

Senior Living Facilities Inspection Program – DRAFT PROPOSAL 6.0

Proposed inspection program is designed to work with ~~Senior Living Facility Independent Care~~ apartment communities that are faced with aging buildings and facing continuous maintenance needs. ~~Senior Living Facility Independent Care~~ apartment communities that meet the qualifying violations will be required to register with the program.

Mission Statement:

The purpose of the ~~Senior Living Facilities Independent Care~~ Inspection Program is to raise and maintain the housing and property maintenance standard for vulnerable populations like seniors.

Supporting Codes & Policies

The following codes and policies may be referenced as a means of support for program proposed:

- Chapter 6 Buildings of the City Code of San Antonio, Texas; referred to as the San Antonio Property Maintenance Code (SAPMC); updated in June 2018 to substantially reflect the 2018 International Property Maintenance Code (IPMC)
- Chapter 11 Fire Prevention of the City Code of San Antonio, Texas; updated in June 2018 by adopting the 2018 International Fire Code and local amendments

Definitions

Code official

- The Development Services Department shall be the enforcement agency for this program, and the Director thereof shall be known as the code official. The code official shall have the authority to delegate powers under this program. Such designees shall have the power as delegated by the code official. (Section 103.1, Section 103.3 of Ch. 6/SAPMC)

Inspections

- The code official, or designee, shall make all of the required inspections, or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. (Section 104.2 of Ch. 6/SAPMC)
- Proactive inspections conducted as part of this program will consist of up to 10% of all units. Should the code official, or designee, determine more unit inspections are required due to life safety concerns, this authority is granted.

Participation period

- Period of time a property participates in the program due to the number of qualifying violations issued in a 12 month rolling year. The participation period begins the quarter (3 months) after a property achieves a number of qualifying violations that makes them eligible for a Registration Level 1 or higher. The participation period will be the following 12 months. Properties would enter & exit the participation period on a quarterly basis.
 - Example: Property A qualifies for Registration Level on August 15 based on the number of violations recorded in the preceding 12 months. The current quarter expires on September 30th. Property A would be notified of the need to register with the program for the quarter beginning October 1, with the participation period expiring September 30 of the next year.

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Qualifying violations

- Qualifying violations are issues that are reported to code enforcement and found to be in violation by the investigating officer
 - The violations counted are from different locations (example: roof leak in building 1 and plumbing leak from building 2)
 - Similar violations in multiple units **in the same structure during a single incident** will count as 1 violation (example: infestation in multiple units **of the same apartment building**)
 - Multiple violations from a single location reported in a single event will only be counted as one
 - Proactive life safety violations observed will be counted toward violation threshold after warning period for Tier 1 & upon notice of violation issuance for Tier 2

Registration level

- Properties are classified according to the number of qualifying violations that are achieved in a 12 month rolling year that is calculated on a quarterly basis.
- The number of qualifying violations in the preceding 12 months determines the Registration Level a property will be for the participation period.
- All properties on Registration Levels 1, 2 and 3 are required to register with the City and be subject to proactive inspections to ensure minimum property maintenance standards are being met.

Right of entry

- The code official is authorized to enter the structure or premises at reasonable times to inspect subject to legal restrictions (Section 104.3 of Ch. 6/SAPMC). Right of entry form may be submitted by property owner to allow entry of code official for inspection – including inside individual living units – with resident and/or property owner/designee’s presence.

Seniors

- Individuals age 62 or older who do not require assistance with daily activities or 24/7 skilled nursing

Senior living facility ~~independent-care~~ apartment communities

- 5 or more housing units (occupied or vacant) and at least 50% of units occupied by seniors and/or disabled individuals, OR
- 5 or more housing units (occupied or vacant) and advertise for seniors ~~independent-care~~ and/or disabled residents

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Description of Common Code Violations & Classification

TIER 1 – Life, Safety & Structural	TIER 2 - Property Maintenance
<i>Subset A – 24 Hour Warning, then Violation Notice</i>	<i>10 Day Notice of Violation</i>
<ul style="list-style-type: none"> • Electrical (exposed, overloaded outlets) • Smoke detectors (missing, non-working) • Sewer leaks/breaks 	<ul style="list-style-type: none"> • Water leaks and/or wasting water • Holes/cracks in walls and ceilings • Accumulation of trash and garbage • Tall grass and weed maintenance
<i>Subset B – 3 Day Warning, then Violation Notice</i>	
<ul style="list-style-type: none"> • Stairs, ramps and walkways (egress) • Proper water supply to all units (hot water) • Doors and windows (properly maintained) • Patios and balconies (structural) • Guardrails and handrails • Mechanical (boilers, HVAC, water heaters) • Structural members (exterior walls, roofs & ceilings) 	<ul style="list-style-type: none"> • Dumpster maintenance • Parking lots • Sidewalks • Swimming pools • Security gates • Junked vehicles
<i>Subset C – 3 Day Warning to Develop Action Plan, then Violation Notice</i>	
<ul style="list-style-type: none"> • Infestation (roaches, rodents, bed bugs) • Major sewer breaks 	

- For Tier 1 violations, an issue would count towards a qualifying violation if compliance is not achieved after the 24 hour warning period (Subset A) or 3 day warning period (Subset B & C).
 - For purposes of the warning period, compliance would mean that
 - the hazard has been ~~removed~~ abated by removal or repair,
 - the resident has been removed from the hazard, ~~and/or~~ and
 - an achievable action plan has been developed & begun to be implemented in order to address the issue. The action plan would be reviewed and monitored by staff to ensure actions are being taken consistent with plan.
 - Failure to follow property-developed plan will result in the issue counted as a qualifying violation.
 - If non-compliant after warning period expires, 10 day notice of violation to be issued. In addition, the violation would count towards a qualifying violation.
- For Tier 2 violations, issue would count towards a qualifying violation upon confirmation of violation. At that time, a 10 day notice of violation would be issued.

Inspection Program Registration Levels

- *Registration Level 0 – No Program Participation*
 - Properties below qualifying violation threshold not required to participate in program
 - *Overall program participation ends when a property does not meet the qualifying violation threshold for any Registration Level in a 12 month rolling year.*

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- *Registration Level 1*
 - Qualification Threshold:
 - 0 to 99 Units: 2 - Tier 1 and/or 5 - Tier 2 qualifying violations in one year
 - 100 or more Units: 3 - Tier 1 and/or 10 - Tier 2 qualifying violations in one year
 - Participation Period: 1 year
 - Information/Registration
 - Address, Property Name, Owner Info, Management Info, C of O, Zoning,
 - Emergency Info (24 hour phone #)
 - Maintenance Permits or Waver Acknowledgments
 - Signed right of entry by management company on file
 - Proactive Assessment Inspection
 - Compliance of deficiencies in a timely manner according to city code
 - Proactive inspection conducted 1 time per year
 - Focuses on Tier 1 – Life, safety, and structure issues
 - Up to 10% of all units (random sampling)
- *Registration Level 2*
 - Qualification Threshold:
 - 0 to 99 Units: 3 - Tier 1 and/or 10 - Tier 2 qualifying violations in one year
 - 100 or more Units: 4 - Tier 1 and/or 15 - Tier 2 qualifying violations in one year
 - Participation Period: 1 year
 - Information & registration requirements per Registration Level 1
 - Proactive Assessment Inspection
 - Proactive inspection conducted 2 times per year
 - Focuses on Tier 1 – Life, safety, and structure issues
 - Up to 10% of all units (random sampling) for a total of 20% of all units inspected in participation period
 - Compliance of deficiencies in a timely manner according to city code
- *Registration Level 3*
 - Qualification Threshold:
 - Non-Compliance in a timely manner of deficiencies noted during the Assessment Inspection, and/or
 - 0 to 99 Units: 4 - Tier 1 and/or 15 - Tier 2 qualifying violations in one year
 - 100 or more Units: 5 - Tier 1 and/or 20 - Tier 2 qualifying violations in one year
 - Participation Period: 1 year
 - Information & registration requirements per Registration Level 1
 - Proactive Assessment Inspection
 - Proactive inspection conducted at least 4 times per year
 - Up to 10% of all occupied units inspected (random sampling), for a total of 40% of all units inspected in participation period
 - All vacant units inspected
 - For Occupancy, Make ready, Security
 - Exterior and premises inspections of entire property
 - Scores are published on City Website
 - Re-inspections

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- Only items that were in violation will be re-inspected

Qualifying Violation Summary by Registration Levels

	0 to 99 Units		100 or more Units	
	Tier 1	Tier 2	Tier 1	Tier 2
Registration Level 1	2	5	3	10
Registration Level 2	3	10	4	15
Registration Level 3	4	15	5	20

Required Program Registration & Appeals

- A property’s participation in the Senior Living Facilities Inspection Program may be predicated on ~~the following two factors:~~
 - Documented identification of qualifying violations in a number that meets the minimum threshold in a 12 month rolling period, or
 - ~~Determination by the Code Official that the conditions present at the property pose such a life safety hazard as to constitute regular inspections by Code Enforcement to monitor the wellbeing of the residents.~~
- Cancellation and suspension of registration; appeals
 - Should a property be required to register with the inspection program due to meeting the qualifying violation threshold, a property may request a hearing to appeal the decision with the Code Official.
 - The Code Official may administratively cancel or suspend a registration requirement after a hearing before the Code Official for any one or more of the following reasons:
 - Demonstration by the property that property maintenance violations have been brought into compliance in a timely manner;
 - Implementation of proactive management and/or maintenance program that provides for timely and effective compliance of property maintenance issues;
 - Implementation of training and education to staff and residents on property maintenance standards.
 - The property registrant or their representative shall have fifteen (15) working days from receipt of the written notice informing property of the required program registration to request a hearing with the Code Office to appeal the registration requirement.
 - The Code Official shall send the property owner a written notice of not less than ten (10) working days’ notice of the appeal hearing. The Code Official is authorized to conduct hearings for the purpose of making findings of fact to assist him in making his decisions.
 - After the appeal hearing before the Code Official, a written decision to uphold the program registration requirement shall be required and list the reasons for the Code Official’s decision.
 - The property shall then have fifteen (15) days from receipt of the Code Official’s appeal denial notice to appeal the Code Official’s decision to the building-related and fire codes board of appeals. The decision of the Code Official shall be final after the expiration of this time.
 - A property shall have the right to appeal the Code Official’s decision in accordance with section 10-14 of Chapter 10 Building-Related Codes in the San Antonio Municipal Code.

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Registration & Inspection/Reinspection Fees

- Program fees would likely be a combination of registration fees and inspection/reinspection fees
 - Registration fees could be in the following:
 - Flat amount: \$250 per property under 100 units & \$750 per property 100 units or more (Option 1)
 - Fixed rate: \$6.00 fee per unit (Option 2)
 - Fixed rate with minimum amount: \$6.00 fee per unit, with a minimum annual fee of \$200 (Option 3)
 - Inspection/reinspection fees proposed to be \$50.00 per inspection or reinspection
 - Registration Level 1: \$50 minimum
 - Registration Level 2: \$100 minimum
 - Registration Level 3: \$200 minimum
- Sample cost projections below utilize AACOG dataset of 154 identified properties
- **Option 1 – Flat registration fee (\$250 or \$750) & \$50 inspection/reinspection fee – NOT SELECTED**
 - Registration fee for properties with 99 units or less: \$250
 - Registration fee for properties with 100 units or more: \$750
 - All properties charged \$50 inspection fee for every inspection and reinspection
 - Sample fee schedule & impacts per Registration Level:

	Property Size Range	Property Count	Total Units	Ave. Units per Property	Ave. Fee per Unit	Ave. Total Cost - Level 1	Ave. Total Cost - Level 2	Ave. Total Cost - Level 3	Cost per Unit Inspected
1	1 - 9	2	16	8	\$31.25	\$300	\$350	\$450	\$56 - \$150
2	10 - 19	10	150	15	\$16.67	\$300	\$350	\$450	\$30 - \$80
3	20 - 49	18	547	30	\$8.33	\$300	\$350	\$450	\$15 - \$40
4	50 - 74	32	1,915	60	\$4.17	\$300	\$350	\$450	\$8 - \$20
5	75 - 99	9	775	86	\$2.91	\$300	\$350	\$450	\$5 - \$14
6	100 - 149	24	2,878	120	\$6.25	\$800	\$850	\$950	\$8 - \$27
7	150 - 199	19	3,256	171	\$4.39	\$800	\$850	\$950	\$6 - \$19
8	200 +	40	9,964	249	\$3.01	\$800	\$850	\$950	\$4 - \$13
	Total	154	19,501						

Total amount does not include costs for reinspection of documented violations

- **Option 2 – Fixed rate registration & inspection/reinspection fee - SELECTED**
 - Registration fee of \$6.00 per unit
 - All properties charged \$50 inspection fee for every inspection and reinspection
 - Sample fee schedule & impacts per Registration Level:

	Property Size Range	Property Count	Total Units	Ave. Units per Property	Ave. Fee per Unit	Ave. Total Cost - Level 1	Ave. Total Cost - Level 2	Ave. Total Cost - Level 3	Cost per Unit Inspected
1	1 - 9	2	16	8	\$6.00	\$98	\$148	\$248	\$31 - \$49
2	10 - 19	10	150	15	\$6.00	\$140	\$190	\$290	\$19 - \$37
3	20 - 49	18	547	30	\$6.00	\$230	\$280	\$380	\$13 - \$31
4	50 - 74	32	1,915	60	\$6.00	\$410	\$460	\$560	\$9 - \$27
5	75 - 99	9	775	86	\$6.00	\$566	\$616	\$716	\$8 - \$26
6	100 - 149	24	2,878	120	\$6.00	\$770	\$820	\$920	\$8 - \$26
7	150 - 199	19	3,256	171	\$6.00	\$1,076	\$1,126	\$1,226	\$7 - \$25
8	200 +	40	9,964	249	\$6.00	\$1,544	\$1,594	\$1,694	\$7 - \$25
	Total	154	19,501						

Total amount does not include costs for reinspection of documented violations

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- **Option 3 – Fixed rate registration with a minimum amount & inspection/reinspection fee fee – NOT SELECTED**
 - Registration fee of \$6.00 per unit, with a \$200 minimum annual fee for properties with 100 units or less
 - All properties charged \$50 inspection fee for every inspection and reinspection
 - Sample fee schedule & impacts per Registration Level:

	Property Size Range	Property Count	Total Units	Ave. Units per Property	Ave. Fee per Unit	Ave. Total Cost - Level 1	Ave. Total Cost - Level 2	Ave. Total Cost - Level 3	Cost per Unit Inspected
1	1 - 9	2	16	8	\$25.00	\$250	\$300	\$400	\$56 - \$150
2	10 - 19	10	150	15	\$13.33	\$250	\$300	\$400	\$27 - \$67
3	20 - 49	18	547	30	\$6.67	\$250	\$300	\$400	\$13 - \$33
4	50 - 74	32	1,915	60	\$3.33	\$250	\$300	\$400	\$7 - \$17
5	75 - 99	9	775	86	\$2.33	\$250	\$300	\$400	\$5 - \$12
6	100 - 149	24	2,878	120	\$6.00	\$770	\$820	\$920	\$8 - \$26
7	150 - 199	19	3,256	171	\$6.00	\$1,076	\$1,126	\$1,226	\$7 - \$25
8	200 +	40	9,964	249	\$6.00	\$1,544	\$1,594	\$1,694	\$7 - \$25
	Total	154	19,501						
Total amount does not include costs for reinspection of documented violations									