

SUBJECT: Requiring visual-alarm smoke detectors for hearing-impaired renters

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — Brimer, Brady, Crabb, Eiland, Giddings, Janek, Rhodes,  
Solomons

0 nays

1 present, not voting — Corte

WITNESSES: (*On original version*)

For — Fran Herrington-Borre, Tim Rarus, Symposium on Deaf and Hard of Hearing Texans.

Against — David Guin and Larry Niemann, Texas Apartment Association.

On — David Myers, Texas Commission for the Deaf and Hearing Impaired.

BACKGROUND: Property Code Chapter 92 requires that residential rental properties have smoke detectors installed at the owner's expense in each unit and establishes remedies for tenants whose landlords fail to comply.

DIGEST: CSHB 530 would require landlords to comply with a request by a hearing-impaired tenant to install a smoke detector with a visual alarm in each bedroom separately occupied by a hearing impaired person. Installation, at the expense of the landlord, would have to be done within a reasonable time, usually no later than seven working days from the request.

The tenant would have to purchase or provide the visual alarm smoke detector. At the landlord's option and with prior approval of the tenant, the landlord could purchase the visual alarm smoke detector either at the landlord's expense or through reimbursement by the tenant. Landlords would be responsible for installation costs on the first visual alarm smoke detector; a hearing-impaired tenant would be responsible for any cost for installing additional visual alarm smoke detectors.

Alarms would have to meet all requirements for smoke detectors under current law. All laws regarding the installation, inspection and maintenance procedures under smoke detectors would apply to visual alarm smoke detectors.

Installation of a visual alarm smoke alarm detector would be an affirmative defense in a civil suit for personal injury or wrongful death as a result of any subsequent fire.

The bill would allow a hearing-impaired tenant who paid for the visual smoke detector alarm to have a landlord remove the visual smoke detector alarm at the landlord's expense when the tenant moved.

The bill would take effect September 1, 1995, and would apply only to civil actions that accrued on or after that date.

**SUPPORTERS  
SAY:**

CSHB 530 is necessary to protect the rights and safety of thousands of hearing-impaired and deaf Texans who rent their residences. Landlords are required to protect tenants with smoke detectors, but this is little use to the hearing impaired unless they can see the signals the alarm sends. This discrimination should not be tolerated any more than discrimination based on race or sex. Landlords should accept responsibility for ensuring the habitability of a dwelling and the safety of the tenant, regardless of whether they live on-site in a multiunit complex, next door in the adjacent duplex or in another state, by having to install these detectors.

The smoke detectors with visual alarm that CSHB 530 would require cost only about \$100 and are quite effective. Allowing hearing-impaired or deaf tenants purchase a visual alarm smoke detector would give them a choice of quality and type to meet their needs. A tenant would be allowed to reimburse a landlord for the purchase of the visual alarm smoke detector over the course of a lease in monthly increments.

**OPPONENTS  
SAY:**

Requiring hearing-impaired tenants to purchase the visual alarm smoke detector would be a financial burden for such tenants. Many hearing impaired and deaf persons are on a fixed income or are underemployed.

NOTES:

The committee substitute would require the tenant to purchase the visual alarm smoke detector, instead of the landlord as in the original version, and specify the landlord would be responsible for the installation cost of the first detector. CSHB 530 also deleted the original bill's specifications for the alarm. The substitute would allow a charge for additional visual alarms and provide for removal of alarms at no cost to the tenant.