

February 3, 2016

**Testimony to the Assembly Ways & Means and the Senate Finance Committees  
Joint Legislative Budget Hearing  
2016-2017 Executive Budget on Housing**

Thank you for the opportunity to submit testimony. The New York Association on Independent Living (NYAIL) is a membership organization composed of, and created by Independent Living Centers (ILCs) across New York State. ILCs are unique disability led advocacy and service organizations which assist people with disabilities, regardless of age or diagnosis, to live independent, fully integrated lives in their communities. Creating more affordable, accessible, integrated housing opportunities for people with disabilities has long been a primary concern for NYAIL and people with disabilities across the State.

There is a housing crisis in New York State for people with disabilities due to the lack of affordable, accessible and integrated housing options. The below priorities for the disability community address this lack of accessible housing. We urge the legislature to support people with disabilities and Olmstead implementation by adopting the following priorities in the 2016-17 State Budget.

**Broaden eligibility to the JP Morgan Access to Home funds.** The JP Morgan allocation plan in the 2015-16 budget earmarked \$19.6 million for Access to Home, a successful program administered by NYS Homes and Community Renewal (HCR) that provides funding for home modifications to allow individuals with disabilities and older New Yorkers to stay in their homes and out of costly institutions. This is significant as the program has been severely underfunded at only \$1 million for many years. Unfortunately, the eligibility for this new funding was limited to veterans with disabilities. This was not the original intent and HCR recommended to the Executive an amendment to the appropriation language in the 2016-17 budget to broaden eligibility. This change is further supported by the fact that HCR only received \$3 million in applications during the 2015 Access to Home for Veterans funding round, despite there being \$6 million available. Unfortunately, the proposed Executive Budget does not expand eligibility for this program.

As New York continues to implement *Olmstead* and more people continue to transition back into the community, the need for accessible housing will only increase. For many people, the addition of a ramp to their front door makes the difference between being able to live independently and being homebound or forced into an institution. The Medicaid Redesign Team's Affordable Housing workgroup acknowledged the crucial role this

program plays and committed to additional modest funds through the supportive housing allocation fund, but it is still severely underfunded. We urge the legislature to use funds from the JP Morgan Chase settlement to adequately fund Access to Home for all people with disabilities.

**Create a Visitability tax credit.** In the 2015 legislative session, the legislature passed a bill which would have provided homeowners with a modest tax credit to help with the costs of retrofitting their homes to make it more accessible, or to incentivize including visitable features at the time of construction. However, Governor Cuomo vetoed this legislation, stating in his veto memo that “Encouraging the growth of accessible and adaptable housing to help individuals remain in their homes as they age, as well as to help those with disabilities, is an important goal which I strongly support. However, this tax credit will have a significant fiscal impact and should be discussed in the context of the upcoming State Budget.” While we appreciate Governor Cuomo’s statement that this is a priority for his administration, he failed to include a visitability tax credit in his proposed Budget. This is a priority for the disability community as a tax credit would help keep people in their homes and out of institutions by assisting people with the costs associated with making their homes more accessible. NYAIL calls on the legislature to include a visitability tax credit in the State Budget.

**Ensure access to shelter for people with disabilities who are homeless.** NYAIL commends Governor Cuomo for proposing to spend \$10 billion to address homelessness and the inadequacies of the shelter system by adding 27,000 new beds and services. Part of this proposal is an audit function including inspection of shelters to address health and safety violations. This audit needs to include inspecting shelters for accessibility. Many people with disabilities face homelessness, yet New York has done a poor job ensuring access to shelters for people with disabilities. Too often people with disabilities are rejected for shelter placement and instead sent to nursing homes as an alternative, even in instances where the individual does not require that level of care. Likewise, supportive housing is too often funded without concern to physical access. The State must ensure that supportive housing is accessible, regardless of whether it is mandated by the Federal Fair Housing Act. We urge the legislature to support this proposal and to ensure that the audit function include an audit of whether emergency homeless shelters meet the physical, communications and program requirements of the Americans with Disabilities Act Title II and are accessible to people with all disabilities.

**Ensure ongoing funding for the MRT’s *Olmstead* Rental Subsidy pilot program for people transitioning out of nursing facilities.** NYAIL and our member ILCs played a crucial role in the development of the TBI and NHTD Medicaid Waivers and with ensuring state funding for the associated rental subsidy. This is because ILCs are the “boots on the ground” assisting individuals to leave institutions and recognized the need for the subsidy in order for the success of the Waivers. This subsidy, along with the crucial services provided through these Waivers, allowed thousands of New Yorkers to leave institutions and live integrated in the community. Yet with these Waivers being dissolved,

and with most of the services being rolled into managed care, it has left many with a high degree of concern. Without the State making a firm commitment to provide an ongoing rental subsidy to people seeking to leave institutions in the future, people will once again be unable to leave nursing homes and other institutions.

Despite many efforts to ensure people can live in the community with appropriate supports and services, the State has yet to create a long term strategy for providing housing to these same individuals. NYAIL and many other stakeholders have been participating in DOH's workgroup and subcommittees to help shape DOH's transition plan for the roll in of the Waivers into managed care. Absent from these discussions is how the State will address the need for housing assistance as the Waivers are eliminated. DOH has stated that because the housing subsidy is not an official Waiver service, it will not be addressed through this process or in their transition plan. While the MRT supportive housing workgroup, of which NYAIL is an active member, has created an *Olmstead* Rental Subsidy pilot project for two years, this does not address a long term strategy to assist people with disabilities to leave institutions and live in the community. We call on the legislature to create a permanent rental subsidy available to those seeking to leave institutions.

**Make discrimination based on an individual's Source of Income illegal under NYS Human Rights Law.** A key way to maximize the effectiveness of the various rental subsidies, and to stabilize New York's most vulnerable, is to include a person's lawful source of income as a protected class in NYS Human Rights Law. This was initially included as part of the Women's Equality Agenda but was dropped. The need for a person's source of income to be a protected class remains a priority for New York's poor and working class, including single moms, minorities, and people with disabilities. Those who are unable to make ends meet without some assistance know all too well how difficult it can be to find safe, accessible and appropriate housing when using a rental subsidy. Many people with disabilities rely on subsidies and other assistance programs to live independently in the community. Unfortunately, housing providers are allowed to turn people down as potential tenants based solely on the person's lawful source of income. This is a form of discrimination that is impacting New York's most vulnerable and which we call on your administration to end. There is currently pending legislation, A.3059 (Weprin) which would add a person's lawful source of income as a protected class in NYS Human Rights Law. We ask the legislature to include the language from A.3059 in article VII language in the 2016-17 budget.

The above housing priorities are easily achievable and will help to alleviate the housing crisis for people with disabilities and seniors across the State. Thank you for your consideration.

Sincerely,

Meghan Schoeffling  
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