



July 16, 2012

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0001

Submitted electronically through www.regulations.gov

Re: Docket No. FR-5242-P-01, Changes to the Project-Based Housing Choice Voucher Program

To Whom It May Concern:

The Consortium for Citizens with Disabilities (CCD) Housing Task Force is pleased to submit this comment regarding proposed changes to the Project-Based Housing Choice Voucher Program (PBV). The CCD Housing Task Force is also a signatory to the comments being submitted by the Center on Budget and Policy Priorities, including many organizations involved in developing the proposals for changes in section 8(0) that were incorporated in HERA.

CCD is a coalition of national organizations working together with and on behalf of the 54 million 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 CCD Housing Task Force believes that the PBV program is an essential component of state and local supportive housing strategies to reduce reliance on restrictive settings which violates the Americans with Disabilities Act, such as state institutions, board and care homes, adult care homes, and nursing homes. PBV is also an important tool in strategies to prevent and end homelessness among people with disabilities. In 2004 and 2005, CCD, in partnership with the Technical Assistance Collaborative (TAC) led a cross-disability effort to improve the provisions of the PBV regulation related to supportive housing. That effort resulted in major revisions to Section 983.251(d) that became effective in October of 2005.

Despite the new 2005 regulatory language, many Public Housing Agencies (PHAs) and Department of Housing and Urban Development (HUD) Field Office staff continue to have difficulty with the implementation of 983.251(d). For that reason, we applaud HUD for proposing changes to 983.251(d). We are also recommending one additional change to 983.251(d).

Section 983.251(d) – HUD’s proposed changes

Preference for people with disabilities qualifying for services offered

HUD’s proposed 983.251(d) modifies the existing rule to allow preferences for people who *qualify* for available services rather than people who “need” them. The CCD Housing Task Force believes that the word “qualify” is a more precise term and is therefore a significant improvement in tenant selection preference policies for supportive housing units created through the PBV program. The use of this term will ensure that applicants for supportive housing can actually receive the supportive services offered. HUD’s prior use of the term “need” created a more subjective situation in which a prospective supportive housing applicant might have been determined – either by the PHA or by another involved agency – to “need “ the services but (for a variety of reasons) might not qualify to receive them.

Section 983.251(d) – the CCD Housing Task Force’s proposed changes

In addition to supporting HUD’s proposed change, the CCD Housing Task Force recommends one additional change to 983.251(d). The proposed rule states that “PHAs may give preference to disabled families who qualify for services offered at a particular project or in conjunction with specific unit(s)”. We believe that the distinction between “services offered at a particular project” and services offered “in conjunction with specific units” is not necessary. Under current law, PBV can be used to create supportive housing properties (i.e. 100 percent of the units are dedicated to supportive housing) as well as a specific sub-set of units in a property that also provides units that are not supportive housing. Services may be provided by an outside service provider or by the housing provider and may be provided either on site or off site.

The CCD Housing Task Force therefore recommends the following additional change in the first sentence of 983.251(d):

(d) Preference for services offered. In selecting families, PHAs may give preference to disabled families who qualify for services offered in conjunction with the assisted units, in accordance with the limits under this paragraph.

This change simplifies Section 983.251(d) without changing its meaning.

The CCD Housing Task Force appreciates this opportunity to comment on the proposed regulations and we thank you for your consideration of our views.

Sincerely,

On Behalf of the Consortium for Citizens with Disabilities Housing Task Force:

Bonnie Milstein, CCD Housing Task Force Co-Chair
Bazelon Center for Mental Health Law

Andrew Sperling, CCD Housing Task Force Co-Chair
National Alliance on Mental Illness

T.J. Sutcliffe, CCD Housing Task Force Co-Chair
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