

The State of Housing for People with Disabilities

The state of housing for people with disabilities provides important historical context for some of the major policy barriers in the area of housing and disability. The past history of people with disabilities, currently the largest minority group in the United States, has very much influenced our current state of housing policies and practices in design and government programs.

Legislative history from the turn of the century shows that the disability community has been viewed as everything from “unfit” to “dangerous” to a “detriment to normal society.” These views directly led to the establishment of our nation’s very long history of government imposed segregation of people with disabilities. This segregation and isolation has occurred in all aspects of community life from education and transportation to recreation and employment and most importantly, housing. The main form of housing under state imposed segregation has been large warehouse-like state operated institutions and smaller institutions such as group homes. People with disabilities were considered “sick” and in need of treatment to be cured. Our housing options therefore, have resembled that of medical centers, very different from what most people call home. The perception that people with disabilities need to be “treated” unfortunately continues in our society today.

Institutions were eventually exposed as inhumane, isolated environments spurring the De-Institutionalization movement in the 1960’s – people with disabilities were placed in small congregate settings in the “community” as an alternative. The 1970’s represented a turning point– people with disabilities began to stand up to their history of mistreatment, segregation, over-medicalization and paternalism. In 1973

one man named Ed Roberts, who used a power wheelchair due to polio, helped give birth to the disability rights movement when he demanded admission to University of California at Berkeley and refused to be forced to live in an institution.

The 80's and the 90's brought a further shift toward integration, inclusion and a recognition that we are a community deserving of human and civil rights. With passage of civil rights laws protecting people with disabilities in the areas of housing, transportation, education, recreation and public accommodations. The amendment of the Fair Housing Act to include people with disabilities, though and important victory, came in 1988, 20 years after the original act was passed. The protections made it illegal to discriminate against people with disabilities in the rental or sale of housing and mandated accessible design and construction.

1988 was also the year that Section 504 of the Rehab Act was implemented, mandating that all programs, services or activities receiving public funds be accessible. Design requirements under Section 504 state that all buildings of 5 or more units must have 5% of those units usable for persons with mobility impairments and 2% of the units must be accessible for people with hearing/visual impairments. In addition, landlords must pay for any "reasonable accommodation" or modification which the tenant requests.

Lack of Affordable, Accessible and Integrated Housing

While we have seen things change dramatically (with a struggle) over the last several decades, too much of our present housing status resembles that of our past. The reality is people with disabilities still don't have the same housing choices the general population has. The choices we have (nursing homes, group homes, segregated

apartment complexes) are not what non disabled people consider housing. Further, the lack of accessible housing in our country has reached crisis levels and people with disabilities have named housing the #1 issue. There are still far too many people living in nursing homes – our long term care system favors providing services to people with disabilities in institutions rather than in their own homes – 4 out of every 5 Medicaid dollars go towards providing services to people in institutions rather in their own homes. Also, the state of Illinois is one of the top 10 worst states in the nation for keeping people with disabilities in these institutions. Because of work disincentives, employment discrimination, and the lack of educational opportunities, over 70% of people with disabilities are not working and are on benefits, people receiving Social Security Insurance (SSI) earn an average of \$650.per month. This poverty has resulted in tremendous need for affordable housing which people with disabilities face alongside millions of other Americans. A recent report from the Technical Assistance Collaborative showed that there is not one single housing market in U.S. in which a person on SSI (without a subsidy) could afford even a modest efficiency unit. However, if you link the need for affordability with the need for accessibility the search for housing becomes like finding a needle in a haystack

Access Living, a Center for Independent Living for people with disabilities in metropolitan Chicago, the United States Department of Justice and the John Marshall Law School in Chicago conducted systemic testing of suburban newly constructed multi-family housing and found 47 of 48 buildings were out of compliance with the federal Fair Housing Act accessibility requirements. The gross lack of accessible apartments in Illinois and throughout the United States, forces many people with disabilities to settle for apartments whose only accessible feature is a 32” front door entry, even if the kitchen and bathrooms are inaccessible; even worse, many more people are forced into institutional settings because of the lack of accessible housing.

Probably most troubling though, is the fact that we have not yet moved beyond our policies of state-sponsored segregation. Despite the fact that we now have laws and rights protecting people with disabilities and despite the 1988 preamble of the amended Fair Housing Act which declares “a national commitment to end the unnecessary exclusion of people with disabilities from the American mainstream”....the United States government still continues to fund, build and operate housing which segregates people with disabilities on the basis and type of their disabilities. While this would be considered illegal housing practice on the basis of any other protected class, it is still permitted and encouraged by our nation and our government on the basis of disability.

Providers in the private rental market continue to grossly discriminate against people with disabilities; In 2004 the Urban Institute (under contract with the U.S. Department of Housing and Urban Development (HUD), worked in partnership with Access Living of Metropolitan Chicago to design, and conduct the study “Discrimination Against Persons With Disabilities: Barriers At Every Step.” The study (released in 2005) focused on the Chicago area private rental housing market, and its treatment of people with physical disabilities and people with hearing impairments. The findings were based on more than 200 tests where people with and without disabilities posed as applicants for rental units. The findings showed that *people with disabilities face discrimination more than any other protected class*, and that more than 30% of the Chicago housing stock was not visitable by people with physical disabilities.

Housing Design

Housing Design is one of the basic elements that impacts our segregation, our housing choices as well as our ability to be a part of the American mainstream. Whether or not a home is accessible can literally determine where a person lives, and whether a person is truly a part of his or her community. If a wheelchair user cannot visit friends and neighbors, participate in block club meetings or go to dinner parties because there are stairs, that person cannot participate in his or her community fully. But accessibility's impact on community life doesn't rest solely on the wheelchair user, it impacts the wheelchair users friends, neighbors and families who live in those inaccessible houses and cannot invite their disabled friends and relatives to their homes. Further, it is important to consider that as we all get older and can no longer function as we once did, we will likely prefer to remain in our homes. It is the design of the homes we live in that will determine whether we are displaced as we get older.

Public Housing and Design

With the national transformation of public housing in the United States, the disability community is thinking deeply about design issues. Because public housing is the disability communities number one source of housing, the local and national trends demolishing public housing high rises are troubling. While these buildings are often blighted and in disrepair, they are also a symbol of accessibility to those using wheelchairs. The demolition of public housing is giving way to inaccessible, walk-up townhouses which are exempt from the Fair Housing Act accessibility requirements and are unusable by persons with mobility impairments This new housing style may address issues of economic and racial segregation but they leave behind and further segregate people with disabilities from the new public housing.

Housing for All

Efforts to work with our local and our national policy makers to rethink how we design housing in ways that it can be both attractive and livable for all – with and without disabilities- have met with little success, and there is still much work to be done. We challenge architects and designers to think outside of the box. Advocates in the disability rights movement have worked hard to create housing whose accessible features are undetectable, yet usable by every one. We must think outside of the box – be creative and innovative and inclusive. The disability community does not think of a wide 32" clear doorway or a 12:1 ramp, or a 15" outlet as merely building codes, but as civil rights – as those elements which will allow people with disabilities to have shelter while becoming truly active members of our community.

It is important to remember that in every country, disability is one of the largest and fastest growing segments of the population. Disability cuts across all racial, ethnic, economic, social, age, gender and geographic boundaries. Whether disability is acquired from birth, from illness or from traumatic injury, it is part of the human condition – a condition that will impact virtually all of us in this society or someone we love, at some point in our lives.

This is why the international disability community feels such urgency to have our policy makers, architects, designers and developers be thoughtful and inclusive not just to the needs of our citizens living with disabilities now, but to all of us who will acquire disabilities in the future.

Our traditional views that disability issues or “accessible design” is something impacting only a small portion of our society must be cast away. Accessibility is not a “special needs” issue – it is an issue of civil rights, a matter of independence and a matter of importance to our entire population – it is everybody’s issue, it is a human issue.

Access Living

Access Living is a not-for-profit, non-residential center for independent living which is consumer controlled. We provide services and advocacy to people with all types of disabilities in Chicago. Our goal is to ensure full integration and participation of people with disabilities into the mainstream of society. Access Living’s advocacy and service programs include housing, education, health care, economic development, deinstitutionalization, civil rights enforcement and peer support as they relate to disability.

This document is available in alternative formats upon request, for requests contact Beto Barrera betto@accessliving.org 312- 640-2111 or 312-640-2168 tty.