

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 869

FISCAL
NOTE

By Senator Garcia

[Introduced February 9, 2026; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §9-2-14, relating to housing stability; setting forth legislative findings; defining
 3 terms; creating the West Virginia Housing Stability Fund; authorizing Secretary of
 4 Department of Human Services to administer fund; providing for funding; authorizing
 5 disbursements of grant funding to child welfare agencies, housing authorities, and
 6 qualifying nonprofit organizations; providing for award of housing assistance vouchers and
 7 utility bill assistance payments; establishing eligibility for, and use of, assistance; providing
 8 for reporting; and providing for rulemaking.

Be it enacted by the Legislature of West Virginia: _

**ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND
 RESPONSIBILITIES GENERALLY.**

**§9-2-14. West Virginia Housing Stability Fund; legislative findings; funding;
 disbursements; assistance awards and eligibility; reporting; rulemaking.**

1 (a) The Legislature hereby finds and declares that:

2 (1) Families across West Virginia are experiencing housing instability due to poverty, lack
 3 of affordable housing, rising utility costs, and economic disruption, resulting in increased risks
 4 statewide of homelessness and unsafe living conditions;

5 (2) A substantial and growing number of children in the state experience homelessness or
 6 housing insecurity, which negatively affects educational outcomes, physical and mental health,
 7 and emotional development;

8 (3) Housing instability, including the inability to pay rent or to maintain essential utility
 9 services, frequently results in eviction, child welfare referrals, court involvement, and extended,
 10 costly foster care placements inside and out of the state; and

11 (4) The state maintains a compelling interest in family preservation and ensuring access to
 12 affordable housing, and existing federal housing assistance programs, including Section 8 tenant-

13 based assistance, are subject to funding limitations and extensive waiting lists. Therefore,
14 establishing a fund to provide housing assistance vouchers and utility bill assistance payments to
15 families and individuals in need will advance the state's interest in protecting children and
16 strengthening families.

17 (b) For purposes of this section:

18 (1) "Child welfare agency" shall have the meaning prescribed in §49-1-206.

19 (2) "Housing authority" means a city, county, or regional housing authority created
20 pursuant to §16-15-1 et seq..

21 (3) "Qualifying nonprofit organization" means an entity that is exempt from federal income
22 taxation under Section 501(a) of the Internal Revenue Code of 1986, as an organization described
23 by Section 501(c)(3) of that code, and which provides services in the state in housing assistance,
24 child welfare, and the care of at-risk youth.

25 (c) There is hereby created in the State Treasury a special revenue fund which shall be
26 designated and known as the "West Virginia Housing Stability Fund", to be administered by the
27 Secretary of the Department of Human Services. The fund shall be administered for purposes of
28 improving housing safety and stability in the state, combatting child homelessness, mitigating the
29 rising costs of utilities, and preventing the loss of essential utility services. The fund shall consist of
30 the following:

31 (1) Any appropriations made by the Legislature;

32 (2) Any grants, gifts, donations, contributions, or revenues received from any source and
33 received in any form, including cash, property, or other resources; and

34 (3) All income earned on moneys, properties, and assets held in the fund, or from any
35 investments.

36 (d) Any balances remaining in the fund at the end of any state fiscal year shall not revert to
37 the General Revenue Fund but shall remain in the fund and shall be used solely in a manner
38 consistent with this section.

39 (e) The secretary may, from time to time and in his or her discretion, make disbursements
40 from the fund in the form of grants to be awarded to statewide, regional, and county-level child
41 welfare agencies, housing authorities, and qualifying nonprofit organizations, with such grants to
42 be utilized by those entities to provide housing assistance vouchers and utility bill assistance
43 payments to qualifying residents of the state, as set forth in subsection (f) of this section. Child
44 welfare agencies, housing authorities, and qualifying nonprofit organizations may apply annually
45 to the secretary for grant funding by quantifying the relative need in their served regions or
46 counties for housing and utility assistance. The secretary shall prescribe a grant application
47 process for purposes of this subdivision, including relevant eligibility criteria, in legislative rules
48 promulgated pursuant to subsection (h) of this section.

49 (f) Child welfare agencies, housing authorities, and qualifying nonprofit organizations that
50 receive grant funding from the West Virginia Housing Stability Fund pursuant to this section shall
51 use and distribute such funds exclusively for the purposes of providing tenant-based housing
52 assistance vouchers, including short-term or transitional rental assistance, and/or utility bill
53 assistance payments, to be used for essential household services including electricity, natural
54 gas, water, sewer, and heating fuel, to residents of the state who are served by the recipient
55 entities.

56 (1) Priority for the award of housing assistance vouchers and utility bill assistance
57 payments shall be given by grant-recipient child welfare agencies, housing authorities, and
58 qualifying nonprofit organizations to low- to moderate-income families with minor dependent
59 children; low- to moderate-income families with children under 25 years of age who are in the state
60 child welfare system; and low- to moderate-income families with a child at imminent risk of an out-
61 of-home placement due to housing or utility-related instability.

62 (2) Outside of the priority groups specified in subdivision (1) of this subsection, assistance
63 provided pursuant to this section shall be available to any person or household with an income that
64 does not exceed 80 percent of the median income of the area served by the awarding child welfare

65 agency, housing authority, or qualifying nonprofit organization and that demonstrates one or more
66 of the following factors:

67 (A) Homelessness or imminent risk of homelessness;

68 (B) Unsafe or uninhabitable living conditions;

69 (C) An existing utility shutoff caused by reason of late or missed utility payments, an
70 imminent shutoff to be caused by the same, or persistent financial difficulty in paying utility bills; or

71 (D) Other housing instability that threatens family preservation.

72 (3) Housing assistance vouchers provided pursuant to this section shall, to the extent
73 practicable, be structured in a manner consistent with tenant-based assistance authorized under
74 Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f, including payment of a
75 portion of monthly rent directly to property owners on behalf of eligible assistance recipients.

76 (4) Grant-recipient child welfare agencies, housing authorities, and qualifying nonprofit
77 organizations shall award housing assistance vouchers and utility bill assistance payments in a
78 continuous, expeditious fashion upon the receipt of grant funding from the secretary in order to
79 further the purposes of this section.

80 (5) It shall be an allowable expense for any person in receipt of a housing assistance
81 voucher or utility bill assistance payments under this section to utilize the same for purposes of
82 preventing eviction.

83 (g) Grant-recipient child welfare agencies, housing authorities, and qualifying nonprofit
84 organizations shall report annually to the secretary, in a form prescribed by the secretary in
85 legislative rules promulgated pursuant to subsection (h) of this section, on the amount of grant
86 funding received, the quantity of housing assistance vouchers and utility bill assistance payments
87 made, demographic data of assistance recipients, and outcomes achieved in promoting housing
88 safety and stability, combatting child homelessness, and mitigating utility costs and the loss of
89 services.

90 (h) The secretary shall propose legislative rules, emergency legislative rules, and

91 procedural rules necessary to implement this section pursuant to §29A-3-1 et seq.

NOTE: The purpose of this bill is to create the West Virginia Housing Stability Fund. The bill authorizes the fund, to be administered by the Secretary of Human Services, for purposes of distributing grant funding to child welfare agencies, housing authorities, and qualifying nonprofit organizations. The bill provides for grant funding to be used to provide housing assistance vouchers and utility bill assistance payments to qualifying recipients.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.