

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1242

By: Representative Tosh

By: Senator Irvin

For An Act To Be Entitled

AN ACT CONCERNING ADMINISTRATIVE DIRECTIVES THAT ADDRESS TRANSITIONAL HOUSING FACILITIES APPROVED BY THE BOARD OF CORRECTIONS AND LICENSED BY THE DEPARTMENT OF COMMUNITY CORRECTION; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING ADMINISTRATIVE DIRECTIVES THAT ADDRESS TRANSITIONAL HOUSING FACILITIES APPROVED BY THE BOARD OF CORRECTIONS AND LICENSED BY THE DEPARTMENT OF COMMUNITY CORRECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-93-1603 is amended to read as follows:
16-93-1603. Powers and duties of the Board of Corrections.

(a) The Board of Corrections shall promulgate rules or develop administrative directives that ~~shall~~ set minimum standards for all transitional housing facilities in the State of Arkansas.

(b)(1) The Parole Board, a district court, or a circuit court shall not release a transferee, parolee, or probationer to a transitional housing facility as a resident unless the transitional housing facility provides a copy of a current license issued by the Department of Community Correction under § 16-93-1604.

(2) The transitional housing facility shall comply with all the



standards set by the rules or administrative directives established by the Board of Corrections under subsection (a) of this section.

(c) The rules and administrative directives described in subsection (a) of this section shall include at least the following:

(1) Compliance with any local health and safety codes, including housing codes, fire codes, plumbing codes, and electrical codes, set by the jurisdiction or jurisdictions in which the transitional housing facility is located;

(2) Compliance with any local zoning ordinances;

(3) Compliance with any state and federal health and safety codes;

(4) Consideration of geographic dispersement of transitional housing facilities;

(5) Allowable ratio of transitional housing facility square footage to residents; and

(6) Allowable ratio of bathing facilities and restroom facilities to residents.

~~(d)(1) The rules described in subsection (a) of this section shall be promulgated on or before January 1, 2006.~~

~~(2) The Board of Corrections may make additions, amendments, changes, or alterations to the rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

(d) Each transitional housing facility shall be licensed by its type.

(e) As used in this section, "transitional housing facility" includes a reentry, self-governed, or other type of post-incarceration housing as approved by the Board of Corrections and licensed by the department.

SECTION 2. Arkansas Code § 16-93-1604 is amended to read as follows:

16-93-1604. Powers and duties of the Department of Community Correction.

(a) The Department of Community Correction shall implement the rules or administrative directives described in § 16-93-1603 ~~on or before July 1, 2006.~~

(b)(1) The department shall be responsible for the enforcement of the rules and administrative directives established by the Board of Corrections under § 16-93-1603.

(2) The department shall establish all procedures and forms that it deems necessary to implement the rules or administrative directives, and the procedures shall include, but not be limited to, the following:

(A) Creating ~~a~~ state-issued Arkansas transitional housing facility ~~license~~ licenses by type for applicant facilities that have met the standards established by the rules and administrative directives of the board;

(B) Establishing the process to be followed by an applicant in making application to the department to receive a license to operate an approved transitional housing facility, which shall include a reasonable application fee to be established by the board;

(C) Establishing procedures for the department to accept applications for facilities wishing to obtain a license to operate a transitional housing facility and to investigate whether applicants meet the standards established by the rules and administrative directives of the board;

(D)(i) Establishing procedures for the department to notify an applicant when its application has been approved or denied.

(ii) All denials shall specify in writing the reason for the application's denial;

(E) Establishing procedures to investigate complaints that a licensed transitional housing facility is in violation of the standards established by the rules and administrative directives the board;

(F) Establishing procedures for the department to suspend or revoke a license when a license holder is no longer in compliance with or violates the rules and administrative directives of the board; and

(G) Establishing procedures for the department to impose civil penalties for the operation of a transitional housing facility without a valid license issued by the department.

(c) The Director of the Department of Community Correction and the staff of the department shall provide administrative support to the board.

SECTION 3. Arkansas Code § 16-93-1605 is amended to read as follows:
16-93-1605. License required.

(a) In order to operate a transitional housing facility for criminal offenders who have been transferred, paroled, or placed on probation through

the Arkansas criminal justice system, the operator shall obtain a license by facility type from the Department of Community Correction.

(b)(1) Operation of a transitional housing facility without a license issued by the department shall result in the imposition of civil penalties against the operator by the department.

(2) Civil penalties for operation of a transitional housing facility without a valid license shall not exceed five hundred dollars (\$500) per day for each day the violation continues.

(3) However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

(c) A criminal offender who has been transferred, paroled, or placed on probation through the Arkansas criminal justice system shall not be sent via court order to a transitional housing facility that is not properly licensed by the department.