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?

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