



*Submitted via regulations.gov*

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Regulations Division  
Office of General Counsel  
451 7th Street, S.W.  
Washington, DC 20410

**Re: [Docket No. FR-6381-N-01] Improving Access to Public Benefit Programs; Request for Comment**

Thank you for the opportunity to comment on **FR-6381-N-01 Improving Access to Public Benefit Programs; Request for Comment**. Please accept this letter as the comments of the undersigned co-chairs of the Consortium for Constituents with Disabilities (CCD) Housing Task Force. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of a society free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ discrimination and religious intolerance.

HUD requests comments on the burdens faced when applying for or maintaining eligibility for HUD's housing programs. As indicated in the request, these burdens have costs to individual households including information and learning, compliance, psychological, and redemption costs. Most importantly, however, these burdens can also result in lost housing opportunities. As described below, this could be because of barriers that directly impede people with disabilities' ability to access programs or because they cannot meet compliance requirements and lose their subsidy.

People with disabilities are among the most marginalized populations impacted by these burdens. The following comments outline some of the most prevalent administrative barriers in HUD's housing programs for extremely low-income people with disabilities:

**Question #1: How can HUD reduce its public program administrative burden across HUD's public benefits programs? Specifically, is there information currently being collected by HUD or HUD program administrators (e.g., Public Housing Authorities, State and local governments, non-profit recipients of CDBG programs, Multifamily Housing owners, FHA lenders) that have no apparent use or benefit or can be streamlined?**

**Burden identifying eligible households:** Many public housing authorities (PHAs) are not able to identify persons on their waiting lists that may meet the eligibility requirements for targeted programs such as Mainstream or Nonelderly Disabled (NED) vouchers because relevant information is not requested, such as disability status or whether they meet preferences such as "exiting institutions." As a result, many PHAs must conduct time-consuming waiting list updates. CCD discussions with PHAs, the National Association of Housing and Redevelopment Officials (NAHRO) and the National Alliance to End Homelessness (NAEH) have indicated this problem is a significant barrier to speedy program implementation of, for example, Mainstream vouchers. CCD recommends HUD provide PHAs with a model application that includes questions to allow persons to voluntarily identify themselves as disabled. The question would indicate that this information would be used to qualify them for programs,

preferences, deductions, and accommodations. This proactive inquiry can increase equitable access to programs explicitly geared to adults with disabilities, rather than screen them out.

**Burden securing required income documentation:** For individuals seeking to move from an institutional setting into housing or those who have experienced homelessness and/or displacement, securing required documentation (such as income verification) can take a particularly long time and lead to delays in obtaining housing. Oftentimes these individuals require assistance with documentation that is not readily available. In many cases, when someone is exiting an institutional setting, household income will change as the individual moves into the community, making the initial income verification effort moot. HUD's publication "Mainstream Vouchers Lessons Learned from Communities of Practice"<sup>1</sup> found that eligible households faced challenges completing program applications. PHAs, in HUD's Mainstream Voucher Community of Practices, indicated that applicants to the Mainstream voucher program required a longer time to secure paperwork, such as income documentation. The reasons for this problem included a lack of understanding of the application process and delays at the source of verification, such as the Social Security Administration (SSA). CCD members have indicated that in some cases, difficulty securing documentation has prevented potential applicants from completing the application process in time to secure a unit, or in some cases to complete the process at all. One area in which streamlined documentation would particularly benefit people with disabilities is around using the receipt of SSI or SSDI for categorical or presumptive eligibility in terms of disability. HUD-assisted housing and PHAs should use the EIV system<sup>2</sup> at the point of application to readily secure documentation from SSA rather than require the applicant to go through many hoops to secure it themselves.<sup>3</sup> CCD urges HUD to remove this administrative burden by taking steps to ensure PHAs consistently use the EIV system to verify the receipt and amount of Social Security and SSI payments. We also urge HUD to update verification requirements to allow for more self-attestation and longer windows to provide documentation for verifying eligibility, similar to verification requirements for the Emergency Housing Voucher (EHV) program.

**Burden securing required documentation of disability:** Whether required to verify program eligibility, eligibility for a rent calculation deduction, or for a reasonable accommodation, recipients often request documentation of disability. We want to highlight two concerns related to securing such documentation. The first concern is that housing providers sometimes ask for too much information. PHAs and federally-assisted housing providers are generally prohibited from asking about a household's specific disability unless legally allowed/required. For example, an applicant must be able to provide verification that they are a person with HIV or AIDS to be eligible for a HOPWA-funded program. However, many housing providers do not narrowly tailor their requests for disability verification, and as a result, they often receive inappropriate details regarding the household from the professional who is completing the verification form. The second concern is the length of time it can take for a household to secure verification. Sometimes the recipient requires a hard-to-reach medical professional to provide the verification, and sometimes it is simply difficult to reach social workers and other health providers. We feel this is another area where presumptive eligibility is appropriate in many

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<sup>1</sup><https://files.hudexchange.info/resources/documents/Mainstream-Vouchers-Lessons-Learned-from-Communities-of-Practice.pdf>

<sup>2</sup>The EIV system is a web-based application which provides owners with employment, wage, unemployment compensation and Social Security benefit information for tenants participating in HUD's assisted housing programs. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all tenants with valid personal identifying information (name, date of birth (DOB), and Social Security number (SSN)) reported on the form HUD-50059. Information in the EIV system is used by owners to verify employment and income at the time of recertification and to reduce errors in subsidy payments.

<sup>3</sup>See PIH 2018-24, [https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-24\\_EIV\\_SSN\\_Notice\\_FINAL.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-24_EIV_SSN_Notice_FINAL.pdf)

cases and can better ensure timely approval of applications to programs, services and activities, accommodations, etc. HUD should encourage PHAs to verify disability status on the basis of receipt of SSI or SSDI for purposes of preferences and eligibility for most programs (whose eligibility is not disability-specific); we recommend that HUD clarify the availability of this option and urge PHAs to use it to ease administrative burdens. HUD should also clarify that further verification of SSI and SSDI benefits be conducted through EIV.

**Burden of requesting reasonable accommodations:** Disabled people are often found ineligible for or face eviction from HUD-funded housing programs due to their disability. Section 504 and the Fair Housing Act require HUD-funded housing programs to provide reasonable accommodations. HUD-funded programs, however, do not consistently provide reasonable accommodations and therefore exacerbate the exclusion of people with disabilities. An unfortunately excellent illustration of this problem is HUD's Office of Inspector General's February 7, 2022 report releasing the results of their review of HUD's assurance of public housing agencies' processing of reasonable accommodation requests.<sup>4</sup> The results determined that "HUD did not have adequate policies and procedures for ensuring that PHAs properly addressed, assessed, and fulfilled requests for reasonable accommodation". As outlined in a letter to the Secretary,<sup>5</sup> the co-chairs of the CCD Housing Task Force shared their concerns about the report's findings, as they evidenced significant violations of both 24 CFR Part 8 as well as Part 9. CCD urges HUD to implement all of the Inspector General's recommendations in order to come into compliance with 24 CFR Part 9. These actions should include the development of required forms for PHAs and HUD-assisted housing to notify applicants and tenants of their right to request accommodations, model accommodation request forms (that also indicate the disabled applicant/tenant can make their request in another manner), and consistent training and technical assistance.

**Burden of multiple applications and multiple housing providers:** Subsidized housing applications often ask the same questions. They are nearly identical, but each has to be completed and submitted individually. Applicants will complete nearly identical forms tens or hundreds of times. While some housing entities have chosen this path because they believe it helps to limit the number of submitted applications that have to be processed, other entities have streamlined their processes to benefit applicants. For example, 120 PHAs in Massachusetts have created a single centralized waiting list for their individual HCV programs.<sup>6</sup> Also in Massachusetts, where there is a 43,000 unit state-funded public housing program, the state has developed a single application and portal entitled CHAMP<sup>7</sup> (Common Housing Application for Massachusetts Programs). Using this site, the household can apply for state-funded public housing and the Alternative Housing Voucher Program (for which disability is an eligibility requirement). As addresses or other application information changes, the household must only update information on the CHAMP site. All of the changes will be recorded at the housing authorities where the household has applied. CCD recommends that HUD provide guidance on innovative models similar to the initiatives described above to demonstrate to PHAs and HUD-assisted housing providers that efficiencies can benefit both the housing entity and applicant households.

**Burden of notarized documents:** Many HUD-funded housing programs require that forms be notarized. Having these types of documents notarized is unnecessary, outdated and a significant burden to applicants and tenants, particularly those with low incomes. First, it can be difficult to identify

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<sup>4</sup><https://www.hudoig.gov/reports-publications/report/hud-did-not-have-adequate-policies-and-procedures-ensuring-public>

<sup>5</sup><https://www.c-c-d.org/fichiers/CCD-Housing-TaskForce-Recommendations-Office-of-Inspector-General-Audit-Report.pdf>

<sup>6</sup>[http://www.section8listmass.org/How\\_to\\_Apply.php](http://www.section8listmass.org/How_to_Apply.php)

<sup>7</sup><https://publichousingapplication.ocd.state.ma.us/>

and travel to a notary. Second, notaries are often at banks; many households do not have bank accounts or accounts at a particular bank. Finally, there can be fees associated with securing a notarized document. CCD recommends HUD clarify that HUD-funded rental housing programs should eliminate the need for notarization and rely more on self-attestation.

**Burdens related to recertification:** HUD-funded housing providers must recertify tenants on an annual basis. Recertification is generally focused on confirming the number and income of persons in the household. The tenant is generally required to sign a document certifying the information. When the document is not signed and returned to the housing provider by the deadline, depending on the program, the risks to the tenant can include temporarily losing their subsidy, being charged market rent, and/or eviction. A HUD FAQ states: “In properties where there is a market rent (or contract rent), and tenants refuse to re-certify, they will be required to pay market rent or contract rent. In Section 202/811 PRAC properties, where there is no "market" rent because the tenant pays 30 percent of income and the rent is not capped at operating rent, tenants are subject to eviction.”<sup>8</sup> By definition, all of the Section 811 and the majority of the Section 202 tenants have disabilities. Many reasons may prevent these tenants from responding to a recertification letter, ranging from the tenant being hospitalized, notices being inaccessible, or the notice not being shared with their support staff. CCD urges HUD to require that all HUD-funded housing providers provide the opportunity for applicants and tenants to provide a secondary contact (relative, case manager, friend, etc.) on their application or in the tenant file. This person should serve as a contact to ensure that procedural issues, such as failure to complete paperwork, do not result in an eviction or other consequences.

**Question #1e: Are there specific challenges that persons with physical, speech, other communication-related, or other disabilities face in these processes that HUD should further address? What strategies or tools might succeed in reducing burden for these groups?**

Plain language materials – including applications, explanations of leases, and other agreements, notices or contracts, as well as staff who can proactively facilitate access to programs, services and activities – can prevent negative outcomes (such as evictions) brought about by lack of effective communication. Covered entities should be expected to develop procedures to ensure essential information is effectively and accessibly communicated to people with disabilities. We also note that someone with cognitive disabilities or someone with limited manual dexterity, or both, may have difficulty using digital portals. While such portals may be efficient for the recipient, they discriminate against a broad swath of the disability community, including many older adults with disabilities.

We also point out that while some disabled people require only physical or sensory accessibility, many people, including seniors with disabilities, live with various disabilities and therefore have multiple accessibility needs. Many people with developmental disabilities, for example, have both sensory disabilities and physical disabilities.

If someone is blind or has low vision, online applications and web pages are not generally accessible. HUD should require housing providers to ensure these are accessible and to also provide alternative formats, such as paper formats, large print, etc. to proactively ensure effective communication. Many people with disabilities, particularly if they have low incomes and/or are older, do not have ready access to the internet or digital devices.

We recommend HUD review how HHS seeks to achieve effective communication for people with disabilities, as outlined in NPRM Part 92, Nondiscrimination in Health Programs and Activities. As indicated in CCD’s comments on this NPRM, we support the definitions and notice requirements in the

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<sup>8</sup>[https://www.hud.gov/sites/documents/DOC\\_20476.PDF](https://www.hud.gov/sites/documents/DOC_20476.PDF)

NPRM and also recommend the following:

- Covered entities must ask applicants/tenants whether they have communication disabilities and record their needed auxiliary aid or service in their application or tenant file so that they can consistently receive effective communication from the covered entity.
- HUD should clarify that if an individual requests that all written communications be rendered in alternative formats or in other languages, then all future communications should be provided in the requested format or language.
- HUD should work on developing template notices in plain-language formats that will make information accessible to people with intellectual and developmental disabilities.

We also recommend the following types of auxiliary aids and services:

- Captioning and audio descriptions: Captioning and description data should be preserved for re-exhibited programming; and audio description of open subtitles should be used to the extent practicable.
- Video conferencing: Recipients should consider providing added support for visual image descriptive services; screen-reader and refreshable braille display support for presentations, videos, and interactive documents; simplified call initiating; meeting interfaces and plain-and-simple-language and iconography in instruction materials for people with cognitive disabilities; and hands-free technology and voice control technology (such as speech-to-text software) for people without finger function.
- Video playback apparatus: Devices used for video playback, such as remote controls and other interfaces used for activating captioning, etc. should also be accessible.
- Relay services: Recipients should consider providing added support for Deaf interpreters; support for video conferencing interconnection; and one-number support for unified messaging and calling for relay users.
- Emerging technology: Recipients should use emerging technology for people with speech disabilities (including users of augmentative and alternative communications (AAC)), people with cognitive disabilities, DeafBlind people, and people with multiple disabilities. Emerging technology also includes spatial computing and wireless technologies.

Technical advancements in communication access for Deaf and hard-of-hearing communities must be available and used across federal housing programs. This includes video remote interpreting (VRI), as well as greater availability of CART captioning. VRI and CART, however, cannot act as a replacement for an onsite interpreter.

The accessibility of website and smartphone applications (for applications, rent payments, work order requests, and so on) continues to be a barrier for persons with disabilities when accessing electronic materials. When such technology is designed poorly, individuals cannot independently use the technology. As a result, potential tenants cannot apply for housing online or research options online. The process for applying for housing is now almost exclusively conducted online, leading to serious problems for people with disabilities.

HUD should remind recipients that website and application accessibility compliance is mandatory under Section 508 of the Rehabilitation Act and Titles II and III of the ADA. HUD should also consider the Web Content Accessibility Guidelines (“WCAG”) as an instructive tool to make websites and applications accessible for users with disabilities. Although the WCAG standards have not been adopted by law, it has strong support, has served as a useful guideline to make websites accessible, and has been cited in numerous judicial decisions.



We also note that HUD should improve the accessibility of its own websites. A study by the Department of Justice and the General Services Administration found that many federal agencies, including HUD, failed to make their websites fully accessible.

CCD recommends that HUD require recipients to ensure materials, especially those that are critical to program participation such as applications, eviction notices, etc. are in plain language (whether they are provided in hard copies or online). This requirement is important not only for people with cognitive or intellectual disabilities, but also because according to a Gallup analysis of data from the U.S. Department of Education, 54% of Americans between the ages of 16 and 74 read below the equivalent of a sixth-grade level.<sup>9</sup> Materials should be easy to understand and include visual aids. HUD should have people with disabilities pilot and test materials.

**Question #2: Are there data currently collected by HUD or HUD program administrators that could be shared with other agencies or program administrators to reduce the information collection burden of those programs? Are there data currently collected by other programs or agencies that if shared with HUD or HUD’s program administrators could reduce the information collection burden of HUD’s programs? When responding, please be specific about HUD and other agency programs, including the form(s) used by HUD or the other agency and the specific data collected that could be leveraged.**

**Sharing HMIS Data with SSA:** SSA flags the cases of SSI and Social Security Disability (SSD) claimants who are experiencing homelessness. “Homeless cases” are subject to priority handling and special case development requirements to promote expedited processing.<sup>10</sup> Data shared between Continuums of Care (CoCs) and SSA could potentially help SSA identify claimants who are experiencing homelessness and being served by HUD’s shelter system. CCD recommends HUD investigate whether data sharing agreements between a CoC’s Coordinated Entry system and SSA could effectively allow CoCs to provide data about SSI/SSD claimants through the HMIS system.

**Sharing Data with FEMA:** We recommend that HUD expand its existing data sharing agreement with the Federal Emergency Management Agency (FEMA) to share information about HUD properties that are damaged following disasters, especially those units housing older adults or disabled households. This data would help facilitate rapid delivery of disaster recovery resources and programs for disaster survivors whose homes have been damaged or destroyed.

**Sharing Data with the LIHTC Program:** HUD should streamline the recertification process for tenants where there are layered subsidies and investigate opportunities to share data with the Low-Income Housing Tax Credit (LIHTC) program. Residents and applicants of RAD-converted project-based units that are also funded by LIHTC are subject to dual eligibility screening and recertification requirements with different timelines, which can be confusing and burdensome. Sharing of documentation and data between HUD and the LIHTC program could help minimize the need for households to submit multiple sets of documents and keep track of different deadlines.

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<sup>9</sup>[https://www.barbarabush.org/wp-content/uploads/2020/09/BBFoundation\\_GainsFromEradicatingIlliteracy\\_9\\_8.pdf](https://www.barbarabush.org/wp-content/uploads/2020/09/BBFoundation_GainsFromEradicatingIlliteracy_9_8.pdf)

<sup>10</sup>POMS [DI 23020.001](#) and POMS [DI 11005.004](#)

Thank you for the opportunity to comment on **FR-6381-N-01 Improving Access to Public Benefit Programs; Request for Comment.**

Sincerely,

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