

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1350

2005 HOUSE HUMAN SERVICES

HB 1350

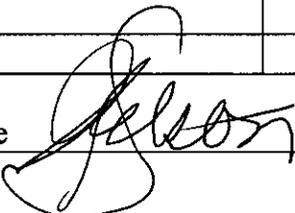
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350

House Human Services Committee

Conference Committee

Hearing Date 01/17/05

Tape Number	Side A	Side B	Meter #
#1		X	834-3442
Committee Clerk Signature 			

Minutes:

**Chairman Price** Opened hearing on HB 1350. All committee members were present.

She informed the committee that there was a need for an interpreter, however, there was not one available due to a funeral. She proposed the hearing remain open until an interpreter was available.

**Rep. Maragos, Dist.3** introduced HB 1350. On behalf of **Mark Hill**, who is associated with the **ND Assoc. of the Deaf**. The bill is fairly self explanatory which deals with landlords providing visual smoke detection systems for the hearing impaired. I think you will hear plenty of testimony regarding this bill and why or why not it should be enacted, so having said that, I have tried to communicate with Mr. Hill. He has written testimony. I have told him that the hearing will be postponed until an interpreter can be available so they can communicate. I hope that the committee finds that satisfactory. **See attached testimony.**

**Chrm. Price:** Rep. Maragos, with your background in motel/hotel business, is there a code in place for this?

**Rep. Maragos:** To be quite frank, I am not sure but I am sure there is a strict code, according to Mr. Hill, motels/hotels have visual alarms. I assume its Federal law and its a public place, I am quite certain that some accommodation has been made. Under the Americans with Disability Act, I believe that is required. Mr. Hill indicated that it did not cover housing.

**Chrm Price:** Do you have an idea of cost per unit and how many units would be needed in an average apartment.

**Rep. Maragos:** I do not but I can get that information.

**Chrm Price:** It is possible that someone from retail would have the answer for us.

**Rep. Maragos:** I think they may have.

**Chrm Price:** We may not have too many questions for Mr. Hill, lets see how many we have. Are there any more questions for Mr. Hill? Any questions from the committee?

**Rep. Maragos:** It appears they have a model here ( looking at a catalog) of the flashing that can go from \$149 -\$169 a unit. They have one for \$129 also. So that basically is the range. I'm sure your can get commercial or bulk ones less expensive. I am sure you will get more testimony from the apartment association.

**Chrm Price:** Any questions from the committee ? Rep. Maragos, there doesn't seem to be any more questions.

**Rep Maragos:** Thank you for your time, I will pass along the information of the testimony and I will let them know when the hearing is rescheduled with an interpreters, and I really appreciate the committee's deference to us on this issue.

**Chrm Price:** Do you think they need to return? I don't think they need to but I believe it would be their wish to be able to respond if she could afford them that privilege. If I could get ample notification when we could get the interpreter, I will let them know.

**Chrm Price:** How far out do they live?

**Rep. Maragos:** Mark lives in Fargo, so I suppose it is a couple hour drive for him. I could send it by fax and get written responses from him, I will tell him that is an option. This is an unfortunate situation, we find ourselves in when interpreters are not available.

**Chrm Price:** Anyone else in favor of HB1350? Any opposition?

**Rocky Gordon, the ND Apartment Association, Bismarck - ( See attached testimony).**

**Rep Potter:** Could you tell us where does this place the burden? I don't see where it puts the burden on the landlord to ask the question?

**R. Gordon:** How would we know and we are not allowed to ask.

**Rep. Potter:** Where does say where there is a reasonable request - Is this taken out?

**R. Gordon:** Not in this section of the law.

**Rep Potter:** It is in a different section.

**R. Gordon:** Yes, so we are just duplicating what is already there, only this would take that requirement out, so then we are put in a position of potentially not knowing or having to ask, which is illegal for us to do.

**Rep. Potter:** So, if I am understanding correctly, that in another part of the law, your saying that they don't have to ask or they do have to ask?

**R. Gordon:** They do have to ask.

**Rep. Potter:** That's what I thought, they do have to ask, so in the other part of the law, that they do have to ask, how does this change this that now they don't have to ask. I don't see where it changes it where they don't have to ask.

**R. Gordon:** This creates a situation as to which law you go to when you want to apply it, this one or that one. If you go to this one, it doesn't say anything about us making a request.

**Rep. Weisz:** Currently if you have a request, is this equipment portable enough, so you may move it from place to place?

**R. Gordon:** That could be the case, although we have never moved them. When we put them in we have just left them there. Because it is not that big of an issue. The issue for us is not doing it, because the law is in place already. It says if we get the request, we do it. That's not the issue for us, the issue for us is creating this situations where we have a law covering the same thing in to different portions and basically says two different things. That's going to hard to administer.

**Rep. Weisz:** You currently just install them and leave them, when there is a request?

**R. Gordon:** Yes

**Chrm Price:** Do you know what section of law that is in?

**R. Gordon:** In the Fair Housing portion of the law. ND law mirrors Federal law.

**Rep. Kaldor:** Mr. Hill's testimony indicated that there may be cases where landlords have told the tenants to purchase their own systems. I am wondering about the Fair Housing law, what exactly it says. As this bill doesn't necessarily say that you have to ask them, doesn't talk to much about notice of whether or not a tenant being hearing impaired, but it says you shall furnish the item and I am wondering about the other law that you reference. Without seeing it, I am having questions about potential conflict here between the two testimonies.

**R. Gordon:** I didn't bring the ND Fair Housing Law but it's pretty clear that if you have a request for a reasonable accommodation, that you have to do it. We can certainly supply that to the committee if you would like.

**Rep. Kaldor:** Who enforces that particular part of the code and is there a penalty?

**R. Gordon:** Yes there is, in fact, in Bismarck there are quite a number of places a tenant can go, if the law isn't complied with. The city has a human rights council, that would be very interested in an issue like this. In Bismarck, the ND Fair Housing Council, State Labor Dept. and you can go directly to HUD if you choose to. So there are four places you can go that are already existing if you feel that the law isn't being complied with.

**Rep. Sandvig:** In your testimony, you say that you would provide a smoke detector if it doesn't create an undue administrative or financial expense for the landlord. What would you consider an undue financial expense?

**R. Gordon:** That portion of my testimony wasn't what I would do, it is what the law says. Do I think putting in one of these, creates a hardship? No, if we are talking thousands of dollars to put in ramp and re build units, then that becomes a hardship. Does \$100 become a hardship? No.

**Rep. Sandvig:** Would that be a way to get around doing it if they say it would create a financial hardship for me?

**R. Gordon:** That's not a road I would go down, because it would be pretty hard to justify that. I believe that would be a very difficult sell to one of these agencies if somebody went for help and said that I can't afford the \$100, that would be very difficult.

**Rep. Sandvig:** But the way it is written now, it could possibly be used that way?

**R. Gordon:** If for that individual person, it would create a hardship, I suppose there could be that argument, but I can't imagine very many people in the apartment business would try to sell that to anybody.

**Rep. Weisz:** The way you read the new bill, are you opening up liability issues? If you are not aware of someone being hearing impaired and you don't install the equipment, because there is no requirement that you be notified if you have to do it.

**R. Gordon:** That's correct.

**Rep. Weisz:** Then you are liable?

**R. Gordon:** That's correct, that is our big concern.

**Rep. Nelson:** Rep. Kaldor asked question regarding Mr. Hill's testimony, that he indicates that some landlords have told tenants that they have to buy their own if they want them. How would you respond to that statement.

**R. Gordon:** People in our organization, I can't imagine would take that position. Is there someone out there that might? Certainly, but if that is the case, there are places to go for enforcement and like anyone else that isn't complying with the law, you go to the place where you will have the ability to enforce. The other thing I want to make sure that we are clear on, that there is a specific procedure that you go through, under the law, to request a reasonable accomodation. I don't know if these individuals did that or not.

**Rep. Nelson:** It is your opinion, that if that happens, there are steps in place to remedy that situation.

**R. Gordon:** Absolutely.

**Rep. Nelson:** Then the tenant would not have to pay for the equipment.

**Rep Kreidt:** Do you have a tenants bill of rights or guide, to assist with information?

**R. Gordon:** The ND Apartment Assoc. along with other groups have put together handbooks with landlord/tenant information about the law and where to go, and distribute all over. Yes, we do.

**Rep. Kreidt:** Do you have an application process and during that process, do you meet the individual, or is it just by paper, do you have personal contact with them. So you could more that likely pick up if they have any handicapped situation?

**R. Gordon:** Before I respond to that, I would like to indicate that this doesn't say deaf, it says hearing impaired. I am somewhat hearing impaired, if I came to you to rent an apartment, you probably wouldn't know it.

**Rep. Damschen:** Do I understand correctly that you would be OK with this, if the language says that the tenant had to request the visual alarm.

**R. Gordon:** That is in the law already, so would we object? No, I guess not. My only question is then, is why do we want to create two sections of the law dealing with the same thing? I don't understand why that would be useful to anyone.

**Rep. Kaldor:** Why do you think there is a smoke detection section in the code. I am assuming that the ND Fair Housing law addresses that as well. In other words, this section of code 231315 is not something found in the Fair Housing Code?

**R. Gordon:** No, its not a fair housing issue.

**Rep. Sandvig:** I wonder why a person need to make a request. If someone is sitting down and wanting to rent from you and if they are deaf they are going to have an interpreter, or if they are hard of hearing, you might be able to see their hearing aids, or might be asking you questions and

asking you to repeat those over, couldn't you assume that they might need some help with visual smoke detector?

**R. Gordon:** No.

**Chrm. Price:** It might be a spouse or a child that is not with them at the time.

Any opposition:

**Amy Olson: ND Fair Housing Council,** I am neutral on this bill. There were some questions that came up that I would like to clear up. The section of the law that deals with disability and reasonable accommodations is 14-02.5-06. To clear up, Mr. Hill's and Mr. Gordon's testimony. What happens in fair housing, is that if that individual makes a reasonable accommodation request, and that request is denied, that person has the option of filing a complaint in ND with the ND Dept. of Labor and a housing discrimination complaint is filed. The way that the law is written now, in case in building of a federally funded, unless they show an undue financial burden, does have to supply that unit as well as install it. In buildings that are not federally subsidized, they are not required to pay for the unit. They can if they want to, but are not required to do that. So that is the difference. And again, I am not testifying for or against, I just wanted to point that out.

**Chrm Price:** In a non federally funded apartment building, they do not have to pay for the unit.

**Amy Olson:** Correct, they are not required to pay for it in a nonfederal subsidized property, they can if they want, but they are not required to do it.

**Rep. Kaldor:** If that is the case, is there another way to reach this same goal, maybe we are attacking the wrong section of law.

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House Human Services Committee

Bill/Resolution Number HB 1350

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**Amy Olson:** I am not certain about that, there may be something under design/construction requirements, however, that would only apply to buildings constructed in the future, what do you do with all the properties that have already been constructed? Under the fair housing act, you are required to have a certain disability provision, acceptability for instance, but that is only a property built as of 1991. The problem you tend to see a lot is that is that older property. The only way to have modification, or accommodation is through making those requests.

Anyone in opposition?

Close hearing on HB 1350 (#3457)

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350

House Human Services Committee

Conference Committee

Hearing Date January 27, 2005

Tape Number	Side A	Side B	Meter #
# 1		x	#4400-6248
Committee Clerk Signature 			

Minutes:

**Rep. Kaldor** moved to accept the amendments.

**Rep. Potter** second.

**Rep. Uglem:** I have a concern regarding the landlords.

**Rep. Potter:** I disagree that landlords are being affected in that way.

**Rep. Kaldor:** The apartment association just wants the individuals to ask for it?

**Chairman Price:** Yes

**Rep. Kaldor:** It seems once they are installed, the landlords can re-coop the cost. It would seem to me it would enhance the property.

**Rep. Porter:** I don't feel this is a fix at all, how do you determine where and how many are required.

**Chairman Price:** The statute doesn't have section specifically addressing hearing impaired - just refers to deaf.

**Rep. Weisz:** Need to read statute covering deaf.

**Rep. Porter:** We need to realize that building codes change.

**Rep. Weisz:** There are many different areas affected by this.

**Rep. Weisz:** Motion for proposed amendments.

Remove all Sec. 2, pg. 2 line 2, page 2 line 20.

**Voice Vote: 12-0-0.**

**Rep. Weisz:** Motion to remove hearing impaired language on line 19, if required by deaf.

**Rep. Devlin:** Second

**Voice Vote 12 - 0 - 0**

**Rep Devlin:** Is this language going to affect the Fire Marshall?

**Rep. Weisz:** Current building codes - apply regarding smoke detector system.

**Rep. Devlin:** Motion to remove lines 21 - 22.

**Rep. Porter:** second

**Voice Vote: 12 - 0 - 0**

**Chairman Price:** We have an amended bill.

**Rep. Porter:** Move Do Not Pass

**Rep. Weisz:** seconded

**Rep. Porter:** I believe this is unnecessary, rules already apply.

**Rep. Devlin:** Move Do Pass as amended.

**Rep. Nelson:** second

**Vote: 10 - 2 - 0. Carrier: Rep. Nelson**

V.R.  
1/27/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1350 H.S. 1-28-05

Page 1, line 1, replace "sections" with "section" and remove "and 47-16-13.1"

Page 1, line 2, replace "the hearing-impaired" with "deaf persons"

Page 1, line 20, after "if" insert "requested by" and after "tenant" insert "who"

Page 1, replace line 21 with "deaf"

Page 1, line 22, remove "systems"

HOUSE AMENDMENTS TO HB 1350 H.S. 1-28-05

Page 2, remove lines 6 through 31

HOUSE AMENDMENTS TO HB 1350 H.S. 1-28-05

Page 3, remove lines 1 through 20

Renumber accordingly

Date: 1/26/05

Roll Call Vote #:

1) 12-0-0 voice  
2) 12-0-0 voice  
3) 12-0-0 voice

motion: Rep Kaldor  
2<sup>ND</sup>: Rep Weisz

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1350

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO NOT PASS

Motion Made By Rep Weisz Seconded By Rep Potter

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S.Price		✓	Rep.L. Kaldor		✓
V Chrm.G. Kreidt		✓	Rep.L. Potter		✓
Rep. V. Pietsch		✓	Rep.S. Sandvig		✓
Rep.J.O. Nelson		✓			
Rep.W.R. Devlin		✓			
Rep.T. Porter	✓				
Rep.G. Uglem	✓				
Rep C. Damschen		✓			
Rep.R. Weisz		✓			

Total ( ) 15 2 No 10

Absent 0

Floor Assignment \_\_\_\_\_

on an amendment, briefly indicate intent:

Do Not Pass 1) 12-0-0 voice  
 Rep Kaldor - Rep Potter  
 2) 12-0-0 - voice  
 Rep Weisz - Rep Devlin  
 3) 12-0-0 voice  
 Rep Devlin - Rep Potter  
 voice

Date: 1-26-05

Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1350

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number 50546.0101 .200

Action Taken Do Pass as amended

Motion Made By Rep Devlin Seconded By Rep Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S. Price	✓		Rep.L. Kaldor	✓	
V Chrm.G. Kreidt	✓		Rep.L. Potter	✓	
Rep. V. Pietsch	✓		Rep.S. Sandvig	✓	
Rep.J.O. Nelson	✓				
Rep.W.R. Devlin	✓				
Rep.T. Porter		✓			
Rep.G. Uglem		✓			
Rep C. Damschen	✓				
Rep.R. Weisz	✓				

Total (Ys) 10 No 2

Absent 0

Floor Assignment Rep Nelson

If the vote is on an amendment, briefly indicate intent:

Date: 1/27/05

Roll Call Vote #: /

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1350

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amend

Motion Made By Rep Devlin Seconded By Rep Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S. Price	/		Rep.L. Kaldor	/	
V Chrm.G. Kreidt	/		Rep.L. Potter	/	
Rep. V. Pietsch	/		Rep.S. Sandvig	/	
Rep.J.O. Nelson	/				
Rep.W.R. Devlin	/				
Rep.T. Porter		/			
Rep.G. Uglem		/			
Rep C. Damschen	/				
Rep.R. Weisz	/				

Total ( ) 10 No 2

Absent 0

Floor Assignment Rep Nelson

on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1350: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 47-16-13.1"

Page 1, line 2, replace "the hearing-impaired" with "deaf persons"

Page 1, line 20, after "if" insert "requested by" and after "tenant" insert "who"

Page 1, replace line 21 with "deaf"

Page 1, line 22, remove "systems"

Page 2, remove lines 6 through 31

Page 3, remove lines 1 through 20

Renumber accordingly

2005 SENATE HUMAN SERVICES

HB 1350

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350

Senate Human Services Committee

Conference Committee

Hearing Date March 16, 2005

Tape Number	Side A	Side B	Meter #
1		x	5700-end
2	x		00-1100
2	x		2020-2985
Committee Clerk Signature 			

Minutes:

Chairman Lee opened the public hearing on HB 1350. All members were present.

Representative Maragos, District 3, Minot, sponsor of the bill at the request of the North Dakota Association of the Deaf. It deals with putting visual fire alarms into rental units when the resident makes a request. Don't hesitate to make this bill better if you want.

Testimony in favor of the Bill

Mark Hill, Lobbyist and Vice President of the North Dakota Association of the Deaf, Inc.

(through an interpreter) See written testimony (attachment 1)

Sen. Lyson: Are the commercial fire alarms we have now both audio and visual?

Hill: Yes

Chairman Lee: Those we're just talking about those that would be in residential?

Hill: If one one person asks for a visual fire alarm, that's what we're asking for. Some deaf people have the money to buy the alarm. It would be fair if the fire alarms requested are both audio and visual.

Sen. Warner: I'm speaking from the original bill, not the engrossed version: On page 2 subsection G is the only additional language necessary to accommodate the hearing impaired. Can you think of any other thing a landlord would be required to supply which would accommodate this besides the smoke detector? Like a special phone, or phone line.

Hill: No. Only a regular phone line. The other special equipment they'd already have themselves.

Chairman Lee: The bill only applies to rental units larger than four units and for an owner who has more than one building; so if this is going to create a hardship for someone who may have an apartment in their basement, although you'd hope they'd do the right thing.

Hill: That was the intention of the bill. Not to become a hardship.

Jill Beck, North Dakota Association of Realtors: We met with our member and are in favor of the bill.

Rocky Gordon, North Dakota Apartment Association: We're in favor of the bill. When we testified in front of the House we were opposed to the bill because of some administration issues. Most of those issues have been taken care of through amendments, but I would ask for one amendment: on line 20, insert 'correction system or other visual alarm system for fire if requested in writing by a tenant' and we ask for that for two reasons: 1: for those of us who don't sign, writing is the best way to communicate and 2: in other ADA law requests for

reasonable accommodations must be in writing. And for consistency sake, we would like to have both sections of the law the same.

Sen. Warner: On the original bill page 2 subsection G, can you think of any other requirements that might be met?

Gordon: Part of the reason that was amended out did not so much have to do with other things, but there was some concern about the term 'hearing impaired' as opposed to 'deaf'. Under the ADA laws, we're not allowed to *ask* if somebody has a disability. So there was a question about how would we know if a person was hearing impaired? I can't think of any other things, but they would fall under the ADA where a person would make a request.

There was no further testimony on HB 1350. Chairman Lee adjourned the hearing.

Sen. Lyson: I would like to read the original bill and this one together before I make up my mind.

Sen. Lyson: I'd rather come back this afternoon.

Chairman Lee reopened discussion on this bill. All members were present.

Senator Lyson moved DO PASS amendment (attachment 2), seconded by Senator Brown.

VOTE: 5 yeas, 0 nays, 0 absent

Senator Brown moved DO PASS the amended bill, seconded by Senator Dever.

Sen. Warner: Can we discuss this one section? Is there any interest in changing the part that talks about the number of units being 4? Should it include any number of units, like an apartment in the basement? Even if there is only one unit, they should still have the same right to survive a fire.

Chairman Lee: I didn't get that impression, although I agree with what you're saying. I think the reason this parallels is that I get plenty of fair housing CEUs every three years and all of the fair

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Senate Human Services Committee

Bill/Resolution Number HB 1350

Hearing Date March 16, 2005

housing stuff, tenant and landlord stuff, all apply to more than four units. So there is a consistency to that as well. If you wish to say that every apartment does it, that's fine. He confirmed that commercial buildings already have it, and we're only talking about residential. I didn't understand him to object to the four unit part.

Sen. Lyson: I heard the same as you.

Chairman Lee: He didn't ask for an amendment.

The committee discussed the different types of fire alarms and the strobe lights on them.

Senator Brown moved DO PASS as amended, seconded by Senator Dever.

VOTE: 5 yeas, 0 nays, 0 absent. Carrier: Senator Lyson





REPORT OF STANDING COMMITTEE (410)  
March 17, 2005 9:36 a.m.

Module No: SR-49-5231  
Carrier: Lyson  
Insert LC: 50546.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

HB 1350, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1350 was placed on the Sixth order on the calendar.

Page 1, line 20, after "requested" insert "in writing"

Renumber accordingly

**2005 TESTIMONY**

HB 1350

Chairman Price and Member of the House Human Services Committee:

My name is Rocky Gordon, Bismarck Property Manager and lobbyist for the North Dakota Apartment Association. We are appearing today in opposition to HB 1350.

The bill attempts to amend Section 23-13-15 of the century code. It mandates that a Landlord install a visual smoke system if a tenant is hearing impaired.

The amendment does nothing more than both North Dakota and federal law already require. If a tenant has a disability and if that tenant requests a reasonable accommodation the landlord must make the accommodation, if the accommodation doesn't create an undue administrative or financial expense for the landlord. These visual smoke detection systems cost about \$75.00 to \$130.00. This statute apparently eliminates the step of making the request for the accommodation.

It is our position that this statute not only duplicates federal and state fair housing laws, but is also in conflict with those laws. It puts the landlord in the position of asking a tenant if they are hearing impaired which in itself is a violation of federal and state fair housing laws. Landlords are not allowed to inquire as to whether a tenant has a disability unless they have a unit in the building specially equipped for a disabled tenant. Therefore this amendment would require a landlord to violate both federal and state fair housing laws.

HB 1350 which amends Section 23-13-15 and Section 47-16-31.1 is unnecessary and will not only duplicate present law, but will also potentially cause conflict with the present law. Please vote NO

# North Dakota Association of the Deaf

Testimony  
House Bill #1350  
House Human Services Committee  
January 17, 2005

Chairman Price and members of the House Human Services Committee, the North Dakota Association of the Deaf thank you for the opportunity to testify in favor of the House Bill #1350. I am Mark Hill, the lobbyist and Vice-President for the North Dakota Association of the Deaf.

We, the North Dakota Association of the Deaf, thanked Representative Andy Maragos for the prime sponsorship of the House Bill 1350. The reason we request is because there is no law enforcing landlords to provide a visual smoke alarm except for federal-funded housing.

Let me put this way, would it be fair to deaf and hearing impaired tenants not to have a visual smoke alarm while the state law is requiring the landlord to provide an audible smoke alarm in an apartment at no cost to a tenant? Many deaf tenants asked me about this. Most landlords told them to buy their own system. Again, is that fair to them? Of course, not!

What if a deaf tenant who does not have a visual smoke alarm or cannot afford to buy one get caught in the fire in the middle of the night because he or she would not be able to hear the audible alarm sound? Please consider the safety of deaf tenants. Since it is a life and death issue, it would be a peace of mind for landlords and tenants if this amendment to the fire code becomes the law. What's about senior citizens who have hearing loss and may not be able to hear the alarm sound?

Think about it. I have three important words - Safety, Safety, Safety....

We request for a do-pass recommendation on House Bill 1350. I appreciate this opportunity to testify to the committee on the behalf of the North Dakota Association of the Deaf

Thank you.

Mark Hill  
Lobbyist #52  
Vice president  
North Dakota Association of the Deaf, inc.  
1617 2<sup>nd</sup> St. N.  
Fargo, ND 58102  
TTY 701-293- 8554  
deafhill@msn.com

**Price, Clara Sue**

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**From:** Mark Hill [deafhill@msn.com]  
**Sent:** Tuesday, January 18, 2005 8:59 AM  
**To:** Price, Clara Sue  
**Subject:** Suggested revision of HB 1350

Honorable Representative Clara Sue Price, Chairman of the House Human Services Committee

Let you know that I was disappointed that I was not be able to answer as much as I would like or to hear the discussion or questions from others due to not having an interpreter available for the yesterday's hearing. I appreciated that you and Andy Maragos agreed to allow and hold the bill until I get the chance to respond with an interpreter being there.

To a limited resource what I got from yesterday's hearing, I understand the opposing lobbyist's concern about questioning a tenant about health or disability that is not allowed to do. However a colleague of mine was at the hearing mentioned that she had a talk with the opposing party after the hearing. She suggested that the language of the House Bill 1350 can be revised by saying like this. If a deaf or hard of hearing tenant request a visual smoke alarm, the landlord must provide one. The opposing party agreed to this

Also, the opposing party is concerned about the cost of a visual smoke alarm. Look, it is a one time cost to install and very little maintenance. That is why I added the language that it applies to a building that has more than four apartments to avoid the undue hardship.

If you have any question, I will be more than happy to answer.

Thanks

Mark Hill

Lobbyist #52

Vice President

North Dakota Association of the Deaf

1/18/2005

PROPOSED AMENDMENTS TO HB 1350

Page 1, line 19, after "shall" insert ", upon the request of a tenant,"

Page 1, line 20, replace "a tenant" with "an occupant" (or "an occupant of the tenant's dwelling unit")

Tenant: a person who occupies real property owned by another based upon an agreement between the person and the landlord/owner, almost always for rental payments.

Occupant: someone living in a residence or using premises, as a tenant or owner.

## North Dakota Association of the Deaf

Testimony  
House Bill #1350  
Senate Human Services Committee  
March 16, 2005

Chairman Lee and members of the House Human Services Committee, the North Dakota Association of the Deaf thank you for the opportunity to testify in favor of the House Bill #1350. I am Mark Hill, the lobbyist and Vice-President for the North Dakota Association of the Deaf.

We, the North Dakota Association of the Deaf, thanked Representative Andy Maragos for the prime sponsorship of the House Bill 1350. The reason we request is because there is no law enforcing landlords to provide a visual smoke alarm except for federal-funded housing. The Fair Housing Act only requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. (The landlord is not required to pay for the changes.)

Let me put this way, would it be fair to deaf and hearing impaired tenants not to have a visual smoke alarm while the state law is requiring the landlord to provide an audible smoke alarm in an apartment at no cost to a tenant? Many deaf tenants asked me about this. Most landlords told them to buy their own system. Again, is that fair to them? Of course, not! The cost of a visual smoke alarm is minimal from 129 to 169 dollars.

What if a deaf tenant who does not have a visual smoke alarm or cannot afford to buy one get caught in the fire in the middle of the night because he or she could not be able to hear the audible alarm sound? Please consider the safety of deaf tenants. Since it is a life and death issue, it would be a peace of mind for landlords and tenants if this amendment to the fire code becomes the law. What's about senior citizens who have hearing loss and may not be able to hear the alarm sound?

Think about it. I have three important words - Safety, Safety, Safety....

We request for a do-pass recommendation on House Bill 1350. I appreciate this opportunity to testify to the committee on the behalf of the North Dakota Association of the Deaf

Thank you.

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**Proposed Amendments to Engrossed HB 1350**

Page 1, line 20, after "requested" insert "in writing"

Renumber accordingly