PS Committee Item #2
November 9, 2026
Worksession

M E M O R A N D U M

November 4, 2026

TO: Public Safety Committee

FROM: Ludeen McCartney-Green, Legislative Attorney

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

PURPOSE: Worksession – to receive a committee recommendation

Expected Attendees
Corey Smedley, Fire Chief, Montgomery County Fire and Rescue Service
Dominic Colletti, Assistant Fire Chief, Montgomery County Fire and Rescue Service
Department of Permitting Services Representative

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 is scheduled for November 9, 2026, at 1:30 PM.

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.

[1] #smokeescapehoods

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 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 providing 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 and/or in certain buildings, such as 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;

[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 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 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.

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 certify the number of smoke hoods in a building and enforce and verify compliance. The bill's requirements would take effect 18 months after passage. Noncompliance would subject the owner to penalties and enforcement under the County's fire safety code.

SUMMARY OF IMPACT STATEMENTS

Fiscal Impact. According to the Office of Management and Budget, Bill 43-26 has no fiscal impact. DPS inspectors will incorporate smoke escape hood evaluations into existing Emergency Safety Plan reviews, and the department anticipates approximately 120 hours to develop the necessary regulations. Although inspection times and documentation requirements may increase modestly, DPS does not expect to need additional resources to implement the bill.

Economic Impact. The Office of Legislative Oversight (OLO) "anticipates that Bill 43-26 would have a negative effect on overall economic conditions in the County, as measured by the Council's priority economic indicators."

OLO continues, "The Bill would negatively impact owners of rental properties subject to these requirements. They would incur initial and recurring costs from purchasing smoke hooks, maintaining County-approved storage accessible to emergency responders, conducting annual inspections and maintenance, maintaining compliance records, notifying tenants, and obtaining County certification. Higher operating expenses would likely reduce affected landlords' net operating income. However, some landlords may recover a portion of these costs over time through higher rents.

The Bill's overall negative economic impacts would be mitigated if: (1) landlords purchase smoke hoods from a local vendor; or (2) smoke hoods substantially reduce economic losses that occur from fatal and nonfatal injuries."

Racial Equity and Social Justice Impact. "OLO anticipates Bill 43-26 could have a positive impact on racial equity and social justice (RESJ) in the County. All community members renting units in mid- to high-rise buildings could benefit from smoke escape hoods in a fire emergency. Black and Latinx community members could especially benefit because of their disproportionate representation among renters in the County." OLO does not recommend any

RESJ amendments to Bill 43-26, as the Bill is anticipated to have a positive impact on RESJ in the County.

Climate Assessment. "OLO anticipates that Bill 43-26 will have no impact on the County's contribution to addressing climate change…"

SUMMARY OF PUBLIC HEARING

The County held a public hearing for Bill 43-26 on October 6, 2026. The Council also received written testimony as part of the record. Public testimony may be found here.

Supporters emphasized that smoke inhalation is the leading cause of fire-related death and that smoke escape hoods can be the difference between life and death in a high-rise evacuation. Several speakers drew directly on their experience during the Arrive Silver Spring fire, arguing that accessible on-site hoods could have helped avoid fatality in the fire. Assistant Chief Colletti described MCFRS's current deployment of hoods on fire apparatus as a critical first step, but urged equipping buildings as a necessary next step, given the scale of large multifamily buildings. Additional support stressed the importance of accessibility for elderly, disabled, and mobility-impaired residents who may not be able to evacuate quickly.

Those in opposition consistently recognized the bill's intent but argued that the mandate places responsibility in the wrong hands. The central argument across virtually all opposition testimony was that smoke escape hoods are emergency response tools best deployed by trained firefighters who carry them on fire engine trucks. Opposition also raised concerns about the practical and legal complexities of implementation. Multiple speakers noted that no other jurisdiction in the United States imposes this requirement on building owners. Those in opposition further argued that the bill is inconsistent in scope, applying only to multifamily rental buildings while excluding high-rise condominiums, hotels, office buildings, hospitals, nursing homes, and assisted living facilities.

ISSUES FOR THE COMMITTEE'S DISCUSSION

1. Clarify the type of performance standard for the smoke escape hoods.

Council staff would recommend the Committee adopt amendments to identify the specific standard required for the smoke escape hoods. As introduced, the bill requires that the smoke escape hood, among other things, complies with the applicable performance and fire safety standards under the American National Standards Institute (ANSI); however, it was identified by the Apartment and Office Building Association (AOBA) that the performance standards under Advancing Standards Transforming Markets (ASTM) E2952-24 were more directly applicable to United States product standards, rather than international standards by ANSI.

While both governing manuals cover performance, design, and certification requirements for air-purifying respiratory protective smoke-escape devices, Council staff agree that ASTM E2952-24 is the more current standard and has superseded the scope and framework originally provided under the ANSI/ISEA 110. Therefore, the following amendment is recommended:

Amend line 17, as follows:

> *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)**]]** Advancing Standards Transforming Markets (ASTM) E2952-24 or later adopted versions.

Decision Point #1: Whether to adopt the amendments described above?

2. Clarifying the definition of building occupancy.

a) To clarify the bill's intent, Council staff would recommend the following amendment to indicate "authorized" or lawful rather than "determined" by DPS. Using "authorized" indicates that DPS approves or permits the occupancy and it is not based on an estimate:

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

Decision Point #2a: Does the PS Committee wish to modify the definition of building occupancy?

b) Councilmember Luedtke may recommend a clarifying amendment to the smoke escape hood requirement regarding building occupancy to ensure its meaning is clear and unambiguous. Building occupancy refers to the fixed number of occupants permitted in a building, as calculated and displayed on the use and occupancy (U&O) certificate issued by the Department of Permitting Services (DPS). The U&O indicates the maximum permitted occupancy load in a building. This metric is objective and does not depend on the number of tenants renting at a given time.

Amend lines 20 and 30, as follows:

> *Smoke escape hood - required.* The owner of a multifamily residential rental building must provide and maintain on-site a number of smoke escape hoods equal to a minimum of 5% of the permitted building **[[**building's**]]** occupancy.

* * *

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 permitted building **[[**building's**]]** occupancy.

Decision Point #2b? Whether to insert "permitted" to clarify building occupancy?

3. Method 2 Regulations.

Currently, as introduced in Bill 43-26, the Director of DPS, in consultation with the Fire Chief and the Director of the Department of Housing and Community Affairs, may adopt regulations necessary to implement and administer the bill's requirements, including certification of the smoke hoods and storage location of smoke escape hoods.

The legislation is silent on the type of method. Council staff would recommend that the PS committee clarify that Method 2 should be used. Method 2 requires that Council, by resolution, approve or disapprove the proposed regulations within 60 days of receiving them.[5]

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 Method 2 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.

Decision Point #4: Whether to adopt Method 2 regulations?

This packet contains:	Circle #
Bill 43-26	1
Lead Sponsor's Memorandum	6
Fiscal Impact Statement	9
Economic Impact Statement	11
Climate Assessment	18

[5] Section 2A-15 of the Montgomery County Code.

Bill No. 43-26
Concerning: Fire Safety – Smoke Escape Hoods in Multifamily Residential Rental Buildings
Revised: 9/3/2026 Draft No. 5
Introduced: September 15, 2026
Expiration: December 7, 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

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.

Fiscal Impact Statement

Office of Management and Budget

Bill 43-26	**Fire Safety - Smoke Escape Hoods in Multifamily Residential Rental Buildings**
Bill Summary	Bill 43-26 requires owners of mid to high rise multifamily rental buildings that are five stories or taller to provide smoke escape hoods for residents during fire emergencies, supplying at least five percent of building occupancy and authorizing the Department of Permitting Services (DPS) to raise that requirement to 10 percent. These heat resistant, filtered hoods protect occupants from toxic smoke and gases, and the bill establishes notice, inspection, and maintenance standards to ensure they remain functional and accessible. Together, these measures offer an added life safety layer that reduces the risk of injury or death during fires and expand tenant protections previously enacted under the Melanie Diaz Act.
Fiscal Impact Summary	There is no fiscal impact associated with Bill 43-26.

Fiscal Year	**27**	**28**	**29**	**30**	**31**	**32**	**Total**
Personnel Costs	$0	$0	$0	$0	$0	$0	$0
Operating Expenses	$0	$0	$0	$0	$0	$0	$0
Total Expenditures	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**
Revenues	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**
Total Impact	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**
FTE	0.00	0.00	0.00	0.00	0.00	0.00	

Fiscal Impact Analysis	DPS Fire Code Compliance inspectors already conduct regular safety inspections in apartment buildings, and once the buildings requiring smoke escape hoods are identified, inspectors will incorporate hood evaluations into each building's Emergency Safety Plan review. DPS anticipates needing about 120 hours to develop and adopt the necessary regulations under Chapter 22 of the County Code. Although this added responsibility may lengthen inspection times and increase documentation requirements for program managers as part of the annual fire code compliance permit process, the department does not expect to require additional resources to implement the bill.
Staff Impact	The bill is not expected to impact staff time or duties.
Actuarial Analysis	The bill is not expected to impact retiree pension or group insurance costs.
Information Technology Impact	The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.
Other Information	
Later actions that may impact revenue or expenditures if future spending is projected	The bill does not authorize future spending.

Contributors	Ehsan Motazedi, Department of Permitting Services Patsy Warnick, Department of Permitting Services Anita Aryeetey, Office of Management and Budget

Economic Impact Statement

Montgomery County, Maryland

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

Summary

The Office of Legislative Oversight (OLO) anticipates that Bill 43-26 would have a negative effect on overall economic conditions in the County, as measured by the Council's priority economic indicators.

This analysis examines the economic impacts of the Bill's provisions that would: (1) require owners of multifamily rental buildings with five or more stories above grade to provide and maintain smoke escape hoods; (2) establish requirements for hood quantities, storage, inspection, maintenance, replacement, tenant notification, and County certification; and (3) prohibit landlords from requiring tenants to pay for hood purchase, inspection, maintenance, or replacement. To assess the economic impacts of these provisions, this analysis estimates initial purchase, replacement, and annualized equipment costs for 100 smoke escape hoods and draws on national and County-level studies to assess the potential for landlords to pass through smoke escape hood costs to tenants through higher rents.

Based on this evidence, the Bill would negatively impact owners of rental properties subject to these requirements. They would incur initial and recurring costs from purchasing smoke hooks, maintaining County-approved storage accessible to emergency responders, conducting annual inspections and maintenance, maintaining compliance records, notifying tenants, and obtaining County certification. Higher operating expenses would likely reduce affected landlords' net operating income. However, some landlords may recover a portion of these costs over time through higher rents.

The Bill may indirectly increase renters' housing costs if landlords pass some compliance costs on to tenants through higher rents over time. Higher rents would increase affected households' nondiscretionary expenses and, all else being equal, reduce the income available for other spending or savings.

Overall, the Bill would negatively impact economic conditions in the County. In addition to the landlord and renter impacts, the Bill could have a marginal effect on perceptions of the County's rental housing investment climate. OLO identified no direct evidence that the landlord regulations proposed in this Bill, by themselves, would deter private-sector investment in the County's residential rental market. However, this Bill could contribute to some developers' and investors' perceptions that County's rental- housing regulatory environment limits investment.

The Bill's overall negative economic impacts would be mitigated if: (1) landlords purchase smoke hoods from a local vendor or; (2) smoke hoods substantial economic losses that occur from fatal and nonfatal injuries (e.g., medical expenses and loss of earnings).

Background and Purpose of Bill 43-26

In 2024, the County Council passed Bill 7-24, which requires landlords to notify tenants of fire safety, insurance, and building maintenance issues.[1] The Bill was passed in the aftermath of emergencies at apartment buildings, including a building fire that took the life of County resident Melanie Diaz.[2]

Building on established tenant protections in the County, Bill 43-26 would require landlords to provide smoke escape hoods in mid-to-high-rise rental buildings.[3] More specifically, specified apartment buildings would be required to have enough smoke hoods for 5% of the building's occupancy, at minimum.[4] This requirement is intended to reduce the risk of injury or death to building occupants from exposure to smoke and toxic fire gases in the case of a fire or other emergency situation. The Bill also specifies that a building owner "may not pass the purchase or maintenance costs on to the tenant."[5]

A smoke escape hood is an emergency device and an airtight bag that seals around the wearer's head. It has an air filter and can generally provide an additional 15 minutes of breathing time. This can help people escape fire and other situations with toxic gases and/or smoke.[6]

The Council introduced Bill 43-26 on September 15, 2026.

Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the potential effects of Bill 43-26 on residents and private organizations, using the Council's priority economic indicators. In doing so, this analysis seeks to anticipate how the Bill could affect overall economic conditions in the County.[7]

This analysis examines the economic impacts of the Bill's following provisions:

- **Equipment:** Require owners of rental buildings with five or more stories above grade to provide smoke escape hoods for at least 5% of maximum permitted occupancy, with authority for the fire chief to increase the requirement to 10%.
- **Storage:** Require County-approved on-site storage accessible to emergency responders at all times.
- **Upkeep:** Require annual inspections, maintenance, replacement of damaged, expired, or missing hoods, and compliance records.

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[1] Montgomery County Council, Bill 7-24, Landlord-Tenant Relations - Tenant Protection and Notification, Enacted July 16, 2024.
[2] Montgomery County Government, Press Release: County Executive Elrich, Council Vice President Stewart Join Diaz Family to Sign Tenant Safety Bill Into Law, August 8, 2024.
[3] Montgomery County Council, Staff Introduction Report for Bill 43-26, Introduced September 15, 2026.
[4] Ibid.
[5] Ibid.
[6] Elmridge, "Escape Hoods vs. Gas Masks: Designed for Different Emergencies", August 3, 2025.
[7] Montgomery County Code, "Sec. 2-81B, Economic Impact Statements."

- **Tenant notification:** Require owners to inform tenants of the hoods' location and intended use at the start of each tenancy.
- **Tenant charges:** Prohibit landlords from requiring tenants to pay for hood purchase, inspection, maintenance, or replacement.
- **Certification and enforcement:** Require owners to obtain County certification and comply with inspections, with penalties for violations.

To anticipate the proposed policy's likely economic effects, this analysis draws primarily on the following methods and sources of evidence:

- Estimate initial purchase, replacement, and annualized equipment costs for 100 smoke escape hoods under two model options in 2026 dollars.
- Assess the potential for landlords to pass through[8] smoke escape hood costs to tenants through higher rents by reviewing national evidence on operating-cost increases, research on the County's air-conditioning requirement, and the provisions of the County's rent stabilization law.

Variables

The economic effects of Bill 43-26 would primarily depend on the following variables:

- Total annualized cost of smoke hoods per property;
- Location of smoke hood suppliers; and
- Cost pass-through rate.

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

OLO anticipates the Bill would have negative economic effects on affected private-sector entities in the County.

Effects on Landlord Operating Expenses

The Bill's provisions would primarily affect owners of mid-to-high-rise multifamily rental buildings in the County by increasing their operating expenses in several ways.

[8] Cost pass-through arises when a business changes the prices of the products or services it supplies following a change in its own costs. RBB Economics. *Cost Pass-Through: Theory, Measurement, and Potential Policy Implications*. Report prepared for the Office of Fair Trading, United Kingdom, 2014.

These owners would be required to provide smoke escape hoods for at least 5% of maximum permitted occupancy, with authority for the fire chief to increase the requirement to 10%. The Bill sponsor's memorandum states that the cost of smoke escape hoods "can range between $265 to $450 with most averaging around $335 per unit." Advertised prices for two models—Dräger's PARAT 5520 and Elmridge Protection's iEvac E900—suggest that $335 is a plausible preliminary assumption, but they do not establish a market-wide average.[9] Smoke escape hood lifespans and maintenance requirements vary by model. For example, the iEvac E900 has a shelf life of 5½ years from manufacture and requires no maintenance, while the Dräger PARAT 5520 has a total service life of 16 years if its filter is replaced after eight years.[10]

Table 1 illustrates the initial purchase, replacement, and annualized equipment costs for 100 smoke escape hoods under two model options in 2026 dollars. Owners would incur an upfront equipment expenditure of approximately $25,000 to $32,760 per 100 required hoods. When purchase and replacement expenditures are spread over the equipment's shelf life, the additional annualized cost would range from approximately $2,610 to $4,545 per 100 hoods. Actual costs would depend on the quantity required, model selected, and purchase prices at the time of purchase.

Table 1. Purchase, Replacement, and Annualized Equipment Costs per 100 Smoke Escape Hoods

Model	Unit purchase price	Initial cost for 100 hoods	Recurring replacement expenditures	Annualized equipment cost
Elmridge Protection iEvac E900	$250	$25,000	$25,000 for full replacement every 5½ years	$4,545
Dräger PARAT 5520	$328	$32,760	$8,995 for filters in year 8; $32,760 for full replacement in year 16, repeating each 16-year cycle	$2,610

Other provisions of the Bill could increase operating expenses on top of the initial and recurring equipment costs. Owners would likely incur costs to establish and maintain County-approved storage accessible to emergency responders, conduct annual inspections and maintenance, maintain compliance records, notify tenants, and obtain County certification.

Potential for Cost Recovery Through Higher Rents

Higher operating expenses would reduce affected landlords' net operating income unless they were offset through higher rents, reduced expenses elsewhere, or other changes.

[9] Dräger's PARAT 5520 is listed at approximately $328, while the iEvac E900 is listed at $250. WS Supply Store, "Dräger PARAT 5520 Soft Pack Fire and Smoke Escape Hood—PN 3721330 (R59425)"; Elmridge Protection, "iEvac E900 Smoke Hood / Fire Escape Mask."
[10] Elmridge Protection, "iEvac E900 Smoke Hood / Fire Escape Mask"; Dräger, *Technical Data Sheet: Dräger PARAT 5500 Fire Escape Hood*, May 2024.

Importantly, the Bill states: "The landlord may not require a tenant to pay for the purchase, inspection, maintenance, or replacement of a smoke escape hood." OLO interprets this provision as prohibiting explicit charges for smoke hoods. However, the provision does not expressly prohibit landlords from incorporating these expenses into rent. Landlords may therefore pass some of these costs on to tenants through higher rents. Whether they would do so depends on rental market conditions and the constraints imposed by the County's Rent Stabilization Law.

National evidence suggests that landlords may recover a portion of higher operating costs through rents. A Federal Reserve study of rising property insurance costs for multifamily properties found that each $1 increase in insurance costs was associated with approximately $0.74 in lower net income. The findings suggest that landlords absorbed a substantial share of the added costs, while existing tenants bore some costs through higher rents, with little evidence of pass-through to new tenants.[11]

In contrast to the partial cost recovery observed in the national study, evidence from a prior County requirement suggests that landlords may recover compliance costs in full through higher rents over time. Li's study of the County's 2020 air-conditioning requirement found that landlords of units required to add air conditioning increased rents on new leases over the medium to long term by amounts sufficient to recover associated expenditures.[12]

Taken together, these studies suggest that cost recovery is possible but may be incomplete and vary with the type of expense and rental market conditions.

The County's Rent Stabilization Law may limit the timing and amount of cost recovery for covered units. However, it does not necessarily prevent landlords from recovering some added expenses through higher rents. The law permits annual rent increases of up to the lesser of regional CPI-U plus three percentage points or six percent. It also permits landlords to apply eligible "banked" rent increases not taken in previous years, subject to an overall cap on annual increases.[13] These provisions may leave some landlords room to recover added expenses over time. However, they do not guarantee additional cost recovery, because landlords may already have raised rents by the allowable amount even without the Bill.

Exemptions and jurisdictional limits within the rent-stabilization framework give some landlords greater flexibility to adjust rents.[14] Market conditions may also affect the extent of cost recovery. County housing analyses have identified supply constraints and unmet demand for lower-cost rental housing, which may support rent increases in some segments of the market.[15]

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[11] Samuel K. Hughes and Raven Molloy, *Rising Property Insurance Costs and Pass-Through to Rents for Apartment Buildings*, FEDS Notes (Board of Governors of the Federal Reserve System, 2025).
[12] Michelle Li, "Who Pays for Climate Change Adaptation? Investigating the Impact of Mandatory Air Conditioning," Working paper, November 4, 2024.
[13] Montgomery County Department of Housing and Community Affairs, "Rent Stabilization," updated September 17, 2025.
[14] Many units are exempt from the County's rent caps (including certain small owner-occupied properties, newer buildings, and other specified categories), and rental units located within incorporated municipalities such as Rockville and Gaithersburg are not covered by the County's Rent Stabilization Law.
[15] See, for example, Montgomery County Planning Department, *Montgomery County Housing Needs Assessment*, July 2020.

In sum, the Bill's requirements would increase landlords' operating expenses and potentially reduce their net operating income. However, some landlords may recover a portion of these costs over time through higher rents.

Smoke Hood Suppliers

OLO identified one County-based vendor that could supply smoke hoods to affected landlords. Other businesses with County locations may also be able to obtain these products, although their ability to supply appropriate units has not been confirmed. To the extent that landlords purchase smoke hoods from a local vendor, the vendor would receive additional revenue.

Beyond these potential impacts, OLO does not anticipate additional effects on private organizations with respect to the Council's priority indicators.

Residents

OLO anticipates the Bill would have both positive and negative economic effects on affected residents in the County.

Effects on Rents

The Bill may indirectly increase renters' housing costs if landlords pass some compliance costs on to tenants through higher rents over time. Research suggests the distribution of these increases between new and existing tenants may vary. The Federal Reserve study finds evidence consistent with landlords passing higher property insurance costs primarily on to continuing tenants.[16] Li finds rent increases for both new and existing tenants following a mandatory air-conditioning requirement.[17] Higher rents would increase affected households' nondiscretionary expenses and, all else being equal, reduce the income available for other spending or saving.

Potential Economic Benefits of Preventing Deaths and Injuries

To the extent that the Bill's smoke-hood requirements prevent deaths or reduce the occurrence or severity of injuries, they could also avert substantial economic losses for affected residents and their families. Potential benefits include avoided medical expenses and reduced losses of earnings and household productivity.[18] However, whether and to what extent the Bill would produce these benefits is uncertain.

[16] Hughes and Molloy, *Rising Property Insurance Costs and Pass-Through to Rents for Apartment Buildings*.
[17] Li, "Who Pays for Climate Change Adaptation?"
[18] Centers for Disease Control and Prevention, "Economics of Injury and Violence Prevention," Injury and Violence Prevention, March 16, 2026.

Beyond these potential impacts, OLO does not anticipate additional effects on residents with respect to the Council's priority indicators.

Overall Impact

OLO anticipates that Bill 43-26 would have a negative effect on overall economic conditions in the County, as measured by the Council's priority economic indicators.

As discussed in this analysis, the Bill would increase operating costs for owners of some rental properties and potentially reduce their net operating income. However, some landlords may recover a portion of these costs over time through higher rents, which negatively affect tenants.

In addition to the landlord and renter impacts, the Bill could have a marginal effect on perceptions of the County's rental housing investment climate. OLO identified no direct evidence that landlord regulations proposed in this Bill, by themselves, would deter private-sector investment in the County's residential rental market. However, this Bill could contribute to some developers' and investors' perceptions that County's rental- housing regulatory environment limits investment.

The Bill's overall negative economic impacts would be mitigated if: (1) landlords purchase smoke hoods from a local vendor or; (2) smoke hoods substantial economic losses that occur from fatal and nonfatal injuries (e.g., medical expenses and loss of earnings).

Discussion Items

Not applicable

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

Contributions

Stephen Roblin, PhD (OLO) prepared this report.

Climate Assessment

Office of Legislative Oversight

BILL 43-26: FIRE SAFETY – SMOKE ESCAPE HOODS IN MULTIFAMILY RESIDENTIAL RENTAL BUILDINGS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 43-26 will have no impact on the County's contribution to addressing climate change as it is proposing requirements for property owners of mid-to-high-rise multifamily rental buildings to provide smoke escape hoods for use during a fire emergency.

BACKGROUND AND PURPOSE OF BILL 43-26

In 2024, the County Council passed Bill 7-24. This Bill requires landlords to notify tenants of fire safety, insurance, and building maintenance issues.[1] The Bill was developed and passed due to a number of emergency situations in apartment buildings, including a building fire that took the life of County resident Melanie Diaz.[2]

Bill 43-26 would build upon tenant protections established by Bill 7-24. The Bill would require landlords to provide smoke escape hoods in mid-to-high-rise rental buildings.[3] Specifically, the Bill would require the specified apartment buildings to have enough smoke hoods for 5% of the building's occupancy, at minimum.[4] This is intended to reduce the risk of injury or death to building occupants from exposure to smoke and toxic fire gases in the case of a fire or other emergency situation. The Bill also specifies that a building owner "may not pass the purchase or maintenance costs on to the tenant."[5]

A smoke escape hood is an emergency device and an airtight bag that seals around the wearer's head. It has an air filter and can generally provide an additional 15 minutes of breathing time. This can help people escape a fire and other situations with toxic gases and/or smoke.[6]

Bill 43-26 was introduced by the County Council on September 15, 2026.

ANTICIPATED IMPACTS

A smoke escape hood can improve fire and other smoke-related emergency responses. MCFRS conducted an analysis of local incident data, national fire fatality statistics, and after-action reports of fires in high-rise buildings and found:

- Most fire deaths were attributed to smoke inhalation;
- Smoke spreads rapidly in vertical environments, such as high-rise buildings, due to the stack effect; and
- Victims in high-rise fires are often found in corridors and stairwells during attempted evacuation.

Due to these findings, it appears smoke escape hoods can improve the chance of survival for residents of high-rise buildings in the case of a fire or other incident that involves toxic gases and/or smoke.[7] While improved emergency responses can positively affect overall community climate resilience, increasing the number of smoke escape hoods in County mid-to-high-rise buildings would likely not have a large overall impact on all County emergency responses, which includes non-fire related responses.

As the Bill is proposing requirements for property owners of high-rise multifamily buildings to provide smoke escape hoods for use during a fire emergency, OLO anticipates Bill 43-26 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.[8] OLO does not offer recommendations or amendments as Bill 43-26 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help increase the County's community climate resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

[1] Montgomery County Council, Bill 7-24, Landlord-Tenant Relations - Tenant Protection and Notification, Enacted July 16, 2024.
[2] Montgomery County Government, Press Release: County Executive Elrich, Council Vice President Stewart Join Diaz Family to Sign Tenant Safety Bill Into Law, August 8, 2024.
[3] Montgomery County Council, Staff Introduction Report for Bill 43-26, Introduced September 15, 2026.
[4] Ibid.
[5] Ibid.
[6] Elmridge, "Escape Hoods vs. Gas Masks: Designed for Different Emergencies", August 3, 2025.
[7] FireRescue1, "Smoke kills first: Inside MCFRS's high-rise evacuation hood strategy", May 19, 2026.
[8] Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

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

Summary

The Office of Legislative Oversight (OLO) anticipates Bill 43-26 could have a positive impact on racial equity and social justice (RESJ) in the County. All community members renting units in mid-to-high rise buildings could benefit from the availability of smoke escape hoods in the case of fire emergencies. Black and Latinx community members could especially benefit because of their disproportionate representation among renters in the County.

Purpose of RESJ Impact Statements

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.[1] This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.[2]

Purpose of Bill 43-26

In 2024, the County Council passed Bill 7-24. This Bill requires rental property owners to notify tenants of fire safety, insurance, and building maintenance issues.[3] The Bill was developed and passed due to a number of emergency situations in apartment buildings, including a building fire that took the life of County resident Melanie Diaz.[4]

The purpose of Bill 43-26 is to build upon tenant protections established by Bill 7-24. If enacted, the Bill would require rental property owners to provide smoke escape hoods in mid-to-high-rise rental buildings.[5] Specifically, the Bill would require specified apartment buildings to have enough smoke hoods for 5% of the building's occupancy, at minimum.[6] This is intended to reduce the risk of injury or death to building occupants from exposure to smoke and toxic fire gases in the case of a fire or other emergency situation. The Bill would also prohibit rental property owners from requiring tenants to pay for costs related to smoke escape hoods.[7]

A smoke escape hood is an emergency device and an airtight bag that seals around the wearer's head. It has an air filter and can generally provide an additional 15 minutes of breathing time. This can help people escape a fire and other situations with toxic gases and/or smoke.[8]

The Council introduced Bill 43-26 on September 15, 2026.

In March 2024, OLO published a RESJIS for Bill 7-24, Landlord-Tenant Relations – Tenant Protection and Notification. Please refer to this RESJIS for racial equity context on housing safety and quality.[9]

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 43-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

OLO identified the following groups who could be impacted by Bill 43-26:

Tenants of mid-to-high rise buildings could benefit from having smoke escape hoods available in their buildings. This could help protect their health and safety in the case of a fire or other building emergency.

As shown in Table A (Appendix), Black and Latinx households in the County are overrepresented among renter households. White households are underrepresented among renter households, while Asian, Native American, and Pacific Islander households are proportionately represented.

Rental property owners of mid-to-high rise buildings could be burdened by having to provide smoke escape hoods in buildings they own. It would likely increase their operating costs to obtain and maintain the smoke hoods.

As shown in Table B (Appendix), White people are largely overrepresented among rental property and other real estate business owners in the County.

Taken together, OLO anticipates Bill 43-26 could have a positive impact on RESJ in the County.

RECOMMENDED AMENDMENTS

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.[10] OLO anticipates Bill 43-26 could have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Table A. Renter Occupied Households by Race and Ethnicity, Montgomery County

Race or ethnicity[11]	Percent of Renter-Occupied Households	Percent of All Households
Asian	12.3	14.8
Black	31.1	18.7
Native American	0.4	0.5
Pacific Islander	0.1	0.1
White	34.2	48.8
Latinx	20.2	15.5

Source: Table S2502, 2024 American Community Survey 5-Year Estimates, Census Bureau.

Table B. Real Estate and Rental and Leasing Employer Firms by Race and Ethnicity, Montgomery County

Race or ethnicity	Percent of Real Estate and Rental and Leasing Business Owners (NAICS 53)	Percent of All Sectors (NAICS 00)	Percent of Adult Population
Asian	12.4	21.8	16.3
Black	5.1	7.6	18.4
Native American	-	1.4	0.6
Pacific Islander	-	0.1	0.0
White	82.3	69.1	44.3
Latinx	3.9	10.0	19.0

Source: OLO analysis of Table AB2200CSA01, 2022 Annual Business Survey and Table S2101, 2024 American Community Survey 5-Year Estimates, Census Bureau.

[1] Definition of racial equity and social justice adopted from M. Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World and Racial Equity Tools.
[2] Ibid.
[3] Bill 7-24, Montgomery County Council, Enacted July 16, 2024.
[4] "County Executive Elrich, Council Vice President Stewart Join Diaz Family to Sign Tenant Safety Bill Into Law," Press Release, Montgomery County Government, August 8, 2024.
[5] Introduction Staff Report for Bill 43-26, Montgomery County Council, Introduced September 15, 2026.
[6] Ibid.
[7] Ibid, pg. (4).
[8] "Escape Hoods vs. Gas Masks: Designed for Different Emergencies," Elmridge, August 3, 2025.
[9] RESJIS for Bill 7-24, Office of Legislative Oversight, March 25, 2024.
[10] Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.
[11] For Tables A and B, race is inclusive of Latinx origin. Estimates for Native American and Pacific Islander community members are not available for some data points.