

HOUSE BILL 823

E4, Q1

4lr1987
CF SB 689

By: **Delegate Charkoudian**

Introduced and read first time: January 31, 2024

Assigned to: Environment and Transportation and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Fire Protection and Prevention – Residential Rental Property – Requirements**
3 **(Melanie Nicholle Diaz Fire Safety Act)**

4 FOR the purpose of establishing certain requirements relating to the installation of certain
5 fire safety equipment in residential rental high-rise buildings and certain other
6 property; requiring the Department of Housing and Community Development, in
7 coordination with the State Fire Marshal, to identify and publish information on
8 certain funding sources; authorizing the Mayor and City Council of Baltimore City
9 or the governing body of a county or municipal corporation to grant, by law, a certain
10 property tax credit against the county or municipal corporation property tax imposed
11 on an apartment building or condominium building if the owner or condominium
12 association made fire safety improvements to the building on or after a certain date;
13 establishing the Workgroup to Develop Fire Safety Best Practices for Pre-1974
14 High-Rise Buildings; and generally relating to fire protection and prevention in
15 high-rise buildings.

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 9-102, 9-105, 9-403, and 9-405
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2023 Supplement)

21 BY adding to
22 Article – Public Safety
23 Section 9-406
24 Annotated Code of Maryland
25 (2022 Replacement Volume and 2023 Supplement)

26 BY adding to
27 Article – Tax – Property
28 Section 9-268

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2019 Replacement Volume and 2023 Supplement)

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

Article – Public Safety

9–102.

(a) This subtitle applies throughout the State, including Baltimore City.

(b) **(1)** An automatic smoke alarm shall be provided in each sleeping area within each residential occupancy, including one- and two-family dwellings, lodging or rooming houses, hotels, dormitories, and apartment buildings, as defined in NFPA 101: Life Safety Code as adopted by the State Fire Prevention Commission.

(2) BEGINNING JULY 1, 2024, SMOKE DETECTION EQUIPMENT CONSISTENT WITH NFPA 72: NATIONAL FIRE ALARM AND SIGNALING CODE STANDARDS SHALL BE INSTALLED IN EACH PUBLIC CORRIDOR ACCESSIBLE BY UNITS IN A RESIDENTIAL RENTAL HIGH-RISE BUILDING.

(c) Smoke alarms shall:

(1) be installed in accordance with NFPA 72: National Fire Alarm AND SIGNALING Code as referenced by the State Fire Prevention Code;

(2) be listed and labeled by a nationally recognized testing laboratory to comply with Underwriters Laboratories (UL) 217, “Standard for safety for single and multiple station smoke alarms”;

(3) be suitable for sensing visible or invisible products of combustion; and

(4) sound an alarm suitable to warn the occupants.

(d) Local jurisdictions may adopt smoke alarm regulations that are more stringent than the provisions of this subtitle.

9–105.

(a) Each sleeping room occupied by a deaf or hard of hearing individual shall be provided with a smoke alarm suitable to alert the deaf or hard of hearing individual.

(b) **(1)** On written request on behalf of a tenant who is deaf or hard of hearing, a sleeping room occupied by a deaf or hard of hearing individual shall be provided with an approved notification appliance designed to alert deaf or hard of hearing individuals.

(2) The landlord shall provide a notification appliance that, when activated, provides a signal that is sufficient to warn the deaf or hard of hearing tenant in those sleeping rooms.

(3) THE LANDLORD MAY NOT REQUIRE THAT A TENANT:

(I) PAY FOR THE PURCHASE OR INSTALLATION OF A NOTIFICATION APPLIANCE; OR

(II) PROVIDE ANY SUPPORTING DOCUMENTATION OR OTHER FORM OF EVIDENCE WITH A WRITTEN REQUEST FOR A NOTIFICATION APPLIANCE.

(c) Hotels and motels shall have available at least one approved notification appliance for the deaf or hard of hearing individual for each 50 units or fraction of 50 units.

(d) Hotels and motels shall post in a conspicuous place at the registration desk a permanent sign that states the availability of smoke alarm notification appliances for the deaf or hard of hearing individual.

(e) (1) Hotels and motels may require a refundable deposit for notification appliances for the deaf or hard of hearing individual.

(2) The amount of the deposit may not exceed the value of the notification appliance.

(f) A landlord may **NOT** require reimbursement from a tenant for the cost of a smoke alarm required under this section.

9–403.

(a) Each high-rise building constructed after July 1, 1974, shall be protected by a complete automatic sprinkler system installed in accordance with accepted engineering practices as approved by the authority with jurisdiction.

(b) (1) This section does not apply to a building that is less than 75 feet in height above grade level if:

(i) the local fire department has at least one approved first line piece of aerial equipment that is capable of reaching the roof of the building; and

(ii) accessibility to the building is provided on two sides of the perimeter of the building by a public way that is:

1. kept accessible at all times to the local fire department; and

2. close enough to the building to allow the fire department aerial equipment to reach 75 feet in height.

(2) For purposes of this subsection, height above grade level shall be determined by using the lowest elevation of the public way as a reference datum.

(C) (1) BEGINNING JULY 1, 2024, THE OWNER OF A RESIDENTIAL RENTAL HIGH-RISE BUILDING THAT IS NOT PROTECTED BY A COMPLETE AUTOMATIC SPRINKLER SYSTEM SHALL POST NOTICE IN THE BUILDING IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) STATE, IN LETTERING THAT IS AT LEAST 1 INCH HIGH AND ON A CONTRASTING BACKGROUND, "WARNING: THIS HIGH-RISE BUILDING IS NOT PROTECTED THROUGHOUT BY A COMPLETE AUTOMATIC SPRINKLER SYSTEM"; AND

(II) BE CONSPICUOUSLY POSTED AT ALL MAIN BUILDING ENTRANCES AS APPROVED BY THE AUTHORITY HAVING JURISDICTION.

(D) (1) BEGINNING JULY 1, 2024, AND CONTINUING UNTIL A RESIDENTIAL RENTAL HIGH-RISE BUILDING IS PROTECTED BY A COMPLETE AUTOMATIC SPRINKLER SYSTEM, THE OWNER OF A RESIDENTIAL RENTAL HIGH-RISE BUILDING THAT IS NOT PROTECTED SHALL INCLUDE IN ANY LEASE AGREEMENT CONSPICUOUS NOTICE INDICATING THAT THE BUILDING IS NOT CURRENTLY PROTECTED BY A COMPLETE AUTOMATIC SPRINKLER SYSTEM.

(2) NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE INITIALED BY THE TENANT.

(E) (1) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, IN COORDINATION WITH THE STATE FIRE MARSHAL AND THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, SHALL IDENTIFY FUNDING SOURCES THAT MAY BE AVAILABLE TO THE OWNER OF A RESIDENTIAL RENTAL HIGH-RISE BUILDING TO AID THE OWNER IN PROTECTING THE BUILDING WITH A COMPLETE AUTOMATIC SPRINKLER SYSTEM.

(2) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL PUBLISH INFORMATION ON FUNDING SOURCES IDENTIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S WEBSITE.

1 9-405.

2 (A) For fire safety purposes, the owner of a residential high-rise building with
3 rental units shall provide:

4 (1) reasonable written notice annually to all residents of the residential
5 high-rise building to inform residents who are mobility impaired of their right to request a
6 rental unit on the first five floors of the high-rise building if one should become available;
7 AND

8 (2) FIRE SAFETY AND BUILDING EVACUATION INFORMATION AND
9 INSTRUCTION TO:

10 (I) NEW TENANTS AT THE COMMENCEMENT OF OCCUPANCY;
11 AND

12 (II) EXISTING TENANTS EVERY 6 MONTHS.

13 (B) INFORMATION AND INSTRUCTION PROVIDED UNDER SUBSECTION (A)(2)
14 OF THIS SECTION SHALL INCLUDE IDENTIFICATION OF FIRE ALARM SYSTEM
15 ELEMENTS IN THE BUILDING.

16 9-406.

17 EACH RESIDENTIAL RENTAL HIGH-RISE BUILDING SHALL BE EQUIPPED WITH
18 EMERGENCY ESCAPE LIGHTING CONSISTENT WITH APPLICABLE NFPA STANDARDS
19 FOR ALL COMMON MEANS OF EGRESS.

20 Article – Tax – Property

21 9-268.

22 (A) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE
23 GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY LAW,
24 A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX
25 IMPOSED ON AN APARTMENT BUILDING OR A CONDOMINIUM BUILDING IF THE
26 OWNER OF THE APARTMENT BUILDING OR THE CONDOMINIUM ASSOCIATION MADE
27 FIRE SAFETY IMPROVEMENTS TO THE BUILDING ON OR AFTER JULY 1, 2024.

28 (B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE
29 GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY
30 LAW, FOR:

(1) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION; AND

(3) ANY OTHER PROVISION NECESSARY TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup to Develop Fire Safety Best Practices for Pre-1974 High-Rise Buildings.

(b) The Workgroup consists of the following members:

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

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

(3) the State Fire Marshal, or the State Fire Marshal's designee;

(4) the chair of the State Fire Prevention Commission, or the chair's designee;

(5) the president of the Maryland Fire Chiefs Association, or the president's designee;

(6) the president of the Maryland State Firemen's Association, or the president's designee; and

(7) the following members, appointed by the Governor:

(i) one representative of the Professional Fire Fighters of Maryland;

(ii) one representative of a fire sprinkler trade association;

(iii) one representative of a fire alarm trade association;

(iv) one licensed architect;

(v) one fire protection engineer;

(vi) one representative of a building owners and managers association; and

(vii) one full-time resident of a high-rise building located in the State.

(c) The State Fire Marshal or the State Fire Marshal's designee shall serve as the chair of the Workgroup.

(d) The Department of State Police shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

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

(f) (1) The Workgroup shall:

(i) study current strategies, practices, and technology for the installation of fire alarm and automatic fire sprinkler systems in residential rental high-rise buildings constructed before 1974; and

(ii) develop best practices and make recommendations for the installation of such systems in residential rental high-rise buildings constructed before 1974 in the State.

(2) In developing recommendations under paragraph (1) of this section, the Workgroup shall consider:

(i) the cost, design, installation, testing, and maintenance of automatic fire sprinkler systems;

(ii) the duration of installation and the intensity of the disruption of normal occupancy in high-rise rental buildings; and

(iii) the availability and feasibility of alternative approved protection systems and arrangements.

(g) On or before December 31, 2024, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2024.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2024. Section 2 of this Act shall remain

1 effective for a period of 1 year and 1 month and, at the end of June 30, 2025, Section 2 of
2 this Act, with no further action required by the General Assembly, shall be abrogated and
3 of no further force and effect.