

**TITLE 37                    PUBLIC SAFETY AND CORRECTIONS**  
**PART 6                     TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**CHAPTER 195            PAROLE**  
**RULE § 195.81           Temporary Housing Assistance Program**

Proposed Amendments Preamble

The Texas Board of Criminal Justice (board) proposes amendments to § 195.81, concerning Temporary Housing Assistance Program. The proposed amendments replace “offender” with “parole client” throughout, update address information in paragraph (c)(1), and make grammatical and formatting updates.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments will not have foreseeable implications related to costs or revenues for state or local government because the proposed amendments merely clarify existing procedures.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed amendments merely clarify existing procedures. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required.

The anticipated public benefit, as a result of enforcing the proposed amendments, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will not constitute a taking.

Comments and information such as applicable data, research, or analysis related to the cost, benefit, or effect of the proposed amendments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, [ogccomments@tdcj.texas.gov](mailto:ogccomments@tdcj.texas.gov). Written comments and informational submissions from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code § 492.013, which authorizes the board to adopt rules; and § 508.157, which establish guidelines for temporary housing on release.

Cross Reference to Statutes: None.

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(a) Purpose. The temporary housing assistance program is intended primarily to provide housing assistance for members of the Texas Department of Criminal Justice (TDCJ) population offenders who have been approved for parole, but have no home plan, and to assist parole clients offenders in the transition from community residential facilities and transitional treatment centers. The ~~Texas Department of Criminal Justice (TDCJ)~~ is authorized to pay for temporary housing for any parole client offender who has insufficient financial and residential resources when released on parole or mandatory supervision on or after January 1, 2010.

(b) Criteria for Temporary Housing Assistance.

(1) Temporary housing assistance may only be provided if the TDCJ does not operate or contract for the operation of a residential correctional facility in the parole client's offender's legal county of residence. A residential correctional facility does not include a transitional treatment center, a substance abuse felony punishment facility, or any other facility operated by or under contract with the TDCJ for the primary purpose of providing to provide substance abuse treatment or aftercare.

(2) The temporary housing must have existed on June 1, 2009, as either a multifamily residence or a motel unless the TDCJ or the owner of the structure provides notice and has a public meeting as required for a community corrections facility on the issue of whether the use is appropriate.

(3) A parole client's ~~An offender's~~ family, personal sponsors, or anyone on community supervision, parole, or mandatory supervision, or persons required to register as a sex offender are not eligible to provide housing for temporary housing assistance.

(c) Temporary Housing Site Approval.

(1) Any provider that wants to provide temporary housing for a parole client ~~an offender~~ shall contact the TDCJ Parole Division, Huntsville Placement and Release Unit, 1022 Veterans Memorial Parkway, Suite C 1650 7th St., West Building, Huntsville, Texas 77340 77320.

(2) The TDCJ shall investigate and approve the sites it deems appropriate. Factors considered shall include whether:

(A) The site is located within range of public transportation routes, or transportation is provided by the provider to job interviews, employment, housing searches, and counseling appointments.

(B) The site is located within 1,000 feet of premises where children commonly gather, including a school, day care facility, playground, public or private youth center, public swimming pool, or video arcade facility.

(C) The site is properly maintained and clean.

(D) The provider rules are consistent with parole rules and conditions of supervision.

(3) The TDCJ shall maintain a list of all providers and sites that have been approved for temporary housing.

(d) Parole Client ~~Offender~~ Selection and Placement.

(1) The TDCJ shall not discriminate against any parole client ~~offender~~ because of race, color, religion, sex ~~gender~~, national origin, age, disability, or genetic information.

(2) A parole client ~~An offender~~ released on parole or mandatory supervision on or after January 1, 2010, with insufficient financial and residential resources, shall be considered for temporary housing assistance.

(3) A parole client ~~An offender~~ released on parole or mandatory supervision on or after January 1, 2010, who is residing in a community residential facility or transitional treatment center and who demonstrates progress toward self-sufficiency, may also be considered for temporary housing assistance if it appears they will become capable of meeting their own financial needs. The TDCJ shall consider whether the parole client ~~offender~~ has:

(A) A savings or trust fund account balance;

(B) Current or prospective employment;

(C) An employment history;

(D) Vocational skills; and /or

(E) A level of educational achievement above the sixth grade.

(4) A parole client ~~An offender~~ shall only receive temporary housing assistance at sites in the county in which the parole client ~~offender~~ resided at the time of committing the offense for which the parole client ~~offender~~ was sentenced to the TDCJ or in the county of conviction if not a resident of the state at the time of conviction.