

The Disability Housing Market: Opportunity for Community Development Finance as the Americans with Disabilities Act Turns 20

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A home is more than just an address, more than just a place to hang your hat. For many of us, the first time we feel independent is when we sign our first lease, buy our first set of dishes, and pay our first bills. For many, the most strenuous part in finding a place to live is meeting the right real estate agents, or finding a home with enough bathrooms, or one with a decent-size kitchen and adequate sunlight.

For low-income persons with disabilities, their concerns consist not only of counter space, or hardwood floors, but also safety, affordability, and accessibility. For far too long, persons with disabilities have been deprived of the opportunity of renting or possibly even owning their own home. Many have been excluded from obtaining housing vouchers, and some simply have no access to the limited housing options that are currently available. For many, it has been a dream without much likelihood of coming true.

For the last 40 years, many articles, progress reports, and statistics have addressed this critical issue. Yet there is no current coherent policy to address the housing needs for persons with disabilities. Congress has struggled since the passage of the Vocational Rehabilitation Act in 1973 to develop a working plan through which persons with disabilities who want to live independently may be able to do so. Several other laws and regulations have been enacted since then in the hope of protecting the disabled and helping them find safe, affordable, accessible housing.

Although there is no coherent approach to providing housing, the demand for it is strong. There are more than 41 million noninstitutionalized Americans living with some form of disability. More than 23 million are between the ages of 18 and 65.¹ It is the inadequate supply that has ultimately hindered those with disabilities from attaining housing.

How Is the “Disability Market” Measured?

Statistical information concerning disabilities is collected through several different venues. The American Community Survey (ACS), Cornell University’s “Disability Status

1 Statistics taken from Cornell University, 2007 *Disability Status Report*.

Report,” and the University of Colorado’s Coleman Institute for Cognitive Disabilities are just a few of the sources that provide thorough and comprehensive data and statistics.

The ACS, working with the Census Bureau and the Department of Commerce, hopes to sample close to three million homes a year. Currently the ACS strives to “provide data users with timely information each year on demographic, housing, social and economic statistics that can be compared across states, communities, and population groups.”² Working from information and data collected from the ACS, the Cornell “Disability Status Report” tends to classify individual disabilities through six separate categories: sensory, physical, mental, go-outside-home, self-care, and employment. The ACS defines disabilities in a more general way as a “long-lasting physical, mental, or emotional condition.” The ACS is intended eventually to replace the decennial Census, through which reports and statistics are reported and documented only every ten years.

Whereas the ACS primarily focuses on statistics for various disabilities, the Coleman Institute for Cognitive Disabilities centers on “mental retardation and developmental disabilities, acquired brain injury, Alzheimer’s disease, and severe and persistent mental illness.”³ The Coleman Institute’s main intent is not the distribution of disability statistics, although it does willingly share the useful information it has acquired, but rather, since its establishment in 1991, has created a full avenue for sharing disability information and offering support. Most important, the Coleman Institute’s mission is “to catalyze and integrate advances in science, engineering, and technology to promote the quality of life and independent living . . . of over 20 million American citizens—seven percent of the U.S. population” living with cognitive disabilities.

How Big is the Market?

By analyzing the ACS, the Coleman Institute, and Cornell University’s Disability Status Report as three primary sources for statistical research and data on persons with disabilities, we have found that the disabled housing market not only is expanding but also that it remains underserved. The ACS, Cornell, and Coleman Institute data are conclusive in stating that numbers and types of disabilities are growing exponentially. Consider the following:

Wounded Veterans for Iraq and Afghanistan

According to a published report from the John F. Kennedy School of Public Policy at Harvard, of the 1.4 million men and women deployed to Iraq and Afghanistan, nearly one-half will need medical attention from the Veterans Administration when they return from the wars. In addition, as a result of

2 M. J. Bjelland, W. A. Erickson, and C. G. Lee, “Disability Statistics from the American Community Survey (ACS),” November 8, 2008. Cornell University Rehabilitation Research and Training Center on Disability Demographics and Statistics (StatsRRTC). www.disabilitystatistics.org.

3 David Braddock, Ph.D., Executive Director, UC Associate Vice President, Boulder 2005–2008, The Coleman Institute for Cognitive Disabilities. https://www.cu.edu/ColemanInstitute/background_text.html.

medical advances, the ratio of wounded soldier to fatality in these theaters is four to eight times higher than in any previous conflict.⁴

Autism

According to the website for Autism Speaks: “A new study published October 5, 2009, in the American Academy of Pediatrics’ journal *Pediatrics* found a parent-reported autism prevalence rate of one in every 91 American children, including one in 58 boys. The study used data gathered as part of the 2007 National Survey of Children’s Health (NSCH), a national survey directed and funded by the Health Resources and Services Administration (HRSA) and Centers for Disease Control and Prevention (CDC).”

Baby Boomers

In the next 10 years, the major wave of baby boomers will be entering their seventies.⁵ The estimates are that the current senior population of 34 million will double over the next 20 years. What do these statistics have to do with disabilities? In 2007 in the United States, 25 percent of individuals 65 to 74 reported one or more disabilities, and 50 percent of individuals 75 and older reported one or more disabilities.⁶

Excluded from these statistics and analysis are those of the disabled population that go unrecognized and unaccounted for. A substantial percentage of individuals living with disabilities are considered “hidden.” Some of these men and women, if not the majority, are living with aging parents, even though they are qualified to reside on their own or within supported living programs.

The 2005 HUD report on worst-case housing used Social Security Administration data to estimate that in 2004 there were more than one million low-income adults with disabilities living in households with worst-case needs. “Worst-case housing needs” is defined as households with incomes falling below 50 percent of median income in their geographic area who are paying more than half of their income for housing or are living in severely substandard housing. In all, more than 60 percent of unassisted very low-income households in which there is an adult member with a disability have worst-case housing needs, one of the highest proportions among low-income groups.

4 Linda Blimes, “Soldiers Returning from Iraq and Afghanistan: The Long-Term Costs of Providing Veterans Medical Care and Disability Benefits,” John F. Kennedy School of Government, Harvard University, Faculty Research Working Papers Series, January 2007.

5 George Friedman, *The Next 100 Years* (New York: Knopf Doubleday Publishing, 2009), 128.

6 Bjelland, *et al.*

People with Disabilities are a Low-Income Target Market

Persons with disabilities have among the highest poverty rates. They are reimbursed for needed services, but the rate is substantially below what they need. In 2006, there were more than 21 million people between 18 and 65 in the United States with one or more disabilities. The Cornell report found that in 2007, 36.9 percent of working-age (21–64) individuals with disabilities were employed, compared with the 79.7 percent without disabilities. Those who do work typically earn \$6,000 less per year than workers who do not have disabilities. The income of households with a wage earner who has a disability is \$26,500 less than households without a person with a disability. Moreover, researchers found that 24.7 percent of working-age Americans with disabilities lived in poverty compared to 9.0 percent of those without disabilities.⁷ These dramatic discrepancies are long-standing and continue to separate Americans with disabilities from their peers without disabilities.

Those individuals who do not or cannot work experience even greater economic challenges. More than half of the population in the United States between 18 and 65 and have disabilities rely on Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) for their income. Of these 11.9 million people:

- 6.5 million people receive SSDI only. The average 2008 SSDI payment in 2008 was \$12,048/year or 116 percent of the Federal Poverty Guidelines for one person.
- Four million people receive SSI only. The average 2008 SSI payment in 2008 was \$5,724/year or 55 percent of the Federal Poverty Guidelines for one person.
- 1.5 million people receive SSDI and SSI because their SSDI payment falls below the state's SSI payment threshold. The average SSI payment in these cases is \$2,082/year, bringing the annual income of these individuals “up to” 135 percent of the Federal Poverty Guidelines.

Note: These figures relate to the Federal Poverty Guidelines (FPG) and not the Area Median Household Income statistic, which is much higher than the FPG.

In addition to receiving transfer payments that are far below Median Household Incomes in every state, individuals with disabilities must restrict their assets in order to qualify for these benefits. They cannot accumulate any more than \$2,000 in assets other than their house, car, and a life insurance policy (capped at \$1,500). Thus government programs can actually keep persons with disabilities in poverty. This policy is based on the old notion that individuals with disabilities are unable to work and therefore must rely on others (such as family members) for support.

There is a “chicken and egg” challenge when it comes to poverty and persons with disabilities: those living in poverty are more likely to have a disability and those with disabilities are

⁷ Ibid.

more likely to live in poverty. Regardless of which came first, individuals with disabilities must have access to economic tools to rise out of poverty, achieve homeownership, and accumulate assets to improve their standard of living.

Can the System Work More Efficiently?

The challenge is to determine a method that will efficiently deliver financial and other resources. Existing housing programs at the federal, state, and local levels do not necessarily work in concert, and they should. More efficient housing programs can also be combined with existing “disability” housing rental subsidies to increase the supply of available housing for persons with disabilities. A simple and current example is the federal government’s Neighborhood Stabilization Program (NSP). According to the HUD website, NSP funds are aimed at “the purchase and redevelopment of foreclosed and abandoned homes and residential properties.” The problem is that HUD never thought to incorporate persons with disabilities into the program. At present, a full year after the NSP funds were delivered, we have found that some local government housing agencies are still sitting on unused NSP funds. These same agencies are also holding on to the NHTD Medicaid Waiver rent subsidy, which allows individuals with disabilities to live in the community through a rental voucher system. Rather than let the NSP dollars go to waste, we have suggested that the local housing authorities convert the foreclosed and abandoned homes into rental units for individuals with disabilities who can use the Medicaid Waiver to pay the rent.

In 1990, Congress passed two important laws for low-income renters with disabilities: The Americans with Disabilities Act (ADA), and the Cranston-Gonzalez National Affordable Housing Act. According to the ADA: “Physical or mental disabilities in no way diminish a person’s right to fully participate in all aspects of society,” and further, “the continuing existence of unfair and unnecessary discrimination and prejudice denies persons with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.”⁸ The Cranston-Gonzalez National Affordable Housing Act contained Section 811 (the Supportive Housing for Persons with Disabilities program), which provided “funding exclusively to non-profit developers building and operating housing for low-income households with disabilities.”⁹

Both laws were thought to make a tremendous difference in the lives of the disabled and their families. The ADA has made great strides to help the disabled community by legally prohibiting discrimination in relation to work and housing opportunities, but Section 811 has seemingly fallen short of Congress’ original vision. The lack of new funding, the cost of renewing

8 The U.S. Equal Employment Opportunity Commission. February 23, 2009. <http://www.eeoc.gov/policy/ada.html>.

9 National Alliance on Mental Illness. July 27, 2004. <http://www.namisc.org/Advocacy/2004/Summer/Section8Advocacy.html>

vouchers, and the elimination of project-based capital has crippled the Section 811 budget.

In 1999, the U.S. Supreme Court handed down the *Olmstead v. Lois Curtis and Elaine Wilson* decision, citing the unlawful confinement of disabled persons as a clear violation of the ADA. Today, ten years after the *Olmstead* decision, “more than 500,000 people who have mental illness other than dementia live in nursing homes,” the majority of whom could and should live independently if they were given the appropriate support.¹⁰

The Disability Opportunity Fund — Filling the Gap

The Disability Opportunity Fund (The DOF) was created to help improve the delivery of affordable housing. A market study commissioned by The DOF in 2007 found that there is not enough government funding to meet the needs of organizations (for-profit and nonprofit developers, social services agencies, and hospitals) interested in developing affordable housing for persons with disabilities. The market study also found that those who successfully developed affordable housing for the disabled relied on multiple capital sources, usually including local, state, and federal government programs, the Federal Home Loan Bank, Community Development Financial Institutions (CDFIs), banks, and occasionally, their own earned income. Expectedly, it was revealed that the lack of capital is the biggest restraint on the development of safe, accessible, affordable housing for the disabled.

CDFIs focus on the development of programs and strategies to meet the needs of low-income communities. Their mission is to make loans to entities that are unable to get loans from traditional banking institutions. They provide a range of products, including comprehensive credit, investment, banking, and development services. Some CDFIs are chartered banks, others are credit unions, and many operate as self-regulating, nonprofit institutions that gather private capital from a range of community-minded investors.

The DOF is a CDFI focused exclusively on disability projects. To date, it has acted as a loan fund in creating housing solutions for eleven persons with disabilities. We both originated loans and bought a participation in another loan originated by a fellow CDFI. In the participation, we provided \$100,000 of \$685,000 mini-perm financing for a newly constructed home in Darien, Connecticut, for six young adults who have developmental disabilities. The home provides the six residents with permanent housing in an environment that allows them to share their common interests in sporting, social, volunteer, religious, and work activities. A professional full-time staff assists the residents in making choices, enjoying everyday life, achieving goals, living with dignity, and taking care of their own needs.

In addition to this loan, The DOF originated structured financing of two single-family houses in Tennessee for five low-income residents who have developmental disabilities. The first portion of the loan allows three individuals to remain in their shared home through

¹⁰ National Council on Disability, “OLMSTEAD: Reclaiming Institutionalized Lives,” August 2003. <http://www.ncd.gov/newsroom/publications/2003/reclaimlives.html>.

more efficient financing, while the second portion allows two of the residents to obtain better financing and remain in their home as well. Providing affordable capital and creating reasonable and fiscally responsible loan repayment strategies ensures that these individuals can continue to live independently in the community.

Debt, Equity, and Technical Assistance

In the last year alone, The DOF was approached to develop financing for more than 40 projects in 17 different states. The composite-required financing is well over \$100 million and consists of both debt and equity. Most, if not all, of the future residents qualify as low income.

Debt

The DOF regularly receives requests for bridge (or gap) financing. For example, a nonprofit on Long Island, New York, has applied for a \$350,000 loan with a 6 percent interest rate and a 5-year term. These funds would help retrofit existing units and allow two persons with disabilities to live independently. The nonprofit has already secured the necessary government funding to support the residents and pay the debt service.

In Chicago, there is a need for a line of credit that could be used by for-profit developers to retrofit unused space in existing market-rate rental apartment buildings. The space will be converted into accessible, affordable housing units for persons with disabilities. The city is prepared to provide rental subsidies for the units.

There is also a growing market for housing solutions for our returning soldiers from Iraq and Afghanistan. Those men and women who are wounded return to the United States and receive their treatment at a military hospital. Two major housing benefits are administered by the Veterans Administration (VA): a 25 percent guarantee on a VA loan, and a fund for retrofitting the home to make it accessible.

One problem with the two VA programs, however, is that it takes a long time to establish eligibility. The length of time is particularly difficult since the first few months of dealing with a new disability are extremely challenging. The DOF hopes to fix this problem with short-term financing. For example, an injured Navy SEAL in San Diego has finished his medical treatment and is ready to buy a home. However, he is still awaiting word from the VA, which has not yet approved his eligibility for benefits. If he finds a house in the meantime, The DOF will provide him with the necessary financing for closing. Then, once the serviceman becomes "VA eligible," The DOF will be repaid by a conventional financial institution, which will issue a standard VA loan to the newly designated "veteran". The DOF has identified approximately 2,000 to 3,000 servicemen and women who could use this type of program.¹¹

¹¹ Author conversation with Noel Koch, Deputy Undersecretary of Defense, U.S. Department of Defense, office of Secretary of Defense Wounded Warrior Care and Transition Policy, December 2009.

Equity

In light of the soft real estate market around the country, many developers have contacted The DOF seeking equity investments in either unfinished or unsold condominium units or homes. The trade-off is to set aside units of housing to be designated for persons with disabilities. We have developed certain models that could yield an 8 to 12 percent annual return on these types of investments.

Technical Assistance

In addition to providing capital, The DOF continues to offer technical assistance in raising awareness of the resources available to develop affordable, accessible housing. During the market study, comments by key stakeholders suggested that many service organizations and housing developers are relatively self-taught when it comes to developing housing for the disabled. These service providers/developers simply recognized a demand in the communities they served or implemented required set-asides, and thus took the initiative to develop housing for the disabled. They have relied on any number of information resources, including their own trial and error, the inadequate government guidelines, end-user feedback, other developers, and industry peers.

To promote better communication and coordination among the players, The DOF has organized and moderated several roundtable discussions hosted by the Federal Reserve Banks of San Francisco and Chicago, the New York Stock Exchange and Delaware's State Council for People with Disabilities. In addition, The DOF was invited by Virginia's Department of Behavioral Health and Developmental Services to introduce the work of CDFIs as a possible leveraging solution to an \$18 million state budget set-aside to move 150 residents from state-run institutions into the community. Finally, The DOF has spent the last year introducing the power of CDFI financing to New York State's Office of Mental Retardation and Developmental Disabilities and is currently working with that office to "break down the silos" between other government agencies to develop additional housing solutions.

The Future Is Looking Bright(er)

Future public policies that have evolved in the hope of providing housing for the disabled have already been initiated by the Department of Housing and Urban Development (HUD), which remains in charge of Section 8 and 811 housing. HUD will work closely with the Department of Health and Human Services (HHS) in 2010, which President Barack Obama has deemed the "Year of Community Living." Through the National Affordable Housing Trust Fund Act of 2007, the president has asked for \$1 billion to produce, preserve, and rehabilitate 1.5 million affordable homes over the next ten years. Housing for low-income families, including housing for the disabled, will account for 67.5 percent of that number.

Moreover, the Frank Melville Supportive Housing Investment Act aims to amend Section 811 by speeding up processing requirements. Along with a change of pace, this act also

aims to make Section 811 housing more affordable, and available, specifically for persons with disabilities.

Although these examples of a “reformed” public policy seem to be moving in the right direction, nongovernment solutions must also be considered. The lack of capital and the nominal size of government budgets remain the most severe constraints on supplying and meeting the housing needs of persons with disabilities. Given the current real estate market, it is a perfect time to reduce, if not eliminate, the “waitlists” throughout the country. Again, simple economic principles apply: (1) it costs less to house persons with disabilities in the community than to institutionalize them; (2) there are defined “waitlists” of eligible tenants, so we know where the demand is; and (3) there is ample supply of housing inventory.

The coming 20th anniversary of the ADA will surely be celebrated by the great strides that have been made since its passage—and they should. The occasion will also be marked by how much remains to be accomplished. Financial institutions and CDFIs should embrace this new market and provide it with leadership and solutions.

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