

SUBJECT: Exempting certain rental dwellings from security device requirements

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 7 ayes — Brady, Corte, Crabb, Eiland, Giddings, Rhodes, Solomons

0 nays

2 absent — Brimer, Janek

SENATE VOTE: On final passage, April 25 — 31-0

WITNESSES: None

BACKGROUND: The Property Code requires a landlord to install a keyless bolting device on the exterior door of each rental dwelling unit. The law creates an exemption from the requirement for a complex in which the majority of the tenants are 55 years of age or over or who have a physical or mental disability, and a tenant in a dwelling meets the same age or disability standard and has expressly authorized the landlord to check on the tenant's health or well being.

The code also imposes requirements for certain sliding-door security devices and for keyless bolting devices and door viewers in dwellings constructed on or after September 1, 1993, and on all rental dwellings as of January 1, 1995.

DIGEST: CSSB 1605 would exempt a landlord from the requirement for a keyless bolting device on an exterior door if an occupant of the dwelling was over age 55, or had a physical or mental disability, and requested in writing, in a separate document not included in the lease agreement, that a landlord deactivate or not install the device.

The tenant would have to certify in writing fulfillment of the age or disability specifications. A landlord who knew or had reason to know these requirements were not fulfilled would not be exempt.

The chapter on security devices would not apply to a temporary residential tenancy under a sale contract where the buyer occupies the property before closing or where the seller occupied the property after closing within 90 days.

A landlord would be subject to tenant remedies under the code if the landlord deactivated or did not install a keyless bolting device by claiming certain exemptions, and knew or had reason to know that the requirements granting the exemption were not fulfilled.

The bill would eliminate the obsolete date references in the section on sliding-door security.

The bill would take effect September 1, 1995.

**SUPPORTERS
SAY:**

CSSB 1605 would improve existing law by giving landlords and older or disabled tenants and residents a new way to work out arrangements regarding required security arrangements. The bill would provide that a person who is age 55 or older or who has a physical or mental disability and who lives in any rental dwelling may be exempt from having a keyless bolting device installed.

The bill also would create a needed exemption for temporary tenancies created when the tenant is actually buying or selling the property.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute added the exemption for temporary tenancies from keyless bolting device installation and specified that landlords could be subject to current tenant remedies for certain violations.