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SENATE BILL NO. 773

Offered January 8, 2025

Prefiled December 23, 2024

A BILL to amend and reenact § 63.2-905.1:1 of the Code of Virginia, relating to foster care; housing services; housing plan; report.

Patron—Favola

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-905.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-905.1:1. Housing services.

A. Local departments shall provide housing support for a period of no more than six months to any person individual who (i) is 18 years of age or older but less than 21 years of age, (ii) on or after July 1, 2022, (a) turned 18 years of age while in foster care under the custody of a local department or (b) turned 18 years of age while in the custody of the Department of Juvenile Justice and was in the custody of a local department immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency, and (iii) declines to participate in the Fostering Futures program pursuant to § 63.2-919. Such housing support shall be equal to the room and board portion of the maintenance payment that such person individual would otherwise receive for housing support through participation in the Fostering Futures program. The local department may send such payments directly to the housing provider or to the person individual receiving housing support, as agreed upon by the local department and the recipient. Policies and decisions regarding housing options shall take into consideration the recipient's autonomy, developmental maturity, and safety needs.

B. Local departments shall provide any person individual who chooses to decline or terminate such housing support prior to the person's individual's twenty-first birthday written notice of the person's individual's right to request restoration of housing support in accordance with this section. Such notice shall be included in the person's individual's transition plan, as described in § 475(5)(H) of the Social Security Act, which shall be created within 90 days prior to the person's individual's discharge from foster care.

C. Within 90 days prior to an individual in foster care attaining 18 years of age, or 21 years of age if a participant in the Fostering Futures program, pursuant to § 63.2-919, local departments shall develop, in consultation with such individual and such individual's guardian ad litem if appropriate, a housing plan, which shall be included in the individual's transition plan. The housing plan shall include a description of housing options being pursued for the individual, including an explanation as to why each option is in the individual's best interest. If the housing plan does not contemplate the individual receiving a housing choice voucher, as defined in § 58.1-439.12:04, an explanation shall be included in the housing plan explaining why the individual is (i) not at risk of homelessness, (ii) not prepared for independent living, or (iii) not otherwise in need of a primary residence for independent living.

D. The Commissioner shall annually, on or before October 1, provide a report to the Governor and General Assembly on housing services for individuals aging out of foster care. Such report shall include:

1. The number of individuals discharged from foster care due to age in the preceding fiscal year;
2. The number and percentage of individuals discharged from foster care due to age in the preceding fiscal year who were homeless upon being discharged;
3. The number and percentage of individuals discharged from foster care due to age in the preceding five fiscal years who were homeless, at both six months after discharge from foster care and upon their twenty-sixth birthday;
4. Housing options available to individuals aging out of foster care and the process for accessing each housing option;
5. The processes by which the local department matches individuals aging out of foster care with housing resources and a description of the considerations, qualifications, or other relevant factors that the local department relies on when making such matches; and
6. Any barriers faced by the local department in successfully matching individuals aging out of foster care with housing resources and the local department's mitigation of those barriers.

2. That the Virginia Department of Social Services shall enter into a memorandum of understanding with local public housing authorities and local departments of social services to secure federal Family Unification Program Housing Choice Vouchers for individuals leaving foster care within 90 days or who have left foster care within the past five years who are at risk of homelessness and require assistance securing a primary residence for independent living other than a college dormitory or

59 **military housing.**
60 **3. That local public housing authorities and local departments of social services shall take any action**
61 **required by the U.S. Department of Housing and Urban Development to administer the Foster Youth**
62 **to Independence (FYI) Initiative, which may include (i) providing or securing supportive services for**
63 **recipients of the FYI Initiative voucher for the duration of the voucher; (ii) providing from the local**
64 **department written documentation of the recipient's child welfare history to the local public housing**
65 **authorities; and (iii) identifying individuals eligible for an FYI Initiative voucher within the local**
66 **department's caseload and communicating such eligibility to the individual.**