



Tough Choices: People with Disabilities Face Housing Crisis

By [Mary O'Byrne, Esq.](#), and [Stephen W. Dale, Esq.](#)

This is the first in a series of articles addressing scarce housing for people with disabilities.

The shortage in housing for individuals with disabilities has reached crisis proportions, with some special needs attorneys citing it as their clients' number one issue.

“Pricing Out in 2012,” a joint study by CCD (Consortium for Citizens with Disabilities) and the Technical Assistance Collaborative (TAC), found that “as many as two million non-elderly people with disabilities reside in homeless shelters, public institutions, nursing homes, unsafe and overcrowded board and care homes, at home with aging parents or segregated group quarters-often due to lack of affordable housing in the community.”

The situation results from a perfect storm of demographic trends, failed promises and budget tradeoffs. Prior to the 1970s, most people with significant disabilities lived in public institutions or at home with family caregivers. The history of institutionalization predates the nation's founding, with the 1773 establishment of the first Public Hospital for Persons of Insane and Disordered Mind in Williamsburg, Virginia.

By 1955, there were over 550,000 people housed in mental institutions. The peak institutionalization for a different population, those with developmental disabilities, occurred in 1967, with nearly 200,000 residents. But in the early seventies, a deinstitutionalization movement began gathering momentum in the wake of disclosures of abusive treatment at state-run facilities. The 1999 Olmstead Supreme Court decision, which stipulated that, in accordance with the Americans with Disabilities Act (ADA), individuals with disabilities should be cared for in the least restrictive environment possible, brought civil rights considerations to the forefront.

Since the Olmstead decision, hundreds of thousands of individuals have been discharged from public institutions-usually with inadequate attention to the housing and support services needed to accommodate their relocation. Given ongoing and increased pressure for states to comply with ADA, those numbers will inevitably grow. At the same time, a generation of caregivers that resisted institutionalization, keeping loved ones with disabilities at home, is aging out. Where will adults with disabilities live when Mom and Dad can no longer care for them?

The biggest problems involve:

Affordability: The CCD/TAC report indicates that, as of 2012, the average monthly rent in the U.S. for a one-bedroom apartment was 104 percent of the average monthly SSI (Supplemental Security Income) payment received by the 4.8 million individuals with disabilities living outside institutional settings.

Accessibility: Many individuals with disabilities require residences that are wheelchair-accessible. Just locating residences without entrance steps can prove a challenge. Other accommodations, such as wider doorways, raised electrical outlets and lower kitchen surfaces are even more difficult to find-and come at additional cost.

Discrimination: The stigma attached to disability remains pervasive-despite the fact that about 20 percent of the nation's adult population has a disability of some kind. HUD's Fair Housing Enforcement Office reports that filings by individuals with disabilities comprise the majority of their discrimination complaints. Nonprofits seeking to open group homes routinely face community push back. Landlords turn down rental applications. Mental illness, especially, gets branded as having high crime potential. The reality is that people with disabilities are frequently the best of neighbors, but misinformation and prejudice bar them from community participation.

It's common for families to face multi-year waiting lists for Medicaid-supported group homes. In fact, we know of one California county with a 10-year backup. Budget tradeoffs at all levels of government exacerbate the problem. The recently passed federal spending bill for fiscal year 2014 actually cut funding for supportive housing grants by 16 percent. As a result, people with disabilities face decreasing government resources to help secure housing. With less funding, they are being "priced out" of urban communities which often have better supportive infrastructures and shunted into less costly areas, often crime-ridden and lacking in the services and supports they require. Clearly, this is a social issue requiring the coordinated efforts of government, advocacy organizations and the private sector.

Next: Government Initiatives

About this Article: We hope you find this article informative, but it is not legal advice. You should consult your own attorney, who can review your specific situation and account for variations in state law and local practices. Laws and regulations are constantly changing, so the longer it has been since an article was written, the greater the likelihood that the article might be out of date. SNA members focus on this complex, evolving area of law. To locate a member in your state, visit [Find an Attorney](#).

Requirements for Reproducing this Article: *The above article may be reprinted only if it appears unmodified, including both the author description above the title and the “About this Article” paragraph immediately following the article, accompanied by the following statement: “Reprinted with permission of the Special Needs Alliance – www.specialneedsalliance.org.” The article may not be reproduced online. Instead, references to it should link to it on the SNA website.*