



CIL-NET Presents...

A Systems Approach to Expanding Housing Options

**Making Your Voice Heard:
Systems Advocacy Opportunities 101**

**August 9, 2012
10:45 A.M. – 12:30 P.M.**

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Access Living**

Looking at the Landscape

- Housing is a human right
- We know the demand: affordable, accessible, integrated housing
 - People can't afford housing
 - Existing housing not accessible
 - Existing programs/providers mostly don't practice scattered site housing
- Hurry up and wait: housing policy and opportunities can change rapidly, or move very, very slowly

Existing Disability Housing Law

Rising to the Challenge

- The built environment has many components
- Private homes vs. public housing
- Public government-owned places vs. public privately-owned places
- What does “access” really mean? What is “reasonable”?
- Construction vs. modification
- Zoning, financing, design, advertising

Architectural Barriers Act of 1968 (ABA)



- The ABA requires that facilities designed, built, altered, or leased with funds supplied by the United States Federal Government be accessible to the public.
- Facilities that predate the law generally are not covered, but alterations or leases undertaken after the law took effect can trigger coverage.
- Establishes that there must be uniform access standards for the design, construction and alteration of buildings so that people with disabilities will have ready access to and use of them. The Uniform Federal Accessibility Standards (UFAS) are developed and maintained by the U.S. Access Board and serve as the basis for the standards used to enforce the law.

Architectural Barriers Act of 1968 (ABA), cont'd.



- Four Federal agencies are responsible for setting the standards: the Department of Defense, the Department of Housing and Urban Development, the General Services Administration, and the U.S. Postal Service. These federal agencies are responsible for ensuring compliance with UFAS when funding the design, construction, alteration, or leasing of facilities.

Section 504 of the Rehabilitation Act of 1973



- **Section 504** provides that no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- HUD is supposed to give guidance to persons with disabilities about their rights under Section 504 and related statutes, the exercise of those rights, and what information and resources are available from HUD.

Section 504 of the Rehabilitation Act of 1973, cont'd.



- HUD is also supposed to provide recipients of HUD financial assistance with information regarding their obligations under Section 504, an overview of relevant regulatory provisions, and information about steps they may take to ensure that they are in compliance.

Fair Housing Amendments Act of 1988



- The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, **disability**, familial status, and national origin.
- Coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing.
- It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence.
- Other covered activities include financing, zoning practices, new construction design, and advertising.

Fair Housing Amendments Act of 1988, cont'd.



- Owners of housing facilities must make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities.
- Landlords must allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. (The landlord is not required to pay for the changes.)
- New multifamily housing with four or more units must be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

Americans with Disabilities Act, 1990



- The ADA tends to come up the least in disability housing advocacy.
- Title II may require access in buildings or homes operated by state or local government.
- Title III of the ADA applies to commercial facilities and public accommodations. Inns, hotels, motels, and other places of lodging are public accommodations under Title III of the ADA, as are dormitories, homeless shelters, nursing homes, and some timeshares.
- The 2010 ADA Standards for Accessible Design can be found at:
http://www.ada.gov/2010ADASTstandards_index.htm

The Frank Melville Supportive Housing Investment Act of 2010



Modernizes and reforms HUD's Section 811 Supportive Housing for Persons with Disabilities Program, creating the opportunity to develop thousands of new permanent supportive housing units integrated within affordable housing properties every year.

Key Agencies and Entities

- U.S. Department of Housing and Urban Development (HUD) and its regional offices
- HUD's Office of Fair Housing and Equal Opportunity (FHEO)
- Public Housing Authorities (look up yours at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha/contacts/)
- State Housing Finance Agencies (see <http://www.ncsha.org/housing-help>)
- For-profit and not-for-profit developers

Key Agencies and Entities, cont'd.

- U.S. Access Board
- American National Standards Institute (ANSI)
- Municipal, county, state and federal legislative bodies
- Metro/regional planning/zoning departments
- Metro housing departments (separate from PHAs)

Housing Types

- Own or rent a private unit or home
- Public housing
- Section 811 Supportive Housing for People with Disabilities
- Section 202 Supportive Housing for the Elderly (some seniors have disabilities)
- Provider Run Group Homes
- Permanent Supportive Housing
- Segregated vs. Scattered Site vs. Integrated Multi-Unit Building vs. Visitable

Voucher Options

- Section 8 (tenant or project based)
- Housing Choice Vouchers (tenant based)
- Secondary source: vouchers made available through recidivism
- Problems: limited number of vouchers, huge waiting lists, struggle to get set-asides for specific groups of people (like folks stuck in nursing facilities)

Show Me the Money! Key Funding Streams

Section 8

- Section 8 of the Housing Act of 1937 authorizes the payment of rental housing assistance to private landlords on behalf of approximately 3.1 million low-income households.
- Section 8 operates through several HUD programs, the largest of which, the Housing Choice Voucher program, pays a large portion of the rents and utilities of about 2.1 million households.
- The Housing Choice Voucher Program provides "tenant-based" rental assistance, so an assisted tenant can move with assistance from one unit of at least minimum housing quality to another. It also allows individuals to apply their monthly voucher towards the purchase of a home, with over \$17 billion going towards such purchases each year.

Section 8, cont'd.

- Section 8 also authorizes a variety of "project-based" rental assistance programs, under which the owner reserves some or all of the units in a building for low-income tenants, in return for a Federal government guarantee to make up the difference between the tenant's contribution and the rent specified in the owner's contract with the government. A tenant who leaves a subsidized project will lose access to the project-based subsidy.

Section 811 Supportive Housing for People with Disabilities



Provides funding for the development and operation of supportive housing for very low-income persons with disabilities who are at least 18 years old.

Section 202 Supportive Housing for the Elderly Program



- Helps expand the supply of affordable housing with supportive services for the elderly. It provides very low-income seniors with options that allow them to live independently but in an environment that provides support activities such as cleaning, cooking, transportation, etc. The program is similar to Section 811.
- Many older people with disabilities live in 202s.

Housing Opportunities for Persons with AIDS (HOPWA)



- HOPWA funding provides housing assistance and related supportive services and grantees are encouraged to develop community-wide strategies and form partnerships with area nonprofit organizations.
- HOPWA funds may be used for a wide range of housing, social services, program planning, and development costs. These include, but are not limited to, the acquisition, rehabilitation, or new construction of housing units; costs for facility operations; rental assistance; and short-term payments to prevent homelessness.

Housing Opportunities for Persons with AIDS (HOPWA), cont'd.



- HOPWA funds also may be used for health care and mental health services, chemical dependency treatment, nutritional services, case management, assistance with daily living, and other supportive services.

Community Development Block Grants (CDBG)



- Aims to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses.
- The annual CDBG appropriation is allocated between States and local jurisdictions called "non-entitlement" and "entitlement" communities respectively. Entitlement communities are comprised of central cities of Metropolitan Statistical Areas (MSAs); metropolitan cities with populations of at least 50,000; and qualified urban counties with a population of 200,000 or more (excluding the populations of entitlement cities). States distribute CDBG funds to non-entitlement localities not qualified as entitlement communities.

Community Development Block Grants (CDBG), cont'd.



- HUD determines the amount of each grant by using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.

Neighborhood Stabilization Program (NSP)



- NSP funds are a type of CDBG
- NSP funds are aimed at stabilizing communities that have suffered from foreclosures and abandonment. Through the purchase and redevelopment of foreclosed and abandoned homes and residential properties, the goal of the program is being realized.
- NSP1, a term that references the NSP funds authorized under Division B, Title III of the Housing and Economic Recovery Act (HERA) of 2008, provides grants to all states and selected local governments on a formula basis.

Neighborhood Stabilization Program (NSP), cont'd.



- NSP2, a term that references the NSP funds authorized under the American Recovery and Reinvestment Act (the Recovery Act) of 2009, provides grants to states, local governments, nonprofits and a consortium of nonprofit entities on a competitive basis. The Recovery Act also authorized HUD to establish NSP-TA, a \$50 million allocation made available to national and local technical assistance providers to support NSP grantees.
- NSP3, a term that references the NSP funds authorized under the Dodd–Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) of 2010, provides a third round of neighborhood stabilization grants to all states and select governments on a formula basis.

Capital Budgets

- Your state allocates a capital budget for construction
- Consider tracking the development and allocation of state capital dollars and letting your legislators know how those dollars can be used to improve access in the built environment
- Your city or region may also have a capital budget

Public/Private Partnerships

- You can encourage the state and private entities to work together to develop projects that are accessible for people with disabilities
- Example: Home First Illinois

Money Follows the Person (MFP)

- MFP uses Medicaid funds to cover the costs of setting up an apartment and related one-time transition expenses. The items that may be purchased and the amount of available funds varies by state. MFP demonstration funding may be used for such items as utility deposits, essential furnishings, moving expenses, pest control, allergen control, one-time cleaning prior to occupancy or other items specified by the individual State of residency.
- Medicaid law prohibits the use of funds to pay for rent, utilities or food (room and board) outside of an institution. As a “Supplemental Service” under MFP things such as rental deposits and utility turn-on expenses (one time costs) can be paid.

HOME Funds

- HOME is the largest Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households. Each year it allocates approximately \$2 billion among the States and hundreds of localities nationwide.
- HUD says: HOME funds are awarded annually as formula grants to participating jurisdictions. HUD establishes HOME Investment Trust Funds for each grantee, providing a line of credit that the jurisdiction may draw upon as needed. The program's flexibility allows States and local governments to use HOME funds for grants, direct loans, loan guarantees or other forms of credit enhancement, or rental assistance or security deposits. (See <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/>.)

Affordable Housing Trust Funds

- National Housing Trust Fund: Established as a provision of the Housing and Economic Recovery Act of 2008. Advocates are now focused on securing permanent funding for the program.
- The NHTF will, once capitalized, provide communities with funds to build, preserve, and rehabilitate rental homes that are affordable for extremely and very low income households. The NHTF's most important features are:
- It is a permanent program, and will have dedicated source of funding not subject to the annual appropriations process.

Affordable Housing Trust Funds, cont'd.



- At least 90% of the funds must be used for the production, preservation, rehabilitation, or operation of rental housing. Up to 10% can be used for the following home ownership activities for first-time home buyers: production, preservation, and rehabilitation; down payment assistance, closing cost assistance, and assistance for interest rate buy-downs.
- At least 75% of the funds for rental housing must benefit extremely low income households and all funds must benefit very low income households.
- State/local affordable housing trust funds

Low Income Housing Tax Credit (LIHTC)



- The LIHTC Program is an indirect Federal subsidy used to finance the development of affordable rental housing for low-income households. Many local housing and community development agencies are effectively using these tax credits to increase the supply of affordable housing in their communities.

Opportunities to Impact Funding

- Notice of Funding Availability (NOFA)
- Educating Local, State and Federal Policy Makers
- Achieving Success
- Creating Innovative Models
- Commenting on Rule Making (ANPRMs etc)

Opportunities for Impact , cont'd.

- Participating in crafting or commenting on State Consolidated Plans
- Helping craft or comment on PHA Administrative Plans
- Participate in local or regional planning efforts
- Networking/building relationships
- Direct action, when all else fails

Working Together: Policy and Organizing



- Housing is an enormous field with lots of money and lots of players
- Everyone has a role to play
- We have power in numbers; coalitions and allies are important
- Don't allow factionalism or outside pressure to "divide and conquer"

Working Together, cont'd.

- Share information---both policy folks and organizers have access to unique knowledge
- Set clear goals for your agenda and stick to them
- Make an impact at every meeting
- Work together to secure funding so you can sustain your work
- We're in it for the long haul!

The End...or the Beginning?

- Let's start thinking about how to be effective advocates for affordable, accessible, integrated housing!

For more information

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