

New smoke detector requirements for the hearing impaired in Texas

By Wendy R. Wilson, TAA General Counsel

A new Texas law will take effect on January 1, 2010 that will impact residential rental owners and the smoke detector requirements that must be followed for residents with a hearing impairment. In short, ***the new law will require a rental owner, upon request by a person with a hearing-impairment disability, to install a smoke detector capable of alerting a hearing-impaired person in the bedroom it serves.*** All other smoke detector requirements will remain the same, and the new language simply creates an additional requirement for those instances when a resident makes a request to the rental owner to have a specialized smoke detector installed for a person with a hearing impairment.

The new requirements in Section 92.254, Property Code, are reflected by the underlined language, which states:

"(a) A smoke detector must be:

- (1) designed to detect both the visible and invisible products of combustion;
- (2) designed with an alarm audible to a person in the bedrooms it serves;
- (3) powered by battery, alternating current, or other power source as required by local ordinance;
- (4) tested and listed for use as a smoke detector by Underwriters Laboratories, Inc., Factory Mutual Research Corporation, or United States Testing Company, Inc.; and
- (5) in good working order.

(a-1) If requested by a tenant as an accommodation for a person with a hearing-impairment disability or as required by law as a reasonable accommodation for a person with a hearing-impairment disability, a smoke detector must, in addition to complying with Subsection (a), be capable of alerting a hearing-impaired person in the bedrooms it serves."

The types of smoke detectors that are capable of alerting a person with a hearing impairment include devices with strobe lights or vibrating mechanisms. These products are readily available by manufactures such as Kidde, Gentex, First Alert and BRK, and cost in the range of \$60-\$150. For more information about brands and where you can buy these specialized smoke detectors, go to www.nfpa.org and search "hearing impaired smoke alarms." The cost for the hearing-impaired smoke alarms and their installation are to be paid by the rental owner. As such, the detectors remain the property of the owner. Once provided, it is up to the resident to replace batteries in detectors.

Most requests for the installation of these specialized smoke detectors will likely be based on an obvious disability of the resident or occupant that will be recognized by you or your leasing staff. If it is not obvious or you are uncertain about the basis for the request and the hearing-impaired disability that is to be accommodated, you can ask the resident making the request to provide you with information explaining the relationship between the accommodation request for a hearing-impaired smoke detector and the person's disability.

For additional information on current state law on smoke detector requirements for rental property owners, refer to the section on Smoke Detectors for Residential Tenancies in the Landlord-Tenant section of the TAA REDBOOK or REDBOOK online.