

# Opening Doors

A HOUSING PUBLICATION FOR THE DISABILITY COMMUNITY

APRIL 1998 / ISSUE 4

## FROM THE EDITORS

### ONE FAMILY'S STORY

This *Opening Doors* editorial is short and sweet! As we were finishing this issue, and thinking about what this editorial should emphasize, we got a telephone call at TAC that was very encouraging. The call was from a man who wanted to tell us what had happened when he tried to help his adult son with a disability obtain a Section 8 certificate. It seems his son became disabled when he was 20 years old, and is now in his early 30's. His only income is the \$480 per month he receives from SSI. Needless to say, he could not afford his own apartment without some kind of rental assistance.

Last year, our telephone caller began to actively assist his son to obtain a Section 8 certificate. He found out which Public Housing Authorities in his metropolitan area were obtaining new Section 8 resources for people with disabilities from HUD, and then helped his son submit an application. After 6 or 7 months, his son was notified that a certificate was available. Unfortunately just as he was about to get his certificate, his son became ill for three months, was

unable to search for an apartment, and the certificate lapsed

A few months later, the father and son got back in touch with the housing agency, and, within a very short period of time, the certificate was re-issued. This time, everything worked! An apartment was found that met this young man's needs, and today he is living very successfully on his own in decent and affordable housing in the community. Our telephone caller wanted us to pass on these two messages:

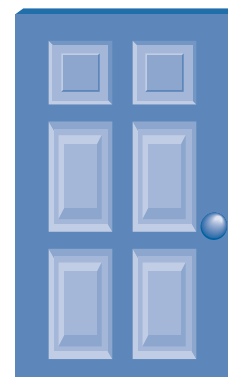
- The new Section 8 certificates and vouchers available for people with disabilities really can make a difference; and
- Don't be discouraged, because a little work and persistence really does pay off.

Our message to you is equally simple. The disability community needs to be doing more to ensure that the new Section 8 certificates and vouchers available for people with disabilities get to the individuals and communities who need them.

The Editors



*A publication of the  
Technical Assistance  
Collaborative, Inc.  
and the Consortium for  
Citizens with Disabilities  
(CCD) Housing Task  
Force*



## The Section 8 Certificate and Voucher Programs

### OVERVIEW

The Section 8 certificate and voucher programs are very effective and successful tools to assist low income people with disabilities to rent decent, safe, and affordable housing. Since 1974, these Section 8 programs have helped hundreds of thousands of people with disabilities move

into efficiency and one bedroom apartments of their choice. With over 1,400,000 Section 8 certificates and vouchers currently in circulation across the country, it is important for the disability



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# Opening Doors

To housing opportunities for people with disabilities

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**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 Lexi Turner 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.



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## Section 8

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community to become more informed about these resources and how they can be used to expand affordable rental housing opportunities in local communities. This article answers commonly asked questions about the Section 8 certificate and voucher programs.

### What is the Section 8 certificate and voucher program?

The Section 8 certificate and voucher programs are federal programs funded by the U.S. Department of Housing and Urban Development (HUD). Certificates and vouchers are commonly referred to as tenant-based rental subsidies because they are given to individuals and to families to use in rental housing of their choice as long as it meets the Section 8 program requirements. Once a rental unit is selected and approved, the Section 8 program participant (who then becomes a Section 8 tenant) pays a limited percentage of his or her income (usually around 30%) as rent, with the balance of the rent being paid to the owner through the certificate or voucher program.

For a person with a disability who has a very low income, particularly people solely reliant on Supplemental Security Income (SSI) benefits, the Section 8 certificate and voucher program is an invaluable resource. A recent national survey of SSI income levels completed by the National Alliance for the Mentally Ill has documented that people receiving SSI pay an average of 68.8% of their monthly income to rent a modest one bedroom apartment. Under the Section 8 certificate and voucher program, a person receiving SSI benefits would pay only 30% of their income, or approximately \$135 per month, to rent that same apartment.

In addition, Section 8 certificates and vouchers are "portable." Portable means that a person with a Section 8 certificate or voucher may lease a unit anywhere in the country, not just in the location of the PHA, though there are a few specific restrictions regarding when a certificate or voucher becomes "portable." This ability to move to another community, or to another state, provides people with disabilities with many more housing options and the opportunity to relocate.

### Who runs the Section 8 program?

At the local and/or county level, the Section 8 certificate and voucher program is administered by what HUD refers to as "Housing Agencies." Usually, but not always,

this means a Public Housing Authority (PHA). A PHA is a unique governmental body that administers both public housing and the Section 8 certificate and voucher programs for the federal government at the local level. PHAs have an elected or appointed Board of Commissioners, an Executive Director, and staff who run specific programs. At the present time, there are approximately 2,600 PHAs across the country administering the Section 8 program. Smaller PHAs may administer only 50 or 100 certificates and vouchers, while PHAs in major metropolitan areas may administer between 5,000 and 10,000 certificates and vouchers.

Depending on state laws, some state housing agencies are also eligible to administer the Section 8 program. In some states, the state's housing agency may be running the Section 8 program only in the areas of the state where there are no Public Housing Authorities. In other states, both a PHA and a state housing agency may be running separate Section 8 programs in local communities. This "dual administration" of the Section 8 program is just one reason why the disability community finds the program so confusing.

PHAs and states have accumulated Section 8 resources over the past 25 years by applying to HUD each year after Congress appropriates funding for new certificates or vouchers. PHAs are not required by HUD to run the Section 8 program. In fact, there are approximately 800 that do not. PHAs are also not required to apply for new Section 8 certificates if they become available. It is up to the discretion of each PHA whether or not they administer the program, and whether or not to expand the number of certificates or vouchers in their program. This discretion accounts for the fact that some communities have rather large Section 8 programs while others do not.

## HOW DOES THE SECTION 8 PROGRAM WORK?

### Eligibility

To be eligible for the Section 8 program a person must:

- be very low income. This means household income must be at or below 50% of area-wide median income as determined by HUD. **Virtually all people with disabilities receiving SSI benefits are income eligible for Section 8 because their incomes are well below 50% of median income;**
- be a citizen or a non-citizen with "eligible immigration status;"
- meet HUD's definition of "family," which includes most individuals with a disability and households with an adult member who has a disability.

To qualify as a person with a disability, the applicant must meet HUD's definition of disability, meaning a person who:


- has a disability as defined in Section 223 of the Social Security Act, or
- is determined to have a physical, mental, or emotional impairment which:
  - is expected to be of long-continued and indefinite duration,
  - substantially impedes his or her ability to live independently, and
  - is of such a nature that such ability could be improved by more suitable housing conditions, or
- has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Applicants may be denied Section 8 assistance if they do not meet the above criteria OR if any member of the applicant's household has:

- been evicted from public housing;
- been terminated from another Section 8 program for cause;

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FOR MORE  
INFORMATION OR  
LIMITED TECHNICAL  
ASSISTANCE ON  
HOUSING FOR PEOPLE  
WITH DISABILITIES  
PLEASE CONTACT:  
TAC OR YOUR  
CCD HOUSING  
TASK FORCE MEMBER  
ORGANIZATION LISTED  
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## Section 8

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- committed recent drug related activity or violent criminal activity;
- committed fraud or criminal acts in connection with a federal housing program; or
- not reimbursed a PHA for un-paid rent or damages or currently owes money to a PHA.

Unlike the federal public housing program eligibility requirements, the Section 8 eligibility requirements DO NOT include any review or determination of suitability for tenancy. This means that the PHA does not screen for prior tenant history, or obtain landlord references, except where noted above for previous federal housing program participation, recent drug activity, or criminal behavior. **In the Section 8 certificate and voucher programs, it is the owner of the rental unit chosen by the Section 8 participant, not the PHA, who decides whether the individual or family is suitable for tenancy.**

Finally, a PHA may not deny admission to the Section 8 program basis of disability, family status, source of income, race, color, sex, religion, or national origin.

### [Applying for Section 8 Assistance](#)

People with disabilities may apply for Section 8 at multiple PHAs, and be on many Section 8 waiting lists at the same time. However, a separate written application must be submitted to each PHA.

This application asks information about household composition, income and assets, disability status, and other information needed to determine eligibility.

The application may have questions regarding current housing and residency status. These questions (which will vary somewhat from PHA to PHA) are designed to tell the PHA whether or not the applicant qualifies for one or more “local preferences” which the PHA is

entitled to grant to applicants under federal law. Local preferences are very important in the Section 8 program, because if an applicant qualifies for a local preference, he/she may be selected from the waiting list to receive a certificate or voucher before non-preference applicants, regardless of the date of application.

All of the information provided on the Section 8 application needs to be verified by the PHA to ensure that the applicant is qualified. Sometimes this verification is done at the time of the application, and other times it is not completed until the applicant is about to receive a certificate or voucher. In either case, the applicant will be required to sign a Release of Information form which permits the PHA to verify the information on the application from third parties. Frequently, the applicant is also asked to provide documents to verify eligibility.

Many applicants, including some people with disabilities, have difficulty with the complex requirements associated with Section 8 applications, and often need assistance in completing the entire application process. Fortunately, PHAs are required to provide this assistance under the provisions of Section 504 of the Rehabilitation Act of 1973. Section 504 requires that the PHA provide “reasonable accommodation” in rules policies, practices, or services to people with disabilities, which could include the Section 8 application process. For example, a person with a disability might request that a family member or advocate be permitted to apply for Section 8 on his or her behalf.

### [The Section 8 Waiting List](#)

There are never enough Section 8 certificates and vouchers for the number of people who need them. As a result, virtually all PHAs have Section 8 waiting lists. Applications for Section 8 certificates and vouchers are only taken if the PHA's Section 8 waiting list is open. If the

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waiting list is long enough, HUD permits the PHA to close the list. When the list is closed, no applications can be accepted. (There are some very limited exceptions to this rule for people displaced by fire, flood, natural disaster, or other federal action.)

There are requirements that PHAs must follow when they open or close a Section 8 waiting list. For example, a PHA must provide advance public notice in a local newspaper of general circulation whenever the agency opens or closes the waiting list. These public notices must specify when and where to apply if the list is being opened, specify how long the list will remain open, and any other special conditions that may apply.

These public notices usually appear in the legal notice section of the newspaper. Because the notice can easily be missed or overlooked, it is a good idea for people with disabilities and their advocates to specifically request the PHA to take some additional steps to notify prospective applicants that the waiting list will be open for new applications. Using the “reasonable accommodation” requirements of Section 504 of the Rehabilitation Act, the disability community could request that the public notice also be provided through local radio and television, through the self-advocacy or service provider network, or through advocacy organizations working on behalf of people with disabilities.

Ideally, the disability community should be prepared *before* the waiting list opens. This means identifying individuals who can benefit from the Section 8 program, including individuals living at home with parents, people on residential waiting lists or in group homes who want to live in their own apartment, and those already in rental housing who need help with the monthly rent payment. In any case, as soon as the disability community learns that the Section 8 waiting list will open for new applications, it is extremely important to develop a strategy to: 1) notify individuals who want to apply; and 2) provide assistance with the application process.

Finally, be sure that all the application requirements have been met and that the applicant receives **written notice** that they have been placed on the waiting list. This written confirmation may be very helpful later on when inquiring about an applicant’s status.



## Waiting List Status and Update Procedures

To best manage the hundreds, or even thousands, of applicants on the Section 8 waiting list, PHAs regularly “update” the list, and eliminate any applicants who are no longer interested in the program. Keep in mind that people may apply to many different PHAs, and be on many waiting lists at the same time. Applicants rarely take the time to inform the PHA on their own that they are no longer interested in obtaining a certificate or voucher. Therefore, many PHAs update their waiting list once a year or perhaps even every six months to keep it as current as possible.

PHAs must notify applicants in writing that the agency is updating its waiting list. Usually the applicant is required to respond to this update notice within a specified time frame (usually 2-4 weeks from the date of the notice).

***If the applicant does not respond in the time frame allowed, his or her name is removed from the waiting list.***

It is important for applicants to inform the PHA of any changes in address, so that these waiting list update notices will be sent to the correct address. Under the

“reasonable accommodation” provisions of Section 504, people with disabilities could ask that this waiting list update letter also be sent to a family member or advocate.

It is very difficult for a PHA to accurately estimate how long an applicant will have to be on the waiting list. Even if the PHA does not receive any new certificates or vouchers, there are always some “turnover” certificates and vouchers that are re-issued by the PHA each year to applicants on the waiting list. Because of the unpredictability of Section 8 “turnover” and waiting list updates, PHAs often over-estimate, rather than under-estimate, the amount of time an applicant will remain on the waiting list before being offered a certificate or voucher.

For these reasons, it is a very good idea to keep in contact with the PHAs Section 8 office to confirm an applicant’s status on the waiting list. The PHA should also be informed if an applicant’s housing circumstances change. For example, if an applicant becomes homeless while on the waiting list, he or she may then qualify for a local preference.

Of course, if the PHA receives new Section 8 certificates and vouchers from HUD, the waiting list will move much more quickly! Please refer to the **New Section 8**

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## Section 8

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**Certificates and Vouchers** article in this issue to learn more about the new resources that are now available.

### Getting a Section 8 and Finding Housing

When an applicant's name comes to the top of the waiting list, he or she will be notified by the PHA (usually, but not always, in writing) and told to come in for a Section 8 Briefing. At the Briefing, the certificate or voucher will be issued to the applicant, and all of the rules and procedures about leasing units will be explained. The applicant is also asked to update his or her income and housing status at this time.

Once the certificate or voucher is issued, the individual usually has 60 days to find housing to rent that meets the Section 8 program guidelines. If circumstances warrant, one or two additional 30 day extensions may be granted (for a total of 120 days). If appropriate housing is not found during this time period, the certificate or voucher expires and is subsequently issued to another household on the waiting list.

Searching for housing with a Section 8 certificate or voucher is not an easy task. Because of the 60 day time frame, it is a good idea to learn about the rental housing market and to contact landlords *before* the certificate or voucher is issued. In some communities, there is very little rental housing available, or there may be very few vacant units that meet Section 8 requirements. Identifying interested landlords ahead of time can make the search for housing much easier.

Under the certificate rules, the rent for the unit (with some exceptions) may not exceed the HUD Fair Market Rent for the area. (See the chart on page 6 and 7 about the difference between certificates and vouchers.) With both certificates and vouchers, housing leased under the Section 8 program must meet HUD's Housing Quality Standards, and must be physically inspected by the PHA. The inspection is required to ensure that housing leased with federal funds is maintained in decent and safe condition. If any repairs are needed, the owner must complete them before the unit can be rented by the Section 8 program participant.

In addition to the inspection, the Section 8 rules require that owners enter into a written contract with the PHA. Unfortunately, some owners are unwilling to agree to these federal requirements, and are reluctant to rent to households using Section 8. In a few states, there are state

laws that protect people trying to rent housing using Section 8, but, generally speaking, there is no way to force an owner to participate. Some PHAs have good relationships with local landlords, however, and will help with the housing search and landlord negotiation process.

### OTHER COMMON QUESTIONS ABOUT SECTION 8

**Can I Rent the Unit I Currently Live In?** Yes. However, keep in mind that the housing must meet Section 8 standards, the rent must be within HUD guidelines

## What is the Difference between a Section 8 Certificate and a Section 8 Voucher?

This is a frequently asked question and a common source of confusion. The "merge" of the certificate and voucher programs for the past few years has made it difficult to distinguish between the two. Outlined below very briefly is the main difference between the two programs.

**With a Section 8 Certificate** the rent for the unit chosen by the tenant cannot exceed the HUD Fair Market Rent (FMR) levels. The Section 8 certificate holder pays 30% of the rent, and the PHA pays the remaining 70% balance as a rent subsidy directly to the owner.

**With a Section 8 Voucher**, the rent for the unit may exceed the HUD FMR. The voucher holder pays the full rent for the unit, plus the additional cost. First, the rent subsidy paid to the owner is based on the FMR. Whatever amount of the rent is not covered by the voucher is paid by the voucher holder. The voucher program participant, even if the amount exceeds 30% of the FMR, pays the full amount.

OUTLINED BELOW IS AN EXAMPLE.

HUD FAIR MARKET RENT (FMR) = \$500

### SECTION 8 CERTIFICATE

**If apartment rent = \$500, then:**

Section 8 pays	\$352
Tenant pays	\$148 (30%)
TOTAL	\$500

**If apartment rent = \$550, then:**

Section 8 pays	Unit cannot be rented
Tenant pays	because rent is above
TOTAL	the HUD FMR

### CERTIFICATE AND VOUCHER FACTS

- Under the certificate program, only modest rental housing within HUD rent limits can be chosen.
- Under the voucher program, more expensive rental housing can be selected, but the voucher holder will be required to pay more of his or her income towards the cost.
- While a voucher may help a person with a disability obtain housing with more amenities, or perhaps housing

if a certificate is used, and the owner must agree to enter into a contract with the PHA.

**How Long Can I Stay on the Section 8 Program?** Under the Section 8 rules, program participants remain eligible until 30% of their income equals the rent for the unit. In recent years, there has been much discussion about “expiring” Section 8 contracts and the potential impact on program participants. However, thus far, Congress has always renewed PHA certificate and voucher contracts,

and no program participant has ever been displaced because of a lack of funding.

**Can I Have a Roommate on the Section 8 Program?** Yes, although there are certain requirements and procedures that must be followed for shared housing arrangements.

**How Can I Learn More About the Section 8 program at my local PHA?** Each PHA must have a Section 8 Administrative Plan that is approved by HUD. This plan is available to the public, and explains in detail how the PHA will administer the program. Under Section 504 of the Rehabilitation Act, people with disabilities can request a copy of this plan to learn more about their PHA’s Section 8 rules and policies.

## Between a Section 8 Certificate and a Section 8 Voucher?

confusion. In fact, Congress and HUD have been attempting to pass new legislation in the last few years, though at this point, this legislation is still pending. The choice between the two programs.

The amount a Section 8 participant may not exceed the HUD Fair Market Rent (FMR) for their area. This is his or her income in rent, and the Section 8 program pays the difference between the HUD FMR and the participant's income.

For example, if the HUD FMR is \$500 and the participant's income is \$352, the Section 8 program will pay the difference of \$148 (30%) to bring the total up to the HUD FMR. However, the Section 8 program will not pay more than the HUD FMR. The amount calculated through a HUD “payment standard” (which is based on the HUD FMR) is the responsibility of the Section 8 program, not the participant's income.

100 and MONTHLY SSI INCOME = \$494

### SECTION 8 VOUCHER

\$352  
\$148 (30%)  
-----  
\$500

\$352  
\$198 (40%)  
-----  
\$500

that is closer to transportation or shopping, it will also increase the amount of rent that the individual or family must pay.

- If a PHA has both certificates and vouchers, you can have a choice of either one, but you may have to wait longer for your first choice.
- There are twice as many certificates as there are vouchers in the Section 8 program nationally, although this may not necessarily be the case at every PHA.

### CONCLUSION

The Section 8 program is a very effective way to help people with disabilities obtain decent, safe, and affordable housing. Unfortunately, too often people with disabilities and their advocates become frustrated in their efforts to obtain Section 8 certificate and vouchers because of long waiting lists and the cumbersome rules and regulations that must be followed. While no federal government housing program is perfect, a Section 8 certificate or voucher ensures a person with a disability housing that is affordable, and some choice regarding the apartment and the neighborhood in which they will live.

Of course, the Section 8 program does not necessarily work for everyone. Some people with disabilities may need more special features in their housing than can be provided by landlords in the private rental market. Some communities, particularly in more suburban and rural areas, may not have enough rental housing to make the Section 8 program feasible. For these reasons, other federal housing programs, such as the Section 811 program, are also very important for people with disabilities.

However, if Section 8 is an appropriate housing strategy for your community, there has never been a better time to engage your PHA or your state housing agency about obtaining more Section 8 resources.

**Currently, the Section 8 certificate and voucher program has more than \$100 million in new funding from the Congress that is available exclusively for people with disabilities.** See page 8 to learn more about the availability of these new certificates and vouchers. ■

# New Section 8 Certificates and Vouchers for People with Disabilities

**D**uring the past two years, Congress *has provided over \$180 million in new funding for Section 8 certificates and vouchers exclusively for people with disabilities.* These are virtually the only new certificates and vouchers that Congress has funded in the last few years. It is critically important that people with disabilities and their housing advocates show the Congress, HUD, and Public Housing Agencies (PHAs) administering the Section 8 program that there is a great demand for these new resources in local communities.

PHAs must apply for these new Section 8 certificates and vouchers in response to a Notice of Funding Availability (NOFA). **The NOFA is published in the Federal Register and is not sent directly to the PHAs. (A copy of the NOFA is available on the internet at <http://www.hud.gov/nofas.html>).** Many PHAs may not know that these Section 8 certificates and vouchers are available.

In April of 1997, HUD published two NOFAs for a total of \$98.5 million in Section 8 funding. Last Fall, \$48.5 million was awarded to PHAs. **However, because of the complex requirements in one of these NOFAs, HUD still has thousands of Section 8 certificates and vouchers for people with disabilities that have not been requested by any PHA!**

In addition to this FY '97 Section 8 funding sitting unused at HUD, there is FY '98 Section 8 funding also targeted to people with disabilities that will be available to PHAs through a new NOFA to be published in the next few months.

## APPROXIMATELY \$45 MILLION IN SECTION 8 FUNDING AVAILABLE AT HUD NOW

Over 6,000 new Section 8 certificates and vouchers are now available at HUD for people with disabilities. These resources were first made available through a very complicated NOFA issued by HUD on April 10, 1997. Unfortunately, only 10 of the 2,600 PHAs that run a Section 8 program submitted an application. However, because HUD did not set a deadline for applications, it is still possible for PHAs to apply. Most importantly, PHAs that can meet the complex NOFA requirements have an excellent chance of being funded!

The April 10, 1997 NOFA for this funding is entitled **NOFA for Rental Assistance for Persons with Disabilities**

## in Support of Designated Housing Allocation Plans and Establishment of Preferences for Certain Section 8 Developments.

The purpose of the NOFA is to offer Section 8 certificates and vouchers to PHAs that can document a loss of housing for people with disabilities because of the implementation of "elderly only" designated housing policies.

As readers of prior issues of *Opening Doors* have learned, the implementation of "elderly only" designated housing is complicated. This accounts in part for the complex application requirements in the NOFA. Simply stated, "elderly only" designated housing policies refer to the ability of public and private owners of federally subsidized housing to restrict their housing to applicants who are age 62 and older. This is a major change from previous policies which gave equal access to people with disabilities eligible to live in these housing developments.

The April 10, 1997 NOFA outlines two different circumstances under which a PHA can submit a Section 8 application for new Section 8 certificates and vouchers for people with disabilities *now*:

- A. **To replace housing in privately owned Section 8 project-based apartment complexes that have been designated "elderly only."** The new Section 8 certificates and vouchers are intended to help people with disabilities who were on waiting lists at these developments when they were designated "elderly only" OR who would have been eligible to live there, even if they never applied.
- B. **To replace public housing owned by the PHA that has been designated "elderly only" through a PHA Allocation Plan OR to continue with "mixed population" (e.g. both elderly and disabled) public housing.** The Section 8 certificates and vouchers are also intended to replace *public* housing units no longer available to people with disabilities AND to help people with disabilities on the public housing and Section 8 waiting lists. A PHA does NOT have to designate any of its public housing developments "elderly only" for the PHA to submit an Allocation Plan. [See the May 1997 issue of *Opening Doors* available on the Internet at [www.radix.net/-ccd/welcome.html](http://www.radix.net/-ccd/welcome.html) for more information on PHA Allocation Plans].



## AT LEAST \$88.5 MILLION IN FY '98 SECTION 8 FUNDING WILL BE AVAILABLE THIS SPRING

Under federal law, HUD is not permitted to disclose the specific requirements that will be in the 1998 Section 8 NOFA. However, it is possible to anticipate some of the information in the NOFA by looking at the HUD appropriations in the FY '98 federal budget. We know that:



## How to Engage Your PHA

With these new Section 8 certificates and vouchers available, what can the disability community do to encourage PHAs to submit an application? Unfortunately, many people with disabilities and their advocates have been frustrated by the unwillingness of some PHAs to seek out new housing opportunities for people with disabilities. Last year, for example, very few PHAs (280 out of 2600) applied for the Section 8 Mainstream Program for People with Disabilities.

Because many PHAs do not give a high priority to the housing needs of people with disabilities, a sustained political and grass roots advocacy strategy may be needed to change these dynamics. This can be accomplished by convening the many diverse stakeholders in the community with a vested interest in expanding affordable housing for people with disabilities - such as self-advocates who are willing to talk about their need for housing; family members who can advocate effectively in the community; service providers who have, or should have, a relationship with the PHA and can gather data on housing needs, and the advocacy community.

**Develop political and community support** - This should always be done with the PHA Board of Commissioners and the Executive Director, but also can target other local officials who may be supportive or sympathetic. Be sure to enlist any family, friends, and business colleagues who may have "friends in high places."

**Get to know your PHA officials** - Representatives of the disability community should meet regularly with senior PHA staff and the Board of Commissioners. Ideally, you should not wait until Section 8 application deadlines are approaching, because the PHA may not want to make a decision on such short notice. By reading each issue of Opening Doors carefully, you will learn about Section 8 funding opportunities in advance of the publication of any

- There will be \$48.5 million in Section 811 funding available for approximately 2,000 new Section certificates and vouchers for people with disabilities.
- There will be \$40 million in Section 8 certificates and vouchers targeted to people with disabilities in connection with "elderly only" designated housing.

Information regarding this NOFA will be available through TAC or the CCD Housing Task Force. Feel free to call or e-mail us. ■

NOFA. If the Executive Director is not cooperative, go to the Board of Commissioners meetings to make your case.

**Have good data on housing needs** - The September issue of Opening Doors was devoted to a full discussion of ways to document the housing needs of people with disabilities. A full housing needs assessment is not necessary to make your case. Good estimates from service providers, as well as consumer, family and advocacy groups are sufficient. Try to document the lack of affordable housing for people with disabilities, and describe how difficult it is for individuals with SSI level incomes to afford any type of housing.

**Ask specific questions to PHA staff** - How many people with disabilities are currently on the PHA's waiting list? Is the waiting list closed? How long has it been since the PHA opened the waiting list? How many people with disabilities applied? Does the PHA really know the extent of the housing crisis facing people with disabilities?

**Offer to help** - There may be ways in which the disability community can work with the PHA in the application process. For example, HUD may require that service providers be identified who can help people with disabilities who have certificates and vouchers look for housing. Be sure to read the Section 8 NOFA carefully to note these opportunities for partnership. Also, try to address any past or on-going problems that may prevent a better working relationship between the PHA and the disability community.

**Be persistent** - Don't take no for an answer. Keep up the dialogue and the engagement. If you get a firm "no" this year, tell the PHA you will be back next year, and you expect a different answer at that time.

**Ask us for help** - See page 2 for names and telephone numbers of TAC and CCD Housing Task Force staff who can help you! ■

# The Fair Housing Act



THE LAW OF THE LAND THAT PROVIDES  
ESSENTIAL PROTECTIONS FOR PEOPLE  
WITH DISABILITIES

Thirty years ago, Congress passed the original *Fair Housing Act* which prohibited housing discrimination on the basis of race, nationality, or religion. Ten years ago – in 1988 – the law was amended specifically to cover individuals with disabilities.

When Congress passed the Fair Housing Amendments Act of 1988 (FHA), it extended federal civil rights protections to people with disabilities in the sale and rental of housing. The FHA, like the Rehabilitation Act and the Americans with Disabilities Act, includes a broad, inclusive definition of disability. The law covers individuals with a range of physical, cognitive and mental impairments including mental retardation, cerebral palsy, mental illness, hearing or vision impairments, epilepsy, AIDS and HIV infection, and multiple sclerosis.

In passing the 1988 amendments, Congress ensured a *national commitment to end the unnecessary exclusion of persons [with disabilities] from the American mainstream*. In essence, the Congress made sure that America's welcome mat was made available to people with disabilities – thus opening the doors to housing opportunity for people with disabilities.

The Fair Housing Act is a critical civil rights law that provides people with disabilities equal opportunity to live independently in our nation's communities. This year marks the 30th anniversary of the original Act and also marks the 10 year anniversary of the important amendments added in 1988 that provide protections for people with disabilities. Please make sure your community and state highlight the importance and the successes of this critical civil rights law.

For example, federal housing programs like the Section 8 certificate and voucher programs, which rely on rental housing in the private housing market, could not work successfully for people with disabilities without the protections provided in the FHA.

## FHA FACTS

- The FHA prohibits a range of housing discrimination against people with disabilities.
- The FHA also prohibits discrimination in the application of local zoning laws.

- The Fair Housing Act's protections do not strip localities of their power to regulate local land use.
- The Fair Housing Act is a critical civil rights law that allows people with disabilities to live independently in their communities.

While bills to amend the *Fair Housing Act* have been offered virtually every year since the passage of the landmark *Fair Housing Act Amendments of 1988*, it is critical that people with disabilities, their families, providers, and government officials preserve the existing law. Currently, there is legislation pending in Congress which would *seriously* weaken the FHA protections for group homes and for individuals protected under the FHA. [See Washington Bulletin in this issue for more information on this legislation (H.R. 3206).]

The FHA currently includes the right balance between protecting the rights of people with disabilities and the rights of landlords, homeowners, states, and localities. The FHA needs to be supported, not diluted. To keep abreast of federal legislative proposals to amend the FHA, you can check the following Internet website: [www.bazelon.org/cpfha/cpfha.html](http://www.bazelon.org/cpfha/cpfha.html).

## WHAT YOU CAN DO TO HIGHLIGHT THE FAIR HOUSING ACT?

- Contact your representative and Senator to oppose any changes to the *Fair Housing Act*. Your national organization or the Consortium for Citizens with Disabilities Housing web page will provide information regarding these threats.
- Contact your local office of the U.S. Department of Housing and Urban Development (HUD). HUD is planning a year long celebration of the *Fair Housing Act and 1988 Amendments* with each regional office hosting one of twelve celebrations from April 1998 through April 1999. Make sure that HUD's plans include people with disabilities.
- Get your city, county, and state governments to pass proclamations or resolutions recognizing the FHA.
- Develop local and state events to celebrate this landmark legislation, the benefits that have accrued to people with disabilities, and the need for appropriate enforcement of the law.
- Work with the local media to include coverage of real people for whom the Fair Housing Act has made a difference.
- Contact the HUD Fair Housing Clearinghouse at 1-800-343-3442 for the April Fair Housing Month kit which includes posters, information on videos, and other materials. ■

# WASHINGTON BULLETIN BOARD

## CONGRESS TARGETS THE FAIR HOUSING ACT

The House of Representatives Judiciary Subcommittee on the Constitution has acted favorably on a bill which, if enacted by the full Congress, would repeal important civil rights protections for people with disabilities and subject them to renewed discrimination by zoning officials and hostile neighbors. The bill would limit housing opportunities for people with disabilities and for children in foster care group homes and diminish protections against harassment and retaliation based on race, color, religion, national origin, gender and family status. It would also make it significantly harder for victims of discrimination to file complaints with the state and federal agencies charged with enforcing the Fair Housing Act.

This legislation was filed by Reps. Brian Bilbray (R-CA), Charles Canady (R-FL) and Jane Harman (D-CA) on February 12, 1998, and is referred to as H.R. 3206. Among other things, this bill would permit local governments to completely zone out group homes and other community living arrangements for people with disabilities. On February 25, 1998, the Subcommittee on the Constitution reported out the bill without holding any hearings to seek input from the disability community and others on the potential impact of the legislation. The bill now goes to the full House Committee on the Judiciary. For more information on this legislation, contact your CCD Housing Task Force member listed on page 2 or check the Internet Website [www.bazelon.org/cpfha/cpfha.html](http://www.bazelon.org/cpfha/cpfha.html).

## FY 1999 HUD BUDGET REQUEST FILED WITH CONGRESS

President Clinton has filed his FY '99 Budget request with Congress, which includes a proposed budget of \$25 billion for the U.S. Department of Housing and Urban Development. Although the overall HUD budget increases slightly from the \$24.1 billion in the current year's budget, programs targeting people with disabilities are cut.

- In a major policy change, HUD is proposing to transfer administration of the Section 811 program for people with disabilities to local and state governments administering the HOME program, **and reduce funds for these programs**. Since its inception, Section 811 program funding has been available directly from HUD to non-profit organizations who compete annually for funding. Last year, Congress appropriated \$194 million in Section 811 funding, which will be made available through a Notice Of Funding Availability (NOFA) this Spring.
- HUD's proposed budget does not request any new Section 8 certificate or voucher funding targeted to people with disabilities negatively impacted by the designation of "elderly only" public and assisted housing. In FY '97 and FY '98, Congress made \$90 million in new Section 8 funding available for people with disabilities to replace the supply of housing lost as PHAs and private owners of HUD subsidized housing developments adopt "elderly only" tenant selection policies.

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# April is... fair housing month



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