

# Child Welfare Policy Manual

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## Questions & Answers

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### 3.1G INDEPENDENT LIVING, Certifications and Requirements, Room or Board

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**1. Question: What is meant by "room or board" as used in section 477(b)(3)(B) of the Social Security Act? Is it intended to cover all cost items included in the title IV-E foster care maintenance payment definition? Would it also include such costs as rental deposits, rent, utilities, and household start-up purchases?**

**Answer:** "Room or board" has no statutory definition, but typically includes shelter and food. These are the most expensive and essential items that youth over age 18 may not be able to cover with their own incomes. The term does not include all items covered by the title IV-E foster care maintenance payment definition. States/Tribes may set a reasonable definition of room or board that may include rent deposits, utilities and other household start-up purchases. In setting the definition, States/Tribes should be cautioned that the number of items that are covered in the definition of "room or board" may impact the number of youth the State/Tribe can actually assist.

- **Source/Date:** Questions and Answers on the Chafee Foster Care Independence Program; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 477(b)(3)(B) and (j)

**2. Question: Does the law at 477 (b)(3)(A) and (B) of the Social Security Act (the Act) allow "room or board" payments for youth over 18 years of age who are in a higher education situation?**

**Answer:** Yes. The law allows it, but does not mandate it. Section 477(b)(3)(A) and (B) of the Act provide that no more than 30 percent of Federal funds from the allotted amount can be used for room or board for youth 18-21 (or 23 years of age, as applicable in a State/Tribe) who have aged out of foster care States/Tribes may set criteria for the use of these funds that may or may not include college attendance.

- **Source/Date:** Questions and Answers on the Chafee Foster Care Independence Program; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 477(b)(3) and (j)

**3. Question: Can a State/Tribe provide Chafee Program funds to an organization for the purpose of acquiring real property under the statutory provision that permits limited room or board expenditures for former foster care youth between the ages of 18 and 21 (or 23 as applicable)?**

**Answer:** Federal funds are generally unavailable for the acquisition of real property in the absence of express statutory authority and there is no such authority in legislation. Accordingly, neither States/Tribes themselves nor the organizations they fund may purchase real property with Chafee Program funds. Additionally, States/Tribes may not use purchased property to qualify for the match to Chafee Program funds.

- **Source/Date:** Questions and Answers on the Chafee Foster Care Independence Program; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 477; 42 Comptroller General 480 (1963)

**4. Question: May a State/Tribe use Chafee Program funds to provide room or board for youth (between the ages of 18-21) who voluntarily remain in foster care?**

**Answer:** Allowing room or board for these youth in foster care accords with the statutory purposes identified in sections 477(a)(1-5) of the Act. Therefore, it is permissible to expend Chafee Program funds for youth between the ages of 18-21 who voluntarily remain in foster care including room or board services. However, a State/Tribe may not require youth to remain in foster care over the age 18 in order to receive Chafee Program services. The certification at section 477(b)(3)(A) stipulates that the State/Tribe will serve youth who have left foster care because they aged out of foster care at age 18, 19 or 20. Requiring a youth to remain in foster care to receive services contravenes this certification. The State/Tribe must also meet the Federal non-supplantation requirement 477(d)(2) for youth over age 18. Federal funds spent for room or board for youth over age 18 both in and out of foster care, are subject to the 30 percent expenditure limitation found at section 477(b)(3)(B).

- **Source/Date:** 7/25/02; (3/28/2019)
- **Legal and Related References:** Social Security Act - section 477