

STATE OF RHODE ISLAND
DEPARTMENT OF ELDERLY AFFAIRS
RULES & REGULATIONS
GOVERNING
SECURITY FOR HOUSING FOR THE ELDERLY

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SECTION I

Program Authority

The Security for Housing for the Elderly Program is authorized by, and these regulations are promulgated under, the authority of RIGL, 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 of Rhode Island will establish and maintain a security system, approved by the director (DEA), by July 1, 1993” and RIGL 42-66.1-11, which provides for an administrative penalty for statutes and regulations promulgated by the DEA.

SECTION II

Definitions

For the purpose of these Rules & Regulations, the following words shall have the following meaning:

1. DEA
Rhode Island Department of Elderly Affairs
2. Housing for the Elderly
Private and public housing complexes designated by the federal government as housing for the elderly located in the State of Rhode Island.
3. Director
The Director of the Department of Elderly Affairs or the Director’s designee.
4. Private Housing Complex
Housing for the elderly not owned and operated by the local public housing authority.
5. Public Housing Complex
Housing for the elderly owned and operated by the local public housing authority
6. Tenant Education Program
Refers to a program of periodic and ongoing resident education designed to meet the safety and security needs of residents of elderly housing.
7. Safety and Security Plan
Refers to a building by building plan that addressed the safety and security needs of residents.
8. Security Personnel
Any personnel providing security services in accordance with these Rules & Regulations.
9. Security Equipment
Refers to 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.
10. Housing Complex
The residential building or buildings, areas designated for use by residents and grounds leading to and from the building(s) and/or designated areas.
11. High Crime Area
Communities with crime ratios higher than the overall state weighted average for two consecutive years.
12. Management
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.

SECTION III

Statement of Purpose

In accordance with Rhode Island General Law 42-66.1-8, Rhode Island Security for Housing for the Elderly Act. The Rhode Island Department of Elderly Affairs, in order to ensure the health, safety and welfare of elderly citizens who are residents of housing for the elderly, has established Rules & Regulations to assist in providing security at public and private housing complexes designated by the federal government as housing for the elderly in the State of Rhode Island.

SECTION IV

Program Jurisdiction

All public and private housing complexes designated by the federal government as housing for elderly in the State of Rhode Island are bound by the Rules & Regulations set forth in this document.

SECTION V

Requirements for Tenant Education

1. All tenants of Housing for the Elderly will receive an initial resident education and training security orientation at the time of assuming occupancy.
2. Security information is to be provided in languages other than English as necessary. The initial security information provided at orientation is to be provided to limited English speaking persons in their native language at the time of assuming occupancy. Relatives and friends used by non-English speaking tenants as interpreters may provide an opportunity to enable housing managers to provide security orientation at the time of occupancy without requiring other special arrangement.
3. For every elderly housing complex, a safety orientation checklist is to 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 is to contain the following elements;
 - A. 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
 3. Other responsibilities for personal safety
 - a. Handling newspapers and mail
 - b. Rubbish and recycling safety measure
 - c. Handling deliveries and repair service
 - d. Soliciting procedures
- B. Security Procedures
 1. Using entrance keys/cards

2. Entrance procedures concerning visitors
3. Storage areas
4. Mail boxes
5. Using common areas
6. Awareness of current safety provisions
7. Safety procedures in emergencies
8. Locking the car and not leaving any personal property of value in the car when not in use.
9. Safety procedures concerning car and parking lot.
10. Handbags, billfolds carried on the person

C. Information about the Neighborhood

1. Available services of local financial institutions (including use of safe deposit boxes for valuables)
2. Use of public/common areas on and off the housing complex property
3. General orientation concerning a local neighborhood and areas to avoid

D. Reporting Procedures

1. Responsibilities of management, security personnel and police
2. Learning how and when to report any trouble or suspicious occurrences to management, security personnel or police

4. Resident education (that which is offered after the initial orientation) will 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 must be covered at least once a year.

The curriculum is to include:

A. Protecting Personnel 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 the person
4. Keeping sales slips and serial numbers of all valuables
5. Utilizing available credit cards, travel club or other registration services for registering valuables
6. Consulting a local police department to see if they engrave identification number on valuables for municipal residents
7. Encouraging direct deposit of social security checks

B. Information about the Neighborhood

1. Available services of local financial institutions (including use of safe deposit boxes for valuables)
2. Use of public/common areas on and off the housing complex property
3. Safety and crime prevention programs on housing complex property (buddy systems, crime watch, etc.)
4. Safety and crime prevention tips
5. General orientation of local neighborhood and areas to avoid

C. Self-protection

1. Emergency procedures and telephone numbers

2. Recommended techniques regarding assault
 3. How to obtain emergency medical care
 4. Fire/safety evacuation procedures demonstrated by fire department
5. Management will keep a record that tenants have received proper notice for resident education and training presentations, events, and communications after initial orientation. Tenants will 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 years.

SECTION VI

Definition of High Crime Areas

The FBI Uniform Crime Report (UCR) Part I states the number of serious crimes committed in each city and town in a given year. These numbers, divided by the population of each community, provides crime rates that are used to rank each city and town according to its crime ratio.

The types of crime in the FBI UCR are murder, rape, robbery, larceny, assault, breaking and entering, and motor vehicle theft.

The weighted average method of defining high crime areas is computed by dividing the total number of these crimes committed in a given year by the most recent population census. Individual cities and towns are then compared with the statewide average. Towns with crime ratios higher than the overall state weighted average for two consecutive years are considered high crime areas and require security measures greater than those needed in low crime area.

Providence, Central Falls, Newport, Pawtucket and New Shoreham experienced a higher than average serious crime incidence for 1998 and 1999 and are considered high crime areas. *These communities must meet the requirements for security guards as outlined in Section VII of the Rules and Regulations.

SECTION VII

Requirements for Security Guards

1. Security guards in elderly housing are required in those areas of the state designated as high crime area. The security guard schedule shall be determined by housing management, subject to reasonable review and approval of DEA.
2. Security guards must meet certain minimum standards for employment to be suitable for work in elderly residences.
 - A. Age limits
Minimum age 18
 - B. Mandatory examination

*The definition of high crime areas is revised annually according to most recent FBI UCR Part I.

1. Written exam indicative of candidates' ability to understand and do the job (passage of a simple test to establish functional literacy such as found in "CASAS", the Comprehensive Adult Student Assessment System or "TABE". The Test of Adult Basic Education, the most commonly

accepted literacy measures). Possession of a General Equivalency Diploma (GED) or a high school diploma does not exempt security guard applicants from the written examinations requirements.

2. Oral exam indicative of candidate's ability to understand and perform the job.
 - A. Personal interview
 - B. Background screening to include:
 1. Bureau of Criminal Identification (mandatory)
 2. Personal references, if possible
 3. Former employer's references, if possible

Failure to perform satisfactorily on any of the required examinations may result in disqualification from employment.

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
 - Murder
 - Voluntary manslaughter
 - Kidnapping
 - Kidnapping with the intent to extort
 - First degree sexual assault
 - Second degree sexual assault
 - Third degree sexual assault
 - Assault with intent to commit specified felonies
 - Felony assault
 - Domestic assault
- B. Offenses against the family
 - Exploitation for commercial or immoral purposes
 - Abuse against elderly/handicapped/disabled/children
- C. Offenses against property
 - Larceny
 - Breaking and entering
 - Robbery
 - Arson
 - Burglary
- D. Drug Offenses
 - Any offense constituting a felony which is enumerated in Rhode Island General Law 21-28-1.01 et.seq., the Uniform Controlled substances Act.

4. The following minimum standards for training security guards are required.

The basic orientation should include:

1. Written procedure manual

2. Building and grounds orientation

Security guards should receive a 40-hour training course that includes the following topics:

1. Elderly abuse/neglect
 2. Alarms
 3. Basic first aid
 4. Bombs and bomb threats
 5. Communications
 6. Dealing with difficult situations
 7. Domestic violence
 8. Dealing with special needs populations
 9. Emergency procedures
 10. Fire prevention and control
 11. Grooming and appearance
 12. Laws of evidence
 13. Public relations
 14. Report writing
 15. Safety procedures
 16. Security regulations procedures
 17. Substance abuse
 18. Techniques of patrol
 19. Theft and pilferage
 20. Use of public areas
 21. Door, hallway and other property monitoring
 22. Crime prevention
 23. General Sensitivity
 24. Fraud and Exploitation
5. Management shall maintain a personnel file on each security guard.
 6. Residents are prohibited from serving as security guards at sites/complexes in which they reside. This does not prohibit residents from serving as security guards in other sites/complexes. This restriction does not apply to any residents hired as security guards prior to the filing date of these revised Regulations.

SECTION VIII

Security Guard Waiver Process

The waiver process by which security personnel may be replaced by other measures is defined below.

This waiver will be in effect for two years, unless or until circumstances change that would require DEA to rescind the waiver. DEA may rescind the waiver if there is clearly documented evidence indicating a serious increase in the level of crime at the development or in the contiguous neighborhood that is not being addressed by other means.

Security devices adequate to provide a reasonable level of safety as determined by DEA may constitute a replacement of the requirement for security guards. DEA will consider the use of management personnel and/or residents as an element in the waiver process. Incidence of crime in the building/s and grounds will be considered as an element of the waiver process. A police report, indicating incidence of crime in building/s and grounds will be considered as an element

of the waiver process. A police report, indicting incidence of crime in building/s and grounds must be submitted to DEA annually.

The report must include incidence by type of crime for the previous 12 months. As a requirement for consideration of the waiver, an incidence of crime lower than the state ratio defined as high crime areas must be demonstrated (see Section VI.)

The DEA will consider granting a waiver upon receipt of a “request for Waiver” from owners/managers of a specific development containing the following elements:

- A letter from the local law enforcement agency stating that the development is not considered a high crime development.
- Twelve months of data indicating that the development and its contiguous neighborhood is not a high crime area (local police department patrol data).
- A detailed plan listing the type and location of security devices that are installed in an/or around the site to deter crime.
- A detailed listing of other measures, such as the use of management/maintenance personnel on site and/or resident crime watches.
- Evidence that the residents of the development have been informed of the waiver request and have had the opportunity to submit their comments concerning this request. (Residents must be notified through postings and allowed to comment at a resident meeting posted at least five days prior to the meetings).

Using the same methodology as the state crime ratio and using the same data elements as the FBI UCR Part I.

SECTION IX

Requirements for Security Devices

1. TV cameras, attached to a continuously running VCR, are required at the main entrances of all elderly housing three stories and above by September 30, 1999. By January 1, 2000, this requirement will be extended to all elderly housing sites that are two stories and above. On January 1, 2001, all elderly housing will be subject to this requirement.
2. Where it is not practical due to the configuration of the buildings, management may request a waiver from DEA of the requirements outlined in Section One.
3. Scattered site housing is exempt from this requirement.

SECTION X

Reporting Requirement

All housing for the elderly must submit a report describing their security system to the Department of Elderly Affairs as well as to their mortgage or regulatory agency, whichever is applicable, by July 1, 1993 and each year thereafter.

This report must address all the requirements stipulated in Sections V, VII, VIII and IX of these Rules & Regulations.

SECTION XI

Appeals Procedure

Management of public or private housing for the elderly whose housing security systems have been reflected has the right to appeal such a decision. Such appeals shall follow the procedures listed below.

1. Management of housing for the elderly shall contact the DEA Hearing Officer to request an appeal.
2. A hearing shall be scheduled to take place as soon as possible but no longer than 45 days after the request for the hearing.
3. Housing management must contact the Department within 90 days of the date of the disapproval notice from DEA. No hearing shall be granted upon a request more than 90 days from the date of the notice.
4. Written notice of the hearing shall be supplied to the requesting party and shall include:
 - a. a statement of the time, place and nature of the hearing;
 - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - c. a reference to the particular sections of the statutes and rules involved; and
 - d. a short and plain statement of the issues involved.
5. The requesting party shall have the right to bring any person or any documentation pertinent to the issues involved.
6. The DEA Hearing Officer shall maintain a record of the hearing including the following:
 - a. evidence received or considered;
 - b. statement of matters officially noted;
 - c. questions and offers of proofs and rulings;
 - d. findings and exceptions;
 - e. the decision by the Hearing Officer; and
 - f. all memoranda or data submitted to the Hearing Officer presiding at the hearing.
7. Oral proceedings or any part thereof shall be transcribed on request of any party.
8. Findings of fact shall be exclusively on the evidence and matters officially noted.

SECTION XII

Assessment of Penalty

Any housing complex for the elderly that fails to meet the security requirements as outlined in the statute and preceding regulations by October 1, 1994 may be assessed an administrative penalty up to \$1,000.00 plus interest as determined by the Director of the Department of Elderly Affairs. Such assessment shall be administered according to the procedures listing below.

1. The housing complex for the elderly shall receive a written notice, either by service, in hand, or by certified mail, return receipt requested, from the Director, of the Department's intent to assess an administrative penalty. The notice shall include:
 - a. a concise statement of the alleged failure to comply with the requirements of the security regulations;
 - 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 the notice of the penalty to request a hearing and that failure to respond within the ten (10) days will result in a waiver of the right to an adjudicatory hearing;

- e. The manner of payment should the housing complex for the elderly elect to pay the penalty and waive hearing.
2. Should the housing complex for the elderly make a timely request for an administrative hearing, the following procedure shall be followed:
- a. The hearing shall take place as soon as possible but no longer than 45 days after 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 statutes and rules involved; and
 - iv. a short and plain statement of the issues involved.
 - c. The Department of Elderly Affairs' Legal Counsel shall act as the Hearing Officer.
 - d. All parties shall have the opportunity to respond and present evidence and argument on all pertinent issues involved.
 - e. The DEA Hearing Officer shall maintain a record of the hearing including the following
 - i. evidence received or considered;
 - ii. a statement of matters officially noticed;
 - iii. questions and offers of proof and rulings;
 - iv. findings and exceptions;
 - v. any decision, opinion, or report by the officer presiding at the hearing;
 - vi. all staff memoranda or data submitted to the Hearing Officer or members of the agency in connection with their consideration of the case.
 - f. Oral proceedings or any part thereof shall be transcribed on request of any party.
 - g. Findings of fact shall be based exclusively on the evidence and matters officially noted and shall be in writing or stated in the record.
3. 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 notice of the final decision to request judicial review. The procedures outlined in R.I.G.L. 42-35-15 shall be followed.

If an administrative penalty is assessed at the conclusion of an adjudicatory 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.

APPENDIX I

Crime Statistics

Year	Year
City/Town	City/Town
#of Crimes	#of Crimes
Ratio**	Ratio **
New Shoreham*	
Providence *	
Newport *	
Central Falls *	
Pawtucket *	
Warwick *	
West Warwick	
Jamestown	
Narragansett	
Lincoln	
Cranston	
Middletown	
Warren	
Johnston	
So.Kingstown	
Barrington	
Woonsocket	
No.Smithfield	
Richmond	
No. Kingstown	
Charlestown	
Hopkinton	
West Greenwich	
Portsmouth	
Cumberland	
Tiverton	
Ea. Greenwich	
Little Compton	
No. Providence	
Bristol	
E. Providence	
Coventry	
Smithfield	
Foster	
Westerly	
Glocester	
Burrillville	
Scituate	

STATE

STATE

Weighted average

** Based on 1990 population

* High crime area