

HOUSE BILL NO. 1350

Introduced by

Representatives Maragos, D. Johnson

Senators Heitkamp, Nelson

1 A BILL for an Act to amend and reenact sections 23-13-15 and 47-16-13.1 of the North Dakota
2 Century Code, relating to rentals to the hearing-impaired.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-13-15 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-13-15. Smoke detection systems for residential rental property - Penalty.**

- 7 1. All residential rental property with the exception of property covered by section
8 23-09-02.1 must be equipped with smoke detection systems or other approved
9 alarm systems for the protection of occupants of the property. Systems must be
10 installed and maintained in compliance with applicable national fire protection
11 standards as defined by rules adopted by the state fire marshal. The state fire
12 marshal and local fire departments shall provide information concerning the
13 installation of smoke detection systems to owners of residential rental properties.
14 A system installed in a single-family rental dwelling must be maintained and
15 inspected by the tenant occupying the single-family rental dwelling. In other
16 dwellings, the landlord is responsible for installation and ensuring the proper
17 operation of the system upon the occupancy of each new tenant. The tenant is
18 responsible for maintaining the system during the tenant's occupancy.
- 19 2. The landlord of a residential dwelling unit shall provide an approved visual smoke
20 detection system or other visual alarm system for fire if a tenant is
21 hearing-impaired. The state fire marshal shall make rules governing approved
22 systems. A landlord is not subject to this subsection if the rental property of that
23 landlord does not exceed one building and that building does not exceed four
24 residential dwelling units.

1 3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3
2 regarding smoke detection systems or alarm systems for newly constructed
3 residences.

4 ~~3.~~ 4. Any property owner who willfully fails to install a system as required by this section
5 is guilty of a class B misdemeanor.

6 **SECTION 2. AMENDMENT.** Section 47-16-13.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **47-16-13.1. Landlord obligations - Maintenance of premises.**

9 1. A landlord of a residential dwelling unit shall:

- 10 a. Comply with the requirements of applicable building and housing codes
11 materially affecting health and safety.
12 b. Make all repairs and do whatever is necessary to put and keep the premises
13 in a fit and habitable condition.
14 c. Keep all common areas of the premises in a clean and safe condition.
15 d. Maintain in good and safe working order and condition all electrical, plumbing,
16 sanitary, heating, ventilating, air-conditioning, and other facilities and
17 appliances, including elevators, supplied or required to be supplied by the
18 landlord.
19 e. Provide and maintain appropriate receptacles and conveniences for the
20 removal of ashes, garbage, rubbish, and other waste incidental to the
21 occupancy of the dwelling unit and arrange for their removal.
22 f. Supply running water and reasonable amounts of hot water at all times and
23 reasonable heat, except if the building that includes the dwelling unit is not
24 required by law to be equipped for that purpose or if the dwelling unit is so
25 constructed that heat or hot water is generated by an installation within the
26 exclusive control of the tenant and supplied by a direct public utility
27 connection or if the water or heat is unavailable due to supply failure by a
28 public utility.

29 g. Reasonably accommodate the hearing-impaired.

30 2. In case of noncompliance with the requirements of subdivisions b through f of
31 subsection 1, a reasonable time shall be allowed to remedy such noncompliance.

- 1 3. If the duty imposed by subdivision a of subsection 1 is greater than any duty
2 imposed by any other subdivision of that subsection, the landlord's duty shall be
3 determined by reference to subdivision a of subsection 1.
- 4 4. The landlord and tenant of a single-family residence may agree in writing that the
5 tenant perform the landlord's duties specified in subdivisions e and f of
6 subsection 1 and also specified repairs, maintenance tasks, alterations, and
7 remodeling, but only if the transaction is entered into in good faith.
- 8 5. The landlord and tenant of any dwelling unit other than a single-family residence
9 may agree that the tenant is to perform specified repairs, maintenance tasks,
10 alterations, or remodeling only if:
 - 11 a. The agreement of the parties is entered into in good faith and is set forth in a
12 separate writing signed by the parties and supported by adequate
13 consideration.
 - 14 b. The work is not necessary to cure noncompliance with subdivision e of
15 subsection 1.
 - 16 c. The agreement does not diminish or affect the obligation of the landlord to
17 other tenants in the premises.
- 18 6. The landlord may not treat performance of the separate agreement described in
19 subsection 4 as a condition to any obligation or performance of any rental
20 agreement.