

18 NYCRR Part 453 is repealed and a new 18 NYCRR Part 453 is adapted as follows:

PART 453 STANDARDS FOR DOMESTIC VIOLENCE SHELTERS AND MIXED OCCUPANCY SHELTERS

Sec.

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Section 453.1 Scope. The provisions of this Part apply solely to facilities defined as domestic violence shelters and domestic violence programs in section 452.2(a) and (c) of this Title. For the purposes of this Part, a domestic violence program will be referred to as "mixed occupancy shelter."

453.2 Definitions. The provisions of Part 452.2 of this Title apply to this Part.

453.3 General requirements for operation.

- (a) In addition to the requirements specified in Part 452 of this Title, buildings, equipment and services must be adequate to meet the physical and social needs of all residents and to protect their health, safety, comfort, and well-being.
- (b) Programs must comply with all applicable local and State codes, regulations, ordinances and laws relating to health, safety, sanitation, fire prevention and building standards.
- (c) All requirements of this Part and Part 452 of this Title must be met unless an exception has been granted pursuant to section 452.3(f) of this Title.

453.4 Nutrition.

- (a) Provisions to prepare three well balanced and nutritious meals must be available to residents when the facility is occupied.
- (b) Contracted food services are allowable.
- (c) When planning for meals, consideration must be made for the residents' varied dietary needs, including but not limited to any medically prescribed nutritional needs, allergies, culture and religious practices. Nothing herein requires the maintenance of separate kitchen facilities or supplies to comply with cultural or religious practices.

453.5 Staffing.

- (a) General requirements.
 - (1) The term staff, as used in this section, means compensated employees and volunteers of the domestic violence program or shelter.
 - (2) Staff/resident ratios.
 - (i) A sufficient number of competent staff must be on duty and onsite at all

times to supervise, operate and maintain the premises in a safe and sanitary condition, and to ensure the delivery of program services to all residents. There must be an employee responsible for supervising any volunteers.

- (ii) For the purpose of this part, the term non-business sleeping hours shall mean the hours outside of the shelter’s identified business hours during the hours that most individuals would sleep. The shelter must establish what specific time frame this entails in their agency’s policies and procedures. Staff on duty during non-business sleeping hours must remain awake during their shift.
- (iii) During the nonbusiness sleeping hours, the following minimum number of staff must be on duty and onsite at all times:

Range of number of residents in the facility	Minimum number of staff
1-40	1 staff person
41-80	2 staff persons
81-120	3 staff persons
121 and over	For each additional increment of 40 residents over 120, one additional staff person must be added upon entering into the next range of the number or residents.

- (iv) For the purpose of this part, the term non-business waking hours shall mean the hours outside the shelter’s identified business hour during which hour most individuals would be awake. Typically, this would include mornings, evenings, weekends and holidays. The shelter must establish what specific time frame this entails in their agency’s policies and procedures.
- (v) During the nonbusiness waking hours the following minimum number of staff must be on duty and onsite at all times except where otherwise indicated:

Range of number of residents in the facility	Minimum number of staff
1-15	1 staff person
16-20	1 staff person plus one staff person on call, or 2 staff persons
21-35	2 staff persons
36-50	3 staff persons
51-65	4 staff persons
66 and over	For each additional increment of 20 residents over 66, one additional staff person must be added upon entering the next range of the number of residents

- (vi) For all other hours, in accordance with the program and services provided pursuant to this Part, the following minimum number of staff must be on duty:

Range of number of persons in the facility	Minimum number of staff
1-10	1 employee onsite. For each additional increment of 10 residents, one additional on-duty staff person must be added upon entering the next range of the number of residents.

- (3) At all times, whether or not there are any residents being sheltered in the facility, there must be one employee or volunteer of the domestic violence shelter or the domestic violence program or an employee or volunteer of a designee of such program on call to receive crisis calls as set forth in section 452.12 of this Part.
- (4) During regular business hours, whether or not there are any residents being sheltered in the facility, there must be at least one employee on duty at the facility.
- (5) For purposes of calculating the minimum staff considered to be on duty and onsite at all times, food service and transportation personnel are not counted.

453.6 Security.

- (a) The program must provide 24-hour security at the facility to meet the physical safety needs of residents and staff. At a minimum, each facility must have safety locks on all exit and entry doors. These doors must be secured at all times, and specific admittance procedures must be in place for anyone entering the facility.
- (b) A description of the security system must be submitted to the Office for review and approval prior to the issuance of any operating certificate or extension thereof.
- (c) Based upon the individual characteristics of each program, including, but not limited to location of the facility and the extent to which the location is known in the community, size of the facility, construction characteristics of the facility, and use of the building or site location for purposes other than the provision of services to victims of domestic violence, additional security measures, including, but not limited to, the hiring of staff and installation of security devices may be required.

453.7 Environmental standards.

- (a) In addition to requirements specified in this section, each facility must be in conformance with applicable State and local laws, regulations and ordinances relating to the following areas:
 - (1) Health and safety;
 - (2) Sanitation and maintenance;
 - (3) Fire prevention and fire protection;
 - (4) Building and construction standards;
 - (5) Plumbing and water supply; and
 - (6) Heating and electrical systems
- (b) All inspection certificates and other documents required by State and local authorities for

buildings, grounds and equipment must be current, maintained on the premises, and available for Office review at all times.

(c) Each facility must demonstrate compliance with the following requirements:

(1) General requirements.

- (i) Each facility must be maintained in a good state of repair and sanitation and must be free of safety hazards.
- (ii) All areas of the facility, including exits which are accessible to residents, must be well-lighted.
- (iii) A multistory combustible dwelling must have a minimum of one exit stairway from each floor above the first floor and at least one additional alternate, safe means of emergency egress, or, as applicable, emergency escape and rescue from each floor above the first floor, in accordance with applicable State and local building and/or fire codes.
 - (a) Residential programs located outside of New York City. For a window opening to qualify as a means of egress, the minimum size shall have net clear opening of 5.7 square feet. The bottom of the clear opening shall not be greater than 44 inches measured from the floor. The minimum net opening height dimension shall be 24 inches and the minimum net clear opening width dimension shall be 20 inches. The net clear opening dimensions shall be the result of normal operation of the window. An upper level window, to qualify as a means of egress, must also have a platform outside the window and a stair, permanently affixed to the building, leading to ground level.
 - (b) Residential programs located within New York City. Only sleeping rooms in non-sprinklered buildings below the 4th story shall provide emergency escape and rescue. For a window opening to qualify as an emergency escape and rescue opening, the window shall have a minimum net clear opening of 6 square feet. The bottom of the clear opening shall not be greater than 36 inches measured from the floor. The minimum net opening height dimension shall not be less than 30 inches and the minimum net clear opening width dimension shall not be less than 24 inches. The net clear opening dimensions shall be the result of normal operation of the window. All residential units shall provide adequate means of egress in accordance with New York City Building Codes.
 - (c) Any facility licensed and operating as a residential program for victims of domestic violence as defined in Part 452.2 in this Title prior to January 1, 2020 can use safe means of emergency egress from each floor above the first (e.g. rescue ladder, fire escape, etc.) Any renovations/construction to the building after January 1, 2020 must comply with the provisions of subsection (a) of this part.
- (iv) All lavatories, sleeping areas, recreational areas, hallways and other living areas must be kept clean and sanitary. Procedures must be

established and implemented for the cleaning and maintenance of the entire facility.

- (v) Heating systems shall be capable of maintaining a minimum room temperature of 68 degrees Fahrenheit in all habitable rooms and shall be maintained in good working order, in accordance with the requirements of the applicable Property Maintenance Code or Building Code.
- (vi) Adequate and safe water supply and sewage facilities must be provided in conformance with State and local laws. Hot and cold running water must be available and accessible at all times.
- (vii) There shall be no construction, addition, substantial modification or change in occupancy of buildings or parts of buildings used or to be used in the operation of the domestic violence shelter or mixed occupancy shelter, except on plans and designs approved in writing by the Office. To qualify for approval by the Office, plans and specifications must be in substantial compliance with the applicable provisions of State and local laws, ordinances, and regulations.

(2) Sleeping rooms.

- (i) Sleeping rooms must be separate and distinct from other living areas.
- (ii) Sleeping rooms must be adequately lighted and ventilated.
- (iii) Multi-resident or dormitory-type sleeping rooms will be acceptable provided the following minimum requirements are met:
 - (a) natural light and ventilation must be available in each sleeping area in accordance with generally accepted standards and State and local codes; and
 - (b) adequate accommodations must be made for the storage of personal belongings and clothing.
- (iv) Except for those facilities where a stricter standard is required by State or local code requirement, sleeping rooms must have a minimum of 70 square feet with a minimum horizontal dimension of 7 feet. Sleeping rooms for more than one occupant must have at least 50 square feet per each additional person.
 - (a) Any facility licensed and operating as a residential program for victims of domestic violence as defined in Part 452. 2 in this Title prior to January 1, 2020 is not subject the provision of subsection (a)(2)(iv) of this Part. Any substantial renovations and/or construction to the building after January 1, 2020 must comply with the provisions of subsection (a)(vii) of this Part.
- (v) Each resident shall have a separate bed. Beds placed side-by-side must be spaced at least two feet apart from other beds. Bunk beds are permissible.

(3) Bathing facilities.

- (i) There must be at least one sink and one toilet for every 10 residents.
 - (ii) There must be at least one bathtub or shower for every 10 residents.
 - (iii) Bathrooms must be cleaned, sanitized with disinfectant and maintained daily and more often if necessary to ensure cleanliness and sanitation.
 - (iv) All toilet and bathing areas must be vented by means of natural or mechanical ventilation to the outside air.
 - (v) All bathtubs and showers must have a nonskid surface.
 - (vi) Bathing and toilet facilities must be located within the residential program and must be in good working order with hot and cold water available 24 hours a day. If a program provides temporary shelter to the physically handicapped, toilet and bathing facilities must be handicapped accessible.
 - (vii) Programs must provide a diaper changing area that is as close as possible to a sink with soap, hot and cold running water, and trash disposal. This area or sink must not be used for food preparation.
- (4) Living areas. Lounging and recreation areas must be provided to serve the recreational and social needs of the residents.
- (5) Dining facilities must be provided with adequate space and furnishings to serve all the residents.
- (6) Child services and recreation areas. Facilities must designate an area exclusive of living and dining areas for the purposes of providing services and recreation to children.
- (7) Kitchens, sanitation and sanitary procedure.
- (i) All kitchens or food preparation areas must be adequately lighted, ventilated, and provided with essential and proper equipment for food storage, refrigeration, freezing, preparation and serving for the number of residents to be served.
 - (ii) All kitchen equipment and surroundings must be kept clean. Garbage and trash must be kept in suitable covered containers, emptied at least weekly.
 - (iii) Dishes, glassware, eating and cooking utensils and food containers must be properly washed and dried.
 - (iv) Any staff members hired for the specific purpose of food preparation and handling must meet all State and local health requirements. Residents and staff members participating in the handling and preparation of food for consumption by the resident community must be in good health, take proper sanitary precautions, and wash hands prior to engaging in such activity.
 - (v) The food service areas must be provided with sufficient and suitable

space and equipment to maintain efficient and sanitary operation of all required functions, in compliance with Part 14 of the New York State Sanitary Code. In addition, all other State, county, and local health and fire department regulations relating to kitchen operations for fire protection, safety, sanitation and health must be complied with.

(vi) An employee of the facility must be responsible for assuring that the procedures contained in this subdivision are implemented.

(8) Furnishings and equipment.

(i) The facility must provide furnishings and equipment, including toys, which do not endanger resident health, safety and welfare and which support daily activities.

(ii) All furnishings and equipment must be durable, clean and appropriate to the residential program.

(iii) Paints, finishes, or other materials that contain toxic elements including and not limited to lead or asbestos, must not be used on room surfaces, flooring, insulation, furniture or any other equipment, materials or furnishings which may be used by children or within their reach. Facilities built prior to 1978 shall have a comprehensive plan to repair peeling paint and/or plaster.

(iv) The facility must furnish each resident, whether an adult or child, with a clean bed (or cribs for infants).

(a) A bed must be solidly constructed, and in good repair which has a clean and well-constructed mattress, standard in size for the bed and a clean pillow of standard size. Pillows, bumpers, blankets or quilts, toys and stuffed animals must not be used for infants and must not be used in cribs.

(b) All cribs must be in compliance with the safety standards established by the US Consumer Product Safety Commission (CPCS). Stackable cribs are prohibited.

(c) All bunk beds must be in compliance with the safety standards established by the US Consumer Product Safety Commission.

(v) Each resident must be supplied with adequate personal hygiene articles and, where needed, diapers for children.

(vi) Bed linens, blankets and towels must be available, clean and in good condition.

(vii) All operable windows must be equipped with screens and guards or locks. All windows in sleeping areas must have shades or other appropriate window coverings to ensure privacy.

(viii) All window and door blind cords, ropes, wires and other strangulation hazards must be secured and inaccessible to children.

(ix) All electrical outlets accessible to children must be adequately protected.

- (x) Dining areas must be furnished with dining tables and chairs appropriate to the size and function of the facility.
- (xi) Living rooms, sitting rooms, lounges and recreation areas must be furnished with tables, chairs, lighting fixtures and other equipment appropriate to the size and function of the specific area and of the facility.
- (xii) The facility must maintain areas suitable for posting required notices, documents and other written materials in locations visible and accessible to residents, staff and visitors.
- (xiii) A secured area or container must be maintained by each facility to secure valuable personal belongings of any residents requesting such security.

(9) Safety procedures.

- (i) All medications (prescription and over-the-counter) must be kept by residents or staff in a secure place so as not to be accessible to children or other adult residents.
- (ii) Containers of chemical cleaning agents and other toxic material must be labeled, stored and secured in places out of reach of children.
- (iii) Hallways and corridors may not be used for storage of equipment or trash. Trash, garbage and combustible material must not be stored in the furnace room.
- (iv) Sidewalks, fire escape routes, and entrances must be kept free of any hazards, including ice, snow and debris.
- (v) Stairways must have sturdy and securely fastened handrails.
- (vi) Radiators with heating pipes which could cause burns must be shielded.
- (vii) All electrical cords and plugs must be in good condition with no exposed or frayed wiring.
- (viii) Children may not be permitted to operate any power equipment or electrical appliances except under the close supervision of a responsible staff member or the children's parents.
- (ix) Parents of infants must be informed of safe sleep practices, which include the safest sleeping arrangements for infants is to sleep alone, be placed on his or her back, and in a crib .
- (x) Cribs, bassinets and other sleeping areas for infants must not have bumper pads, toys, stuffed animals, blankets, pillows wedges or infant positioners, unless medically indicated by the infant's health care provider.

(10) Fire safety procedures. Suitable precautions must be taken to eliminate all conditions which may contribute to or create a fire.

- (i) Each facility must be kept free of fire hazards.

- (ii) Except for facilities where a stricter standard is required by State or local code requirement, smoke detectors shall be installed and maintained in every sleeping room, on each floor level and in the corridor adjacent to any sleeping rooms.
- (iii) Carbon monoxide alarms and detector(s) shall be installed on each level of the facility that contains sleeping areas, and shall be maintained and replaced in accordance with the Uniform Code and the manufacturer's instructions.
- (iv) Except in facilities where a stricter standard is required by State or local code requirement, each facility must be equipped with an ABC rated fire extinguisher in the kitchen, mechanical/boiler/furnace room, and if applicable, laundry room, which meets National Fire Protection Association standards. The extinguisher must be properly installed, charged and maintained. Staff and volunteers must be knowledgeable and trained in the use of the fire extinguisher.
- (v) Building exits must be clearly marked and free from obstructions at all times.
- (vi) The use of wood stoves and/or fire places, used at any time at the facility must have an annual inspection by applicable local authority having jurisdiction or an inspector qualified to approve fuel burning systems and approval from the Office.
- (vii) The following are fire hazards and are prohibited:
 - (a) smoking in bedrooms or any other common indoor areas of the facility. Designated outdoor smoking area(s) must be at least 25 feet away from any window or means of egress;
 - (b) portable space heaters of any type;
 - (c) non-metal containers which contain residue from solid fuel burning appliances;
 - (d) accumulation of combustible materials in any part of the building;
 - (e) storage of flammable or combustible liquids in anything other than closed containers listed by an accepted testing laboratory;
 - (f) cooking appliances in resident bedrooms;
 - (g) overloaded electrical circuits;
 - (h) extension cords, unless surge protected and the use has been approved in writing by the Office. Extension cords must not be used for any appliance, and plugging one extension cord into one or more is prohibited;
 - (i) any other condition deemed hazardous by the Office.

(11) A working telephone with emergency telephone numbers for fire, police and

medical assistance posted nearby must be made available to residents.

453.8 Disaster and emergency plans.

- (a) Each facility must have written disaster and emergency plan(s) approved by the Office. Such emergency plans must detail the procedures to be followed for residents and staff in the event of any naturally occurring or human caused emergency or disaster.
 - (1) The plan must also address emergency preparedness protocols, and include a medical care plan for obtaining emergency professional assistance on a 24-hour basis, seven days a week, including weekends and holidays.
 - (2) Each resident must be informed of the plan including evacuation procedures upon admission.
 - (3) All employees and volunteers of the program must be knowledgeable of the disaster and emergency plan(s) and of their responsibilities under such plan(s).
 - (4) The plan must be reviewed annually, and any updates or revisions must be submitted to the Office for approval.
- (b) Emergency evacuation procedures outlining the method and manner in which residents and staff are to evacuate in the event of a fire or other emergency must be conspicuously posted on each floor of the facility. Primary emphasis must be made on safe and timely evacuation and relocation of residents.
 - (1) Evacuation diagrams identifying emergency exits and outlining the route in which residents are to evacuate must be conspicuously posted on each floor of the facility.
 - (2) Evacuation to another floor or area of the building must be approved by applicable local authority such as the fire department or codes official.
 - (3) Alternate plans such as the use of an area of refuge for persons with mobility issues must be approved by applicable local authority such as the fire department or codes official.
- (c) Evacuation drills must be held on a monthly basis with staff and residents, alternating the time of the drill to insure that staff working each shift has had an opportunity to practice their respective responsibilities.
- (d) Shelter in place drills must be held on a semi-annual basis with staff and residents.
- (e) A record of such drills must be maintained, and must indicate:
 - (1) date and time of the drill;
 - (2) specify the type drill (e.g. evacuation or shelter in place);
 - (3) staff conducting the drill; and
 - (4) the number of residents that participated in the drill.