



State of Tennessee

BOARD OF PROBATION AND PAROLE

Guidelines for Transitional Housing Providers

I. Codes and Licensure

Housing providers must provide documentation indicating that they meet all local housing and zoning codes and are in compliance with use and occupancy permits. Housing providers must also provide documentation of premises and automobile insurance. In addition, those providing treatment to offenders must provide documentation of licensure and must comply with the **Minimum Program Requirements for Alcohol and Drug Abuse Halfway House Facilities and Life Safety Licensure Rules** as set forth in the Rules of the Tennessee Department of Mental Health.

II. General Environmental Requirements

- 1) The housing provided should be maintained in a safe manner (free from danger or the risk of harm) and a continuing effort made to eliminate potential hazards.
- 2) The housing provided should be maintained in a sanitary and clean condition, free from all accumulation of dirt and rubbish, well ventilated, and free from foul, stale or musty odors.
- 3) The housing provided should be kept free of mice, rats and other rodents.
- 4) Housekeeping practices must be regularly scheduled and maintained to ensure the eradication of flies, roaches and other vermin.
- 5) Housing providers shall have adequate means of maintaining a comfortable temperature.
- 6) A telephone system must be provided which is capable of ensuring prompt notification in cases of emergencies. It must also be capable of meeting the needs of the residents served by the housing provider. If no such telephone system is available, another appropriate means of contacting emergency assistance must be available at all times.
- 7) Natural or artificial lighting must be provided which is adequate for the needs of the residents.
- 8) An adequate first aid kit, in accordance with Red Cross recommendations, must be provided.

III. Bedroom and Bathroom Space

The Housing Provider shall ensure the following:

- 1) Sleeping areas shall provide enough floor space to safely accommodate the maximum number of residents for the room. It is recommended that rooms contain not less than approximately sixty (60) square feet per resident.
- 2) Multiple occupancy, which exceeds four (4) residents per bedroom, should be a dorm like setting, which complies with space per resident requirements and meets use and occupancy requirements.
- 3) Each resident must be provided his/her own bed of proper size.
- 4) A mattress and springs, or a mattress foundation, both of which are clean and in good repair.
- 5) Space in a dresser or chest of drawers, in each bedroom, which is adequate for the storage of the resident's clothing.
- 6) Closet or wardrobe space, in each bedroom, which is adequate for the hanging storage of the resident's clothing.
- 7) It is recommended that there be at least one mirror per bedroom.
- 8) One (1) private toilet for each six (6) persons, including staff, who reside in the housing provider.
- 9) One (1) lavatory with hot water for each six (6) persons, including staff, who reside in the housing provider.
- 10) One (1) private tub or shower with hot water for each six (6) persons, including staff, who reside in the housing provider.
- 11) All bathrooms must be properly ventilated.

IV. Dining and Living Space

- 1) A dining area and dining furniture must be provided which are for meeting the needs of the residents.
- 2) It is recommended that an outdoor smoking area be provided and marked as the designated area.

V. Kitchen

- 1) Appropriate equipment and utensils for cooking food and serving meals must be provided in sufficient quantity to serve all.
- 2) Kitchens must be equipped with appliances and fixtures which are sufficient and appropriate for cooking meals, refrigerating food, washing utensils and dishes, and the sanitary disposal of waste.
- 3) All dry foods and goods must be stored in a manner to prevent possible contamination.
- 4) Provisions must be made for the regular removal or disposal of garbage (food waste) from the housing provider premises.
- 5) All kitchens must be cleaned and sanitized daily.

VI. Resident Admission

A. Application Process

BOPP expects that housing providers initiate some form of contact with a resident prior to admission into a housing provider's program. This may be done via face-to-face visit at the institution, over the phone, or in person. Housing providers must receive a completed application from the potential resident prior to accepting the resident into the program. Housing providers must make every effort to ensure the program is aware of the particular needs of a potential resident in order to determine whether the program will be able to meet those needs.

B. Resident Payments

Housing providers must have a clear policy regarding deposit, weekly fee or other fees or charges required. This policy must be provided to potential residents prior to admission. Potential residents must acknowledge in writing receipt of the policy prior to making a deposit.

VII. Resident Population and Rights

Male and female residents must be housed separately. Housing providers may serve both genders but they must reside at separate sites.

The following rights must be afforded to all residents:

- 1) Residents must not be denied adequate food or water for any reason.
- 2) Residents must not be denied access to treatment/rehabilitative activities.
- 3) Residents must not be denied access to religious activities.
- 4) Residents must not be denied access to their BOPP supervising officer for any reason.
- 5) Residents must not be denied access to their mail.

VIII. Housing Sex Offenders

All housing providers whose residents are supervised by BOPP, as Sex Offenders must comply with all of the State of Tennessee Sex Offender Mandates. Housing providers will familiarize themselves with all appropriate laws and restrictions as they relate to sex offenders.

A. State Laws Governing Sex Offender Residences

As of June 3, 2010, no person, corporation or other entity may knowingly permit more than two (2) sexual or violent sexual offenders to establish a primary or secondary residence in any house, apartment, or other habitation owned or under the control of such person, corporation or entity.

Tennessee Code Annotated § 40-39-211 provides that:

- 1) Sex offenders, whose victim was a minor, may not live, work, or go to Sex Offender Treatment within 1,000 feet of the property line of the following:
 - a. Any public school, private or parochial school
 - b. Licensed day care center or other child care facility
 - c. Public park or playground
 - d. Recreation center or public athletic field available for use by the general public
- 2) Sex offenders shall not live within 1,000 feet of or contact the Victim or Victim's immediate family.

Housing providers for sex offenders must ensure that their facility is in compliance with all of the above listed items.

B. Sex Offender Exposure to Minors

Housing providers who choose to house residents convicted of sexual offenses must not allow minors to visit the site, regardless of the age of the sex offender's victim or if the sex offender can legally reside with their own child. Sex offenders whose victim was a minor should not be transported to locations, which are prohibited for them to frequent pursuant to law. Housing providers and staff must work closely with the BOPP supervising officer to ensure that a resident who is a sex offender is fully in compliance with BOPP Sex Offender Special Conditions, TBI Sex Offender Instructions, and terms of GPS monitoring.

C. Access to Certain Materials and Activities

Housing providers should be aware, if they choose to house sex offenders, that there should be no access through cable television, or any other source, to pornographic or sexually explicit materials. This includes pay-per-view programs, movies shown on premium movie channels, written or printed material, and photographed or recorded materials. Sex offenders must not be given access to the Internet or any other electronic device with the capability to obtain information and media unless written permission is provided to the housing provider by the BOPP supervising officer. Housing providers should be prepared to provide the BOPP supervising officer with a schedule of the sex offender's weekly activities. Housing providers should be aware that there might be restrictions placed upon the sex offender as to where he/she may attend church and seek employment. These activities must be discussed with the BOPP supervising officer, with the BOPP supervising officer making the final determination regarding whether activities are permissible for the resident. Housing providers must be willing to assist in providing transportation to Sex Offender Treatment and possible polygraph exams, when needed.

D. Searches

Periodically the BOPP supervising officer and/or other law enforcement personnel may need to conduct searches of the sex offender's belongings at his/her place of residence. Access to the BOPP supervising officers and/or other law enforcement personnel for the purpose of conducting such searches must be allowed.

IX. Programming

A. Requirements

BOPP recommends that Housing Provider programming be consistent with the Board's rehabilitative philosophy and be evidence based. Examples of programming consistent with the Board's philosophy include Thinking for a Change, AA/NA or similar programs, Responsible Fatherhood, or a nationally recognized money management curriculum. Review of curricula for all programs implemented in-house may be requested at times for review by BOPP.

B. Program Disclosure

The housing provider must discuss guidelines regarding any spiritual and religious activities with the resident prior to admission and ensure that participation in any religious activities is voluntary. This information should also be outlined in the housing provider rules and policies, including the number of hours per week a resident is required to spend participating in each required program.

C. Resident Schedules

A weekly schedule of activities should be made so that housing providers and residents are aware of the time required for employment/job seeking, and other required activities and programs. A copy of each resident's schedule should be placed in his/her resident file.

X. Transportation

If the housing provider or employees of the housing provider provide transportation to residents in vehicles owned either by the housing provider or by the employee, the housing provider must ensure that the following requirements are met:

- 1) All vehicles must be maintained and operated in a safe manner.
- 2) All staff providing transportation must possess an appropriate driver's license from the Tennessee Department of Safety.
- 3) All housing provider-owned and staff-owned vehicles for resident transportation must be adequately covered by vehicular liability insurance for personal injury to occupants of the vehicle.
- 4) Appropriate safety restraints must be used as required by state and federal law.

It is recommended that assistance with transportation be made available to residents for all scheduled meetings between residents and BOPP supervising officers, employment activities and or job searches, as well as all Mental Health and/or Substance Abuse Treatment appointments, which have been made a condition of a resident's supervision by BOPP.

XI. House Supervision and Employees

A. Employment

The BOPP supervising officer must first approve employment of a resident under BOPP supervision. The BOPP supervising officer has the right to deem an employment situation unacceptable and advise the resident to find another means of employment.

B. Supervisory System

A 24-hour a day supervisory system must be in place that provides housing provider staff accountability for residents. Housing provider sign in/sign out sheets are required. Senior residents who have supervisory responsibilities must have an "on call" procedure to a paid staff employee who is not a resident.

C. Senior Residents

Residents who are employed as senior resident, intern, house manager, or other housing provider position may not have access to other residents' files or personal records, nor be allowed to conduct drug tests. Senior residents, etc. cannot be under the supervision of any agency, *i.e.*, Tennessee Board of Probation and Parole, County Probation, Federal Probation, Community Corrections, etc., and must be free from such supervision or incarceration for at least one (1) calendar year with no outstanding charges. Senior residents, etc. should have a minimum of six (6) months at the housing provider with at least four (4) months of documented sobriety, *i.e.*, negative drug tests.

D. Staff to Resident Ratio

If a housing provider serves both male and female populations at separate sites, there must be an adequate number of staff for each gender. At no time is it appropriate for a staff member to be alone with a resident of the opposite gender. This prohibition includes the provision of transportation. In some cases an exception can be made for counselors, treatment providers, etc.

E. Staff and Resident Relationships

No housing provider, or staff member of housing provider, should engage in any form of sexual contact with offenders under BOPP supervision.

Application for inclusion on the BOPP Approved list of Transitional Housing Providers should list all staff members who perform duties at their facilities. BOPP should then be notified of staff changes.

No staff member should be under supervision of any Agency and must be free from supervision or incarceration for at least one year.

XII. Maintenance of Resident Records

Housing providers must maintain an up-to-date file on each resident. The files should include the following information:

- 1) Name of the resident
- 2) Sex of the resident
- 3) Resident's date of birth
- 4) Date of resident's admission to the facility
- 5) Source of resident's referral
- 6) Name, address, and telephone number of at least two (2) emergency contacts. These emergency contacts must be verified
- 7) Signed copy of resident's application to the facility
- 8) Signed copy of housing provider's policies and procedures
- 9) Signed and dated consent and authorization forms for the release and obtainment of information about the resident
- 10) Updated record of all medications taken currently and in the past six (6) months by resident
- 11) Copies of monthly progress reports sent to BOPP supervising officer
- 12) Record of random monthly drug screen reports and notice to resident and BOPP supervising officer of results
- 13) Copy of any incident reports sent to the BOPP supervising officer

- 14) Program plan, including a record of programs, in which the resident has participated while at the facility, such as AA/NA, Domestic Violence, Life Skills, etc., as well as goals that have been established for the resident, and problematic personal areas that the resident should address during his/her time at the approved transitional house.
- 15) Resident's weekly schedule of employment times and program/activity times
- 16) If the housing provider charges fees for its services, a written fee agreement dated and signed by the resident. This agreement should include the following information:
 - a. The fee or fees to be paid by the resident
 - b. The services covered by each fee
 - c. Any additional charges for services not covered by the weekly fee.

BOPP staff may request to review these files at anytime.

XIII. General Provisions

- 1) Housing providers must provide residents with a copy of policies, procedures, and rules prior to admission to the program.
- 2) All information related to resident activities must be posted in a public place in the house, *i.e.*, rules, curfews, chores, schedule, etc.
- 3) Housing providers must be able to show proof of a current business license or 501c(3) status.
- 4) Housing providers must have up to date premises and liability insurance.
- 5) Housing providers must submit a separate Application for BOPP Approved Transitional Housing for each site for which inclusion on the BOPP Approved Transitional Housing List is sought.
- 6) Housing providers who are also approved through the Community Treatment Provider Program must report when a resident is moved from treatment to transitional housing in accordance with the Community Treatment Provider guidelines. Failure to do so could result in removal from the Community Treatment Provider Program as well as the BOPP Approved Transitional Housing List.
- 7) Housing providers are expected to cooperate fully with BOPP's supervision of offenders.
- 8) Housing providers shall maintain confidentiality of offender records relating to supervision that have been deemed confidential pursuant to BOPP rules.

XIV. Relationship with the Board of Probation and Parole

A. General

Housing providers must fully complete the BOPP Housing Provider Application and agree to adhere to these guidelines.

Acceptance of an organization's or individual's qualifications to provide housing will be made at the discretion of the Board of Probation and Parole.

B. Site Visits

BOPP may conduct unannounced visits to Housing Provider facilities as residences of offenders under BOPP supervision. Failure to cooperate with BOPP staff concerning site visits will result in removal from the list. BOPP staff shall retain the discretion to remove any site for program components inconsistent with the Board's philosophy and contrary to the health, safety, and wellbeing of the residents under BOPP supervision.

C. Procedures

The following procedures are designed to ensure effective communication and coordination between BOPP and transitional housing providers.

- 1) BOPP will assign an officer (others as needed) to supervise cases and coordinate with staff at transitional housing providers.
- 2) BOPP will ensure the housing provider is aware of all rules and restrictions placed on the resident and will ensure the provider has a telephone number at which the BOPP supervising officer and/or a supervisor can be reached.
- 3) Housing provider staff will communicate positive drug/alcohol test results to the BOPP supervising officer immediately.
- 4) Housing provider staff will respond to and notify the BOPP supervising officer of such requests as subpoenas, court orders, search and arrest warrants.
- 5) Housing provider staff will honor BOPP travel passes and immediately report violations of travel restrictions to the BOPP supervising officer. All housing provider travel or overnight passes must have prior approval by the BOPP supervising officer. All passes must be a written document with a record of such maintained at the housing provider and a copy provided to the BOPP supervising officer before the resident may leave on such a pass.
- 6) Written reports of resident progress should be submitted to the BOPP supervising officer and the resident monthly. Monthly progress should be submitted on the BOPP Monthly Progress Report form.
- 7) Housing provider staff should immediately report to the BOPP supervising officer any violent and threatening behavior by the resident and/or failure to return to the housing provider. Housing provider staff will submit an incident report to the BOPP supervising officer for determination regarding further action, *i.e.*, treatment services, etc.
- 8) Housing provider staff will, when possible, give prior notice to the supervising officer or BOPP manager of any intention to dismiss a resident from the housing provider.
- 9) Housing provider staff will contact the BOPP supervising officer and document all rule infractions or incidents warranting the discharge of a BOPP resident. Such incidents as are serious, life threatening or violent must be immediately communicated to the BOPP supervising officer. Immediate dismissal is appropriate for acts of violence (verbal, physical or destruction of property) or sexual assault.
- 10) If the resident is allowed back into residence at the housing provider, written documentation about the circumstances of the discharge and readmission must be provided to the BOPP supervising officer prior to readmission.
- 11) Housing providers will notify BOPP of any change in the program rules, policies, and/or procedures.
- 12) Housing providers will notify BOPP when any change is made to the fee structure of the program. This includes the weekly fee, amount of deposit, refund of deposit, and any additional charges that may be incurred by the resident.

XV. Grounds for Removal or Suspension from Approved List

- 1) Violation of any of the guidelines contained herein.
- 2) Violation of zoning codes, use and occupancy permits, licensing laws.
- 3) Failure to provide premises and automobile insurance.
- 4) If providing treatment, failure to comply with Tennessee Department of Mental Health Rules.

- 5) Permitting, aiding or abetting the commission of any illegal act.
- 6) Conduct or practice deemed by BOPP to be detrimental to the welfare of residents being served by the Approved Transitional Housing Facility.
- 7) The submission of false information to BOPP or any of its staff members.

BOPP reserves the right to suspend or remove a site from the List of Approved Transitional Housing Providers for any reason it deems warranted.

A. Removal from Approved List

In the event a site is removed from the list due to any of the above, the housing provider may correct the infractions and reapply at the end of a period determined by BOPP. Upon removal from the list, the housing provider will work with BOPP to relocate current residents to other approved transitional housing facilities. The site may not accept any new residents under BOPP supervision while removed from the BOPP Approved List. To reapply for admission to the BOPP Approved Transitional Housing Provider List the removed housing provider must show documentation of the steps that were taken to eradicate the infraction(s), which caused the removal. If BOPP becomes aware that the housing provider or any of its staff are representing themselves to others as still being on the approved list, the privilege to reapply for admission to the BOPP Approved Transitional Housing List may be revoked.

B. Suspension from Approved List

BOPP also reserves the right to suspend a site from the list for a period of time determined by BOPP. At the end of the suspension period the housing provider must demonstrate that the necessary measures have been taken to correct the issue(s) that resulted in suspension from the Approved List. During a period of suspension housing providers may not accept any new residents who are under BOPP supervision. BOPP will notify the housing provider as to whether current residents may continue to reside at the site during the suspension period.