

RULES, REGULATIONS, AND STANDARDS
GOVERNING SECURITY FOR HOUSING FOR THE ELDERLY



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF ELDERLY AFFAIRS

2000

As Amended:

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Donald L. Carcieri
Governor

Corinne Calise Russo
Director

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PART I *Introduction*

Section 1.0 *Preface*

- 1.1 These rules and regulations supersede any and all prior rules and regulations governing the security for housing for the elderly promulgated pursuant to R.I.G.L. § 42-66.1. They have been promulgated to provide basic information about the nature of required security systems, personnel and equipment designed to ensure the health, safety and welfare of elderly citizens who are residents of housing for the elderly in Rhode Island. Pursuant to the provisions of the Administrative Procedures Act, R.I.G.L. § 42-35-3, the following were given consideration in arriving at the regulations: (a) alternative approaches to the regulations; and (b) duplication or overlap with other state regulations. No alternative approach, duplication, or overlap was identified.

Section 2.0 *Program Authority*

- 2.1 The Security for Housing for the Elderly Program is authorized by, and these regulations are promulgated under, the authority of R.I.G.L. Chapter 42-66.1 which requires that “Every public and private housing complex designated by the federal government as housing for the elderly in the state shall establish and maintain a security system, approved by the director, by July 1, 1993” and R.I.G.L. § 42-66.1-11, which provides for an administrative penalty for failure to comply with the requirements of R.I.G.L. § 42-66.1-8 and with these rules and regulations.
- 2.2 The Director, or her/his duly authorized representative, shall have the right to enter a housing for the elderly complex without prior notice to inspect the premises and services, including all pertinent records of any housing for the elderly complex. The submission of a safety/security plan shall constitute permission for and willingness to comply with such inspection. Refusal to permit such inspections may constitute grounds for an administrative penalty, as described in section 16.0 herein.

Section 3.0 *Nondiscrimination and Civil Rights Policy*

- 3.1 All public and private housing complexes designated by the federal government as housing for the elderly located in the state of Rhode Island shall be responsible for maintaining a policy of nondiscrimination in the provision of security services to residents and in the employment of staff without regard to race, color, creed, national origin, sex, sexual orientation, age, handicapping condition or degree of handicap, in accordance with Title VI of the Civil Rights Act of 1964; the Rhode Island Executive Order No. 92-2, dated January 23, 1992 and entitled “Compliance with the Americans with Disabilities Act”; the United States Executive Order No. 11246 entitled “Equal Employment Opportunity”; the United States Department of Labor Regulations; Title V of the Rehabilitation Act of 1973, as amended; the 1990 Americans with Disabilities Act; R.I.G.L. § 42-87, which states that “Discrimination” includes those acts prohibited on the basis of race by 42 U.S.C. #1981, 1983 and those on the basis of handicap by 29 U.S.C #794 and those on the basis of disability by U.S.C. #12100 *et seq.* and U.S.C. #12101 *et seq.*, and those on the basis of handicap by R.I.G.L. § 28-5; and the Rhode Island Fair Employment Practices Act.

Part II: Definition and General Requirements

Section 4.0 Definitions

Whenever used in these rules and regulations, the following terms shall be construed as follows:

- 4.1 “**Department**” means the Rhode Island Department of Elderly Affairs.
- 4.2 “**Director**” means the Director of the Department of Elderly Affairs or her/his designee.
- 4.3 “**Housing complex**” means the residential building or buildings, areas designated for use by residents, and grounds leading to and from the building(s) and/or designated areas.
- 4.4 “**Housing for the elderly**” means private or public housing complexes designated by the federal government as housing for the elderly located in the State of Rhode Island.
- 4.5 “**Management**” means the representatives of an agency or organization, local government, or a private or nonprofit company who have full and exclusive legal authority for the owner or governing body.
- 4.6 “**Periodic and ongoing resident security education program**” means that at least once per quarter information on security concerns will be supplied by management to all tenants in one or more of the following methods: posters, pamphlets, brochures, and face-to-face formal presentations.
- 4.7 “**Private housing complex**” means housing for the elderly not owned and operated by the local public housing authority.
- 4.8 “**Public housing complex**” means housing for the elderly owned and operated by the local housing authority.
- 4.9 “**Safety and security plan**” means a building plan that addresses the safety and security needs of residents.
- 4.10 “**Security equipment**” means any mechanical/electrical security devices and/or physical improvements to the building or grounds that would contribute to the overall security and safety of the elderly housing complex.
- 4.11 “**Security personnel**” means any personnel providing security services at the housing for the elderly complex.
- 4.12 “**Variance Review Committee**” means a group of three (3) Department employees, at least two (2) of whom are Housing Program staff persons and at least one (1) of whom oversees one or more programs within the Department.

Section 5.0 Variance Process

- 5.1 It is recognized that there will be need from time to time for a housing complex to bypass a specific rule or rules in order to best accomplish its stated philosophy, goals and purpose.

This factor has been taken into consideration in the development of these rules and regulations, and the following procedure is to be used when a housing manager believes there is a compelling need for a variance:

1. Application for a variance found below must be completed by housing manager and submitted to the Director for review by the Variance Review Committee.
2. Upon receipt of a variance request, the Department will make acknowledgement in writing.
3. Within ten (10) working days of the receipt of the variance request, unless additional time is required to review the program and the reason for the variance, the Variance Review Committee will review the application and return a decision, in writing, to the applicant.
4. If the applicant is dissatisfied with the decision of the Variance Review Committee, an appeal may be made through the process outlined in Section V.

Appeals Procedures

Variance Application Form
STATE OF RHODE ISLAND
Department of Elderly Affairs
John O. Pastore Center
Benjamin Rush Building #55
35 Howard Avenue
Cranston, RI 02920

Application for Variance from Department Rules Governing Housing Security
The undersigned hereby applies to the Director for a variance in the Application
of the Housing Security Rules for _____.

Applicant: _____

Address: _____

Date: _____

Specific Rule(s) to be Varied: _____

Request for Permanent Variance () or Time Variance () Check one.

Detailed Reason(s) for Requesting Variance(s) (Use additional sheet(s) if necessary):

Signed: _____

Section 6.0 *Statement of Purpose*

- 6.1 In order to ensure the health, safety and welfare of elderly residents of Rhode Island housing for the elderly, the Department has established these rules and regulations to assist in providing security at housing for the elderly complexes.

Section 7.0 *Program Jurisdiction*

- 7.1 All public and private housing complexes designated by the federal government as housing for elderly in the State of Rhode Island shall comply with the rules and regulations set forth in this document.

Section 8.0 *Compliance with All Laws, Codes, Rules and Regulations*

- 8.1 All public and private housing complexes designated by the federal government as housing for the elderly located in the state of Rhode Island shall be responsible for complying with all local, state and federal laws, codes, rules and regulations that apply to the program or facility.

Part III: Tenant Education

Section 9.0 *Tenant Education*

- 9.1 Housing for the elderly complexes shall maintain evidence of a periodic and ongoing resident security education program.
- 9.2 The owner, manager, or governing body of a housing complex for the elderly shall develop and implement an ongoing resident security education program that shall include the components listed in sections 9.2.1, 9.2.2, 9.2.3 below.

Orientation

- 9.2.1 All tenants of housing for the elderly shall receive an initial resident education and training security orientation at the time of assuming occupancy.

Appropriate Languages

- 9.2.2 Security information shall be provided in languages other than English, as necessary. The initial security orientation shall be provided to limited English speaking persons in their native language. Relatives and friends used by non-English speaking tenants as interpreters may provide an opportunity to enable housing managers to provide security orientation without requiring other special arrangements.

Safety Orientation Checklist

- 9.2.3 For every elderly housing complex, a safety orientation checklist shall be utilized at the time of occupancy, co-signed by management and tenant, dated and made part of the tenant's permanent file. The safety orientation checklist shall be signed by the resident upon completion shall contain the following elements:

General Precautions:

- 1. Keeping doors and windows secured;
- 2. Being familiar with:
 - a. Pull cords, lock systems and intercom systems
 - b. Security measures and policies concerning keys/duplicate/cards
 - c. Emergency exits and fire doors
 - d. Fire/Safety evacuation procedures
 - e. Smoke and fire alarms
 - f. Emergency phone numbers
 - g. Security systems, including guards and devices
 - h. Introduction to building personnel, and;

3. Other responsibilities for personal safety, including:

- a. Handling newspapers and mail
- b. Rubbish and recycling safety measure
- c. Handling delivery and repair service
- d. Soliciting procedures.

Security Procedures:

- a. Using entrance keys/cards;
- b. Entrance procedures concerning visitors;
- c. Storage areas;
- d. Mail boxes;
- e. Using common areas;
- f. Awareness of current safety provisions;
- g. Safety procedures in emergencies;
- h. Locking the car and not leaving any personal property of value in the car when not in use;
- i. Safety procedures concerning care and parking lot, and;
- j. Handbags, billfolds carried on person.

Information About the Neighborhood:

- k. Available services of local financial institutions (including safe deposit boxes for valuables);
- l. Use of public/common areas on and off the housing complex property including, but not limited to: "Prohibition of Smoking in Public Spaces" (R.I.G.L. § 23-20.10), and;
- m. General orientation concerning a local neighborhood and areas to avoid.

Reporting Procedures:

- n. Responsibilities of management, security personnel and police, and
- o. Learning how and when to report any trouble or suspicious occurrences to management, security personnel, or police.

Time Intervals for Tenant Education

- 9.2.4 Tenant education (that which is offered after the initial orientation) shall be ongoing and periodic, as defined herein.

Tenant Education Curriculum

- 9.2.5 The tenant education curriculum shall include:

a. *Protecting Personal Property:*

1. Locking the car and not leaving any personal property of value in the car when not in use;
2. Safety procedures concerning car and parking lot;
3. Handbags, billfolds carried on person;
4. Keeping sales slips and serial numbers of all valuables;
5. Utilizing available credit cars, travel club or other registration services for registering valuables;
6. Consulting a local police department to see if they engrave identification numbers on valuables for municipal residents, and;
7. Encouraging direct deposit of social security checks.

b. *Information About the Neighborhood:*

8. Available services of local financial institutions (including use of safe deposit boxes for valuables);
9. Use of public/common areas on and off the housing complex property, including, but not limited to: "Prohibition of Smoking in Public Spaces" (R.I.G.L. § 23-20.10);
10. Safety and crime prevention tips, and;
11. General orientation of local neighborhood and areas to avoid.

c. *Self-protection:*

12. Emergency procedures and telephone numbers (both during and after management business hours, as well as a telephone number during business hours where tenants can reach management);
13. Recommended techniques regarding assault;
14. How to obtain emergency medical care; and
15. Fire/safety evacuation procedures demonstrated by fire department of the city or town in which the housing is located.

Records of Tenant Education

- 9.2.6 Management shall keep a record that tenants have received proper notice for tenant education and training presentations, events, and communications after initial orientation. A dated record of such notice shall be maintained in a master file of education and training events for a minimum of three (3) years and shall be available to the Department upon request.

Tenants shall be notified through appropriate means including bulletin boards, newsletters, rent mailers or other methods to ensure tenants are aware of the training being offered and to encourage maximum participation.

Prohibition of Smoking in All Enclosed Public Spaces

- 9.3 Under the “Public Health and Workplace Safety Act (R.I.G.L. §23-20.10), the Rhode Island Department of Health has amended the rules and regulations regarding smoking to indicate that “Smoking shall be prohibited in all enclosed public spaces within the State of Rhode Island, including but not limited to (f) elevators and (j) lobbies, hallways and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes and other multiple unit residential facilities with more than four (4) units.” Compliance with the above rules and regulations and the posting of signs will be included in the inspection of the sites designated above and the Department of Health shall be notified of any violations therein.

Main Door Keys

- 9.4 Management must maintain a list of all individuals to whom main door keys have been distributed.

Part IV: *Safety and Security Plan*

Section 10.0 *Crime*

- 10.1 Management is responsible for being familiar with the level of criminal activity in the vicinity of the complex and for acting accordingly with respect to security, in light of such criminal activity. The Department strongly recommends the use of security guards. Any complex that chooses to hire security guards must be in compliance with section 11.0 below.

Section 11.0 *Requirements for Security Guards*

- 11.1 Security guards in elderly housing must meet the requirements of this section. The security guard schedule shall be determined by housing management, subject to reasonable review and approval by the Department.

Minimum Standards for Employment of Security Guards in Elderly Housing

- 11.2 Security guards must meet certain minimum standards for employment to be suitable for work in elderly residences:
1. Housing directors or managers of housing for the elderly sites which have been determined to require security guards shall be responsible for ensuring that the security guards who work at their sites have completed training before they begin work at the site;
 2. Personal interview, and;
 3. Background screening to include:
 - a. Bureau of Criminal Identification (mandatory);
 - b. Personal references, if possible;
 - c. Former employer's references, if possible.
- Failure to perform satisfactorily on any of the required examinations may result in disqualification from employment.

Offenses That Will Disqualify Security Guard Applicants from Employment

- 11.3 The following offenses will disqualify security guard applicants from employment. These offenses are similar to lists of offenses disqualifying child day care workers and nursing home attendants from employment.

Disqualifying offenses include:

- A. Offenses against the person
 1. Murder
 2. Voluntary manslaughter
 3. Kidnapping

4. Kidnapping with the intent to extort
5. First degree sexual assault
6. Second degree sexual assault
7. Third degree sexual assault
8. Assault with intent to commit specified felonies
9. Felony assault
10. Domestic assault
- B. Offenses against the family
11. Exploitation for commercial or immoral purposes
12. Abuse of elderly persons
13. Abuse of handicapped persons
14. Abuse of disabled persons
15. Abuse of children
- C. Offenses against property
16. Larceny
17. Breaking and entering
18. Robbery
19. Arson
20. Burglary
- D. Drug offenses
21. Any offense constituting a felony that is enumerated in R.I.G.L. § 21-28-1.01 et. seq., the Uniform Controlled Substances Act.

Minimum Training Requirements for Security Guards

- 11.4 The following minimum standards for training to be utilized by each security guard company or manager at each housing site to which security guards are assigned shall include:
 - A. The written procedure manual for each site
 - B. Building and grounds orientation.
- 11.5 Management shall maintain a personnel file on each security guard.
- 11.6 Tenants shall be prohibited from serving as security guards at sites/complexes in which they reside and except as provided below in this paragraph, from having master keys.

- 11.7 If management desires to have a tenant or a resident have a master key to apartments solely in order to assist other tenants with lockouts after management's normal business hours, the housing manager must request a variance permitting same pursuant to section 5.0 above. The request must include documentation that the individual(s) have undergone a BCI check.

Section 12.0 *Requirements for Security Devices/Equipment*

- 12.1 All housing sites in Rhode Island designated as Housing for the Elderly must have cameras attached to their continuously running or motion activated recorders for the main entrance to the building. As of July 1, 2007, the requirement set forth in the preceding sentence shall apply to all ground level entrance/exit doors. In the event that a housing complex seeks a variance to this requirement (see section 5.0 above, Variance Process, the factors that will be considered in granting a variance will include without limitation, a review of the location and setting of the elderly housing complex and if the doors have alarms attached and a review of police reports of activities around the building(s).

Section 13.0 *Department of Corrections Notices*

- 13.1 Each elderly housing complex, as part of its tenant acceptance process, shall review and consider any notice provided to the complex by the Department of Corrections, as required by R.I.G.L. § 42-56-10(23), concerning the tenant's or prospective tenant's status on parole and the Department of Corrections' recommendations, if any, regarding safety and security measures.

Section 14.0 *Reporting Requirements*

- 14.1 Every public and private housing complex designated by the federal government as housing for the elderly in the state shall establish and maintain a safety and security plan, as defined in section 4.9 herein, that conforms to the criteria in Appendix "A" herein.
- 14.2 Every public and private housing complex designated by the federal government as housing for the elderly in the state shall submit the safety and security plan described in section 14.1 (above) to the Director on or before the 1st day of July of each year.
- 14.3 ***Notice of Changes in Housing Manager and Security Personnel.*** All housing for elderly shall notify the Department's Manager, Housing Program of any change in the housing manager and any change in security personnel at the housing site. This notification shall be made within thirty (30) days after the change in personnel.

PART V: *Appeals Procedures and Assessment of Penalties*

Section 15.0 *Appeals Procedures*

- 15.1 If the Department determines a housing complex is in violation of these regulations, the Department will give written notice of same to the management of the housing complex.
- 15.2 Management will be allowed twenty (20) working days to remedy the problem which has been identified. A shorter time period or an immediate response may be required if there is a failure to meet a requirement which places the residents in the building(s) at risk. A longer time period to resolve the problem also may be permitted, at the Department's discretion.

Section 16.0 *Assessment of Penalties*

- 16.1 If the problem has not been resolved within the time allowed, the housing complex may be assessed an administrative penalty up to \$1,000.00 plus interest, as determined by the Director. In such event, the housing complex for the elderly shall receive written notice, either by certified mail, return receipt requested, or by hand delivery from the Director stating the Department's intent to assess an administrative penalty. The notice shall include:
- a. a concise statement of the circumstances that have given rise to the assessment of the penalty by the Director;
 - b. the amount which the Director seeks to assess;
 - c. a statement of the housing complex's right to a hearing on the penalty assessed;
 - d. the requirement to respond in writing within ten (10) days from receipt of notice of the penalty to request a hearing. Failure to respond within the ten (10) days will result in a waiver of the right to an administrative hearing; and
 - e. the manner of payment should the housing complex for the elderly elect to pay the penalty and waive the hearing.
- 16.2 **Appeal of Denial of Variance:** If an applicant for a variance is dissatisfied with any decision of the Variance Review Committee pursuant to section 5.0 above, the applicant may request a hearing on the decision of the Variance Review Committee.
- 16.2.1 Notice of such request for a hearing, which shall include a reasonably detailed explanation of the reason of such dissatisfaction, must be given to the Department within ten (10) days from the applicant's receipt of notice of the denial of the variance request.
- 16.2.2 An applicant's failure to deliver such notice within such ten (10) day period will result in a waiver of the right to an administrative hearing.

Section 17.0 *Administrative Hearing Procedures*

- 17.1 In the event that the housing complex makes a timely request for an administrative hearing pursuant to section 16.2 (above), the following procedures shall be followed:
- a. The hearing shall take place as soon as possible but not longer than fourteen (14) days after receipt of the written request.
 - b. Written notice of the hearing shall be supplied to the requesting party and shall include:
 - i. a statement of the time, place and nature of the hearing;
 - ii. a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - iii. a reference to the particular sections of the statute and rules involved; and
 - iv. a short and plain statement of the issues involved.
 - c. The Department's Hearing Officer shall conduct the hearing.
 - d. All parties shall have the opportunity to respond and present evidence and argument on all pertinent issues involved;
 - e. The Department Hearing Officer shall maintain a record of the hearing, including the following:
 - i. evidence received or considered;
 - ii. statement of matters officially noted;
 - iii. questions and offers of proofs and rulings;
 - iv. findings and exceptions;
 - v. the decision by the Hearing Officer; and
 - vi. all memoranda and data submitted to the Hearing Officer presiding at the hearing.
 - f. A complete record of the proceedings shall be recorded on audiotape or electronic device, or at the discretion of the Hearing Officer, by stenographic record. In the event the Hearing Officer orders a stenographic record, the Hearing Officer shall declare which party or parties shall bear the cost thereof. Any party to the proceedings may on his, her or its own initiative order a stenographic record made of the proceedings. The requesting party shall incur all costs associated therewith. The Hearing Officer shall be provided, at no cost, with a copy of the stenographic record and the Department's legal counsel shall be provided a copy at no cost. Any party to the proceedings may request a copy of the audiotape record of the proceedings. The requesting party shall bear the cost thereof.
 - g. findings of fact shall be made exclusively on the evidence and matters officially noted.

Appeal of Hearing Officer Decision

- 17.2 Any housing complex for the elderly that elects to appeal an adverse decision of the Hearing Officer shall have thirty (30) days after the mailing of the notice of the final decision to request judicial review. The procedures outlined in R.I.G.L. § 42-35-15 shall be followed. If a party chooses to appeal a final Departmental decision to Superior Court and the Superior Court requires a transcript of the hearing, said party shall be responsible for having the transcript prepared by an independent person or company at his, her or its expense within twenty (20) days of filing the appeal. If any administrative penalty is assessed at the conclusion of an administrative hearing, the administrative penalty shall be final upon the expiration of thirty (30) days if no action for judicial review of the decision is commenced.

Section 18.0 *Severability*

- 18.1 If any provision of the rules and regulations herein or the application thereof to any program or circumstances shall be held invalid, such invalidity shall not affect the provision or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

Housingregsfinalfeb10
Wednesday, February 03, 2010

APPENDIX "A"

RHODE ISLAND DEPARTMENT OF ELDERLY AFFAIRS

SAFETY AND SECURITY PLAN ANNUAL REPORT

NAME OF ORGANIZATION: _____

HOUSING COMPLEX: _____

ADDRESS: _____

YEAR OF REPORT _____

I. Safety and Security Plan

The management of the above stated housing complex hereby submits the following security and safety plan to the department of elderly affairs: (Provide a detailed description of safety and security plan)

(attach additional sheets if needed)

II. Resident Education

Does management provide a security orientation for tenants upon occupancy that includes general precautions, security procedures, neighborhood information and reporting procedures as specified in section 9.0 of the rules and regulations?

Is this orientation provided to limited English speaking tenants in their native language as necessary?

Is a safety/security orientation checklist completed, co-signed by management and tenant, dated and placed in each new tenants permanent file?

(attach orientation form used by housing complex)

Ongoing and Periodic Education

Does management provide ongoing information on safety security concerns at least once a quarter?

Does management provide information contained in the safety security curriculum as outlined in section 9.0 of the rules and regulations to tenants at least once a calendar year?

Do you cover the following topics in depth?

- a. Protecting personal property
- b. Information about the neighborhood
- c. Self-Protection
- d. Date of Fire Dept. presentation to residents

Do you keep a dated record of tenant notification of resident education and training presentations/events on file for three (3) years?

III. Access to Management

Is management accessible by phone seven (7) days a week, twenty four (24) hours a day to residents and police?

IV. Security Devices

Is a camera attached to a continuously running recording devise at each buildings main entrance?

Does the residence have a lock/buzzer access system with security camera at each buildings main entrance?

Other:

FOR HIGH CRIME AREAS, SECURITY GUARDS ARE REQUIRED.

DEA considers the following communities to be high crime areas: Providence, Pawtucket, Central Falls, and Newport.

Are guards employees of a security company?

Guard company name and address:

Are guards employees of housing management?

Security Guard Schedule

Days Times Patrols Stationery

Monday _____

Tuesday _____

Wednesday _____

Thursday _____

Friday _____

Saturday _____

Sunday _____

Presented by:

Name of Authorized

Agent: _____ **Position:** _____

Date: _____

Approved:

_____ **Date:** _____

Corinne Calise Russo, Director

Department of Elderly Affairs