



A PUBLICATION OF THE
TECHNICAL ASSISTANCE
COLLABORATIVE, INC.
AND THE CONSORTIUM FOR
CITIZENS WITH DISABILITIES
(CCD) HOUSING TASK FORCE

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Accessible Housing for People with Disabilities

The number of people with disabilities is growing. Recent census results document that over 9 million people in the United States have severe disabilities. Medical advances have enabled people with disabilities to live longer and be more integrated members of the community. For many of these people with disabilities, in order to be active and independent members of the community they need not only safe, decent, and affordable housing, but also housing with design features that meet their needs. In recent years, the disability community has advocated for support services and housing allowing persons with disabilities to have their needs addressed while living in the community, rather than requiring them to live in structured residential settings or institutions. During 1999, the US Supreme Court's Olmstead Decision affirmed the right of people with disabilities to do just that – live independently. Now, more than ever before, people with disabilities hope to live in the community and, if necessary, adapt their home to better meet their needs — including not only their support needs, but also their physical needs as well.

The issue of accessible housing involves not only people with disabilities and the entire disability community, but also housing developers, landlords, owners, realtors, and all groups involved in providing housing to people with disabilities. A myriad of laws and regulations exist that govern the process, dictate who is responsible for making accessibility modifications, and how the cost of these modifications is covered.

Despite these laws, progress has been slow. There is still not enough existing accessible housing to meet the demand from people with disabilities. One reason for this shortage is the difficulty in enforcing these fair housing laws. Even though the laws are clear with regard to what is required, housing developers and builders have been slow to incorporate the fair housing laws into the construction of new housing or the rehabilitation of existing housing. This reluctance has resulted in many new housing units being unavailable and inaccessible to many people with disabilities.

This issue of *Opening Doors* discusses the history of the laws that affect accessibility modifications; the impact of these laws on tenants and owners; possible sources for funding accessibility modifications; and the role of the disability community in advocating for the enforcement of these laws.



“It’s a good thing my parents found the Opening Doors newsletter on the Internet. We would never have known how to get a Section 8, or to find the accessible housing I needed.”

Matthew Bausch
See story on page 2

Accessibility Modification Language

The concept of modifying a home to meet an individual's needs has evolved into a whole movement, complete with its own language (see table on page 3). It is important that the disability community understands the various terms and learns to “speak” the accessibility modification language. Unfortunately, many of the terms

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Opening Doors

A housing publication for the disability community

OPENING DOORS is published as a joint effort by the Technical Assistance Collaborative, Inc., Boston, MA and the Consortium for Citizens with Disabilities Housing Task Force, Washington, DC

The Technical Assistance Collaborative, Inc. is a non-profit organization that provides state-of-the-art technical assistance and training to housing and human service organizations so that they may achieve positive outcomes in their work on behalf of people who are disadvantaged and/or disabled. For more information, please contact Emily Miller, Marie Herb, or Ann O'Hara, Technical Assistance Collaborative Inc., One Center Plaza, Suite 310, Boston, Massachusetts 02108. Phone: 617-742-5657 or Fax: 617-742-0509 or e-mail: info@tacinc.org.



The Consortium for Citizens with Disabilities (CCD) is a national coalition of consumer, advocacy, provider, and professional organizations who advocate on behalf of people of all ages with disabilities and their families. CCD has created the CCD Housing Task Force to focus specifically on housing issues that affect people with disabilities.

CoCHAIRS

Suellen Galbraith
American Network of Community
Options & Resources (703) 642-6614
Kathy McGinley
The Arc (202) 785-3388
Andrew Sperling
National Alliance for the Mentally III (703) 524-7600

MEMBERS

American Assoc. on Mental Retardation (202) 387-1968
American Council of the Blind (202) 467-5081
Autism Society of America (301) 657-0881
Bazelon Center for
Mental Health Law (202) 467-5730
Brain Injury Assoc. (202) 236-6000
Indiana Neighborhood Housing Project (202) 312-7401
International Assoc. of Psychosocial
Rehabilitation Services (410) 730-7190
National Assoc. of
Developmental Disabilities Councils (202) 347-1234
National Assoc. of Protection
and Advocacy Systems (202) 408-9514
National Easter Seals Society (202) 347-3066
National Mental Health Assoc. (703) 838-7530
NISH (703) 641-2747
Paralyzed Veterans of America (202) 416-7707
Rehabilitation Engineering & Assistive
Technology Society of North America (703) 524-6686
United Cerebral Palsy Assoc. (800) 872-5827

The CCD Housing Task Force and the Technical Assistance Collaborative, Inc. would like to thank the Melville Charitable Trust for the generous support provided for the preparation and publication of *Opening Doors*, and for their continued commitment to addressing the housing needs of people with disabilities and people who are homeless.

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FROM THE EDITORS

The Power of Self-Advocacy

This issue of *Opening Doors* is all about accessibility – a topic with great significance for people with disabilities, but not well understood by the public at large. Fully accessible housing that is also affordable is essential for some people with disabilities. Without it, daily activities that people without disabilities take for granted – such as preparing a meal, taking a shower, or going to the store – are a constant struggle.

Matthew Bausch is a 27-year-old man who was severely injured in an accident in 1993 and uses a wheelchair. After extensive rehabilitation at Shepard Spinal Center in Atlanta, he moved to Miami to participate in a research program for the Miami Project to Cure Paralysis. Matthew wanted to live independently in South Florida, and not be dependent on his family. To achieve this goal, Matthew needed two things – a Section 8 rent subsidy to help pay the rent, and a fully accessible apartment.

What happened next is best described in Matthew's words. "Getting my housing situation taken care of was a nightmare. Next to my accident, it was the worst experience my family and I ever went through. It's a good thing my parents found the *Opening Doors* newsletter on the Internet. We would never have known how to get a Section 8, or to find the accessible housing I needed."

Of course, the Editors of *Opening Doors* are thrilled when we hear how this publication really helps people with disabilities obtain decent and affordable housing. But Matthew's eventual success with his Section 8 voucher (it took over 6 months from the beginning to the end of the process) was really the beginning – and not the end – of the story.

Matthew feels strongly about what happened to him during his housing crisis. He really appreciates the housing assistance

We encourage you to make copies of *Opening Doors* available to your memberships & constituencies!

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Accessible Housing For People with Disabilities

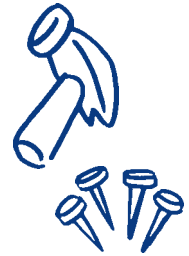
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are similar, but have subtle, yet meaningful, differences. For example, an **accessible** home is one that is designed with special permanent features (such as lowered countertops) that allow people with certain disabilities to live there. Slightly different, an **adaptable** home is one where these features can be easily added or removed dependent on the individual's needs. Due to their easily altered quality, adaptable features give both the owner and the tenant more flexibility. If a home is adaptable, the owner is not limited to marketing the unit only to people with disabilities. However, the owner can quickly adjust the unit to address the unique needs of a tenant with disabilities. For the purposes of this issue of *Opening Doors*, unless otherwise clarified, the term "accessible" will be used to mean those features and units that are both accessible and adaptable.

Another new accessibility modification concept is **universal design**. Universally designed features are those that are comfortably useable by all people, not just people with disabilities. Universal design expands the scope of accessibility by suggesting that all spaces and environments in the community be useable by people with disabilities. Many adaptable and accessible features are also universally useable. For example, lowered light switches or levered door knobs are features that are comfortably useable by everyone, and address the needs of people in wheelchairs and people with limited use of their hands.

Finally, recent US Department of Housing and Urban Development (HUD) policies have introduced the concept of **visitable** housing. Visitable housing has features that allow guests with disabilities to enjoy the housing as well as allowing the resident to remain in the housing over time as

his/her physical needs change. An example of visitable housing includes a unit where there are no steps in the entryway and the doorways are wide enough to accommodate a wheelchair. Newly constructed housing funded by HUD through the HOPE VI program requires a certain level of visitability.



THE LANGUAGE OF HOME MODIFICATIONS

Accessible Accessible features are permanently fixed in place and noticeable. An accessible housing unit might include items such as wide doors, lower countertop segments, or grab bars in the bathroom, for example.

Adaptable Adaptable features are those that can be adjusted in a short time by unskilled labor without involving structural or material changes. Adaptable units look the same as other units in the building except that accessible features can be easily added to match an individual's needs. Examples of adaptable features include counter tops or closet rods that are supported by adjustable supports rather than built into the wall at a fixed level.

Assistive Technology Assistive technology includes devices for personal use created specifically to enhance the physical, sensory, and cognitive abilities of people with disabilities and to help them function more independently. Examples of assistive technology include flashing doorbells or TTY technology for people with auditory impairments.

Rehabilitation Engineering Rehabilitation Engineering is the science and study of applying scientific principles and engineering methodologies to addressing the mobility, communication, and transportation needs of people with disabilities.

Universal Design Universal design incorporates the characteristics necessary for people with physical limitations into the design of common products and building spaces, making them easier and safer for everyone to use and more widely marketable and profitable. An example of universal design is the use of lever handles on doors. As opposed to doorknobs which can be difficult for people with limited use of their hands, lever handles are useable by all people.

Visitability Visitability refers to homes designed to meet the accessibility needs of both its residents and any anticipated guests with disabilities. Bathrooms with doors wide enough to accommodate wheelchair users is an example of a visitable feature. These features make the home visitable to guests with disabilities while also allowing the resident to stay in the home over time as the resident's physical needs change.



Universal design expands the scope of accessibility by suggesting that all spaces and environments in the community be useable by people with disabilities.

Federal Laws Affecting Accessibility

During the past decades, four major laws were passed that, together, expanded the rights of a person with a physical disability to access and fully utilize public and private buildings. These laws clearly spell out the rights and responsibilities of tenants, landlords, owners, and developers of buildings in making accessibility modifications including whether a building needs to be made accessible, and if it does, who is responsible for making and paying for these modifications.

Architectural Barriers Act of 1968

The first law to address the issue of accessibility was the Architectural Barriers Act of 1968. This Act was passed as a result of many people with disabilities being denied employment opportunities because the workplace environment was not physically structured to meet their needs. The Act required all buildings designed, constructed, altered, or leased with federal funds to be made accessible. As intended, the most dramatic effect of this Act was on the workplace environment where employers who received federal funds were required to modify their offices to enable people with physical disabilities to work there.

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 was the first civil rights law for people with disabilities. Before this law was passed, it was legal to discriminate against someone just because they were disabled. The impact of Section 504 was widespread since it requires recipients of federal funds to make their programs and activities accessible to people with disabilities, including housing programs. This means that agencies receiving federal funds — such as Public Housing Authorities (PHAs) or state and local Community Development Departments — are not allowed to discriminate against a

person because they are disabled. Additionally, Section 504 requires these agencies to take proactive steps in order to ensure non-discrimination against people with disabilities. Under Section 504, agencies administering or receiving federal housing dollars must ensure that:

- **Programs are accessible to people with disabilities.** Recipients of federal funds must operate housing programs and activities so that the program, when viewed in its entirety, is readily accessible to and usable by people with disabilities.
- **Newly constructed or substantially rehabilitated facilities are made accessible.** This includes a requirement that a minimum of 5 percent of housing units be made accessible for people with mobility impairments and a minimum of 2 percent of the housing units be made accessible to people with hearing or vision impairments.
- **Alterations of existing facilities are also made accessible.** When making alterations to existing housing facilities that do not constitute substantial rehabilitation as described above, the alterations shall, to the maximum extent feasible, be made readily accessible and usable by people with disabilities.

Under Section 504, agencies administering or receiving federal housing dollars must take five steps to ensure nondiscrimination against people with disabilities. These include:

1. conducting a **self-evaluation** or review of all of their programs and practices;
2. conducting a **needs assessment** of the need for wheelchair accessible units in the community and developing a transition plan if needed, to provide the required number of accessible units;
3. designating a **Section 504 coordinator**;
4. adopting **grievance procedures**; and

5. **notifying** program participants, the public, and others that the agency does not discriminate against people with disabilities.

The requirements included in Section 504 are important because they established standards for housing agencies that receive federal funds. Equally as important, Section 504 established mechanisms by which the disability community and the housing agencies themselves can evaluate their ability to meet the needs of people with disabilities.

Fair Housing Amendments Act of 1988

In 1988, Congress expanded Title VIII of the Civil Rights Act of 1968 — which prohibits housing discrimination on the basis of race, color, religion, sex or national origin — to include these protections for people with disabilities. By amending Title VIII to include people with disabilities as a protected class, the 1988 Act established a critical civil rights law to repudiate the use of stereotypes, prejudice, and ignorance to exclude people with disabilities from living in housing and communities of their choice. The goal of the law is to ensure *“no person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status or national origin in the sale, rental or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real-estate related transactions.”*¹

In passing the law — called the Fair Housing Act Amendments (FHAA) — Congress made a clear pronouncement of a national commitment to end the unnecessary exclusion of people with disabilities from mainstream American life. To this end, the FHAA established design and construction standards requiring there be units accessible to people with physical disabilities in all new or substantially rehabilitated multi-family housing. The federal regulations apply to all owner-occupied housing with five or more units and non-owner-occupied housing with four or more units — not just those housing units

that received federal funds. Accordingly, the FHAA applies to both newly constructed or substantially rehabilitated housing developed by both private landlords and publicly-assisted landlords, such as Public Housing Authorities. The FHAA also covers some housing owned or operated by service providers.

The FHAA also requires landlords to take proactive actions to ensure people with disabilities have equal access to housing. These actions include making reasonable modifications and accommodations. A reasonable modification is a structural change made to a housing unit, such as the installation of grab bars or doorbell flashers or other adaptive equipment that allows a person with a disability to occupy and fully use the unit. A reasonable accommodation is a change to a rule or policy that would otherwise prevent a person with a disability from using his or her housing to the same extent and in the same manner as those tenants who do not have a disability. For example, waiving a “no pet” policy for a person with a visual impairment who uses a guide dog would be a reasonable accommodation.

The section of FHAA requiring landlords to make reasonable modifications is a particularly important tool for people with physical disabilities who, due to their disabilities, need modifications made to their homes. The concept of reasonable modification, and the responsibilities of tenants and landlords are discussed in detail later in this issue.

Americans with Disabilities Act of 1990

The most recent law, the Americans with Disabilities Act (ADA), expanded the rights and responsibilities given to people with disabilities even further. The ADA is the most comprehensive formulation of the rights of people with disabilities in the history of the United States. It has a broad scope and does not apply specifically to housing. In essence, the ADA highlighted the issue of access to places of public

accommodation, services, programs, and public transportation. With regards to housing, the ADA only applies to housing where the building contains places of public accommodation, such as a laundry room or a common community room. Title II of the ADA essentially extended the requirements of Section 504 to state government and state government-funded programs — including state-funded public housing programs and private affordable housing developments receiving state funding. Title III of the ADA set uniform nationwide standards that ensure accessibility to public buildings and other public services available in the community, regardless of local attitudes — known as the ADA Standards for Accessible Design.²

use and enjoy the housing unit. Owners may require that the modifications be completed in a professional manner and are in compliance with all applicable building codes. In addition, when reasonable, owners may require the tenant to restore the unit to its original condition before vacating. Examples of modifications might be installing a ramp or a roll-in shower.

The owner does not have to allow the tenant to make modifications that the law deems “unreasonable.” One type of unreasonable modification would be one that is not related to the person’s disability — the installation of a dishwasher, for example. Whether a modification is reasonable must be evaluated case-by-case based on existing case law. However, Section 6(a) of the FHAA makes it illegal for landlords to refuse to permit tenants to make reasonable modifications to their house or apartment if the tenant is willing to pay for the changes.

Reasonable Accommodation

Sometimes confused with reasonable modification, reasonable accommodation is a change in the rules, policies, practices, and/or services of a housing unit or program in order to ensure that people with disabilities are not excluded or have their rights unfairly compromised. An owner must make a reasonable accommodation when necessary to afford a person with a disability an equal opportunity to use and enjoy a rental unit, including public and common areas. For example, a person with a disability might require a reasonable accommodation so that a designated handicapped parking space be in close proximity to their housing unit.

Like modifications, the law does not require the landlord to make accommodations that are “unreasonable.” A requested accommodation is unreasonable if it poses either an undue financial or administrative burden, or a fundamental alteration in the housing program. As

What Do All These Laws Mean For Rental Housing?

Together, these laws provide people with disabilities the rights and protections to enjoy their living environment, both public and private spaces, and to make changes to it, if needed, to meet their needs. It is important to understand how these laws pertain to housing, particularly to rental housing. For example, under the FHAA a landlord is prohibited from charging a larger security deposit for a tenant that uses a wheelchair or other assistive devices, and may not construe wear and tear from the wheelchair as damage to the unit. It is important for people with disabilities and their housing advocates to understand how the provisions of these laws can be used to help make housing more accessible.

Reasonable Modification

Reasonable modification policies allow a person with a disability to alter their rental housing to meet his/her unique needs. Under reasonable modification, an owner must allow a person with a disability to make certain physical modifications to a unit if needed to fully



Waiving a “no pet” policy for a person with a visual impairment who uses a guide dog would be a reasonable accommodation.

with reasonable modification, requests for reasonable accommodation must be evaluated based on existing case law.

Promoting Accessible Housing

An important goal of the federal housing laws is the promotion (and enforcement) of the creation of accessible or adaptable housing. The requirements dictated by the laws vary depending on the type and age of the building. The laws affect all newly constructed housing, rehabilitated housing, rental housing, and subsidized housing. For new buildings, the accessibility requirements are clearer. For older buildings (i.e., those buildings initially occupied before March 13, 1991), it is more difficult to determine who is responsible for covering the cost of any accessibility modifications.

The federal fair housing laws and the FHAA accessibility rules apply to both multifamily rental units and owner-occupied units (such as condominiums) constructed for occupancy after March 13, 1991. This issue of *Opening Doors*, however, will focus primarily on the application of these accessibility requirements in rental housing.

Newly Constructed/Rehabilitated Multifamily Housing

The federal housing laws are designed to ensure that new accessible and adaptable housing is created over time by requiring that newly constructed or substantially rehabilitated buildings meet new access standards. Specifically, the FHAA requires that housing with four or more units first occupied on or after March 13, 1991 be designed to include:

- at least one building entrance on an accessible route;
- public and common use areas that are readily accessible and usable by people with disabilities;

- doorways into and throughout the building wide enough to allow passage by someone in a wheelchair; and
- dwelling units with: accessible routes into and through the units; light switches, outlets and thermostats in accessible locations; reinforcement in the bathroom walls to allow later installation of grab bars; and kitchens and bathrooms in which a person with a wheelchair can maneuver.

The design features required under the FHAA are referred to as “adaptable.” As discussed earlier, this means that the unit can be used by someone who does not have a disability and can also be easily adapted for use by someone who needs specific design features.

Complicating things is the fact that almost every state has different building codes for constructing or rehabilitating housing. These codes vary from locality to locality and, unfortunately, in most states, do not incorporate the accessibility requirements of the federal fair housing laws. Even though the guidelines for constructing accessible buildings have been in place for 12 years, housing developers, builders, and architects continue to build new housing that does not meet the FHAA requirements. It is important that builders are aware of all the fair housing laws and are held accountable for meeting federal accessibility requirements. Recently, after receiving complaints from the disability community, HUD reviewed the model building codes for consistency with the FHAA accessibility guidelines in order to provide those in the housing industry with recommendations on how to build housing that complies with all applicable codes and laws. As a result of HUD’s review and recommendations, builders and community leaders should be more willing to follow the tenets of the law with the goal of making the community a better place to live for people with disabilities.

The laws affect all newly constructed housing, rehabilitated housing, rental housing, and subsidized housing.

Rental Housing Constructed Before March 13, 1991

Even if the housing was built and available for occupancy before March 13, 1991, the federal fair housing laws still dictate certain accessibility requirements. The FHAA requires the owner of private rental housing to allow a tenant to make reasonable modifications to his or her unit. Unless the housing is federally subsidized, the tenant is responsible for paying for any modifications, and may have to restore the premises to its original condition when s/he moves.

In publicly-assisted housing — including federally financed developments and PHA-owned properties covered by Section 504 — the owner is often required to pay for any accessibility modifications if the cost is not prohibitive. A Public Housing Authority, for example, may be required to install lowered countertops in the kitchen or build a ramp to the front door. As discussed earlier, whether the cost of a modification is reasonable or not must be evaluated on a case-by-case basis. Factors for consideration include: the size of the owner's budget; whether the owner has other accessible units available; and the cost of the modification.

Private landlords participating in HUD's Section 8 program — and other federal tenant based rental assistance programs — are generally not required to pay for modifications. However, tenants can request that the Public Housing Authority administering the Section 8 program provide a reasonable accommodation, and pay a higher rent for a unit, in order to allow the landlord to pay for some modifications to the unit.

Paying for Accessibility Modifications

The federal laws described above give people with disabilities the right to modify their housing, but often, unless the housing is subsidized with federal funds, the

tenant must assume the cost of these modifications. Because many people with disabilities have low incomes, requiring tenants to pay for modifications is a significant barrier to using the reasonable modification provision of the FHAA. Although some alterations, such as installing a grab bar, can be inexpensive and easy to complete, many modifications require substantial and costly labor and materials. Adding to the expense is the cost and time involved in finding a contractor with the experience and knowledge of how to make a unit accessible — a scarce commodity in some communities. It is important for people with disabilities to be aware of programs that can pay for some or all of these costs.

The existing programs that do provide funding for accessibility modifications are varied. Some programs are targeted to people with disabilities or elderly people. Some are limited to households at certain income levels, such as households with incomes below 80 percent of the area median income. Some are targeted exclusively to homeowners, while other programs may help people who rent. Many programs only pay up to a certain amount — such as \$1,000 — to assist in making a home accessible, even though the cost of the work may be much higher. Finally, some programs may give one-time grants to households to modify their homes, while other programs provide assistance in the form of loans through lenders or non-profit organizations.

In some cases, tenants may be able to negotiate with an owner to share the expense of making modifications. For example, a cooperative owner may be willing to pay for part of the cost if the tenant agrees to a longer lease. Owners who decide to pay for some or part of the cost associated with making a unit accessible may be able to receive a federal



It is important that builders are aware of all the fair housing laws and are held accountable for meeting federal accessibility requirements.

tax credit. A few states, like Virginia and Georgia, offer a \$500 tax credit against state income taxes for property owners who make accessibility modifications to their residential properties. People with disabilities and their housing advocates should educate owners about these opportunities to help finance any needed modifications to their rental housing. Contact the Internal Revenue Service at www.irs.gov or your state department of revenue to learn more about any available tax breaks for owners who make accessibility modifications.

Unfortunately, as with most affordable housing resources, programs to help make units more accessible are in great demand, and can only help a small percentage of the households who need this type of assistance. In fact, many of the federal programs that provide this type of financial assistance are in constant danger of losing funding or being eliminated.

Making matters worse, the limited federal funds that can be used to make units accessible are often used for other purposes. One valuable source for funding accessibility modifications for low-income people is the Community Development Block Grant (CDBG) program, one of four federal housing programs controlled by the HUD-mandated Consolidated Plan. Unfortunately, in many communities, the housing officials developing the Consolidated Plan — and controlling access to the CDBG resources — choose to use the funds for other housing or community development activities, such as installing street lamps or first time homebuyer assistance. It is important for the disability community to become more involved in the Consolidated Plan process and influence how these valuable CDBG resources will be used in the future. Contact your state or local community development department to learn more about the Consolidated Plan for your area. TAC's guide to the Consolidated Plan process,

Mass Access: An Innovative Accessibility Clearinghouse

Initially funded with a Fair Housing grant from HUD, Mass Access is a computerized clearinghouse of accessible units in Massachusetts. Started in 1996, the Mass Access computer database matches accessible and adaptable units throughout the state with households that need specific design features. Mass Access — or the housing registry — is managed by a central non-profit administrator who sends the housing information out to the state's 10 Independent Living Centers (ILCs) who then distribute it free of charge to people with disabilities trying to locate accessible housing. For more information, contact Stacey at CHAPA at (617) 742-0820.

Piecing it all Together in your Community and past issues of *Opening Doors* (available on-line at www.tacinc.org) are helpful resources for learning about this process.

Programs to Help Finance Accessibility Modifications

As mentioned, there are a limited number of programs providing financial assistance to people with disabilities to make their homes accessible. Of these, only a few are targeted exclusively to people with disabilities. The majority provide assistance on a first come, first served basis and therefore the funding may be distributed very quickly. Each program is administered differently, and it is important for the disability community to learn the rules and guidelines for each. For example, some programs may give grants before the modifications are made. Other programs provide reimbursements only after the modifications have been completed and the bills have been paid. Before making any modifications, make sure to explore all available funding options and learn what the requirements are for each. The Independent Living Center in your area is a good source of information regarding accessibility modifications. Some resources for funding accessibility modifications include:

- **Consolidated Plan Funds.** As mentioned earlier, funding controlled by the Consolidated Plan, specifically CDBG



Before making any modifications, make sure to explore all available funding options and learn what the requirements are for each.

FROM THE EDITORS

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he gets through the Section 8 program, and the accessible apartment he rents in a complex financed with federal Low Income Housing Tax Credits. But he also knows there are many more people like him who need Section 8 assistance and who need help “negotiating” their way through the endless bureaucracy and discrimination that still exists in government-funded housing programs. So Matthew traveled to Washington, DC to advocate for others like himself.

On April 13, 2000, Matthew Bausch testified before the VA-HUD and Independent Agencies Appropriations Subcommittee on behalf of the CCD Housing Task Force. He told his story in his own words – including the difficulty he had finding a fully accessible apartment that would accept his Section 8 voucher. He concluded by urging the committee to increase housing funding and to enact better policies so that more people like him could have the chance to live independently and pursue their other life goals.

Matthew's story helps us to describe the power of self-advocacy, and the difference that one person can make in the lives of other people. Matthew is working to create Handicap Housing Help, a non-profit organization that would assist people with disabilities by expanding their opportunities to live independently. You can e-mail him at mbausch@bellsouth.net. Tell him we said hello!

The Editors

and HOME, are valuable resources for covering the cost of making accessibility modifications. Each state or locality determines how to use these funds and in what manner they will be distributed. For example, one state may chose to provide direct grants to low-income renters for accessibility modifications while a locality within the same state may choose to allocate funding to non-profit organizations to provide loans to homeowners wishing to make similar modifications. It is important to learn what opportunities are available in your community.

- ▶ **State Housing Finance Agency Programs.** State Housing Finance Agencies (HFAs) are another potential source of financial assistance for covering the costs of accessibility modifications. HFAs are authorized by the federal government to

sell tax-exempt bonds for a variety of different public purposes. In some states, HFAs use this ability to provide low interest rate loans to make accessibility modifications. Since, as with other resources, the funding is limited, it is important to learn how the Housing Finance Agency in your state makes these programs available to increase the chance of receiving funding.

- ▶ **Medicaid Home and Community Based Waivers.** In many states, Medicaid Home and Community Based Waiver funds can be used to pay for accessibility modifications. In 1997, 26 states allowed Medicaid payments to be used for accessibility modifications and this number is expected to grow over the next few years.³
- ▶ **Veterans Administration Programs.** The federal Department of Veterans Affairs (VA) has many programs that provide grants to veterans with disabilities that need to make modifications to their homes. Contact the VA office in your area to learn more.
- ▶ **Vocational Rehabilitation Programs.** Your state vocational rehabilitation department may provide accessibility modification assistance. These funds usually pay for the actual modifications rather than reimbursing the tenant.
- ▶ **Fannie Mae Retrofitting Program.** Often it is easier for homeowners to finance accessibility modifications because they are able to use their home as a source of equity in order to obtain a loan. Fannie Mae provides targeted loan packages that may be used by people with disabilities for accessibility modifications, such as the Retrofitting Mortgage, Community Living, and the Home Choice programs. Fannie Mae's Retrofitting Mortgage program combines a conventional first mortgage loan with a second mortgage that

provides gap financing to allow for the cost of modifying a housing unit to meet the accessibility needs of a household member with a disability.

Other useful sources for covering the costs of making accessibility modifications include:

- **HUD's Title I and Section 203K program:** provides funding to homeowners through local lenders to rehabilitate existing homes or purchase and modify new homes.
- **USDA's Rural Community Development (formerly the Farmers Home Administration):** offers various grants and loans for low-income people living in rural communities, particularly to low-income homeowners with disabilities needing modifications to their homes.

Conclusion

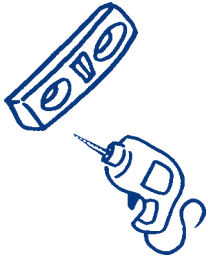
The federal fair housing laws combined with the recent Supreme Court Olmstead Decision have established a foundation for encouraging and ensuring the ability of people with disabilities to live as integrated and active members of the community. However, for many people with physical disabilities who are unable to locate accessible units or pay for modifications to be done to their existing housing, independent living is still a distant goal. The disability community must learn about the rights afforded to people with disabilities as a result of these laws and educate the housing industry about its role and responsibilities in accommodating the needs of people with disabilities.

As part of this effort, housing developers and builders should be encouraged to build more homes with adaptable features or within the framework of universal design. By incorporating such features as wider doorways or lower electrical switches in the original building design, the housing becomes marketable

The Latest News from Washington, DC is....

WASHINGTON BULLETIN

- **Accessibility Guidelines.** During the 106th Congress, opponents of the Fair Housing Act's accessibility guidelines attempted to have the effective date of those rules pushed back from March 1991 to 1999 or later. The result of such a move would have been to immunize against prosecution many properties that have been built since March 1991 in violation of the Act. Fortunately, efforts to undermine the FHAA were unsuccessful. In the meantime, many disability advocates, housing industry representatives and building code officials have worked together to promote the incorporation of the FHAA accessibility guidelines into building code language. Including the FHAA accessibility guidelines in building code language is viewed as a positive way of assuring compliance with the law at the state and local level.
- **HUD Funding Available.** As with last year, Congress has directed HUD to make available over \$90 million to fund new Section 8 vouchers targeted to people with disabilities. Accordingly, on February 24th, HUD announced the availability of 9,000 Section 8 vouchers for people with disabilities. Public Housing Authorities are eligible to apply for all the available vouchers and non-profit disability organizations are eligible to apply for 1,800 of the vouchers made available through the Mainstream Program for People with Disabilities. To learn more about this, and other funding opportunities visit www.tacinc.org or contact TAC at the address listed on page 2.
- **Shelter Plus Care.** The Shelter Plus Care renewal crisis continues with programs throughout the country that serve homeless people with disabilities having to shut down. Advocacy efforts with Congress to fund those Shelter Plus Care programs that did not receive renewal funding in last year's McKinney Continuum of Care competition have been unsuccessful. HUD's FY2001 budget requests that future Shelter Plus Care renewals be funded from Section 8 funds. The debate in Congress about this issue is still ongoing and it is too soon to determine the outcome.
- **HUD 2001 Budget.** HUD's budget request for 2001 includes a \$9 million increase for the Section 811 Supportive Housing for Persons with Disabilities Program, for a total appropriation of \$210 million. In addition, for the first time, HUD's budget also includes a request for \$20 million to fund Section 8 vouchers targeted to people with disabilities in an effort to compensate for the huge loss of affordable housing units for non-elderly people with disabilities as a result of many public and assisted buildings being designated as "elderly only."



and useable by all people, including people with disabilities, without an added cost.

Current advocacy efforts are fragmented and not coordinated, making it hard for people with disabilities to learn about all options available to them for living in a home that meets their needs. Advocacy efforts should be directed at increasing the amount of funding available to assist with the cost of making accessibility modifications. These efforts need to focus on increasing funding for existing programs that work as well as the development of innovative new programs responsive to people with very low incomes. Contact the Independent Living Center in your area and learn about all the available programs for funding accessibility modifications. Meet with the staff from these programs to determine how

best to advocate for additional funding.

Remember that there are funds that could be used to cover the costs associated with making housing accessible — such as CDBG — that may currently be directed elsewhere. Contact the state or local community development department for more information. Obtain a copy of the Consolidated Plan and learn how these resources are being used in your area. Get involved in the Consolidated Plan process and make sure that people with disabilities get their fair share!

¹ 24 Code of Federal Regulations 100.5

² Title III of the ADA covers places of public accommodation. Some housing developments have places of public accommodations such as rental offices or community rooms that would fall under Title III.

³ Duncan, R. Funding, *Financing and Other Resources for Home Modifications*. Elsevier Science, 1988.

Opening Doors

A housing publication for the disability community

*with support from the
Melville Charitable Trust*

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PERMIT NO. 53776



One Center Plaza, Suite 310

Boston MA 02108