

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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**MEMORANDUM**

DATE: June 21, 2012

TO: Planning Directors
Interested Parties

Glen A. Campora

FROM: Glen Campora, Acting Deputy Director
Division of Housing Policy Development

SUBJECT: **Persons with Developmental Disabilities
SB 812 (Ashburn), Chapter 507, Statutes of 2010**

Housing elements must include an analysis of the special housing needs of the disabled including persons with developmental disabilities. Special needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific needs or circumstances. Chapter 507, Statutes of 2010 (SB 812), which took effect January 2011, amended State housing element law to require the analysis of the disabled to include an evaluation of the special housing needs of persons with developmental disabilities. This analysis should include an estimate of the number of persons with developmental disabilities, an assessment of the housing need, and a discussion of potential resources.

A "developmental disability" is defined as a disability that originates before an individual becomes 18 years old, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. This includes Mental Retardation, Cerebral Palsy, Epilepsy, and Autism. The US Census does not have specific information regarding persons with developmental disabilities. However, each nonprofit regional center contracted with the California Department of Developmental Services (DDS) maintains an accounting of the number of persons served by zip code or city. This information can be used to estimate the number of persons residing in the jurisdiction which have developmental disabilities.

The development of affordable and accessible homes is critical to expand opportunities for persons with developmental disabilities to live in integrated community settings. One of the biggest obstacles to living independently in the community is a lack of financial resources. Income is often limited and affordable housing where people can rent homes, apartments, duplexes, or mobile homes is crucial to the long term stability of a person with developmental disabilities. In addition, access to various types of supported living services is critical for persons with developmental disabilities to live as independently as possible.

Timing

In accordance with Government Code Section 65583(e), any draft housing element submitted to the Department after March 31, 2011 will be required to comply with SB 812.

Further Resources

Attachment 1 is the amended statutory language, Attachment 2 includes the definition of developmental disabilities, a list of organizational resources, and a bibliography of relevant publications, and Attachment 3 includes a sample analysis and programs. For more information on the Special Housing Needs requirements including sample analyses, see the Department's *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/HN_SHN_home.php.

A copy of the legislation can be found on the Department's website at www.hcd.ca.gov. Copies of published bills from the 2010 session can be obtained from the Senate's website: www.assembly.ca.gov or the Legislative Bill Room at (916) 445-2323. If you have any questions or would like additional information or technical assistance, please contact Melinda Coy, of our staff, at (916) 445-5307.

ATTACHMENT 1

Changes to State Housing Element Law
SB 812 (Chapter 507, Statutes of 2010)

Changes to State Housing Element Law SB 812 (Chapter 507, Statutes of 2010)

(Excerpts, changes indicated in bold and underlines.)

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:
 - (1-6) *Omitted – Chapter 507 did not have major changes to these subsections*
 - (7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, **including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code**; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.
 - (8-9) *Omitted – Chapter 507 did not have major changes to this subsection.*
 - (b-h) *Omitted – Chapter 507 did not have major changes to these subsections*

ATTACHMENT 2

Resources

Definition of "Developmental Disability" from the Section 4512 of the Welfare and Institutions Code

4512. As used in this division:

- (a) "Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

List of Organizational Resources

California Department of Developmental Services

DDS is the agency through which the State of California provides services and supports to individuals with developmental disabilities.

P. O. Box 944202

Sacramento, CA 94244-2020

(916) 654-1690

<http://www.dds.ca.gov/>

(Web page includes a list of developmental and regional centers)

Community Placement Plan (CPP) funds

In collaboration with the regional center, DDS uses CPP funds to develop homes as an alternative for individuals with developmental disabilities to reside in the community instead of institutional settings. <http://www.dds.ca.gov/AH/CPP.cfm>

California Department of Rehabilitation

CDR works in partnership with consumers and stakeholders to provide services and advocacy resulting in employment, independent living and equality for individuals with disabilities.

P.O. Box 944222

2000 Evergreen Street

Sacramento, CA 95815

Phone: (916) 263-8981 (VOICE)

(916) 263-7477 (TTY)

www.dor.ca.gov

(Web page includes list of Independent Living Centers)

Disability Rights California

Disability Rights California provides advocacy help for Californians with disabilities.

Ms. Dara Schur
1330 Broadway, Suite 500
Oakland, CA 94612
Phone: (510) 267-1200
<http://www.disabilityrightsca.org>

Mental Health Association in California (MHAC)

Provides advocacy, education, information and other assistance necessary to ensure that all people who require mental health services are able to receive the mental health and other services that they need

1127 11th Street, Suite 830
Sacramento, CA 95814
Phone: (916) 557-1167
<http://www.mhac.org>

California Mental Health Directors Association (CMHDA)

Represents the mental health directors from each of California's counties
2030 'J' Street
Sacramento, CA 95814
Phone: (916) 556-3477
<http://www.cmhda.org>

Association of Regional Centers

Represents the autonomous regional centers
915 L Street, Suite 1440
Sacramento, CA 95814
phone: (916) 446-7961
<http://www.arcanet.org/>

Bibliography of Publications and Reports

The following is a bibliography of publications relating to housing for persons with developmental disabilities.

California State Council on Developmental Disabilities
STATE STRATEGIC PLAN 2011-2016
<http://69.93.208.24/documents/DraftSCDDStatePlan2011-2016.pdf>

California Kern County Regional Center for Developmental Disabilities
Hand in Hand Kern Regional Center Online
Homepage: <http://www.kernrc.org/>
Welcome page for Consumers & Families <http://www.kernrc.org/#/welcome/4509341943>

California Ventura County, Santa Barbara, and San Luis Obispo Tri-Counties Regional Center (TCRC):
Housing Plan

TRI-COUNTIES REGIONAL CENTER 5-YEAR HOUSING BUSINESS PLAN (2008)

The TCRC Housing Plan is a comprehensive roadmap that focuses on: (1) Supporting people with developmental disabilities in their housing requirements, and (2) Increasing the housing stock of affordable housing units within the jurisdiction.

<http://www.tri-counties.org/attachments/article/138/TCRC5YrPlan-final1.pdf>

Adult Residential Care: Regional Centers of California, Residents and Regional Center for the Developmentally Disabled

EDUCATION & UNDERSTANDING Online

http://www.arf35.com/arf_residents_regional_center.html

WEBSITE DATABASES:

Cornell University, Employment and Disability Institute

DISABILITY STATISTICS: ONLINE RESOURCE FOR U.S. DISABILITY STATISTICS

(Select a statistic below to access the disability statistics interactive search tool)

<http://www.ilr.cornell.edu/edi/disabilitystatistics/index.cfm>

OTHER STATES REPORTS:

Alaska State Health and Social Services Department

2010 Disability Policy Seminar – Fact Sheet

HOUSING FOR PEOPLE WITH DISABILITIES: THE CRISIS & THE OPPORTUNITY

http://www.hss.state.ak.us/gcdse/committees/legislative/pdf/2010_factsheet_housing.pdf

Maryland State Department of Housing and Community Development

CONSOLIDATED PLAN 2010-2015: Persons with Special Needs

<http://www.mdhousing.org/Website/About/PublicInfo/Publications/Documents/2010-2015specialneeds2.pdf>

Oregon State Department of Human Services, Seniors and People with Disabilities Division. Oregon Administrative Rules: Chapter 411, Division 315

DEVELOPMENTAL DISABILITIES HOUSING TRUST ACCOUNT

http://www.dhs.state.or.us/policy/spd/rules/411_315.pdf

Washington State Dept. of Social and Health Services, Aging & Disabilities Services Admin
Strategic Plan for Housing Needs Assessment & Trust Fund Utilization for People with Developmental Disabilities

STRATEGIC ELEMENTS FOR FISCAL YEAR 2010-2011 (Economic Considerations, p.6)

<http://www.dshs.wa.gov/pdf/adsa/ddd/2010-11%20Housing%20Strategic%20Plan.pdf>

LIBRARY REPORTS:

Judge David L. Bazelon Center for Mental Health Law

WHAT “FAIR HOUSING” MEANS FOR PEOPLE WITH DISABILITIES

(Revised edition 2011)

<http://www.bazelon.org/News-publications/Publications/List/1/CategoryID/17/Level/a/ProductID/19.aspx?SortField=ProductNumber%2cProductNumber>

Call #: H58 4 W53 2011

Souza, Maria Teresa

WORST CASE HOUSING NEEDS OF PEOPLE WITH DISABILITIES (2011)

U.S. Dept. of Housing and Urban Development (HUD)

Available for viewing full text via the World Wide Web:

http://www.huduser.org/Publications/pdf/WorstCaseDisabilities03_2011.pdf

Call #: L74 4 R46d 2011

Turner, Margery A., [et al.]

DISCRIMINATION AGAINST PERSONS WITH DISABILITIES (2005)

Prepared for: Office of Policy Development and Research, U.S. Department of Housing and Urban Development

Available for viewing full text via the World Wide Web:

http://www.huduser.org/Publications/pdf/DDS_Barriers.pdf

Call #: H58 2 D57 2005

California. Senate Select Committee on Developmental Disabilities & Mental Health

IMPROVING THE QUALITY OF COMMUNITY-BASED SERVICES AND SUPPORTS IN CALIFORNIA FOR PERSONS WITH DEVELOPMENTAL DISABILITIES (1998)

Collins, Peggy, Editor

Call #: H59 1 I47 1998

FEDERAL DOCUMENTS:

United States House of Representatives; Report 111-678 (H.R. 476)

VETERANS, WOMEN, FAMILIES WITH CHILDREN, AND PERSONS WITH DISABILITIES HOUSING FAIRNESS ACT OF 2010

<http://democrats.financialservices.house.gov/FinancialSvcsDemMedia/file/house%20reports/111-678.pdf>

United States, 111th Congress, 2nd Session – Senate (S. 1481)

FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2010

(The law makes improvements to the Section 811 program and promotes integrated housing opportunities for people with disabilities)

<http://www.gpo.gov/fdsys/pkg/BILLS-111s1481enr/pdf/BILLS-111s1481enr.pdf>

ATTACHMENT 3

Sample Analysis

Sample Developmentally Disabled Analysis for the Housing Element

Developmentally Disabled

According to Section 4512 of the Welfare and Institutions Code a "Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual which includes mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The State Department of Developmental Services (DDS) currently provides community based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The XXX Regional Center is one of 21 regional centers in the State of California that provides point of entry to services for people with developmental disabilities. The center is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

The following information from the XXX Regional Center, charged by the State of California with the care of people with developmental disabilities, defined as those with severe, life-long disabilities attributable to mental and/or physical impairments provides a closer look at the disabled population.

Exhibit T: Developmentally Disabled Residents, by Age, for City XXX

Zip Code Area	0-14 Years	15-22 Years	23-54 Years	55-65 Years	65+ Years	Total
Total						

There are a number of housing types appropriate for people living with a development disability: rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving this need group. Approximately X percent of the City's affordable

housing units and X percent of the County's public housing units are reserved for seniors and disabled persons. Incorporating 'barrier-free' design in all, new multifamily housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for disabled residents. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income.

In order to assist in the housing needs for persons with Developmental Disabilities, the City will implement programs to coordinate housing activities and outreach with the Regional Center and , encourage housing providers to designate a portion of new affordable housing developments for persons with disabilities, especially persons with developmental disabilities, and pursue funding sources designated for persons with special needs and disabilities.

Sample Programs:

Program Sample 1: Work with the XXX regional center to implement an outreach program that informs families within the City on housing and services available for persons with developmental disabilities. The program could include the development of an informational brochure, including information on services on the City's website, and providing housing-related training for individuals/families through workshops.

Responsibility: Community Development Department
Timing: Development of Outreach Program by June, 2014

Program Sample 2: Develop a program to provide rental assistance to fill the gap between income levels and the cost of housing for persons with Developmental Disabilities. The program will include the following steps:

Step One: Work with the regional center to identify the housing needs of the clients and assist in identifying available housing that meets those criteria.

Step Two: Identify the gaps that limit access to housing for persons with developmental disabilities (i.e. financial, accessibility).

Step Three: Develop Guidelines and market program

Responsibility: Community Development Department
Timing: Begin Program Development January, 2013.
Objective: Assist 10 persons with developmental disabilities.

Program Sample 3: Explore models to encourage the creation of housing for persons with developmental disabilities and implement a program by 2015. Such models could include assisting in housing development through the use of set-asides, scattered site acquisition, new construction, and pooled trusts; providing housing services that educate, advocate, inform, and assist people to locate and maintain housing; and models to assist in the maintenance and repair of housing for persons with developmental disabilities. The City shall also seek State and Federal monies for direct support of housing construction and rehabilitation specifically targeted for housing for persons with disabilities.

Responsibility: Community Development Department
California State Department of Housing and Community Development
Housing Policy Division
SB 812, Chapter 507, Statutes of 2010