

## **Developmental Disabilities Council 2015 Position on Housing**

### Position Statement

Housing in Delaware must be accessible, affordable, and available to those who need it when they need it. Housing must be safe and comfortable within communities to allow for people to be and remain active. Both rental and home ownership options with access to all local, state, and national housing resources are required for all Delawareans.

Housing in Delaware must include:

- All housing settings must be integrated in the community so that individuals with disabilities have access to the benefits of community living and to receive services in the most integrated setting. (For those who receive Home and Community-Based Services under Medicaid, the new Settings Rule will effectuate the law's intention for Medicaid home and community-based services to provide alternatives to services provided in institutions. For more detail, please refer to the HCBS Settings fact sheet at <http://www.medicaid.gov/HCBS>.)
- The availability of tax credit options for housing, renovations and modifications for those who qualify.
- The availability of mortgage and down payment assistance programs and partnerships with financial institutions and community organizations for those who qualify that include housing counseling and mentoring options.
- A low interest loan and grants program for home ownership, as well as home modifications that include housing counseling and mentoring options.
- The expansion of "rent-to-own" programs.
- An expansion of the Section 8 vouchers for people with disabilities.
- New residential and commercial development that utilizes Universal Design.
- A single source for real time information concerning housing options.
- Pre-service and post-service training for architects and builders on Universal Design and accessibility.
- Educational opportunities ongoing on housing and fiscal options available to everyone seeking housing in Delaware.
- Source of Income must be added to the list of protected classes as determining factors in whether or not a landlord can disqualify a rental applicant.

### Discussion

The Delaware Developmental Disabilities Council supports a housing system that is accessible, affordable, and available to those who need it and especially people with developmental disabilities. As people grow into adulthood, they should be able to live in

their communities safely and independently as adults outside of their parents' homes if they so choose. A variety of housing options must be available for anyone seeking housing.

A new Home and Community-Based Services (HCBS) Rule (2014) has been released and affects those settings in which individuals receiving Medicaid HCBS reside.

The final rule amends the regulations for the 1915(c) HCBS waiver program, authorized under section 1915(c) of the Social Security Act (the Act), in several important ways designed to improve the quality of services for individuals receiving HCBS. Specifically, it establishes requirements for home and community-based settings in Medicaid HCBS programs operated under sections 1915(c), 1915(i), and 1915(k) of the Act, defines person-centered planning requirements, provides states with the option to combine multiple target populations into one waiver to facilitate streamlined administration of HCBS waivers, clarifies the timing of amendments and public input requirements when states propose modifications to HCBS waiver programs and service rates, and provides CMS with additional compliance options for HCBS programs. For more detail, please refer to the 1915(c) fact sheet at <http://www.medicaid.gov/HCBS>.

As reported in "A Call to Action: Building a Community-Based Plan for Delaware" (H.R. #90, 2002-2003), as people with disabilities move from institutional care to community life, "the types of community options available have been limited and availability of funding for community services has been greatly outpaced by demand. The State of Delaware's responsibility to provide community-based options to individuals with disabilities should not end at group homes, and instead should grow to include a continuum of options from personal homes and apartments, to foster care, to various individualized settings."

Two important actions are developing now and have begun to change the way we look at housing and fiscal options for people. First, over the past 30 years, the disability community has recognized that people should not and will not live in institutions of any kind. They are, as a result, moving from existing institutions, are refusing to go to institutions, and are taking action to close institutions. More and more people with disabilities are living in their own communities with supports. Second, the baby boomers are aging and are choosing, as reported by AARP, to live in their own homes for as long as they can without the use of institutional housing. These consumers are demanding accessible housing, home modifications and renovations to existing housing. They want to remain active in their homes and communities and they recognize that living in institutions is not an option. Their numbers are growing by leaps and bounds.

The decision makers, home builders, and architects of our housing and communities must keep pace with the demand of our citizens. Communities and housing must be developed that will meet the needs of people with disabilities and those who are aging. We will not longer accept sub-standard housing or institutional care. We will not settle for less.

As interpreted by the Supreme Court's landmark decision in *Olmstead v. L.C.*, the ADA affords individuals with disabilities the right to receive services in the most integrated setting appropriate to their needs. [Include more language]

In addition, in 2015 the Centers for Medicare and Medicaid Services under the federal Department of Health and Human Services has issued a Community Settings Rule to clarify the types of settings that can be supported by the Home and Community-Based Services waivers for Medicaid.

### Recommendations

Delaware must:

- 1) Enhance its Section 8 vouchers.
- 2) Enhance its tax credit options.
- 3) Enhance its mortgage and down payment assistance programs and partnerships with financial institutions and community organizations.
- 4) Establish a program that allows individuals with disabilities to secure low interest loans and grants for home ownership, home modifications and renovations.
- 5) Create and expand "rent-to-own" programs to improve the possibility of home ownership among people with disabilities.
- 6) Update building codes to include provisions for Universal Design in the building of new homes across Delaware.
- 7) Require housing and community development to include Universal Design.
- 8) Secure 811 funding to be utilized exclusively for tenant-based vouchers for individuals with disabilities and their families for rental of property.
- 9) Ensure that all housing settings comply with the newly released HCBS Settings Rule under Medicaid for those receiving Medicaid residential funding.

