

HOUSING ISSUES FOR PEOPLE WITH DISABILITIES

ADAPT's Comments on NHCD's Draft Consolidated Plan Year 2009-2014.

Late Backup

LOW INCOME AFFORDABLE HOUSING & RENTAL SUBSIDIES

Many people with disabilities have extremely limited incomes. A person who receives SSI income from Social Security is getting \$674 per month or \$8,088 per year. The waiting list for Section 8 is currently 4 to 5 years long and is closed -- so no one can get on it until it is opened up again. Public housing is also very limited compared to the need, and the waiting list is over a year. Personal attendants (who help people with disabilities and seniors with personal care and home health care) make about \$13,000 per year if they are lucky. Housing needs to be targeted to rents people can afford.

Section 8 and similar rental subsidies are critical for people to keep a roof over their heads.

Communities should strategize ways to maximize rental subsidies for low income people with disabilities, as well as ways to target their housing funds for those most in need.

ENFORCEMENT

The federal Fair Housing Amendments Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act all address requirements to make housing and related services accessible for people with disabilities. These laws are often times not followed; if there is no enforcement, compliance is unlikely to occur. Enforcement of these laws should be a priority. Existing and future housing projects should be surveyed to ensure compliance. The Austin Tenants Council runs the Tenant's rights assistance program that helps with enforcement of access laws. Approximately 60% of tenants' rights complaints are disability related.

SEPARATING SERVICES AND HOUSING

While there is a need for increased housing and support services for people with disabilities, these two should be separated. We do not support housing which is tied to support services. An individual with a disability who is low income may need housing assistance and may also need attendant services, but in order to receive these services this person should not be required to live in a group home or nursing home. People with disabilities want to be part of the community and not indentured to their service providers or isolated in their residences. Housing and support services should be separated.

HOUSING ISSUES FOR PEOPLE WITH DISABILITIES

BARRIER REMOVAL

There is an incredible need for assistance to people with disabilities who need access in their own homes. Inaccessible housing is substandard for people who need access. If you are a prisoner in your own home because you cannot get in or out independently due to lack of a ramp, railing, accessible fire alarm or other access accommodations, your housing is substandard. Support is needed to increase the number of architectural barrier removal programs. These programs must be consumer driven. Technical assistance needs to be provided to communities to help them develop these programs. Funds should be dedicated to support barrier removal programs, and technical assistance should be provided to communities to help them develop consumer driven programs. It is discriminatory to require a person with a disability receiving services from the ABR Program to live in housing projects at or below 51% MFI.

BASIC ACCESS/VISITABILITY

In addition to enforcement of existing legislation as a means to battle the lack of access, disability organizations are advocating for a very basic level of access requirements for single family dwellings (and duplexes) developed with public assistance.

Homes built with basic access have enormous appeal for people with and without disabilities. It welcomes friends and family who use wheelchairs, walkers, crutches or their mobility aids. Basic access allows people who experience a temporary disability or decreases mobility due to aging to stay in their home rather than face moving or making major renovations. Basic access provides greater opportunities for builders, architects and realtors to serve a growing market.

Basic access can be achieved simply and inexpensively by incorporating four universal design features into all new construction. The four features are:

- One no step entrance (may be in the front, side back or garage entrance)
- Doorways throughout the home at least 32 ins wide; hallways at least 36 ins
- Reinforced walls near the toilet and bathtub so that grab bars may be added, if needed at a later day

HOUSING ISSUES FOR PEOPLE WITH DISABILITIES

- Light switches and electrical controls no higher than 48 ins and electrical plugs no lower than 15 ins above the floor

Such basic access does not significantly increase housing construction costs in the vast majority of cases. People with disabilities and housing advocates should promote requirements for new housing construction to incorporate these basic access/Visitability features.

I am commenting on the FY 2009-2014 Consolidated Plan and FY 2009-10 Action Plan for the City of Austin. My comments are on behalf of ADAPT of Texas, a disability rights organization.

The ageism and ableism reflected in this con-plan are breath taking. It is so depressing to see that after decades of working with this department it could so quickly revert to these attitudes. We have been trying to work with NHCD to encourage an attitude of acceptance of disability, of willingness to assist in overcoming civil rights violations by this department, people you contract with and the community at large. To see this plan being put forth on the 10th Anniversary of the Supreme Court's Olmstead decision is a literal outrage. Under previous leadership NHCD extended a hand and a mind open to inclusion and equality for people with disabilities of all ages; obviously we are done with that! That things have reverted to the current state, and in so short a time is shocking.

You plainly state your commitment to ensuring your projects bother to comply with the law is done. You aren't going to report on it, and apparently have no plan to do it any longer – hence the lack of need to report. It is clear the importance of “Voluntary Compliance Agreements; without them we can expect nothing.

On the 10th Anniversary of the Supreme Court Olmstead decision you include as housing for seniors A LIST OF NURSING HOMES AND obviously as an afterthought 2 home health care agencies? What is wrong with you!?! EXHIBIT 4-1 LISTS INSTITUTIONS WHERE PEOPLE ARE LOCKED AWAY! What can you possibly be trying to do here?

***You should be planning for aging in place not listing nursing homes.
What is the matter with you people?***

Your jumble of misinformation about persons with disabilities, the programs that serve them, options available, is not to be believed. Why bother to include information about things you clearly don't understand?

Your implication that accessibility requirements only apply to HACA is too much. Are you planning to dump your commitment to educating other developers of their legal obligations? Why is there no mention of accessibility in the affordable housing section? Among the lowest income residents of Austin are persons on disability benefits which are below 15% MFI. No mention of disability in your discussion of poverty. No mention of the fact that about 50% of the Fair housing complaints received by the Tenant's Council are disability related. No mention of the reality that people in nursing “homes” and other institutions are homeless – your excuse: census ignores people who are institutionalized. Your interpretation that CDBG funds cannot be used for architectural barrier removal (a misinterpretation of the rules) seems just more of the same now. I could go on and on.

One other item: On your East 11/12th initiative, help the Victory Grill make itself accessible instead of making barriers for them. You should be helping all your recipients comply with access laws and regulations. You should be promoting this.

When we participated in the stakeholder meetings we could see our comments fly out the windows, and now we see the results.


Late Backup



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MEMORANDUM

TO: Mayor and City Council

FROM: Howard Lazarus, Director, Public Works Department 

SUBJECT: FY2010 Sidewalk Improvement/ADA Transition Work Plan

DATE: 8/14/2009

CC: Marc Ott, Robert Goode, Ed Van Eeno, Sam Angoori, Michael Curtis

PURPOSE: The Sidewalk Master Plan (hereafter referred to as the "Master Plan"), adopted by the City Council on March 5th of this year, requires that the "Director of Public Works shall develop and update a schedule and short-and-long-term Work Plans for sidewalk rehabilitation required by the ADA Title II Transition Plan. These Work Plans will be based on anticipated budgets." This memorandum provides the required Work Plan updates and provides an overview of all sidewalk projects anticipated to be accomplished within the proposed budget year (FY10).

LONG-TERM WORK PLAN: During the period of FY01 through FY10, the City of Austin has appropriated a total of \$54,088,910 for sidewalk projects, as listed below:

SIDEWALK APPROPRIATIONS (FY01-FY10)

<u>SOURCE</u>	<u>AMOUNT</u>	<u>NOTES</u>
2006 Bonds	\$ 1,200,000	FY10 sidewalk/gutter repairs
2006 Bonds	\$ 3,400,000	FY09 sidewalk/gutter repairs
2006 Bonds	\$ 2,500,000	FY10 new sidewalk construction
2006 Bonds	\$ 3,800,000	Sidewalks incorporated into street reconstruction projects
2000 Bonds	\$20,000,000	Includes \$10M reimbursement from TxDOT
2000 Bonds	\$ 1,400,000	Great Streets Projects – sidewalk only improvements
2000 Bonds	\$ 743,000	Sidewalks incorporated into street reconstruction projects
1998 Bonds	\$ 5,000,000	Sidewalk improvements citywide
Grant Funds	\$ 1,521,896	Jollyville sidewalk improvements

<u>SOURCE</u>	<u>AMOUNT</u>	<u>NOTES</u>
Grant Funds	\$ 557,800	FY10 – Safe Routes to School (McBee) from TxDOT
CapMetro ¼ Cent	\$10,691,890	Sidewalk improvements citywide
CapMetro BGA	\$ 3,274,324	Sidewalk improvements citywide
TOTAL	\$54,088,910	

In addition to these amounts, the City has programmed the following amounts from 2006 Bond funds in upcoming years: FY11 - \$1.2M, FY12 - \$1.2M, FY13: \$1.1M. The City will also include funding for sidewalk repairs in its upcoming bond ordinances, currently anticipated for FY11 and FY15.

SHORT-TERM WORK PLAN: The Public Works Department (PWD) has proposed the following sidewalk program that will commit \$14.05 million in pedestrian improvements in the upcoming fiscal year:

PROPOSED PEDESTRIAN IMPROVEMENT PROJECTS FOR FISCAL YEAR 2010 (FY10)

<u>ITEM</u>	<u>PROGRAM</u>	<u>SOURCES OF FUNDS</u>	<u>AMOUNT</u>
1	ADA Transition Plan	2000 Bonds	\$ 3,500,000
2	Missing Sidewalks	2000 Bonds	\$ 500,000
3	NHCD Support	ARRA/2000 Bonds	\$ 500,000
4	New Sidewalk Construction	2006 Bonds	\$2,500,000
5	Street Reconstruction Program	2006 Bonds	\$ 3,800,000
6	Sidewalk Repairs	Trans Fund/Reimbursables	\$ 1,200,000
7	Utility Pole ADA Abatement	Austin Energy Agreement	\$ 100,000
8	Safe Routes to School – McBee Elementary	TxDOT Grant	\$ 550,000
9	Great Streets Program – Streetscaping	Bond Funds/CapMetro ¼ Cent	\$ 1,400,000
TOTAL			\$14,050,000

The selections of project locations are consistent with the prioritization matrix contained within the Master Plan, and address areas of concern throughout the City. The attached tables provide additional detail on specific projects proposed in the FY10 Work Plan.

COORDINATION: The primary point of contact in PWD for sidewalk improvements is Mike Curtis (974-7190). Please do not hesitate to contact either Mr. Curtis or me if you need additional information or assistance.

ATTACHMENT 1 - ADA TRANSITION PLAN PROJECTS
(SOURCE OF FUNDS: TxDOT Reimbursement of 2000 Bond Funds)

<u>PROJECT</u>	<u>AMOUNT</u>
N. Lamar – Rundberg area	\$ 300,000
N. Lamar – Braker area	\$ 200,000
N. Burnet – 45 th to Koenig	\$ 300,000
N. Burnet – Koenig to 183	\$ 200,000
William Cannon	\$ 250,000
S. Congress	\$ 300,000
Downtown	\$ 500,000
Other – TBD	\$1,450,000
TOTAL	\$3,500,000

ATTACHMENT 2 - MISSING SIDEWALKS
(Source of Funds: 2000 Bonds)

<u>PROJECT</u>	<u>AMOUNT</u>
Central East Austin Projects	\$165,000
o Concho St - Rosewood to Gregory	
o E 12 th St - Chicon to Poquito	
o Pedernales St - Cesar Chavez to Willow	
o San Marcos St - Cesar Chavez to 4 th	
Northeast Austin	\$160,000
o Blackson Ave - Providence to Meador	
o E 51 st St - Maymount to Manor	
o Manor Rd (N side) - Anchor to Pershing	
o Northeast Dr (W side) - Jack Cook to Manor	
o Walnut Ave (W side) - Manor to Oaklawn	
o Westmoor Dr (S side) - Abingdon to Halwill	
Southeast Austin	\$130,000
o Circulo de Amistad (all)	
o Hogan Ave - Community to Montopolis	
o Marigold Ter - Bluebell to Montopolis	
o Montana St - Vargas to Valdez	
o Montopolis Dr - E Riverside to Carson Ridge	
o Montopolis Dr - Kasper to E Riverside	
o Townsouth Cir	
Other Requirements TBD	\$45,000
TOTAL	\$500,000

ATTACHMENT 3 - NHCD SUPPORT
(Sources of Funds: CBDG-R and 2000 Bonds)

<u>PROJECT</u>	<u>AMOUNT</u>
Poquito St – 12 th to Rosewood	\$125,000
Springdale Ave – E Cesar Chavez to Airport	\$ 75,000
N. Pleasant Valley Rd/Chestnut Ave (E side) – Webberville to 16 th	\$ 50,000
Navasota St (E side) – 7 th to 11 th	\$150,000
San Marcos St (E side) – Cesar Chavez to 4th	\$100,000
TOTAL	\$500,000

ATTACHMENT 4 – NEW SIDEWALK CONSTRUCTION
(SOURCE OF FUNDS: 2006 BOND FUNDS – ACCELERATE AUSTIN SAVINGS)

<u>PROJECT</u>	<u>AMOUNT</u>
N. Lamar – New Sidewalk – Rundberg to Braker	\$ 500,000
N. Burnet – New and Compliant Sidewalk – Koenig to 183	\$ 500,000
E. William Cannon/Nuchols Crossing Area	\$ 250,000
S. Manchaca @ Slaughter	\$ 250,000
S. Brodie @ Slaughter	\$ 250,000
E. Central Austin – Misc.	\$ 250,000
Downtown – Misc.	\$ 250,000
University Area - Misc.	\$ 250,000
TOTAL	<hr/> \$2,500,000

Late Backup

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Jennifer McPhail

From: "Curtis, Michael" <michael.curtis@ci.austin.tx.us>
To: <jennifer.adapt@sbcglobal.net>
Sent: Thursday, August 20, 2009 2:50 PM
Subject: FW: FY10 Sidewalk Plan
Jennifer

I see that Howard incorrectly addressed this email below with both a ".come" and not the ".net"..(he had asked be via cell phone and we likely didn't communicate well.....our apologies. This was the email to which I was referring from our director to you stipulating the full \$5.0 million would be for ADA/transition plan sidewalkswhich you and I will jointly develop a priorities list. If you still need something more, please let me know. Sorry for the error

thanks

Mike

From: Lazarus, Howard
Sent: Tuesday, August 18, 2009 6:04 AM
To: 'jennifer.adapt@sbcglobal.com'
Cc: Curtis, Michael
Subject: FW: FY10 Sidewalk Plan

Howard S. Lazarus, PE
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City of Austin
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From: Lazarus, Howard
Sent: Tuesday, August 18, 2009 6:04 AM
To: 'jennifer.adapt@sbcglobal.com'
Subject: FW: FY10 Sidewalk Plan

Ms. McPhail:

The question arose yesterday as to the use of the \$5M in sidewalk funds for ADA compliance projects in FY2010. Although only \$3.5M was depicted in the Work Plan, please note all \$5.0M will be applied to Transition Plan projects. The \$3.5M figure was for construction only spending. Mr. Curtis had reserved \$1.5M for design and other soft costs. This is probably a conservative estimate, and any remaining amounts will be used to advance other ADA compliance projects.

8/20/2009