Montgomery County Council

Committee: PS
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #smokeescapehoods

AGENDA ITEM #6
October 6, 2026
Public Hearing

SUBJECT

Bill 43-26, Fire Safety – Smoke Escape Hoods in Multifamily Residential Rental Buildings

Lead Sponsor: Councilmember Stewart

Co-Sponsors: Council President Fani-González, Councilmembers Katz and Evans, Council Vice President Balcombe, and Councilmembers Luedtke, Mink, and Sayles

EXPECTED ATTENDEES

Members of the public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; to receive public testimony

DESCRIPTION/ISSUE

Bill 43-26 would:

(1) require a property owner of certain multifamily residential rental buildings to provide smoke escape hoods for occupants' use during a fire emergency;
(2) establish notice, inspection, and maintenance requirements for smoke escape hoods; and
(3) generally amend the law regarding fire safety and protection in the County.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

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AGENDA ITEM #6
October 6, 2026
Public Hearing

M E M O R A N D U M

October 1, 2026

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 43-26, Fire Safety – Smoke Escape Hoods in Multifamily Residential Rental Buildings

PURPOSE: **Public Hearing** – no Council votes required

Bill 43-26, Fire Safety – Smoke Escape Hoods in Multifamily Residential Rental Buildings, Lead Sponsor Councilmember Stewart, Co-Sponsors Council President Fani-González, Councilmembers Katz and Evans, Council Vice President Balcombe, and Councilmembers Luedtke, Mink, and Sayles was introduced on September 15, 2026. [1] A Public Safety Committee worksession will be scheduled at a later date.

Bill 43-26 would:

(1) require a property owner of certain multifamily residential rental buildings to provide smoke escape hoods for occupants' use during a fire emergency;
(2) establish notice, inspection, and maintenance requirements for smoke escape hoods; and
(3) generally amend the law regarding fire safety and protection in the County.

BACKGROUND

Bill 43-26 would require smoke escape hoods in mid-to-high-rise rental buildings, providing an additional life-safety measure for occupants during a fire emergency and reasonably reducing the risk of injury or death from exposure to smoke and toxic fire gases. Councilmember Stewart's memorandum provides more detail on the purpose and use of the hoods. See Lead Sponsor Memorandum at © 6.

The bill seeks to further expand tenant protections that the County Council passed unanimously under the Melanie Diaz Act.[2] The Act requires landlords to notify tenants of fire

[1] #smokeescapehoods
[2] The Melanie Diaz Act (Bill 7-24, Tenant Notification and Protection). The bill requires residential leases to clearly state whether the building has automatic sprinkler systems, inform tenants of emergency plans, and specify whether

safety, insurance, and building maintenance issues. After the death of Melanie Diaz, due to a high-rise building fire in Silver Spring that did not have automatic sprinkler systems, the Diaz family donated new smoke hoods to the fire department to raise awareness and provide additional equipment to aid an individual's life during a fire emergency.[3]

According to the American National Standards Institute (ANSI), a smoke hood, also called a respiratory protective smoke escape device (RPED), is a hood wherein a transparent airtight bag seals around the head of the wearer while an air filter held in the mouth connects to the outside atmosphere and is used to breathe (usually provides an additional 15 minutes of breathing time). Essentially, it is an emergency device that helps people escape through areas with toxic gases, fumes, smoke, particulate matter, or other atmospheres that are immediately dangerous to life or health.[4]

Here is an introductory video on using smoke escape hoods, presented by the Montgomery County Fire and Rescue Service: https://www.youtube.com/watch?v=paBO74EiCdM.

Montgomery County would be the first jurisdiction in the United States to require smoke escape hoods in residential buildings. International jurisdictions, such as Europe (Austria) and the United Kingdom, have fire safety regulations that require smoke escape hoods on fire trucks or in certain buildings (hospitals).

BILL SPECIFICS

Bill 43-26 would require owners of multifamily residential rental buildings five stories or higher to provide smoke escape hoods in the building. Specifically, the number of smoke escape hoods must meet the statutory minimum of 5% of the building's occupancy. The Fire Chief may require additional smoke escape hoods, but the additional amount must not exceed 10% of the building's occupancy.

The legislation provides criteria the Fire Chief must use to determine whether a building owner must provide additional smoke hoods. The criteria include:

- the number of occupants;
- the height, size, and configuration of the building;
- the number, location, and accessibility of means of egress;
- the building's fire detection, alarm, and other life-safety systems;
- the building's construction type;
- the anticipated ability of occupants to safely evacuate during a fire emergency; and
- other factors that affect occupant safety during a fire emergency.

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the lease insures tenants' possessions against loss or damage from fire, smoke, or water. It also requires 24-hour availability of a building representative and notification to tenants of any disruption of essential services and emergency safety plans for each building.

[3]After daughter's death, family donates smoke hoods to Montgomery Co. fire crews. https://wtop.com/maryland/2025/12/after-daughters-death-family-donates-smoke-hoods-to-montgomery-co-fire-crews/

[4] https://blog.ansi.org/ansi/ansi-isea-110-2009-air-purifying-respirators/

The owner must keep all smoke escape hoods on-site so emergency responders can deploy them to help occupants evacuate during a fire or other emergency requiring evacuation. The legislation also includes certain tenant notices, maintenance, inspection, and storage requirements for the smoke escape hoods. Further, an owner may not pass the purchase or maintenance costs on to the tenant.

The Director of Permitting Services would be responsible for certifying the number of smoke hoods in a building, along with enforcement and compliance verification. The requirements under the bill would become effective 18 months after passage. Failure to comply would subject the owner to penalties and enforcement under the County's fire safety code.

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Bill No. 43-26
Concerning: Fire Safety – Smoke Escape Hoods in Multifamily Residential Rental Buildings
Revised: 9/3/2026 Draft No. 4
Introduced: September 15, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Stewart
Co-Sponsors: Council President Fani-González, Councilmembers Katz and Evans, Council Vice President Balcombe and Councilmembers Luedtke, Mink, and Sayles

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AN ACT to:

(1) require a property owner of certain multifamily residential rental buildings to provide smoke escape hoods for occupants' use during a fire emergency;
(2) establish notice, inspection, and maintenance requirements for smoke escape hoods; and
(3) generally amend the law regarding fire safety and protection in the County.

By adding
Montgomery County Code
Chapter 22, Fire Safety Code
Section 22-39A

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. 22-39A is added, as follows:

22-39A. Fire Safety and Protection – Smoke escape hoods in multifamily dwellings.

(a) *Definitions.* In this Section, the words have the following meanings:

Building occupancy means the maximum number of occupants permitted in a residential or commercial building as determined by the Department of Permitting Services.

Multifamily residential rental building means any residential rental building with 5 or more stories above grade level.

Smoke escape hood means a personal respiratory protective equipment or fire hood that:

(1) is designed for personal use during an emergency escape from a structural fire;

(2) protects from smoke, carbon monoxide, and other toxic fire gases for a limited period of time; and

(3) complies with the applicable performance and fire safety standards of the American National Standards Institute (ANSI).

(b) *Smoke escape hood - required.* The owner of a multifamily residential rental building must provide and maintain smoke escape hoods on-site, a minimum amount of 5 percent of the building's occupancy.

(c) *Calculation.* If the calculation of the minimum amount under subsection (b) does not yield a whole number, the result must be rounded up to the next whole number.

(d) *Additional smoke escape hoods.*

(1) The Fire Chief may require an owner to provide and maintain more than the minimum number of smoke escape hoods required under

subsection (b), based on the size, occupancy, or other characteristics of the building that affect the safety of occupants during a fire emergency, but the total number required may not exceed 10 percent of the building's occupancy.

(2) In determining whether additional smoke escape hoods are required, the Fire Chief must consider factors that affect the safety of occupants during a fire emergency, including:

(A) the number of occupants;

(B) the height, size, and configuration of the building;

(C) the number, location, and accessibility of means of egress;

(D) the building's fire detection, alarm, and other life-safety systems;

(E) the building's construction type;

(F) the anticipated ability of occupants to safely evacuate during a fire emergency; and

(G) other factors that affect occupant safety during a fire emergency.

(e) *Certification.* The Director must establish a process to certify that an applicable building has the number of smoke escape hoods required under this Section.

(f) *Storage location of smoke escape hoods.*

(1) The owner must maintain all smoke escape hoods on-site for deployment by emergency responders for occupants during a fire or other emergency requiring evacuation.

(2) The storage location of a smoke escape hood must be approved by the Director, in consultation with the Fire Chief and the property owner.

(3) The owner must ensure that the storage location remains readily accessible to emergency responders and that the smoke escape hoods are available for deployment at all times.

(g) *Maintenance and inspection*. The property owner must:

(1) inspect each smoke escape hood annually;

(2) replace any damaged, expired, or missing hood;

(3) follow manufacturer's instructions for maintenance;

(4) maintain records demonstrating compliance; and

(5) comply with Section 22-26 {Maintenance of fire safety equipment}.

(h) *Tenant notice*.

(1) At the commencement of a tenancy, the owner must inform the tenant of the location and intended use of the smoke escape hood.

(2) The landlord may not require a tenant to pay for the purchase, inspection, maintenance, or replacement of a smoke escape hood.

(i) *Enforcement; penalties*. The Director or Director's designee may inspect a multifamily residential building for compliance with this Section. A violation of this Section is subject to the penalties and other remedies provided in Section 22-22.

(j) *Regulations*. The Director of the Department of Permitting Services, in consultation with the Fire Chief, and the Director of the Department of Housing and Community Affairs, may adopt regulations necessary to administer and enforce this Section, including establishing:

(1) the process an owner must follow to obtain certification of the number of smoke escape hoods required for each applicable building to comply with subsection (b); and

(2) requirements for the storage, location, inspection, maintenance, and replacement of a smoke escape hood.

Sec. 2. Transition. An owner must comply with the requirements of Section 1 within 18 months after the effective date of this Act.

MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

KATE STEWART
COUNCILMEMBER
MONTGOMERY COUNTY COUNCIL

Bill 43-26 Fire Safety - Smoke Escape Hoods
September 2026

Background

Every minute of a fire emergency is critical to ensuring the survival and health of victims. During a fire, toxic chemicals like carbon monoxide, hydrogen cyanide and other inorganic acids are released into the air and inhaled by those in the building. Inhalation of these toxic elements often leads to carbon monoxide poisoning, oxygen deficiency and exposure to lethal levels of chemicals claiming the lives of many and making smoke inhalation the number one cause of death during a building fire. For those who survive building fires, extended inhalation of these chemicals can lead to life altering injuries, such as brain injury and organ failure.

As we look for ways to keep people safe from harm, smoke escape hoods are a proven tool to assist firefighters in helping people evacuate a fire and should be readily available, especially in our high-rise buildings.

What are smoke escape hoods?

Smoke escape hoods are lifesaving tools that have been recently introduced into the Montgomery County Fire and Rescue Service (MCFRS) toolbox, making Montgomery County one of the first jurisdictions in the country to use this life saving device.

Smoke escape hoods are heat-resistant hoods with filters that are designed to protect the eyes, face, and lungs from toxic smoke and gasses during evacuation. These portable masks provide much needed reprieve from inhaling toxic smoke during a fire emergency.

Drager (Escape and Respirator Hoods)

Smoke escape hoods provide 15 minutes of clean-filtered air significantly reducing the amount of toxic chemicals inhaled during a building fire. The snugly fighting hoods are designed to prevent toxic smoke from entering and seal in the oxygen. Furthermore, the hoods are equipped with anti-fog visors that provide individuals vision in a smoke filled, hot environment, allowing victims to be able to access exits quicker and allowing a quicker escape from fire.

Use of Smoke Escape Hoods in Montgomery County

Due to the generous donation of the family of Melanie Diaz, the victim of the Arrive fire in 2023, Montgomery County Fire and Rescue Service has been able to acquire a limited number of these masks. You can watch the press conference here.

To increase the safety of those living in high rise buildings, we are introducing Bill 43-26 Fire Safety - Smoke Escape Hoods.

Bill 43-26 requires residential buildings 5 stories or higher to have smoke escape hoods onsite for firefighters to access in case of a fire emergency.

The bill sets a minimum number of hoods at 5% of the building's occupancy, and authorizes the Director of DPS to increase the number of hoods required if needed. The bill limits the number of hoods to no more than 10% of the building's occupancy.

The hoods will be onsite in the building and readily accessible to emergency responders for deployment at all times. The ready availability of these hoods in residential buildings will allow for this life saving tool to be widely accessible to many individuals across the county.

Costs

The cost for a smoke escape hood can range between $265 to $450 with most averaging around $335 per unit. Each unit holds a shelf life of 5 to 15 years provided a filter change eight years after manufacturing.