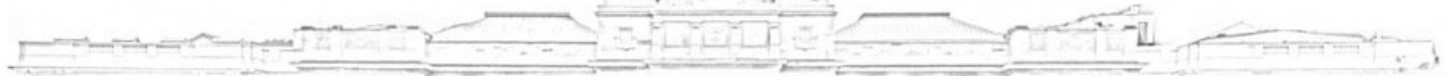




ADMINISTRATIVE RULES OF MONTANA



20.13.108 RENTAL VOUCHERS – OFFENDER ELIGIBILITY – RENTAL VOUCHER DISBURSEMENTS

- (1) Eligibility for rental voucher assistance to offenders re-entering the community on parole is based on the criteria in 46-23-1041, MCA and this rule.
- (2) The term "unable to secure" suitable living arrangements, as used in 46-23-1041, MCA means that at the time of applying/being referred for rental voucher assistance, the offender has insufficient personal funds in the inmate trust account system (53-1-107, MCA) to pay:
 - (a) non-recurring re-entry expenses specified in (3); and
 - (b) three months of recurring monthly living expenses specified in (4).
- (3) Non-recurring re-entry expenses are:
 - (a) street clothing;
 - (b) Montana driver license/ID fees;
 - (c) vehicle registration and insurance, if applicable, or cost of bicycle;
 - (d) a telephone; and
 - (e) a landlord-required cleaning/damage deposit, if applicable.
- (4) Recurring monthly living expenses are:
 - (a) food and housekeeping supplies;
 - (b) personal care;
 - (c) rent;
 - (d) telephone service;
 - (e) vehicle fuel or city bus fare;
 - (f) utilities (water, sewer, gas, and electric);
 - (g) supervision fee; and
 - (h) child support – actual court ordered or CSED ordered.
- (5) For purposes of calculating offender financial eligibility for rental voucher assistance under (3) and (4), the department will use:
 - (a) current data pertaining to the cost for Montana driver licenses/IDs found at:
<https://dojmt.gov/driving/driver-licensing/>;

- (b) current data pertaining to average fair market rent (FMR) for a one-bedroom unit in the Montana county where the offender will reside as set out in the Housing and Urban Development (HUD) Fair Market Rent (FMR) Documentation System found at: <https://www.huduser.gov/portal/datasets/frm.html#YYYY>. (Substitute current calendar year for YYYY); and
 - (c) current cost data from the U.S. Census Bureau's Consumer Price Indexes for all Urban Consumers (CPI-U) found at: <https://www.census.gov/library/publications/2011/compendia/statab/131ed/prices.html>.
- (6) Subject to the requirements in (7), designated department staff shall refer all offenders reentering the community on parole to the department's programs and facilities bureau for a rental voucher eligibility determination using a form prescribed by the department. A determination of ineligibility based on the objective criteria set out in 46-23-1041, MCA and this rule, is not subject to the grievance procedure. The legislature intended that rental voucher assistance (SB 65 2017) not constitute a right or an entitlement program.
- (7) Eligibility for rental voucher assistance requires that, subject to Board of Pardons and Parole approval of the offender's release plan, an offender be:
- (a) sentenced to prison as defined in 53-30-101(3)(c), MCA, and reentering the community directly from prison; or
 - (b) a DOC commit incarcerated in a prison as defined in 53-30-101(3)(c), MCA, on a secure placement request and reentering the community directly from prison; or
 - (c) an offender reentering the community directly from a residential treatment program to which the offender was conditionally paroled from prison, i.e., paroled by the Board of Pardons and Parole on condition that the offender satisfactorily complete the residential treatment program.
- (8) A referral for rental voucher assistance must be made before an offender specified in (7) is released from the prison facility on parole or on conditional parole. For inmates being released from the prison facility on conditional parole to a treatment facility for completion of the treatment program, the department may preliminarily determine rental voucher eligibility at the time the referral is received but defer making a final determination until the treatment program is satisfactorily completed and the department receives data/information pertaining to the offender's treatment completion and/or release plan that was unavailable for inclusion in the referral when made.
- (9) An offender paroled from prison on condition of satisfactory completion of a pre-release program is not eligible for rental voucher assistance because pre-release is a residential program and participants are required to be gainfully employed and to save money for re-entry during their pre-release program participation.
- (10) For purposes of this rule, "suitable housing" or "suitable living arrangements" means housing appropriate for long-term or permanent occupancy by a lessee having an arm's length relationship with a lessor. A sober living home may constitute "suitable housing" for a reentering offender diagnosed with a substance use disorder notwithstanding that the sober living home is operated as a membership organization and payment due from residents is termed a membership fee rather than rent. The terms "suitable housing" or "suitable living arrangements" do not include temporary respite housing such as homeless shelters, hotels, motels, or the home of a reentering offender's family member if the family member does not regularly rent the subject premises to

non-relatives in arm's length transactions. An offender who is ineligible for rental voucher assistance due to the temporary nature of housing as described herein may qualify for transitional assistance. Transitional assistance differs from rental voucher assistance and is outside the scope of this rule.

- (11) Rental vouchers shall be issued by the department directly to an eligible reentering offender's landlord on behalf of the offender. Rental vouchers may not be issued in advance, i.e., no more than one rental voucher for one month's rent may be issued and outstanding at any given time. The three-month maximum rental voucher benefit under 46-23-1041, MCA, is not a guarantee of three months' rent to the offender or to the landlord. An offender may become ineligible during the three-month period following re-entry by reason of revocation of the offender's community supervision or other circumstances. No landlord-tenant relationship or any other contractual relationship exists between the department and the landlord arising from issuance of rental vouchers on behalf of eligible offenders reentering the community. No agency relationship exists between the department and an eligible offender on whose behalf the department issues rental vouchers to landlords. The department is not liable for any delinquent rent, property damage, condition or cleanliness of the unit upon being vacated by an offender, theft of property, or other claims or demands of the landlord against the offender tenant. The department shall provide a written notice to prospective landlords on a form prescribed by the department containing information about the rental voucher program including the relevant parameters stated herein.
- (12) Rental voucher payments made by the department on behalf of an eligible offender shall only be made upon the department's receipt of an invoice or statement clearly identifying the offender, the address of the offender's rental unit, and the landlord-lessor's mailing address to which rental vouchers shall be mailed.
- (13) The rental voucher program applies only to the initial housing secured by an offender upon reentry to the community from prison or from a treatment program as provided in this rule, unless:
 - (a) the offender moves to a second housing unit before the three-month maximum voucher benefit period has been exhausted;
 - (b) there has been no gap between vacating the first housing unit and taking possession of the second; and
 - (c) the offender remains otherwise eligible for the rental voucher program.

Authorizing statute(s): 46-23-1002, MCA

Implementing statute(s): 46-23-1002, 46-23-1041, MCA

History: NEW, 2020 MAR p. 577, Eff. 3/28/20.