



United States Senate  
Special Committee on Aging

Laying the Foundation: Housing Accessibility and Affordability  
for Older Adults and People with Disabilities  
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Chairman Casey and Ranking Member Braun and members of the Special Committee of Aging,

Thank you for inviting me to testify today. My name is Allie Cannington, and I sit before you today both as Senior Manager of Advocacy at The Kelsey, a disability-forward housing developer, and as a disabled person who has deeply felt the severe shortage of accessible, affordable, inclusive housing in my own life and the lives of people I love and care for across the country.

Co-led by people with and without disabilities, The Kelsey pioneers accessible, affordable, and inclusive housing through public, private, and philanthropic partnerships to develop mixed -income, disability-forward residential communities. The Kelsey acts as a co-developer working with market rate and affordable housing developers to build inclusive and accessible homes for residents with and without disabilities of all backgrounds and income levels. We engage communities and provide innovative disability-forward standards for better housing design and experiences for all residents. We leverage new sources of capital and unrealized land value to accelerate development for a faster housing development process. Each one of our communities is unique to the local n eeds, but all are: affordable to people at the very lowest and moderate -income levels; accessible to people with a range of disabilities and access needs; and inclusive, with culture, staffing, leasing, and amenity spaces that support thriving, connected, service-rich community life.

In addition to creating housing, The Kelsey leads field -building initiatives and drives policy change to create the conditions so that disability -forward housing can become the norm nationwide.

Today, I will provide an overview of how our nation's housing crisis disproportionately impacts disabled people; the broad solutions of housing affordability, accessibility, integration, and inclusivity; the universal benefits of building community -based housing and designing for acce ss; the federal programs that support disability -forward housing; and conclude with a vision for new opportunities that can get us even closer to a disability -forward housing future.



## I. The unmet housing needs of people with disabilities

Driven by unreasonably high costs, the highest rates of housing discrimination, inaccessibility, and/or lack of housing that is ready to accommodate individualized support services, the nation's state of housing for the more than 61 million people with disabilities is grim and is long overdue for comprehensive federal solutions. COVID-19 has only exacerbated an already critical situation.<sup>1</sup> By far, the most acutely affected are disabled Black, Latinx, Indigenous, and other people of color and low-income communities.<sup>2</sup>

***People with disabilities experience disproportionate poverty rates and, therefore, cannot afford most of today's rising -cost housing market***

According to the Census's Supplemental Poverty Measure (SPM), people with disabilities experience poverty at double the rate of non-disabled people.<sup>3</sup> In 2020, one in four disabled Black adults lived in poverty compared to just over one in seven of their white counterparts.<sup>4</sup>

Out of the population of housed people with disabilities, 22 percent have extremely low incomes.<sup>5</sup> In 2021, households with one or more members who were disabled had a median income of \$42,736 — compared with a median income of \$75,000 for households with no disabled members.<sup>6</sup> Yet, households with disabled adults need an average of 28 percent more income —an extra \$17,690 per year for a typical U.S. household—in order to achieve the same standard of living comparable to a household without a disabled member.<sup>7</sup> One reason for this is the common and often significant out-of-pocket costs not covered by health insurance. For example, expenses such as adaptive equipment to make one's home accessible, personal attendant care or a direct service provider, home modifications, and assistive technology, among other needs, can add cost to a household's budget and create even greater economic instability. Therefore, families and people with disabilities who currently rent or own their own homes will have higher rates of being cost -burdened.<sup>8</sup>

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<sup>1</sup> [1 in 4 US adults live with a disability](#) , CDC

<sup>2</sup> [Disability -Forward Policy Recommendations To Advance Accessible and Affordable Housing for All](#) , Center for American Progress

<sup>3</sup> [The Supplemental Poverty Measure: 2020](#) , US Census Bureau

<sup>4</sup> [Economic Justice Is Disability Justice](#) , Century Foundation

<sup>5</sup> [People with Disabilities Living in the US Face Urgent Barriers to Housing](#) , Urban Institute

<sup>6</sup> *ibid.*

<sup>7</sup> *ibid.*

<sup>8</sup> [The Extra Costs of Living with a Disability in the US — Resetting the Policy Table](#) , National Disability Institute



Therefore it comes as no surprise that 18 million housed disabled people are eligible for federal housing assistance but are not receiving it.<sup>9</sup> According to the Department of Housing and Urban Development's (HUD's) most recent Worst Case Housing Needs Report, there are over a million households with worst-case housing needs that include a younger person with a disability; half a million of these households include a single individual.<sup>10</sup>

For people with disabilities who rely on Supplemental Security Income and other forms of federal assistance, there is no U.S. housing market where rent is affordable. This is impacting over 4.8 million people with disabilities.<sup>11</sup>

All of this data does not account for the 40 percent of unhoused people who are disabled or the 1 in 2 disabled people arriving at local shelters.<sup>12</sup>

***Today's housing stock is not meeting disabled people's diverse accessibility needs***

The United States housing market has failed to create homes that every person, regardless of disability, can access and afford. Approximately 1 in 7 (37 million) U.S. adults with mobility -related disabilities<sup>13</sup> only have access to less than five percent of the nation's housing stock.<sup>14</sup> For wheelchair users, less than one percent of housing is accessible.<sup>15</sup> For people with sensory and other disabilities, the shortage is equal or greater.

By 2030, one in five Americans will be over 65, and currently, two in five adults over 65 have a disability.<sup>16</sup> As people age, they also will need structurally and mechanically safe housing. According to the Joint Center for Housing Studies at Harvard University, the number of heads of households who are 65 or older continues to grow.<sup>17</sup> Additionally, the rate of older adults facing housing cost

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<sup>9</sup> [People with Disabilities Living in the US Face Urgent Barriers to Housing](#), Urban Institute

<sup>10</sup> [Worst Case Housing Needs 2021 Report To Congress](#), HUD

<sup>11</sup> [Priced Out](#), Technical Assistance Collaborative

<sup>12</sup> [Homelessness in America: Focus on Chronic Homelessness Among People With Disabilities](#), United States Interagency Council on Homelessness

<sup>13</sup> [Disability Impacts All of Us Infographic](#), CDC

<sup>14</sup> [Assessing the Accessibility of America's Housing Stock for Physically Disabled Persons](#), HUD

<sup>15</sup> Ibid.

<sup>16</sup> [By 2030, All Baby Boomers Will Be Age 65 or Older](#), U.S. Census Bureau

<sup>17</sup> [Housing America's Older Adults](#), The Turner Center for Housing Innovation at the University of California at Berkeley



burdens is at the highest it has ever been, at approximately 10 million.<sup>18</sup> Moreover, over half of the 7 million disabled people living with relatives live with older adults as their head of household.<sup>19</sup>

The current federal accessibility requirements only specify mobility and sensory disabilities and have not been updated in decades. In addition, there are still common loopholes that lead to poor implementation.

People with disabilities with access needs outside of mobility and sensory, i.e. cognitive, communication, chemical, and environmental sensitivities, mental health, and chronic illness, get left out of consideration in how housing is developed and rehabilitated.

The lack of accessibility in housing is also perpetuated by the backlog of repairs and modifications needed to people's homes. For example, by 2019, the capital fund backlog for public housing repairs had grown to around \$70 billion and continues to rise. Many residents, including people with disabilities, continue to live in homes made unsafe by mold, lead, or disrepair. This directly threatens the health and safety of residents and can cause additional disabilities.<sup>20</sup>

***People with disabilities experience the highest rate of housing discrimination in the country, and inconsistent policies and procedures give disabled people unequal access to housing***

Disability-related discrimination reports to FHOs, HUD, and FHAP agencies account for 53.68 of all submissions, and race-related complaints account for the second -highest at 18.97 percent.<sup>21</sup> Therefore, non-white disabled people, as well as disabled people who hold multiple marginalized identities and/or who receive federal assistance, are at risk of experiencing compounded types of discrimination.<sup>22</sup>

In February 2022, the Office of the Inspector General at HUD found that the agency “Did Not Have Adequate Policies and Procedures for Ensuring Public Housing Agencies Properly Processed Requests for Reasonable Accommodation.”<sup>23</sup> These findings validate the stories disabled people and their families have been sharing for generations: that people struggle tremendously to get their

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<sup>18</sup> Ibid.

<sup>19</sup> [People with Disabilities Living in the US Face Urgent Barriers to Housing](#) , Urban Institute

<sup>20</sup> [The Promise of Public Housing](#) , Human Rights Watch.

<sup>21</sup> [2022 Fair Housing Trends Report](#) , National Fair Housing Alliance

<sup>22</sup> [Fair Housing Trends Report](#) , National Fair Housing Alliance

<sup>23</sup> [HUD Did Not Have Adequate Policies and Procedures for Ensuring That Public Housing Agencies Properly Processed Requests for Reasonable Accommodation](#) , HUD Office of the Inspector General



accommodations met in both the process of applying for housing and when they are living there. The ramifications of not providing reasonable accommodation can directly threaten the health and well-being of residents and can create barriers for people to get into housing.<sup>24</sup>

***People with disabilities are still heavily impacted by segregation and institutionalization because institutional bias is intact, and federal and state governments have never invested in a commensurate supply of service -ready, integrated housing***

There have been inadequate investments in disability -inclusive housing infrastructure, as historically, housing provision for people with disabilities was primarily through facilities, institutions, hospitals, congregate settings, and group homes. Even though people with disabilities have had the legal right to community living for almost 24 years, people are still not able to move into the communities and housing of their choice because supply does not exist.<sup>25</sup> Community-based housing is not only good for people; it's more cost -effective than when people are relegated to live in institutional settings. Community-based models also can be built with recognition of local context and state-specific needs, creating solutions that are driven by local developers and providers and more responsive to the diverse needs of constituents.

As the disability population continues to rise, including older adults, the need for supportive services in their own homes also continues to rise. As of 2022, there are 4.2 million people who use Medicaid home and community -based services (HCBS) and 819,886 people are on the waitlist for Medicaid HCBS.<sup>26</sup> Federal investment in HCBS continues to be prioritized over institutional care but, the need for further investment is critical.

Those who are still impacted by institutionalization, in part because of lack of supportive housing, include the roughly 1.2 million adults living in nursing homes,<sup>27</sup> more than 360,000 people in psychiatric facilities,<sup>28</sup> and the more than 268,980 people with I/DD who live in congregate, institutional settings or are on waitlists for services and residential programs.<sup>29</sup>

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<sup>24</sup> [Housing accessibility - WHO Housing and Health Guidelines](#) , National Library of Medicine

<sup>25</sup> [Priced Out](#) , Technical Assistance Collaborative

<sup>26</sup> [Medicaid Home & Community -Based Services: People Served and Spending During COVID -19](#) , Kaiser Family Foundation

<sup>27</sup> [Total Number of Residents in Certified Nursing Facilities](#) , Kaiser Family Foundation

<sup>28</sup> [Trend in Psychiatric Inpatient Capacity, United States and Each State, 1970 to 2014](#) , National Association of State Mental Health Program Directors

<sup>29</sup> [Estimated Supportive Housing Need](#) , Corporation for Supportive Housing



When it comes to the approximately 7.4 million people with intellectual and developmental disabilities (I/DD),<sup>30</sup> 75 percent of these adults live with a parent or other caregiver and are not connected to publicly available services and supports, and at least one million of those households have a caregiver over the age of 60.<sup>31</sup> Moreover, only 12 percent of people with intellectual and developmental disabilities own or rent their own homes.<sup>32</sup> This low percentage does not reflect what people want, which is to own or rent their own home.<sup>33</sup>

## II. Disability -forward solutions: affordability, accessibility, inclusivity

Disability-forward solutions center and put the leadership, perspectives, and diverse needs of people with disabilities at the forefront, and as a result, everyone benefits. Disability-forward solutions in housing anchor on principles of affordability, accessibility, integration, and inclusivity. These solutions must also be grounded in economic and racial equity, as well as housing-first principles.<sup>34</sup>

### *Affordability*

Because disabled people disproportionately live in poverty and over 4.5M individuals with disabilities rely on SSI as their sole source of income and cannot afford housing in any U.S. market, affordability is a critical consideration in addressing the housing needs of disabled people.<sup>35</sup> Housing that is affordable to people with disabilities must include deeply affordable homes, but can also include mixed-income solutions, to meet the diverse affordability needs of disabled people.

The income-averaging program of the Low Income Housing Tax Credit Program is an opportunity to meet this need, allowing financing of housing that ranges in affordability from 20 percent of area median income (extremely low income) up to 80 percent of area median income (moderate income). Project-based vouchers and tenant voucher programs also support community-based housing, particularly where extremely low-income renters with disabilities have access to voucher support.

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<sup>30</sup> [Residential Information Systems Project Annual Report: Status and Trends Through 2018](#), University of Minnesota, Center on Community Integration

<sup>31</sup> [There's No Place Like Home](#): A National Study of How People with Intellectual and/or Developmental Disabilities and Their Families Choose Where to Live, The Arc and The Council on Quality and Leadership

<sup>32</sup> [Residential Information Systems Project Annual Report: Status and Trends Through 2018](#), University of Minnesota, Center on Community Integration

<sup>33</sup> Ibid.

<sup>34</sup> [Housing First Model: An Evidence Based Approach to Ending Homelessness](#), Heading Home

<sup>35</sup> [Priced Out: The Housing Crisis for People with Disabilities](#), Technical Assistance Collaborative



The Kelsey's communities in San Jose and San Francisco, California, include this mixed -income model, with both income averaging and the use of voucher programs to build 100+ mixed -income homes at each development for people with and without disabilities.

### *Accessibility*

Disability-forward housing approaches accessibility not just from the standpoint of meeting the minimum code requirements set by local, state, and federal agencies but from a standpoint of meeting a diversity of accessibility needs, or what is also known as cross -disability access. At The Kelsey and as articulated in the Housing Design Standards for Accessibility & Inclusion, cross -disability access is defined across six impact areas, which consider the needs of particular subgroups:

- **Hearing and Acoustics:** For individuals who are hard of hearing (HOH), use hearing supports and devices to engage in surrounding environments (for example, voice amplification devices, hearing aids, video relay services, cochlear implants, ASL), and/or who have auditory sensory sensitivities.
- **Vision:** For individuals who are blind, who have low vision, and/or who use visual supports and devices to engage in surrounding environments (for example, Braille, screen readers, magnifiers, lightboxes). This can also include people with high sensitivity to glare, or rapid changes in light levels.
- **Health and Wellness:** For individuals with chronic health conditions, who have allergies, chemical sensitivities, are immunocompromised, regularly utilize medical or therapeutic services, or a combination of these. Aspects of the building that promote wellness for all, such as connection to nature and natural light, are also included.
- **Cognitive Access:** For individuals who process information differently, who have alternative language reception, communication preferences and needs, who need items or materials presented in different ways, and/or who use supports in understanding and content retention, information processing, and decision making or choice selection. Cognitive access elements can range from wayfinding support for memory or orientation to assistance signage.
- **Support Needs:** For individuals who use support services in their home and/or the community (for example, direct support professionals, health aides, nursing support, behavioral supports, and individualized therapies).<sup>36</sup>

Accessibility does not necessarily mean increased cost. Both of our projects, The Kelsey Ayer Station and The Kelsey Civic Center, use The Kelsey's Design Standards Certification to ensure the projects are held to the highest standards of accessibility and inclusion. When comparing the cost of our projects to city-wide average costs for affordable and homes financed through the Low Income

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<sup>36</sup> [Housing Design Standards for Accessibility and Inclusion](#), The Kelsey



Housing Tax Credit (LIHTC), the projects designed with our Standards are cost -competitive. Ayer Station is on par with the San Jose city average (costing 2 percent below the average), and Civic Center is expected to cost 14 percent less than the San Francisco city average. When thoughtfully designed with added cross -disability access, going beyond the minimum requirement is not a cost impediment for new projects.

We have not constructed projects in other parts of the country, but we have completed high -level cost analysis between states that require some level of accessibility in the projects they award LIHTC funds to and those that do not have any accessibility requirements. We have found that adding these requirements to LIHTC projects does not have to add cost to a project.

For example, Georgia includes accessibility requirements for a percentage of all units funded through LIHTC, while Oklahoma has no similar criteria. When comparing the cost to build in Atlanta and Oklahoma City, we found the average cost to build in Oklahoma City is 13 percent less. In comparison, LIHTC projects cost, on average, 14 percent less, indicating that added accessibility requirements do not result in significantly more expensive projects.

### *Inclusivity*

Disability-forward housing that is not just integrated housing but also inclusive, where people can access the programs and supports they need to thrive in and around the homes of their choice. Inclusive housing does not include housing where disabled people are separated or segregated away from the general population in institutions or other congregate settings.

At The Kelsey, we achieve our goals of creating inclusivity through our Inclusion Concierge program. Our communities target people with disabilities who rely on in -home support to live independently, specifically via Medicaid Home and Community -Based Services (HCBS). Under the Inclusion Concierge program, housing and services are decoupled so that people with disabilities can make choices about their housing and services independently, but it also ensures that people with support needs can maintain housing success. The Inclusion Concierge program coordinates between property management, maintenance staff, natural supports, and partner agencies. This team -based approach creates a welcoming community, fosters belonging, supports quality community services delivery and coordination, and promotes connections between neighbors.

All Inclusion Concierge team members receive disability inclusion training, as well as training on service delivery and trauma-informed care. The Kelsey's Inclusion Concierge works hard to translate the principles of resident experience through established pathways, including:

- monthly check -ins with residents with disabilities





- staff coordination and proactive response around residents with support needs, front desk and community presence
- programming and inclusion hours where social cohesion is thoughtfully promoted through classes, activities, film screenings, and discussions of current events in an accessible community space
- reviews of leasing agreements for inclusive language and approach, mitigating risk and liability of disability or other discrimination
- maintenance of an up-to-date emergency services plan
- coordination with community partners to identify and form circles of support with formal and informal connections that help residents live independently
- managing a curated list of available and high quality community resources and service provider contacts (including employment, personal care services/respite care, translation services, advocacy support, healthcare needs, etc.).

### **III. Universal benefits of building and designing for access & inclusion**

Affordable housing developers must surmount various hurdles to bring their projects to fruition, including land use policies, funding shortfalls, rising construction costs, and layers of funding requirements. The call to also make affordable housing accessible and inclusive to people with disabilities strikes some as one leap too many. However, developing housing with disability-forward principles in mind makes developments more appealing to a broader range of residents, extends the usefulness of space, and can attract new funding partners and supporters.

Designing for inclusivity does not just support the needs of disabled residents, but can create a culture of mutual support between all residents within a building which encourages a natural ability and interest for residents to connect with each other and the surrounding community. For example, midway through the initial lease term, The Kelsey Inclusion Concierge reaches out to every resident to gather feedback for the community and what could make their experience better. An additional universal benefit to inclusive housing is reduced turnover which is costly to housing providers.

### **IV. Federal action for a disability -forward housing future**

We can improve and invest in programs we know already work, but have been woefully underfunded, like HUD Section 811, Section 202, HUD Service coordination, Housing Choice Vouchers, including Mainstream vouchers, and innovative project-based subsidy programs, including transit-oriented development, as well as the Housing Trust Fund and Public Housing. Along with housing, we must invest in and strengthen Medicaid HCBS.



We can also embed disability-forward solutions across the entire housing infrastructure. This includes bringing access and inclusion into the nation's primary driver of affordable housing - the Low-Income Housing Tax Credit, and incentivizing more access and inclusion across federal and state funding programs for housing and services. We can increase accessibility requirements and add incentives for greater cross-disability accessible across all federal housing programs.

We can build new programs that make the right to community living for disabled people. This includes creating voucher programs more explicitly for people with disabilities of all ages who qualify for Medicaid HCBS. We can also create a national home modification program for people who are currently left to their own accord or left to piecemeal underfunded local support to make essential changes and repairs to their homes. We can add a HUD senior leadership position to ensure that disability-inclusive and equitable housing solutions are embedded across the agency.

***Federal housing funds must be in alignment with the integration mandate that all disabled people have the fundamental right to community living***

As the White House, HUD, USDA, and Treasury continue to improve the alignment of all federal funding as stated in the Housing Supply Action Plan<sup>37</sup>, there must be Congressionally codified alignment across funding mechanisms to better enable affordable, accessible, and specifically, integrated housing. It is critical to include the usability of Section 811 along with other funding streams. Beyond 811, there must be explicit efforts to ensure funding alignment supports housing that is affordable across a range of incomes, including extremely low income, and integrated, where people with and without disabilities can live and thrive together.

***Increasing affordable housing production with recognition of explicit benefits for disabled people***

New homes are more accessible homes and can be created with specific affordability, inclusion, and accessible design in mind. With this in mind, disability-forward housing solutions include recognizing how production-focused housing policies benefit a more inclusive future. The Kelsey operate's within a confluence of multiple factors that, if approached correctly, can have explicit housing benefits for disabled people. These factors include increased investments in affordable housing, land use reform to increase height and density limits, and strategies to affirmatively further fair housing that address where housing gets built and for whom. Across all influencers, there can and must be explicit recognition of how these new policies can be done with recognition of where disabled people are impacted and, in many cases, opportunities to add direct disability-forward incentives. High-density housing "can economize on scarce land in urban areas" and increase production of

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<sup>37</sup> [President Biden Announces New Actions to Ease the Burden of Housing Costs](#), The White House



new housing in more efficient and scaled ways that both benefit developer bottom lines and increase housing availability.<sup>38</sup> These incentives can include interventions like density bonuses for developments that go beyond minimum accessibility requirements or basis boosts (increased funding) available to projects that include people with disabilities.

Additionally, disability-forward housing solutions include increased funding for the LIHTC program, specifically funding available for 4% tax credits. Policies like the Visitable Inclusive Tax Credits for Accessible Living (VITAL) Act include this increase in tax credit availability with explicit inclusion of people with disabilities. Other programs like the Affordable Housing Credit Improvement Act (AHCIA) also increase the critical availability of tax credits, though they do not include disability within those solutions.

### *Expanding & strengthening HUD Section 811*

Since the integration mandate of Olmstead over 24 years ago, there has been one main program established by the federal government to meet that mandate: the HUD Section 811 program. This program is designed to increase the supply of affordable, accessible, and integrated housing by subsidizing projects that include homes for non-elderly disabled people. This program has resulted in a great advancement in housing access for low-income people with disabilities, yet the program continues to be grossly underfunded and does not come close to meeting the overwhelming demand. In addition, HUD continues to administratively struggle to award and deploy Section 811 funds. Directed by Congress within the FY22 Omnibus, HUD must make all 2019, 2020, and 2021 funds available<sup>39</sup> as the funds continue to stall.

Moreover, many local and state funding sources do not align with the integration mandate within Section 811 funds, which requires no more than 25 percent of units be reserved for people with disabilities.<sup>40</sup> Many state financing programs which subsidize affordable housing, as well as state's QAP, require projects to designate 45 to 100 percent of units to "special needs" or disabled populations or otherwise encourage disability-specific settings. These directly conflict with the necessary integration mandate set by the 811 and Olmstead because it allows for segregated housing.

Additionally, we support that Congress expanded the Rental Assistance Demonstration program to include the preservation of properties funded with Section 811 Capital Advance/PRAC. However,

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<sup>38</sup> Ohanian, L. (2021, August 31). [Common-Sense Policy Reforms for California Housing](#). Cato.org.

<sup>39</sup> [Division L-Transportation, Housing And Urban Development, And Related Agencies Appropriations Act, 2022](#), US Senate Committee on Appropriations

<sup>40</sup> [Section 811 Supportive Housing for Persons with Disabilities](#), HUD



Congress can direct HUD to ensure that the application and implementation of RAD for 811 aligns with the integration mandate of Olmstead.<sup>41-42</sup>

Moreover, due to the disproportionate rate of disabled people living in poverty, the need for deeply affordable housing is critical, yet most affordable housing funding does not finance units for the lowest incomes. Tools to increase the feasibility of deeply affordable homes should be more widely used, like income averaging through LIHTC.

Overall, disabled people's access to supportive services is critical to housing retention. As it stands, the HUD service coordination program is immensely underfunded and is currently not included in the implementation of 811. Congress has the opportunity to significantly increase investment in service coordination.

### ***Expanding & strengthening HUD Housing Choice Vouchers, including but not limited to Mainstream Vouchers***

Out of the 10.2 million people who currently benefit from the Housing Choice Voucher program, 2.4 million are people with disabilities, and 1.9 million are older adults, most of whom also live with a disability.<sup>43</sup> If those disabled people can find a housing provider that accepts their vouchers, it is transformative in their ability to live and thrive in their own homes and communities of choice. We know that vouchers bring significant benefits to the people who receive them and are widely accepted as a bipartisan solution to effective housing assistance for those most in need of housing support.<sup>44</sup>

Yet, the demand for vouchers surpasses the availability significantly, which leads to years -long waitlists, if the waitlists are open at all. In 2021, a sample size of 44 agencies had more than 737,000 households waiting for help because funding for the program is inadequate to meet the need of eligible households.<sup>45</sup> The demographics of people on the waitlists vary, but it is estimated that at least 18 percent include households with at least one disabled person.<sup>46</sup>

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<sup>41</sup> Calder, V. B. (2023, April 23). [Building Consensus to Address Housing Challenges.](#) Cato.org.

<sup>42</sup> [CCD Housing Task Force Comments on RAD Notice and S811 program](#)

<sup>43</sup> [Disability -Forward Policy Recommendations To Advance Accessible and Affordable Housing for All](#), Center for American Progress

<sup>44</sup> Calder, V. B. (2023, April 23). [Building Consensus to Address Housing Challenges.](#) Cato.org.

<sup>45</sup> [Long Waitlists for Housing Vouchers Show Pressing Unmet Need for Assistance](#), Center on Budget and Policy Priorities

<sup>46</sup> [Families Wait Years for Housing Vouchers Due to Inadequate Funding](#), Center on Budget and Policy Priorities



Disability housing experts and advocates also have identified administrative barriers within HUD that have led to unequal access to voucher programs. For example, public housing authorities have been found to have inconsistent and insufficient ways of identifying people with disabilities . This can lead to people not having access to programs that they would qualify for. For example, the main pathway to accessing a voucher and/or a voucher waitlist is through a local continuum of care, yet people with disabilities who are living in congregate and institutional settings do not go through those systems, therefore, struggle to get access to programs that they qualify for. These barriers, as well as others, have currently resulted in the continued underutilization of the Mainstream Housing Voucher program.<sup>47</sup>

Congress can direct HUD to provide Public Housing Agencies (PHAs) with certain flexibilities in the program administration. This would enable PHAs to create separate waiting lists, extend the time households may search for housing, apply reduced screening criteria, accept direct referrals from supportive service agencies, and provide housing provider incentives and security deposits. Additionally, Congress can allow all specialty voucher programs, including Mainstream, the flexibility to adopt a 90- to 120-day referral timeline. It is difficult for people with disabilities to find units for lease within the current 90-day timeframe, which increases the risk of homelessness and/or institutionalization. This extended referral timeline would allow more people to benefit from these programs.

***Increase accessibility requirements and add incentives to the Low -Income Housing Tax Credit program***

LIHTC funds the vast majority of affordable housing available to low -income families in the U.S.. Since the program's inception in 1986, 3.74 million homes have been developed or preserved, and 6.08 million jobs were supported for one year.<sup>48</sup> It also resulted in \$239 billion in tax revenue and \$688.5 billion in wages and business income.<sup>49</sup> It allows private developers to play a critical role in building affordable housing nationwide. Because LIHTC is administered at the state level there are no accessibility requirements beyond the Fair Housing Act (FHA), which is insufficient for the 12.1 percent of U.S. adults that have a mobility disability with serious difficulty walking, the 6.1 percent of U.S. adults who are deaf or have serious difficulty hearing, and the 4.8 percent of U.S. adults who

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<sup>47</sup> [HUD Actions to Address Barriers to Mainstream Program](#) , 03.29.2022, Consortium for Constituents with Disabilities Housing Task Force

<sup>48</sup> [The Housing Credit's Benefits For LowIncome Families And The Economy, 1986 - 2021](#) , The Action Campaign

<sup>49</sup> *ibid*



have a vision disability with blindness or serious difficulty seeing even when wearing glasses.<sup>50</sup> Congress can increase the accessibility requirements of LIHTC to follow Uniform Federal Accessibility Standards (UFAS), which would both benefit disabled people in accessing housing regardless of where they live and also make it clearer for private and nonprofit developers to know the requirements on access regardless of where they build affordable housing.

For example, FHA only requires a 30-inch by 48-inch clear floor space in front of a toilet, but UFAS requires 60 inches of clear floor space, which allows wheelchair users to have a sufficient turning radius. Additionally, UFAS requires that electrical outlets and switches be installed no more than 44 inches above the floor, while FHA does not require any accessibility for these essential utilities. UFAS also requires unit emergency alarms to have a visual component while FHA does not, which could result in a deaf or hard-of-hearing individual not evacuating during a life-threatening emergency. FHA also has several exemptions to its design requirements, including but not limited to multi-family buildings without elevator access (excluding the ground floor), townhouses, and duplexes. This contributes significantly to the shortage of accessible, affordable housing for people with disabilities and older adults.

Passing the VITAL Act ([SB 1377/HR 3963](#)) is a critical step to creating a more accessible and inclusive affordable housing stock. It has 5 original co-sponsors in the Senate and was introduced bipartisan in the House with 2 original co-sponsors and now totals 3. Currently, there are over 30 endorsements for The VITAL Act from both housing and disability advocacy organizations. This legislation will not only increase the overall funding for LIHTC for both 4 and 9 percent credits, but it will also create more affordable, accessible housing in multiple ways. It will provide a basis boost of 130 percent to LIHTC projects that construct at least 50 percent as either “accessible” to people with disabilities or “adaptable” (able to be made accessible) for people with disabilities if the need arises in compliance with UFAS. To acquire the basis boost the project also has to meet above-average or better Walkability according to the EPA’s [Walkability Index](#). This could result in approximately 970,000 accessible, affordable homes over a 10 year period for people with mobility and sensory disabilities which would go a long way in solving the shortage of these types of homes.

Additionally, the VITAL Act would require that over a 3-year period, at least 40 percent of the LIHTC units in each state meet the UFAS Adaptability standard. If a project meets both the Adaptability and Walkability standards, they are counted twice, therefore reducing the state’s requirement from 40 percent to only 20 percent. This legislation does not mandate that housing providers set-aside units

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<sup>50</sup> [Disability Impacts All of Us Infographic](#), CDC



for people with disabilities. It provides Housing Finance Agencies (FHAs) with flexibility when allocating funding to projects while still ensuring that the supply of affordable, accessible housing is increased in their state. Lastly, the VITAL Act will allocate each FHA \$150,000 to establish LIHTC resource centers to support developers in the design and construction process. It also establishes a cross-divisional housing national advisory council to provide general recommendations on national LIHTC trends and produce a report on best practices and resources.

Overall, Congress can embed accessibility and inclusivity provisions into must-pass LIHTC legislation, and if so, there would be a substantial increase in the supply of affordable housing that is also accessible and close to neighborhood amenities, like employment and transit.

### ***Increasing equitable transit -oriented development (TOD)***

Through the Federal Transportation Administration (FTA), there have been significant investments in TOD, including developing commercial, residential, office, and/or entertainment centered around or near a transit station. In addition to the climate and economic development goals included within TOD, there are also explicit benefits to disabled people when housing is built near transit and near community services and amenities. We can strengthen the program criteria for TOD to include concurrent benefits for people with disabilities, including incentives for projects that prioritize accessibility beyond minimum code requirements and/or target homes to people with disabilities who are low and extremely low income.

### ***Upholding & advancing implementation of the Affirmatively Furthering Fair Housing (AFFH)***

There have been explicit threats to the implementation of AFFH in the FY24 appropriations bills for Transportation, HUD, and related agencies. This is in direct opposition to advancing housing access for all protected classes, including people with disabilities. Congress must ensure that AFFH continues through FY24 appropriations and beyond. Moreover, as disability is disproportionately experienced within other protected classes, access and inclusion must be embedded across all AFFH efforts.

### ***Invest in disability -forward home repairs and modifications***

Much of our nation's housing stock was built before accessibility laws were passed (1988 and 1990), and even the housing stock that has been built since does not always follow the requirements or their reach is still limited. As of 2019, the median age of owner-occupied housing stock in the U.S. was 39



years, and for states like Massachusetts and Rhode Island, the median ages of housing are closer to 55 years.<sup>51</sup>

There needs to be more access to funding, such as microgrants or forgivable loans, for tenants and property owners to make home modifications. Congress can establish a national home modification program under the Housing Trust Fund. This would go a long way toward increasing the stock of accessible housing and would allow disabled adults and seniors to more easily age in place as they acquire new disabilities.<sup>52</sup> HUD can explore how to best implement a national home modification program based on lessons learned from the U.S. Department of Veterans Affairs (VA)'s Specially Adapted Housing grant program.<sup>53</sup> Additionally, all LIHTC-funded properties should cover reasonable modifications for tenants.

Overall, there are long-term cost savings when pro-actively repairing and modifying homes. For example, a study published by North Carolina Housing Finance Agency demonstrated that for every \$1 you spend on home repairs, you can save up to \$19 on Medicare and Medicaid costs. This is due to the cost-savings of community-based housing versus institutional care.<sup>54</sup>

### ***Increase data collection of the current supply of affordable, accessible, and integrated housing***

The last comprehensive national analysis of housing accessibility data was in the 2011 American Housing Survey. As it stands, there has not been comprehensive data collection on the nation's housing stock and its level of access for sensory and other disabilities. HUD must conduct this analysis and ensure that the data captured is up-to-date with the cross-disability access needs. HUD's Office of Policy Development and Research can partner with external disability -forward housing stakeholders, including disabled people and older adults, to ensure that the data collection and analysis is more inclusive and equitable.

In addition to the need for LIHTC to increase accessibility requirements and add incentives, there are no accountability measures to ensure that LIHTC-financed homes follow the Fair Housing Act design requirements. Congress can call on the Department of Treasury to collect accessibility data as means for better understanding the current LIHTC-financed housing stock.

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<sup>51</sup> [Median Age of Housing Stock by State Varies by More Than 35 Years](#), National Association of Home Builders

<sup>52</sup> [Disability -Forward Policy Recommendations To Advance Accessible and Affordable Housing for All](#), Center for American Progress

<sup>53</sup> [Specially Adapted Housing Grant](#), Benefits.gov

<sup>54</sup> [\\$4.5 Million in Funding Awarded for Repairs, Accessibility Modifications for Low -Income Citizens](#), North Carolina Housing Finance Agency





## V. Closing

For the 1 in 4 people in the U.S. who live with disabilities, an affordable, accessible, and inclusive home is almost always hard to find. This is despite a well -documented and rich policy mandate for these types of housing and a clear understanding of the economic, social, and health benefits that individuals and communities realize when people have access to housing that meets their needs.

This is a solvable problem with: recognition of the long -overlooked housing needs of disabled people; understanding of the ways disability -forward solutions in access, affordability, and inclusion benefit all people and communities; and implementation of solutions with increased investments, intentional policy solutions, and coordination of overseeing agencies and organization. It is a problem that the public, private, and social sectors can collectively play an impactful role in meeting needs and building more effectively and equitably. As we commemorate 33 years since the passage of the Americans with Disabilities Act and 24 years since the *Olmstead* ruling, we have the ability to make good on the promises of community living and build a more equitable, inclusive, and resilient disability-forward housing future.

Thank you for your leadership in this critical work.

Sincerely,

Alison (Allie) Cannington