

Exhibit A

§ 158.001 DEFINITIONS.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

IMPROPER. Not approved, inadequate, deteriorated, defective, insufficient, or not in operating condition. ~~The term does not include improvement which conformed with all applicable laws at the time of their construction and which have been adequately maintained.~~

§ 158.013 INSPECTION BY REGULATORY COMPLIANCE DEPARTMENT.

(A) The regulatory compliance department may conduct:

(1) Inspections to verify a valid certificate of occupancy;

(2) Inspections based on indications of code violations, including complaints filed with the regulatory compliance department except where stated otherwise, that may result in:

(a) Periodic inspections; and

(b) Follow-up inspections.

(3) ~~Inspections of the following areas of a multi-family dwelling complex or lodging establishment shall be subject to the inspection by the regulatory compliance department:~~

(a) All building exteriors, ~~including landscaping and screening features pursuant to Chapter 155, Zoning;~~

(b) All public areas within a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment;

(c) Unoccupied dwelling units; and

(d) Occupied dwelling units upon the consent of the tenant or the landlord when subject to a warrant issued by a court of competent jurisdiction.

(4) The regulatory compliance department may inspect portions of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment as frequently as the regulatory compliance department deems necessary due to landlord's failure to comply with the provisions of this chapter and with the minimum building standards. However, the regulatory compliance department shall schedule periodic inspections of multi-family

dwelling complexes, nursing or assisted living facilities, or lodging establishments not less than once per calendar year.

(5) The landlord of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall make all exterior areas, interior public areas, and all vacant dwelling units of the complex available to the regulatory compliance department for inspections at all reasonable times.

(6) A multi-family dwelling complex, nursing or assisted living facility, or lodging establishment fails inspection if it does not score at least 70 points, out of a possible 100 points, according to the periodic inspection report scale as promulgated by the regulatory compliance department.

(7) The regulatory compliance department is authorized to make follow-up inspections of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment to inspect all areas included in the periodic inspection as well as occupied dwelling units, in such frequency and scope as the regulatory compliance department deems necessary to determine compliance with this chapter and with the minimum building standards.

(8) The landlord of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall timely correct all violations identified in an inspection report.

(9) Whenever a periodic inspection is made for an alleged violation at a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment, the findings shall be recorded on a form prepared by the city. The landlord, owner, or property manager of the property shall be provided a copy of the inspection report, either in person or by mail. Notice of the alleged violation(s) shall be deemed given to an owner when a copy of the inspection report ("Notice"):

(a) Is delivered in person to the landlord, owner, or property manager;
or

(b) Two days after the copy of the inspection report is deposited with the US Postal Service and addressed to the landlord, owner, or property manager, with proper postage affixed. The inspection report may establish violation categories, which shall be corrected within a time specified in this section. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(B) A violation listed in a notice of violation issued under this section shall be corrected in accordance with the time specified in the notice of violation, subject to the following:

(1) A life safety violation shall be corrected within 24 hours of the issuance of the notice of violation;

(2) A critical violation shall be corrected within 72 hours of the issuance of the notice of violation; and

(3) A maximum of 30 days shall be allowed for the correction of a non-critical violation.

(C) In addition to other authority granted by this section, the regulatory compliance department has all rights and authority granted by Tex. Code of Criminal Procedure Article 18.05. Inspections shall comply with all federal, state, and local laws, regulations and ordinances.

(D) When considering a violation created by a tenant, the regulatory compliance department may consider the timeliness of the landlord's response to the violation, actions taken by the landlord to address a tenant's activities that may have caused the condition that was a violation, and actions taken by the landlord, owner, or property manager to prevent or reduce similar violations in the future.

(E) The regulatory compliance department is authorized to publish the results of inspections.

(F) A landlord commits an offense if a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment under this chapter has one or more, in any combination, of the following conditions exists on the premises:

- (1) Inadequate sanitation;
- (2) Lack of a bathroom or the existence of an improper bathroom;
- (3) Lack of or an improper kitchen;
- (4) Lack of hot and cold running water to plumbing fixtures;
- (5) Lack of or improper required heating, mechanical ventilation or electric facilities;
- (6) Lack of required amounts of natural light and ventilation;
- (7) Lack of or improper space or floor area;
- (8) Lack of required electrical lighting;
- (9) Dampness of habitable space;
- (10) Infestation of insects, vermin, or rodents;
- (11) The presence of deteriorating and unsightly landscaping or screening features and the existence of dead trees, tree limbs, holes, excavations, or other conditions

reasonably capable of causing injury to a person or otherwise in violation of all applicable provisions found in Chapter 99, Natural Resources Management, and Chapter 155, Zoning;

- (12) Lack of or improper connection to required sewage disposal;
- (13) Lack of or improper garbage and rubbish storage and removal facilities;
- (14) Lack of or improper drainage to prevent standing or stagnant water on the premises;
- (15) Structural hazards;
- (16) Improper foundations;
- (17) Improper flooring or floor supports of insufficient size to carry imposed loads safely;
- (18) Members of walls, partitions or other vertical supports that split, lean, list, or buckle due to defective material, deterioration, improper construction, or insufficient size to carry imposed loads safely;
- (19) Members of ceilings, roofs, ceiling, and roof supports or other horizontal members which sag, split or buckle due to defective material, deterioration, improper construction, or insufficient size to carry imposed loads with safety;
- (20) Fireplaces or chimneys which list, bulge or settle due to defective material, deterioration, improper construction, or insufficient size or strength to carry imposed loads safely;
- (21) Lack of or improper required railings, stairs, steps and balconies;
- (22) Faulty or insufficient smoke detectors and/or carbon monoxide detectors;
 - (a) Each dwelling unit within a multi-family dwelling shall be equipped with at least one smoke alarm and carbon monoxide detector on each floor of the dwelling unit and a smoke detector within each sleeping room. In addition, if multiple sleeping rooms are served by the same corridor, at least one smoke alarm and carbon monoxide detector shall be installed in the corridor in the immediate vicinity of the sleeping rooms in compliance with the International Building Code (IBC), International Fire Code (IFC) and the International Property Maintenance Code (IPMC) as adopted. A smoke alarm and/or carbon monoxide detector may be either battery operated or hard wired.
 - (b) All required smoke alarms and carbon monoxide detectors shall be maintained in proper working order. It shall be unlawful for any occupant of a dwelling, or any individual, to render a smoke alarm and/or carbon monoxide detector inoperable by removal of the batteries or other source of power for the smoke alarm and/or carbon monoxide detector

except during battery replacement or repairs to the smoke alarm.

(c) A lodging establishment shall be equipped with smoke detectors as required by Chapter 792 of the Texas Health and Safety Code.

(23) *Hazardous wiring.* Any wiring except that which conformed to all applicable laws in effect at the time of installation and which has been maintained in operating condition;

(24) *Failure of mechanical equipment.* All mechanical equipment, including heating facilities and cooling units shall be maintained in an operating condition;

(a) Every landlord of a multi-family dwelling complex shall provide heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms.

(25) *Faulty weather protection.*

(a) Improper, crumbling, or loose plaster or wall coverings;

(b) Lack of or improper weather protection of exterior walls, roof, foundations, or floors, including broken windows and doors;

(c) Lack of or improper protective treatment for exterior wall coverings including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, maintained in good condition; or

(d) Lack of or improper exterior wall coverings or roof coverings.

(26) *Inadequate exits.* Exit facilities of buildings or portions thereof shall conform with all applicable codes, ordinances, and laws at the time of construction. When an unsafe condition exists due to improper location of exits, additional exits may be required to be installed.

(27) *Improper occupancy.* Any building, or portion thereof, occupied for living, sleeping, cooking or dining purposes which was not designed or intended to be used for such occupancies.

(28) *Unsecured buildings.* Any building that is vacant and open. A building is open if any door, window or other opening is not securely closed to prevent unauthorized entry.

(29) *Stairway identification signs.* Any buildings or premises which does not meet the following standards:

(a) Stairway identification signs shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the

floor level, the terminus of the top and bottom of the interior exit stairway and ramp and the identification of the stairway or ramp. The signage shall also state the story of, and the direction to, the exit discharge and the availability of roof access from the interior exit stairway and ramp for the fire department. The sign shall be located 5 feet (1524 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions. In addition to the stairway identification sign, a floor-level sign in visual characters, raised characters and braille complying with ICC A117.1 shall be located at each floor-level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level.

(b) All stairway identification signage requirements shall be in compliance with the International Fire Code Section 1023.9.1, as amended.

(c) Where there is a conflict between the requirement of this section, another code or referenced standard, the most restrictive shall govern.

(d) Every building at a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall have the premises identification properly installed and maintained. Each building will position the numbers or addresses to be plainly readable from the public or private roadway fronting such building. Immediately below each building address or number the letters or numbers indicating the range of dwelling units within such building. Such numbers or letters shall be of a color that contrasts with their background and shall be a minimum of four inches (4”) in height.

(e) Each dwelling unit upon or near the exterior front door shall have the dwelling unit number posted in a color that contrasts with the background.