominium unit  
12 owners or its agent to install certain evacuation alarms upon written request of  
13 a unit owner who is deaf or hearing impaired or who has a dependent or spouse  
14 who is deaf or hearing impaired; requiring a unit owner to pay up to a certain  
15 amount of the cost of modifying a general evacuation alarm system under this  
16 Act; requiring any modifications to a general evacuation alarm system made  
17 under this Act to comply with certain applicable fire and building codes;  
18 defining certain terms; and generally relating to smoke and evacuation alarms  
19 in apartment and condominium buildings.

20 BY repealing and reenacting, with amendments,  
21 Article - Public Safety  
22 Section 9-102  
23 Annotated Code of Maryland  
24 (2003 Volume and 2004 Supplement)

25 BY adding to  
26 Article - Public Safety  
27 Section 14-1101 through 14-1103, inclusive, to be under the new subtitle  
28 "Subtitle 11. General Evacuation Alarms for Deaf and Hearing Impaired  
29 Occupants of Apartment and Condominium Buildings"  
30 Annotated Code of Maryland  
31 (2003 Volume and 2004 Supplement)

1 BY repealing and reenacting, without amendments,  
2 Article - Real Property  
3 Section 11-101(a), (f), and (q) and 11-109(a), (b), and (d)(12) and (13)  
4 Annotated Code of Maryland  
5 (2003 Replacement Volume and 2004 Supplement)

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

8 **Article - Public Safety**

9 9-102.

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

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

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

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

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

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

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

27 (4) A tenant may not remove a smoke detector or render a smoke  
28 detector inoperative.

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

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

1 [(i)] 1. is approved by a nationally recognized testing laboratory  
2 for electrical appliances; and

3 [(ii)] 2. is sufficient to warn the deaf or hearing impaired tenant.

4 (II) SMOKE DETECTORS REQUIRED UNDER THIS PARAGRAPH  
5 SHALL BE INSTALLED IN EACH SLEEPING AREA IN THE UNIT THAT IS SELECTED BY  
6 THE TENANT AND IN ANY TWO ADDITIONAL ROOMS THAT ARE SELECTED BY THE  
7 TENANT.

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

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

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

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

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

20 (2) maintain the smoke detector.

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

23 14-1101.

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

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

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

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

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

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

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

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

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

10 14-1102.

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

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

17 (I) EACH SLEEPING AREA OF THE TENANT'S APARTMENT THAT IS  
18 SELECTED BY THE TENANT AND ANY TWO ADDITIONAL ROOMS OF THE TENANT'S  
19 APARTMENT THAT ARE SELECTED BY THE TENANT; AND

20 (II) ANY COMMON AREA OF THE APARTMENT BUILDING REQUIRED  
21 TO HAVE A GENERAL EVACUATION ALARM UNDER THE STATE FIRE PREVENTION  
22 CODE.

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

25 (I) APPROVED BY A NATIONALLY RECOGNIZED TESTING  
26 LABORATORY FOR VISUAL ALARMS IN SLEEPING AREAS; AND

27 (II) SUFFICIENT TO WARN THE DEAF OR HEARING IMPAIRED  
28 TENANT, DEPENDENT, OR SPOUSE.

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

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

1 14-1103.

2 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
3 PROVISIONS OF THIS SECTION APPLY TO ANY CONDOMINIUM BUILDING,  
4 REGARDLESS OF THE NUMBER OF UNITS.

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

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

12 (I) EACH SLEEPING AREA OF THE OWNER'S UNIT AND ANY TWO  
13 ADDITIONAL ROOMS OF THE OWNER'S UNIT THAT ARE SELECTED BY THE UNIT  
14 OWNER; AND

15 (II) ANY COMMON AREA OF THE CONDOMINIUM BUILDING  
16 REQUIRED TO HAVE A GENERAL EVACUATION ALARM UNDER THE STATE FIRE  
17 PREVENTION CODE.

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

20 (I) APPROVED BY A NATIONALLY RECOGNIZED TESTING  
21 LABORATORY FOR VISUAL ALARMS IN SLEEPING AREAS; AND

22 (II) SUFFICIENT TO WARN THE DEAF OR HEARING IMPAIRED UNIT  
23 OWNER, DEPENDENT, OR SPOUSE.

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

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

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

**Article - Real Property**

1

2 11-101.

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

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

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

12 11-109.

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

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

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

26 (12) To regulate the use, maintenance, repair, replacement, and  
27 modification of common elements;

28 (13) To cause additional improvements to be made as a part of the general  
29 common elements;

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2005.