

**ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES
BOARD OF CUYAHOGA COUNTY**

RESOLUTION NO. 10-07-01

APPROVAL OF ADULT COMMUNITY RESIDENCE STANDARDS

WHEREAS, the proposed Adult Community Residence Standards apply to facilities not subject to licensure by the Ohio Department of Mental Health, Ohio Department of Health, Ohio Department Jobs & Family Services or Ohio Department Rehabilitation & Correction; and,

WHEREAS, Ohio mental health boards are given oversight responsibility for all facilities which fall outside the jurisdiction of those departments by Ohio Revised Code Section 340.03 (A) (14); and,

WHEREAS, these Adult Community Residence Standards will apply to agencies that receive funding from the ADAMHS Board for residential services and/or rental subsidy; and,

WHEREAS, the ADAMHS Board Planning and Oversight Committee has reviewed the need for the above referenced Adult Community Residence Standards and recommends that the Board of Directors adopt said Standards.

NOW, THEREFORE, BE IT RESOLVED:

- A. The ADAMHS Board of Directors approves and adopts the ADAMHS Board Adult Community Residence Standards, attached hereto, as if fully rewritten herein.

- B. The ADAMHS Board Chief Executive Officer is hereby authorized to implement and apply the ADMHS Board Adult Community Residence Standards with respect to all agencies that received funding from the ADAMHS Board for residential services and/or rental subsidy and which are not subject to the jurisdiction of the Ohio Department of Mental Health, Ohio Department of Health, Ohio Department Jobs & Family Services or Ohio Department Rehabilitation & Correction.

On the motion of Rev. Benjamin Gohlstin, seconded by Pythias Jones, M.D., the foregoing resolution was adopted.

AYES: D. Biegel, R. Blue, C. Brown, M. Crosby, B. Gholstin, P. Jones, R. Kemm, H. Snider, E. Thoms, M. Warr, A. Williams

NAYS: None

ABSTAIN: None

DATE ADOPTED: July 28, 2010

ADULT COMMUNITY RESIDENCE STANDARDS

DEVELOPED BY:

THE COMMUNITY RESOURCES UNIT

OF THE

**ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH
SERVICES BOARD OF CUYAHOGA COUNTY**

INTRODUCTION

It is the responsibility of the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County, to plan and develop services within the health system that meet the needs and are consistent with the desires of the persons for whom the system is designed. Of the many and varied services that are required, the ADAMHSB recognizes that safe, sound and sanitary housing continues to be a pressing need for many consumers. It was further recognized that mechanism needed to be developed to ensure that housing options for mental health consumers in Cuyahoga County meet acceptable standards for health and safety.

The Adult Community Residence Standards apply to facilities not subject to licensure by the Ohio Department of Mental Health, Ohio Department of Health, Ohio Department Jobs and Family Services, etc. Ohio boards are given responsibility to ensure that apartments or rooms built, subsidized, renovated, rented, owned, or leased by the board or a community provider as meeting minimum fire safety standards according to Ohio Revised Code Section 340.03 (A) (14).

- (A) “Community Residence” means a facility or residence that meets one of the following classifications and is not subject to licensure by the Ohio Department of Mental Health or any other government entity:
- (1) “Type A facility” means a congregate living facility which provides accommodations for one (1) or more consumers of mental health services that have been referred to an agency owned or operated facility.
 - (2) “Type B facility” means a multi-family building of two (2) or more living units, which provides accommodations for consumers of mental health services, that have been referred to an agency owned or operated facility.
 - (3) “Type C facility” means a single apartment, condominium or single family house, which provides accommodations for one (1) to four (4) consumers or a family with one or more consumers of mental health services that have been referred to an agency owned or operated facility.
 - (4) “Type D facility” is a Consumer Operated Service, that is not a residence and does not provide overnight accommodations. This type of facility is not a clinic and does not offer mental health treatment or medical services. It is for consumers referred by and receiving services from a mental health agency.
- (B) “Local Mental Health Board” means the Alcohol, Drug Addiction and Mental Health Services Board referred to herein as “The Board”.
- (C) “Operator” means the person, firm, partnership, agency, association, or corporation responsible for the administration and management of the residential facility and who is the applicant for certification.
- (D) “Owner” means the person, agency, association, corporation or other entity that holds legal title to the property on which the residential facility is being operated.
- (E) No person shall interfere with any scheduled and authorized inspection of a Community residence, “to interfere” means to obstruct directly or indirectly any individual conducting an authorized inspection from carrying out his or her prescribed duties. Interference includes but is not limited to harassment, intimidation, or refusal to permit access to facility records or residents. Provided said inspection falls within the guidelines laid out in the Tenants Rights Handbook.
- (F) A “Living Unit” is a complete residence such as an apartment, condominium or single family home for one or more adults, or a single family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Certification Application, Renewal Procedures and Waiver Variances

- (A) A person or agency seeking certification to operate a Community Residence shall

Submit to the Board an application, on a form prescribed and provided by the Board.

- (B) Inspection and approved by a local Certified Building Department or by the Department of Industrial Relations as meeting the building standards for the intended use and issue a Certificate of Occupancy in cases of six or more residents, multiple occupancy buildings and where required by the local building authority.
- (C) At the discretion of the Board, application requirements for current contract agencies may be waived, provided the facility is in overall compliance with these rules.
- (D) Evidence and documentation of all applicable inspections, approvals, permits and licenses, such as Certificate of Occupancy, heating inspection, food service license, water, sewage and wiring as appropriate for the structure.
- (E) *Newly acquired Capital Development properties will not be client occupied until the Property is certified under "Community Residence Standards."*
- (F) The Board shall renew a certificate for a two-year period if, after completing the review of the application for renewal and other information, the Board determines that the facility continues to be in compliance with the requirements.
- (G) Any property that is a severely damaged or vandalized to the degree that is unfit for occupancy, must be repaired and re-inspected to assure certification standards are met, prior to residents moving back into the facility. The owner/operator must notify the Board within 24 hours after the damage is discovered, or the next work day if on a weekend or Holiday.
- (H) If any Community Residence fails to comply with any requirements or any rule of this chapter, the Board may do any one or all of the following:
 - (1) In accordance with these rules, deny, revoke, or refuse to renew the certificate of the facility.
 - (2) Give the facility an opportunity to correct the violation(s).
 - (3) Issue an order suspending the admission of residents to the facility.

Waivers and Variances

- (A) A facility may submit a dated, written request to the Board for a waiver or variance. The written request must clearly state the rationale and need for the requested waiver or variance, and the consequence of not receiving approval of the request.

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- (B) Upon receipt of a written request for a waiver or variance, the Board in its discretion may grant a waiver or variance for a period of time determined by the Board but that shall not exceed the expiration date of the current certificate.

Inspections and Access

- (A) The Board inspector(s) shall inspect the facility to determine whether a certificate should be issued or renewed. Other inspections may be made at any time that the Board considers appropriate. Those conditions would include, but are not limited to; tenant complaints, major unusual incidents, fire or other emergencies, reports or complaints from neighbors or the community.
- (B) Each Community Residence is to have a house or building number (address) clearly visible from the street.
- (C) Except as otherwise provided in these rules and except in cases of violations that jeopardize the health and safety of any of the residents, if the inspector determines that a certified facility is in violation of these rules, he or she shall give the facility an opportunity to correct the violation. The inspector shall notify the facility of the violation, prescribe the steps necessary to correct the condition, and specify a reasonable time for making the corrections. Notice of the violation and the prescribed corrections shall be in writing and shall include a citation to the statute or rule violated.
- (D) Emergency, life safety and hazardous conditions shall be corrected within 24 hours of notification. Other items shall be corrected within 60 days, weather conditions permitting, unless otherwise noted.
- (E) If the Board subsequently determines that the facility has failed to correct the violation within the time specified or because the violation jeopardizes the health or safety of any of the residents, the Board shall revoke or refuse to renew the certificate.

Fire Protection, Building and Safety Standards

- (A) Community Residences are required to have the following inspections:
 - 1. The State Fire Marshal or Fire Prevention Officer of a municipal, township, or other legally constituted fire department approved by the Fire Marshal shall inspect each Community Residence prior to issuance of a certificate and at any other time requested by the Board.
 - 2. Water supply and sewage disposal system inspection by the local Health Department for systems that are not connected to public services.
- (B) Each Community Residence and Consumer Operated Service shall be inspected by the Board. Inspector to determine compliance with the following standards:

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- 1. Each type A and D facility shall develop a written evacuation procedure, including floor plans with evacuation routes, which shall be explained to each resident and posted on each floor of the facility. The manager and any other individuals working in the facility shall be trained in fire control and evacuation procedures.

2. Each type A facility shall conduct fire drills at least four times each year, with each staff member participating in at least one drill annually and shall maintain records documenting the fire drills.
3. Each facility shall install and maintain at least one U.L. approved battery-operated smoke detector or electrical smoke detector with battery back-up, on each floor of the facility, including the basement and attic (except for crawl spaces and unfinished attics).
4. At least one such smoke detector shall be installed in each hallway where resident bedrooms are located and in or near each designated smoking area.
5. Each Type A and D facility shall check each smoke detector monthly to ensure that the battery is charged and functioning and shall maintain records documenting these monthly checks.
6. The facility shall establish, for each resident who has a disability which makes a smoke detector an ineffective fire alert mechanism for the resident, an alternate fire alert mechanism which will warn the resident adequately.

(C) Each Type A facility shall provide and maintain the following types of fire extinguishers tested and listed by “Underwriters Laboratory” or “Factory Mutual”.

- (1) At least one dry chemical fire extinguisher with a minimum of “2A-10 BC” on each floor of the facility and in specific locations as advised by the certified fire inspector.
- (2) Type C and D facilities shall have an approved “2A10BC” type fire extinguisher correctly mounted to the wall or other suitable vertical surface of the hallway adjacent to the entry of the living unit(s), or areas used for client activities in the case of a Drop in Center.

(D) Each facility shall maintain a safe and operable plumbing system, with all fixtures correctly installed. Hot water temperature shall be set not to exceed 120 degrees Fahrenheit. Bathtubs and showers shall be equipped with non-skid surfacing and a hand rail or grab bar. Laundry facilities and related equipment will be correctly installed and provided with hot and cold water.

(E) The facility shall have its central heating system and hot water tank checked annually by qualified heating contractor. The facility shall maintain the heating system in safe operating condition and provide adequate heat.

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(F) Portable electric space heaters may be used, if the heater has been approved by the “Underwriters Laboratory”, are used in a safe manner, and are not prohibited by local ordinances.

(G) Each facility shall maintain all interior and exterior doors in safe operating condition and shall ensure that they are capable of latching securely when closed. All locks

(interior and exterior) shall be capable of being opened from the inside without the use of a key, such as by pushing a panic bar, releasing a dead bolt or using similar means. The facility shall provide each resident with a key to his or her bedroom if it has a lock .

- (H) If the facility occupies only a portion of the building, the entire building shall comply with this section unless the part of the building to be certified and its exit system are completely separated from the rest of the building by a wall having a fire resistance rating of at least one hour.
- (I) Facilities shall provide and maintain carbon monoxide detector(s) tested and listed by “Underwriters Laboratory”, where required by local/municipal building authority and where a gas furnace, gas heating unit or hot water tank is located within the living unit (other than basement or attic).
- (J) Outdoor cooking equipment, such as charcoal or propane grills, hibachi’s etc., is to be used in a safe manner following the manufacturer’s instructions. They are not to be used on decks, porches, balcony’s, garages, indoors or any confined area or on a combustible surface. Charcoal lighter fluid is to be stored safely with the same precautions as storing any flammable liquid. Propane cylinders are not to be stored inside the home or facility, but rather outdoors or in a detached garage.
- (K) All Community Residences and Consumer Operated Service shall be maintained so as to be in compliance with the local and state building and housing codes appropriate to the type and use of the structure.

Sleeping and Living Space

- (A) Each facility shall provide bedroom space for each resident which meets all of the following criteria:
 1. A single –occupancy room shall have a minimum of eighty square feet and a multiple-occupancy room shall have a minimum of sixty square feet per occupant of wall-to-wall floor space, exclusive of closets and adjoining bathrooms. No bedroom shall provide sleeping space for more than three residents;
 2. There shall be a least three feet between beds.
 3. No furniture shall block any doorway or window.
 4. Bedrooms shall be separated from halls, corridors, and other rooms by permanent floor-to-ceiling walls. Temporary partitions shall not be used to separate resident bedrooms. All bedrooms shall have doors and shall be well-lighted and dry.
 5. A bedroom shall not be used as a passageway to other rooms.

6. A bedroom shall not be more than fifty percent below average grade level. A bedroom shall not be in basement of a Community Residence.
 7. Each resident bedroom shall have a minimum of one operable window with a screen and a curtain, shade, or other appropriate covering to assure privacy. It must open to the outside and have an opening of at least 20 inches by 24 inches.
- (B) Each facility shall meet the following safety and maintenance requirements:
1. The facility shall provide sturdy and securely fastened handrails for exterior and interior stairways.
 2. The facility shall provide railings on the open sides of any porch and on the open sides of interior and exterior stairways.
 3. The facility shall keep floors in good repair. Any rugs used in the home shall be securely fastened to the floor, or shall have non-skid padding, and otherwise shall be used in a manner that does not create a safety hazard.
 4. The facility shall keep corridors, entrance, exits, windows, and outside pathways free of obstacles and in good repair.
 5. The facility shall maintain all walls, ceilings and painted surfaces in good repair, free of holes, loose or bulging plaster or peeling paint.
- (C) Each facility shall assure a clean, healthy environment by doing at least the following:
1. Eliminating any existing insects and rodents and taking effective measures to prevent the presence of insects and rodents in and around the facility.
 2. Avoiding temperatures extremes within the facility which may be a health hazard to the residents;
 3. Providing durable garbage and refuse receptacles to accommodate wastes. Outdoor garbage and refuse receptacles shall be kept covered with tight-fitting lids at all times;
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4. Establishing and implementing housekeeping and maintenance procedures to assure a clean, safe, sanitary environment and at home-like appearance to the facility.
 5. The facility shall provide for proper exterior maintenance of the property. The premises shall be kept free of trash, lawns and shrubbery shall be maintained to promote an acceptable appearance.

Electrical Safety

- (A) The facility shall maintain all wiring, electrical outlets, permanent fixtures and electrical systems including appliance cords, switches, lighting fixtures, and lamps in good, safe operating condition;
- (B) The facility shall assure that common areas and exterior entrances are well lighted. Exit lights and emergency lights are to be used where required by local buildings codes.
- (C) The facility shall ensure that extension cords, if used, are “Underwriters Laboratory” approved, in good condition, correctly sized and used in a safe manner. At no time will extension cords be permanently fastened to wall, floor or ceiling surfaces; nor will they be installed under floor covering or through a wall or ceiling and they will be protected from mechanical or physical injury.
- (D) Each habitable room shall contain a minimum of one (1) switch controlled light fixture and one (1) outlet or two (2) outlets, one (1) of which is switch controlled.
- (E) Ground fault interrupter circuits/outlets (GFCI) are to be used in bathrooms and within a 6 ft. radius of the kitchen sink, except receptacles that are located specifically for appliances i.e. refrigerators, freezers, stoves. In that case those receptacles are to be the three (3) prong grounded type with ground connection.