

**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:**  
**January, 2002 (re-filing in**  
**accordance with the**  
**provisions of section 42-34-**  
**4.1 of the Rhode Island**  
**general laws, as amended)**  
**May, 2007**

**Donald L. Carcieri**  
**Governor**

**Corinne Calise Russo**  
**Director**

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## **SECTION I. INTRODUCTION.**

### **Part A. Preface.**

These rules and regulations supersede any and all prior rules and regulations governing 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; (b) duplication or overlap with other state regulations; and (c) significant economic impact. No alternative approach was identified; nor any duplication, overlap or significant economic impact.

### **Part B. Program Authority.**

The Security for Housing for the Elderly Program is authorized by, and these regulations are promulgated under, the authority of R.I.G.L. § 42-66.1-8, 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 rules and regulations promulgated under R.I.G.L. § 42-66.1-8

### **Part C. Nondiscrimination and Civil Rights Policy.**

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 D. Compliance with All Laws, Codes, Rules and Regulations**

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 E. Severability**

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.

#### **Part F. Definitions**

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

“Department” means the Rhode Island Department of Elderly Affairs.

“Director” means the Director of the Department of Elderly Affairs or designee.

“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.

“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.

“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.

“Private housing complex” means housing for the elderly not owned and operated by the local public housing authority.

“Public housing complex” means housing for the elderly owned and operated by the local housing authority.

“Safety and security plan” means a building plan that addresses the safety and security needs of residents.

“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.

“Security Guard Certification Program” means an eight hour (8-hour) training program utilizing a curriculum certified by the Department and provided by an agency that meets the requirements established by the Department to conduct the training.

“Security personnel” means any personnel providing security services in accordance with these rules and regulations.

“Tenant Education Program” means a program of periodic and ongoing resident education designed to meet the safety and security needs of residents of elderly housing.

“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.

#### **Part G. Variance Process.**

The rules governing security for elderly housing are designed so that full compliance is required in order for a certificate of compliance to be granted. 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 IX 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):

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Signed: \_\_\_\_\_

## **SECTION II. STATEMENT OF PURPOSE.**

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 designated public and private housing complexes.

## **SECTION III. PROGRAM JURISDICTION.**

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 IV. REQUIREMENTS FOR TENANT EDUCATION.**

### **Part A. Orientation.**

All tenants of Housing for the Elderly shall receive an initial resident education and training security orientation at the time of assuming occupancy.

### **Part B. Appropriate Languages**

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.

### **Part C. Safety Orientation Checklist**

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 an 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.

#### **Part D. Required Time Intervals for Tenant Education**

Tenant education (that which is offered after the initial orientation) shall be ongoing and periodic. “Ongoing” shall mean that, at least once a quarter, management will supply information on security concerns to all tenants. This shall include, but not be limited to, formal representation, poster, dissemination of pamphlets and brochures, etc. “Periodic” shall mean that the entire curriculum shall be covered at least once a year.

#### **Part E. Tenant Education Curriculum**

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.

#### **Part F. Records of Tenant Education**

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

#### **Part G. Prohibition of Smoking in All Enclosed Public Spaces**

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 under General Requirements (Section 2) 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 (Section 2.5 of the Rhode Island Department of Health Rules and Regulations regarding smoking) will be included in the inspection of the sites designated above and the Department of Health shall be notified of any violations therein.

#### **Part H. Main Door Keys**

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

### **SECTION V. CRIME.**

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 VI below.

### **SECTION VI. REQUIREMENTS FOR SECURITY GUARDS.**

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.

**Part A. Minimum Standards for Employment of Security Guards in Elderly Housing**

Security guards must meet certain minimum standards for employment to be suitable for work in elderly residences:

1. Completion of the Security Guard Certification Program. A curriculum for training has been developed by the Department which includes a one (1) day, eight (8) hour intensive training program and examination. 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 the training and are certified 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.

**Part B. Offenses That Will Disqualify Security Guard Applicants From Employment**

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.

**Part C. Minimum Training Requirements for Security Guards.**

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
- C. An eight (8) hour intensive training leading to Security Guard Certification that shall include the following topics:
  1. The Department Rules and Regulations Governing Security for Housing for the Elderly Act:
    - a. Program Authority
    - b. Statement of Purpose
    - c. Program Jurisdiction

- d. Requirements for Tenant Education
- e. Definition of High Crime Areas
- f. Security Guard Variance
- g. Requirements for Security Devices
- h. Reporting Requirements
- i. Appeals Procedure

2. Security Procedures:

- a. Security Regulations and Procedures
- b. Techniques of Patrols
- c. Communications
- d. Crime Prevention
- e. Alarms
- f. Bombs and Bomb Threats
- g. Emergency Procedures
- h. Dealing with Difficult Situations
- i. Laws of Evidence
- j. Theft and Pilferage
- k. Use of Public Spaces and Prohibition of Smoking in Public Spaces (R.I.G.L. § 23-20.10)
- l. Doors, Hallways and Other Property
- m. Monitoring
- n. Safety Procedures
- o. Report Writing
- p. Grooming and Appearance
- q. Public Relations
- r. General Sensitivity

3. Crimes Particular to Elderly and Disabled Individuals

- a. Elder Abuse and Self-Neglect
- b. Dealing with Special Needs Populations
- c. Fraud and Exploitation
- d. Behavioral Health issues (including substance abuse)

4. Fire Prevention and Control

- a. Fire Alarm Systems
- b. Detecting Fire Risks
- c. Fire Incident Procedures (including knowledge of site fire evacuation plan for the building to which assigned)
- d. Assisting Fire Department Personnel

5. First Aid

Management shall maintain a personnel file on each security guard. **Tenants are 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.**

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 1, Part G above. The request must include documentation that the individual(s) have undergone a BCI check and have completed the DEA Security Guard Certification Program. Tenants/residents who are also full-time, paid employees of the housing complex do not need to attend the Security Guard Certification Program.

## **SECTION VII. REQUIREMENTS FOR SECURITY DEVICES.**

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 1, Part G 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 VIII. REPORTING REQUIREMENTS.**

**A. Certificate of Compliance.** Management of every housing complex shall maintain a Certificate of Compliance issued by the Department. In order to obtain a Certificate of Compliance, management of each complex must submit an Annual Report as required by Section B below. Following receipt of the Annual Report, the Department will schedule an inspection. A Certificate of Compliance will be issued if the Department determines that both the Annual Report and the inspection are satisfactory. The Department reserves the right to withdraw any previously issued Certificate of Compliance if the Department determines that circumstances warrant such withdrawal.

**B. Annual Report Describing Security System.** An Annual Report describing the security system shall be in such form as shall be required by the Department. The Annual Report shall be mailed to the following individual on or before the last day of the compliance period shown on the Certificate of Compliance, or every 12 months, whichever occurs first.

Manager, Housing Program  
Rhode Island Department of Elderly Affairs

Benjamin Rush Building #55  
35 Howard Avenue  
Cranston, RI 02920

**C. 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.

## **SECTION IX. APPEALS PROCEDURES AND ASSESSMENT OF PENALTIES.**

If the Department determines any of the following: (a) a housing complex is in violation of these regulations; or (b) a Certificate of Compliance should not be issued for a housing complex or an existing Certificate of Compliance should be withdrawn, the Department will give written notice of same to the management of the housing complex.

Management will be allowed twenty (20) working days to resolve or cure the problem which has been identified. A shorter time period or an immediate response may be requested 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.

**A. Assessment of Penalties.** 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 of the Department 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.

**Part B. Appeal of Denial of Variance.** If an applicant for a variance is dissatisfied with any decision of the Variance Review Committee pursuant to Section I, Part G above, the applicant may request a hearing on the decision of the Variance Review Committee.



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. 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.

**Part C. Administrative Hearing Procedures.** In the event that the housing complex makes a timely request for an administrative hearing pursuant to Part A or Part B of this Section IX, 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.

**Part D. Appeal of Hearing Officer Decision.** 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 X. DEPARTMENT OF CORRECTIONS NOTICES.**

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.