

Testimony offered before the Committee on Financial Services
U.S. House of Representatives
One Hundred Seventh Congress
June 25th, 2002

Subcommittees:

Oversight and Investigations
Housing and Community Opportunity

Presented By

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June 25, 2002

Greetings Honorable Subcommittee Members;

My name is Becca Vaughn; I have worked in the disability rights movement for over 20 years, 17 of those at Centers for Independent Living (CIL). I am the Advocacy Coordinator for the Topeka Independent Living Resource Center, Topeka Kansas and also manager of the Independent Living Skills Department. I am a founding member of the Disability Rights Action Coalition for Housing (DRACH), the first and only national grassroots disability housing justice coalition comprised of people with all types of disabilities. I have been the national DRACH Coordinator for the past 7 years. DRACH has worked extensively with past HUD Secretary's and key staff to improving housing opportunities and enforcement of fair housing rights for people with disabilities.

It is with great honor that I stand here before you today to share our collective thoughts and experiences concerning fair housing. Or perhaps it is the lack of fair housing and the blatant discrimination against people with disabilities in America that we are addressing. I am honored to participate with you in this demonstration of your keen sense of leadership in addressing these issues. As we speak, people with disabilities are being segregated, and imprisoned in facilities, against their will, having committed no crime for their incarceration. I am outraged at the lack of equal rights and justice in housing. I am not merely concerned or think we could do a better job at enforcement. I am outraged at this horrific practice of exclusion and discrimination which erodes the very core of our great nation.

Housing discrimination threatens that core in all our communities. Even today, with reports of discrimination against people with disabilities, being at a record high, U.S Department of Housing and Urban Development (HUD), Department of Justice (DOJ) and local Fair Housing Administrative Programs (FHAP) continue to ignore our pleas for equality. We have come to believe our rights are not viewed with the same conviction as those of other protected classes, because of the treatment we encounter when exercising our fair housing rights. Such as having fair housing investigators ask questions that are prohibited and illegal under the Fair Housing Amendments Act (FHAA). Issuing tax credits or building permits to builders who are non-compliant with the accessibility construction laws. Witnessing millions of housing dollars being spent toward the continued segregation of a group of people. And an entire enforcement arena failing to recognize that requiring a person to participate in services, in order to have a roof is illegal, ("special terms and conditions" is prohibited by the FHAA). These events assure us that our rights have not really ever been, nor are they today, fully recognized or honored in the provision of housing and housing products.

We know that it is wrong to force people to live in certain neighborhoods or specific areas of town, for truly we as a great nation have learned that separate is not equal and segregation attacks the very core of democracy, threatening to erode our communities. These things we know are wrong and illegal. Yes, we know that it is wrong and illegal to discriminate. We know that is wrong and illegal to deny a family an equal opportunity to rent or own a home. We know that it is wrong and illegal to refuse to rent/deal with a person based on their color of skin, their ethnic background, gender, or how they worship. It is just as illegal to discriminate based on disability. However, lack of enforcement prevents fair and equal access to housing for Americans with disabilities!

In my 20 plus years of personal and grassroots housing justice advocacy, I have come to realize that our administration and enforcement of fair housing laws make a clear unequal distinction between other protected classes and protection for those with disabilities. HUD, DOJ, FHAP agencies, the protectors of civil and fair housing rights, have perpetuated discrimination, and in fact encourage blatant non-compliance to many of the fair housing rights of those with disabilities.

The National Council on Disability's (NCD) study Reconstructing Fair Housing clearly provides data and statistics which demonstrate the norm of "Unequal Protection Under Law". The NCD report incorporates many suggestions and findings suggested by DRACH. DRACH encourages Congress to take immediate action toward implementation of the specific recommendations contained in the report. The NCD report focuses on one major barrier to obtaining fair housing rights: lack of enforcement. Lack of enforcement is only one of several major global barriers that keep people with disabilities oppressed and unable to access housing of their choice.

Advocacy groups are often ignored in our pleas for information from HUD, and local housing providers. Regional HUD offices refuse to provide reports under the Freedom of Information Act, undermine advocacy group's education and outreach efforts and often inform housing providers that they can violate fair housing laws. HUD continues to fund projects and programs that have never been compliant with Section 504, and continue to promulgate rules and regulations which violate fair housing laws. For example the Shelter Plus Care homeless assistance program (24 CFR 582.315) allows the recipients to require an additional or special service agreement lease in direct violation of fair housing laws.

The following brief vignettes are but a few discriminatory experiences of people with disabilities, in the last year. What is the cost of housing discrimination on a human being? The struggle for freedom has many brave and unsung heroes. These people were not afraid to exercise their rights, even in the face of resistance.

What if someone told you when you could and could not see your children? You have not committed any crime, that prevents you from seeing them, unless becoming very ill, being hospitalized for several months because of your disability and losing your home is a crime. You get homeless assistance. The organization demands you meet with them several times a month (mandatory services), and strangers threaten you with eviction if you see your children. You turn to HUD for help: You file a fair housing complaint because the special terms and conditions they have forced you to participate in have caused you to lose a Section 8 Voucher and your relationship with your children. Again, imagine being discriminated against by the very agency charged with enforcement of your rights. The FHAP in this case closed the investigation and found no reasonable cause, exists to believe discrimination occurred.

Imagine wanting to just go outside. You look down at the three rickety steps and know you are a prisoner in your home. For 10 months you have waited to sit in the sunshine. For 10 months, you have waited for help from HUD because your request for a reasonable modification to have a ramp built was denied by your landlord. Imagine the quality of your life. Now face the hard cold fact that HUD, who have been entrusted to protect our rights, has ruled that “no reasonable cause” exists to believe discrimination has occurred. Imagine you’re still sitting at your door.

Picture yourself becoming homeless solely because you no longer wanted to participate in mandatory group counseling because you have secured your own services that work best for you. The people who run the group meetings, who receive public funds have control over your home. You are evicted because you won’t agree to their special terms and conditions. You decide to keep your dignity. You look up at the night sky from the hard park bench. You turn to HUD for immediate help. HUD finds they have no jurisdiction and closes your case. You look up and see Venus in the House of Aquarius. That’s the only house accessible to you.

DRACH believes that along with lack of enforcement efforts the following are also major global barriers of inequality which keep people with disabilities from realizing the full protection of their fair housing rights.

Olmstead- The lack of affordable, accessible and integrated housing is a major barrier to the implementation of Olmstead.

Segregation - allowing segregated housing to be built, and/or operated with federal financial assistance must end today! (Group homes limited to people with mental retardation, cerebral palsy, aids/HIV only programs/dwellings, and clustered multi-family dwellings for people with disabilities, are examples. This practice results in gimp ghettos.

Special Terms and Conditions-making participation in any service/activity mandatory in order to get housing/housing assistance based on disability, is illegal and violates fair housing laws. This practice must end today! (Examples are an additional lease to force someone to attend group counseling sessions, mandatory meals programs, mandatory purchase of services from the housing provider in addition to HUD subsidized rent, and making someone who uses a power wheelchair pay a higher rent).

Enforcement and Compliance to all fair housing and civil rights laws, must be vigilantly pursued and swift action taken against violators.

Homeownership: People with disabilities must have equal access to homeownership opportunities.

Visitability: All housing dwellings built with, rehabilitated by, or operated with federal financial assistance must be required to add basic accessibility or visitability features. HUD currently endorses incorporation of visitability on a voluntary basis. This requirement would apply to all departmental programs, not just HUD & DOA.

National Home Modification Program, allows low income people with disabilities to access grant assistance to make their homes useable/accessible to them.

These six global areas, if addressed and adequately funded, would jump start us to end the crime of housing discrimination that has created areas of blight across our great nation. In an attempt to provide some solutions I respectfully offer the following action.

Segregation

Examples of current programs which allow/encourage segregation include;
Shelter Plus Care-Homeless Assistance for people with disabilities
HOPWA-Housing Opportunities for People with Aides
Section 811-Supportive Housing for People with Disabilities
HUD's 232 Program (Guarantees loans to build such facilities as nursing facilities, group homes, assisted living dwellings)

Possible Action: Congress pass a law which specifically makes it illegal to use any federal financial assistance toward the creation of "housing" which results in the ghettoization of any specific group of people. Clarify that such "housing" cannot require mandatory participation in any services, cannot be targeted to specific diagnosis (except for those with MCS/EI requiring isolation from chemical toxins often used by majority of households (pesticides, charcoaling), and that any "housing" created with, operated with, or involves federal financial assistance must provide reasonable accommodations to assure equal opportunity for PWDs.

Mandatory Services/Special Terms and Conditions

Examples of mandatory service programs include

HOPWA

811

Shelter Plus Care

Possible Action: Congress instruct all departments which operate housing programs to explicitly disallow any mandatory service or program components from all/any federally assisted programs.

Visitability: Pass a national law requiring all/any housing built with federal assistance must incorporate basic features of accessibility.

Home Modification: Pass a national law requiring states and local government who receive federal housing dollars to offer a modification program.

I freed people from mental institutions in the late 70's when I worked as a Mental Health Tech. I was the keeper of the keys and the people were screaming for freedom. Freeing them was the right thing to do. Today, it is the right thing to do and the human thing to do, in demanding that those who hold the enforcement keys to our fair housing rights, use them! Unlock the past oppressive housing policies, programs, and practices. Release the chains that have denied us our fair housing rights enforcement.

Until we stop the practice of discriminatory HUD practices of paying out over 174 million (2001) in default nursing home/institutional failures (total 234 million of public money perpetuating segregation by propping up an industry that is corrupt and failing), instead focus those dollars on providing real housing opportunities and home and community based attendant services, we will continue our history of exclusion of Americans with disabilities.

It is time to stop throwing our precious funds to corporate welfare, social workers and providers who choose to not comply with fair housing. It is time we give federal financial assistance to the person who qualifies for the assistance based on financial need, not a diagnosis or severity of a disabling condition.

Thank you for your time and attention, I am hopeful today is the beginning of a strong partnership between grassroots and legislatures; toward freedom for all.

For equal rights and justice,

Becca Vaughn

