

HOUSE JOINT RESOLUTION NO. 685

Establishing a joint subcommittee to study private youth and single family group homes in the Commonwealth. Report.

Agreed to by the House of Delegates, February 25, 2005

Agreed to by the Senate, February 24, 2005

WHEREAS, children's residential facilities, also known as youth group homes, provide a structured environment for certain youth to reside under appropriate supervision; and

WHEREAS, in order to share staff and decrease overhead expenses, many private youth group home providers are locating their homes in close proximity to one another; and

WHEREAS, the low cost and large size of homes in certain neighborhoods cause many different providers to locate private youth group homes in the same neighborhood; and

WHEREAS, in recent years, national policy toward persons with mental illness, mental retardation, or substance abuse has changed to promote serving them in integrated, community-based institutions to improve the lives of such persons by integrating them more fully into community life; and

WHEREAS, many single family group homes, also known as residential care facilities, have come into existence to meet the housing needs of these individuals; and

WHEREAS, national policy requires that single family group homes be located in residential neighborhoods to enable the residents of group homes to experience the full benefits of life in a regular community, including interaction and friendships with their neighbors; and

WHEREAS, Section 15.2-2291 of the Code of Virginia requires that single family group homes for eight or fewer people be treated as single family residences for zoning purposes; and

WHEREAS, various economic factors have led to an undue and excessive concentration of single family group homes in certain neighborhoods in the Commonwealth which has become tantamount to the re-institutionalization of persons with mental illness, mental retardation, or substance abuse, and locating large numbers of these persons in very small areas substantially reduces their opportunity to interact with nondisabled peers; and

WHEREAS, allowing the concentration of private youth and single family group homes in close proximity in neighborhoods effectively segregates the residents of the homes, obviates the primary goal of such homes, and significantly impedes the integration of the residents of these facilities into their communities; and

WHEREAS, private youth group homes are regulated by the Departments of Juvenile Justice, Social Services, Education, and Mental Health, Mental Retardation and Substance Abuse Services; and

WHEREAS, localities do not have the legal authority to provide the oversight and regulation of private youth and single family group homes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study private youth and single family group homes in the Commonwealth. The joint subcommittee shall have a total membership of 11 members that shall consist of six legislative members and five nonlegislative citizen members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; one nonlegislative citizen member, upon consideration of the recommendation of the Virginia Municipal League, if any, one nonlegislative citizen member, upon consideration of the recommendation of the Virginia Association of Counties, if any, and one nonlegislative citizen member representing the private youth group homes and the single family group home community to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member, upon consideration of the recommendation of the Virginia Association of Community Services Boards, if any, and one nonlegislative citizen member representing the private youth group home and the single family group home community to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall (i) analyze the licensing requirements and enforcement of licensing standards, the need to notify localities of licensing violations in those localities,

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the rationale for and impact of concentrations of homes in certain communities, the appropriate siting requirements for such homes, and other issues that affect the integration of youth group home residents into the community; and (ii) study the excessive concentration of single family group homes in certain neighborhoods, the adverse effects of this concentration on the residents of single family group homes, the adverse effects of this concentration on those neighborhoods, and feasible regulatory alternatives that would result in more appropriate locations of single family group homes for the mutual benefit of the residents thereof and the affected neighborhoods.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Departments of Juvenile Justice, Social Services, Education, and Mental Health, Mental Retardation and Substance Abuse Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2005 interim, and the direct costs of this study shall not exceed \$8,900 without approval as set out in this resolution. Of this amount an estimated \$500 is allocated for speakers, materials, and other resources. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2005, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2006 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2005 interim.