

SENATE BILL 689

E4, Q1

4lr1988
CF HB 823

By: **Senator Smith**

Introduced and read first time: January 29, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2024

CHAPTER _____

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 Apartment Buildings; and generally relating to fire protection and
15 prevention in 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY adding to
Article – Tax – Property
Section 9–268
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) **(1) IN THIS SECTION, “HIGH–RISE BUILDING” MEANS A BUILDING FOR
HUMAN OCCUPANCY THAT IS:**

(I) SEVEN OR MORE STORIES ABOVE GRADE LEVEL; OR

(II) OVER 75 FEET IN HEIGHT.

(2) “HIGH–RISE BUILDING” DOES NOT INCLUDE:

**(I) A STRUCTURE OR BUILDING USED EXCLUSIVELY FOR
OPEN–AIR PARKING; OR**

**(II) A BUILDING USED EXCLUSIVELY FOR AGRICULTURAL
PURPOSES.**

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

~~(b) (C)~~ **(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) (I) BEGINNING JULY 1, 2024, SMOKE DETECTION EQUIPMENT
CONSISTENT WITH NFPA 72: NATIONAL FIRE ALARM AND SIGNALING CODE
STANDARDS 31, 2025, SMOKE DETECTORS SHALL BE INSTALLED IN ACCORDANCE
WITH LOCATION AND SPACING REQUIREMENTS ESTABLISHED BY THE NATIONAL
FIRE PROTECTION ASSOCIATION IN EACH INTERIOR PUBLIC CORRIDOR
ACCESSIBLE BY UNITS IN A RESIDENTIAL RENTAL HIGH–RISE BUILDING.**

(II) A COUNTY MAY NOT REQUIRE UPGRADES TO FIRE SAFETY SYSTEMS NOT SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AS A CONDITION OF ISSUING A PERMIT FOR THE INSTALLATION OF SMOKE DETECTORS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

~~(C)~~ **(D)** 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)~~ **(E)** 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, **DEAFBLIND**, or hard of hearing individual shall be provided with a smoke alarm suitable to alert the deaf, **DEAFBLIND**, or hard of hearing individual.

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

(e) (1) Hotels and motels may require a refundable deposit for notification appliances for the deaf, **DEAFBLIND**, 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~~ JANUARY 1, 2025, 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 OR THE GOVERNING BODY OF A CONDOMINIUM OR
COOPERATIVE HOUSING CORPORATION TO AID THE OWNER OR GOVERNING BODY 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.

9–405.

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

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

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

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

(II) EXISTING TENANTS EVERY ~~6 MONTHS~~ 2 YEARS.

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

9-406.

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

Article – Tax – Property

9-268.

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

(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY 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 Apartment 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~~ two representatives 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.~~

(i) study fire safety risks in high-rise apartment buildings that do not have automatic sprinkler systems or other fire safety technology;

(ii) study current strategies, practices, and technology to mitigate fire risks, maximize evacuation of occupants, and allow for greater access and more expedient responses by emergency response professionals; and

(iii) develop recommendations and best practices for the improvement of fire safety in high-rise apartment buildings that do not have fire sprinkler systems and other fire safety technology.

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

(i) the availability, feasibility, and degree of fire hazard mitigation of each alternative fire protection system or arrangement;

(ii) the cost, design, installation, testing, and maintenance of each fire protection system; and

1 (iii) the duration of installation for each alternative fire protection
2 system and the intensity of the disruption of normal occupancy caused by installation.

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

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

8 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
9 3 of this Act, this Act shall take effect June 1, 2024. Section 2 of this Act shall remain
10 effective for a period of 1 year and 1 month and, at the end of June 30, 2025, Section 2 of
11 this Act, with no further action required by the General Assembly, shall be abrogated and
12 of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.