

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE

House Bill 1539 (Delegates Malone and Moe)
 Environmental Matters

Public Safety - Carbon Monoxide Detectors

This bill provides that, by January 1, 2008, an owner of an “occupancy” that contains fossil-fuel burning equipment or incorporates enclosed parking within the occupancy must equip the occupancy with “carbon monoxide detectors” that conform to the requirements of the State Fire Prevention Commission. After complying with this provision, the owner must replace, as necessary, carbon monoxide detectors or batteries in battery-operated detectors annually to insure continued operability.

Fiscal Summary

State Effect: General fund expenditure increase of nearly \$3.0 million in FY 2008 associated with the hiring of additional inspectors by the State Fire Marshal. Future years reflect annualization and inflation. Potential additional costs for any State-owned “occupancy” associated with the purchase and installation of carbon monoxide detectors. The scale and scope of such costs would depend on applicable requirements decided upon by the State Fire Prevention Commission. The monetary penalty provisions of this bill are not expected to significantly affect State finances or operations.

| (in dollars) | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 |
|----------------|---------|---------------|---------------|---------------|---------------|
| GF Revenue | - | - | - | - | - |
| GF Expenditure | 0 | 2,999,400 | 2,443,500 | 2,570,300 | 3,906,300 |
| Net Effect | \$0 | (\$2,999,400) | (\$2,443,500) | (\$2,570,300) | (\$3,906,300) |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Varying purchase, installation, and maintenance costs in all jurisdictions. In Baltimore City and Anne Arundel, Howard, Montgomery, Prince George’s, and Wicomico counties, additional costs could also include inspections. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Meaningful. Any residential owner would be required to purchase, install, and maintain carbon monoxide detectors in compliance with standards adopted by the State Fire Prevention Commission. Depending on the scale and scope of those standards, those costs for multiple unit owners (such as large apartment complexes) could be meaningful.

Analysis

Bill Summary: By January 1, 2007, the State Fire Prevention Commission is required to adopt regulations to effectuate these provisions, including the number, type, installation, location, maintenance, and inspection requirements of carbon monoxide detectors. By January 1, 2008, the local authority with authority over fire investigations must inspect every occupancy upon the sale or transfer of the occupancy for compliance with the regulations. The term occupancy means a dwelling, building, or structure occupied in whole or in part for residential purposes.

These provisions may be enforced by the State Fire Marshal, a county fire chief, a fire administrator, or a municipal fire chief. They do not prevent a county from enacting more stringent laws that relate to carbon monoxide detectors.

A person who knowingly violates these provisions (including a regulation) must be fined not less than \$300 and not more than \$1,000. Each day during which a violation continues after knowledge or official notice of violation is considered a separate offense.

Current Law: Carbon monoxide detectors are not now regulated under Maryland law.

Residential dwelling units built after 1990 are required to have both battery backup and alternating current smoke detectors. 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.

By 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.

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.

If there is clear evidence that an exception will not adversely affect the fire safety of a building or its occupants, the State Fire Marshal or a local authority with jurisdiction over the enforcement of fire and building codes may grant an exception to: (1) a requirement of a State or local fire and building code if a required sprinkler system is installed in a building; or (2) the sprinkler system requirement if, on or before June 30, 1990, the local authority gave approval to a construction plan for a dormitory, hotel, lodging or rooming house, multifamily residential unit, or town house, and the approved plan did not include the installation of a required sprinkler system. The State Fire Marshal or a local authority may not grant an exception under these provisions to a smoke detector requirement.

A seller of single-family residential real property must complete and give to the purchaser a written disclosure or disclaimer statement about the condition of the property before executing the contract of sale, including whether the smoke detectors will provide an alarm in the event of a power outage.

Background: Carbon monoxide is an odorless, tasteless, invisible gas. Carbon monoxide results from the incomplete combustion of fossil fuels, such as wood, kerosene, gasoline, charcoal, propane, natural gas, and oil. According to the *Journal of the American Medical Association*, carbon monoxide poisoning is the leading cause of accidental poisoning deaths in the United States. Motor vehicles are the most common cause of these accidents.

In the home, it is formed from incomplete combustion from any flame-fueled (*i.e.*, not electric) device, including ranges, ovens, clothes dryers, furnaces, fireplaces, grills, space heaters, vehicles, and water heaters. Furnaces and water heaters may be sources of carbon monoxide, but if they are vented properly the carbon monoxide will escape to the outside air. Open flames, such as from ovens and ranges, are the most common source of carbon monoxide in the home.

Carbon monoxide detectors trigger an alarm based on an accumulation of carbon monoxide over time. It can do harm with high levels of exposure in a short period of time, or with lower levels over a long period of time. Detectors require a continuous power supply. Models are available that offer back-up battery power.

The State Fire Marshal has authority over fire investigations in all counties except Baltimore City and Anne Arundel, Howard, Montgomery, and Prince George's counties.

In Wicomico County the responsibilities are shared between the State Fire Marshal and the county government.

This bill is based, in part, on a Massachusetts enactment in 2005: Chapter 123 of the Acts of 2005 (SB 2152), effective March 31, 2006.

It is unclear whether this bill intends to include such temporary residence dwellings, buildings, or structures such as hotels or motels the definition of occupancy.

State Expenditures: It is assumed that the State Fire Prevention Commission could meet the bill's requirements to adopt regulations to effectuate these provisions, including the number, type, installation, location, maintenance, and inspection requirements of carbon monoxide detectors, with existing budgeted resources. However, general fund expenditures for the Office of the State Fire Marshal could increase by an estimated \$2,999,411 in fiscal 2008. This estimate reflects the cost of hiring 30 fire inspectors and 6 supervisors (deputy fire marshals) to inspect all occupancies sold or transferred annually for carbon monoxide detectors. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses, including vehicles. The information and assumptions used in calculating the estimate are stated below:

- of the 97,700 dwelling units sold in Maryland annually, approximately 31,500 inspections (including an assumed 20% failure rate) would occur in counties where the State Fire Marshal has authority over fire investigations;
- each fire inspector could handle about 1,050 inspections per year (based on a performance level of about 5 per day); and
- the inspections would be handled out of six existing statewide locations of the State Fire Marshal (headquarters, plus five regional offices); with one supervisor and five inspectors at each location.

| | |
|---|--------------------|
| | 36 |
| Salaries and Fringe Benefits | \$1,467,937 |
| Automobile Purchases and Operations | 1,219,129 |
| Operating Expenses | <u>312,345</u> |
| Total FY 2008 State Expenditures | \$2,999,411 |

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses, including replacement vehicles in fiscal 2011.

Any State-owned residences would be required to purchase and install carbon monoxide detectors. Standards applicable to number, type, installation, location, and maintenance requirements would not be known until regulations are developed by the Fire Prevention Commission (January 1, 2007). According to the State Fire Marshal, detectors now cost about \$25-\$50. State-owned residences meeting the definition of “occupancy” would include:

- dormitories – there are 116 in the University System of Maryland alone, not including those operated on a private/public partnership lease agreement; and
- State Residential Centers operated by the Developmental Disabilities Administration – there are currently 4.

However, Legislative Services notes that many large scale residences, such as dormitories, do not contain fossil-fuel burning equipment (or incorporate enclosed parking) within that residence. For instance, gas or oil burning heating systems and generators are often in separate buildings.

It is unlikely that State correctional facilities would be considered to exist or operate for “residential purposes.” However, privately-owned group homes, nursing homes, and assisted living facilities currently contracting with State agencies would likely include any costs related to the purchase, installation, and maintenance of carbon monoxide detectors in future contract bids or negotiations and, thereby, affect State costs.

Local Expenditures: The jurisdictions that have authority over fire inspections could incur significant costs associated with the inspection for and of carbon monoxide detectors. However, this may vary greatly by jurisdiction.

For instance, Montgomery County reports that the bill would require the annual inspection of about 17,000 occupancies, and would necessitate the hiring of eight new inspectors at a cost of about \$1.9 million in fiscal 2008, including salaries, fringe benefits, and operating expenses. On the other hand, Prince George’s County believes that the bill’s requirements could be handled with existing budgeted resources.

Legislative Services also advises that any residences owned by units of local government would be required to purchase and install carbon monoxide detectors. There are about 23,000 public housing units currently in the State.

Additional Information

Prior Introductions: None.

Cross File: SB 929 (Senator Klausmeier) – Finance.

Information Source(s): Cecil County, Montgomery County, Prince George's County, Harford County, Judiciary (Administrative Office of the Courts), Department of State Police, University System of Maryland, Department of Housing and Community Development, Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Department of General Services, Department of Legislative Services

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ncs/jr

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