

Updated 8/8/1988  
Updated 9/28/1994  
Updated 9/14/2010  
Updated 7/12/2017  
Updated 9/25/2024

## POLICY MANUAL

### State Board of Behavioral Health and Developmental Services Department of Behavioral Health and Developmental Services

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#### POLICY 4023 (CSB) 86-24 Housing Supports

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##### Authority

Board Minutes Dated: October 22, 1986  
Effective Date: November 19, 1986  
Approved by Board Chairman: /s/James C. Windsor

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##### References

§15.2-2223, § 36-96.1, § 37.2-504, and § 37.2-505 of the *Code of Virginia* (1950), as amended  
House Joint Resolution 287, Housing Action Plan, 1987 and updates  
Report of the Committee on Housing for the Disabled, July 1985  
Report on Investment Models and Best Practices for the Development of Affordable and Accessible Community-Based Housing for Persons with Intellectual and Related Developmental Disabilities (Item 315 Z), November 2009  
Virginia Plan to Increase Independent Living Options; started in 2013 and updated annually, fulfills the requirements of Section III.D.3 of Virginia's Settlement Agreement with the United States Department of Justice (DOJ)

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##### Background

Since the 1970s, Virginia, like other states, increased resources for community behavioral health (mental health and substance abuse) and developmental services so that individuals with mental illness or substance use disorders, developmental disabilities, or co-occurring disorders can return to or remain in their communities. Traditionally, community services boards and the behavioral health authority, hereafter referred to as CSBs, have provided residential services to individuals with mental illness or substance use disorders, developmental disabilities, or co-occurring disorders. Some individuals benefit from the provision of treatment or training and housing services at the same site as provided by residential services. However, many individuals do not need this combination; they need stable, affordable, appropriate, and accessible housing, and to obtain treatment or training services separately.

Many studies have identified housing as a major barrier to discharging individuals from state hospitals or training centers, hereafter referred to as state facilities, or to individuals remaining in their communities. Section 37.2-505 of the Code of Virginia requires discharge plans developed by CSBs to identify the housing services individuals will need upon discharge

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from a state facility and the public or private agencies that will provide them, otherwise the role and responsibilities of CSBs regarding housing supports have been ambiguous or unclear.

This policy reflects the Americans with Disabilities Act, the decision of the Supreme Court of the United States in *Olmstead v. L.C.*, 527 U.S. 581 (1999), and federal policy such as the New Freedom Initiative, a nationwide effort by the federal Substance Abuse and Mental Health Services Administration to remove barriers to community living for individuals with disabilities or long-term illnesses.

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**Purpose** To articulate policy about housing supports for individuals with mental health or substance use disorders, developmental disabilities, or co-occurring disorders and to clarify the role and responsibilities of CSBs regarding housing supports.

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**Policy** It is the policy of the Board that the provision of housing supports to individuals with mental health or substance use disorders, developmental disabilities, or co-occurring disorders shall be guided by the following principles:

- Individuals should be afforded to opportunity to live in stable, decent, and affordable housing of their own choice, based on income.
- Individuals should be able to choose from an array of housing options that is available to the general public throughout their communities.
- Appropriate, flexible, accessible, and effective support services should be available to assist individuals to obtain and maintain their housing.
- Housing should be available in integrated settings throughout the community and without restrictions based on disability in accordance with the Virginia Fair Housing Law, § 36-96.1 et seq. of the Code of Virginia.
- To ensure choice, the behavioral health and developmental services system has the responsibility to facilitate access to existing housing and to stimulate the preservation and development of housing.

It also is the policy of the Board that CSBs shall assist individuals whom they serve to obtain or retain housing in their home communities within resources available. CSBs are expected to explore every available resource to provide access to needed housing for the individuals they serve.

**Policy**  
*(continued)*

Further, it is the policy of the Board that CSBs shall develop, implement, and annually review joint written agreements with public housing

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agencies, where they exist, in accordance with subdivision 12 of subsection A of § 37.2-504 of the Code of Virginia. CSBs shall assist their local planning district commissions to prepare the comprehensive plans described in § 15.2-2223 of the Code of Virginia for the development of housing, including appropriate services as needed, available to individuals with mental health or substance use disorders, developmental disability, or co-occurring disorders. CSBs shall collaborate with individuals receiving services, local advocates, service providers, public housing agencies where they exist, and private developers to ensure that the housing developed is consistent with local needs and the preferences of individuals receiving services.

It also is the policy of the Board that the Department shall work collaboratively with the Virginia Housing Development Authority and the Virginia Department of Housing and Community Development to incentivize the development affordable and accessible housing options for individuals with mental health or substance use disorders, developmental disabilities, or co-occurring disorders.

Further, it is the policy of the Board that the Department shall provide, as resources permit, technical assistance to CSBs about housing.

Finally, it is the policy of the Board that CSBs and state facilities shall work with public housing agencies where they exist, local governments, private developers, and other stakeholders to maximize federal, state, and local resources for the development of affordable housing and appropriate supports. CSBs shall participate in their local Continuum of Care as required in 24 CFR § 578.

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