

Baltimore Regional AI Stakeholder Work Group

Notes (flip pads) from January 9, 2019 Meeting – Disability and Access

Feedback on Regional AI/Work Group Process So Far

- Process needs to be:
 - Deeper—
 - Work Group discussions are pressed for time
 - More funding/staffing for small group work?
 - Broader— More community engagement
- 2012 Regional AI:
 - What was done on the 2012 AI action steps?
 - What remains to be done?
- Dan will get Work Group information posted on BMC web site
- What will be the impact of the 2019 General Assembly on this work?
- What community engagement is planned?
 - Outreach at events, including those of other organizations
 - Incorporating into public hearings already planned
 - Community Engagement in a Box – beans and cups exercise

Luciene Parsley on Bailey Lawsuit & Access Needs

- Bailey et. al. v. Housing Authority of the City of Baltimore (HABC), the Baltimore City Department of Housing and Community Development (HCD), the Mayor and City Council, and the Mayor of Baltimore City, which was a lawsuit brought in 2002 by Maryland Disability Law Center (“MDLC”) (now Disability Rights Maryland). In 2004 the U.S. Dept. of Justice filed a companion action, United States of America v. Housing Authority of Baltimore City.
 - These lawsuits alleged:
 - A low number of HABC’s units met Section 504 Uniform Federal Accessibility Standards (“UFAS”).
 - The high-rise mixed population buildings housed a higher proportion of seniors than the proportion of seniors to non-elderly persons with disabilities (“NEDs”) on HABC’s waiting list. DRM alleged in the complaint that HABC had illegally designated its mixed population public housing buildings for seniors age 62 and older.
 - HABC was not responding to reasonable accommodation/modification requests.
 - 2004 Consent Decree required HABC to:
 - Notify NEDs about the existence of and ability to be housed in the high-rise mixed population buildings;
 - Create remedial housing opportunities for NEDs through creating preferences for NEDs in its family developments; setting aside 850 tenant-based vouchers (all have been leased); creating 500 project-based units for NEDs (all have been created); and creating 100 long term affordable project based units for NEDs (units that are subsidized by project based vouchers but provide the NED applicants and occupants with public housing like rights, privileges and benefits) (all planned/under construction).

- Retrofit or create 755 (later increased to 756) UFAS units in a variety of sizes and locations (all but a handful have been created).
 - Retrofit 75 near-UFAS units (all created).
 - Make the common areas and the routes between the accessible units and the common areas accessible.
 - Follow the reasonable accommodation policy attached to the Bailey Consent Decree, conduct training on 504 and Fair Housing Act requirements, conduct training on the reasonable accommodation policy and procedures and designate an existing HABC staff member to be the Compliance Coordinator.
 - Create an enhanced leasing assistance program to help NEDs successfully lease a unit with one of the 850 tenant based vouchers or in one of the 500 project based voucher NED units.
 - A companion Settlement Agreement with HCD and the Mayor and City Council of Baltimore required:
 - A set aside of 11.5% of HOME funds to incentivize the development of new housing opportunities required by the Consent Decree;
 - A set aside of funds for modification of units subsidized by the 850 tenant based vouchers and remaining funds for accessibility modifications for other voucher holders.
- Overall Accessibility Recommendations:
 1. People with disabilities (“PWD”) want integrated, not segregated housing.
 - Nursing home = segregated
 - 1999 Supreme Court Olmstead decision requires “least restrictive environment.”
 - Housing NEDs in housing restricted to them and seniors is not ideal, but other opportunities don’t exist.
 2. PWD want the opportunity to live in safe areas with public transportation, jobs, good schools, and amenities. (Inclusionary housing units would be ideal – built with new market-rate housing.)
 3. PWD need units that accommodate a wide range of disabilities: mobility, sensory, etc.
 - Some accessible units are used by people who don’t need the features.
 - 1 bedroom units are at a premium: some are restricted to seniors, the owners of others won’t accept vouchers. Source of Income protection important.
 - State Qualified Allocation Plan (QAP) requires 5% UFAS regardless of funding; new 25% visitability requirement, point incentive for more in proposed 2019 document.
 4. PWD need affordable units
 - Need units targeted or set aside for PWD.
 - People in nursing homes who could move out are too low-income to do it.
 5. Need plan for aging people who will require accessible units
 - Funds for modifications
 - Perhaps reform Maryland Accessibility Code.

Discussion

Straw poll of Work Group on which barriers are most significant/urgent:

1. Increasing inventory of accessible units (including affordable): 26
2. Lowering the cost of newly constructed units (any way to do that besides subsidy?): 13
3. Broadening geographic options: 6
4. Addressing growing need for aging in place: 11

Other ideas:

- Legislation to boost enforcement of existing requirements
- Supports to help people remain in place
- Preserve existing affordability
- Source of income (SOI) legislation – prohibit discrimination based on SOI.
- Information/education for people who need housing
- Educate property managers on Fair Housing Act-required accessibility (some don't know their units are accessible).
- Educate architects on accessibility requirements, since much cheaper to build in the first time than to retrofit.
- Local government:
 - Enforce Fair Housing Act requirements.
 - Go back and inspect construction to ensure it is consistent with plans.
- Extend MTA Mobility service beyond current $\frac{3}{4}$ -mile radius around fixed-route service.
- Require increased accessibility with Tax Increment Financing (TIF).
- Concern about narrow affordability qualification band of much current housing production – people above and below area median income (AMI) targeting (e.g. 50% AMI) don't qualify and thus can't access it.
- Baltimore County – current Voluntary Conciliation Agreement (VCA) requires production, but shouldn't need a VCA.
- Need integration among systems.
- Maryland Accessible Homes for Seniors program
 - Large waiting lists – not enough funding
 - Local governments evaluate – How well is it working?
- More resources from local/state/federal governments needed (e.g. Baltimore County \$30 million over ten years).
- Maryland Dept. of Transportation (MDOT): Put more funds into MTA to expand Mobility service.
- Role for Uber/Lyft to assist on-demand need?
- Sidewalks: Too narrow; light poles force a person with disability to get off the sidewalk.
- Data available?
 - Rent v. own
 - Banked v. unbanked
- Top 3 barriers are #1,2, & 3 on Discussion Questions slide.
- Get to solutions! Spend less time reviewing data at future meetings.