



SWIMMING POOLS, AIR CONDITIONING, BARBEQUE AND MORE!

Let's have some summer fun! (Legally speaking, of course.)

YOU KNOW IT'S summer in Houston when the temperature reaches 80 degrees and the humidity reaches 90 percent...at 6:00 a.m.!

Kids are out of school. Everyone is at the pool. Air-conditioning usage is at its peak. Outdoor barbecue parties are all the rage. Unfortunately, with all the fun comes potential liabilities.

To make sense of it all, you may need a checklist of at least some of the things you have to take care of to help you get through the summer months. Before jumping in the pool, let's wade through some of the issues you may encounter.

Swimming Pools:

✓ **Rules**

Persons under a certain age may be restricted from using the pool without proper supervision. However, rules that unreasonably target children may be deemed discriminatory on the basis of familial status.

Therefore, efforts should be made to develop rules that address a legitimate concern (such as safety) in the least discriminating way. In other words, the rules should narrowly target the subgroup of children to which the legitimate concerns apply.

Adults, as well as kids, like to have fun. You might consider restricting the number of guests that can be in the pool area and require that all guests be accompanied by a resident.

General conduct rules can focus on disruptive, noisy and obnoxious behavior. These rules might include restrictions on alcoholic beverages and rowdy activity. Establish pool hours, too, and include it in your rules.

✓ **Signage**

Signage should comply with Rule 265.199 of the Texas Administrative Code, which re-

quires certain language regarding no diving, use of the pool by children without adult supervision and telephones. Signage can also reiterate many of the rules regarding use and behavior.

✓ **Enclosures**

The City of Houston ordinances and state law require owners of an apartment community to completely enclose the pool yard with a pool yard enclosure. These requirements can be found in Chapter 757 of the Texas Health and Safety Code (<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.757.htm>).

✓ **Pool Safety Features**

Rule 265.199 of the Texas Administrative Code also contains a number of specific safety features for pools and spas including requirements for handholds, float lines, floor markings, depth markers, lifeguard chairs and equipment (if applicable), pool safety equipment, telephones and lighting.

Air Conditioning Issues:

✓ **Mold Prevention**

During our hot, humid summers, we need to be diligent about the potential for moisture build-up inside units, which are typically those that have the air-conditioner blasting. You may want to remind residents of the tips in the TAA Mold Information Prevention Addendum to minimize the potential for mold growth and to avoid moisture buildup.

The mold addendum states that if a dwelling has exhaust fans in the bathroom and kitchen, the fans should be turned on before showering or cooking with open pots.

Whether you want to adopt or modify rules is up to you, however, if you decide to make rule changes, keep in mind that the TAA lease allows you to do so, even during the term of the lease. Pursuant to Section 19.1 of the TAA lease, **you may make reasonable changes to written rules**, and those rules can become effective immediately if the rules are distributed and applicable to all units in the apartment community and do not change dollar amounts on pages one or two of the lease.

The addendum also requires residents to follow any rules about replacing air filters. Prolonged moisture can come from a wide variety of sources including air-conditioning drip pans or clogged air-conditioner condensation lines.

Although the addendum contains valuable information for any season, during summer when air conditioning usage is frequent and air temperatures inside dwellings are kept cool, special attention should be given to these issues.

✓ **Be Ready to Make Repairs**

The Texas Property Code requires owners to make a diligent effort to repair or remedy conditions in units after the owner receives proper notice. Procedures should be in place to allow you to receive requests and address issues in a prompt and correct manner. Air-conditioning requests during hot summer months tend to be numerous and urgent. Be prepared! Work orders should reflect what was requested, what was done and when the work was completed. Legible, well-written work orders can form the basis of your defense to claims that you have not acted properly.

Grills:

✓ **City Code**

The Houston Fire Department Life Safety Bureau Standards and Codes requires that portable barbecue pits, charcoal grills and other open-flame cooking devices outside of a building shall not be operated on combustible balconies or located within 10 feet of combustible walls or roofs or other combustible materials. The International Fire Code, (which has been adopted by the City of Houston with certain amendments), provides that charcoal burners and other open-flame cooking devices should not be operated on combustible balconies or within 10 feet of combustible construction.

✓ **Rules**

Appropriate rules should be adopted and made part of your community policies stating where residents can use open-flame cooking devices such as barbecue pits and charcoal grills. These open-flame cooking devices should not be allowed to be used within 10 feet of a building (including a balcony area).

General Conduct:

✓ **Late Night Gatherings**

As a kid, summers were great. We stayed up late, had friends over and got into all sorts of trouble. As adults, we worry about our kids staying up late, having friends over and getting into all sorts of trouble!

As an apartment manager, you may want to be prepared to handle late night disturbances, noises, vandalism and other issues that may arise because of increased nighttime activity. These provisions and rules should be enforced on an equal and consistent basis. All violations should be documented. If a complaint is made, proper steps should be taken to address the situation. This can be through a notice of lease violation, notice to vacate or notice of lease termination.

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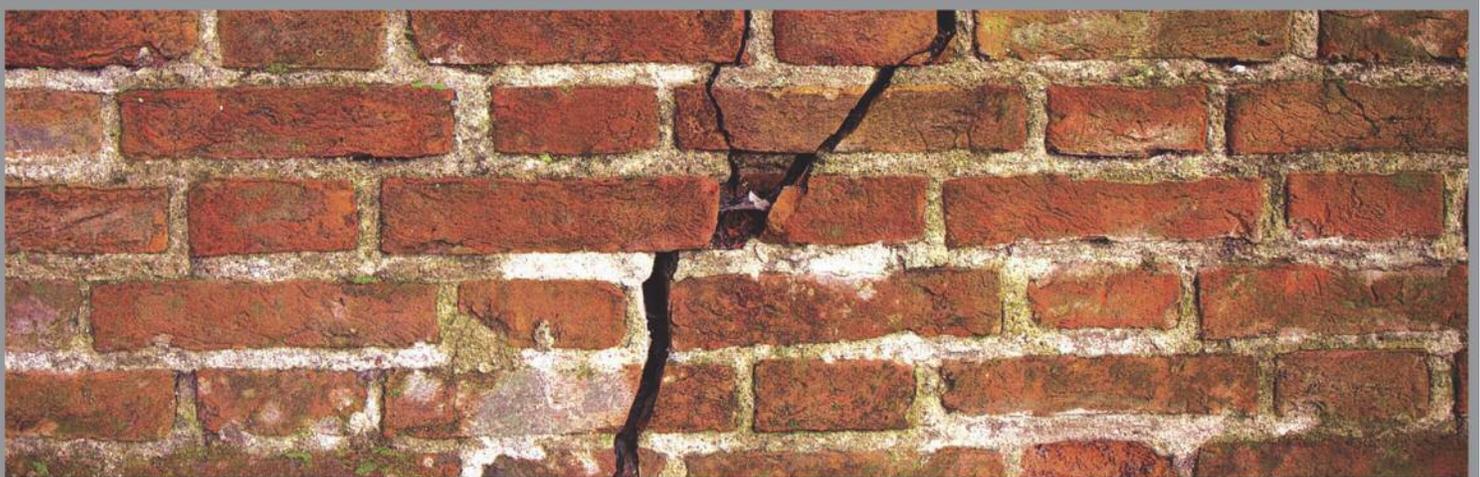
By checking your rules, taking certain precautions and requiring residents to act in a responsible and sensible manner, you may also be able to have some summer fun. 🍷



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