

Jefferson County Board of Health

Regulations Governing
Minimum Standards for
Communal Living Facilities

Chapter 1

General Provisions

1.1 Authority

Under and by virtue of authority vested in it by the legislature of the state of Alabama contained in Title 22, Section 3, Subsection 2, Code of Alabama 1975, and Act 89-668, Alabama Legislature 1989, the Jefferson County Board of Health does hereby promulgate the following revised regulations governing minimum standards for communal living facilities.

1.2 Policy and Purpose

It is hereby declared to be the policy of the Jefferson County Board of Health, among other things, to regulate to the extent necessary all aspects of the development, construction, use, and maintenance of communal living facilities within the boundaries of Jefferson County, Alabama, and to inspect and permit them for operation. The Board's purpose, among other things, is to protect public health and safety, the natural environment, and to prevent insanitary conditions in communal living facilities.

1.3 Structure and Numbering of Regulations

1.3.1 Chapters. The normal divisions of the Regulations are chapters, which should encompass a broad subject matter. Chapters are numbered consecutively in Arabic throughout the Regulations.

1.3.2 Parts. The normal divisions of chapters are parts. A part should be devoted to a specific subject matter within a chapter. Parts are numbered consecutively in Arabic throughout each chapter and shall include the number of the chapter set off by a decimal point. Thus the part number for Part 7 within Chapter 3 is 3.7.

1.3.3 Sections. The normal divisions of parts are sections. The section is the basic unit of these Regulations. Sections are numbered consecutively in Arabic throughout each part and shall include the numbers of the part set off by a decimal point. Thus the section number for Section 2 Part 3.7 is 3.7.2.

1.4 Severability

- 1.4.1 The provisions of these Regulations are severable. If any provision of these Regulations is found to be invalid, or if the application of these Regulations to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications, which can be given effect without the invalid provision or application.
- 1.4.2 If any provision of these Regulations is found to be in conflict with a provision of any other statutes, rules, or requirements, then the more restrictive of such provisions shall apply.

1.5 Definitions

For the purpose of the Regulations, the following words and phrases shall have the meanings respectively ascribed to them by this part:

Act - Act 89-668 of the Alabama Legislature, 1989

Adult - A person who has attained the age of nineteen (19) years of age or who is 18 years of age and married or anyone who, by court actions, has been granted adult status.

Apartment - Any group of rooms forming a single habitable unit having contiguous living, sleeping, cooking, eating and bathroom facilities and which said rooms are let by an owner or manager and which said rooms are within a structure designed for two or more residences including duplexes. Town homes and condominiums are not by this definition considered apartments.

Basement - A portion of a building located partly underground, but having less than one-half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Board or Board of Health - Jefferson County (Alabama) Board of Health.

Chimney - A vertical shaft of masonry, reinforced concrete, or other approved noncombustible, heat resisting material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gas fuel. All chimneys shall extend from a foundation of solid masonry or of reinforced concrete, extending at least six (6) inches below the earth's frost line. A suspended chimney does not meet the requirements of these Regulations. This definition does not apply to vents properly installed for water heaters and gas heaters.

Common Storage and Disposal Facilities - Areas or facilities used by more than one tenant in common where distinct areas or facilities are not assigned to each individual.

Communal Living Facility (C.L.F.) - Any public or privately operated facility which houses three (3) or more residents. Assisted living facilities, nursing homes, hotels, motels, apartments, dormitories, fraternity homes and sorority homes associated with colleges and/or universities, and adult foster homes with three (3) or less residents are excluded from these regulations. Examples include, but are not limited to the following:

- a) **Boarding home.** A rooming home which provides lodging, meals and/or other services for a valuable consideration.
- b) **Contract home.** A boarding home contracting with the Department of Human Resources, the Alabama Department of Mental Health and Mental Retardation and/or any other public or private agency to provide room, board and/or other services to individuals.
- c) **Foster home.** A boarding home certified by the State of Alabama Department of Human Resources and/or the State Department of Mental Health and Mental Retardation as a foster home.
- d) **Group home.** A boarding home certified by the Alabama Department of Mental Health and Mental Retardation as a group home.
- e) **Rooming home.** Any structure or that part of any structure containing one or more rooming units in which lodging for three (3) or more residents is provided for a valuable consideration.
- f) **Transitional home.** Any dwelling or similar facility staffed and operated for the provision of room and board in the rehabilitation, resocialization and/or adjustment of individuals, patients, clients, through an approved, certified program of treatment excluding jails, prisons, and other correctional institutions.

Connections for Heating Facilities - One or a combination of the following: a) Fireplace; b) Flues; c) Gas outlets; d) Properly installed electric outlets; e) Oil or butane type storage tank and outlets.

Department - The Jefferson County (Alabama) Department of Health.

Director - Director of Environmental Health Services.

Disease Control Services - Disease Control Services of the Jefferson County Department of Health.

Emergency Order – A written notice to correct any condition which, in the opinion of the Health Officer, exposes a resident or the general public to conditions of immediate danger.

Environmental Health Services - Environmental Health Services of the Jefferson County Department of Health.

Extermination - The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized, legal pest elimination methods approved by the Health Officer.

Facility - A building or house and premises established to serve a particular purpose.

Flush Water Toilet - A toilet bowl flushed with water under pressure with a water sealed trap above the floor level. Such toilet bowls are the modern standard type of toilet fixture with glazed china surfaces. No water closet of the so-called "flush hopper," "frostproof hopper" or similar type will meet the requirements of these Regulations.

Garbage - The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable Room - A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

Health Officer - The Health Officer of Jefferson County or his/her authorized representative.

Incident - Any conflict, injury, violation of residents' rights, death, or other unusual occurrence.

Infestation - The presence, within or around a dwelling, of any insects, rodents or other pests.

Ingress or Egress to the Outside - Any opening through the exterior walls which provides entrance to and/or exit from the facility.

Notice of Violation - Written notification of any specific violation which is issued by the Health Officer to a responsible party. Said notice shall comply with the requirements listed under Part 2.2 below.

Nutritionist - Nutritionist of Health Promotion and Communication Services of the Jefferson County Department of Health.

Operator - Any adult person who has the management, charge, care, or control of a communal living facility or part thereof.

Ordinary Minimum Winter Conditions. - The outside temperature of fifty (50) degrees Fahrenheit or below.

Owner - Any person who individually, or jointly with others.

- a) Holds the fee simple or a leasehold interest in or to any, communal living facility or other properties, with or without accompanying actual possession thereof; or
- b) Shall have the management, charge, care or control of a communal living facility or other property as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or conservator of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with these Rules and Regulations to the same extent as if he were the owner.

Permit - A document issued by the Jefferson County Department Board of Health. The permit shall constitute the authority to receive residents and perform the services included within the scope of these regulations.

Person - Individuals, corporations, partnerships and associations.

Plumbing - All of the following supplied facilities and equipment: Gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Program Manager - Environmental Health Program Manager of Environmental Health Services.

Properly Connected and/or Installed - Connected in accordance with all applicable codes and ordinances of Jefferson County or a municipality within Jefferson County and approved by local building inspectors of the applicable jurisdiction.

Rehabilitation - An organized or defined program of therapeutics designed to help patients overcome physical, social, vocational, or economic limitations as a result of disability or addiction. Rehabilitation includes helping patients to reach the highest functional level of physical, psychological, and socioeconomic adjustment compatible with their disability.

Related by Blood or Marriage - Certified proof of one of the following relationships to the owner or operator or to the spouse of the owner or operator of the communal living facility: brother, sister, step-brother, step-sister, child, parent, step-child, step-parent, aunt, uncle, niece, nephew, grand parent, grandchild, first cousin, great grandparent, great grandchild, guardianship from the probate court.

Resident - A person, other than the owner, or a ward of the owner, operator or staff of any communal living facility, and unrelated by blood or marriage to the owner or operator thereof, living, sleeping or having actual possession of a rooming unit.

Rooming Unit - Any one room within a building forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

Rubbish - Combustible and noncombustible waste materials, except garbage, and such term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

Self-Administration - The removal of a prescribed medication from its container and the ingestion or administration of the medication by the person for whom it was prescribed: This includes oral medications, injections, eye drops and other non-oral dosage forms.

Shared Area - Any area not capable of division, such as halls in which occupants of more than one rooming unit follow the same course of ingress and egress, or common utility rooms. Such term shall not be interpreted to mean yards, porches or similar areas capable of division.

Staff - All persons, including volunteers, working either full or part time in a communal living facility. All staff shall be 18 years or older.

Supplied - Paid for, furnished or provided by or under the control of the owner or operator.

Symptoms of Severe Mental Illness - Psychiatric symptoms which either result in the person posing an imminent threat to the safety and/or well being of himself/herself or others, or which otherwise render the person unmanageable in a communal living facility.

1.6 How "Rooming" etc., Construed

Whenever the words or terms "rooming," "rooming unit," or "premises" are used in this section, such words or terms shall be construed as though they were followed by the words "or any part thereof."

1.7 Inspections by Health Officer: Health Officer's Right of Entry

The Health Officer or his/her designated representative shall make inspections to determine the condition of communal living facilities located within the County, in order that he/she may perform his/her duty of safeguarding the health and safety of the residents of such communal living facility and of the general public. For the purpose of making such inspections, the Health Officer or his/her designated

representative may enter, examine and survey, at all reasonable times, all rooms and other related properties and records. The owner, operator, or the person in charge of any such communal living facility shall allow the Health Officer or his/her designated representative free access to same, or other related properties and its premises at all reasonable times for the purpose of such inspection or examination.

1.8 Inspection Frequency

Communal living facilities shall be inspected at least two (2) times each year with a maximum lapse of two hundred (200) days between inspections. A notice of violation shall be issued when 3, 4, or 5 points items on the inspection report form are violated. Additional inspections shall be performed as often as necessary for enforcing these Regulations.

1.9 Report of Inspection

Whenever a communal living facility is inspected, the findings shall be recorded on an inspection form and shall summarize the requirements of these regulations with a weighted point value for each requirement. The rating score of the communal living facility shall be the total of the weighted point values for all violations subtracted from 100. The most recent report shall be conspicuously displayed within the said communal living facility.

1.10 Conflict of Ordinances

In any case where a provision of these Regulations is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or codes of any municipality or other governing agency, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

1.11 Training

The Department shall provide periodic training sessions for the owner/operators and staff of communal living facilities. Owners/operators or a representative on their behalf shall be required to attend a training session after any revision or change of regulations governing communal living facilities. All new operators shall be required to attend the "new operator" class and five (5) additional classes within the first year of operation. Owners/operators or a representative on their behalf shall attend half of the training classes annually provided by the Jefferson County Health Department if any inspection rating score during the previous year was below 95.

Chapter 2

Violations

2.1 Compliance with these Regulations

It shall be unlawful for any person to occupy or let to another for occupancy any structure or rooming unit for the purpose of using same as a communal living facility, which does not comply with the requirements of these Regulations.

2.2 Duty of Health Officer and Notice of Violation

Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of these Regulations, he shall give notice of such alleged violation to the owner or operator, as provided in these Regulations. Any notice of violation issued by the Health Officer shall be on pre-printed form or in a letter form and shall contain the following information:

- a) a short statement designating the provisions of the Regulations which the owner or operator violated, and instructions for the correction of the violation;
- b) a reasonable time within which the owner or operator shall correct the violation;
- c) a statement that failure to correct the violation within the time limit specified may result in suspension or revocation of a permit, or suspension of resident admissions; and
- d) a notice to the owner or operator of his/her right to request a hearing to contest the notice of violation under Chapter 13 below.

2.3 Service of Notice of Violation

A notice of violation, as herein provided for, shall be served upon the owner or his agent, or the operator, as the case may require; provided that such notice shall be deemed to be properly served when presented to said owner, agent or operator personally; or if a copy thereof is sent by regular mail to the last known address of said owner, agent or operator; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if said owner, agent or operator is served with such notice by any other method authorized or required under the laws of this State.

2.4 Correction of Violations

Corrections of violations listed in a notice of violation shall be accomplished within the time period specified in the notice of violation.

2.5 Authority of Health Officer - Suspension of Permit, Suspension of Resident Admissions or Revocation of Permit.

The Health Officer may issue an order in writing to the owner or operator suspending the permit, or suspending resident admissions, of any owner or operator who fails to timely comply with any notice of violation issued by the Health Officer pursuant to these Regulations, and said suspension shall remain in effect until said owner or operator shall have complied with the remedial steps outlined in the notice of violation. Upon receipt of such order, the owner or operator shall immediately cease operation or suspend resident admissions, as the case may be, of such communal living facility until said permit has been reinstated pursuant to Part 10.10 below. No new permit will be issued to any owner or operator during a period when said owner or operator's permit is suspended. The Health Officer may issue an order in writing to the owner or operator permanently suspending or revoking a permit when violations involve abuse, neglect, or exploitation of communal living facilities or residents, or lack of suitability to own or operate a home, or for a history of habitual noncompliance with the Regulations. Any order issued suspending a permit, suspending resident admissions, or revoking a permit shall satisfy the requirements of Part 10.12.

2.6 Authority of Health Officer - Emergency Order

Notwithstanding the above, whenever the Health Officer finds that an emergency exists or has existed which requires immediate action to protect the public health and safety of an individual, he/she may, without issuing a notice of violation, issue an order reciting the existence of such an emergency and citing the provisions of the Regulations violated, and requiring that such action be taken as he/she deems necessary including suspension of the permit, to meet the said emergency. Such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Health Officer, shall be afforded a hearing pursuant to Chapter 13 below.

2.7 Assistance of a Physician or Nurse

A physician or nurse employed or contracted by the Jefferson County Department of Health may assist in the inspection of all communal living facilities. If it is determined, by said physician or nurse, that any resident should be removed from the communal living facility because conditions as set forth in Chapter 3 of these Regulations have not been met, the Health Officer will issue a notice of violation to the owner or operator of the communal living facility with a copy to the Department of Human Resources, instructing the owner or operator to cause said resident to (a) vacate the said communal living facility forthwith or within such

time as the Health Officer deems reasonable under the circumstances, or (b) be transferred to a proper care facility as expeditiously as possible if such a transfer is required.

2.8 Fire, Building, and Zoning Requirements

Communal living facilities shall be in compliance with all applicable fire codes, city, county, state building codes and zoning requirements. Documentation shall be provided by the owner/operator prior to issuance of the initial permit.

Chapter 3

Residency

3.1 Requirements for Placement

No person, firm, association or corporation shall accept, place, refer or recommend placement of an individual that is obviously inappropriate for a communal living facility based on these Regulations.

3.2 Personal Care Requirements

No person shall be admitted or be allowed to remain as a resident of a communal living facility who is in need of assistance with their personal care such as bathing, dressing, feeding, or medicinal requirements. If a question arises regarding whether an individual qualifies for residency in a communal living facility, the Department shall be contacted for clarification.

3.3 Use of Assistive Devices Requirements

No person shall be admitted or be allowed to remain as a resident of a communal living facility who is unable to ambulate independently without bodily assistance. Residents using assistive devices such as sign language, canes, walkers, wheelchairs, or like devices shall be able to use such device independently. Residents shall be able to transfer from bed to chair independently if using a wheelchair and be able to exit the building to a safe area outside the facility in a timely manner as required by Part 4.11 of these Regulations.

3.4 Physical or Mental Health Conditions Requirements

No person shall be admitted or be allowed to remain a resident of a communal living facility who has one or more of the following physical or mental health conditions:

- 3.4.1 Persons as determined by the Director of Disease Control Services to be infected with active communicable tuberculosis or any other contagious infectious disease which may pose a health hazard to other occupants.
- 3.4.2 Persons with a chronic health condition requiring nursing care and/or daily medical supervision.
- 3.4.3 Persons physically incapable of leaving the building in a timely manner without assistance in an emergency.

- 3.4.4 Persons requiring any type of restraint or confinement for their own protection, or the protection of others.
- 3.4.5 Persons who require treatment for addiction to alcohol or drugs.
- 3.4.6 Persons with severe symptoms of senility, mental illness or dementia.

3.5 Resident Transfer

Should any resident become unable to meet the conditions set forth in this Chapter, the fact shall be reported to the resident's family, if any, and the Health Officer. The owner or operator shall seek assistance from the appropriate agency in transferring such resident to a proper care facility as expeditiously as possible. Money, medications and belongings shall be immediately transferred with resident.

3.6 Exemptions

The following communal living facilities shall be exempt from the indicated Regulations of this Chapter, provided such exemption is requested in writing by the owner/operator of each facility, and approval is granted in writing by the Health Officer:

- 3.6.1 Transitional homes certified by the State of Alabama Department of Mental Health as a drug and alcohol treatment program may be exempt from Section 3.3.5.
- 3.6.2 Transitional or professionally staffed group homes which provide services to disabled persons may be exempt from the relevant requirements of this Chapter if the home is certified through the State Department of Mental Health and Mental Retardation.

3.7 Prohibition on Placement into Unpermitted Homes

No person, firm, association or corporation shall knowingly accept, place, refer, or recommend placement of an individual into a communal living facility that is operating without a permit.

3.8 Suspension of Resident Admissions

The Health Officer may issue an order in writing to an owner or operator suspending admissions to a communal living facility for one or more of the following reasons:

- 3.8.1 Failure to timely correct a violation in a notice of violation of any of the Regulations.

- 3.8.2 The number of residents currently in the facility exceeds the number of residents for which the home is permitted
- 3.8.3 A violation of residents rights as defined in Chapter 8.
- 3.8.4 A facility with a resident in the home who is inappropriate as determined by a nurse or physician employed or contracted by the Department under Part 2.7 above and the resident is not vacated or transferred within the time allowed by the notice of violation.

3.9 Application for Reinstatement of Admissions

Whenever the Health Officer issues an order suspending admissions to a communal living facility for any reason, the owner or operator may make written application to the Health Officer upon satisfactory compliance of all applicable provisions of these Regulations.

3.10 Violation of Lease Agreement

No owner or operator shall violate any lease agreement with a resident.

Chapter 4

Minimum Standards for Basic Equipment and Facilities

4.1 Room for Flush Water Closet, etc.

Every communal living facility shall contain a room which is attached directly thereto and opening therein with minimum door size, two (2) feet by six (6) feet six (6) inches, and which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system and a bathtub or shower in good working condition and properly connected to a water and sewer system. The minimum floor space for such a room shall be thirty (30) square feet.

4.2 Type and Number of Fixtures

Every communal living facility shall have at least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system and in good working condition for each eight (8) persons or fraction thereof residing within a communal living facility. This shall include members of the owner's or operator's family wherever they share the use of these fixtures. In a rooming home where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of water closets. All these fixtures shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing these fixtures. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water under pressure at all times. No such fixtures shall be located in a basement except by written approval of the Health Officer.

4.3 Bath Room Requirements

Every communal living facility shall have provided toilet tissue, soap, and single-use towels in all bathrooms or toilet rooms. The sharing by residents of washcloths and towels is prohibited. A hand-drying device providing heated air may be used in place of single-use towels.

4.4 Well Water Supply

Every communal living facility utilizing well water shall provide water samples at least twice a year. If the sample results show coliform present as reported by the Alabama Department of Public Health Bureau of Clinical Laboratories, a resample shall be taken within seven (7) days of receipt of the results. Whenever two

consecutive samples taken on separate days show coliform present, the permit shall be suspended by the Health Officer. A sample result of coliform absent with no confluent growth shall be required prior to reinstatement of the permit.

4.5 Rubbish Storage Facilities

Every communal living facility shall have rubbish storage facilities of a type in a location, which is approved by the Health Officer.

4.6 Garbage and Refuse Disposal and Storage

Every communal living facility shall have garbage storage containers. The type and location of containers shall be approved by the Health Officer. Every communal living facility shall dispose of all garbage and refuse in a manner approved by the Health Officer.

4.6.1 Containers:

- a) Garbage and refuse shall be kept in durable, easily cleanable, insect proof and rodent proof containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers and may be used for storage inside the food service establishments.
- b) There shall be sufficient number of containers to hold all the garbage and refuse that accumulates between collections or disposal.

4.6.2 Storage:

Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet strength paper bags or baled units containing garbage or refuse shall be prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

4.6.3 Disposal:

- a) Garbage and refuse shall be disposed of at a frequency to prevent the development of odor and the attraction of insects and rodents.
- b) Where garbage or refuse is incinerated on the premises, it shall be done in an incinerator permitted by the Jefferson County Department of Health. Areas around incineration facilities shall be clean and orderly. Open burning will be prohibited.

4.7 Water Heating Facilities

Every communal living facility shall have water heating facilities which are maintained in safe and good working condition, are properly connected with hot and cold water lines and are capable of heating water to such a temperature as to permit water to be drawn at every required sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred and ten degrees Fahrenheit (110°F) nor more than one hundred and twenty degrees Fahrenheit (120°F). All combustion heaters shall be vented to an approved chimney or flue.

4.8 Means of Egress

Every communal living facility shall have two (2) safe, unobstructed means of egress from each floor, with minimum headroom of six feet six inches, leading to safe and open space at ground level. Residents shall not be required to jump, slide or swing to safety.

4.9 Protective Railings

Every communal living facility shall have protective railings on any unenclosed structure over three (3) feet from the ground level or any steps or stairway containing five (5) risers or more. Handrails shall be required on any steps rising over three (3) feet from the ground level and shall be required at each side of open steps.

4.10 Accessibility of Toilet and Bathrooms

Every communal living facility shall have toilets and bathrooms accessible to all portions of the rooming unit. Access to toilets and bathrooms through other sleeping rooms or food preparation rooms shall be prohibited. Toilet rooms and bathrooms shall not open directly into any room used for the storage, preparation or service of food.

4.11 Requirements for Handicapped Residents

Every communal living facility that provides room and/or board for physically handicapped residents shall have fixtures to assure their safety and comfort, including special fittings on toilets, bathtubs, etc. Provisions shall be made for physically handicapped residents to communicate their needs and to move rapidly and efficiently from room to room or to the exterior of the home and exit the facility in an emergency within 3 minutes.

4.12 Minimum Standards for Rooming Unit Furnishings

- 4.12.1 For each resident there shall be at least one chest of drawers in good condition having a sufficient number of drawers to contain all necessary items of clothing and personal belongings of the resident. Sufficient hanging space shall be provided to allow clothes not stored in drawers to be hung. Clothing shall not be stored on the floor.
- 4.12.2 There shall be at least one chair in good condition in each rooming unit.
- 4.12.3 There shall be at least one end table in good condition located adjacent to the bed in each rooming unit.
- 4.12.4 In each rooming unit there shall be one bed for each resident at least six (6) feet long and 36 inches wide equipped with supportive springs in good condition and a clean supportive mattress in good condition.
- 4.12.5 Each bed shall have at least one pillow in good condition.
- 4.12.6 Beds shall be made with clean sheets in good condition. There shall be two (2) sheets for each bed.
- 4.12.7 Pillows shall be covered with a clean pillowcase in good condition.
- 4.12.8 All bed linens, including sheets and pillow cases, shall be replaced with clean linens at least weekly and more often if soiled.
- 4.12.9 Cover, such as blankets or quilts must be available which are clean and in good repair.
- 4.12.10 Extra bed linens, including sheets, pillowcase and blankets shall be available to replace linen being laundered. Linen shall be on beds at all times.
- 4.12.11 Each resident shall be provided with bath towels and washcloth. Extra towels and washcloths shall be available to replace those being laundered.
- 4.12.12 Attachments, light fixtures, vent covers, wall mounted fans, decorative materials and similar equipment attached to walls and ceiling shall be easily cleanable and shall be maintained in good repair.

4.13 Common Area

There shall be provided in each communal living facility a sitting/communal/recreational room for the common use of all the clients for socializing, communal activities, meetings, and receiving visitors. Furniture in said room shall include comfortable chairs and tables, and lamps in good repair and appearance. Where meals are served, there shall also be provided a separate dining room, which meets the requirements of Part 7.4. The dining room may be in the kitchen as long as the requirements of Part 7.4 are met.

4.14 Telephone Accessibility

At least one telephone shall be easily accessible for all residents.

4.15 Emergency Numbers Posted

The following emergency telephone numbers shall be posted in a conspicuous place and shall be easily readable:

Nearest police or sheriff's office

Fire Department

Ambulance

9 1 1

Ombudsman

Owner or operator

Health Department

Chapter 5

Minimum Standards for Light, Ventilation and Heating

5.1 Windows and Skylights in Habitable Rooms

- 5.1.1 Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall be equal to at least fifteen percent (15%) of the total floor area of such room.
- 5.1.2 Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will ventilate the room. The total of openable window area in every habitable room shall be equal to at least fifty percent (50%) of the minimum window area size or minimum skylight type window size, as required in this section except where there is supplied some other device affording ventilation and properly installed.

5.2 Light and Ventilation of Bathroom, Compartments

Light and ventilation requirements for bathrooms shall comply with all applicable building codes.

5.3 Electrical Outlets

- 5.3.1 Communal living facilities shall be supplied with electric service and fixtures, which shall be properly installed and maintained in safe working condition and connected to a source of electrical power. The capacity of such service and number of outlets and fixtures in said dwelling shall be as follows:

- a) Every habitable room shall contain a minimum of two (2) separate duplex electric convenience outlets. Outlets shall be located so as to provide service to appliances in different parts of the room and shall not serve more than two (2) appliances from any one (1) duplex convenience outlet.
- b) Every rooming unit shall contain at least one wall or ceiling type electric light fixture which provides a minimum of 30-foot candles of artificial light adequate for reading and other uses as needed.
- c) Every laundry or utility room shall contain at least one (1) duplex electric convenience outlet and one (1) wall or ceiling type electric light fixture.
- d) Every bathroom, toilet room, hall and furnace room shall contain at least one (1) wall or ceiling type electric light fixture.
- e) Every electric wire shall be covered with insulation which is in sound condition.
- f) Every electric switch and convenience outlet shall be properly connected, secured in position, provided with cover plates and maintained in good working condition.
- g) Temporary wiring or extension cords shall not be used as permanent electrical wiring.
- h) The minimum capacity of service supply and the main disconnect switch shall be sufficient to carry the total load required in accordance with the electrical code of the proper jurisdictional authority and certified by the electrical inspector or a licensed electrician.

5.4 Connections with Heating Facilities

Every communal living facility shall have heating facilities, which are properly installed and vented and maintained in a safe good working condition. The heating system shall be properly connected with service lines from the heating facility to the utility service line serving the structure. The heating facilities shall safely heat at all times, all rooming units, bathrooms and toilet rooms even when the doors are closed in every rooming unit located therein to a temperature of at least sixty-eight degrees Fahrenheit (68°F) at a distance of three (3) feet above the floor level under ordinary minimum winter conditions.

5.5 Lighting in Halls and Stairways

Every hall and stairway shall be supplied with conveniently located light switches controlling a lighting system, which provides a minimum of 30 ft. candles to all areas of the passageway.

5.6 Screens

Every door, which opens directly to the outdoors, shall have a self-closing device and screens in good repair if door is used for ventilation. Every window or other device, which opens to the outdoors, used or intended to be used for ventilation, shall likewise have screens in good repair.

5.7 Maximum Rooming Unit Temperature

Provisions shall be made to assure that the temperature in rooming units occupied by residents shall not exceed ninety degrees Fahrenheit (90°F).

5.8 Emergency Lighting

Sufficient emergency lighting in working order such as a heavy duty flashlight shall be available at all times. No open flame devices such as a candle shall be used.

Chapter 6

Safe and Sanitary Maintenance

6.1 Floors, Ceilings, etc.

- 6.1.1 Interior walls, ceilings and floors shall be capable of affording privacy and shall be maintained free of holes, cracks, loose or deteriorated material, or any other condition which constitutes a hazard to the residents or is a harborage for insects, pests or vermin.
- 6.1.2 All interior walls, ceilings, floors, doors, windows and woodwork shall be kept clean and free of loose, defective or missing parts, peeling paint and peeling paper.
- 6.1.3 Interior doors to habitable rooms, bathrooms and toilet rooms shall fit the openings in which they are hung, be properly equipped with hardware and be maintained in good working condition. Doors with locking devices shall be provided where necessary to provide privacy and protection of the occupant.
- 6.1.4 Every closet door latch shall be such that it can be readily opened from the inside in case of an emergency.
- 6.1.5 Every bathroom door or door lock shall permit the opening of the locked door in case of an emergency.

6.2 Windows, Exterior Doors

- 6.2.1 Every window, exterior door and basement hatchway shall be weather tight, watertight, insect and rodent-proof and shall be kept in sound working condition, properly hung and properly equipped with hardware and good repair.
- 6.2.2 Locks, which can be easily opened manually from the inside, shall be provided on all exterior doors and all openable windows.

6.3 Stairs, Porches, Sills, Joists, Piers, and Foundations

- 6.3.1 Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

6.3.2 Every sill, joist, pier and foundation wall shall be in good and sound condition and properly installed.

6.4 Plumbing

6.4.1 Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

6.4.2 Every potable water line, as required by provisions of this section, shall be in good working condition and properly connected to an approved water supply under positive pressure. Each plumbing fixture shall be properly connected to an approved sewage disposal system.

6.5 Floors of Water Closets, etc.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and to permit such floor to be easily kept in a clean and sanitary condition.

6.6 Construction and Maintenance, Generally

Every facility, piece of equipment or utility which is required under this section shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

6.7 Discontinuance of Service

It shall be unlawful for any owner, operator, staff or resident to cause or allow any service, fixture, equipment or utility which is required under these Regulations to be removed from, or shut off from, or discontinued from any occupied communal living facility, except for such temporary interruption which may be necessary to effect repairs or alterations or during temporary emergencies.

6.8 Maintenance of Communal Living Facilities

All communal living facilities shall be maintained in proper repair and clean so as to be habitable under these Regulations and so as to give protection from the elements. Porches and steps shall be maintained in a safe condition. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

6.9 Fire Detection and Protection

- 6.9.1 Fire safety approval shall be obtained from fire department having jurisdiction. A smoke detection and fire alarm system of a type approved by the "Underwriters Laboratories" shall be provided for every communal living facility. Smoke detectors in good working condition shall be provided in all rooming units, in corridors or hallways on each floor, in the laundry and in basement areas. Every alarm system shall be of such character and so located as to arouse all occupants of the building. In homes with more than 3 residents, a pull alarm system or wired smoke detection system shall be provided.
- 6.9.2 Each communal living facility located in a fire district shall be a member of said fire district and shall keep current all required fees or dues.
- 6.9.3 Ten pound ABC type fire extinguishers shall be provided for each floor. Five-pound ABC type extinguishers shall be provided in the kitchen area. All extinguishers shall be of a type approved by the "Underwriters Laboratories", and inspected, recharged and tagged annually.
- 6.9.4 Each communal living facility shall have a written fire and evacuation plan posted in a conspicuous place. This plan shall set forth responsibilities and steps to be taken by staff and residents in case of fire or other emergency. Owner shall conduct quarterly fire drills and keep records of the drill.
- 6.9.5 Gasoline operated maintenance equipment, lawn care equipment, and flammable supplies shall not be stored inside the communal living facility.

Chapter 7

Minimum Space, Use and Location

7.1 Floor Space for Sleeping Rooms

In every rooming unit, every room occupied for sleeping purposes shall contain at least seventy-two (72) square feet of floor space for single occupancy. Multiple occupancy (2 or more) rooms for sleeping purposes shall have at least seventy-two (72) square feet of floor space per resident.

7.2 Ceiling Heights

At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as a part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

7.3 Use of Basement

No basement space shall be used as a habitable room or rooming unit unless:

- 7.3.1 The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
- 7.3.2 The total window area in each room is equal to at least the minimum window area size as required in Chapter 5 of these Regulations.
- 7.3.3 Such required minimum window area is located entirely above the grade of the ground adjoining such window area.
- 7.3.4 The total of openable window area in each room is equal to at least the minimum as required in Chapter 5 of these Regulations, except where there is supplied some other device affording light and ventilation approved by the Health Officer.

7.4 Recreational Areas/Dining Rooms

- 7.4.1 The dining room shall have tables and chairs to seat 100% of approved member of residents in communal living facilities with 12 or fewer residents.
- 7.4.2 Aisles between tables, walls and furniture shall be unobstructed and of sufficient width to permit employees and residents to easily leave the room when residents are seated at the table.
- 7.4.3 The dining room may be in the kitchen if all of the above seating and space requirements are met.

7.5 Laundry

- 7.5.1 Every communal living facility which launders linens or clothing at the facility shall have a washer and dryer.
 - a) The dryer shall be properly vented to the outside.
 - b) Washer or dryer cannot be in kitchen area.
- 7.5.2 The operator shall wash sheets, towels, pillowcases or any other bedding weekly or as needed to meet applicable requirements of Sections 4.12.6 through 4.12.11. (Rooming homes are exempt).

Chapter 8

Responsibilities of Owners

8.1 Sanitation

Every owner or operator of a communal living facility shall be responsible for maintaining in a clean and sanitary condition the dwelling and premises thereof.

8.2 Extermination of Insects, Rodents, etc.

Every owner or operator of a communal living facility shall be responsible for the extermination of any insects, rodents or other pests in the communal living facility therein or on the premises and yard.

8.3 Kind and Considerate Treatment

Residents shall receive kind and considerate treatment at all times. The owner, operator, or other employees shall not abuse any resident by any method of physical force, verbal or emotional abuse, financial exploitation or neglect, confinement to a room, or by withholding food. The owner shall be held responsible for the actions of all staff personnel.

8.4 Resident Rights

8.4.1 Every owner of a communal living facility shall ensure that the Residents' Rights are read and explained to the residents by having the residents and operators sign individual copies of Residents' Rights and placed in their records.

8.4.2 Every owner of a communal living facility shall ensure, and shall inform the resident, that he/she:

- a) is not restricted in his/her right to leave and return to the home;
- b) is free to receive visitors;
- c) has access in reasonable privacy to a telephone in the home, and can make local calls without charge, except where a standard pay telephone is used;
- d) has access to the United States Mail, can write, send and receive uncensored and unopened mail at his/her own expense;

- e) is free to exercise his/her right to attend and participate in religious activities;
- f) is free to request and receive assistance in relocating;
- g) is encouraged to exercise his/her rights as a citizen and to this end may voice grievances and recommend changes in policies and services of the home including the right to receive assistance from advocacy programs;
- h) is entitled to compensation in accordance with state and federal labor laws for all labor performed on behalf of the facility with the exception of personal housekeeping tasks related directly to the resident's personal space;
- i) has the right to privacy of self and possessions;
- j) is entitled to humane care and a humane environment;
- k) is entitled to be treated with dignity and respect.

8.4.3 These rights shall be posted in a conspicuous place within the facility and shall be easily readable.

8.5 Records

8.5.1 Each owner or operator of a communal living facility shall keep a current register of residents which shall contain the following information:

- a) name of resident
- b) the name of the person or agency referring the resident to the communal living facility
- c) date of birth
- d) name and phone number of the physician(s) currently treating the resident
- e) the date the resident began residing in the communal living facility
- f) the resident's social security and/or Medicaid or Medicare number
- g) a list of medications taken by the resident including the dosage
- h) information about any specific health problems of the resident which may be useful in a medical emergency

- i) the name, address, and telephone number of a person identified by the resident or referral source who should be contacted in the event of an emergency or death of a resident
- j) date moved and new address of former resident

8.5.2 Records shall be available for review by Health Department personnel at anytime.

8.6 House Rules

8.6.1 Every communal living facility may have additional house rules pertaining to the following rights of the residents:

- a) the use of tobacco and alcohol
- b) the times and frequency of use of the telephone
- c) visitors
- d) hours and volume for viewing and listening to television, radio, and audio equipment.
- e) movement of residents in and out of the communal living facility
- f) use of personal property
- g) Curfew hours
- h) time that meals are served
- i) appropriate clothing outside the bedroom
- j) other rules, pertaining to residents rights, approved in writing by the Health Officer before posting.

8.7 House Rules to be Posted

House rules shall be read, explained and posted in a conspicuous place. Prior to admission to the facility, the new resident shall be informed of his/her rights and the house rules.

8.8 Discrimination Prohibited

Each resident shall be free from discrimination as provided by state and federal law.

8.9 Medications

Every owner or operator may supervise self-administration (by the resident) of medications. Prescription medications shall be properly labeled and handled in accordance with current applicable laws and regulations. All medications shall be stored safely and securely within the facility.

8.10 Lease Agreement

8.10.1 Every owner or operator of a communal living facility shall provide to the Department on the date of admission of a resident a lease agreement which is signed by the resident, any guardian, next of kin, sponsoring agent or representative payee. The lease agreement shall contain, among other things:

- a) Rules for admission to and discharge from the facility;
- b) Reasonable advance notice that the owner and resident must give (to ensure an orderly transfer or discharge);
- c) the term of the lease agreement;
- d) Apportioning of money, if resident leaves before the end of month due to medical reasons or for failure to meet the requirements for residency under Chapter 3.

8.10.2 The lease agreement shall comply with the Regulations.

8.11 Incident Reports

When and if an accident, altercation or crime occurs in a communal living facility, a detailed report of the incident shall be made and kept in the file of the resident. As a minimum, the incident report should contain the following:

- a) Circumstances under which the incident occurred.
- b) When the incident occurred (date and time).
- c) Where incident occurred (bedroom, bathroom, street, lawn, etc.).
- d) Names and address of witnesses.
- e) Date and time relatives, sponsors, Health Department and other agencies were notified.

Chapter 9

Food Service and Nutritional Requirements for Communal Living Facilities

9.1 Cooking of Food

The cooking of food in areas other than approved kitchens is prohibited except that in rooming houses a microwave oven may be used in the room if approved by local fire department or authority.

9.2 Compliance with Referenced Food Service Requirements

It shall be prohibited for any person to own or operate a communal living facility where meals are prepared and served exclusively to residents, unless in full compliance with the provisions of every section of current "Rules of Alabama State Board of Health, Environmental Health Services Chapter 420-3-14 22; Food Establishment Sanitation", except for the following:

- 9.2.1 Food may be dispensed from containers placed on tables around which participants are seated. Each participant may choose and partake of food desired. Such food dispensing shall be closely supervised by the operator to preclude the mishandling and/or contamination of food.
- 9.2.2 In communal living facilities serving twelve (12) or fewer residents, excluding staff, any type of dishwashing machine, device or facilities and procedures may be approved by the Health Officer for cleaning or sanitizing equipment and utensils if it can be readily established that such machine device or facilities and procedures will routinely render equipment and utensils clean to sight and touch and provide effective bactericidal treatment. Where automatic dishwashing machines are not available, a three-compartment sink shall be installed and used for dishwashing.
- 9.2.3 In communal living facilities where more than twelve (12) residents, excluding staff are served meals, all provisions of subject Rules for Food Establishment Sanitation for washing and sanitizing utensils shall apply.
- 9.2.3 A food service permit shall not be required for communal living facilities that are properly permitted under the provisions of these Regulations.

9.3 Nutritional Composition and Meal Service

At least three (3) meals sufficient in quantity and quality as determined by the Jefferson County Department of Health shall be served daily at regular hours. Said meals shall meet the requirements of Appendix A of these Regulations, entitled "A Pattern for Daily Food Choices," which may be amended or revised at the discretion of the Health Officer. Meal service shall meet the following requirements:

- 9.3.1 A time schedule of meals shall be posted daily. Any changes in scheduled meal times shall be announced to the residents prior to the meal.
- 9.3.2 No more than fourteen (14) hours shall elapse between the beginning of an evening meal and the beginning of the following morning meal. Intervals between other meals shall be not less than four (4) hours not more than six (6) hours.
- 9.3.3 Alternate food selections shall be available for residents on medically prescribed diets including, but not limited to the following conditions: diabetes, hypertension, hyperlipidemia, and modified consistency diets.
- 9.3.4 Daily menus shall be accurately recorded, dated, posted and kept on file.
- 9.3.5 When food service is catered, it shall be purchased from Board of Health permitted food establishments. Routine meals catered or purchased outside the facility shall comply with the required meal pattern in Appendix A.
- 9.3.6 Every communal living facility shall send a sack meal with any resident who attends a day care, day treatment, or rehabilitation day facility which does not provide a lunch.
- 9.3.7 Every communal living facility shall not avoid serving a meal by sending or transporting residents to missions, soup kitchens, etc. for meals.
- 9.3.8 Every communal living facility shall always maintain a minimum three-day food supply sufficient to feed all residents.

9.4 Exemptions

Communal living facilities, which are rooming homes, shall be exempt from Parts 9.2 and 9.3 of these Regulations.

Chapter 10

Permits, Application, Submittal of Plans

10.1 Permit License Required

It shall be unlawful for any person to own or operate a communal living facility unless he holds a valid permit issued by the Health Officer in the name of the owner or operator and for the specific communal living facility.

10.2 Permit Application and Denial of Permit

10.2.1 Every owner or operator shall apply to the Health Officer for said permit by completing an application on forms provided by the Department which shall contain such information as the Department may require. Any intentional misstatement of any material fact on said application, particularly any fact related to previous criminal convictions shall be grounds for denying a permit to said applicant.

10.2.2 For each application, the owner/operator applicant shall submit payment of the applicable permit fee. The said permit fee shall be determined under the most current version of the Department's "Environmental Health Services Fee Schedule." Failure to pay fee or payment with a non-negotiable instrument shall result in denial or revocation of the permit as appropriate.

10.2.3 The Health Officer may deny a permit to any applicant who (a) is not suitable to be an owner or operator under Part 10.4 below; or (b) fails to comply with these Regulations.

10.3 Criminal Conviction

10.3.1 Every permit applicant shall reveal on the application all names used and past criminal convictions and/or current criminal charges except minor traffic violations against said applicant or any member of applicant's staff. A current criminal history review of the applicant or any member of the applicant's staff shall be provided if there are any past criminal convictions or if requested by the Health Officer. All new owners and operators shall provide an ABI criminal history report to the Jefferson County Department of Health as a part of the application before a permit may be evaluated for issuance.

10.3.2 Every owner or operator shall report any charge or conviction as determined in Part 10.4 of these Regulations to the Health Officer within thirty (30) days after the occurrence of same and furnish all pertinent information concerning any change in the criminal history of any owner, operator or staff at the communal living facility for which a permit has previously been issued and is in force. The owner or operator shall also submit, as appropriate, within thirty (30) days of occurrence, a criminal history certification of any new or replacement staff hired or accepted since the last permit application had been submitted.

10.4 Suitability to Own or Operate a Communal Living Facility

All owners, operators and staff shall be investigated to determine their character and suitability to own, operate or be employed or volunteer at a communal living facility. Said owners, operators and staff shall be considered unsuitable to own, operate or be employed in a communal living facility if he/she has a history of founded abuse, neglect or exploitation of a communal living facility or resident, or history of habitual noncompliance with regulations of communal living facilities in any county or state, or a criminal conviction at any time which:

- 10.4.1 Involves a sex related crime. Such crimes include, but are not limited to sexual abuse, sexual exploitation, molestation, rape, pornography, sale or exhibition of obscene materials, sodomy, sexual mischief, incest, enticement for immoral purposes, prostitution, pandering or promoting prostitution, and obscenity; or
- 10.4.2 Involves serious intentional reckless or negligent physical injury, danger or death of any person. Such crimes include, but are not limited to murder, homicide, manslaughter, assault with a weapon, reckless endangerment, kidnapping and unlawful imprisonment, or crimes involving moral turpitude; or
- 10.4.3 Conviction for crimes other than those listed herein above will be evaluated to determine whether or not they constitute a danger or threat to residents of communal living facilities based on the seriousness of the crime, the existence of extenuating circumstances, the propensity to recommit the crime and evidence of rehabilitation since the crime was committed.

10.5 Bed Capacity

The communal living facility permit issued under these Regulations shall reflect the number of beds which can be installed or set up in a communal living facility at any given time for the use of residents. The bed capacity shall be based upon space designed and specifically intended for such use under these Regulations, whether or not the beds are actually installed or set up. Separate rooming units designated for family and/or staff shall be identified on the premises of the home.

10.6 Expiration Date

Each communal living facility permit issued hereunder shall expire September 30 of each year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

10.7 Transfer of Permit, Notice of Sale

No communal living facility permit issued under these Regulations shall be transferable. When classification changes occur, owner shall immediately re-apply for permit under new classification.

10.8 Notice of Discontinuance and Return of Permit

Each owner or operator of a permitted communal living facility shall provide written notice to the Health Officer of his intent to voluntarily close the communal living facility at least sixty (60) days prior to the date of closure, and shall return to the Health Officer the permit issued for the facility immediately upon its closure.

10.9 Suspension Of Permit

The Health Officer shall issue a "Notice of Suspension" due to:

- 10.9.1 The failure to timely correct a violation in a notice of violation shall be grounds for the immediate suspension of any permit issued hereunder pursuant to Part 2.5 above. A permit issued hereunder may also be suspended by an emergency use order pursuant to Part 2.6 above, or pursuant to any other provision in the Regulations allowing for suspension of permits.
- 10.9.2 The intentional misstatement by the applicant of any material fact on said application, particularly any fact related to previous criminal convictions shall be grounds for the immediate suspension of any permit issued hereunder.
- 10.9.3
 - a) The criminal conviction at any time of any owner for crimes as specified in Part 10.4 of the Regulations shall be grounds for the immediate suspension of any permit issued hereunder.
 - b) The criminal conviction at any time of any operator or staff for crimes as specified in Part 10.4 of these Regulations shall be grounds for the immediate suspension of any permit issued hereunder, unless said operator or staff member is no longer employed at the facility for which the permit has been issued.

10.10 Reinstatement After Suspension

Whenever a permit to operate a communal living facility has been suspended for any reason the owner or operator may make written application to the Health Officer for reinstatement of the suspended permit, and the same shall be reinstated by the Health Officer upon satisfactory compliance of all applicable provisions of these Regulations.

10.11 Permanent Suspension or Revocation of Permit

The permit shall not be reinstated when violations involve abuse, neglect or exploitation of communal living facilities or residents, or when an owner or operator lacks suitability to own or operate a communal living facility under Part 10.4 above, or when the violations indicate a history of habitual noncompliance with these Regulations.

10.12 Requirements for Orders Suspending, Revoking or Denying Permit, or Suspending Admission of Residents

Any order issued by the Health Officer suspending, revoking or denying a permit, or suspending the admission of residents to a communal living facility, shall be on pre-printed form or in letter form and shall contain the following information:

- 10.12.1 a short statement designating the reason for the suspension, revocation, or denial, and a citation to the Regulation upon which the suspension, revocation or denial is based;
- 10.12.2 if a permit is suspended or resident admissions are suspended, a statement that the suspension shall remain in effect until the owner or operator has satisfactorily complied with all applicable provisions of these Regulations and has made written application to the Health Officer for reinstatement; and
- 10.12.3 a notice to the owner or operator of his/her right to request a hearing to contest the order under Chapter 13 below.

10.13 Service of Orders

All orders issued by the Health Officer pursuant to these Regulations may be served in the same manner as a notice of violation under Part 2.3 above.

10.14 Zoning/Land Use Requirement

All communal living facilities shall be located within a zoning/land use classification which permits the ownership and operation of a communal living facility. Prior to the Department's approval of any application to own or operate a communal living facility, the applicant must submit to the Department written verification that the communal living facility is located within a zoning/land use classification which permits the ownership and operation of a communal living facility. It shall be unlawful for any person to own or operate a communal living facility within a zoning/land use classification which does not permit said ownership or operation.

10.15 Plan Review of Future Construction

Whenever a structure is proposed to be constructed or extensively remodeled for use as a communal living facility properly prepared plans and specifications for such construction or remodeling shall be submitted to and approved by the Health Officer before such work is begun. Before a permit may be considered or evaluated for issuance, all zoning, building, fire, county and city requirements shall be satisfied.

Chapter 11

Compliance Schedules

11.1 Effective Date

These revised Regulations shall become effective immediately upon adoption by the Board.

Chapter 12

Penalties

- 12.1 Any person, firm, association or corporation who violates or fails to comply with any provisions of these regulations, or who shall do any act made unlawful by these regulations, or resists or interferes with the Health Officer or any agent, servant or employee of the Jefferson County Department of Health in the enforcement of these Regulations shall, upon conviction be guilty of a Class A Misdemeanor and may be subject to a fine not to exceed \$2,000 and sentenced to imprisonment in the county jail to perform hard labor for a term not to exceed one year, as provided in Section 7 of Act 89-668, 1989 Alabama Legislature. The Jefferson County Board of Health shall also have the right to seek an injunction by the Circuit Court of Jefferson County upon suit being brought for the violation of said regulations.

Chapter 13

Hearings

13.1 Informal settlement conferences before the Director or Program Manager may be held in an attempt to resolve contested matters. Such informal settlement conferences shall not be of record and shall not be adversarial in nature but shall be utilized to resolve or arbitrate the contested matter prior to a formal hearing for the record. Resolution through informal settlement shall be timely and will preclude the necessity for a formal hearing. Informal settlement conferences shall not extend the deadlines for correcting violations or for filing a request for a formal hearing below.

13.2 Formal Hearings

13.2.1 Notice of Violation.

Any person who is aggrieved by the issuance of a notice of violation may make a written request for a hearing before the Health Officer or his/her designated representative (“Hearing Officer”) within seven (7) days of the service of the notice of violation. A request for a hearing shall not extend the time for correcting the violations in the notice of violation. A hearing shall be held and an order shall be entered by the Health Officer prior to the deadline for correction of violations in the notice of violation.

13.2.2 Order Suspending, Revoking or Denying a Permit, or Suspending Resident Admissions.

Any person who is aggrieved by the issuance of an order suspending, revoking or denying a permit, or suspending resident admissions, may make a written request for a hearing before the Health Officer or his/her designated representative (“Hearing Officer”) within seven (7) days of the service of the order. A request for a hearing shall not affect or delay the order to suspend, revoke or deny. A hearing shall be held and an order shall be entered by the Health Officer within the timetable established under Chapter 420-1-3, et seq., Ala. Admin. Code.

13.2.3 Hearing Procedure

The hearing shall be held pursuant to the procedures set forth in the most current “Rules of Alabama State Board of Health,” Chapter 420-1-3, et seq, Ala. Admin. Code., with the exception that the deadlines above apply where different from the deadlines in the Rules of the State Board of Health. (Wherever the Rules designate State Health Officer insert Health Officer of Jefferson County, and wherever the Rules designate State Department of Public Health and State Board of Health, insert Jefferson County Department of Health and Jefferson County Board of Health, respectively).