

Housing & Health Services Coordination Council

Policy & Barriers Committee Service-Enriched Housing Definition Feedback

March 2nd, 2010 11:00am

Brown Heatly Building, Room 4105

Housing & Health Services Coordination Council – Policy & Barriers Committee
Service-Enriched Housing Definition Feedback

“Integrated, affordable, and accessible housing models that offer the opportunity to link residents with on-site or off-site services and supports that fosters independence for individuals with disabilities and persons who are elderly.”

Stakeholder Feedback

Council staff received a variety of testimony during the four statewide public forums, including opinions regarding the draft definition of service-enriched housing. Excerpts from the transcripts of these forums are provided below, categorized by which piece of the definition was commented upon.

Choice:

- Tony Koosis, Houston Center for Independent Living: “When I first read the charge of the Council, I was thinking that the major focus would be how to tie the services together and how that limits the ability of the consumer to make a choice. So I’m very glad that you are also mentioning off-site services in your definition.”
- David Wittie, ADAPT of Texas: “I’m really interested and intrigued by the draft definition that the council has put forth. I think that their approach towards separating services from housing is inspirational because the words “offer the opportunity” seem to be the strongest effort to separate those services from the housing that people low income and people with disabilities and elderly and children coming out of foster care and people who are being de-institutionalized are facing. But I don’t think that offering the opportunity to link residents with services that are onsite or offsite goes far enough...the definition that you provided doesn’t really serve strongly enough to de-link the requirements of housing and provision of services. As Mr. Hanophy was suggesting, it’s not really a one-size-fits-all type of opportunity for people.”
- Linda Litzinger, Texas Parent Advocates Consortium: “I’ve been learning a lot today and evaluating this definition and something Jennifer McPhail said about how you only want what you want and not anything more rings true.”
- Belinda Carlton, Texas Council on Developmental Disabilities: “TCDD wants housing separate from the services, we want consumers to be able to have choice and control over where they live, where they get their services. So we do support your definition up there, integrated, affordable and accessible housing models.”

Types of Disability:

- Cynthia Humphrey, Association of Substance Abuse Programs: “As we look at the definition or we start considering the definition, I just wanted to bring to your attention that the disability piece may need to be looked at a little bit more as it relates to addiction because what happens with addiction, especially in the service area, is if you’re trying to look for other service supports, you typically can’t gain access to them on a diagnosis of addiction alone. I would like for the Council to make it really clear that addiction in and of itself is considered a disability in terms of the housing needs.”

Housing & Health Services Coordination Council – Policy & Barriers Committee Service-Enriched Housing Definition Feedback

“Looking at that definition, I would like to make the recommendation that we kind of maybe add in something that might say individuals with disabilities and rehabilitative needs or something that might expand that to certainly indicate that we are talking about people with substance abuse problems and addictions.”

Method of Service Provision:

- Donna Chatham, Association of Rural Communities in Texas: Serviced-enriched housing means “onsite visits if you had cluster homes, maybe onsite visits for a healthcare nurse that would go two or three times a week. Same thing with Meals on Wheels and things like that.”
- Joy Horak-Brown, New Hope Housing: Service-enriched housing means “there are services that are needed by the specific population available to residents either on-site or off-site and that someone in that housing component is knowledgeable to either provide those services, to bring those services in, or to refer residents out to the community for the services that they need.”
- Mari Okabayashi, Harris County Area Agency on Aging: “I’m glad in your definition of service-enriched housing that you’re covering wrap-around services. This is very important because we’re looking to make sure that we cover the resident’s whole environment.”
- Frank Fernandez, GreenDoors: “From my perspective, I think you’re capturing a lot of the richness of what is there. As several people have said, there are a lot of different models. And I think what you have there is something that allows folks to have different models.

We have some scattered site housing as well as more concentrated housing where you have apartments all together, and for some people, scattered site housing really works well in terms of they’re a little more independent, they don’t have as many challenges, struggling with their mental health or substance abuse. Whereas, for others they need a more supervised environment, at least initially, to help them get past that period to where they’re more stable on their own...So to me, its having that flexibility to tailor to the needs of the individuals that you’re trying to serve.”

Transitional vs. Permanent Housing:

- Frank Fernandez, GreenDoors: “I think what we try to do is provide the housing that fits the needs and is appropriate for our residents. So part of our mission is to make our residents as independent as is appropriate for their situation which means for some they’re going to be with us for six months, get themselves together, get a job, be able to move up to subsidized housing or market rate housing, that’s a wonderful thing. And for others who struggle with more challenges, they may be with us for the rest of their life. It just depends on their situation.

So I get kind of frustrated with this distinction between transitional and permanent because what we’re really trying to do is if you are someone who has been able to get yourself back up and you can live in whether it’s affordable housing or market rate housing, we want you to do that because the need is so huge so we do want you to transition from that perspective. But if you don’t need to, we want to help you become as independent as you can, and if you need to be here for the duration,

Housing & Health Services Coordination Council – Policy & Barriers Committee Service-Enriched Housing Definition Feedback

that works as well. It's just kind of how do you tailor to that individual resident's and how do we maximize the resources we have given the need.

Integration:

- Frank Fernandez, GreenDoors: "To me integration needs to be thought of a little more broadly. For example, we're looking at a property right now for our next development that's a little bit west Austin in a good neighborhood, X number of units, and we'll probably do a mix of some supportive housing with some affordable housing. Now, say it's 50 units, say we want to do about 25 supportive housing, 25 affordable housing, now, technically if we were to go after state funding, that potentially could run afoul of the integration, but from my perspective, you are integrating within a kind of middle class neighborhood with a bus stop right there and a Randall's not too far down the street -- you're embedded in the community. And I don't have what the right answer is because it's a very tough issue, but I think when we look at it, we need to really be open to kind of thinking about integration, not just about that particular development, think of it in the context of where it's at."

Accessibility:

- Sarah Mills, Advocacy Inc.: "I do like the definition that you all have drafted. I think it is very broad, it's well rounded, and it has the three things in it that, as an advocate for people with disabilities, which is kind of our mantra which is affordable, accessible and integrated... For the constituents that I serve accessibility is being able to get -- and if you use a wheelchair, getting in and out of, it's the physical access."

Council Member Feedback

Staff also received comments from the Council during and after our public forums that concern edits or additions to the current definition of service-enriched housing.

Elderly vs. Senior:

A request was made to change "persons who are elderly" to "seniors." The requestor noticed that during public testimony on this issue, most speakers used the term "senior" rather than "elderly." Additionally, the requestor's experience is that elderly carries a connotation of persons 80+ years old which is not necessarily the definition intended in the "service-enriched housing" definition.

Defining Language:

A request was made during the Austin public forum to consider defining either the principles that go with our definition of service-enriched housing or defining specific words within it. Examples of language to further define include "accessible," and "opportunity/choice."

Voluntary/Appropriate

Housing & Health Services Coordination Council – Policy & Barriers Committee Service-Enriched Housing Definition Feedback

Discussion ensued at the Austin public forum regarding inserting either the word “voluntary” or “appropriate” into the definition to address the ability of a consumer to choose which services they needed rather than having mandatory services linked to the housing they reside in.

Accessibility

There was discussion at the Austin public forum regarding the interpretation of the word “accessible.” Council members raised concerns as to whether the draft definition negates housing that could be available for persons with disabilities other than physical/mobility impairments, such as those persons who are mentally disabled or hearing impaired. A recommendation was made about inserting language stating that the housing models would be “accessible to the needs of the individual.”

Populations Served

A comment was made at the Austin public forum regarding expanding the definition beyond persons with disabilities and the elderly, due to the comments received by the offices of the authors of the statute.

Definitions to Consider

Persons with Disabilities: For the purposes of this Council, three definitions are listed as those most commonly used by State of Texas agencies. In addition to these broad definitions, more specific explanations of developmental, physical, and mental disabilities have been provided.

- 1) According to the US Department of Housing and Urban Development, 24 CFR 582.5, a person shall be considered to have a disability if such a person has a physical, mental, or emotional impairment that¹:
 - i. Is expected to be of long-continued and indefinite duration,
 - ii. Substantially impedes his or her ability to live independently, and
 - iii. Is of such a nature that the ability could be improved by more suitable housing conditions.

- 2) Additionally, according to the Americans with Disabilities Act (amended 2008), the term "disability" means, with respect to an individual²:
 - i. a physical or mental impairment that substantially limits one or more “major life activities” of such individual;
 - ii. a record of such an impairment; or
 - iii. being regarded as having such an impairment

- 3) Finally, the Social Security Administration in Sec. 1614 (42 U.S.C. 1382c) states that “an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any

¹ US Code of Federal Regulations, Title 24 - Housing and Urban Development, CFR § 582.5
<http://law.justia.com/us/cfr/title24/24-3.1.1.3.10.1.1.2.html> (Accessed October 22, 2009)

² Department of Justice, “Americans with Disabilities Act of 1990, as amended,” (Accessed October 22, 2009)
<http://www.ada.gov/pubs/adastatute08mark.htm#12102>

Housing & Health Services Coordination Council – Policy & Barriers Committee Service-Enriched Housing Definition Feedback

medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.”³

Integrated Housing Rule: Integrated housing is defined in the Integrated Housing Rule as “Normal, ordinary living arrangements typical of the general population. Integration is achieved when individuals with disabilities choose ordinary, typical housing units that are located among individuals who do not have disabilities or other special needs. Regular, integrated housing is distinctly different from assisted living facilities/arrangements.”

Example Housing Models to Consider:

- *HUD 202 Supportive Housing for the Elderly:* Specifically designed for the elderly that may or may not need assistance with activities of daily living. Congregate space including a common kitchen is allowable.
- *HUD 811 Supportive Housing for Persons with Disabilities:* Persons with physical disabilities, developmental disabilities, chronic mental illness, or a combination of the three; occupancy can be restricted to a subcategory of one of the three categories. Units can be scattered site, units within a condominium project, or multifamily.
- *Independent Living Apartments:* Fully self-contained units within a multifamily development specifically designed for housing the elderly.
- *Assisted Living Facilities for senior citizens:* Provides a resident a fully self-contained apartment; the owner provides the resident with meals, social/recreational activities, and assistance with activities of daily living.
- *Continuing Care Retirement Communities:* Single family, multifamily independent living and/or assisted living and/or a nursing facility all located on one site.
- *Senior Citizen Retirement Subdivision:* Single family and/or multifamily housing without assisted living or nursing facilities.
- *Intermediate Care Facility for Persons with Mental Retardation:* An institutional setting that is primarily for the diagnosis, treatment, or rehabilitation of the mentally retarded or persons with related conditions. Provides a protected residential setting, ongoing evaluation, planning, 24-hour supervision, coordination, and integration of health or rehabilitative services to help each individual function at his greatest ability.
- *Single Family Group Homes:* Housing four or less unrelated people that provide supported services for the residents. Group homes are used to house the elderly as well as group homes that

³ Social Security Act Home, Compilation of the Social Security Laws, “Meaning of Terms,” http://www.socialsecurity.gov/OP_Home/ssact/title16b/1614.htm (Accessed October 22, 2009)

Housing & Health Services Coordination Council – Policy & Barriers Committee Service-Enriched Housing Definition Feedback

house people with intellectual and developmental disabilities. Group homes may be confined within a single subdivision or scattered throughout the community.

- *Duplex, Tri-Plex, Four-Plex complexes:* Similar to group homes, but one unit is used to house a individual who supervises and provides/arranges supportive assistance to the residents in other units. These homes may be confined within a single subdivision or scattered throughout the community.
- *Retirement Community:* Multi-Family and/or single family residences with a senior/recreation center, golf course, food service, etc. May or may not have supportive services available.
- *Naturally Occurring Retirement Communities:* A demographic term to describe neighborhoods or buildings in which a large segment of the residents are older adults; they are not purpose-build senior housing or retirement communities; residents have simply aged in place or migrated there to be with other older adults.
- *Multifamily Housing with Commercial Space:* Multifamily properties for the elderly or people with intellectual and developmental disabilities. Residents receive supportive services in their own home. A portion of the building is used as commercial space which may benefit the residents (i.e. beauty shop, pharmacy, restaurants, retail, grocery, etc.) Some developments may have commercial space open to non-residents of the development.
- *Cooperative Senior Housing:* Housing for the elderly, with or without assistance with activities of daily living, typically with social/recreational activities and food service. Residents own a membership share(s) in the Cooperative comparative to the value of their unit rather than through a deed of trust. Shares can be sold to other eligible residents.
- *Parent Purchase of a Single Family Home for Use of Dependent with a Disability:* The purchase of a single family home that is purchased by a parent or guardian; the resident of the home will be furnished with various supportive services similar to those found in group homes. The dependent/ward may be of legal age, with or without capacity to enter into a binding legal agreement. The housing could also be used to provide housing and supportive services to other people (i.e. group home type living arrangement).