



November 26, 2012

Michael S. Dennis
Director, Housing Voucher Programs
Office of Public and Indian Housing
U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410

Re: PIH Notice 2012-40 (HA)

Dear Mr. Dennis:

The Consortium for Citizens with Disabilities (CCD) is a working coalition of national consumer, advocacy, provider, and professional organizations working together with and on behalf of children and adults with disabilities and their families living in the United States. The CCD Housing Task Force advocates on behalf of the housing needs of people with a variety of disabilities, including developmental disabilities, mental illness, sensory disabilities, physical disabilities, and intellectual disabilities. The Housing Task Force works to increase access to decent, safe and affordable housing for all people with disabilities and to protect rights guaranteed to people with disabilities under the Fair Housing Act and other civil rights laws.

The CCD Housing Task Force is writing in reference to PIH Notice 2012-40 (HA) Assisted Living Units in the Housing Choice Voucher Program. Implementing Section 302 of Section 202 Supportive Housing for the Elderly Act of 2010, PIH Notice 2012-40 allows a PHA to require a family to pay more than 40% of its monthly adjusted income for a unit in an assisted living facility under certain circumstances approved by the Department. We understand that this legislative change was intended to apply to assisted living projects for frail elders where each tenant has their own dwelling unit. The Notice expands on the law by stating that "Assisted living facilities may be referred to as residential care facilities, adult care facilities, congregate care facilities or group homes".

The CCD Housing Task Force is concerned that the Notice may lead to waiver approvals for group homes or other residential care facilities that do not provide separate dwelling units, and that require residents to share bedrooms and/or bath facilities. This is especially concerning because Housing Choice Vouchers can already be used in group homes, congregate and shared living situations. It is also important to note that 24 CFR 982.342 prohibits Housing Choice Voucher assistance in board and care homes. While assisted living facilities may sometimes be referred to as residential, adult or congregate care facilities these nomenclature are not always assisted living developments as defined in the legislation. As HUD reviews waiver requests submitted under this Notice, we urge the agency to do due diligence to ensure waiver approvals are not granted for Housing Choice Voucher participants to reside in group homes, adult care facilities or residential care facilities that do not provide separate dwelling units. The CCD

Housing Task Force's purpose is to protect extremely low income people with severe disabilities from increases in tenant contributions except in the narrow circumstances allowed by statute.

The CCD Housing Task Force requests the opportunity to meet with you to discuss this matter further in order to fully apprise you of our concerns.

Sincerely,

Andrew Sperling, NAMI

TJ Sutcliffe, The Arc of the United States

Co-Chairs, Consortium for Citizens with Disabilities Housing Task Force