

Maryland Updates Smoke Alarm Law

What You Need to Know

Fire and Rescue personnel are frequently the *only* smoke alarm “experts” the general public will meet. The department’s *Safety in our Neighborhood* and *After the Fire* programs have been very effective in Montgomery County and the purpose of this document is to provide information on Maryland’s new Smoke Alarm Law, its impact in Montgomery County, the differing smoke alarm requirements based on when a home was built and the newer smoke alarm features available on the market which include long-life batteries and hush/silence buttons.

Maryland is the most recent state to require that homeowners:

1. Replace **battery-only operated smoke alarms** with units powered by sealed-in, ten-year/long-life batteries with a “silence/hush” feature.
2. Upgrade smoke alarm placement in existing residential occupancies to comply with minimum specified standards. These standards vary according to when the building was constructed. The deadline for compliance with the new law is January 1, 2018.

The intent of the new Smoke Alarm Law was to transition away from smoke alarms with 9v batteries and to achieve as much reliable smoke alarm coverage as possible in older dwellings. Smoke alarm technology has advanced over the years and the updates to Maryland’s Smoke Alarm Law are part of a nationwide trend to ensure new and replacement smoke alarms have the most effective technology available.

The new law heavily emphasizes the use of sealed smoke alarms with long-life batteries and silence/hush buttons. However, it is critical to understand that these devices are appropriate **only** where battery-operated smoke alarms presently exist as permitted by Code or in locations where no smoke alarms are present. **It is never acceptable to remove required hard-wired smoke alarms and replace them with any type of battery-only operated device.**

Smoke alarm requirements are based on when a house was built and the specific statutory and code requirements for residential smoke alarms in Montgomery County are provided in **Attachment 1- Montgomery County Residential Smoke Alarm Requirements** and also on our website at http://www6.montgomerycountymd.gov/content/frs-safe/resources/laws/smokealarmmatrix_2013.pdf. A summary of the important provisions of the new smoke alarm legislation is provided below.

Maryland’s Smoke Alarm Law requires the replacement of all smoke alarms when they are 10 years old. This applies to both hard-wired and battery-operated smoke alarms.

Maryland’s new Smoke Alarm Law requires the replacement of smoke alarms when they are ten years old (ten years from the date of manufacture). This replacement requirement is already in the adopted State Fire Code, reference to the 2007 version of the NFPA 72

National Fire Alarm Code (Chapter 10.4.7) which was the first to specify that no “household” smoke alarm (battery or AC) shall be kept in service for any longer than 10 years from its date of manufacture.

Earlier versions of this Code had directed consumers to follow manufacturer recommendations. The Maryland State legislation now mirrors the code requirement that has been in place for six years. It was determined that including this wording again in State Law would effectively re-publicize the existing “10 Year” replacement requirement for residential smoke alarms and result in the widespread replacement of older, nonfunctioning or unreliable smoke alarms.

The date of manufacture, while sometimes hard to locate, should be printed on the back of smoke alarms. If no manufacture date can be located, the alarm is likely outdated and should be replaced to comply with the regulation.

Smoke Alarm Requirements – Montgomery County

The requirements for smoke alarms vary depending on when the residence was constructed. Refer to the attached Matrix for specific statutory requirements.

**KEY DATES: July 1, 1975
January 1, 1989
January 1, 1990**

For Existing Homes

The smoke alarm requirements for existing homes are based on WHEN the home was constructed. As a result, the requirements are sometimes confusing and therefore it is critical to determine when the house was actually built to determine the level and type of smoke alarms required.

In existing homes, the National Fire Protection Association (NFPA) only requires a smoke alarm outside the sleeping area and one on each level of the home. However, it also recommends that existing homes be equipped with at least the same number of smoke alarms required in new homes which includes smoke alarms present inside all sleeping rooms. The department’s position is consistent with the recommendation for new home construction.

For New Construction

Maryland’s Smoke Alarm Law has simply been updated to correspond with the International Residential Code and NFPA 72, National Fire Alarm and Signaling Code. An AC powered, battery back-up smoke alarm is required in every bedroom, in the common area outside of the bedrooms and on every other level of the dwelling unit, with all of the required smoke alarms being interconnected.

Every local building official who is presently enforcing the 2009 or 2012 IRC should already be enforcing this requirement and there is essentially no change in requirements or increase in cost.

For homes constructed PRIOR to July 1, 1975:

Under the old law, for homes constructed prior to July 1, 1975, a smoke alarm was required outside each sleeping area. The smoke alarm could be battery-operated or hardwired.

Under the new law, for smoke alarms that are battery-operated, the units need to be replaced/upgraded with new, sealed, long-life smoke alarms equipped with a hush feature.

For homes constructed between July 1, 1975 and June 30, 1990:

For homes constructed between July 1, 1975 and June 30, 1990, an AC-powered smoke alarm was required in each sleeping area. The requirement that the AC-powered smoke alarms have a battery back-up became effective July 1, 1990.

Smoke alarms installed during this time period should have been replaced after 10-years of service under the existing law and, after July 1, 1990, replacement alarms were equipped with a battery back-up.

Note: At the time the new law was signed, hard-wired smoke alarms are currently manufactured with a 9v battery back-up. It is anticipated that hard-wired smoke alarms will incorporate long-life, 10-year batteries in the near future.

For new homes constructed AFTER January 1, 1989:

Any new home in Maryland constructed after January 1, 1989 required at least one hard-wired, AC-powered smoke alarm on every level of the home, including the basement and required that the units to be interconnected in order that activation of any one of the required smoke alarms resulted in the sounding of all the required smoke alarms. The requirement that the AC-powered smoke alarms have a battery back-up became effective July 1, 1990.

Homeowners affected by the new Smoke Alarm Law have until January 1, 2018 to upgrade alarms.

Immediate replacement/upgrade is required when any of the following events or situations occur:

Smoke alarm coverage in older homes constructed prior to January 1, 1989, must be upgraded to at least one approved smoke alarm on every level of the older home when any one of the following first occur:

- A. The existing smoke alarm is more than ten years old.**
- B. The existing smoke alarm fails to respond or otherwise malfunctions.**
- C. There is a change of tenant.**
- D. A building permit is issued for an addition or renovation.**
- E. January 1, 2018 at the absolute latest.**

To achieve the upgraded smoke alarm coverage noted above, smoke alarms shall be hard-wired units except that sealed battery-operated smoke alarms with long-life batteries and silence/hush button features may be installed in locations of the home where hard-wired smoke alarms did not previously exist.

The Background

During the 2013 session of the Maryland General Assembly, the existing thirty-eight year old Maryland Smoke Alarm Law was amended and updated to take advantage of new technology. Senate Bill 969 and House Bill 1413 passed unanimously and were signed into law by Governor O'Malley effective July 1, 2013.

The goal of the new Maryland Smoke Alarm Law was to achieve as much reliable smoke alarm coverage as possible in older dwellings without ever requiring a homeowner to run new wiring. It was believed that any provision in the law which would have required hiring an electrician, obtaining an electrical permit, tearing up, patching and repainting, etc. would have never passed the legislative process and would have never been enacted into law.

The primary intent of the new Maryland Smoke Alarm Law was to transition away from battery-operated smoke alarms powered by 9v, removable batteries. Historically, homeowners have removed batteries to silence the alarm when cooking or when the alarm's "low battery" chirp occurs. Despite the best of intentions, many of these batteries never got replaced resulting in many loss of life fires in homes having smoke alarms with dead or missing batteries. It was envisioned by officials that both of these problems could be solved as the State transitions to sealed smoke alarms with a "hush" feature. The hush button will temporarily silence an alarm due to a non-emergency activation and the alarm will automatically reset after a few minutes. In the event of actual or sustained fire

conditions, the “silence feature” will be automatically over-ridden and the smoke alarm will sound. A low battery chirp will occur only at the end of the alarm’s projected ten year lifecycle.

How does the new Smoke Alarm Law impact MCFRS smoke alarm installation programs?

While battery-operated 9v smoke alarms remain acceptable under the provisions of the new law until January 1, 2018, effectively immediately, the department will only be installing residential 9v smoke alarms as a TEMPORARY measure to provide immediate, residential smoke alarm protection to the occupant(s).

If a temporary 9v smoke alarm unit(s) is installed by MCFRS, personnel will provide the resident with an **Official Notice** at the time of installation informing them that the unit(s) is **TEMPORARY** and that the homeowner/occupant is required to immediately replace/install new smoke alarms to be compliant with Maryland’s new Smoke Alarm Law immediately and in accordance with Montgomery County’s residential smoke alarm requirements.

The **Official Notice** will be found in the SION web page in quicklinks

The department has ordered a supply of 10-year smoke alarms to support outreach and installation programs and they will be distributed to fire stations when the current inventory of 9v smoke alarms is exhausted. Again, the law requiring 10-year smoke was signed into law July 1, 2013 and is being phased in with any affected residences required to be compliant by January 1, 2018. It is projected that the department’s current inventory of 9v smoke alarms will be exhausted over the next couple of weeks.

Personnel should continue to fill out the on-line DFRS educational report that details their Safety in Our Neighborhood and After the Fire outreach efforts:

http://www6.montgomerycountymd.gov/content/frs-ql/sws/sion/fieldsafetyed/safetyeducation_information.cfm.

It is requested that this form be filled out anytime a smoke alarm is installed in a residence. This is particularly important when a “temporary” 9v smoke alarm is installed with information/recommendations on the number of smoke alarms the home needs to meet legal requirements, the home’s address, year house was built if available, whether the resident is a senior citizen or has special needs and anything noteworthy.

If MCFRS personnel believe that a resident will be unable to replace any temporarily installed 9v smoke alarms with a permanent alarm in a timely manner due to the resident’s age, economic status, mental, physical or cognitive aptitude or at the discretion and judgment of MCFRS personnel, please consult your chain-of-command for specific direction. Additionally, a detailed email can be directed to fire.pio@montgomerycountymd.gov to request that the resident be assisted.

Photoelectric vs. Ionization

The conclusion of the Maryland Smoke Alarm Technology Task Force was that both ionization and photoelectric smoke alarms are listed to Underwriters Laboratories Standard 217 and are perfectly acceptable early warning devices which have been responsible for saving many lives.

Residential Sprinkler Systems

Nothing in the new law is intended to imply in any way that smoke alarms are an adequate substitute for residential sprinkler protection. The combination of properly located and functioning smoke alarms and properly designed residential sprinkler protection systems provide the greatest potential for surviving any residential fire.

Enforcement and the Law

One and two-family dwellings units are exempt from the State Fire Prevention Code and fire authorities have no legal right of entry into individual occupied dwellings to verify that smoke alarms are present and operational. It is therefore important for personnel to inform the public of the critical need to upgrade the smoke alarm coverage in their homes.

Does Maryland's New Smoke Alarm Law affect real estate transactions?

Yes. The residential property disclosure form provided to the purchaser of specified single-family residential real property must include whether the smoke alarms (1) are over 10 years old and (2) if battery-operated, are sealed, tamper-resistant units incorporating a silence/hush button and use long-life batteries as required in all Maryland homes by 2018.

Financial Impact

While the new, sealed, smoke alarms with long-life batteries and hush features will cost a few more dollars at the time of purchase, money is actually saved over the expected ten-year life of the device since there is no longer a need to purchase new 9v batteries every year.

Requirements for Landlords

Landlords of one-and two-dwelling units also face new requirements. They must upgrade battery smoke alarms to new, 10-year sealed battery units whenever there's a change in occupancy or when those systems are 10 years old or malfunction.

Landlords for buildings with more than two units also are affected. The legislation assigns tenants of those units responsibility for testing the smoke alarms and notifying their landlords of any problems. Where problems occur, the landlords are required to replace or repair the broken systems.

References:

Maryland's new Smoke Alarm Law is part of the Public Safety Article, Sections 9-101 through 9-109. For detailed information about Senate Bill 969:

http://mgaleg.maryland.gov/2013RS/fnotes/bil_0009/sb0969.pdf

Maryland Smoke Alarm Technology Report:

<http://mdsp.org/LinkClick.aspx?fileticket=-XeJdci2rdw=>

Montgomery County Fire and Rescue News Advisory:

<http://www6.montgomerycountymd.gov/content/frs-safe/about/pressreleases/archive/2013/07162013.asp>

Residential Smoke Alarm Requirements:

http://www6.montgomerycountymd.gov/content/frs-safe/resources/laws/smokealarmmatrix_2013.pdf

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