

# HOUSING AND COMMUNITY DEVELOPMENT

Resolution HCD-19-08

## A RESOLUTION ON PREVENTION OF HUMAN DEGRADATION AND EXPLOITATION OF VULNERABLE INDIVIDUALS IN GROUP HOMES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) maintains that safe and secure housing is a basic necessary element for survival that should be afforded to vulnerable individuals without the threat of degradation, exploitation, or abuse at the hands of property owners or landowners;

WHEREAS, a joint report by the U.S. Department of Health and Human Services, Office of Inspector General; Administration for Community Living; Office for Civil Rights titled, *“Ensuring Beneficiary Health and Safety in Group Homes Through State Implementation of Comprehensive Compliance Oversight”* found that health and safety policies and procedures in group homes were not being followed and that failure to comply with these policies and procedures left group home beneficiaries at risk for serious harm;

WHEREAS, this report was completed with work done only in Connecticut, Massachusetts, and Maine, these incidents of non-compliance are not isolated, but a systematic problem—49 states have had media reports of health and safety troubles in group homes;

WHEREAS, community-based residential settings include but are not limited to group homes, shared housing centers and independent living facilities where five or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside;

WHEREAS, many vulnerable adults in need of housing are recipients of government-funded assistance, such as social security payments, Supplemental Nutrition Assistance Program (SNAP) food stamps, or other federal or state stipends or subsidies;

WHEREAS, while there are many genuinely good and caring property owners or landowners, the vulnerability of certain populations and access to their government benefits has created an opportunity for certain unsavory individuals to manipulate, scam, exploit, or stockpile individuals in unclean, unsafe, overcrowded, and unhealthy community-based residential settings;

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WHEREAS, it is vitally important that the Social Security Administration review its policy on the Social Security's Representative Payment Program which provides benefit payment management for beneficiaries who are incapable of managing their Social Security or Supplemental Security Income;

WHEREAS, it is imperative that government agencies and associations entrusted with ensuring the health and welfare of the public come together to develop a strategy for regulating this situation as to protect those most vulnerable and penalize those who are exploiting them;

WHEREAS, states should provide the utmost efforts to ensure the regulation of community-based residential settings in which non-related individuals reside in a single dwelling and the rent or fees paid to the property owner or landowner are derived from government-funded assistance, such as social security payments, SNAP benefits, or other federal or state stipends or subsidies; and

WHEREAS, the government should review any civil or criminal penalties to be assessed against a property owner or landowner who manipulates, scams, exploits, or stockpiles individuals in unclean, unsafe, overcrowded, and unhealthy community-based residential settings.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges and requests that the U.S. Congress take such actions as necessary to reevaluate, implement, and enforce policies and procedures regarding how services are delivered to vulnerable individuals in community-based residential settings;

BE IT FURTHER RESOLVED, that the NBCSL encourages state policymakers and their membership to gain information about how resources are distributed to vulnerable individuals who reside in community-based residential facilities as well as research and evaluation on how an administrator of a community-based residential facility is permitted to serve as a representative payee to ensure the protection of those residents; and

BE IT FINALLY RESOLVED, that the NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of Congress, and other federal and state government officials as appropriate.

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**SPONSOR: Senator Regina Barrow (LA)**

**Committee of Jurisdiction: Housing and Community Development Policy  
Committee**

**Certified by Committee Chair(s): Brenda Gilmore (TN) and Senator Mamie  
Locke (VA)**

**Ratified in Plenary Session: Ratification Date is November 30, 2018**

**Ratification is certified by: Representative Gregory W. Porter (IN), President**