

# Center for Disability Rights, Inc.

## Testimony of the Center for Disability Rights before the Joint Budget Committee Hearing on Housing January 24, 2018 9:30AM

### Introduction

Good morning. Thank you for this opportunity to testify on how housing proposals in the Governor's budget will affect disabled New Yorkers. My name is Kathryn Carroll. I am a Policy Analyst at the Center for Disability Rights. The Center for Disability Rights (CDR) is a disability led, not-for-profit organization headquartered in Rochester, New York. CDR advocates for the full integration, independence, and civil rights of people with disabilities. CDR provides services to people with disabilities and seniors within the framework of an Independent Living Model, which promotes independence of people with all types of disabilities, enabling choice in living setting, full access to the community, and control of their life. CDR works for national, state, and local systemic change to advance the rights of people with disabilities by supporting direct action, coalition building, community organizing, policy analysis, litigation, training for advocates, and community education.

### Housing

There is a crises level shortage of accessible, affordable, and integrated housing throughout the state. The inability to find accessible, affordable, and integrated housing is arguably the most pressing obstacle to people with disabilities living and working, and thriving, in the community.

Community living is not an aspirational goal, or even just a practical necessity; it is also required by federal law: in *Olmstead v. L.C.*, 527 U.S. 581 (1999) (Olmstead), the U.S. Supreme Court recognized that people with disabilities have the right to live in the community. Without thoughtful inclusion of people with disabilities in housing proposals in the Budget, the Governor's Olmstead plan, as recommended by the Olmstead Cabinet, cannot be achieved.

In our budget priorities and our response to the State of the State, we called on the Governor to create a tax credit for homeowners who make their homes more accessible, restore funding to Access to Home, prioritize public housing for people transitioning out of institutions and nursing facilities who are otherwise homeless, and increase the amount of accessible units in publicly funded housing projects. The Governor failed to take action on all of these priorities.

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## **Creating a Visitability Tax Credit & Restoring Access to Home**

In 2015, 2016 and 2017, the Legislature passed a bill creating a tax credit for visitability in housing. Each time, the Governor vetoed that tax credit because it was not in the Budget.

This year, although Governor Cuomo boasts a \$20 billion plan for affordable and homeless housing, and spending another \$59 million to create segregated housing for disabled New Yorkers, he could not find \$1 million to allocate to the Visitability Tax Credit.

Another program which helps make homes more accessible, Access to Home, has been cut 75% during the Governor's time in office. He made no effort to restore funding this year.

Both the Visitability Tax Credit and Access to Home would help our aging grandparents build ramps to stay in their homes as they, and help newly injured quad- and paraplegics make their bathrooms accessible or widen doorways. This can be done with a minimal fiscal impact on the State.

We are calling on the Governor to include these programs in the budget amendments. We also thank you, our Assemblymembers and Senators, for your assistance in bringing Visitability to the Governor's desk, and we are asking you to help us make it a reality, long overdue. Include a tax credit in the Budget for Visitability, capped at \$1 million.

We would also like the Access to Home program for disabled people to get additional funding of \$10 million.

Currently, the State funds of a separate Access to Home for Veterans program for veterans with disabilities. We ask that, when disabled veteran funding goes unused, the unclaimed funding be opened up to the entire Disability Community.

## **Prioritizing Housing for Homeless Disabled People with LTSS Needs**

Budget items this year again do not address the needs of New Yorkers who are currently stuck in nursing facilities and other institutions who do not have a home in the community to which to return. Homeless shelters are often inaccessible and, as a result, disabled people are regularly forced into nursing facilities when they become homeless. Meanwhile, these homeless people, because they are being kept in an institution, are not considered homeless. They are therefore not eligible for supports provided under initiatives combatting homelessness. Although disabled people in institutions may have a bed and a roof, they do not have a home. Furthermore, disabled people being segregated from the homeless population in shelters cannot justify the State failing to address their homelessness too. Warehousing people in institutions cannot be the State's solution to homelessness.

We ask that that New Yorkers with disabilities get priority to move to public housing when transitioning out of an institutional setting.

## **Ensuring Accessibility in All Housing Projects**

The Governor's Budget plans to continue the five-year investment in affordable, supportive and related housing services. While focusing on the affordability of units preserved and created, the Budget does not mention the accessibility of such units. Any housing units created by the State should be accessible to address the housing crisis in New York State for people with disabilities. It is time that the Governor

address the State's longstanding history of nonenforcement in regards to Accessibility. There are far too many loopholes for developers. Lack of accessible housing is a primary reason that disabled and elderly people are unable to transition from institutional settings into the community, and it is also often a reason people are forced into institutions.

CDR calls upon the Governor to ensure that all new publicly funded housing stock includes adequate levels of accessible units to ensure that no disabled person is unable to transition back into the community, or is forced into an institution due to a lack of housing. As part of this we call on the governor to double the number of accessible units required in all new housing and to remove the loopholes that allow developers to evade state rules on accessibility.

### **Conclusion**

Twenty-seven years after the passage of the American with Disabilities Act, we have to continue asking and fighting for basic accessibility in the community for disabled people. Affordable, accessible, and integrated housing is critical to giving disabled people a shot at leading full and productive lives. Our community must be included in housing policy and associated funding.

Thank you,

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