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September 1996



Opening Doors

**Recommendations For
A Federal Policy To Address
The Housing Needs Of
People With Disabilities**

*Prepared by
The Consortium For
Citizens with
Disabilities Housing
Task Force
Washington, D.C.
and The Technical
Assistance
Collaborative Inc.
Boston, Massachusetts*

Mtg w/ Bruce, Lori, Bonnie, Roberta, Stephanie

Balt. Sun article

Elderly only designation = 100^{5 of} 1000s of PWDS will lose

• these PWDS are just poor

BHAS say 15% of pop. are disabled - lease compliance

Nat'l Action (NACH)
County

Sec. 811 $\Rightarrow$ one of HUD's success programs - scandal-free
pub-private partnership
non-profits

• money is a big issue

• designed for ppl w/ stronger support needs

↓
concerned

that has accessible + closing many homes

$\rightarrow$ meets w/ Sec'y

Disab County $\Rightarrow$ one of 1st to endorse BLUE I

\$50M $\rightarrow$ 4,000 2-year certificates

273,000 loss over 7 yrs

MEMORANDUM FOR CHR

FR: MBB, DF

RE: HOUSING NEEDS OF PEOPLE WITH DISABILITIES

The Consortium of Citizens with Disabilities recently released a report, "Opening Doors," on the housing needs of people with disabilities. Following is a brief summary of their findings and recommendations.

Housing Shortage

The report estimates that 1.792 million non-elderly disabled people receiving SSSI benefits may need federally subsidized housing. 565,000 non-elderly disabled households (14% of disabled people on SSI) currently receive housing assistance.

In comparison, the report estimates that 1.235 million elderly have worst case housing needs and 1.194 million elderly households receive assistance.

Causes/Background

A key factor resulting in this housing shortage is legislative changes that allow housing for the elderly, previously open to both elderly and disabled, to exclude the non-elderly disabled:

1992 and 1996 legislation has allowed 1) PHAs to designate buildings as "elderly-only" and 2) owners of Section 8 projects designed primarily for the elderly to give an occupancy preference to the elderly. While disabled tenants can't be evicted from housing designated for the elderly, the report estimates that the number of subsidized units available for the disabled will be reduced by 274,000 by the year 2000 (110,000 units converted to elderly only on turnover and 164,000 that would have gone to non-elderly disabled people on waiting lists).

Recommendations

-Funding of more (75,000 from FY 97 through 2000) tenant-based Section 8 units (the FY 97 appropriations includes a \$50 million tenant-based assistance set-aside for disabled people; this funding is expected to fund about 10,000 certificates).

-Set-aside of one-third of all turnover vouchers; redirection of Sec. 202 elderly housing funds to rental assistance under the Section 811 program for the disabled.

Current Issues

-HUD Notice regarding Designation of PH Projects. Section 10 of the Extender bill

passed by Congress last spring (4/96?), gives public housing authorities the ability to designate housing as seniors-only, if their housing allocation plan is approved by HUD. Congressional Republicans have criticized HUD for not giving sufficient leeway/flexibility to pha's in making this designation. Congress says HUD's recent notice makes the test for seniors only designation a demonstrated increasing demand for housing by seniors and decreasing demand by disabled. No basis in Section 10 for such criteria? Request that HUD suspend implementation of the Notice until their concerns addressed.

Issues

Attention fueled by perception that all pwd's are ex-drug addicts, alcoholics, or mental patients. Congressional letter describes problem as "mixing two unharmonious groups in the same building, in which seniors are often victimized."

Solution is stronger standards, greater enforcement by housing authorities.

7/19--CCD HOUSING & DISABILITY ISSUES

Elderly Only Designations

- . Title VI of the Housing and Community Development Act of 1992 gave preference to the elderly for public and assisted housing. (Congress did prohibit displacement of people with disabilities, i.e. the change applied to future allocation.)
- . Section 10 of the Housing and Opportunities Program Extension Act of 1996 (Extender bill) provided further authority for designation of public housing as "elderly only." To address loss of housing for pwd's, the bill authorized \$50 million in new Section 8 tenant-based rental assistance for pwd's.
- . The disability community estimates that the implementation of elderly only housing policies will decrease the supply of housing for pwd's by 40-50% over the next 5 years (estimates range from a loss of 110,000 to 273,000 units).
- . HUD's FY 97 budget: Proposed new Section 8 assistance for move-to-work and demolition purposes, NOT for pwd's. Instead, allowed 25% of Sec. 811 funds to be used for tenant-based assistance. But, Sec. 811 funding overall was decreased; \$174 million proposed for 97, a \$213 million decrease from 96. (FY 97 Sec. 811 funding would add more new units for the disabled than in 96 -- by shortening contract terms -- up from 2700 to 2900. HUD's FY 97 proposal would decrease elderly units from 8700 to 6800.)
- . House-passed VA-HUD Appropriations bill: \$50 million set-aside for pwd's from \$166 million in new Section 8 certificates. Senate HUD-VA drafts also include this set-aside.

Other issues:

- . PHA eligibility for Sec. 811 funds: CLPHA (Council of Lge Public Hsg Authorities) is advocating this change in FY 97 approps. CCD strongly opposes. (HUD proposed in Blueprint II)
- . CCD Sec. 108 of Senate Public Housing bill: CCD believes the provision would lead to forced relocation of pwd's into nebulous "comparable housing." The provision would suspend the protections available under the Uniform Relocation Act (which include right to appropriate compensation).
- . HUD "lack of effort" to document housing needs of people with disabilities

Meeting the Housing Needs of People with Disabilities: As more and more federal housing is designated as seniors-only and affordable housing for people with disabilities continues to be scarce, what has the Administration done/plan to do?

President Clinton is working to ensure the availability of affordable housing for all Americans, including people with disabilities. The President's Secretary of Housing and Urban Development, Henry Cisneros, has demonstrated the Administration's commitment to addressing the housing needs of people with disabilities by appointing a Special Assistant for Disability Policy in the Secretary's office.

First and foremost, the Administration is pursuing compliance initiatives to ensure that federally-assisted housing is accessible for people with disabilities. The Administration is also conducting an "Access Campaign," an educational outreach effort to public housing authorities, builders, architects and consumers designed to educate people about accessibility laws. The campaign also seeks to promote "visitability" in housing design and development in the private and public housing markets. Finally, through improved coordination between HUD and the Department of Justice, the Administration is improving enforcement of the Fair Housing Act Amendments and other laws designed to increase the accessibility of affordable housing in the private market.

As legislative changes increasingly permit housing authorities to designate public housing as elderly only, the Administration is working to ensure that the housing needs of non-elderly people with disabilities are met during these changes. The Department of Housing and Urban Development emphasizes the housing needs of people with disabilities in reviewing housing authorities' allocations plans for elderly only designation. And the Administration is supporting targeted tenant-based assistance in the FY 97 appropriations process for people with disabilities who are affected by seniors-only public housing designations.

To further increase the amount of tenant-based assistance for people with disabilities, in FY 97 the Administration proposed setting aside part of Section 811 funding for Section 8 certificates. The Administration is also giving more control to people with disabilities by eliminating the requirement that services be linked to housing.

- Wkg to make sure that federally-financed/mortgaged are accessible
e.g. if hsg auth's receive HOPE VI funds, that they meet access reqts

when HUD

inspections include Sec. 504 compliance

encouraging communities to use CDBG funds for

access-modification program (for rental or owned props / med inc by low-income

-individualized, consumer-responsive

Sec. 8 mobility counseling

-include disab / accessibility outreach

Enforcement:

ways to coord. with 504 complaints w/ DOJ (swift, strong response)

elevating issues to Secretary:

Special Asst on Disabil Policy
Then Spives - sp Asst to Sec'y

= Secretarial essay

Meeting the Housing Needs of People with Disabilities: What has the Administration done/plan to do, as more and more federal housing is designated as seniors-only?

In recent years, legislative changes have allowed housing authorities to submit allocation plans to HUD to designate public housing as elderly only. HUD is working to ensure that the housing needs of non-elderly people with disabilities are met in these plans. *Analysis of impediments: community has to do - but HUD doesn't*

The Administration supports targeted tenant-based assistance for people with disabilities who are affected by seniors-only public housing designations. ✓

The Administration also supports, and proposed in the FY 97 budget, setting aside part of Section 811 funding for Section 8 certificates in order to increase the amount of tenant-based assistance for people with disabilities. The Administration is also giving more control to people with disabilities by eliminating the requirement that services be linked to housing.

The Administration is working to improve access to housing in the private market through tough enforcement of the Fair Housing Act Amendments and other laws designed to increase accessibility of affordable housing. The Administration has improved the effectiveness of FHA by improving complaint investigation.

(video)
Access Campaign: educ'l effort to reach phas, builders, architects + consumers abt laws applying to

Fair Hsg Act
Sec 504
ADA

→ allows ppl to

thru this, promoting visitability → asking to go beyond law + provide basic access

(doors wide enough for wheel chairs
at least 2 entrance accessible

e.g. FHA doesn't cover single family homes
- inexpensive if incorp'd into planning

when people change jobs, helps people maintain coverage when they lose their jobs, prohibits insurance companies from denying coverage to employers, increases health insurance purchasing power for small businesses, and prohibits insurance companies from denying coverage to employers.

In addition, the President remains committed to preserving the federal guaranteed Medicaid benefits for persons with disabilities. Last year, President Clinton vetoed budget legislation passed by Congress that would have repealed the guarantee of health care Medicaid provides for older Americans, pregnant women, low-income children, and people with disabilities. The President believes it is possible to balance the budget without repealing guaranteed Medicaid coverage for the six million Americans with disabilities who depend on it--including over one million children. President Clinton will continue fighting to protect Medicaid's guarantee of meaningful benefits for millions of disabled Americans.

6. More and more federal housing has been designated for seniors only, and there is a lack of sufficient affordable housing for people with disabilities. What concrete plans do you have for reversing and improving this situation? How much money would you be willing to designate for this purpose?

President Clinton is working to ensure availability of affordable housing for all Americans with disabilities. As the amount of housing designated seniors-only increases, the President supports increasing housing set-asides for people with disabilities. The Clinton Administration is working to solve the long-term problem of housing availability by improving access to housing in the private market through tough enforcement of the Fair Housing Act Amendments (FHAA) and other existing laws designed to increase accessibility of affordable housing. President Clinton has improved the effectiveness of the FHA by increasing the efficiency of complaint investigation. The President is increasing tenant-based assistance for people with disabilities and is granting them more control over their housing situations by eliminating the requirement that services be linked to housing.

7. The majority of people with disabilities, who receive government benefits, live below the poverty level for the United States. What specific plans do you have for improving the standard of living for Americans with disabilities?

President Clinton is working to create greater opportunity for Americans with disabilities. The Clinton administration's vigorous enforcement of the Americans with Disabilities Act has opened up town halls, schools, transportation systems, workplaces, groceries, restaurants, and movies theaters to millions of people with disabilities. The President is committed to continued tough enforcement of ADA and other critical civil rights laws that prohibit discrimination against people with disabilities in schools, workplaces, and public areas across the nation. President Clinton is protecting these laws from attempts to weaken them so that Americans with disabilities will continue to benefit from these important laws.

The President governs on the side of families that include members who are disabled. He is making workplaces more accommodating to families that include a disabled child or adult by



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY
WASHINGTON, D.C. 20410-0001

#26
ANDREW

4 pp

Honorable Christopher S. Bond
Chairman, Subcommittee on Va, HUD
and Independent Agencies
United States Senate
Washington, DC 20510-6032

Dear Mr. Chairman:

I am writing to you to emphasize the Department's strong support of appropriations that would finance Section 8 certificates and other housing assistance for persons with disabilities. A similar letter is being sent to Senator Barbara Mikulski. It is clear from the pending bills that you and your committee have similarly identified this need as one which deserves the Department's close attention.

As the Appropriations Bills currently read, both the House and Senate versions reflect the need to address the very serious housing shortage faced by low and very low income individuals with disabilities.¹ The House sets aside \$50,000,000 to fund Section 8 vouchers for non-elderly people with disabilities who are displaced from their public housing as a result of elderly housing designation procedures authorized by P.L. 104-120 (The Housing Program Opportunities Extension Act). The Senate bill does not identify a particular amount of money for this purpose, but sets aside \$180,000,000 for three purposes, one of which is to provide assistance for non-elderly, disabled families affected by designation of a public housing development. (Prevention of Resident Displacement, p.30.)²

The Department's experience with public housing authorities who have designated public housing over the past four years has led us to conclude that each bill addresses a very serious

¹ The Department's Worst Case Housing Needs of 1991-92 indicates that people with disabilities faced the most serious housing shortage of any low or very low income population.

² The other 2 uses of the funds are "for a demonstration linking housing assistance to State welfare reform initiatives to help families make the transition from welfare to work and for housing assistance for relocating residents of properties (i) that are owned by the Secretary and being disposed of; (ii) that are discontinuing section 8 project-based assistance; or (iii) subject to special workout assistance team intervention compliance actions."

problem. Since the Housing and Community Development Act of 1992 first allowed housing authorities to submit allocation plans to HUD, more than 18,000 units of public housing have been designated as elderly only. Many of these units represented the only structurally accessible apartments in the community that they serve, and the only units in which tenants with a wide range of disabilities were receiving the reasonable accommodations that permitted them to live safely and independently in their communities. In contrast to these 18,000 plus elderly units, housing authorities have specifically designated approximately 20 public housing units for non-elderly persons with disabilities.

In an effort to address this gross disparity in resource allocation, the Department has worked closely with these housing authorities. In some circumstances the housing authorities have modified their allocation plans to include applications for additional rental vouchers for the displaced non-elderly. Other housing authorities have expanded their allocation plans to include methods and resources for helping non-elderly, disabled families to locate and secure appropriate housing in the community.

Both Appropriations Bills focus on providing Section 8 resources to only a portion of those public housing tenants with disabilities affected by the designation process -- those who choose to relocate because their building is being designated elderly only. Designated housing affects not only those currently living in the designated buildings, but also the much larger number of persons with disabilities on the waiting list for public housing who can no longer access those buildings. Moreover, the demand for public housing for persons with disabilities has been growing significantly since 1992 because much of the private, Federally-assisted housing that was formerly available has since been restricted to elderly persons only.³

We believe that the final appropriations bill should recognize this growing population and make targeted Section 8 resources available to all persons with disabilities who are affected when a housing authority designates its public housing units for elderly only, not just those involved in relocation. The pending Housing Act of 1996 authorizes the appropriation of funds for both those who need relocation assistance and for those on the waiting list, and those two groups should benefit from the 180 million as well. When Congress has previously appropriated funds for targeted Section 8 assistance to support approvable allocation plans, those certificates were available for both groups of affected persons with disabilities.

It has also been the Department's experience that housing

³ Section 658 of the Housing and Community Development Act of 1992 authorized most owners of housing built with HUD assistance through the Sections 202, 221(d)(3) and 236 programs to limit occupancy to elderly persons.

authorities welcome the opportunity to increase their Section 8 resources. Doing so has enabled them to create elderly-only buildings and to provide alternate housing resources to their non-elderly tenants with disabilities.

There is also a great need for Section 8 resources for persons with disabilities who live in the vast majority of communities that have chosen not to designate housing for elderly only. Thus far, of the 3400 housing authorities, fewer than 50 have sought HUD's approval to designate housing. Both the House and Senate appropriations bills set aside up to 25 percent of the amounts earmarked for the Section 811 program for tenant-based rental assistance to help house persons with disabilities. The Administration, (HUD), strongly supports this proposed set aside for the following reasons.

First, doing so would provide necessary resources to assist persons with disabilities who were formerly able to obtain public housing by qualifying under now-eliminated Federal preferences. Second, if targeted Section 8 resources are available only to housing authorities that designate housing, housing authorities that need additional Section 8 resources will be forced to spend time and personnel to designate housing just to qualify for these resources, even though they do not wish to segregate elderly persons from persons with disabilities. Third, housing authority officials and advocates for individuals with disabilities have consistently argued that the availability of Section 8 vouchers for people with disabilities on the waiting lists makes the management of scarce housing resources much more efficient and productive.

Finally, the Housing and Community Development Act of 1992 also enabled many private providers of Federally-subsidized housing to stop admitting eligible applicants with disabilities and to designate their housing as elderly-only, thus leading to increased demand for public housing resources by persons with disabilities. Because the legislation did not require these providers to prepare allocation plans, the Department has not received data on the number of units of housing that are no longer available to the non-elderly, disabled population. However, informal data suggests that the number is much higher than the 18,000 public housing units lost through the designation process.

In summary, the availability of Section 8 vouchers targeted to the full range of non-elderly persons with disabilities who are affected by designated housing allocation plans, and tenant-based rental assistance targeted for persons with disabilities in

general, would more effectively address these growing and very serious housing needs. Please let me know if I can provide additional information on this subject to you.

Sincerely,

Henry G. Cisneros

OFFICE OF MANAGEMENT AND BUDGET

*Legislative Reference Division
Labor-Welfare-Personnel Branch*

Telecopler Transmittal SheetFROM: Connie BowersPHONE: 395-3803DATE: 8/8/96TIME: 12:06 pPages sent (including transmittal sheet): 3 Srs Only Hsg**COMMENTS:**

S.1494 2/96

support streamlining process
for designatingAPUDS?

HCR 660 - 4/6 -

oppose B.11 to Legislatively
& hsg for older persons
designationTO: Molly BrostromBudget → more units to Fund,
less for seniorsHaven't act specifically
supported srs only -
in fact, actions show
real care in designating srs
only**PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.**



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

February 27, 1996 (SENT)
(House)**STATEMENT OF ADMINISTRATION POLICY**

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

S. 1494 - Housing Opportunity Program Extension Act of 1995
(D'Amato (R) NY and six others)

The Administration has no objection to House passage of the Lazio proposed substitute amendment to S. 1494.

The Administration is particularly supportive of provisions in the amendment that would: (1) extend certain housing programs administered by the Departments of Housing and Urban Development and Agriculture; (2) streamline the process for designating housing for the elderly and disabled; (3) strengthen the ability of public housing authorities (PHAs) to limit admission to and occupancy in public and assisted housing by certain persons who use illegal drugs or abuse alcohol; (4) provide authorization of funding for certain designated organizations and programs, including Habitat for Humanity, Cities in Schools, and National Community Development Initiative; and (5) increase the aggregate loan limit for the Section 108 loan guarantee program.

The Administration, however, has certain concerns with S. 1494 and will work with Congress to address these concerns. For example, the Administration recommends that S. 1494 extend a number of additional HUD programs that have expired authorizations. In addition, the provision allowing the renewal of Section 8 moderate rehabilitation contracts should be stricken. These subsidies were never intended to be permanently attached to the housing units. Instead, they should continue to be converted into tenant-based, portable rental housing subsidies.

* * * * *

(Do not Distribute Outside Executive Office of the President)

This Statement of Administration Policy (SAP) was developed by LRD (Briatico) in consultation with HTF (Redburn/Jordan/Tran/Hoffberg/Firschein), NR (Weatherly/Wagner), CJS (Chase), OIRA (Schlarman), GC (Damus), BRD (Stigile/Nelms/Burke/Moran), and WHC (Neuwirth). Justice (Silas), ONDCP (Bruce), Treasury (Dorsey), and USDA (Ansell) concurred in the position.

Background

S. 1494 passed the Senate on January 25, 1996, by voice vote. The Administration did not take a position on the bill at that time. This position is based on a Lazio draft substitute amendment to S. 1494 provided by the Housing Subcommittee staff. The major purpose of the bill is to extend the authorization of appropriations for a variety of HUD and USDA programs. It also includes other, unrelated provisions, including provisions that are similar to ones in the House-passed bills, H.R. 117 (admissions and eviction standards for PHAs) and H.R. 1691 (grants for designated organizations). A SAP on H.R. 117 expressed concerns with certain aspects of the bill, and HUD testimony was generally supportive of H.R. 1691.

Major Provisions of S. 1494

S. 1494 would:

- Reauthorize the following programs through September 30, 1996:
 - Section 8 contract renewals;
 - Low-income housing preservation program;
 - Community Development Block Grant home ownership program;
 - Section 515 rural multi-family housing loan program;
 - FHA mortgage insurance program for home equity conversion mortgages; and
 - Multifamily Housing Risk-Sharing program.
- Establish a new loan guarantee program for rural multifamily rental housing.
- Extend the GNMA commitment authority to issue guarantees (including authorization of appropriations for administrative expenses).
- Increase the aggregate loan limit for Section 108 loan guarantee program from \$3.5 billion to \$4.5 billion.
- Expand authority of public housing agencies (PHAs) to increase safety and security in public and assisted housing. PHAs would be given access to the criminal conviction records of public housing applicants or tenants for screening, lease enforcement, and eviction purposes.

- Limit occupancy in public and assisted housing by prohibiting individuals whose illegal use (or pattern of illegal use) of controlled substances or abuse of alcohol provides reasonable cause for a public housing agency to believe that such occupancy may interfere with the health, safety, and right of peaceful enjoyment of other residents.
- Disqualify individuals evicted from public or assisted housing because of drug-related activity for housing assistance for three years, unless the evicted individual successfully completes a rehabilitation program.
- Streamline the process for designating housing for elderly and disabled families.
- Authorize the Secretary of HUD to provide \$60 million in grants to certain organizations from the recapture of unspent funds during FY 1996. Of these funds, the Secretary could provide: \$40 million to organizations that promote innovative homeownership (with 62.5 percent of the amounts available going to the Habitat for Humanity, International); \$10 million to the National Cities in Schools Development program which promotes private investment in schools; and \$10 million for capacity building through the National Community Development Initiative. These funds would not be subject to appropriation.
- Authorize several reforms of the Multifamily Rural Housing Loan Program.

Pay-As-You-Go Scoring

According to GC (Damus), S. 1494 would not affect direct spending or receipts; therefore, it is not subject to the pay-as you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION DRAFT
February 27, 1996 - 11 a.m.

7/30

Hsg + Pplle w/ Disabls - CCD

Communication

Sec 811 - deadline extended ^{for gen'l NOFA} (originally, 42 day NOFA - instead of 60+90)

- intended for severely disabled (not the ppl who are on the debt Hsg waiting list)

? of who will administer + who eligible for t-b 811 ?

HUD may to change NOFA first - b
include reqt that PHA's partner w/non-profits in admin

* HUD - disab field mngs → open to beyond NAELT

Then - New Disab office - consumer coming

Def. of Disabls → Ventrone: fixed in PH Bill

* Occupancy Stds

forced relocation → taken out of Senate Bill

Gramm amendt → no ass for per record of drug use

Elderly fear youth influx into housing

Senior tenants say
crime follows changes
at public complexes

By SCOTT WILSON
SUNSTAFF

Anne Arundel's public housing for senior citizens, the largest suburban program of its kind in Maryland, has reached a frightening crossroads.

In recent years, elderly residents have watched federal policy shift to allow younger, disabled tenants to become their neighbors. The disabilities range from retardation to job-related strains to past drug addiction, but the effect on the 575 seniors living in Anne Arundel public housing is the same: They are scared, occasionally terrified.

"You can't put your head in the sand and ignore what's going on," said John Show-

BALTIMORE SUN 7-16-86
"You can't put your head in the sand
and ignore what's going on."



KIM HAINSTON/SUNSTAFF

Worried: John and Genevieve Showers, 13-year residents of Burwood Gardens, fear the increase in younger tenants.

ers, 77, who has been living in Glen Burnie's Burwood Gardens with his wife, Genevieve, since 1983.

In the past 18 months, a 65-year-old mildly retarded woman was raped repeatedly in her one-room efficiency at Glen Burnie's Pinewood Villages, one of seven Anne Arundel public housing complexes. For weeks, a young neighbor in gray pajamas broke in during the night, threatening to kill her if she didn't keep quiet.

A 79-year-old man, ill and confined to a wheelchair, was robbed while he sat helplessly by. He left his door unlocked in case he needed emergency medical attention, a common practice in apartments for the elderly.

And while federal housing policy prohibits violent criminals from living in public apartments, a Glen Burnie man convicted of assault, sex abuse and drug possession continued living in Pinewood after mo- [See Seniors, 4a]

no public housing units

[Seniors, from Page 1s]

testing the daughter of his common-law wife.

Vandalism, assault, theft, drug use and disorderly conduct among younger tenants trouble the county's six other complexes as well, according to police records.

Now Anne Arundel housing officials are trying to balance the interests of two very different clients. Should disabled residents live apart to give seniors peace of mind during their final years?

Or do scarce housing resources mean young and old must live together, even if that arrangement is potentially dangerous?

Many seniors agree with Showers, who believes housing officials should bar young tenants from elderly housing: "It's like having a small tumor. You better damn well do something about it, or it's going to grow."

Demographic changes

The proportion of young tenants in formerly seniors-only housing is increasing, not only in Anne Arundel but around the Baltimore metropolitan area as more disabled residents apply to live in the region's 21,000 public apartments.

Low-income rental housing has been in sharp decline. From 1987 through 1991, according to the most recent federal statistics available, the Baltimore region lost 10,800 low-rent apartments, or 12 percent of the stock.

Now 80 percent of Anne Arundel's elderly housing is occupied by people at least 65 years old. But the county's 1,200-person waiting list for public housing is weighted toward younger, disabled applicants.

"Housing priorities move the neediest people to the top of the waiting list," said Stephanie Garrity, assistant director of Anne Arundel's Department of Aging. "And the neediest more and more are younger, disabled people."

Inside Anne Arundel's Housing Authority, a quasi-public agency with a \$9 million annual budget, officials are debating how to manage "mixed population buildings."

"We don't know the best way to handle that," said Larry A. Loyd, the agency's executive director. "We don't want to see a property that's all disabled."

"But there are more disabled

"We were seeing a proliferation of young men with gunshot wounds moving into the seniors' housing. The recovering substance abusers and those with gunshot wounds would bring society's problems into the elderly buildings with them."

Daniel P. Henson III, Baltimore housing commissioner.

people in the marketplace than in the 1980s or in the 1970s," he said.

Two changes in federal law are at the root of the dilemma.

In 1988, the federal Fair Housing Act was amended to open senior housing to disabled clients. Apartment complexes once occupied entirely by people 62 years or older soon were taking in tenants half that age.

Then the 1990 Americans with Disabilities Act expanded the federal definition of "disabled" to include recovering addicts.

Increased problems

"That exacerbated the situation," said Daniel P. Henson III, Baltimore's housing commissioner. "Part of the problem is that, as society's problems increased in the 1980s, the solution was to let public housing solve them."

The Department of Housing and Urban Development recently has allowed housing authorities to begin designating public apartments as seniors only, and Baltimore officials acted quickly to address the problem Anne Arundel now is facing. Baltimore runs 39 public housing complexes, 21 of which accept seniors.

"We were seeing a proliferation of young men with gunshot wounds moving into the seniors' housing," Henson added.

"The recovering substance abusers and those with gunshot wounds would bring society's problems into the elderly buildings with them."

Now 19 buildings are reserved for people at least 60 years old. Younger tenants were not evicted, but new tenants below the age threshold will no longer qualify.

The Annapolis Housing Authority also has started reserving apartments for seniors — "segregating," Loyd says.

In the Harbor House complex, two buildings with 30 refurbished apartments are designated seniors only.

Many seniors living in Anne Arundel's public housing, who pay 30 percent of their income for rent, acknowledge that Loyd has cleaned up apartment buildings once considered highly dangerous. And the communities come with amenities, providing seniors everything from nutritional lunches to line-dancing lessons.

But tenant lives have changed.

In Burwood Gardens, for example, elderly residents say they no longer are allowed to reserve the meeting hall for 75th birthday parties or 50th anniversaries as they once did. The reason, they say, stems from the violent, sometimes destructive behavior of younger tenants and efforts by housing officials to keep the buildings clean.

"It went along beautifully when I first moved there," said Margaret Long, 88, who in 1971 became one of Burwood Gardens' first tenants.

Long, the grandmother of Anne Arundel's sheriff, George F. Johnson IV, moved to Ellicott City last year. "They came along and told us we couldn't use the hall," she said. "Those kinds of things changed the whole scene for seniors."

'A growing problem'

The county's public housing is staffed with on-site managers and social workers trained to serve seniors and the disabled. But disputes don't always reach the manager's office. Elderly tenants are afraid to report disturbances, say residents and officials, making it difficult to weed out criminal tenants.

Some of the younger tenants say the living arrangement can work if rowdy residents are evicted, a process that can take months.

Susan, who did not want her last name because of safety concerns, is 32, has a torn nerve in her back and has lived at Burwood for five years.

"It's a growing problem, but of course they have no place else to go," Susan said. "Those who respect the seniors and stay out of their way have no problems."

Draft
January 31, 1996
10:00 a.m.
Lazio.055 draft

HUD's Concerns
House Substitute to S. 1494

In general

The Department strongly supports the House Substitute to S. 1494, with the few reservations noted below. This bill, first, provides needed extensions of certain programs administered by the Department of Housing and Urban Development, including the CDBG homeownership program, the HECM program, the FHA multifamily risk-sharing programs, and extension of Ginnie Mae's commitment authority. The House substitute also provides authorities necessary to streamline the designated housing process and to allow public housing authorities to limit admissions and occupancy in public and assisted housing by certain persons who use illegal drugs or abuse alcohol. The House substitute provides necessary reforms to the FHA preservation program, essential to administering the program at reduced funding levels. Finally, the House substitute provides welcome authorizations of funding for certain organizations that facilitate innovative homeownership opportunities through the provision of self-help housing homeownership programs, for the National Cities in Schools Community Development program, and for the National Community Development Initiative.

Managers of public and assisted housing are obligated to provide decent, safe, and sanitary housing to their tenants. To this end, they need to have and use the necessary tools to screen out applicants who pose a threat to the health, safety, and right to peaceful enjoyment of the premises by other residents, and to evict residents who pose such problems. The Department strongly supports efforts to strengthen the hands of managers seeking to reduce criminal and disruptive behavior that infringes upon the rights of housing residents. Subject to the concerns below, the admissions, leasing, and eviction provisions in the House substitute to S. 1494 are a step in the right direction.

Concerns

The Department's concerns are five-fold. First, the bill extends only some of HUD's authorities which expired upon the termination of FY 1995. In fact, there are many more authorities critical to the operation of HUD's programs that must also be extended. The most recent continuing resolution extended some of these. However, HUD is now left with an ad hoc patchwork of currently operable program authorities.

Second, the Department is concerned about one component of the provision governing admissions and evictions to public and assisted housing. Namely, the House Substitute utilizes a reasonable cause standard that is too vague and that may implicate constitutional concerns. The House substitute allows a PHA to admit applicants for housing assistance or evict tenants based upon a PHA's reasonable cause to believe that an individual's current, or pattern of, illegal drug use or abuse of alcohol may interfere with the health, safety, and right to peaceful enjoyment of the premises by other tenants.

The word "may" implies future actions that may be completely hypothetical. This standard is particularly troublesome when applied to patterns of behavior, since a PHA would be allowed to deny a benefit based on an individual's status, even if that status is protected as a disability under the Fair Housing Act and Section 504 of the Rehab Act. Additionally, the lack of certainty as to what conduct triggers this analysis and the lack of any description of what constitutes reasonable cause to believe such a threat exists would make it almost impossible for an agency to administer this provision. Instead the standard should be reasonable cause for the PHA to believe that a persons drug or alcohol use "would" interfere with the health, safety or right to peaceful enjoyment of the premises by other tenants. The word "may" should therefore be replaced with "would".

Third, the Department has a few concerns about the provisions which streamline the ability of public housing agencies to designate housing for the elderly only. The Department agrees that the current law governing designated housing is too administratively burdensome and procedurally complex. However, the Department believes strongly that the designated housing process must be fair and provide sufficient housing resources to both the elderly and nonelderly disabled persons. To this end, plans should be required, and not just allowed, to show how a public housing agency will continue to serve nonelderly disabled families and what additional resources will be secured for this purpose. As originally drafted in HR 117, this provision was acceptable. The bill should also provide authorization for additional resources, such as tenant-based assistance, to be made available to persons with disabilities.

Additionally, notice of designation should be reasonable, not just practicable. Expedited extensions of designated housing plans must be conditioned on continued compliance with the requirements of the plan. Finally, care should be taken to ensure that persons with disabilities are not overconcentrated in housing which is not suited to their needs. To avoid this situation, disability-only housing should serve specialized needs of individuals with disabilities who choose this type of assistance.

Fourth, the Department believes that the provision allowing the renewal of Section 8 mod rehab contracts should be stricken from this Substitute. These subsidies provided to owners were never intended to be permanent. Moreover, the Department's current practice of providing current residents in such properties with tenant-based Section 8 assistance protects residents from displacement and provides them with maximum choice in residency.

Fifth, the Department is concerned that the regulatory process set forth in Section 11 is over-prescriptive and unnecessary. The bill sets forth a page limitation -- 5 pages -- for the final regulations to be issued by the Department. This provision could result in an arbitrary regulatory mechanism. The Administration, together with the Department of Housing and Urban Development, are making extraordinary strides in streamlining every regulation pertaining to the Department. The Department intends to take every action necessary to ensure that the regulations governing Section 11 will be streamlined. An arbitrary page limitation is not the way to achieve the desired result. This micromanaging provision should be stricken from the bill.

EXECUTIVE OFFICE OF THE PRESIDENT

26-Apr-1996 02:22pm

TO: justice
FROM: owner-justice

SUBJECT: ACTION/HOUSING APPROPRIATIONS

JUSTICE FOR ALL

beckyo@names.org

ACTION/HOUSING APPROPRIATIONS

It has come to our attention through a variety of sources that there are problems brewing with regard to Section 8 Funding. These problems need IMMEDIATE ATTENTION AND ACTION.

In 1992 Congress passed legislation limiting access by people with disabilities to public housing and other federally-funded affordable housing programs. Over the past few weeks, Congress passed legislation which further limits access by people with disabilities to community based affordable housing, but also potentially provides alternative housing opportunities.

The law contains a provision to authorize funding for Section 8 tenant-based rental assistance, specifically for people with disabilities. This provision could help offset the loss of housing for people with disabilities caused by "elderly-only designation" or HUD budget cuts. The provision was introduced by Rep. Barney Frank(D-Mass) and had strong bipartisan support, including Rep. Lazio(R-NY), who chairs the House Housing and Community Opportunity Sub-Committee. Now that the "authorizers" (make the laws) have done their job, we need the "appropriators" (fund the laws) to do their job and do it well. Funding for this provision will be decided in the Appropriations negotiations for FY 1997, which will be an ongoing process and will probably last through the beginning of summer.
oh well.

Extend
bill

The version of S.1494 that passed did not contain any specific amount of funding for this housing provision, although the original amendment was for \$50million. Granted, this would not nearly be enough to cover the housing needs for people with disabilities, it would be a start.

WHAT YOU SHOULD BE DOING: If your Senator or Representatives are on the HUD Appropriations Subcommittees in either chamber, contact them each and every week until this is a done deal. All Members can be reached through the capitol switchboard

@202-224-3121. The message is as follows:

*Establish funding of \$50 million for Section 8 tenant based rental assistance specifically for people with disabilities.

*Support this appropriation in the Subcommittee and full committee, and on the floor of the House and Senate.

*Tell your personal stories to show how very important it is to fully fund this program.

*Give the waiting list data in your state or locality for people with disabilities.

*Provide anecdotal information about why community-placements or CSLA type activities are hard to implement because of the lack of rental assistance.

*Give the HUD Worst Case Reports that demonstrates that people with disabilities have some of the "worst case housing needs."

*Give information from any and all sources to emphasize the need for funding and CCD Housing Task Force will gladly disseminate their Task Force report, "Opening Doors", which shows that implementation of designation policies since 1993 has caused over 250,000 units that would have been occupied by people with disabilities to be lost to them. This report can be obtained by calling Kathy McGinley at The ARC Governmental Affairs Office, 202-785-3388, or e-mail:kmgarc@radix.net

JUSTICE FOR ALL!!!

Becky Ogle

E-mail: beckyo@names.org

Voice: 703-836-6263

Consortium for Citizens with Disabilities

Michael Allen 202-467-5734
Suellen Galbraith 703-642-6614
Kathy McGinley 202-785-3388
Andrew Sperling 301-984-6200

July 16, 1996

Mr. Bruce Katz
Chief of Staff
U.S. Department of Housing and Urban Development
451 Seventh St., S.W.
Washington, D.C. 20410

Dear Bruce:

The member organizations of the Consortium for Citizens with Disabilities Housing Task Force strongly urge you to help deny Public Housing Authorities eligibility for the Section 811 Supportive Housing for Persons with Disabilities Program. According to a report in the July 12 *Housing Affairs Letter* (see attached), the Council of Large Public Housing Authorities (CLPHA) and others are interested in including this encroachment in the final FY 1997 HUD appropriations bill. We are opposed to this for numerous, very powerful reasons, some of which are enumerated below. However, we are also concerned by this effort to make major policy changes – with long term effects on people with disabilities – in an appropriations bill.

As you are well aware, people with disabilities and their advocates have been embroiled in the “mixing” issue for the past five years. One of the major forces fueling this controversy has been the PHAs who have worked untiringly to have non-elderly people with disabilities removed from as much public housing as possible. Access to Section 811 has been on the PHA agenda since at least 1992. They have worked just as untiringly on this – first through the addition of a new tenant-based assistance component to the program, and then through a move on the core capital advance/project-based rental assistance component of the program.

After the history of their work against people with disabilities, for CLPHA to make the argument that they “have had considerable successful experience in serving those populations” (the elderly and people with disabilities) is more than ridiculous. It is frightening. It is startling that the PHA industry believes that Congress and/or HUD would agree with them. Statements and actions by the PHAs have time and time again demonstrated that PHAs not only hold stigmatizing and discriminatory views of people with disabilities, but that they also have no awareness of how and where people with disabilities want to live or what types of services and supports are most important to them.

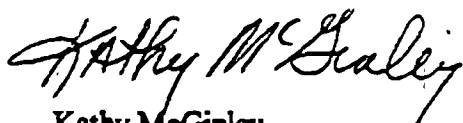
The Section 811 has been an extremely successful public-private partnership in each of its various incarnations. Non-profit disability and housing organizations across the nation have demonstrated good faith in using funds from this program to acquire, build, or renovate different types of housing for people with all types of disabilities. The Section 811 program is designed to meet the needs of people with disabilities who have strong support needs. It must not be seen as the only option for people with disabilities. Unfortunately, this is how it is viewed by the PHAs. During meetings on the mixing issue in 1992, representatives of the PHAs talked about how they would like to build Section 811 projects on the grounds of the PHA property. This type of approach is an anathema to the disability community.

- To open this program up to PHAs is a direct slap in the face to all those non-profits who have negotiated the murky waters of HUD regulations to be able to acquire Section 811 funds so that they can provide critically needed housing to people with disabilities.
- To open this program up to PHAs places the lives and the futures of people with disabilities in the hands of individuals and entities who — in no way — have their best interests in mind. Many of the selection criteria for Section 811 funding applications relate to a sponsor's knowledge of and experience with people with disabilities. There is no way that PHAs can legitimately meet these criteria.
- To open up this program to PHAs would only demonstrate that the Congress does not care about the needs and hopes of people with disabilities. It would demonstrate once again the power of the "big guys" at the expense of those who are most vulnerable.

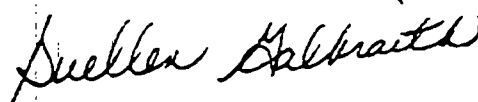
We are quite legitimately outraged by this PHA effort. We urge you to help reject this encroachment. "Public housing development (may be) winding down" but that is most likely due to the poor management and operation of many of the nation's PHAs. People with disabilities should not have to pay for their mistakes.

Again, we strongly urge you to work to reject this effort by the PHAs. If you have any questions, please contact one of the co-chairs listed on the letterhead.

Sincerely



Kathy McGinley
The Arc



Suellen Galbraith
American Network of Community Options and
Resources



Andrew Sperling
National Community Mental Healthcare
Council



Michael Allen
Bazelon Center for Mental Health Law

Hsg for PWDs

T.VI of Hsg + Community Develpt Act of 1992 - preference to elderly for pbl as hsg
"Mixing" - but Congress prohibited displacement of pwrds, applied to future allocation

CCD

Support: Newly authorized Sec. 8 + based rental ass for pwrds
not reliance on underfunded Sec. 811 Supportive Hsg for Pwrds

Sec. 108 of pub hsg bill -

CCD believes will lead to

Forced relocation of pwrds out of current hsg into new substandard
"comparable hsg"

Concern that

- No new Sec. 8 approp'd

- would remove reg't that PHAs develop + submit
separate design'd hsg allocation plans

Sec. 8

Sec. 10(b)

As part of Extender bill, add'l Sec 8s authorized for pwrds

HHD's FY 97 budget: no new Sec 8 for pwrds (for move-to-work +
demolition)

\$174M for Sec. 811 (213M ↓ below 96)

w/ 25% to +-based

→ asking for less,
expecting to do more

but would add more new units for disab'd than in 96,
up from 2700 to 2900

↓'s elderly units from 8700 to 6800

HHD BLUE II: 25% of 811 for +-based to PHAs → slow to non-pr community
who have used the 8 sec 811

Sec. 811 - designed for ppl w/ hi level of support needs

Why do pwrds need targeted Sec. 8?

House ^{passed} VA-HHD: \$50M set aside; in Bond/Senate draft -
from \$166M total of \$180M

- not in rpt bill

4/17/96
total:
\$769M

? for HHD =>