

MEMORANDUM

September 28, 2018

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

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

PURPOSE: Action on Bill – Council roll call vote required

Public Safety Committee recommendation: enact with amendments.

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. A Public Safety Committee worksession was held on September 24.

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 amendments would be beneficial to Bill 23-18. The amendments, proposed by Lead Sponsor Rice 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);
- move the proposed Section from Chapter 22 (Fire Safety Code) to Chapter 26 (Housing and Building Maintenance Standards); and
- make additional changes to harmonize the law with existing law and regulations.

At the September 24 worksession, the **Public Safety Committee recommended** (2-0, Councilmember Hucker temporarily absent) enactment with the amendments described above. Councilmember Hucker later indicated that had he been present, he would have voted in the affirmative.

This packet contains:	<u>Circle #</u>
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Bill No. 23-18
Concerning: Fire Safety - Carbon Monoxide Alarm
Revised: 9/24/2018 Draft No. 4
Introduced: June 19, 2018
Expires: December 19, 2019
Enacted: _____
Executive: _____
Effective: July 1, 2019
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Rice
Co-Sponsor: Councilmember Elrich

AN ACT to:

- (1) require the owners of certain dwelling units to install and maintain a carbon monoxide alarm or detector; and
- (2) generally amend County ~~[[fire safety]]~~ laws related to housing and building maintenance standards.

By adding

Montgomery County Code
Chapter ~~[[22, Fire Safety Code]]~~ 26, Housing and Building Maintenance Standards
Section ~~[[22-99]]~~ 26-8A

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 Act

1 Sec. 1. Section ~~[[22-99]] 26-8A~~ is added as follows:

2 ~~[[22-99]] 26-8A. Carbon monoxide alarm or detector required.~~

3 (a) Applicability. The provisions of this Section apply to any occupied
 4 single-unit, two-unit, and townhouse unit, as defined in Chapter 59, for
 5 which a building permit was issued before January 1, 2008.

6 (b) Required.

7 (1) The owner of each occupied single-unit, two-unit, and townhouse
 8 dwelling unit containing a fuel burning appliance or attached
 9 garage must install [[a] carbon monoxide [[alarm in a central
 10 location outside of each sleeping area within a dwelling
 11 containing a fuel burning appliance]] detection and warning
 12 equipment.

13 (2) Carbon monoxide alarms or detectors must be installed as
 14 follows:

15 (A) outside of each separate dwelling unit sleeping area and in
 16 the immediate vicinity of the bedrooms; and

17 (B) on every occupiable level of a dwelling unit, including
 18 basements, excluding attics and crawl spaces.

19 (3) A carbon monoxide alarm or detector must:

20 (A) [[comply with Underwriters Laboratories standard 2034]]
 21 be located on the wall, ceiling, or other location as
 22 specified in the manufacturer's published instructions that
 23 accompany the unit; and

24 (B) be installed and maintained under NFPA 720 [[and the
 25 manufacturer's instructions]].

26 ~~[(b)]~~ (c) Equipment.

27 (1) Single station carbon monoxide alarms.

28 (A) A single station carbon monoxide alarm must be battery
29 operated or must receive its primary power from the
30 building wiring system.

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

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

36 (2) Combination smoke detector/carbon monoxide alarms.

37 (A) A carbon monoxide alarm may be combined with a smoke
38 detector if the device complies with this Section, Section
39 22-96, and applicable State law.

40 (B) A combination smoke detector/carbon monoxide alarm
41 must receive its primary power from the building wiring
42 when that wiring is served from a commercial source, and
43 when primary power is interrupted, must receive power
44 from a battery.

45 (C) A combination smoke detector/carbon monoxide alarm
46 must have permanent wiring. The only disconnecting
47 switch allowed is that which is required for over-current
48 protection. Smoke alarm features of a combination smoke
49 detector/carbon monoxide alarm must be interconnected.

50 ~~[(c)]~~ (d) Exceptions. A dwelling unit that does not itself contain a fuel-
51 burning appliance or have an attached garage, but is located in a

52 building with a fuel-burning appliance or an attached garage, does not
 53 need to be equipped with a carbon monoxide alarm if:

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

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

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

64 [[d]] (e) Orders to install; penalty.

65 (1) If [[the State Fire Marshal or local investigating authority]] an
 66 enforcing agency finds that a dwelling unit does not have a
 67 carbon monoxide detector as required under this Section, the
 68 [[State Fire Marshal or local investigating authority]] enforcing
 69 agency must order the owner to install a carbon monoxide alarm
 70 or detector [[within 15 days of the date of the order]] under
 71 Section 26-12.

72 (2) Notwithstanding Section [[22-22]] 26-16, a violation of this
 73 Section is a Class C violation.

74 **Sec. 2. Effective Date.**

75 Section [[22-99]] 26-8A, as added by Section 1 of this Act, takes effect on July
 76 1, 2019.

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.



ROCKVILLE, MARYLAND

MEMORANDUM

September 21, 2018

TO: Hans Riemer, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget *MCB/hughes*
Alexandre A. Espinosa, Director, Department of Finance
Jeri Caution for Alex Espinosa

SUBJECT: FEIS for Bill 23-18, Fire Safety – Carbon Monoxide Alarm and
Extension for Economic Impact Statement for Bill 23-18

Please find attached the fiscal impact statement for the above-referenced legislation.

In addition, as required by Section 2-81A of the County Code, we are informing you that transmittal of the economic impact statement for the above referenced legislation will be delayed because more time is needed to coordinate with the affected departments, collect information, and complete our analysis. We will transmit the economic impact statement no later than October 8, 2018.

JAH:hpv

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
David Platt, Department of Finance
Dennis Hetman, Department of Finance
Alison Dollar, Office of Management and Budget
Helen P. Vallone, Office of Management and Budget

Fiscal Impact Statement
Council Bill 23-18 & Fire Safety – Carbon Monoxide Alarm

1. Legislative Summary.

This bill, as introduced, would require the owner of each occupied single-unit, two-unit and townhouse dwelling unit to have a carbon monoxide alarm in a central location outside of each sleeping area within a dwelling containing a fuel burning appliance in compliance with UL 2034 and NFPA 720 Standards. Carbon Monoxide Alarm requirements exist since the adoption of 2009 Building Codes for new construction and for existing dwellings, for work requiring a permit. The Department of Permitting Services (DPS) currently enforces this. The State law requirements apply to new dwellings constructed after January 1, 2008, and hotels, lodging or rooming houses, and rental dwelling units.

This bill does not apply to buildings with more than two dwelling. State law applies to new construction and the proposed requirements are less stringent than the state requirement.

The bill sponsor intends an amendment to move the requirement as a housing standard to Chapter 26 of the Montgomery County Code.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

DPS does not have a mechanism to enforce this bill as introduced for existing housing; therefore, no additional costs or revenues are expected.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

Not Applicable

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not Applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not Applicable

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not Applicable.

7. An estimate of the staff time needed to implement the bill.

Not Applicable

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Not Applicable.

9. An estimate of costs when an additional appropriation is needed.

Not Applicable.

10. A description of any variable that could affect revenue and cost estimates.

Not Applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not Applicable

12. If a bill is likely to have no fiscal impact, why that is the case.

Not applicable

13. Other fiscal impacts or comments.


Not applicable

14. The following contributed to and concurred with this analysis:

Diane Jones, Department of Permitting Services

Hemal Mustafa, Department of Permitting Services

Alison Dollar, Office of Management and Budget



Jennifer A. Hughes, Director
Office of Management and Budget



Date

Economic Impact Statement
Bill 23-18 Fire Safety - Carbon Monoxide Alarm

Background:

This Bill, as introduced, would require the owners of a single unit, two-unit, and townhouse dwelling unit to install and maintain a carbon monoxide alarm. The Department of Permitting Services (DPS) enforces these requirements currently. State of Maryland requirements apply to new dwellings constructed after January 1, 2008, and hotels, lodging or rooming houses, and rental dwelling units. This Bill does not apply to buildings with more than two dwellings. State law applies to new construction and the proposed requirements are less stringent than the State's requirement.

1. The sources of information, assumptions, and methodologies used.

- United States Census Bureau data

The Department of Finance has been instructed that the bill sponsors intend an amendment to move the requirement as a housing standard to Chapter 26 of the Montgomery County Code as there are no mechanisms in place for DPS to enforce the legislation in its current form. DPS estimates that of the approximate 390,016 housing units in the County as of July 1, 2017 that roughly 250,000 could be affected by this legislation.

2. A description of any variable that could affect the economic impact estimates.

The number of single unit, two-unit, and townhouse dwellings without carbon monoxide detectors in the County will affect the economic impact estimates for this legislation.

3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

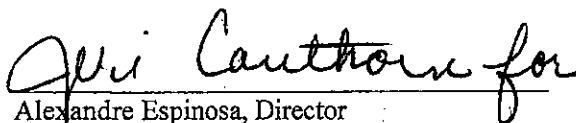
The Bill is not anticipated to have any measurable impact on employment, spending, savings, investment, incomes, or property values in the County. Stand-alone detectors typically cost \$20 to \$50.

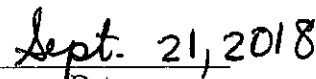
4. If a Bill is likely to have no economic impact, why is that the case?

Please see paragraph 3.

5. The following contributed to or concurred with this analysis:

David Platt, Dennis Hetman – Department of Finance.


Alexandre Espinosa, Director
Department of Finance


Date