

<u>TITLE 40</u>	SOCIAL SERVICES AND ASSISTANCE
<u>PART 1</u>	DEPARTMENT OF AGING AND DISABILITY SERVICES
<u>CHAPTER 85</u>	IMPLEMENTATION OF THE OLDER AMERICANS ACT
<u>SUBCHAPTER D</u>	OLDER AMERICANS ACT SERVICES
<u>RULE §85.309</u>	Senior Centers

(a) Purpose. This section establishes the requirements for senior centers, a service provided under the Older Americans Act and funded, in whole or in part, by DADS.

(b) Senior center services. As provided in the Older Americans Act, §102(36), a senior center is a community facility used for the organization and provision of a broad spectrum of services for persons 60 years of age or older, which may include provision of health (including mental health); social, nutritional, and educational services; and the provision of facilities for recreational activities.

(c) Operations. A AAA must ensure that a service provider of a senior center:

(1) complies with applicable local building codes and ordinances and applicable state and federal laws, rules, and regulations including the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504;

(2) establishes the senior center in an area central to and easily accessible by program participants;

(3) conducts fire prevention inspections on a monthly basis using a trained senior staff person or volunteer of the service provider;

(4) posts a copy of the latest fire prevention inspection report in a conspicuous place in the senior center and files the report at the senior center for review by the AAA;

(5) keeps doors, outside stairs, and fire escapes free from obstruction and in proper condition;

(6) has basic first aid supplies at the senior center available and maintained, clearly marked, and accessible to all senior center staff persons and program participants;

(7) has an adequate number of service center staff persons available at the center, during the time the center is open to the public, who are certified in:

(A) first aid;

(B) cardiopulmonary resuscitation; and

(C) operating an automatic external defibrillator, if one is available; and

(8) develops written policies and procedures regarding senior center operations and makes them available to senior center staff persons and program participants.

(d) Political activity. A AAA must ensure that a service provider does not:

(1) use a senior center for political campaigning except in those instances where a representative from each political party running in the campaign is given an equal opportunity to participate; or

(2) distribute political materials at a senior center.

(e) Religious activities and prayer. A AAA must ensure that a service provider does not:

(1) allow a prayer or other religious activity to be officially sponsored, led, or organized by a senior center staff person or volunteer; or

(2) prohibit a program participant from praying silently or audibly at a senior center if the program participant so chooses.

(f) Inventory. A AAA must maintain an accurate inventory of senior centers that were renovated, acquired, or constructed, in whole or in part, with funds provided by DADS.

(g) Change in ownership or purpose of a senior center.

(1) A AAA must ensure that:

(A) a grantee of funds from DADS to purchase or construct a senior center notifies the AAA, in writing, of the purchase or construction of the center within 30 days after such purchase or completion; and

(B) a grantee of funds described in subparagraph (A) of this paragraph and any successor owner of the senior center:

(i) notifies the AAA, in writing, of:

(I) a change in the ownership of the senior center; or

(II) a change in the purpose of the senior center from the purpose for which it was purchased or constructed; and

(ii) makes such notification 30 days before the change described in clause (i) of this subparagraph.

(2) A AAA must notify DADS if, within 10 years after purchase of or 20 years after completion of construction of a senior center, either of the following occurs:

(A) the owner of a senior center ceases to be a public or nonprofit private agency or organization; or

(B) there is a change in the purpose of the senior center from the purpose for which it was purchased or constructed.

(3) The notice required by paragraph (2) of this subsection must be in writing and be given to DADS within 10 days after a AAA is notified of the occurrence.

(4) If, within 10 years after the purchase of a senior center or 20 years after the completion of construction of a senior center, either of the conditions described in paragraph (2) of this subsection occurs, the United States Government is entitled to recover from the owner of the senior center an amount to be determined by the Older Americans Act, §312.

(h) Insurance. A AAA must ensure that the owner or operator of a senior center maintains insurance coverage for total replacement cost of the center and for the contents of a center funded by DADS.

Source Note: The provisions of this §85.309 adopted to be effective September 1, 2008, 33 TexReg 7293

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