

Affirmatively Furthering Fair Housing for People with Disabilities

Recommendations and Best Practices for Municipalities

Why Does Fair Housing Matter to
the Disability Community?

Segregation Affects the Disability Community

- People with all kinds of disabilities deserve access to the same range of housing choices as people without disabilities.
- Government resources have created segregated settings for people with disabilities and limited housing choice
 - Forced to live with family
 - Costly institutional settings

Discrimination in Housing Against People with Disabilities is Rampant

- 44% of housing discrimination cases filed with NFHA members in 2011 involved discrimination against people with disabilities. (National Fair Housing Alliance (NFHA) 2012 Fair Housing Trends report)
 - racial – about 20% of cases
 - familial status-13% of cases
 - national origin and gender – about 5% of cases each

Fair Housing is About Choice

- **Affordable** – unemployment rampant
- **Accessible** – compliance and enforcement issues
- **Integrated** – scattered site



What Are the Barriers to Fair
Housing for People with
Disabilities?

Barriers to Affordability

- People with disabilities who rely on SSI as their primary source of income continue to be the nation's poorest citizens (*Priced Out 2010*).
- Households should pay no more than 30% of monthly income towards housing costs – approximately \$211 per month for an SSI recipient.
- Annual income of a single individual receiving SSI in 2010 equaled only 18.7% of the national median income for a one-person household. See www.aucd.org/docs/policy/PricedOut2010.pdf

Barriers to Affordability (cont.)

- Without a subsidy (ex. HCV), Fair Market Rate housing is too expensive
- Low Income Housing Tax Credit (LIHTC) program, which is intended for “working poor” families, also too expensive
- Restrictions on voucher use, etc. will have a disproportionate impact on the disability community, creating a large barrier to fair housing

Barriers to Accessibility

- Old Housing Stock
- Modification Costs in the Private Market



Barriers to Accessibility (cont.)

- **Lack of Compliance and Enforcement –**
 - Municipalities do not evaluate whether the proposed designs demonstrate compliance with the new construction provisions of the Fair Housing Act (FHA) (Chicago an exception)
 - Require multi-family housing with four or more units include basic attributes of accessibility (e.g., accessible entrance, accessible routes, accessible kitchens and bathrooms, and accessible common areas).
 - Residential housing is often designed and constructed in a manner that violates the FHA and prevents access by persons with disabilities.

Barriers to Integration

- Residential housing built solely for PWDs remain popular with developers and most service providers, despite the preference of most in the disability community to live in integrated settings.
- HUD's Section 811 program stipulates that only 25% of the units be set aside as supportive or other disability housing.
- Housing Choice Vouchers (Section 8) discrimination

What Are the Remedies?

Or, How Do We Fix It?

Remedies for Affordability

- Utilize HOME Investment Partnership dollars to support Tenant Based Rental Assistance (TBRA) for people with disabilities.
 - City of Evanston
- Adopt inclusionary zoning policies and/or ordinances that set aside 10% of all units constructed using public funding of any kind as affordable to low-income people with disabilities.

Remedies for Affordability (cont.)

- Support the creation of a subsidy preference at local/regional public housing authority (PHA) for people transitioning out of nursing facilities or other institutions
- Establish policies at the PHA to ensure that when a person with a disability forfeits a Housing Choice Voucher, that voucher goes to another person with a disability.
- Expand the definition of homelessness that determines eligibility for housing programs to include persons living in institutions .

Remedies for Accessibility

- Before the municipality issues permits for residential housing, designs should be evaluated for compliance with FHA's new construction regs
- Promote Visitability Codes
- Create of a regional or municipal modification fund with preference given to voucher holders renting in the private market.

Remedies for Integration

- Prohibit the use of public funds to construct segregated housing
 - Examples: stand-alone diagnosis-specific housing, nursing homes, group homes (that house four or more people with disabilities), and supportive housing that mandates services as a condition of tenancy.
- During the AI/AFH and consolidated planning processes, solicit input from the disability community and other protected classes by implementing a robust Citizens' Participation Plan.

Other Remedies

- Monitor and enforce existing Section 504 accessibility requirements in all federally funded housing programs, services and activities.
 - Certifying that a jurisdiction is affirmatively furthering fair housing should imply that such monitoring is already happening.
- Jurisdictions should double the requirements of Section 504

Questions, Comments?

For more information on disability housing advocacy, please contact:

- Adam Ballard
- Advocacy Manager
- Access Living of Metropolitan Chicago
- (312) 640-2195
- aballard@accessliving.org