

# IV. HOUSING

The Disability Policy Consortium believes that Texans with disabilities, like everyone else, have a right to live in their own homes, in their communities and should not be forced to live congregate, segregated communities or institutions. Additionally, adults with disabilities should control where and with whom they live, including having opportunities to rent or buy their own homes. Yet, there remains a tremendous lack of affordable, accessible, and integrated housing in Texas and disability-related housing discrimination exists.

Outdated policies and programs and a lack of coordination among funding systems can unnecessarily segregate people with disabilities and pose major barriers to living in the community. Many people with disabilities are among the state's poorest citizens. For many, Social Security and Supplemental Security Income benefits are their primary or sole source of income. These benefits are far lower than typical rents, which results in these individuals being priced out of rental markets across the state. State and federal affordable housing programs are underfunded, with long waiting lists. Additionally, Medicaid, the principal source of funding for services and supports for many individuals with disabilities, does not typically allow funds to be used for rent or other community-based housing-related costs. There must be adequate funding of services to support people to live in the community.

The following recommendations will support policy makers to make positive changes in Texas public policy that promote, integrated, affordable, accessible living situations for people with disabilities and allow them greater opportunities to control where and with whom they live, including having opportunities to rent or buy their own homes.

## Key Policies That Impact Housing

- Fair Housing Act of 1988
- The Housing and Community Development Act
- The National Affordable Housing Trust Fund Act of 2008
- The Frank Melville Supportive Housing Investment Act of 2010
- Section 504 of the Rehabilitation Act of 1973
- Senate Bill 623 (76R)

# 504 DESIGN STANDARDS

Ensure the protection of Section 504 design standards in multifamily Housing Tax Credit deals and protect “visitability” in new single-family homes.

## RECOMMENDATION

Support efforts to ensure that current state fair housing laws, Section 504 accessibility standards in tax credit developments and state visitability laws are not weakened or eliminated.

## BACKGROUND

Although the Housing Tax Credit (HTC) program is designed to expand the supply of affordable housing by encouraging private investment in housing, it falls short of addressing the housing needs of people with disabilities. Current state law provides for “basic access” design for new single-family housing constructed with funds provided through the state, but the need for visitability is still questioned. With Section 504 design standards, tax credit projects that are developed using Housing Trust, HOME, CDBG, or other federal funding supports.

Because many Texans with disabilities have some of the lowest incomes and worst-case housing needs, publicly-subsidized housing programs are the best way to obtain decent housing. The design standards outlined in Section 504 of the Rehabilitation Act of 1973 for housing developed through the Housing Tax Credit program were meant to increase the actual accessible and usable units and more effectively address the needs of people with disabilities. With the passage of SB623 in May 1999, Texas became the first state to have legislation to promote features that include a step-free entrance from a driveway or sidewalk for access to the home; widened doorways throughout the house to allow for easy passage from room to room and bathrooms that can be accessed by all. Since that time, Texas’ legislation has been used as a model for similar legislation passed in other states.

With design standards for visitability in the construction of new homes, people with disabilities have the opportunity to visit their neighbors. The basic access features also assure less cost if future accessibility modifications are needed. Section 504 design standards eliminate discriminatory practices towards persons with disabilities and provide for physical access in all programs or activities receiving federal funds.

Of the  
291,181  
tax credit units developed  
since 2001,  
24,060 (8.26%)  
have been created as  
accessible units because of a  
past legislative initiative.

## CONCLUSION

Inaccessibility makes friendships harder to create and cuts people off from meetings where information is exchanged and decisions made; it causes people with disabilities and their families not to be invited places, or to have to turn down invitations. If they have low incomes, as many disabled people do, inaccessibility often forces them to live in a house where they may literally have to crawl every time they use the bathroom, or stay inside all day because of the steps. And lack of access can force many older people into nursing homes.

4,280  
single family homes have  
been developed since 1999  
as *visitable* due to a past  
legislative initiative.

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# AFFORDABLE HOUSING

Support affordable housing opportunities to ensure Texans with disabilities who have limited incomes can access to accessible and integrated housing.

## RECOMMENDATIONS

- Amend legislation to lift the cap on the use of State HOME Funds so people with disabilities can access this funding regardless of location.
- Increase funding for the Housing Trust Fund to support more programs aimed at addressing the need for integrated, accessible and affordable housing for people with disabilities.

## BACKGROUND

Like other Texans with limited incomes, Texans with disabilities face few housing options and lengthy waiting lists for most rental assistance programs. When low-income Texans with disabilities are unable to find affordable housing, their risk of institutionalization or homelessness increases, resulting in costs that far exceed affordable housing rent subsidies.

The main source of income for many Texans with disabilities is Supplemental Security Income (SSI). Persons with disabilities, who receive SSI as their only income, pay a disproportionately higher percentage of their income for housing. It is estimated that Texans with disabilities pay twice the percentage of their income in rent compared to the average Texan.<sup>xv</sup> Most federal, state, and local funding for housing goes to the development of housing at rental rates above the affordability standard for people at this income level. The current waiting list for most rental assistance programs is over three years.

SSI Monthly Payment	SSI as Percentage of Median Income	Average Rent for a 1 Bedroom Apartment	Percentage of SSI for Average Cost to Rent a 1 Bedroom Apartment
\$733	20%	\$755	103%

Figure 11: Supplemental Security Income, Texas Median Income, and Rental Costs in Texas, 2016

In addition, approximately 588,078 Texans age 16 and over who live below the poverty level (\$25,100 or less annual income for a family of four in 2018) and experience one or more disabilities compete for the approximately 531,388 affordable housing units in the entire state.<sup>xvi</sup>

## CONCLUSION

Access to affordable, accessible, and integrated housing is one of the biggest hurdles for people with disabilities who want to live in the community. By supporting affordable housing opportunities, Texans with disabilities will have greater choice and control regarding where they live.

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# MEDICAID BENEFIT FOR HOUSING SUPPORTS

Create and fund a Medicaid benefit for housing transition/tenancy services. Assist low-income Texans with disabilities prepare for and transition to housing, including supports for being successful tenants.

## RECOMMENDATIONS

- Fund assistance for people with disabilities to transition to the most integrated, appropriate housing for the individual.
- Approve and fund a Medicaid benefit for housing-related services and assistance.
- Address barriers for individuals with high needs that results in difficulty accessing housing.

## BACKGROUND

Services through Medicaid can provide an opportunity for individuals with disabilities who are low income to live independently—in the community, rather than in segregated settings. Statewide, there is a lack of affordable housing options and no assistance for individuals with disabilities to help them find the best housing solution.

Assistance to find appropriate housing should be funded as a Medicaid benefit in Texas. Funding for housing related services would assist low income individuals with disabilities prepare for and transition to housing and support the individual in being a successful tenant.

## CONCLUSION

Texans with disabilities want the opportunity to live in their communities—in integrated and inclusive communities. With the proper supports, like those that could be provided by a Medicaid benefit, they can achieve the original American dream of independent living.

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