

Delaware County Fair Housing News

June 2000

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Special Disability Edition

In 1999, the Technical Assistance Collaborative, Inc., published a study called Priced out in 1998: The Housing Crisis for People with Disabilities. The findings of this study stated that:

- People with disabilities receiving SSI benefits are among the lowest income households in the country. The national average income of an individual with a disability receiving SSI is only 24.4 percent of the typical one-person income in the community.
- There is not a single housing market area in the United States where a person with a disability receiving SSI benefits can afford to rent a modest efficiency apartment. This finding is based on current federal housing affordability standards for very low-income households, which suggest that no more than 30 percent of monthly income should be spent on housing costs.
- On a national average, the cost of a one-bedroom apartment is 69 percent of SSI monthly income, and more than a person's total monthly SSI income in 125 housing market areas of the United States. Using current HUD Fair Market Rents as the standard for modest rental housing costs, nowhere in the United States can an SSI recipient rent a one-bedroom apartment for less than 50 percent of his or her income.
- The national average cost for a modest efficiency apartment is 58.5 percent of SSI monthly income. People with disabilities receiving SSI benefits paying this amount of monthly rent are considered by the federal government to have a "severe rent burden" and therefore qualify as a household with "worst case" housing needs.

A U.S. Department of Housing & Urban Development report (Rental Housing – The Crisis Continues) published in April 1998 identified impoverished American households with "worst case" housing needs as those who are paying over half their incomes for rent, living in severely substandard housing, or both. In this report, suburban Philadelphia ranked **number one**, with 57% of very-low income renters (41,000 households) living in worst-case scenarios, giving the area a higher percentage of renters with worst-case needs than Philadelphia, Los Angeles or New York City.

These sobering statistics document the severity of the housing affordability problem for people with disabilities in every part of the United States. Simply put, millions of people with disabilities who receive SSI benefits are too poor to obtain decent and affordable housing unless they have some type of housing assistance. Add to this the difficulties that the disabled person has in overcoming physical and social barriers with housing and landlords, and the problem seems overwhelming.

In light of these findings, this special disability edition of Delaware County Fair Housing News was developed. This edition is intended as a resource for landlords, townships, and disability advocates regarding their rights and responsibilities under the law; and for consumers as a reference to the variety of programs that are available to help you gain access to affordable and accessible housing.

Philadelphia Housing Authority Must Make More Housing Accessible for People with Disabilities

In a landmark decision that is likely to have a significant impact on public housing authorities across the country, in April the federal district court in Philadelphia issued the first ruling in the country finding that federal law requires that 5% of a public housing agency's dwelling units must be made accessible to people with mobility impairments.

The court found that the Philadelphia Housing Authority (PHA) failed in its duty to make adequate numbers of housing units accessible to people with mobility disabilities when it was spending millions of dollars essentially rebuilding hundreds of units over the past few years.

The Philadelphia Housing Authority is the largest provider of public housing in Pennsylvania. It provides two basic types of dwelling units: "conventional" and "scattered site." In Philadelphia, there are nearly 7,000 scattered site public housing units. Of these 7,000 units, only 22 units currently are accessible to people with mobility impairments, whereas the 5% minimum under federal law would require 350 units. "We have people in wheelchairs living in inaccessible third floor apartments and people who use walkers having to crawl up and down stairs," said Stephen F. Gold, counsel for plaintiffs ADAPT and Liberty Resources. "With this ruling, we will now finally get moving to reach the minimum number of accessible units available to people who desperately need them," Gold said.

Under Section 504 of the Rehabilitation Act, as well as under implementing regulations put forth by the U.S. Department of Housing and Urban Development, public housing authorities must make at least 5% of dwelling units in a housing project accessible to persons with mobility impairments. When a housing authority undertakes "substantial alterations" of existing dwelling units in a housing project (alterations that cost more than 75% of the replacement cost of the unit), it must make each substantially altered unit accessible until 5% of the total dwelling units in that housing project are accessible.

Judge Harvey Bartle III of the United States District Court for the Eastern District of Pennsylvania ruled that PHA had failed in its duty to make scattered site housing accessible to people with mobility disabilities. Nearly 800 of the city's 7,000 scattered site units were renovated in recent years, while only 22 units were made accessible. The PHA spent millions of dollars in renovations and up to \$150,000 per unit. These major renovations often involved gut renovations of the existing units, including entirely new interiors, roofs, front steps, windows, and plumbing and electrical systems. Judge Bartle found that any units PHA substantially altered within an existing housing project should have been made accessible until 5% of the total dwelling units in that project were accessible. Notably, the court found that PHA could have made more of these units accessible without significantly increasing the overall cost of the renovations.

This decision is likely to have a significant impact on public housing across the country. "Throughout the country, there are housing authorities that have not reached the 5 percent minimum. Although many of these authorities substantially renovated and altered a significant number of public housing units in the 1990's, they failed to make an appropriate number of them accessible to people with physical disabilities. This decision should be a wake-up call both to the housing authorities and to the housing and disabilities advocates. Inaccessible, low-income housing is a significant problem throughout the country," Gold said.

ADAPT of Philadelphia, et. al. v Philadelphia Housing Authority, et. al. Counsel: Stephen Gold and Marinda van Dalen, Public Interest Law Center of Philadelphia

"This decision should be a wake-up call both to the housing authorities and to the housing and disabilities advocates. Inaccessible, low-income housing is a significant problem throughout the country"

*Stephen Gold,
Attorney*

The ARC of Delaware County

By Rebecca Allen, Executive Director

As Executive Director of the Arc of Delaware County (DELARC), I commend the Fair Housing Council of Suburban Philadelphia for the publication of a local housing newsletter that focuses on the disabled citizen.

Through a grant from the Pennsylvania Developmental Disabilities Council, DELARC has been able to work toward expanding housing opportunities for individuals with disabilities in Delaware County. As we build working partnerships with other organizations involved in housing, it has become evident that the housing issues that affect people with disabilities also affect other members of our communities. The high cost of rental units, the lack of subsidized housing supports, and discriminatory practices, are three examples of common problems. The growing need for more transitional and supportive housing programs to help those individuals who require assistance to gain and maintain their homes, is yet another example.

DELARC has a history of promoting change and acceptance. We were founded over 45 years ago by a group of six parents who refused to place their children in institutional settings, as was recommended by the medical profession at that time. They chose to keep them as part of the family they were born into, and over the years, advocated for our communities to be more accepting of their children who had differences. These children have grown up to become adult self-advocates, and along the way, many of us joined in to help create opportunities and insure that the rights of people with disabilities are upheld.

The creation of more housing options is one goal of our organization. The shortage of available housing, and the lack of openings in residential programs, is a major concern for many. Giving people the opportunities to own their own homes, or even to inherit homes from their parents, are creative solutions to the shortage of options that presently exist.

Through the support of Delaware County Council, people with disabilities are beginning to access programs currently available to the general population, such as the Homeownership First Program for first time homebuyers. The community at large, including bankers and Realtors, are beginning to see the value of their disabled constituency through direct work with homebuyers.

The Arc of Delaware County's Mission Statement reads: Working to uphold the rights and interests of children and adults with mental retardation or other developmental disabilities. What we have discovered over the years is that when we promote inclusion and acceptance of our citizen's with disabilities, the entire community benefits and doors are opened for everyone.

“What we have discovered over the years is that when we promote inclusion and acceptance of our citizen's with disabilities, the entire community benefits and doors are opened for everyone.”

Rebecca Allen

The Housing Consortium For Disabled Individuals

By Whittier Dow, Fair Housing Specialist

The Housing Consortium for Disabled Individuals is a Philadelphia based housing non-profit which serves persons with physical disabilities who have housing needs in the Delaware Valley. For the past six (6) years HCDI has been investigating housing discrimination as it effects people with all types of disabilities. Over this period HCDI has handled almost 300 complaints.

Besides taking complaints HCDI is committed to providing Education on fair housing rights and the American's with Disabilities Act (ADA) requirements to community groups and other organizations. The Temple University Real Estate School is one of these groups. During the last seven months HCDI'S fair housing staff has been working in conjunction with Temple staff teaching real estate professionals the do's and don'ts as they relate to disabilities in fair housing. This was done as part of their continuing education program.

In these classes HCDI discussed the definition of a disability, what a housing provider can and cannot ask a person with a disability, the services that must be provided for a person with a disability, and what reasonable accommodations must be made for a person with a disability. These topics were taught to over 1000 real estate professionals in an informative manner while also providing some humor at times.

If you need more information about HCDI's fair housing services or would like to schedule a training session, please contact Whittier H. Dow at (215) 895-5689.

When the Law Says It's Okay to Bend the Rules

Reasonable Accommodations

Adapted with permission from *Housing Choices: A Newsletter for Mental Health Professionals* published by the Self Determination Housing Project and Diana T. Myers and Associates, Inc.

What is a Reasonable Accommodation?

A reasonable *accommodation* is a change in policies, practices, or services, when such a change may be necessary to afford a person with a disability equal opportunity and access to use and enjoy a dwelling. Common examples include waiving a "no pet" policy for a service animal or providing accessible parking.

What is a Reasonable Modification?

A reasonable *modification* is a structural or other physical change to the unit or housing structure to provide physical access to a person with a disability. The law states that it is unlawful for a building owner to refuse to permit modifications at the resident's expense, as long as he/she assures that the work will be done in a professional manner and can be restored to the pre-existing condition after he/she moves out. One example of a reasonable modification is removing a kitchen base cabinet and lowering the countertop to allow for a wheelchair. Another common example is installing a ramp to a building's entrance.

What is Reasonable?

Both Congress and the Supreme Court intended that the statute of reasonable accommodation be used to promote housing for persons with disabilities and not be used as a barrier to housing. In addition, they intended that a "reasonable accommodation" be made except where the accommodation would constitute a substantial hardship, undue burden, or fundamental alteration of a program. Specifically according to Fair Housing laws, "reasonable" means that the action requested by the individual with the disability:

- does not cause an undue financial or administrative burden to the housing provider;
- does not cause a basic change in the nature of the housing program available;
- will not cause harm or damage to others; and
- is technologically possible.

It is important to note that the burden for public housing projects is different from that for subsidized housing that is privately owned and managed such as that under the HUD Section 8 certificate and voucher program. Public housing authorities are subject to Section 504 obligations, requiring that money be allocated and paid to assist tenants in achieving reasonable accommodations and modifications. Private landlords, on the other hand have no such obligation under the Fair Housing Act.

Requesting a Reasonable Accommodation

It is the responsibility of the consumer to request that the landlord make an accommodation or modification, since a landlord cannot be expected to predict or anticipate an individual's needs. Requests for accommodation or modification should be made in writing for proper documentation. If the request goes unanswered, the consumer can then file a formal complaint. (See sample letter on page 7.)

To file a formal complaint of housing discrimination under the Fair Housing Act, (if the request is refused by the housing provider) a person must show that:

- He or she has a disability as defined in the Act. (A letter from a psychiatrist, doctor, psychotherapist, or other knowledgeable professional should be sufficient to verify a person's disability status and the relationship of the accommodation to the disability.)
- The housing provider knew of, or should reasonably be expected to know about the disability.
- Accommodation of the disability "may be necessary" to afford the person an equal opportunity to use and enjoy a dwelling. (The person requesting an accommodation must show that the specific accommodation he or she is requesting is necessary to overcome a housing barrier imposed solely because of his or her disability.)
- The housing provider refused to make such an accommodation.

"Handicap" means, with respect to a person— (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

Fair Housing Act
Sec. 802(h)
[42 U.S.C. 3602]

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An accommodation or modification request can only be denied if it is not reasonable according to the above standards. If a housing provider has doubts about what is reasonable, he/she can contact an attorney, supervisor, or HUD's office of Fair Housing and Equal Opportunity.

A housing provider cannot defend its refusal to grant an accommodation request on the basis that he/she does not believe the accommodation would best meet the needs of the tenant or applicant who requested the accommodation.

Information a Landlord can request

Under fair housing and civil rights laws, landlords can request verification from a medical professional or professional service provider (such as a social worker) that indicates a tenant requires a reasonable accommodation or modification. For a modification, a landlord may ask to inspect or review site plans and demand that they are completed in a workmanlike or professional manner. Aesthetics is NOT a defense in denying a modification request.

While a modification or accommodation request only requires a minimal disclosure of disability (to identify oneself as protected under the law), disclosing the disability may hasten the request process. *Note that this is not required. Also note that it is illegal for a landlord to ask a tenant what the nature or severity of his/her disability is, how the disability was acquired, or what medications are taken.*

The "Reasonable Accommodation" Mandate

The "reasonable accommodation" mandate dispels some of the power of landlords, injects flexibility into landlord-tenant relationships, and allows for individualized treatment. Sometimes a reasonable accommodation results in a landlord changing a policy or practice; sometimes it allows a tenant to alter behavior or practices and still be considered lease compliant. In either case a reasonable accommodation may often allow a tenant with disabilities to remain in private, public or subsidized housing when rules, policies, or practices would otherwise prohibit tenancy. For example, courts have held that a landlord cannot proceed with an eviction of a tenant with a disability, even when a tenant has violated his or her lease because of violent behavior, if the tenant shows that he or she may be able to remain lease compliant when given the opportunity to obtain services or take action to correct the lease violation. The use of reasonable accommodation not only preserves housing for a person whose disability is interfering with his or her successful maintenance of stable housing, but also allows a tenant with disabilities to identify and resolve issues that would inhibit more general integration into community life.

Financial Responsibility

Private rental housing:

The Fair Housing Amendments Act of 1988 (FHAA) requires the owner of a private apartment building to allow a tenant to make reasonable modifications to his or her unit. The *tenant*, however, is responsible for making and paying for any modifications, and may have to restore the premises to its original condition when he or she moves. The following are examples of how the courts have ruled in addressing who is responsible for the costs incurred for reasonable accommodation.

- Courts have required that housing providers accept some costs in making accommodations such as requiring one of its employees to use an off-site, rented parking space so that a tenant could have a reserved space close to the building entrance.
- A housing provider must permit a wheelchair user to install ramps, widen doorways, etc. Under the FHAA, these changes would be at the tenant's expense. In addition, a tenant might be charged for returning the premises to their former condition if the changes are undesirable for future tenants.

Publicly assisted rental housing:

Many people with disabilities who have low-incomes cannot afford to make modifications to their rental units. In federally assisted housing (covered by Section 504), the landlord is generally required to make and pay for the modifications if the cost is not prohibitive. A public

(Continued on page 6)

For purposes of this subsection, discrimination includes—a refusal to permit at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

*Fair Housing Act
Sec. 804(f)(3)(A)
[42 U.S.C. 3604]*

(Continued from page 5)

housing authority, for example may be required to put grab bars into a bathroom and/or build a ramp to a front door. Whether the cost of a modification is reasonable or not is evaluated on a case-by-case basis. Factors for consideration include: the size of the housing owner's budget, whether the housing owner has accessible units available, the cost of the modification, etc.

Section 8 rental assistance:

A private landlord participating in the Section 8 program is generally not required to pay for modifications. However the tenant can request that the public housing authority administering the Section 8 program provide a "reasonable accommodation," and pay a higher rent for the unit, in order to allow the landlord to pay for some necessary modifications.

Examples of Requests for Accommodations

The following are examples of cases where people have requested that reasonable accommodations be made. According to the law, all of these requests are reasonable.

- A tenant has no recent rent history because he has been in a mental hospital for two years. The landlord or manager makes an exception to the requirement of asking for rent history, and instead accepts a reference from the applicant's employer or social worker.
- A man with a disability also happens to be in recovery. When he lived in his last apartment, he was drinking a lot. As a result of his drinking, he did not pay his rent on time and the police were called to the apartment several times because of loud noise and arguments. After six months in a sober housing program, the tenant feels he is ready to move into his own apartment. The manager for the apartment where he has applied, however, tells him that he will not rent to him because his previous landlord gave him a bad reference. He decides to appeal this rejection. He requests an accommodation to the landlord's policy of rejected applicants with poor tenant histories. In order to obtain the accommodation, he will need to show the landlord that: the poor reference from his previous landlord is disability-related (i.e., related to his alcoholism); he is no longer drinking; and there is a reasonable expectation that his poor behavior will not recur. He can try to demonstrate his sobriety through written letters from substance abuse treatment providers such as the staff at his sober house, treatment groups he attends and/or his AA sponsor.
- A landlord or manager assists an applicant with mental retardation in filling out the standard application form. If the applicant needs oral reminders to pay the rent, the landlord agrees to call or visit to remind the person before each month's rent is due.
- A tenant with a mental disability has difficulty remembering to turn off the water after washing the dishes. The landlord provides reasonable accommodations and installs faucets that shut off automatically.
- A woman sees in the newspaper that her public housing authority is opening up the waiting list for the Section 8 certificate and voucher program. She wants to apply but the ad requires that applicants go to the housing authority's office. This is difficult because of her disability. She can request that the housing authority provide her a reasonable accommodation and mail the application to her or have someone come to her home to take the application.
- A woman with a cognitive disability has a cat that is a companion animal. She is applying to a no-pets apartment building. The building manager should allow her to keep the pet as a reasonable accommodation if she can demonstrate she needs the pet because of her disability.
- A man with AIDS has become very frail as a result of his disability. He needs a live-in attendant to assist with his personal care. When he applies to the public housing authority, he requests an accommodation to have a two-bedroom unit to allow a live-in attendant to live with him.
- An individual has difficulty filling in important documents such as leases, agreements, applications, etc. He can request to let his attendant fill in the necessary information.

For purposes of this subsection, discrimination includes—a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

Fair Housing Act
Sec. 804(f)(3)(B)
[42 U.S.C. 3604]

Suggested Procedure For Writing a Request For a Reasonable Accommodation or Modification

1. Indicate that you qualify as a person with a disability as defined by civil rights laws. It is not necessary to reveal the nature or severity of your disability, unless you feel comfortable in doing so.
"I qualify as an individual with a disability as defined by the Federal Fair Housing Act Amendments of 1988."
2. State where you live and who is responsible for the building.
"I live at 805 W. Green Street, Apartment #2A. This building is managed by John Doe and owned by you, Jane Smith."
3. Describe the policy, rule, or architectural barrier that is problematic to you.
"Rent must be paid on time or the tenant can be evicted."
4. Describe how this policy or barrier interferes with your needs, rights, or enjoyment of your housing.
"I am unable to pay my rent on time without a reminder."
5. In clear and concise language, describe the change you are seeking in the policy, rule or barrier.
"I am requesting oral reminders to pay the rent or that the landlord agrees to call or visit to remind me before each month's rent is due."
6. Cite the applicable law that protects your rights. For accommodations use:
"Under the Fair Housing Act Amendments Sec. 804 (42 U.S.C. 3604)(f)(3)(B), it is unlawful discrimination for a management company to deny a person with a disability a 'reasonable accommodation' of building rules or policies if such accommodation may be necessary to afford such person full enjoyment of the premises."
For modifications use:
"Under the Fair Housing Act Amendments, Sec. 804 (42 U.S.C. 3604)(f)(3)(A), it is unlawful discrimination for a management company to deny a person with a disability a 'reasonable modification' of existing premises occupied or to be occupied by such person if such modification may be necessary to afford such person full enjoyment of the premises."
7. Ask for a written response within a certain amount of time.
"Please respond in writing to my request within 10 days."
8. Sign and date the request. Remember to keep a copy of your request for your files.
9. If the request is denied, contact an advocate to determine if your rights have been violated.

New Housing Options: A Test For Fair Housing Laws?

*By Ann Cope, Executive Director
Freedom Valley Disability Center*

Persons with disabilities have several new opportunities for housing that might put landlords and the Fair Housing Act to the test.

Housing Authorities have recently applied for and received vouchers through HUD's Mainstream Voucher Program, opening up subsidized housing for persons with disabilities. The vouchers work similarly to Section 8 Certificates and take people from Section 8 waiting lists.

The second opportunity comes from Pennsylvania's Department of Community and Economic Development (DCED). In a joint venture with the Department of Public Welfare, the Department of Health, and Pennsylvania's Housing Finance Agency (PHFA), DCED has opened up funding for home modifications through a source it is calling the Access Grant Program. What makes this program unique, and could put Fair Housing to the test, is that this money can be used to modify rental properties.

A third program is the Access Home Modification Loan Program, administered by PHFA. This program is for qualified individuals purchasing a home through one of PHFA's Single Family Homeownership Programs. Under this program persons with disabilities (or those who have a family member with a disability living in the household) may be eligible for deferred loan payments for home modifications.

The timing of these programs coincides perfectly. Individuals with disabilities can now find (or create) both affordable and accessible housing, by receiving a Mainstream Voucher, and/or applying for Homeownership, and then tapping into the Pennsylvania Access Program for any modifications they need.

The success of these programs rests not only on the organizations administering them, but also on the willingness of those of us who benefit to act judiciously in defining our needs, and landlords to comply with the spirit and intent of the Fair Housing Act. For more information on these exciting new programs, please contact Ann or Chris at Freedom Valley Disability Center (610) 353-6640.

Zoning and the Fair Housing Act

Adapted with permission from *Fair Housing for People with Disabilities: Zoning and Reasonable Accommodations* by the Disabilities Law Project

While state and local governments have authority to regulate land use, that authority has sometimes been invoked to restrict the ability of individuals with handicaps to live in communities. The legislative history of the Fair Housing Amendments Act (FHAA) makes plain that Congress sought to prohibit the application of state and local zoning and land use laws in ways which limit access to housing by people with disabilities.

While the Act prohibits intentional discrimination, it also prohibits other forms of discrimination in zoning including the discriminatory classification of persons with disabilities, zoning laws which although neutral on their face have a discriminatory effect on persons with disabilities, and the failure of zoning officials to reasonably accommodate the needs of persons with disabilities.

Intentional Discrimination

If the land use law or a zoning decision is the result of an intention to discriminate against people with disabilities, it violates the FHAA. Zoning decisions or land use laws may not be based upon community opposition, fears and/or stereotypes of people with disabilities, or concerns about diminution of property value. For example:

- A court found evidence of discriminatory intent in enacting a zoning ordinance requiring that group homes be separated by at least 1,000 feet where the evidence established that the officials imposed the requirement in response to community fears and concerns about property values.
- The denial of a permit to allow renovations for a group home for people who are mentally ill and substance abusers was held to be the result of intentional discrimination in violation of the Act where the decision was based on objections to the residents' handicaps.
- Zoning official's requirement that group homes apply for variance and local government's issuance of summonses for noise and parking violations were the result of discriminatory intent. Intent was shown by community opposition and the fact that no similar citations had ever been issued.

Discriminatory Classifications

Zoning laws which use discriminatory classifications (i.e., "discriminate on their face") violate the FHAA by having a "disparate impact" on persons with disabilities. Proof that the laws were motivated by discriminatory intent is unnecessary. For example:

- A zoning ordinance that imposed rigorous safety requirements on homes housing individuals with developmental disabilities and did not tailor those requirements to specific types of disabilities violated the Act.
- A zoning ordinance which imposed certain requirements on "residential social service facilities" (including minimum spacing requirements, health and safety inspections and requirements, and informational requirements) was held to violate the Act.

Discriminatory Effect

Zoning laws that are "facially neutral" (that is, they apply to all persons, not just those with disabilities) will violate the FHAA if they have a "disparate impact" or discriminatory effect on people with disabilities. To determine whether there is a disparate impact, courts will look at: (1) the strength of the showing that the action adversely affects people with disabilities; (2) whether there is some evidence of discriminatory intent; (3) the government's interest in taking the action; and (4) whether the aggrieved person seeks to

"The failure of zoning officials to allow for "reasonable accommodations" in their policies to allow persons with disabilities to live in the community will violate the Fair Housing Amendments Act regardless of whether or not the officials acted with discriminatory intent."

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Residential Living Options

By: Marcia Johnson, Director of Programming

Residential Living Options (RLO) is a non-profit organization, established in January 1998, and currently provides services in Chester and Delaware Counties. The organization's Mission is "To assist people with disabilities and their families in the creation of self determined housing options by providing alternatives, incentives, education and collaboration within the community." Funding to support RLO's services is provided by: the Delaware and Chester County Offices of Housing and Community Development, grants, and a yearly fund-raiser.

In order to fulfill its Mission, RLO provides the following:

- Housing Action Plans: the Action Plan is a tool developed by the organization, and is used to determine specific housing choices. Over 70 plans have been written for individuals and families in Delaware and Chester County.
- Homeownership, with the assistance of the Chester County Housing Partnership and Chester Community Improvement Project, has been accomplished for 11 individuals with a wide range of disabilities.
- A disability awareness training was developed and presented to over 80 Realtors
- Several innovative first-time pilot projects have been developed, which are available to share as state and national models.
- Outreach awareness and education by families, individuals with disabilities (self-advocates), and RLO is on-going with schools, universities, civic organizations, parent groups, places of worship, and at conferences throughout Pennsylvania. This Speakers Bureau is available upon request.
- Awareness of rental assistance resources, sharing of new ideas and resources, innovative programs and help with navigating the "system" is on going.
- Monthly group meetings, which provide the opportunity to share common themes, ideas and desires – safe, secure housing.
- The establishment of a committee specifically to address the needs of people needing wheelchair accessibility in housing.
- The development of collaborative partnerships in Delaware and Chester County in order to share resources and provide a stronger network for people with disabilities.

One of RLO's latest projects is to research the recruitment of live-in companions and life skills support workers who are often needed to support individuals with disabilities. RLO staff, self-advocates, and families, have visited several innovative projects in and out of the state. A conference will be sponsored by RLO in September to present findings and recommendations from the project.

For further information about Residential Living Options, please call (610) 344-7789.

Pennsylvania Action Coalition for Disability Rights in Housing

By: Nancy Salandra

PACDRH works to dispel the housing inequalities that exist in public housing. We are advocating for more accessible, affordable housing for people with disabilities. We have been working with advocacy groups and housing agencies across the state of PA, educating people on their rights in housing and providing a forum to voice our needs. We have helped people with disabilities learn their rights in public housing, how to make Section 504 work for them, how to find inclusion in the consolidated plan, how to get a reasonable accommodation, overcome landlord harassment, how to keep social services out of your housing, and much more!

We are available to do trainings free of charge upon request. All that we ask is that you get at least 10 people to come. In addition, we will provide technical support and assistance.

PACDRH was made possible by a grant from the Developmental Disabilities Planning Council of the Department of Public Welfare. PACDRH is in its fourth year and is looking forward to continuing into its fifth year. For more information contact Nancy Salandra or Jimmi Shrode at (215) 627-7255 v/tty or e-mail pacdrh@netreach.net.

A Dream — Soon to Become a Reality

BY: Marcia Johnson, Residential Living Options

Steven and Jean's dream of someday owning their own home will soon become a reality! Marcia Johnson, Director of Programming with Residential Living Options (RLO) first met Steve and Jean in March 1999 when they expressed an interest in purchasing their own home with the assistance of RLO and Delaware County's Homeownership First Program. The Chester Community Improvement Project (CCIP) and the Media Fellowship House are the two agencies in Delaware County which provide assistance to individuals and families on low income to acquire that dream: a home of their own. The Delaware County Office of Housing and Community Development provides the funding for these programs.

RLO's first step with Steve and Jean was to develop a Housing Action Plan: a tool developed by the organization, that focuses on short- and long-range housing goals, needed supports, community resources, and budgeting. With RLO's assistance, the couple took a close look at their spending habits and current debts. Jean and Steve realized that as a first step toward reaching their goal, they would have to adhere strictly to a budget and begin to regularly save a portion of their monthly income.

In order to assist individuals such as Steve and Jean through the homeownership process, CCIP and RLO worked together to develop a modified counseling program. This program was specifically designed for people with disabilities. Once the couple felt comfortable and confident enough to take the next step, they began these homeownership counseling sessions along with other individuals with whom RLO had worked. Individualized one-on-one counseling with CCIP and RLO followed, and specific plans were developed for all those who had attended the group sessions.



From her smile, it's obvious that Jean is excited and thrilled to be working with Victoria Joes, CCIP Mortgage Counselor

Steve and Jean are now in the process of securing a mortgage and will soon realize the attainment of their dream – a home of their own.

Contact Residential Living Options at (610) 344-7789 for more information about these programs.

“Jean & Steve signed their agreement of sale on June 13 and we are looking forward to continued success with our partnership with Residential Living Options”

*Victoria Joes
Chester
Community
Improvement
Project*

Parking Issues for People with Disabilities

Adapted with permission from Accessible Parking for People with Disabilities by the Disabilities Law Project

Parking is an issue that is of special concern to many people with disabilities. For people with disabilities, parking in close proximity to one's home and workplace and near government offices and places of public accommodation (such as restaurants and museums) is often essential to maximize their independence.

Various federal, state and local laws address issues related to parking for people with disabilities. State law determines who is eligible for special license plates and parking placards issued to or for people with disabilities. People with disabilities can use these license plates and parking placards to obtain some special parking privileges, such as reserved residential parking on public streets and the right to park in spaces reserved for people with disabilities at public accommodations. Federal law governs the number of parking spaces that must be reserved and accessible in places of public accommodation. Federal law also is relevant with respect to reserved parking in the workplace and in parking lots owned by private landlords.

Pennsylvania law allows – but does not require – local authorities to provide reserved parking for individuals who have “Person with Disability” or “Severely Disabled Veteran” plates or placards. This means that a local government, at its option, may post on the street, as close as possible to the individual's place of residence, a sign that indicates that the space is reserved for people with disabilities or severely disabled veterans and that indicates that people who do not have disabilities who park there will be subject to a fine.

While a reserved residential parking sign improves the chances that a person with a disability will be able to park near his/her home, it does not guarantee that the space will be available for his/her use. The reserved residential parking sign does not designate the space for the exclusive use of the person who lives there; rather, any person with a “Person with a Disability” or “Severely Disabled Veteran” plate or placard may park in the space.

A person with a disability should check with the city, municipality, borough or township in which s/he lives to determine whether it allows for reserved residential parking spaces. If the local government does allocate such spaces, the person with a disability should ascertain how to apply for the space. Usually, the process requires the individual to submit an application form and then the local government will conduct an investigation to determine the propriety of granting the request. The investigation includes a review of the availability of off-street parking (such as a garage or driveway) and interviews with adjacent property owners. In determining whether to grant a request for a reserved residential parking space, the local government will consider: (1) the impact on general safety; (2) the impact on traffic flow; (3) the impact on neighboring properties; and (4) the nature of the applicant's disability. Given these factors, the local government usually will not issue a reserved parking space if alternative, off-street parking is available or if it would result in an undue hardship for other residents. If the local government grants the request for a reserved residential parking space, it will periodically review its decision to ascertain continued need for the space and its impact on safety issues.

What if your local government does not authorize reserved parking spaces for individuals with disabilities? There are two possibilities. First, local governments are required by the American's with Disabilities Act (ADA) to make reasonable accommodations to its policies, practices, and procedures to avoid discrimination on the basis of disability unless doing so would fundamentally alter the nature of the service, program or activity. A person with a disability, therefore, can request his or her local government to modify its policy of not reserving parking for individuals with disabilities. Second, an individual who is able to obtain a formal denial of a request for a reserved parking space can appeal that denial to the Court of Common Pleas under Local Agency Law.

Pennsylvania's law governing the issuance of reserved residential parking spaces by local governments does not apply to private parking lots of apartments and condominiums. The local government cannot require these private entities to grant reserved parking to people with disabilities. However, the federal Fair Housing Act does apply to these private housing entities and requires them to make reasonable accommodations in their policies and practices. For example, an apartment complex that has more demand for parking spaces than available spaces and assigns spaces on a “first come, first served” basis will be required to modify its policy to allow a person with a disability who needs nearby parking to have a space in the lot.

Zoning... *continued from page 8*

compel the government to provide housing or merely seeks to restrain it from interfering with individual property owners. For example:

- A zoning ordinance that defines “family” as a group of persons in domestic relationship based upon birth, marriage or other domestic bond was held to violate the Act since it imposes more stringent requirements on individuals with disabilities who are unrelated and wish to live together than it does on individuals related by blood or marriage.
- A zoning ordinance defining boarding homes to exclude any facilities providing medical or nursing care or treatment and which only permits boarding homes in the town’s residential areas has a disparate impact on people who have disabilities.

Reasonable Accommodation

The failure of zoning officials to allow for “reasonable accommodations” in their policies to allow persons with disabilities to live in the community will violate the FHAA regardless of whether or not the officials acted with discriminatory intent. The Act requires officials to “change, waive, or make exceptions in their zoning rules to afford people with disabilities the same opportunity to housing as those who are without disabilities. An accommodation is “reasonable” if it does not impose an undue financial or administrative burden and does not undermine the zoning scheme.

Since one of the purposes of the reasonable accommodation provision of the FHAA is to address individual needs and respond to individual circumstances, courts have held that municipalities must change, waive, or make exceptions in their zoning rules to afford people with disabilities the same access to housing as those who are without disabilities. Under the reasonable accommodation provision, it is not sufficient that the zoning laws treat persons with disabilities the same as persons without disabilities; it requires that they be given preferential treatment where it is reasonable to do so. For example:

- A refusal to waive a zoning ordinance that defines family to a group related by blood or marriage (and thus excludes a group home for people with disabilities who are unrelated) would violate the Act since waiving the ordinance would not impose any undue financial or administrative burdens on the township and would not fundamentally change the neighborhood. The fact that the individuals could apply for a variance was not a reasonable accommodation since it imposed a greater burden on those with disabilities.
- Failure to allow a zoning variance for a group home with six people (when zoning law prohibited more than four people from living in a single family home in the zoning region) violated the reasonable accommodation requirement of the FHAA.

You have a nice set of wheels but can't find a place to park them.



Landlords must allow you to make reasonable accommodations to ensure full use of your apartment. Telling you that you can't install grab bars and ramps is against the law. You can fight back.

If you suspect unfair housing practices, contact HUD or your local Fair Housing Center. Everyone deserves a fair chance.



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State Disability Commission Revisited

By: Dan Hoffman, Pennsylvania Low Income Housing Coalition

Two years ago, the Pennsylvania Low Income Housing Coalition (PALIHC) testified before the Governor's Disability Policy Team's Housing Working Group at a hearing regarding the housing needs of the disabled. At that time PALIHC expressed its concern that the hearings were a substitute for action and that the design of current state housing policy actively limited housing opportunities for the disabled. The Department of Community & Economic Development (DCED) leadership attending the meeting was incensed by our criticisms and so we thought that nearly two years later it would be interesting to review the work of the Working Group, our recommendations and outcomes from that task force.

Perhaps most notably, though not necessarily most importantly, no report was ever issued by the Working Group and thus there is no official record of recommendations made by those testifying. The lack of a report makes it difficult to measure the actions of this Administration against those ideas which were provided to the Administration through the hearing process.

At the hearing PALIHC made six recommendations, one of which has been adopted by the state; the Pennsylvania Housing Finance Agency (PHFA) did ultimately create a real time, web and 800 number-based apartment listing service so that accessible units can be more easily found by those who need and want them.

Five additional recommendations were made by PALIHC. Below are those recommendations and the state response to date:

- Adoption of a prohibition on source of income discrimination so as to make Section 8 vouchers more usable. No state response.
- Programming of PHFA volume cap to fund loans for accessibility retrofitting of homes. No agency response, though the Agency has established a program for the retrofitting of a home **if** it is being newly purchased by a household having a disabled person. This narrower targeting results in far fewer disabled persons being eligible for PHFA aid. This program also substantially duplicates the U.S. Department of Housing & Urban Development's 203(k) program which one can access without the aid of PHFA.
- Use more PHFA volume cap for rental housing, which aids all lower income households, including the disabled. PHFA continues to expend the overwhelming majority of its volume cap on single-family loans at rates and terms substantially similar to those offered by commercial lenders.
- DCED should create, or fund, a center for retrofitting technology that would inform the disabled contractors about available retrofit and assistive technologies. No action taken.
- DCED should create a loan and grant program to fund home modifications for very low income households. PALIHC called for an annual appropriation of \$2 million. In the 1999 budget DCED received \$500,000 as part of a \$1.8 million package of funding (most of the balance of funding were federal funds provided to the Department of Public Welfare, which in turn were assigned to DCED to develop a retrofitting program for disabled home owners and renters. Unfortunately, no expenditures have been made to date as DCED leaders have been indifferent to securing the staff resources needed to implement the program in a timely manner.



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Fair Housing Hub
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107
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**Chester Community
Improvement Project (CCIP)**
412 Ave. of the States
PO Box 541
Chester, PA 19016
(610) 876-8663

**The ARC of Delaware County
(DelARC)**
3544 West Chester Pike
Newtown Square, PA 19073
(610) 325-3950

**Self Determination Housing
Project**
6 South Easton Road
Glenside, PA 19038
(215) 576-7270

Disabilities Law Project
1315 Walnut Street, Suite 400
Philadelphia, PA 19107
(215) 238-8070

**Freedom Valley Disability
Center**
3607 Chapel Road
Newtown Square, PA 19073
(610) 353-6640

**Housing Consortium for
Disabled Individuals (HCDI)**
4040 Market Street
Philadelphia, PA 19104
(215) 895-5689

**Pennsylvania Action
Coalition for Disability Rights
in Housing (PACDRH)**
c/o Disabled In Action of PA
125 South 9th Street, Suite 700
Philadelphia, PA 19107
(215) 627-7255

**Public Interest Law Center of
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125 South 9th Street, Suite 700
Philadelphia, PA 19107
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257 East Chestnut Street
West Chester, PA 19380
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