

BACKGROUND, PURPOSE AND POLICY RECOMMENDATIONS RELATED TO THE GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES

Note: This document contains background information and policy recommendations related to the issue area of "Housing" only. To access the Committee's full report which covers ten issue areas, please visit the Committee's website [here](#).

HOUSING

GOAL

Increase availability of safe, affordable and accessible integrated housing options for people with disabilities.

Overview

Fostering opportunities for each Texan with a disability to live independently in a community setting is one of the major goals of the Committee. Whether purchased or rented, a home of one's own embodies values of independence and self-determination. Despite the importance of housing issues, Texans with disabilities still face significant challenges to sufficient housing choices. These challenges include expense, inaccessibility, unavailability, and housing discrimination. Eighty-four percent of respondents to the Governor's Committee Citizen Input Survey ranked "affordability of accessible, safe housing" of "high importance."¹ Given the considerable obstacles Texans with disabilities face in securing safe, affordable, and accessible housing in an integrated setting, the Committee supports innovative responses to these obstacles, including encouraging supportive housing programs, building new homes with accessibility features, supporting modifications to existing homes, and fostering public-private partnerships toward the development of housing options.

Background and Purpose: Affording Accessible Housing

Many Texans face the challenge of how to afford the expense of renting or purchasing a place to live, but for Texans with disabilities, the challenge can sometimes seem insurmountable. Texans with disabilities who cannot work and rely on public benefits, such as Supplemental Security Income (SSI), for their monthly income are often priced out of housing markets. In Texas, a normal monthly SSI disbursement in 2010 was \$674. A modest 1-bedroom apartment would require a renter to spend 99 percent of that monthly disbursement; an efficiency apartment would cost 90 percent of the disbursement, leaving little or nothing for the renter to spend on food, medicine, and other necessities.² Put simply: "it is virtually impossible for people with disabilities receiving SSI to obtain decent, safe, affordable, and accessible housing in the community without a permanent housing subsidy."³

A second challenge that Texans with disabilities face in securing housing is the challenge of inaccessibility. For a home to be accessible to a person with a disability, particularly a person with a mobility disability or sensory disability, the home may need certain physical features. A person who uses a wheelchair may require a ramped entrance and a roll-in shower. A person who is deaf or hard-of-hearing may need a smoke alarm with flashing lights. Accessibility does not stop with the features of the

apartment or house itself, though. For a home to truly serve the needs of a person with a disability, it may need to be located on an accessible transportation route, such as a bus line, and must allow sufficient access to the community for grocery shopping, doctors' visits, and other necessities.

Despite State and federal efforts to meet the public's need for affordable, accessible housing, the demand for such housing is much greater than the available supply. Hundreds of thousands of people with disabilities live in homes that do not meet their basic accessibility needs.⁴ At the same time, many people with disabilities find themselves completely without a place to live: a study found that at least 43 percent of the homeless adults who stayed in a shelter on a particular night across the United States, about 421,000 people, had a self-reported disability. This number does not include those adults who chose not to self-report, nor does it include children with disabilities who stayed in shelters or adults or children with disabilities who spent the night on the streets, in abandoned buildings, or in other settings not intended for human habitation.⁵ To complete the picture of the demand for affordable and accessible housing for people with disabilities, it is important to mention people with disabilities who currently live in institutions, such as nursing homes, State Supported Living Centers, and Intermediate Care Facilities, not due to their own references, but because there is a lack of services available to support their independent living in the community. The call for "integrated" housing options is a response to this segregation of people with disabilities in institutions.

Policy Recommendations:

- **Recommendation 6.1:** Encourage localities to identify and address building codes and zoning regulations that lead to increased housing costs.
- **Recommendation 6.2:** Encourage housing subsidies and other initiatives that increase the affordability of housing for Texans with disabilities.

Background and Purpose: Supportive Housing

People with all kinds of disabilities have a right to live in the most integrated setting possible. For some people whose disabilities make truly independent living difficult or impossible, supportive housing provides an option that respects the person's dignity, while linking the person to valuable services, and providing a cost-savings to the community. Supportive housing combines housing and services for people with disabilities. It is generally regarded as a positive alternative to congregate living, both for the people with disabilities, in particular for those with mental health challenges, and for the community.

A growing body of evidence confirms that supportive housing works for people with mental disabilities, including those with the most severe [disabilities]. [...] [R]esearch confirms that people with disabilities vastly prefer living in their own apartment or home instead of in group homes or buildings housing primarily people with disabilities. Moreover, permanent supportive housing is less costly than other forms of government-financed housing for people with disabilities. Studies have shown that it leads to more housing stability, improvement in mental health symptoms, reduced hospitalization and increased satisfaction with quality of life,

including for participants with significant [disabilities], when compared to other types of housing for people with mental disabilities.⁶

To achieve a sufficient supply of supportive housing to meet current need, State mental health systems should work with supportive housing providers and help the providers secure subsidies. Public officials and stakeholders can work to ensure that subsidies are available and encourage a paradigm shift that respects the choice of each person with a disability to live in the community if he or she so chooses. This shift could include making it easier for Texans with disabilities to secure needed services through Medicaid funds outside of institutions.

Policy Recommendations:

- **Recommendation 6.3:** Explore effective plans, policies, and practices for supportive housing that coordinate with community living and long-term care supports across State systems, using a consumer-directed approach.
- **Recommendation 6.4:** Support State efforts that would drive funding toward services provided in the community, rather than services only available in institutions.
- **Recommendation 6.5:** Encourage community integration of Texans in supportive housing by coordinating support services, housing, and transportation so people are able to participate in the social, economic, educational, and recreational activities available through community living.

Background and Purpose: Creating an Accessible Housing Supply

How can we transform Texas's existing supply of housing, which is largely composed of inaccessible housing, into a supply with sufficient accessible housing? There are two possible mechanisms to shift the scales: first, by building new housing that is accessible and second, by modifying existing housing to make it accessible. Stakeholders should encourage common sense policies that pursue both of these mechanisms.

Building New, Accessible Homes

As new housing is developed, it should be developed with the concept of "visitability" in mind. [Visitability](#) is an international movement that encourages all new housing to be developed with basic accessibility features. Some people are skeptical when they first hear about visitability: why build a house with accessibility features if the residents do not have disabilities? Far from a special interest issue, though, visitability benefits all potential residents and prevents costly modifications down the road. Some local Texas jurisdictions have already passed visitability ordinances, including Austin in 1998 and San Antonio in 2002.⁷

Visitability requires three basic features in each new home: first, the home must have at least one “zero-step entrance,” an entrance along an accessible path that could be used by a person using a wheelchair or walker to enter the home; second, all interior doors must be sufficiently wide that a person using a wheelchair could pass through them; third, there must be at least a half-bathroom located on the first floor. With just these three requirements in place, a visitable home provides a myriad of benefits to residents of the home and visitors.

- If a resident acquires a disability due to age, the resident and other family members are more likely to be able to remain in their home, rather than having to seek “special” housing elsewhere.
- All residents will benefit from the zero-step entrance when wheeling luggage, strollers, or wheeled grocery carriers.
- If a resident experiences a temporary disability, such as a broken leg, or needs to recover from surgery, he can remain in his home during recovery with relative ease.
- Family members, friends, and other potential visitors with disabilities can enter and spend time in the home independently and with dignity.
- Building in accessible features is much less expensive than making costly renovations later, if renovations are possible at all.
- Remaining in one’s own home after acquiring an age-related or other kind of disability is much less expensive than moving to an assisted living facility or nursing home.

The aptly-named Mr. Baron Houser has built over 100 homes in San Antonio under San Antonio’s visitability ordinance. He described how prospective buyers respond to the visitable homes:

[t]hey like the more open feel of the floor plan. The house doesn’t look like it was designed for someone in a wheelchair. It’s beautiful, whether it’s a small home or a large one.

When we point out the features, we mention the changing demographic, how their mom or dad might want to visit or live there sometime. We call them “homes built for any stage of life.” They accommodate the whole life span. People have responded positively to that.⁸

Because it focuses on just three basic accessibility features, visitability is inexpensive and does not threaten common aesthetic considerations. Best of all, though, families will be able to fully enjoy their homes, confident that they can remain in their homes for years to come.

Modifying Existing Homes

The staff of the Committee frequently receives inquiries from Texas residents seeking financial assistance to modify their homes. Retrofitting existing homes for accessibility can be very expensive and is often beyond the means of the resident with a disability. If more new homes are built with

accessibility features, fewer modifications will be needed in the future, but what can be done in the meantime?

The [Texas Department of Housing and Community Affairs](#) (TDHCA) administers the [Amy Young Barrier Removal Program](#), which released \$4 million of funding in August 2011. The Program offers one-time grants of up to \$20,000 to low-income Texans with disabilities for home modifications necessary for accessibility or for the elimination of hazardous conditions. Units of local government, nonprofit organizations, Public Housing Authorities (PHAs), and public agencies are eligible to apply to serve as administrators of the program. The program was designed to provide access to funds until all funds were reserved or until August 2013, whichever came first. At the time of this writing, the program [website](#) indicates that almost all of the funds have been reserved, with only \$50.12 available as of January 11, 2013.

The State of Texas should continue to assist low-income Texans with disabilities with necessary home modifications. Not only will this assistance allow for these Texans to live independently and with dignity, it will represent cost-savings for the State, as institutional care provided in an assisted living facility or a nursing home is much more expensive than care provided in a person's home, and Medicaid often foots the bill for such care. There is also room for the private, nonprofit sector to assist low-income Texans with necessary home modifications.

Finally, there are emerging practices that attempt to turn negative trends in the housing market into positives. Across the country, private industry groups, such as banks, are partnering with nonprofits to renovate foreclosed homes, making them accessible and affordable to Veterans returning from service with disabilities. This kind of innovative thinking should be encouraged and could be expanded to include groups beyond Veterans.

Policy Recommendations:

- **Recommendation 6.6:** Encourage the promulgation of local visitability ordinances, which include basic accessibility requirements in the construction of certain single-family homes or duplexes.
- **Recommendation 6.7:** Continue to make funds available through the Texas Department of Housing and Community Affairs to low-income Texans with disabilities for home modifications for accessibility.
- **Recommendation 6.8:** Encourage private industry and the nonprofit sector to assist with home modifications for accessibility to low-income Texans with disabilities and Texas Veterans with disabilities.

Background and Purpose: Housing Discrimination

Even when people with disabilities are able to find housing that meets their needs, they may face discrimination in the process of renting or purchasing the dwelling or may be discriminated against after they are established in the dwelling, such as in incidents where landlords or other responsible housing authorities refuse to make reasonable accommodations to policies or procedures. Forty-eight percent of the fair housing complaints filed with federal housing agencies in 2010 were disability discrimination complaints, making disability discrimination complaints more common than complaints about any other form of discrimination, including race and national origin.⁹ This number speaks to some particular features of disability discrimination. First, there is a lack of awareness of what constitutes disability discrimination. A study completed for the U.S. Department of Housing and Urban Development (HUD) reports that “[o]nly slightly more than half of Americans know that it is illegal for landlords to refuse to make reasonable accommodation for persons with disabilities or to permit reasonable modification to a housing unit.”¹⁰ Second, disability discrimination, unlike other forms of discrimination, can occur at almost any point in the housing process.

[TDHCA’s report, *The Housing Needs of Texans with Disabilities*](#), further addressed this lack of awareness of fair housing principles:

[n]umerous studies documented discrimination against persons with disabilities when seeking housing. Some properties required medical assessments as a condition of residency, discouraged prospective residents who used wheelchairs, were concerned that persons with mental disabilities would disrupt other tenants or not take their medication, and had resident ratios that were not congruous with occupancy policies.¹¹

With State and federal laws prohibiting housing discrimination against people with disabilities already in place, increased awareness of existing protections and more robust enforcement could turn the tide of discrimination.

Policy Recommendations:

- **Recommendation 6.9:** Improve enforcement of fair housing disability rights, including ensuring that all agencies at the local and State levels affirmatively further fair housing for people with disabilities by reviewing and eliminating obstacles to accessible housing.
- **Recommendation 6.10:** Encourage awareness of fair housing principles, especially requirements of reasonable accommodation.

ENDNOTES

¹ 2012 Texas Governor's Committee Citizens' Input Survey

² Cooper, E.; O'Hara, A. and Zovistoski, A. [Technical Assistance Collaborative, Inc.; Consortium for Citizens with Disabilities, Housing Task Force] (June 2011). *2010 Priced Out: The Housing Crisis for People with Disabilities*. Retrieved from the Association of University Centers on Disabilities website: <http://www.aucd.org/docs/policy/PricedOut2010.pdf>

³ Ibid, p. iii

⁴ Vaughn, J. R. (2010, January 10). *The State of Housing in America in the 21st Century: A Disability Perspective*. Retrieved from National Council on Disability website: http://www.ncd.gov/publications/2010/Jan192010#_edn25R

⁵ Ibid

⁶ Judge David L. Bazelon Center for Mental Health Law. (2009, February 23). *Supportive Housing: The Most Integrated Housing for People with Mental Disabilities*. Retrieved from Bazelon.org website: http://www.bazelon.org/LinkClick.aspx?fileticket=q6FsuL6o_Jw%3D&tabid=241

⁷ Maisel, J.; Smith, E. and Steinfeld, E. (2008). *Increasing Home Access: Designing for Visitability*, p. 11. Retrieved from AARP Public Policy Institute website: http://assets.aarp.org/rgcenter/il/2008_14_access.pdf

⁸ Ibid, p. 35

⁹ U.S. Department of Housing and Urban Affairs (2011). *Live Free - Annual Report on Fair Housing FY 2010*, p. 20. Retrieved from HUD website: <http://portal.hud.gov/hudportal/documents/huddoc?id=ANNUALREPORT2010.PDF>

¹⁰ Herbig, C.; Kaye, D.; Fenderson, J.; Levy, D.; & Turner, M. [Office of Policy Development and Research, U.S. Department of Housing and Urban Development] (June 2005). *Discrimination Against Persons with Disabilities: Barriers at Every Step*, p. 1. Retrieved from HUD website: <http://www.hud.gov/offices/fheo/library/dss-download.pdf>

¹¹ Texas Department of Housing and Community Affairs (2005, April 28), *The Housing Needs of Texans with Disabilities*, p. 82. Retrieved from TDHCA website: <http://www.tdhca.state.tx.us/housing-center/docs/05-DisabledTexans-050428.pdf>