



# Arkansas Community Correction

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## ADMINISTRATIVE DIRECTIVE: 16-12 TRANSITIONAL HOUSING FACILITY LICENSE

**TO: ARKANSAS COMMUNITY CORRECTION EMPLOYEES**

**FROM: SHEILA SHARP, DIRECTOR**

**SUPERSEDED: AD 14-23**

**APPROVED: Signature on File**

**EFFECTIVE: March 11, 2016**

- I. APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees, applicants for and recipients of a Transitional Housing Facility License, owners, operators, and staff members of licensed Transitional Housing Facilities.
- II. POLICY STATEMENT.** Transitional Housing Facilities must meet or exceed the minimum standards and requirements established in this policy to ensure a structured, positive, and safe environment for residents, to reduce recidivism, to encourage employment and treatment, to provide public safety, to transition offenders back to the community to be productive citizens and to maintain the principles of evidence based practices.
- III. DEFINITIONS.**
  - A. Applicant.** Any individual, group, business or organization that has applied to receive an Arkansas Community Correction Transitional Housing license.
  - B. Transitional Housing Facility.** An ACC licensed facility providing housing for one or more residents placed in ACC community supervision. A resident's home or the home of a resident's family member will not be considered a Transitional Housing Facility for purposes of this directive. To operate a facility in the state of Arkansas a person/group must apply for, obtain, and maintain an approved license from ACC.
  - C. Licensing Authority.** ACC is the authority for licensing Transitional Housing Facilities. Facilities are licensed for one year with provisions for renewal as specified in this policy.
  - D. Transitional Housing Coordinator:** The individual assigned to monitor Transitional Housing Facilities, to serve as the liaison between the facility and ACC for compliance issues, and to supervise the billing process.

- E. Licensure Requirements.** The information referred to in the Administrative Regulation given to applicants of a facility license listing the minimum items and areas that will be inspected during the application process.

#### **IV. PROCEDURES.**

- A. Application:** Applicants may contact the Coordinator for a Transitional Housing Facility license packet or download the application packet from the ACC Public website ([dcc.arkansas.gov](http://dcc.arkansas.gov)). Applications, documents, and fees submitted for licensure consideration will not be returned. The completed application packet and any required fees will be sent to the Coordinator at the Central Office of ACC.

For initial licensure or proposed new location, the applicant must comply with the public hearing requirements of Arkansas Code § 12-25-101 (2012)

For initial licensure or proposed new location, the applicant must comply with the public hearing requirements of Arkansas Code, section 12-25-101 (a) (2). “No community-based residential facility housing juveniles or adults adjudicated or convicted of any sexual or violent offense or any other criminal offense that would constitute a Class C felony or higher shall be located or constructed within any municipality or county of this state until a public hearing is conducted in the municipality or county of the proposed location of the facility at least thirty (30) days prior to the contracting for the acquisition of any property on which to locate the proposed facility or any existing structure in which to locate the proposed facility by the owner, operator, or care provider of the proposed facility.”

- (b) All residents within one thousand feet (1000') of the proposed location of the facility shall be notified by mail at least ten (10) days prior to the day of the hearing.

The ACC Housing Coordinator will review the application packet for completion and complete the background checks on individuals submitted as staff and volunteers by the owner/operator.

- B. Licensure:** The Transitional Housing Review Team for the licensure and annual inspections of facilities will be determined by the Coordinator and Area Manager.

Licenses will be issued only for the premises and persons specified in the application and are not be transferable. Separate licenses are required for transitional housing facilities maintained on separate premises, even though they are operated under the same management. The facility cannot admit any ACC residents until the license to operate a Transitional Housing Facility has been issued.

The Housing Coordinator, for due cause, may recommend to the Chief Deputy Director that a facility license be suspended or revoked. The Chief Deputy Director may assign ACC staff or any other local, state, or federal agency to assist in a facility investigation. In the event of a recommendation for denial of an application or the suspension or revocation of license, the applicant may appeal the denial to the Director of the agency within 30 days of the written recommendation for denial/suspension/revocation. Applicants may appeal the decision of the Director in writing within 30 days of that decision to the Board of Corrections whose decision is final.

When a license is renewed, it will be from the previous license expiration date, not any possible extended inspection date. A facility that wishes to renew its license must have all required paperwork and fees submitted to the Coordinator no later than 30 days prior to the license's expiration.

All areas of the licensed facility and all records related to the care and protection of residents, including resident and employee records, must be open for inspection by ACC for the purpose of enforcing policy and regulations.

The licensing procedure for self-governed facilities that are proven to be such by Best Practices may use a modified application/licensure procedure as approved by the Director.

- C. Request for Qualifications:** After obtaining a license, the owner/operator may choose to obtain a contract by responding to the Arkansas Community Correction Request for Qualifications. When obtained, the facility may bill ACC for limited reimbursement for housing residents as stated in the contract. The Request for Qualifications is available from the ACC website, from the Coordinator, and from the ACC Purchasing Department.
- D. Past Performance:** In accordance with provisions of State Procurement Law, specifically OSP Rule R5:19-11-230(b)(1), a vendors past performance with the state may be used to determine if the vendor is "responsible". Proposals submitted by vendors determined to be non-responsible shall be disqualified.
- E. Billing:** When a facility has met the conditions of licensure and has been approved by the Office of Procurement for payment as a vendor, ACC will reimburse the facility for resident housing at the approved reimbursement rate for up to 90 or 120 days, depending on the classification of the offender, from the date of release from an ADC or ACC facility. A facility may not bill ACC for housing a resident prior to their approval as a vendor. The billing process will follow the instructions stated on the Request for Qualification and may include the use of electronic monitoring for residential verification. During a period of license suspension payment may be withheld or reduced pending satisfactory implementation of an approved corrective action plan as specified in the Request for Qualifications.

ACC shall reimburse licensed transitional houses according to the following schedule:

Moderate risk, High risk, level 1 and level 2 sex offenders:

Length of stay: 90 days

Reimbursement:

- Day 1-45: \$30.00/day
- Day 46-90: \$20.00/day
- Offender per diem: \$14.00/day starting on the first day of full time employment.

Level 3 and level 4 sex offenders:

Length of stay: 120 days

Reimbursement:

- Day 1-60: \$50.00
- Day 61-120: \$40.00
- Offender per diem: \$14.00/day starting on the first day of full time employment.

- F. Acceptance of Residents:** Licensed transitional facilities must review and accept all submitted applications, unless justifiable reasons are present. Justifiable reasons include, but are not limited to, acceptance of a resident which would result in the violation of any city, county, or state laws. The transitional facility must provide the reason for denial to the applicant, in writing.
- G. Resident Employment:** The vendor is required to aid the resident in seeking employment. The resident must be at the facility for seven (7) days prior to beginning employment. The resident must be fully employed by day 45 and maintain full time employment through the duration of their time at the transitional housing facility.

Upon obtaining employment, the facility shall complete employment checks to verify the legitimacy and nature of the employment. The facility shall review residents' pay stubs to ensure the resident is making at least minimum wage and having taxes withdrawn.

The vendor may not require or allow the resident to work without payment at any employment that pays less than Arkansas minimum wage, whether that employment is outside of the facility or for the facility. The resident may not "volunteer" to work without pay or work to have their bill from the vendor reduced. The resident will be paid in full and will in turn make payments to the vendor if owed. Employment and payment records for residents will be made available upon the request of ACC.

- H. Facility Programming:** The vendor is expected to provide applicable programming which addresses identified criminogenic and other needs for residents at the facility. Applicable programming may include drug and alcohol programs, education services, and stable housing assistance. Programming can be provided through referrals to local service providers and in house classes.
- I. Facility Fees:** Residents, their families, and any other financial source may not be charged any fees, other than the per diem, (e.g. admission, filing, and other entry fees) for transitional housing. No facility may charge residents additional fees for services or fines for policy violations other than the actual costs of transportation and laundry.
- J. Staff Coverage:** Licensed transitional houses must have trained staff (paid or volunteer) on premises to provide 24 hour supervision, 7 days a week. Facilities shall maintain a staff to offender ratio of no less than 1 to 25 at all times.
- K.** A facility may not withhold any portion of the income of a resident, regardless of the income source, to include Social Security, SSI, SNAP, or any other government or private income source. All resident income, in check or any other form will be the property of the resident. The facility may bill the resident for any authorized costs and the resident will pay the authorized cost from their funds. A receipt will be given to the resident for any and all payments.
- L.** ACC will not reimburse licensed Transitional Housing Facilities for residents categorized as a low risk for recidivism. ACC will reimburse for residents with a moderate or high risk for recidivism and level 1 and 2 sex residents at a rate commensurate with current budgets; and will reimburse for residents who are level 3 and 4 sex offenders at a higher rate commensurate with current budgets.

Once a resident has used their maximum reimbursement days as allowed by ACC, the facility may not charge the resident a daily self-pay rate greater than \$30.00 per day.

Payment will be made for residents for date of arrival to the facility; ACC will not be responsible for payment for resident's date of departure.

- M.** Monitor Costs: ACC maintains the right to collect applicable costs for Electronic Monitoring devices for residents in transitional housing.
- N.** The licensed transitional facility staff shall complete and document daily scheduled and unscheduled counts. Residents not present during count shall be accounted for through sign out logs and/or approved employment schedules. Counts shall be conducted at least twice per shift and at every shift change for the transitional housing facility.
- O.** Licensed transitional facilities must provide 3 meals per day with at least one (1) meal being hot. Total calories for the day shall be 2500.
- P.** Transitional Facility staff must conduct drug test at least once weekly of all residents. Transitional Facility staff must notify the ACC of any resident's positive drug/alcohol test results immediately by phone. Transitional Facilities must utilize at least an 8 panel drug test and a test for K2.

## **V. OPERATION OF A TRANSITIONAL HOUSING FACILITY WITHOUT A LICENSE.**

- A. Non-Licensed Facility Penalty.** If a facility is housing residents for reimbursement 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).
- B.** ACC staff aware of an unlicensed facility being operated in Arkansas must bring this to the attention of the Coordinator. Members of the public may bring unlicensed facilities to the attention of any ACC staff member who will, in turn, notify the Coordinator. The Coordinator will report claims of an unlicensed facility to the Assistant Director of Reentry who will ensure investigation.

## **VI. PROHIBITED STAFF BEHAVIOR**

Transitional facility staff shall not under any circumstance:

- A.** Exchange personal gifts or favors with residents, their family, or their friends.
- B.** Accept any form of bribe or unlawful inducement.
- C.** Discriminate against any resident on the basis of race, religion, creed, gender, national origin, disability, charge/offense, or other individual characteristics.
- D.** Employ corporal punishment or unnecessary physical force.
- E.** Subject residents to any form of physical or mental abuse.
- F.** Withhold information from ACC including threats to the security of the facility, its staff, visitors, or community. This can lead to termination of contract.

## VII. COLLABORATION.

The following is established to gain continuity and coordination in the management of transitional housing arrangements for ACC residents:

- A.** The Institutional Parole Officer will coordinate activities between the transitional housing provider, the Arkansas Parole Board, and the correctional staff as described in the Request for Qualifications provided by the Office of State Procurement.
- B.** Parole/Probation Area Managers will assign and maintain assignment of a supervision officer to manage cases and coordinate with staff at Transitional Housing Facilities as necessary. The Area Manager may assign others as needed. The assigned officer(s) must be knowledgeable of the minimum standards that are required of the facility.
- C.** The licensed Transitional Housing Facility must provide the names and numbers of those under supervision that are residing at the facility to ACC staff when requested.
- D.** The supervision officer assigned to a facility will investigate and report findings of any complaints, observed or suspected non-compliance with rules, policies, laws and regulations to the Area Manager for possible further referral or action.
- E.** Area Managers will report any serious violations of policy, procedure, or practice to the Coordinator. The Coordinator will work with the Area Manager towards a resolution of the violation. Area Managers will forward any written complaint by a resident, staff member, or member of the public concerning a facility to the Coordinator to become part of the facility file.
- F.** ACC staff and facility staff will communicate to each other positive drug/alcohol test results immediately.
- G.** Facility staff will respond to and notify the supervision officer of such requests as subpoenas, court orders, search and/or arrest warrants.
- H.** Facility staff will honor ACC travel passes and immediately report violations of travel restrictions to the supervision officer. Facility staff may not grant an out of county pass without the permission of the supervision officer or the parole/probation office.
- I.** Facility staff will not, except in the case of emergency or threat of injury or death, dismiss a resident from the facility until they notify the supervision officer or the parole/probation office by phone. The facility should only dismiss a resident for substantial and documented reasons. Dismissal actions are appropriate for such infractions as violence, life threatening actions, property destruction, substantial verbal abuse or violation of the facilities fundamental statutes (alcohol, drugs, etc.).
- J.** Facility staff will notify the supervision officer (or his/her office) immediately of any resident's violent or threatening behavior, endangerment of others, and awareness of an abscond or escape from the facility.
- K.** The Coordinator will arrange onsite visits and inspections (initial and periodic, announced and unannounced), review reports of critical incidents involving or concerning ACC residents, and make objective recommendations.

- L. The facility will post office staffing hours and will comply with posted staffing hours. There must be a staff member / house manager / responsible party present 24 hours per day.
- M. The facility will notify the Transitional Housing Coordinator of any employee additions with information needed to complete a criminal background check.
- N. Arkansas Community Correction shall, at all reasonable times, have the right to enter the facility's work and living areas to inspect, monitor, or otherwise evaluate the quality, appropriateness, and timeliness of work, services, or both, that have been or are being performed.

**VIII. PREA COMPLIANCE:** Contracted facilities with populations consisting of at least 50% ACC residents for a majority of the contract year must pursue PREA compliance standards for community confinement.

**IX. CONTRACT COMPLIANCE:** The owner/operator/manager of the facility must comply with all requirements/agreements of the Request for Qualifications/Contract as stated in the agreement.

**X. EQUAL OPPORTUNITY:** Transitional Housing facilities' accommodations and services must be provided without regard to race, color, gender, religion, age, national origin, genetic information, disability or other biases prohibited by state or federal law.

**XI. ATTACHMENTS/FORMS:**

AD 16-12 Form 1: Transitional Housing Facility Inspection Checklist

**Arkansas Community Correction  
Transitional Housing Facility  
Inspection Checklist**

**Facility Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

During initial license inspections, annual renewal inspections and unannounced visits by ACC staff, the following Inspection Checklist will be used. The inspections will not be limited to these items.

**Note: If application is for renewal, those items marked with an asterisk (\*) are not required. The facility must have a separate license for each individual premise, even if they are operated under the same management.**

**Copies of license or inspection by/from:** \_\_\_\_\_

\_\_\_\_\_

**Inspector's Initials:**

1. Fire / Safety Inspection	
2. Health Department/Food Service	
3. Business License	
4. Plumbing Code*	
5. Electrical Code*	
6. Zoning Approval, Public Hearing, or Special Use Permit. Note: For an initial license or proposed new location, a public hearing must be held that meets the requirements of Arkansas Law section 12-25-101. *	
7. If transportation for resident is provided, copy of automobile insurance, proof of vehicle fire suppression equipment and first aid kit in vehicle.	
8. Copy of facility property and liability insurance	
9. Itemized list of all fees (initial, monthly, penalty, etc.) charged to residents. <b>Note:</b> Fees must be reasonable.	
10. Itemized list of products or items and their cost sold to residents. <b>Note:</b> Costs must be reasonable.	
11. List of all staff and volunteers for background check (owner/operator must obtain / maintain consent to release information from staff and volunteers). <b>Note:</b> No resident currently on parole or probation may supervise another resident; no person with a propensity for violence may serve as staff member.	
12. Copies of facility disaster plans, evacuation plans, and contingency plans for operations if the facility must be abandoned.*	
13. Copy of facility policy to subpoenas, court orders, arrest warrants.*	
14. Copy of policy stating notification of ACC staff when an resident escapes or absconds from the facility, or prior notification if discharged.*	
15. Copy of facility Policy and Procedure Manual that is unique to this facility.*	
16. Copy of facility resident handbook/orientation materials including facility rules, curfews, admission procedures, and consequences for violations.*	

17. Copy of resident handbook/orientation procedures that include facility rules, curfews, and consequences for rule violations.	
18. Copy of resident orientation materials.*	
19. Statement of admission and discharge policies and procedures.*	
20. If the total number of residents averages over 50% of the facility population for the majority of the year, is the facility pursuing PREA compliance?	
21. Is the facility ADA compliant?	
22. Are resident records confidential, uniform in format and content, and properly secured?	
23. Proof that each resident has signed a release of information form and that releases of information for medical, treatment or personal reasons have been documented as to why and when and that the resident has been notified of the release.	
24. Proof of Transitional Housing Facility staff has made, at a minimum, monthly resident notes (positive or negative) to the assigned supervision officer.	
25. Proof of prior authorization from ACC, court, or Parole Board before accepting ACC residents into the Transitional Housing Facility.	
26. Proof of Policy stating that facility services are provided without regard to race, color, gender, religion, age, national origin, genetic information, disability or other biases prohibited by State or Federal law*	
27. Copy of policy that out of county travel or special passes for residents are approved by ACC PRIOR to the travel and are honored.	
28. Copy of staff listing and staffing hours.	
29. Inspection team proof of adequate space in sleeping rooms for the number of occupants (minimum 50 square feet per intended occupant).	
30. Inspection team proof of individual storage space for residents' clothing and personal items.	
31. Inspection team proof of minimum ratio of bathrooms (meaning sink, toilet, shower) to residents (1 to 8).	
32. Inspection team proof of separation of bedroom/bathroom if co-ed.	
33. If facility is a private residence, inspection team proof of separate entrance and service areas for residents.	
34. Adequate laundry facilities at or near the Transitional Housing Facility.	
35. Inspection team proof of signs posted at all entrances banning weapons except for law enforcement officials/officers.	
36. Inspection team proof of facility being equipped with First Aid Kit, fire alarms and that fire suppression equipment continues to comply with annual Fire Inspection.	
37. Inspection team proof that facility can be accessed by residents 24 hours per day.	
38. Check or money order attached to application in the correct amount.	

Notes: