

18 NYCRR Part 455 is repealed and a new 18 NYCRR Part 455 is adopted as follows:

PART 455 STANDARDS FOR DOMESTIC VIOLENCE SPONSORING AGENCIES AND SAFE DWELLINGS

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Section 455.1 Scope.

The provisions of this Part, along with the provisions of Part 452 of this Title, apply to domestic violence sponsoring agencies and domestic violence safe dwellings and are separate from Parts 453 and 454 of this Title.

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

455.3 General requirements for the operation of a domestic violence sponsoring agency.

- (a) Domestic violence sponsoring agencies are responsible for approving domestic violence safe dwellings, placing residents in domestic violence safe dwellings which exclusively serve victims of domestic violence and ensuring that residents are only placed in those domestic violence safe dwellings which have been approved as meeting the security standards contained in section 455.8 of this Part and the environmental standards contained in section 455.9 of this Part.
- (b) Prior to the approval of a domestic violence safe dwelling and placement by a domestic violence sponsoring agency of a resident in a domestic violence safe dwelling, the domestic violence sponsoring agency must obtain the approval of the Office for the security plan as described in section 452.4(f)(4) of this Title for a particular domestic violence safe dwelling in the form and manner prescribed by the Office. The security plan must include a diagram of the domestic violence safe dwelling and the security precautions to be implemented for such domestic violence safe dwelling. The Office will review the security plan to determine compliance with the security standards of section 455.8 of this Part. Any subsequent changes to a security plan must be submitted to the Office for review and approval before such changes are implemented.
- (c) Domestic violence sponsoring agencies having a maximum length of stay policy at a domestic violence safe dwelling of less than 90 days must have an established linkage, to the extent shelter and services are available, with an approved domestic violence shelter or domestic violence program to refer domestic violence safe dwelling residents who continue to be in need of temporary shelter and emergency services beyond the

stay permitted at a domestic violence safe dwelling.

- (d) If a domestic violence safe dwelling does not have an onsite staff person, an employee or volunteer of the sponsoring agency must, at a minimum, visit the domestic violence safe dwelling on a weekly basis whenever there are residents being sheltered in the domestic violence safe dwelling in order to ensure that the safe dwelling is being maintained in a safe and sanitary manner and that the personal needs of the residents are being met.

455.4 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 domestic violence safe dwellings; provided, however, that domestic violence sponsoring agencies may impose a length of stay which is less than the maximum set forth in such section.

455.5 Domestic violence sponsoring agency and resident responsibilities.

In addition to the provisions set forth in section 452.9(a)(9) of this Title, the notice of the resident's rights and responsibilities provided by the domestic violence sponsoring agency to the resident must also contain:

- (a) the rules of the domestic violence safe dwelling;
- (b) the plan for emergency medical care to obtain emergency medical assistance on a 24-hour basis;
- (c) the requirement for a sponsoring agency staff person to visit the safe dwelling on a weekly basis;
- (d) the requirement for residents to keep confidential the name and address of the domestic violence safe dwelling and the names of any other residents, and to disclose such information only to those persons authorized by the domestic violence sponsoring agency;
- (e) the requirement for residents to be responsible for the supervision and management of their children during their stay in a domestic violence safe dwelling; and
- (f) the requirement for the domestic violence sponsoring agency to have contact with each adult resident every 48 hours if the domestic violence safe dwelling does not have an onsite employee or volunteer.

455.6 Nutrition

- (a) Provisions to prepare three well-balanced and nutritious meals must be available to residents at each safe dwelling when 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.

455.7 Staffing.

- (a) General requirements. The term staff, as used in this section, means compensated employees and volunteers of the domestic violence sponsoring agency.
- (b) Staff/resident ratios.
 - (1) There must be at a minimum one employee who is designated director of the domestic violence sponsoring agency and who is responsible for the general management and administration of the domestic violence sponsoring agency and domestic violence safe dwelling program. The director is responsible for the supervision of volunteers or for the designation of an employee to supervise volunteers.
 - (2) Each domestic violence sponsoring agency must provide a sufficient number of staff to supervise the general management of each domestic violence safe dwelling in order to ensure that the safe dwelling is maintained in a safe and sanitary condition, to supervise sponsoring agency volunteers and to ensure the delivery of emergency core services specified in 452.12 of this Title to all eligible residents.
 - (3) Each domestic violence sponsoring agency must have, at a minimum, one employee or volunteer of the domestic violence sponsoring agency on call at all times to provide crisis intervention, counseling and information and referral as set forth in section 452.12(a) of this Title.
 - (4) Whenever residents are being sheltered, each domestic violence sponsoring agency must have a sufficient number of competent staff, onsite or on call at all times, to respond to resident needs and emergency situations. The telephone number for residents to call in an emergency must be posted nearby a telephone as specified in section 455.8(c) of this Part.
 - (5) During regular business hours when there are residents being sheltered, the following minimum number of staff must be on duty which at a minimum includes one employee:

Range of Number of Residents	Minimum number of staff
1-9	1 staff person
10-21	2 staff persons
22-33	3 staff persons
34-45	4 staff persons
46+	For each additional increment of 12 residents over 46, one additional staff person must be added upon entering the next range of the number of residents.

455.8 Security.

- (a) Each domestic violence safe dwelling must be secured to ensure the physical safety of residents on a 24-hour basis. At a minimum, each domestic violence safe dwelling 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 safe dwelling.
- (b) Based upon the individual characteristics of each domestic violence safe dwelling, including but not limited to location of the domestic violence safe dwelling and the extent to which the location of the dwelling is known in the community, construction characteristics of the domestic violence safe dwelling and use of the building 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 by the Office.
- (c) A working telephone with emergency telephone numbers for fire, police and medical assistance posted nearby must be made available for use to residents at all times. The phone must remain in a designated visible location during all hours residents are present in the safe dwelling. Domestic violence safe dwellings that do not have an onsite employee or volunteer must include on this list of emergency numbers the telephone number of the person on call specified in section 455.7(b)(4) of this Part.

455.9 Environmental standards for safe dwellings.

- (a) In addition to the requirements in this section, each domestic violence safe dwelling approved by a domestic violence sponsoring agency 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;
 - (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 safe dwelling must demonstrate compliance with the following requirements:
 - (1) General requirements.
 - (i) Each safe dwelling must be maintained in a good state of repair and

sanitation and must be free of safety hazards.

- (ii) Each safe dwelling must be of sufficient size to provide adequate living accommodations for the residents.
- (iii) Each safe dwelling must be suitably furnished and equipped.
- (iv) Each safe dwelling must maintain the temperature in the safe dwelling at a comfortable level.
- (v) Each safe dwelling must assure that all rooms are adequately lighted and ventilated. All exits which are accessible to residents must be well-lighted.
- (vi) 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 Property Maintenance Code.
- (vii) Adequate and safe water supply and sewage facilities must be provided and in conformance with State and local laws. Hot and cold running water must be available and accessible at all times.
- (viii) A secured area or container must be maintained by each safe dwelling to secure valuable personal belongings of any residents requesting such security.
- (ix) 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 code.
 - (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 always 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.

(x) 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 for furnishings which may be used by children or within their reach. Facilities built prior or 1978 shall have a comprehensive plan to repair peeling paint and/or plaster.

(d) Sleeping areas.

(1) Sleeping areas must be separate and distinct from other living areas and must have adequate heat, light and ventilation.

(2) The facility must furnish each resident, whether an adult or child, with a clean bed (or crib for infants). Beds placed side-by-side, must be spaced at least two feet apart from other beds. Bunk beds are permissible.

(i) The bed must be solidly constructed, and in good repair with a clean, well-constructed mattress, standard in size for the bed and a clean pillow of standard size. Pillows must not be used for infants and must not be used in cribs.

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

(a) Cribs, bassinets and other sleeping areas for infants must not have bumper pads, toys, large stuffed animals, heavy blankets, pillows wedges or infant positioners unless medically indicated by the infant's health care provider.

(b) Parents of infants must be informed of safe sleep practices which include the safest sleeping arrangements for infants is to be placed on his or her back to sleep.

(iii) All bunk beds must be in compliance with the safety standards established

by the US Consumer Product Safety Commission.

- (3) Except for those facilities where a stricter standard is required by State or local code, 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.
 - (i) 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 are not subject the provision of subsection (d)(3) of this part. Any substantial renovations/construction to the building after January 1, 2020 must comply with the provisions of subsection (a) of this part.
 - (4) Adequate accommodations must be made for the storage of personal belongings and clothing.
- (e) Supplies.
- (1) Each resident must be supplied with adequate personal hygiene articles and, where needed, diapers for children.
 - (2) Bed linens, blankets and towels must be available, clean, and in good condition.
- (f) Bathing facilities.
- (1) There must be at a minimum one sink, toilet and bathtub or shower per domestic violence safe dwelling.
 - (2) Each resident must be provided with toilet articles such as towels and washcloths.
 - (3) Bathrooms must be cleaned, sanitized with disinfectant, and maintained regularly to ensure cleanliness and sanitation.
 - (4) All toilet and bathing areas must be vented by means of natural or mechanical ventilation to the outside air.
 - (5) All bath tubs and showers must have a nonskid surface.
- (g) Living area. A lounging and recreation area must be provided to serve the recreational and social needs of the residents.
- (h) A dining area must be provided with adequate space and furnishings to serve all the residents.
- (i) Kitchens, sanitation and sanitary procedure.
- (1) 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.

- (2) All kitchen equipment and surroundings must be kept clean. Garbage and trash must be kept in suitable covered containers, emptied at least weekly.
 - (3) Dishes, glassware, eating and cooking utensils and food containers must be properly washed and dried.
 - (4) Residents, volunteers and employees participating in the handling and preparation of food for consumption by the residents must be in good health, take proper sanitary precautions, and wash hands prior to engaging in such activity.
 - (5) All lavatories, sleeping areas, recreational areas, hallways and other living areas must be kept clean and sanitary. Domestic violence safe dwellings must conspicuously post the procedures for cleaning and maintaining the entire domestic violence safe dwelling.
 - (6) An employee of the domestic violence sponsoring agency must be responsible for assuring that the procedures contained in this subdivision are implemented.
- (j) Safety procedures.
- (1) All medications (prescription and over-the-counter) must be kept by residents or any onsite staff in a secure place so as not to be accessible to children or other adult residents.
 - (2) Containers of chemical cleaning agents and other toxic material must be labeled, stored and secured in a place out of reach of children.
 - (3) Children must 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.
 - (4) No hazardous condition must be permitted to exist in any part of the safe dwelling. The following requirements must be complied with in order to eliminate hazardous conditions:
 - (i) hallways, corridors and furnace room 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.
 - (5) 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.
 - (6) All window and door blind cords, ropes, and wires and other strangulation hazards must be secured and inaccessible to children.
 - (7) All electrical outlets accessible to children must be adequately protected.

- (k) Fire safety procedures. Suitable precautions must be taken to eliminate all conditions which may contribute to or create a fire.
- (1) Each safe dwelling must be kept free of fire hazards.
 - (2) 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.
 - (3) Carbon monoxide alarms and detector(s) shall be installed on each level of the home that contain sleeping areas and maintained in accordance with the Uniform Code and the manufacture's installation instructions.
 - (4) Except for facilities where a stricter standard is required by State or local code requirement, each safe dwelling must be equipped with an ABC rated fire extinguisher in the kitchen, furnace room, and, if applicable, the laundry room, which meets National Fire Protection Association standards. The extinguisher must be properly installed, charged and maintained. Onsite staff must be knowledgeable and trained in the use of the fire extinguisher. Upon arrival to a safe dwelling, all new adult residents must be trained in the use of the fire extinguisher.
 - (5) Building exits must be clearly marked and free of obstructions at all time.
 - (6) Smoking must not be permitted in bedrooms and any common indoor areas of the safe dwelling unit.
 - (7) Prior to the use of wood stoves and/or fire places, 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.
 - (8) The following are fire hazards and are prohibited:
 - (i) portable space heaters of any type;
 - (ii) non-metal containers which contain residue from solid fuel burning appliances;
 - (iii) accumulation of combustible materials in any part of the safe dwelling;
 - (iv) storage of flammable or combustible liquids in anything other than closed containers listed by an acceptable testing laboratory;
 - (v) cooking appliances in resident bedrooms;
 - (vi) overloaded electrical circuits;
 - (vii) 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; and

- (viii) any other condition deemed hazardous by the Office.
- (I) Each domestic violence safe dwelling must have disaster and emergency plan(s) approved by the Office, to be followed in the event of any naturally occurring or human caused emergency or disaster .
- (i) The disaster and emergency plan(s) must be explained to new residents prior to the placement of the residents in the safe dwelling.
 - (ii) The plan must also address emergency preparedness protocols, and include a plan for emergency medical care in order for residents to obtain emergency medical assistance on a 24-hour basis, seven days a week, including weekends and holidays.
 - (iii) Emergency evacuation procedures outlining the method and manner in which residents are to evacuate the domestic violence safe dwelling in the event of fire and other emergencies must be conspicuously posted on each floor of the domestic violence safe dwelling.
 - (iv) All employees and volunteers of the sponsoring agency must be knowledgeable of the disaster and emergency plan(s) and their responsibilities under such plan(s).
 - (v) The plan must be reviewed annually, and any updates or revisions must be submitted to the Office for approval.

455.10 Records and reports.

In addition to the records and reports requirements of section 452.9(b) of this Title, the domestic violence sponsoring agency must maintain an individual record for each domestic violence safe dwelling which includes the following information:

- (a) the location and capacity of the domestic violence safe dwelling, a description of the domestic violence safe dwelling's physical plant, the security plan as required by section 455.3(b) of this Part, a diagram of the rooms which must be labeled with the planned use of all areas, and must indicate plumbing fixtures, such as toilets, sinks and bathtubs and/or showers, and the location of smoke detectors, fire extinguishers and telephones;
- (b) a list of specific domestic violence safe dwelling rules to be discussed with residents prior to placement;
- (c) a record of all fires or accidents or reportable incidents as per the provisions in Part 452.9(a)(6) of this Title involving residents in safe dwellings, including a description of each incident, steps taken to control or manage them, and steps taken to prevent the recurrence of such an incident; and
- (d) a copy of the annual reevaluation of the domestic violence safe dwelling which is issued

under section 455.11(b) of this Part.

455.11 Supervision of domestic violence safe dwellings.

- (a) Each domestic violence sponsoring agency is responsible for ensuring that domestic violence safe dwellings approved by the domestic violence sponsoring agency pursuant to this Part operate in compliance with Office regulations.
- (b) The domestic violence sponsoring agency must reevaluate each approved domestic violence safe dwelling on an annual basis using the standards contained in sections 455.8 and 455.9 of this Part. This reevaluation must be documented in the domestic violence safe dwelling record.
- (c) In the event that a complaint has been made against a domestic violence safe dwelling and the Office has found the health, safety and/or welfare of any resident of the domestic violence safe dwelling to be in imminent danger, the domestic violence sponsoring agency must cease using the domestic violence safe dwelling. The sponsoring agency must remove any residents from the domestic violence safe dwelling and must not place nor arrange to place any other residents in such domestic violence safe dwelling until the sponsoring agency can demonstrate to the Office that the endangering condition(s) have been corrected.