

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1242

5 By: Representative Tosh  
6 By: Senator Irvin  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING ADMINISTRATIVE DIRECTIVES THAT  
10 ADDRESS TRANSITIONAL HOUSING FACILITIES APPROVED BY  
11 THE BOARD OF CORRECTIONS AND LICENSED BY THE  
12 DEPARTMENT OF COMMUNITY CORRECTION; AND FOR OTHER  
13 PURPOSES.  
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## Subtitle

16 CONCERNING ADMINISTRATIVE DIRECTIVES THAT  
17 ADDRESS TRANSITIONAL HOUSING FACILITIES  
18 APPROVED BY THE BOARD OF CORRECTIONS AND  
19 LICENSED BY THE DEPARTMENT OF COMMUNITY  
20 CORRECTION.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 16-93-1603 is amended to read as follows:  
27 16-93-1603. Powers and duties of the Board of Corrections.

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

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

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



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

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

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

9 (2) Compliance with any local zoning ordinances;

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

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

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

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

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

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

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

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

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

29 16-93-1604. Powers and duties of the Department of Community  
 30 Correction.

31 (a) The Department of Community Correction shall implement the rules  
 32 or administrative directives described in § 16-93-1603 ~~on or before July 1,~~  
 33 ~~2006.~~

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

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

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

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

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

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

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

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

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

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

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

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33           SECTION 3. Arkansas Code § 16-93-1605 is amended to read as follows:  
34           16-93-1605. License required.

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

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

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

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

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

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

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18 **APPROVED: 2/15/19**  
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