

18 NYCRR Part 454 is repealed and a new 18 NYCRR Part 454 is adapted as follows:

PART 454 STANDARDS FOR SAFE HOME NETWORKS AND SAFE HOMES

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Section 454.1 Scope. The provisions of this Part, along with the provisions of Part 452 of this Title, apply to safe home networks and safe homes for victims of domestic violence, and are separate from Parts 453 and 455 of this Title.

454.2 Definitions. Along with the provisions of Part 452.2 of this Title, for the purposes of this Part, the following definitions apply as it pertains to safe homes:

- (a) Safe home provider means a person who has been approved by a safe home network to provide temporary shelter in his/her residence to victims of domestic violence.
- (b) Safe home provider family or household member means each person who is currently residing in the home of the prospective or approved safe home provider.

454.3 General requirements for operation of a safe home network.

- (a) Safe home networks are responsible for approving safe homes. Residents may only be placed in those safe homes which have met the requirements for approval as contained in section 454.9 of this Part.
- (b) Safe home networks having a maximum length of stay policy of less than 90 days must have an established linkage, to the extent shelters and services are available, with an approved domestic violence shelter or domestic violence program to refer safe home residents who continue to be in need of temporary shelter and emergency services beyond the stay permitted at a safe home.
- (c) Safe home networks must develop a recruitment and retention plan to facilitate the availability of safe homes for victims of domestic violence and their children who need temporary shelter and emergency services. Such plan should articulate the strategies the safe home network is using to generate a sufficient number of safe homes as indicated on the safe home network operating certificate.

454.4 Responsibility for placement. In addition to the admission standard set forth in section 452.9(a)(5) of this Title, prior to each placement, safe home networks must make an inquiry into the general health and well-being of each member of the safe home household and arrange to place prospective residents in only those approved homes that the network has ascertained

have no health problems which could endanger the health, safety or well-being of prospective residents.

454.5 Maximum length of stay. The provisions of sections 452.9(c) and 408.6 of this Title apply to the maximum length of stay of residents in safe homes; provided, however, that networks may impose a length of stay which is less than the maximum set forth in such section.

454.6 Safe home network responsibilities/resident responsibilities. In addition to the provisions set forth in section 452.9 (a)(9) of this Title, the written agreement entered into by the safe home network and the resident must also contain:

- (a) the rules of the safe home provider;
- (b) the requirement for residents to keep confidential the name and address of the safe home provider and any other residents and to disclose such information only to those persons authorized by the network;
- (c) the requirement of residents to be responsible for the supervision and management of their children during their stay in a safe home; and
- (d) the requirement for safe home networks to have contact with each adult resident twice each week.

454.7 Nutrition

- (a) Safe home networks must ensure that three well-balanced and nutritious meals are available daily to residents either at the safe home or offsite.
- (b) Consideration must be given to medically prescribed nutritional needs, culture and religious practices. Nothing herein requires the maintenance of separate kitchen facilities or supplies to comply with cultural or religious practices.

454.8 Staffing.

- (a) General requirements.

The term staff, as used in this section, means compensated employees and volunteers of the safe home network.

- (b) Staff/resident ratios.
 - (1) There must be at a minimum one employee who is designated director of the safe home network and who is responsible for the general management and administration of the network and safe home program. The director is responsible for the supervision of volunteers and safe home providers, or for the designation of an employee to supervise volunteers and safe home providers, and for identifying and designating a sufficient number of qualified staff to ensure the delivery of core emergency specified in section 452.12 of this Title to all eligible residents.
 - (2) A minimum of one employee or volunteer of the safe home network or an

employee or volunteer of a designee of the safe home network must be on call at all times to receive crisis calls as set forth in section 452.12(a) of this Title.

454.9 Requirements for approving safe homes. The safe home network is responsible for approving safe homes and such approval is dependent upon a visit to the prospective safe home by the safe home network and the safe home provider meeting the following requirements:

- (a) Each safe home provider must be at least 18 years old.
- (b) Staff of the safe home network, who have qualifications to administer the safe home network or provide emergency core services as specified in section 452.12 of this Title, must conduct at least one face-to-face interview with each person over the age of 18 who is currently residing in the home of such prospective safe home to ascertain the following items including and not limited to:
 - (1) the person's understanding of the nature of domestic violence;
 - (2) the person's ability to be nonjudgmental;
 - (3) the person's attitude and, where possible, the attitude of any minor children in the household about establishing a safe home;
 - (4) the person's ability to maintain confidentiality as provided in section 452.10 of this Title;
 - (5) the hours of availability of the prospective safe home; and
 - (6) that each member of the safe home household is reported to be in good general health and that there are no health or other family problems that could negatively affect residents.
- (c) Orientation/training. Prior to the placement of residents into the safe home the safe home provider must receive an orientation to the safe home network program. When the safe home provider has no previous experience or training in the field of domestic violence, appropriate training on domestic violence must also be provided.
- (d) Safe homes must meet the following environmental standards:
 - (1) Safe homes must provide an atmosphere of privacy, support and understanding, and one which is safe and confidential.
 - (2) Safe homes must be maintained in a state of good repair and sanitation, be free of safety hazards and be in substantial compliance with all applicable local and State health and safety laws or regulations for one or two family dwellings or multiple family dwellings classified for permanent occupancy.
 - (3) Heating systems shall be capable of maintaining a minimum room temperature of 68 degrees Fahrenheit in all habitable rooms and maintained in good working order.

- (4) Safe homes must provide a sleeping area for adult residents which is separate from the sleeping area of safe home household members.
- (5) Children residing in safe homes may share a sleeping area with members of their own family or with other children in the safe home household.
- (6) Each resident must be provided with clean bedding, basic toilet articles such as towels and washcloths and space for his/her personal possessions.
- (7) There must be adequate bathing, toilet and lavatory facilities which must be kept in sanitary condition.
- (8) No hazardous conditions must be permitted to exist in any part of the safe home. The following requirements must be complied with in order to eliminate hazardous conditions:
 - (i) hallways and corridors must not be used for storage of equipment or trash;
 - (ii) stairways must have sturdy and securely fastened handrails; and
 - (iii) all electrical cords and plugs must be in good condition with no exposed or frayed wiring.
 - (vi) In addition, the following safety requirements must be met by safe homes providing emergency shelter to residents who are children and safe home networks must not arrange to place a child in a safe home which does not meet the following requirements:
 - (a) all medications (prescription and over-the-counter) must be kept in a secured place and out of reach of children; and
 - (b) containers of chemical cleaning agents and other toxic material must be labeled, stored and secured in places - out of reach of children.
- (9) Each safe home must be free from fire hazards and must be equipped with operational smoke detectors located in every sleeping room, on each floor and in the corridor adjacent to any sleeping rooms.
- (10) Each safe home must be equipped with an ABC rated fire extinguisher in the kitchen, laundry room and furnace room.
- (11) Carbon monoxide detector(s) must be installed and maintained on each level of the safe home that contain sleeping areas in accordance with the Uniform Code and manufacturer's installation instructions.
- (12) Each safe home provider must have disaster and emergency procedures to be followed in the event of an emergency or disaster, such as a fire or a flood, which must be explained to new residents upon arrival.

- (13) A telephone with emergency telephone numbers for fire, police and medical assistance posted nearby must be made available to residents.
 - (14) Wood or coal burning stoves, fireplaces, pellet stoves and permanently installed gas space heaters used at any time in the safe home must be approved by local authorities or an inspector qualified to approve fuel burning systems.
 - (15) While victims of domestic violence, are residing in the safe home, all firearms, shotguns, rifles, and ammunition must be securely stored and inaccessible to residents.
 - (i) Safe home providers shall give written notice to safe home network and victims of domestic violence that will reside in the safe home on forms furnished by the Office or an approved equivalent, that a firearm, shotgun, rifle or ammunition is on the premises.
- (e) Upon a determination by the safe home network that the safe home is in full compliance with all regulatory standards contained in this section, the network must issue a written approval to the safe home provider(s). Such approval, which is non-transferrable to another person or location, will be for a one year duration and must contain:
- (1) a statement which clearly specifies: the name of the safe home provider, the location of the safe home, the date of approval, the non-transferrable status of the approval, the purpose of the approval which must be to provide temporary shelter to victims of domestic violence, and the maximum number of adults and children, if any, who can be admitted as residents of the safe home and authorized to receive emergency shelter in such home; and
 - (2) an agreement signed by the safe home network and the safe home provider which includes, but need not be limited to, the following responsibilities:
 - (i) safe home network responsibilities:
 - (a) to refer only residents appropriate for admission as specified in section 454.4 of this Part;
 - (b) to the extent possible, to arrange for the resident's transportation to the safe home;
 - (c) to reimburse safe home providers for temporary shelter and other needs met by the safe home provider subject to payment under the per diem rate
 - (d) to discharge residents from a safe home who the safe home provider finds to be disruptive to the safe home or a threat to the well-being of other individuals residing in the safe home;
 - (e) to develop a plan which addresses how damages to the safe home will be handled in the event any damage occurs which was caused by residents;

- (f) to develop a plan for resolving conflicts between the safe home provider and residents;
 - (g) to inform the safe home provider that the Office has access to the safe home provider's name and the location of the safe homes;
 - (h) to maintain regular contact with the safe home provider whenever residents are being sheltered; and
 - (i) to have follow-up contact with the safe home provider within a week following a resident's departure; and
- (ii) safe home responsibilities:
- (a) to abide by the safe home network's rules;
 - (b) to inform the safe home network of any changes that affect the safe home household composition;
 - (c) to maintain, in a manner consistent with the records and reports and confidentiality provisions of sections 452.9(b) and 452.10 of this Title, the confidentiality of the purpose and location of the safe home and any residents they shelter;
 - (d) to provide emergency shelter to residents for only the length of time determined appropriate by the safe home network;
 - (e) to be available to communicate with the safe home network whenever residents are being sheltered;
 - (f) to notify the safe home network of any resident's unplanned departure from the safe home;
 - (g) to notify the safe home network immediately of any problems occurring while residents are being sheltered;
 - (h) to be available to the safe home network for a follow-up contact after the departure of a resident; and
 - (i) to explain to each new adult resident upon arrival the procedures to be followed in the event of a disaster and/or emergency.

454.10 Records and reports.

- (a) In addition to the records and reports requirements of section 452.9(b) of this Title, the safe home network must maintain an individual record for each safe home which includes the following information:
 - (1) the date(s) the required interview(s) with each adult member of the safe home household, as required by section 454.9(b) of this Part, was held and a summary

of the interview(s). Such summary must include an evaluation of the individual's understanding of the items included in section 454.9(b), as well as any additional items from the safe home network;

- (2) the date the safe home provider attended orientation and training;
 - (3) a description of the safe home environment which includes a listing of all rooms in the home, the sleeping arrangements for residents, the safety procedures followed in the home, and the location of all smoke detectors, carbon monoxide detector(s), fire extinguishers and telephone(s);
 - (4) a list of the specific safe home rules to be discussed with residents prior to placement;
 - (5) a copy of the approved statement which contains the agreement signed by the safe home network and safe home provider specifying the network responsibilities/ safe home responsibilities;
 - (6) a copy of the annual reevaluation of the safe home which is issued under section 454.11(b) of this Part; and
 - (7) a record of complaints and of follow-up meetings and other contacts with the safe home provider, and of any fires, accidents or serious incidents occurring in the safe home, including a description of each incident, steps taken to control or manage the cause of the incident, and the steps taken to prevent the recurrence of such an incident.
- (b) The network must maintain the following identifying information for every safe home provider:
- (1) the name and address of the safe home provider; and
 - (2) a listing of all safe home provider family and household members residing in the safe home. If the information required by this subdivision is maintained separately from the safe home records, it must be made immediately available to the Office if such information is requested by the Office.

454.11 Supervision of safe homes.

- (a) Each safe home network is responsible for ensuring that safe homes approved by a safe home network pursuant to this Part operate in compliance with Office regulations.
- (b) The safe home network must reevaluate each approved safe home on an annual basis using the standards contained in section 454.9 of this Part. Re-approval of safe homes will be conditioned upon compliance by such safe home with the provisions of section 454.9 of this Part. This reevaluation must be documented in the safe home record.
- (c) The safe home network is required, where it determines that a safe home is operating in a manner which is contrary to the provisions of section 454.9 of this Part or which poses a threat to the life, health or safety of the residents, to direct the removal of the residents from the safe home.

- (d) In the event that a complaint has been made against a safe home provider and the Office has found the health, safety and/or welfare of any resident of the safe home to be in imminent danger, the safe home network must cease using the safe home. The network must remove any residents from the safe home and must not place nor arrange to place any other residents in such home until the network can demonstrate to the Office that the endangering condition (s) have been corrected.
- (e) The Office may conduct an onsite inspection of a safe home only:
 - (1) upon receipt of a complaint involving a safe home provider which is related to the operation of the safe home; or
 - (2) upon 24-hour notice to the safe home network for the purpose of conducting an audit of the safe home network where access is necessary to verify the existence of the safe home or other elements of the participation of the safe home provider with the safe home network, provided that prior to any onsite inspection of a safe home, the following occurs:
 - (i) the Office requests a meeting with the safe home network and/or safe home provider at the network Office and the safe home network is unable to meet with the Office in a timely manner; or
 - (ii) the Office has met with the safe home network and/or the safe home provider and the Office has made a determination that the information required for audit purposes cannot be obtained by any other means than by access to the safe home; or
 - (3) upon the written approval of the safe home provider. Nothing in this subdivision prevents a local child protective service from investigating a report of suspected child abuse or maltreatment in which the subject of the report is a safe home provider or a resident of a safe home.