
By: **Senator Grosfeld**

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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
 18 Act; requiring any modifications to a general evacuation alarm system made
 19 under this Act to comply with certain applicable fire and building codes;
 20 defining certain terms; and generally relating to smoke and evacuation alarms
 21 in apartment and condominium buildings establishing a Task Force to Study
 22 Visual Smoke and Evacuation Alarms for the Deaf and Hard of Hearing;
 23 providing for the membership of the Task Force; providing for the designation of
 24 a chair of the Task Force; providing for the staff of the Task Force; prohibiting a
 25 member of the Task Force from receiving compensation; authorizing a member
 26 of the Task Force to receive reimbursement for certain expenses; requiring the
 27 Task Force to study certain issues; requiring the Task Force to report its

1 findings and recommendations to the Governor and General Assembly on or
 2 before a certain date; providing for the termination of this Act; and generally
 3 relating to the establishment of a Task Force to Study Visual Smoke and
 4 Evacuation Alarms for the Deaf and Hard of Hearing.

5 ~~BY repealing and reenacting, with amendments,~~

6 ~~Article—Public Safety~~

7 ~~Section 9-102~~

8 ~~Annotated Code of Maryland~~

9 ~~(2003 Volume and 2004 Supplement)~~

10 ~~BY adding to~~

11 ~~Article—Public Safety~~

12 ~~Section 14-1101 through 14-1103, inclusive, to be under the new subtitle~~

13 ~~"Subtitle 11. General Evacuation Alarms for Deaf and Hearing Impaired~~

14 ~~Occupants of Apartment and Condominium Buildings"~~

15 ~~Annotated Code of Maryland~~

16 ~~(2003 Volume and 2004 Supplement)~~

17 ~~BY repealing and reenacting, without amendments,~~

18 ~~Article—Real Property~~

19 ~~Section 11-101(a), (f), and (g) and 11-109(a), (b), and (d)(12) and (13)~~

20 ~~Annotated Code of Maryland~~

21 ~~(2003 Replacement Volume and 2004 Supplement)~~

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

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

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

27 (1) one member of the Senate of Maryland, appointed by the President of
 28 the Senate;

29 (2) one member of the House of Delegates, appointed by the Speaker of
 30 the House;

31 (3) the Secretary of the Department of Disabilities, or the Secretary's
 32 designee;

33 (4) one member of the Governor's Office of the Deaf and Hard of
 34 Hearing, appointed by the Governor;

35 (5) one member of the Maryland Disabilities Law Center;

36 (6) one member from Making Choices for Independent Living;

- 1 (7) one member from the Maryland Association of the Deaf;
- 2 (8) one member from the Maryland Coalition for the Deaf and Hard of
3 Hearing;
- 4 (9) one member from the Governor's Office of Homeland Security;
- 5 (10) the State Fire Marshal, or the Fire Marshal's designee;
- 6 (11) one member from the Maryland Legislative Action Committee for the
7 Community Associations Institute;
- 8 (12) one member from the National Association of the Deaf;
- 9 (13) one member from the Maryland Chapter of the AARP;
- 10 (14) one member each from the Columbia and Frederick campuses of the
11 Maryland School for the Deaf;
- 12 (15) one member from a Maryland association representing landlords of
13 rental apartments, appointed by the Governor;
- 14 (16) one member from the Maryland Multi-Housing Association;
- 15 (17) one member from the Maryland Realtors Association; and
- 16 (18) two members of the public who are deaf, appointed by the Governor.
- 17 (c) The Secretary of the Department of Disabilities shall serve as the chair of
18 the Task Force.
- 19 (d) The Department of Disabilities shall provide staff for the Task Force.
- 20 (e) A member of the Task Force:
- 21 (1) may not receive compensation; but
- 22 (2) is entitled to reimbursement for expenses under the Standard State
23 Travel Regulations, as provided in the State budget.
- 24 (f) The Task Force shall study and make recommendations regarding:
- 25 (1) emergency evacuation plans in the State for people who are deaf and
26 hard of hearing and who are living in apartments and condominiums;
- 27 (2) the availability of emerging technology and the costs of the
28 technology related to the security and safety of people who are deaf and hard of
29 hearing;

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

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

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

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

13 **Article—Public Safety**

14 ~~9-102.~~

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

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

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

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

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

27 (2) ~~On written notification by certified mail by the tenant or on~~
 28 ~~notification in person by the tenant, the landlord shall repair or replace the smoke~~
 29 ~~detector.~~

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

32 (4) ~~A tenant may not remove a smoke detector or render a smoke~~
 33 ~~detector inoperative.~~

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

1 (6) (4) On written request of a tenant who is deaf or hearing impaired,
 2 ~~OR HAS A DEPENDENT OR SPOUSE WHO IS DEAF OR HEARING IMPAIRED~~, the landlord
 3 shall provide [a] smoke [detector] DETECTORS that, when activated, [provides]
 4 ~~PROVIDE~~ a signal that:

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

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

8 (II) ~~SMOKE DETECTORS REQUIRED UNDER THIS PARAGRAPH~~
 9 ~~SHALL BE INSTALLED IN EACH SLEEPING AREA IN THE UNIT THAT IS SELECTED BY~~
 10 ~~THE TENANT AND IN ANY TWO ADDITIONAL ROOMS THAT ARE SELECTED BY THE~~
 11 ~~TENANT.~~

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

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

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

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

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

24 (2) maintain the smoke detector.

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

27 ~~14-1101.~~

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

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

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

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

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

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

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

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

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

14 ~~14-1102.~~

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

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

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

24 ~~(II) ANY COMMON AREA OF THE APARTMENT BUILDING REQUIRED~~
25 ~~TO HAVE A GENERAL EVACUATION ALARM UNDER THE STATE FIRE PREVENTION~~
26 ~~CODE.~~

27 ~~(2) A VISUAL ALARM INSTALLED UNDER THIS SUBSECTION SHALL,~~
28 ~~WHEN ACTIVATED, PROVIDE A SIGNAL THAT IS:~~

29 ~~(I) APPROVED BY A NATIONALLY RECOGNIZED TESTING~~
30 ~~LABORATORY FOR VISUAL ALARMS IN SLEEPING AREAS; AND~~

31 ~~(II) SUFFICIENT TO WARN THE DEAF OR HEARING IMPAIRED~~
32 ~~TENANT, DEPENDENT, OR SPOUSE.~~

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

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

5 14-1103.

6 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
7 PROVISIONS OF THIS SECTION APPLY TO ANY CONDOMINIUM BUILDING,
8 REGARDLESS OF THE NUMBER OF UNITS.

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

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

16 (1) EACH SLEEPING AREA OF THE OWNER'S UNIT AND ANY TWO
17 ADDITIONAL ROOMS OF THE OWNER'S UNIT THAT ARE SELECTED BY THE UNIT
18 OWNER; AND

19 (2) ANY COMMON AREA OF THE CONDOMINIUM BUILDING
20 REQUIRED TO HAVE A GENERAL EVACUATION ALARM UNDER THE STATE FIRE
21 PREVENTION CODE.

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

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

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

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

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

35 (D) ANY MODIFICATION TO THE GENERAL EVACUATION ALARM SYSTEM OF A
36 CONDOMINIUM BUILDING MADE IN ACCORDANCE WITH SUBSECTION (C) OF THIS
37 SECTION SHALL COMPLY WITH THE APPLICABLE LOCAL FIRE AND BUILDING CODES
38 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 (g) "~~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.~~

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

