

	ADMINISTRATIVE REGULATION STATE OF ARKANSAS BOARD OF CORRECTIONS	Section Number: AR 7.8	Page Number: 1
		Board Approval Date: 9/6/06	
		Supersedes: AR 7.8	Dated: 8/15/05
		Reference: Act 678 & 679 of 2005	
		Secretary of State Rule Code 159.00	Effective: 12/12/06
SUBJECT: TRANSITIONAL HOUSING PROGRAM			

I. AUTHORITY. The Board of Corrections (BOC) is vested with the authority to promulgate this administrative regulation by Ark. Code Ann. §§ 12-27-105, 16-93-1203, 16-93-1205 and Acts 678 and 679 of 2005.

II. APPLICABILITY. This policy applies to Department of Community Correction (DCC) employees, offenders, and applicants for transitional housing licenses.

III. POLICY. It is BOC policy that facilities and programs that provide transitional housing services to DCC offenders meet the licensing requirements established in this policy to ensure a structured, positive, and safe environment for offenders remanded for various transitional housing services and for the safety of the community.

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 regulation.

V. GUIDELINES

A. General

1. The DCC Director is the authority for licensing Transitional Housing programs and/or facilities. Geographical limitations shall not be a 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 regulation. Documentation supporting applications shall be deemed a part of the official application.
2. Only DCC licensed facilities or programs will be used to house offenders while receiving transition services.
3. Applicants for licensing will be notified in writing of the licensing decision and specific requirements, if any, were not met.
4. Applicants may appeal the DCC Director's decision to the Board of Corrections, whose decision is binding.
5. The licensing fee will be as established by the BOC. DCC shall make fee

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amounts and changes available to transitional housing licensing applicants and current licensees. All fees are nonrefundable regardless of the licensure decision.

6. A program that provides housing for one (1) or more offenders who either have been transferred or paroled from the ADC by the Parole Board or placed on probation by a circuit court or district court that is otherwise accredited or approved by an appropriate oversight body, as determined by the DCC Director, and is in compliance with the minimum requirements established in this policy shall automatically be issued a Transitional Housing License, with a waiver of the application fee.
7. 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. Ex-offenders must provide proof of discharge of the felony sentence.
8. Licensing and renewals shall be for twelve (12) months following issuance.

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; and
3. Compliance with any local zoning ordinances; and
4. Compliance with allowable ratio of transitional housing facility square footage to residents; and
5. Meet the allowable ratio of bathing facilities and restroom facilities to residents.
6. Maintain separate sleeping and bathing rooms for males and females.
7. Meet the procedural guidelines and requirements established by DCC in an administrative directive for Transitional Housing.

C. 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/or

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education or as otherwise established by written policy. 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.

D. License. Licenses issued pursuant to this regulation shall become effective immediately upon issuance and shall remain in effect for twelve months, except when an unresolved non-compliance is cited by DCC resulting in revocation or suspension of the license.

VI. PROCEDURES. The DCC Director shall ensure the development and implementation of the necessary application, forms, procedures and processes for obtaining sufficient information to make licensure and renewal decisions consistent with the requirements established by this regulation. Documentation supporting applications shall be deemed a part of the official application.