

**CMS REAL CHOICE SYSTEMS CHANGE
HOUSING WORK GROUP
COMMUNITY LIVING EXCHANGE COLLABORATIVE**

ADVANCED STRATEGIES SUBGROUP CALL

April 22, 2005

I. Welcome and Introductions

Michael Morris from NCB Development Corporation welcomed the participants to the call. He introduced Len Sandler, a professor at the University of Iowa College of Law who was asked to present information on the Easy Access Homes bill, introduced in 2005 Iowa Legislature session. It was identified that Mr. Sandler would discuss the strategy on the development of legislature, the partners that were crucial to the development and other challenges/process his organization faced in development of the bill.

II. Presentation -- Len Sandler – University of Iowa, College of Law

Began in 2000, through TEC AT program. Focus was to increase affordable/accessible housing in the State of Iowa. During a meeting in Iowa City, three problems identified: no one following ADA, Fair Housing and Iowa accessibility code not meeting code for accessibility. Developed Taskforce – brought in to contact with multitude of people including building code inspectors, advocates, service providers etc.

Local civil rights coalition – impossible to rent or buy in Iowa City that either were built or were being built that were accessible – panel was formed as a result. The panel uncovered the issue and City officials were shocked that these issues were not being addressed – believed that buildings were being developed to accessible design and a registry was available,-- but was not and as a result the city official became an advocate. As part of a demonstration project, Iowa City utilized CDBG dollars to approve funding built by city that showcased how a barrier free house could be developed. Brought planners, architects, advocates, consumers etc. Fair housing was a minimum standard but knew their were more design aspects that needed to be included. Included many features that provided a barrier free environment. Became a showcase for future developments for builders that identified that barrier free residential units could be built that were attractive and marketable.

As a result, city put together an ordinance requiring accessibility code in the building code to address housing for persons with mobility issues. Home builders first opposed this code development, due to concerns no marketability for these types of housing. “Visitability” ordinance was passed.

Encourages by disability advocates to take this on statewide. Found through research on other state models that “visitability” design requirements that this would be the best. Had options, either make it mandatory in building code (homebuilders fervently opposed), incentives for builders (no funding left), or solely rely on education in marketplace. Government uses any of its dollars in development, the features must be included.

When bill initially came out of development, it applied ADA requirements to private homes but did not include enforcement and ADA cannot be enforced in private housing. Bill died in 2003. Went directly to state agency to sponsor the bill. Filed three bills to generate discussion and force the issue. First have building commissioner enforce. Second approach was to have IFA to set standards and enforce compliance since they have financing and compliance officers already.

Forced everyone to table so that each person was involved and had a vested interest. Depart of Elder Affairs, Civil Rights, Disability advocates, housing developers, IFA etc. met to come to consensus on a bill. Unfortunately the Home Builders of Iowa were not invited to the table, and in retrospect this is a group that should have been involved. Language was key for the bill in order to make to broad based enough to ensure it could be applied statewide.

Len met with Homebuilders – department of inspection to be written by rule rather than statute, would be tied to financing, and would only for access to homes – no step entry, bathroom access, bedroom access etc.

Lessons learned from previous years of working with legislator – got rid of “visitability” language, no one knew about universal design, built a stronger coalition including bi-partisan sponsorship including realtors, architects, home builders etc. Named it the Easy Access Home Bill. Introduced in 2005 to both house and senate at Iowa Legislature.

Senate – first year that it is 50/50 split of democrat and republican. No one party had a majority. Every bill got grid locked. Massive Medicaid legislation was going on and other issues were on the forefront of the legislative agenda. Have decided to move from a state

Questions/Answers

Q) Michael O’Neil, Montana – Many states have had experience in working with LIHTC QAP to adopt universal design standards. How did this work apply to Iowa?

A) Len Sandler – Iowa Finance Authority had proposed legislation to increase points for developers who would incorporate visitability/accessibility standards – no standards were published that were specific. Need to include specific standards to make developers follow.

Q) Brett Burns, NCBDC – Could you clarify the point you made early on what is included under the definition of funding assistance where this ordinance would be triggered?

A) Len Sandler – This gets to the issues of what funding is linked and how is this defined. The legislation would include whole or part of funds used in construction rather than the land or for mortgage -- new construction not rehabilitation

Q) Michael Morris, NCBDC – This is an issue that many states are facing as to what constitutes a public dollar. One issue is that Low Income Housing Tax Credits are not federally subsidized dollars. How would you propose states deal with this argument?
A) Len Sandler – The taskforce has compared every city and state law to look for a good definition and have tried to identify all types of public assistance that could be considered.

Mr. Sandler proceeded with his presentation on the training program the Law Center provides. The training was a result of a myriad of requests from around the state from individuals who were looking for assistance on how to modify their homes to fit their needs. These individuals were looking for information, but no one knew how to assist them nor did they know about the programs that existed. The center gathered information on what funds are available for housing modifications. At the same time, the Olmstead decision came down and this afforded an opportunity to gather and provide information to allow people to stay in their housing rather than be institutionalized.

Workshops were developed to educate people on home modifications and how housing can be adapted. Also provides access for individuals about city programs and what private programs were available.

Second part of the workshop, explains how HUD allocates their funding, how people could get funds for home modifications from federal government. Allow people to get more active in consolidated plan and be involved in the disbursement for HOME, CDBG and how people disabilities can be influential in funding allocations. Provide information on range of options on tangible funding programs that can be combined in non-entitlement communities to mirror those programs being offered in larger cities. It is virtually a “how to” to assist the disability community to organize themselves. Includes information on adaptive technologies – ramps, lighting, bathroom fixtures etc. Let them know about loans and grants available to allow people to remain in their own homes.

The workshop provides models to allow communities to develop programs in their own communities for individuals who may need these types of funding programs. Have provided the tools to communities to develop their own program. Educated not only the individuals but also communities that could designate specific funding programs for home modifications – HUD regulations were reviewed and assisted communities to overcome policy barriers to allow cities to meet the needs of their communities. In order to fully implement the Olmstead decision will require a multi-faceted approach.

The Law Center has developed a Resource Guide on all of this information, which can be made available to the participants of this call by emailing Len Sandler at lenoard-sandler@uiowa.edu

The next call of the Advanced Strategies Subgroup will take place on Thursday, May 19th at 2:00PM EST.

