



June 21, 2004

Joint Statement on behalf of the Consortium for Citizens With Disabilities Housing Task Force

The Consortium for Citizens with Disabilities (CCD) Housing Task Force calls upon Secretary Jackson and HUD to address three serious Section 8 Housing Choice Voucher program issues adversely affecting people with disabilities.

Specifically, the CCD Housing Task Force urges HUD to:

- Rescind the April 22, 2004 HUD-PIH guidance to Public Housing Agencies (PHAs) which is jeopardizing the funding for Section 8 vouchers already being used by people with disabilities;
- Immediately inform PHAs administering the Section 811-funded Mainstream voucher program that HUD's April 22 Notice does not apply to Mainstream vouchers even though they are administered as Section 8 vouchers;
- Immediately issue written guidance to PHAs to implement FY 2002, 2003 and 2004 appropriations language which requires PHAs to continue to reserve 50,000 so-called "Frelinghuysen" disability vouchers exclusively for people with disabilities upon turnover.

The CCD Housing Task Force is a coalition of national organizations working to promote access to affordable and accessible housing opportunities and community supports for people with disabilities. These Americans have the highest level unmet need for housing assistance of any group eligible for federally subsidized housing. Many of the individuals we represent depend solely on Supplemental Security Income (SSI) or other disability benefits and are participants in the Section 8 Housing Choice Voucher program or on Section 8 waiting lists. The Section 8 voucher program is central to their ability to find and maintain housing in the community.

CCD is extremely concerned about HUD's April 22, 2004 Notice to PHAs regarding the financial management of the Section 8 program for the FY' 2004 budget year. More than 400,000 households currently participating in the Section 8 voucher program have a family member with a disability. Unless HUD immediately rescinds this Notice, many PHAs will not have sufficient Section 8 voucher funding to make timely voucher subsidy payments on behalf of these and other participating households. HUD's recent action announced on May 20th to provide \$150 million to replenish voucher program reserve funds

is not sufficient to address the shortfalls being identified at PHAs across the country. For example, we learned late last week that households with disabilities in Alameda and San Luis Obispo, California are at-risk of losing their housing subsidy. Thousands of households with disabilities in Massachusetts came within one day of receiving voucher termination notices a few weeks ago.

The CCD Housing Task Force believes that it is very important to ensure that people with disabilities currently participating in the Section 8 voucher program do not lose their housing as a result of shortsighted HUD policies that appear to be designed solely to reduce HUD spending. HUD's mismanagement of the FY 2004 voucher program fiscal issues has caused thousands of households with disabilities to worry that they will be evicted because their subsidy may not be paid. Many are concerned that they will become homeless as a result. This impact on people with disabilities is perhaps the ultimate irony, since the voucher program is the key to ending homelessness and to helping people with disabilities move from restrictive settings such as institutions and nursing homes into the community.

It is HUD's responsibility to ensure that tenants with disabilities participating in the Section 8 program and their landlords are protected, particularly when members of Congress have stated that there are sufficient funds in FY 2004 to support all vouchers leased. Instead of providing this reassurance, HUD's actions have completely de-stabilized this successful twenty-eight year old federal housing program – an affect that is being acutely felt by tenants, landlords, as well as PHAs. People with disabilities are the nation's poorest citizens and should not be forced to pay higher rents because PHAs are forced – on very short notice – by HUD fiscal policies to arbitrarily lower voucher payments.

CCD is concerned that because of these fiscal pressures from HUD, PHAs will be unable or unwilling to provide a higher payment standard for people with disabilities who need units with accessible features. Thousands of people with disabilities who have finally reached the top of PHA voucher waiting lists may not be given vouchers anytime soon because PHAs are reluctant to reissue "turnover" vouchers. To eliminate these growing concerns among people with disabilities who believe their housing subsidy is in jeopardy, we urge HUD to immediately rescind the April 22 Notice.

Secondly, CCD urges HUD to immediately communicate with PHAs that have Section 811 funded Mainstream vouchers that these vouchers should not be affected in any way by the current fiscal crisis in the Section 8 voucher program. The CCD Housing Task Force has gone on record on many occasions regarding HUD's mismanagement of the Section 811 tenant based program, which HUD chose to administer as Section 8 vouchers. We are extremely concerned that because HUD has not required PHAs to administer or track 811-funded vouchers separately, these vouchers are being adversely affected by the current Section 8 budget crisis. It is entirely possible that Section 811-funded turnover vouchers are not being re-issued or that payment standards are being lowered arbitrarily because of Section 8 budget issues. Unfortunately, the current financial chaos in the Section 8 program provides one more important reason why the Mainstream program must be entirely re-vamped.

Our third request, which we have conveyed to HUD officials on several occasions in the past three years, involves HUD's failure to issue written guidance to PHAs regarding 50,000 vouchers appropriated by Congress exclusively for people with disabilities over a five-year period from 1997-2001. These vouchers were created by Congress through the leadership of Congressman Rodney Frelinghuysen and members on both sides of the aisle who were concerned about the negative impact of HUD "elderly only" housing policies on the supply of HUD subsidized housing available for people with disabilities. Specifically, these vouchers were and are intended to make up for the loss of housing that occurs when PHAs and HUD assisted housing providers implement tenant selection policies which restrict or prohibit occupancy by people with disabilities. HUD's own records show that at least 500,000 units currently have these "elderly only" restrictions.

During the past three years, through specific statutory appropriations language, Congress has directed HUD to ensure that PHAs continue to make these vouchers available to people with disabilities when they “turnover”. However, HUD has chosen to disregard this language and has never issued written guidance/direction to PHAs informing them of this congressional mandate.

The only written guidance ever provided by HUD to the PHAs regarding these vouchers is contained in the original Notices of Funding Availability (NOFA) which permit PHAs to do the *exact opposite* of what Congress has proscribed. Instead of continuing to make these vouchers available exclusively to people with disabilities upon turnover, the NOFA language permits PHAs to issue these vouchers to any household on the PHA Section 8 voucher waiting list.

For the past three years the CCD Housing Task Force – through both written correspondence and through numerous meetings with HUD-PIH officials – has urged HUD to issue new written guidance to PHAs so that these vouchers can continue to be used for their intended purpose. Despite our repeated efforts, HUD has not acted. As a result of HUD’s inaction, many people with disabilities have lost the opportunity to obtain a Section 8 voucher. HUD needs to rectify this situation by issuing appropriate written guidance to PHAs as soon as possible.

In closing, the CCD Housing Task Force is extremely concerned regarding HUD’s failure to protect people with disabilities who receive assistance from HUD’s rental assistance programs and to safeguard the scarce resources set-aside by Congress exclusively for people with disabilities. HUD should take immediate steps to ensure that the Section 8 program remains a viable affordable housing resource for people with disabilities with extremely low incomes.

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The Consortium for Citizens with Disabilities Housing Task Force is a Washington-based coalition of national disability organizations which advocates on behalf of the housing needs of people with a variety of disabilities, including mental retardation and other developmental disabilities, mental illness, and physical disabilities, including mobility and sensory impairments. Among the national disability organizations that participate in the CCD Housing Task Force are the National Alliance for the Mentally Ill (NAMI), The Arc of the United States (The Arc), the National Association of Protection and Advocacy Systems (NAPAS), the American Network of Community Options and Resources (ANCOR), United Cerebral Palsy (UCP), the Paralyzed Veterans of America (PVA), the National Easter Seals Society (NESS), and the Brain Injury Association (BIA).