

Center for Disability Rights, Inc.

Testimony before the Joint Committee Budget Hearing
on Housing
February 4, 2019

Introduction

Thank you, Chairpersons Weinstein, Krueger, Cymbrowitz, and Kavanaugh for receiving this testimony from the Center for Disability Rights on housing.

The Center for Disability Rights is a disability-led, not-for-profit organization headquartered in Rochester, with satellite offices in Geneva, Corning, Albany, and Canandaigua. 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.

Accessible, affordable, integrated housing is necessary in order for disabled people to live independently, be integrated into the community, and realize our civil rights. Without it, disabled people are forced into institutions – nursing facilities – against our will. This is antithetical to the independent living philosophy of CDR, to the obligations of states under the Supreme Court's *Olmstead* decision, and the desire of every person to live and age in their own home while receiving any services and supports we may need.

In our experience, accessible, affordable and integrated housing is much too difficult to secure. Frequently, individuals can find housing that is either affordable or accessible, but rarely both. Furthermore, when the only affordable, accessible housing is in segregated settings or tied to service delivery, it is useless to any physically disabled person just looking for a home and does not need or want other services, and infringes on their right to be integrated into the community.

Housing played a significant role in the Budget as proposed by the Governor, as it has in the past. There are points that help connect disabled people to housing, but overall we can and need to do more to ensure that we can make our homes in the community accessible.

Protection Against Source of Income Discrimination Helps Disabled People.

CDR supports the proposal in the Executive's budget to prohibit legal source of income discrimination in housing. We advocated in support of this measure in the previous legislative session and are happy to see it gain momentum. Disabled people are more likely to live in poverty than nondisabled people and so the ability to use housing subsidies and other programs to make our housing affordable are critical. Without legal protections, landlords will continue to

blatantly deny housing to disabled people on the basis that they use programs like the Section 8 Housing Choice Voucher, or the Olmstead Housing Subsidy, which allow disabled people live in the community rather than nursing facilities. The Legislature should pass legal source of income nondiscrimination legislation as part of the State Budget.

Capped Security Deposits Help Disabled People Obtain Housing.

Again, disabled people not only need housing that is accessible but also affordable. Security deposits requiring the first and last month's rent and an additional month for possible damage serve as a barrier in obtaining otherwise perfectly affordable units. A limit would help individuals with disabilities to save enough money to move into a more comfortable, safe, and accessible home. Therefore, CDR supports the proposal to limit the amount a landlord can charge for a security deposit and asks the Legislature to support this proposal as well.

Existing Housing Stock Must Be Made More Accessible so People Can Stay in their Homes

The Disability Community thanks the Legislature for repeatedly passing legislation to create a visitability tax credit. The visitability tax credit was capped at \$1 million total and would enable home-owners to retro-fit their homes to make them more accessible. It would allow people to build ramps, add accessible bathrooms, and widen doorways. In addition to increasing the accessible housing stock, it would allow older New Yorkers to age in place, and would mean New Yorkers with disabilities could visit friends and family in their homes and be more involved in our communities. Despite your support for this modest and sensible way to encourage the creation of more accessible housing, the Governor, while assuring his support, has repeatedly vetoed the visitability tax credit. The veto messages stated that such a proposal would need to be handled during budget negotiations. However, the Governor has not taken the initiative to include visitability in his own Budget proposal. Therefore, we ask that the Legislature include the \$1 million pilot program in the State budget, and make this priority a reality.

Another way we must increase the accessible housing stock is by restoring funding to the Access to Home program. The purpose of Access to Home is to assist individuals who simply do not have the resources to pay for accessibility retrofits themselves. While the Access to Home program remains underfunded, the Access to Home for Heroes program which specifically benefits disabled veterans is funded significantly higher than the Access to Home program, but goes underused. Funding for Access to Home was previously cut down to a mere \$1 million; we ask that you restore and increase its funding to \$10 million. The Legislature should note that the State invests in good programs like Open Doors and the Olmstead Housing Subsidy which are designed to help people move out of nursing facilities and into the community, but those programs can only do so much if there are no accessible housing units for people to move into or affordable ways to make them accessible.

Conclusion

We can spend billions of dollars to create more affordable housing units, but it will not address the lack of affordable *and* accessible integrated housing that puts people into institutions. Combatting source of income discrimination and making moving into a rental unit more affordable are small steps. We need to fund Access to Home and make visitability a reality to make meaningful progress to help disabled New Yorkers needing a home that supports their independence and community integration.

A handwritten signature in purple ink, appearing to read 'Kathryn Carroll', is positioned above the typed name.

Kathryn Carroll
Policy Analyst
Center for Disability Rights