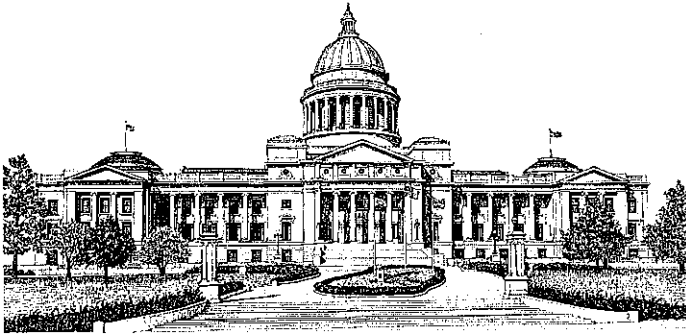


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Corrections

Department Division of Community Correction

Contact Russ Carter E-mail Russ.Carter@Arkansas.gov Phone 501-682-9572

Statutory Authority for Promulgating Rules Arkansas Code sections 12-27-105, 16-93-1203 and 16-93-1205

Rule Title: Transitional Housing Program

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☒ Other 10/23/2015
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Russ Carter

Russ.Carter@Arkansas.gov

12/31/2019

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

870.643.1922

Solomon.Graves@Arkansas.gov


Phone Number

E-mail Address

Chief of Staff

Title

Date


 <p style="text-align: center;">ADMINISTRATIVE RULE</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number: ACC AR 7.8	Page Number: 1
	Board Approval Date: 5/13/2015	
	Supersedes: AR 7.8	Dated: 12/12/2006
	Reference: Sec. of State 159.	Effective Date: 10/23/2015
SUBJECT: TRANSITIONAL HOUSING PROGRAM		

- I. AUTHORITY.** The Board of Corrections (BOC) is vested with the authority to promulgate this administrative rule by Arkansas law sections 12-27-105, 16-93-211, 16-93-1203, 16-93-1205, 16-93-1601 through 16-93-1605 and 25-15-217.
- II. APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees, offenders, applicants for and recipients of a Transitional Housing Facility license, owners, operators, and staff members of licensed Transitional Housing Facilities.
- III. POLICY.** It is BOC policy that facilities and programs that provide transitional housing services to ACC offenders meet or exceed licensing requirements to ensure a structured, positive, affordable, and safe environment for remanded offenders, to reduce recidivism, to encourage employment and treatment, to provide public safety, and to maintain the principles of evidence based practices.
- IV. DEFINITIONS.**

Transitional Housing. Transitional housing is a program that provides housing for one or more offenders who have either been transferred or paroled from the Department of Correction by the Parole Board or placed on probation by a circuit or district court. An Offender's home or the residence of an offender's family member shall not be considered a transitional housing facility for purposes of this rule.

Request for Qualifications. The contract supplied by the Office of State Procurement that allows a licensed Transitional Housing Facility to bill the state for limited reimbursement for housing remanded offenders at their facility.

Transitional Housing Coordinator. The individual assigned to monitor Transitional Housing Facilities; to lead the enforcement of policy, procedure, practice and contract stipulations; to monitor offender placement in facilities; to lead the License Review Teams; to report concerns and violations to the proper authority, and to serve as the liaison between the facility and ACC.

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V. LICENSING.

A. Licensing Authority. The ACC Director is the authority for licensing Transitional programs and/or facilities. Geographical limitations shall not be the sole factor of consideration in the licensing decision. The Director shall ensure the development and implementation of the necessary applications, forms, procedures and processes for obtaining sufficient information to make licensure and renewal decisions consistent with the requirements established by this rule. Documentation supporting applications shall be deemed a part of the official application. The application fee will be as established by the Board of Correction. ACC will make fee amounts and changes available to transitional housing licensing applicants and current licensees. All fees are non-refundable regardless of the licensure decision.

An Arkansas Transitional Housing Facility License shall not be issued for a facility under the management, supervision, oversight or ownership of a person currently under a sentence or probation supervision for a felony offense or who has current, pending felony charges. Ex-offenders must provide proof of discharge of the felony sentence.

Licensing and renewals shall be for twelve (12) months following issuance with provisions for renewal as specified in the Request for Qualifications.

Only ACC licensed facilities or programs will be used to house offenders while receiving transition services.


Licenses will be issued only for the premises and persons specified in the application and are not transferable.

All licensed facilities must have 24 hour access by assigned offenders and must have a staff member / housing manager present at all times.

Licenses issued pursuant to this rule shall become effective immediately upon issuance and shall remain in effect for twelve months, except when an unresolved noncompliance is cited by ACC resulting in revocation or suspension of the license.

Applicants for licensing will be notified in writing of the licensing decision and specific requirements, if any, that were not met.

ACC does not guarantee placement of offenders at a transitional housing facility regardless of the granting of a license or a contract.

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B. Transitional Housing Licensure Requirements.

1. Compliance with any local health and safety codes, including housing codes, fire codes, plumbing codes, and electrical codes, set by the jurisdiction(s) in which the transitional housing facility is located.
2. Compliance with any state and federal health and safety codes.
3. Compliance with any local zoning ordinances.
4. Compliance with allowable ratio of transitional housing facility square footage to residents.
5. Compliance with any law regarding transitional housing.
6. Compliance with allowable ratio of bathing facilities and restroom facilities to residents.
7. Maintain separate sleeping and bathing rooms for males and females.
8. Meet the procedural guidelines and requirements established by ACC in an administrative directive for Transitional Housing Licensing.
9. Meet the ACC Minimum Standards for licensure or renewal.

VI. GUIDELINES.

Early Releases to Transitional Housing. Pursuant to Act 679 of 2005, Arkansas Department of Correction (ADC) inmates who are within one year of their transfer eligibility dates may be transferred early, by the Parole Board, to a licensed Transitional Housing facility (THF). Offenders released under this Act shall remain in the THF until released to parole or community supervision or revocation by the Parole Board. Any failure to report to the THF by the time scheduled (pre-defined at intake) will be deemed an escape and treated accordingly. An offender released under this Act may be allowed in the community only for the purpose of work and education or as otherwise established by written policy. Compliance with Arkansas Law 16-93-211 of 2014, Early Release to Transitional Housing Facilities must be maintained.

Supervision. The Deputy Director of Parole/Probation Services must ensure supervision officers are assigned for the period of residency at THFs. Procedures must be developed for the processing of inmates eligible for this program.

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VII. SANCTIONS.

Non-Licensed Facility Penalty. If a facility is housing offenders without a license, ACC will impose civil penalties not to exceed \$500 per day for each day the violation continues. In addition, alternative sanctions may be imposed pursuant to law (Arkansas Law, section 16-93-1603 and section 25-15-217).

Non-Compliance. The Transitional Housing Coordinator, for due cause, may recommend to the Director that a facility should be sanctioned for non-compliance. The Director of ACC or their designee, may impose specific penalties to a facility that remains noncompliant with policy, procedures, and protocols after sufficient instruction and/or deadlines for compliance have gone unresolved. These penalties may include, but are not limited to, suspension of the admission of any further offenders until the issues are resolved; the suspension of transitional housing funds due to the facility until the issues are resolved; the revocation of the transitional housing facility license after due process.


Denial of Application. The Transitional Housing Coordinator, for due cause, may recommend to the Director that an application for licensure should be denied. The Transitional Housing Coordinator may hold the application in abeyance until the issues are resolved. Applicants whose licenses are denied may avail themselves of the procedures outlined in the following paragraph.

Hearing Process.

The facility whose license has been denied or has received notice of sanction shall be entitled to a hearing before the Agency Director or designee. A time and place for the hearing shall be fixed by the board and held in the State of Arkansas.

A copy of the reason for sanction or denial, together with the notice of the time and place of hearing, shall be considered as legally served by the board when sent to the last known address of the licensee or applicant by certified mail at least ten (10) days before the date fixed for the hearing. In the event that such service cannot be effected ten (10) days before the hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition.

At the hearing the licensee or applicant shall have the right to appear personally and by counsel and to cross-examine witnesses and to submit evidence in the contractor's behalf and defense.

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If after the hearing the agency Director or designee finds the facts as alleged and of such character as to sanction the facility or deny the application, then the agency shall deny the application or sanction the facility as provided for in this rule. In that event no refund shall be made of the application fee.

Within its discretion and upon proper application or hearing, the agency may reissue a license to any contractor whose license has been revoked.

VIII. FINANCIAL REQUIREMENTS.

The facility may not charge the offender any costs or fees above those allowed in the Administrative Directive on Transitional Housing Facility License and the Request for Qualifications from the Office of State Procurement.

The initial application fee is \$250.00. The renewal application fee is \$100.