

# Senior Independent Care Inspection Program – DRAFT PROPOSAL 2.0

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

## 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

### *Inspections*

- The code official 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)

### *Participation period*

- *Period of time a property participates in the program due to the number of qualifying violations issued in a 12 month calendar year. The participation period begins the month 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 for the remaining months of that calendar year, plus the full 12 months of the next calendar year.*
  - *Example: Property A receives qualifying violations for major violations on August 15 of Year 1. The participation period would be for September 1 of Year 1 to December 31 of Year 2, a total of 16 months.*

### *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 will count as 1 violation (example: infestation in multiple units)
  - 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 calendar year.*
- *The highest Registration Level reached in a calendar year dictates the level a property will be classified for the remainder months of that calendar year and for the following calendar year.*
- *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.*

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## 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 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 senior independent care and/or disabled residents

## 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>
• Electrical (exposed, overloaded outlets)	• Water leaks and/or wasting water
• Smoke detectors (missing, non-working)	• Holes/cracks in walls and ceilings
• Sewer leaks/breaks	• Accumulation of trash and garbage
	• Tall grass and weed maintenance
<i>Subset B – 3 Day Warning, then Violation Notice</i>	• Dumpster maintenance
• Infestation (roaches, rodents, bed bugs)	• Parking lots
• Stairs, ramps and walkways (egress)	• Sidewalks
• Proper water supply to all units (hot water)	• Swimming pools
• Doors and windows (properly maintained)	• Security gates
• Patios and balconies (structural)	
• Guardrails and handrails	
• Mechanical (boilers, HVAC, water heaters)	
• Structural members (exterior walls, roofs & ceilings)	

- 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 (Subset B) warning period.
  - For purposes of the warning period, compliance would mean that the hazard has been removed, or the resident has been removed from the hazard.
  - If non-compliant after warning period expires, 10 day notice of violation to be issued.
- 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.

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## 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 calendar year.*
  
- ⊖ *Registration Level 1 – Education/Registration*
  - Qualification Threshold:
    - 1 - Tier 1 and/or 6 - Tier 2 qualifying violations in one year
  - Participation Period: 1 calendar year, plus the remaining months of the violation year (no more than 24 months participation if qualify 1 time in calendar year period)
    - Example: if program effective January 1, 2019, and property meets Level 1 threshold in March 2019, then participation period would be remainder of calendar year 2019 and all of 2020.
    - If in previous example, the same property met the violation threshold in 2020, their participation would continue through December 31, 2021 (remainder of 2020 & all of 2021).
  - 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
    - ~~No, inspections will be reactive with appropriate re-inspections to ensure compliance~~
    - 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
    - 25% of all units (random sampling)
  
- *Registration Level 2*
  - Qualification Threshold:
    - 3 - Tier 1 and/or 10 - Tier 2 qualifying violations in one year
  - Participation Period: ~~3~~ 1 calendar year, plus the remaining months of the violation year
  - Information & registration requirements per Registration Level 1
  - Proactive Assessment Inspection
    - Proactive inspection conducted ~~1~~ 2 times per year
    - Focuses on Tier 1 – Life, safety, and structure issues
    - ~~10~~ 25% of all units (random sampling) for a total of 50% of all units inspected in calendar year
    - ~~Signed right of entry by management company on file~~
    - ~~Noted deficiencies do not initially count against the qualifying violation threshold numbers~~
    - 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
    - 4 - Tier 1 and/or 15 - Tier 2 qualifying violations in one year
  - Participation Period: 1 calendar year, plus the remaining months of the violation year
  - Information & registration requirements per Registration Level 1
  - Proactive Assessment Inspection

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- Proactive inspection conducted at least 2 4 times per year
- 25% of all occupied units inspected (random sampling), for a total of 100% of all units inspected in calendar year
- All vacant units inspected
  - For Occupancy, Make ready, Security
- Exterior and premises inspections of entire property
- Scores are published on City Website
- Re-inspections
  - Only items that were in violation will be re-inspected
- Outcome
  - If Inspection was failed then repeat the Registration Level 3 phase the next year on/around the anniversary of the first inspection
  - If Inspection was passed then revert to Registration Level 2

### 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 50 units & \$750 per property 50 units or more (Option 1)
    - Fixed rate: \$5.00 fee per unit (Option 2)
    - Fixed rate with minimum amount: \$5.00 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 1: \$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**
  - Registration fee for properties with 49 units or less: \$250
  - Registration fee for properties with 50 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
1	1 - 9	2	16	8	\$31.25	\$300	\$350	\$450
2	10 - 19	10	150	15	\$16.67	\$300	\$350	\$450
3	20 - 49	18	547	30	\$8.23	\$300	\$350	\$450
4	50 - 74	32	1,915	60	\$12.53	\$800	\$850	\$950
5	75 - 99	9	775	86	\$8.71	\$800	\$850	\$950
6	100 - 149	24	2,878	120	\$6.25	\$800	\$850	\$950
7	150 - 199	19	3,256	171	\$4.38	\$800	\$850	\$950
8	200 +	40	9,964	249	\$3.01	\$800	\$850	\$950
	Total	154	19,501					
Total amount does not include costs for reinspection of documented violations								

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- **Option 2 – Fixed rate registration & inspection/reinspection fee**
  - *Registration fee of \$5.00 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
1	1 - 9	2	16	8	\$5.00	\$90	\$140	\$240
2	10 - 19	10	150	15	\$5.00	\$125	\$175	\$275
3	20 - 49	18	547	30	\$5.00	\$202	\$252	\$352
4	50 - 74	32	1,915	60	\$5.00	\$349	\$399	\$499
5	75 - 99	9	775	86	\$5.00	\$481	\$531	\$631
6	100 - 149	24	2,878	120	\$5.00	\$650	\$700	\$800
7	150 - 199	19	3,256	171	\$5.00	\$907	\$957	\$1,057
8	200 +	40	9,964	249	\$5.00	\$1,296	\$1,346	\$1,446
	Total	154	19,501					
Total amount does not include costs for reinspection of documented violations								

- **Option 3 – Fixed rate registration with a minimum amount & inspection/reinspection fee**
  - *Registration fee of \$5.00 per unit, with a \$200 minimum annual fee for properties with 49 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
1	1 - 9	2	16	8	\$25.00	\$250	\$300	\$400
2	10 - 19	10	150	15	\$13.33	\$250	\$300	\$400
3	20 - 49	18	547	30	\$6.58	\$250	\$300	\$400
4	50 - 74	32	1,915	60	\$5.00	\$349	\$399	\$499
5	75 - 99	9	775	86	\$5.00	\$481	\$531	\$631
6	100 - 149	24	2,878	120	\$5.00	\$650	\$700	\$800
7	150 - 199	19	3,256	171	\$5.00	\$907	\$957	\$1,057
8	200 +	40	9,964	249	\$5.00	\$1,296	\$1,346	\$1,446
	Total	154	19,501					
Total amount does not include costs for reinspection of documented violations								