

## CHAPTER 475

## H.B. No. 877

## AN ACT

relating to the regulation of smoke detectors by local ordinance.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 92.252, Property Code, is amended to read as follows:

Sec. 92.252. APPLICATION OF OTHER LAW; MUNICIPAL REGULATION. (a) The duties of a landlord and the remedies of a tenant under this subchapter are in lieu of common law, other statutory law, and local ordinances regarding a residential landlord's duty to install, inspect, or repair a smoke detector in a dwelling unit. However, this subchapter does not:

(1) affect a local ordinance adopted before September 1, 1981, that requires landlords to install smoke detectors in new or remodeled dwelling units before September 1, 1981, if the ordinance conforms with or is amended to conform with this subchapter;

(2) [~~otherwise~~] limit or prevent adoption or enforcement of a local ordinance relating to fire safety as a part of a building, fire, or housing code, including any requirements relating to the installation of smoke detectors or the type of smoke detectors; or

(3) otherwise limit [~~codes~~] or prevent the adoption of a local ordinance that conforms to this subchapter but which contains additional enforcement provisions, except as provided by Subsection (b).

(b) If a smoke detector powered by battery has been installed in a dwelling unit built before September 1, 1987, in compliance with this subchapter and local ordinances, a local ordinance may not require that a smoke detector powered by alternating current be installed in the unit unless:

(1) the interior of the unit is repaired, remodeled, or rebuilt at a projected cost of more than \$2,500 and the repair, remodeling, or rebuilding requires a municipal building permit;

(2) an addition occurs to the unit at a projected cost of more than \$2,500;

(3) a smoke detector powered by alternating current was actually installed in the unit at any time prior to September 1, 1987; or

(4) a smoke detector powered by alternating current was required by lawful city ordinance at the time of initial construction of the unit.

SECTION 2. Section 92.254(a), Property Code, is amended to read as follows:

(a) A smoke detector must be:

(1) designed to detect both the visible and invisible products of combustion;

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- (2) designed with an alarm audible to 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.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 1, 1987, by a non-record vote. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1, 1987.