

MEMORANDUM

September 20, 2018

TO: Public Safety Committee

FROM: Amanda Mihill, Legislative Attorney *AMihill*

SUBJECT: Bill 23-18, Fire Safety – Carbon Monoxide Alarm

PURPOSE: Worksession – Committee to make recommendations on Bill

Bill 23-18, Fire Safety – Carbon Monoxide Alarm, sponsored by Lead Sponsor Councilmember Rice and Co-Sponsor Councilmember Elrich, was introduced on June 19, 2018. A public hearing was held on July 10 at which the lone speaker, Tom Daley testified on behalf of the Greater Capital Area Association of Realtors in support of Bill 23-18. To Council staff's knowledge, the Council has received no other correspondence or testimony on Bill 23-18.

Bill 23-18 would require the owners of a single-unit, two-unit, and townhouse dwelling unit to install and maintain a carbon monoxide alarm. In discussions with Executive staff, it became clear that two amendments would be beneficial to Bill 23-18. The amendments would:

- limit applicability of the section to single-unit, two-unit and townhouse units for which a building permit was issued before January 1, 2008 (state law already requires carbon monoxide detectors for newly constructed houses for which a building permit is issued on or after that date); and
- move the proposed Section from Chapter 22 (Fire Safety Code) to Chapter 26 (Housing and Building Maintenance Standards).

At the appropriate time, Councilmember Rice intends to offer these amendments, which are on ©7. **Council staff recommendation:** enact Bill 23-18 with the amendment.

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Bill No. 23-18
Concerning: Fire Safety - Carbon
Monoxide Alarm
Revised: 6/11/2018 Draft No. 3
Introduced: June 19, 2018
Expires: December 19, 2019
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Rice

AN ACT to:

- (1) require the owners of certain dwelling units to install and maintain a carbon monoxide alarm; and
- (2) generally amend County fire safety laws.

By adding

Montgomery County Code
Chapter 22, Fire Safety Code
Section 22-99

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

The County Council for Montgomery County, Maryland approves the following Ac

1 Sec. 1. Section 22-99 is added as follows:

2 22-99. Carbon monoxide alarm required.

3 (a) *Required.*

4 (1) The owner of each occupied single-unit, two-unit, and townhouse
5 dwelling unit must install a carbon monoxide alarm in a central
6 location outside of each sleeping area within a dwelling
7 containing a fuel burning appliance.

8 (2) A carbon monoxide alarm must:

9 (A) comply with Underwriters Laboratories standard 2034; and

10 (B) be installed and maintained under NFPA 720 and the
11 manufacturer's instructions.

12 (b) *Equipment.*

13 (1) *Single station carbon monoxide alarms.*

14 (A) A single station carbon monoxide alarm must be battery
15 operated or must receive its primary power from the
16 building wiring system.

17 (B) A plug-in device may satisfy this requirement if it is
18 securely fastened to the structure and installed as directed
19 by the manufacturer's installation instructions.

20 (C) A hard wired or plug-in carbon monoxide alarm must be
21 equipped with battery back-up.

22 (2) *Combination smoke detector/carbon monoxide alarms.*

23 (A) A carbon monoxide alarm may be combined with a smoke
24 detector if the device complies with this Section, Section
25 22-96, and applicable State law.

26 (B) A combination smoke detector/carbon monoxide alarm
27 must receive its primary power from the building wiring

28 when that wiring is served from a commercial source, and
 29 when primary power is interrupted, must receive power
 30 from a battery.

31 (C) A combination smoke detector/carbon monoxide alarm
 32 must have permanent wiring. The only disconnecting
 33 switch allowed is that which is required for over-current
 34 protection. Smoke alarm features of a combination smoke
 35 detector/carbon monoxide alarm must be interconnected.

36 (c) Exceptions. A dwelling unit that does not itself contain a fuel-burning
 37 appliance or have an attached garage, but is located in a building with a
 38 fuel-burning appliance or an attached garage, does not need to be
 39 equipped with a carbon monoxide alarm if:

40 (1) the sleeping unit or dwelling unit is located more than one story
 41 above or below any story which contains a fuel-burning
 42 appliance or attached garage;

43 (2) the sleeping unit or dwelling unit is not connected by ductwork or
 44 ventilation shafts to any room containing a fuel-burning
 45 appliance or to an attached garage; and

46 (3) the building is equipped with a common area carbon monoxide
 47 alarm system, which includes carbon monoxide detectors and
 48 audible notification appliances, installed and maintained in a
 49 manner that satisfies this Section and NFPA 720.

50 (d) Orders to install; penalty.

51 (1) If the State Fire Marshal or local investigating authority finds that
 52 a dwelling unit does not have a carbon monoxide detector as
 53 required under this Section, the State Fire Marshal or local

54 investigating authority must order the owner to install a carbon
55 monoxide alarm within 15 days of the date of the order.

56 (2) Notwithstanding Section 22-22, a violation of this Section is a
57 Class C violation.

58 **Sec. 2. Effective Date.**

59 Section 22-99, as added by Section 1 of this Act, takes effect on July 1, 2019.

60 *Approved:*

61

Hans Riemer, President, County Council Date

62 *Approved:*

63

Isiah Leggett, County Executive Date

64 *This is a correct copy of Council action.*

65

Megan Davey Limarzi, Esq., Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 23-18

Fire Safety – Carbon Monoxide Alarm

DESCRIPTION: Bill 23-18 would require the owners of certain dwelling units to install and maintain a carbon monoxide alarm.

PROBLEM: Carbon monoxide gas is a poisonous gas. Exposure to more than 1,000 parts per million of the gas for just a few hours can cause death.

GOALS AND OBJECTIVES: To ensure that certain homes have a carbon monoxide alarm.

COORDINATION: Fire and Rescue Services

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Amanda Mihill, Legislative Attorney, 240-777-7815

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Class C violation



July 10, 2018

Public Hearing Testimony - Bill 23-18, Fire Safety – Carbon Monoxide Alarm

Council President Riemer and members of the Council, thank you for your time this afternoon. My name is Tom Daley, and I come to you today as President of the Greater Capital Area Association of REALTORS® (“GCAAR”) – the voice of Montgomery County and the District of Columbia’s more than 10,000 REALTORS®, property managers, title attorneys, and other real estate professionals.

On behalf of GCAAR, I ask that you support Bill 23-18, Fire Safety – Carbon Monoxide Alarm.

Over the last year Montgomery County has seen an alarming number of deaths due to carbon monoxide poisoning. After these tragic incidents, Councilmember Rice approached our organization with an idea to introduce legislation requiring carbon monoxide detectors in single family homes. We gladly accepted his invitation to work with him on this important safety measure.

We have worked with our members to ensure this bill aligns with current industry practices and will make our County residents will be safer. Bill 23-18 is based on the best practices in similar jurisdictions like the District of Columbia, and features an effective date of almost a year after passage that will allow a grace period for residents to comply. We would urge the County to do an educational push, similar to the statewide change in fire alarm requirements, and stand ready to work with you on this effort.

Thank you for your consideration of our Association’s perspective, and we look forward to your support of this important legislation.

