

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

HOUSING AND HEALTH SERVICES
COORDINATION COUNCIL MEETING

Board Room
Texas State Affordable Housing Corporation
2200 East MLK Jr. Blvd.
Austin, Texas

March 5, 2012
10:05 a.m.

COUNCIL MEMBERS PRESENT:

PAULA MARGESON, Vice Chair
BILL CARPENTER
KENNETH DARDEN
MARC GOLD
MIKE GOODWIN
AMY GRANBERRY
JIM HANOPHY
JEAN LANGENDORF
DAVID DANENFELZER (PAIGE MCGILLOWAY)
JONAS SCHWARTZ
DONI GREEN (via telephone)
MARK WYATT

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P R O C E E D I N G S

MS. MARGESON: Tim is not here today, so he told me all you have to do is just open the meeting and turn it over to Ashley. So I'm opening the meeting, and ta-da, there is Ashley.

MS. SCHWEICKART: Hi, everyone. Thank you so much for meeting once again, and thank you to all of our public for coming, this is a great turnout.

I wanted to just start with our roll call, and so let me flip to that page. So we have Timothy Irvine, not present.

Paula Margeson?

MS. MARGESON: Here.

MS. SCHWEICKART: Amy Granberry?

MS. GRANBERRY: Here.

MS. SCHWEICKART: Bill Carpenter?

MS. CARPENTER: Here.

MS. SCHWEICKART: David Danenfelzer?

MS. MCGILLOWAY: Paige McGilloway is here in his absence.

MS. SCHWEICKART: Thank you, Paige.

Kenneth Darden?

MR. DARDEN: Here.

MS. SCHWEICKART: Marc Gold?

MR. GOLD: I'm here.

1 MS. SCHWEICKART: Mark Wyatt?

2 MR. WYATT: Here.

3 MS. SCHWEICKART: Jean Langendorf?

4 MS. LANGENDORF: Here.

5 MS. SCHWEICKART: Jim Hanophy?

6 MR. HANOPHY: Here.

7 MS. SCHWEICKART: Jonas Schwartz?

8 MR. SCHWARTZ: Here.

9 MS. SCHWEICKART: Felix Briones?

10 (No response.)

11 MS. SCHWEICKART: Mike Goodwin?

12 MR. GOODWIN: Here.

13 MS. SCHWEICKART: Shari Gotthart-Barron?

14 (No response.)

15 MS. SCHWEICKART: And Doni Green?

16 MS. GREEN: Here.

17 MS. SCHWEICKART: Thank you, Doni. Doni is on
18 the phone joining us from North Texas.

19 All right. Great. Well, now that we have our
20 roll call done, we're going to start out with some public
21 testimony so I have some witness affirmation forms here.
22 And are there are witness affirmation forms out in the
23 audience I'm missing?

24 (A chorus of ayes.)

25 MS. SCHWEICKART: Great.

1 So I'll start with Amanda Calzada will be the
2 first up.

3 MS. CALZADA: I just want to thank you for
4 allowing me to speak. I'm with the Coastal Bend AIDS
5 Foundation which is located in Corpus Christi, Texas.
6 We've traveled far to meet here with you guys.

7 Some of the biggest concerns that we have in
8 our community as we work to have a recovery-oriented
9 system of care in our community is that many of the people
10 that suffer from substance abuse disorder don't have
11 enough transitional housing available to them, so we have
12 many people coming out who are newly sober that are having
13 to go back into the drug-infested neighborhoods and aren't
14 able to get the support that they need in order to remain
15 in recovery, and so I was just hoping to make a comment
16 that when you look at your housing plan that you that in
17 mind that in Corpus Christi, at least, we need more funds
18 available for group housing. I know that last time you
19 met that Mr. Jason Howell from SoberHood came and spoke on
20 this same topic.

21 MR. GOLD: Can I ask just a couple of
22 questions? Do you work with Judy [inaudible]?

23 MS. CALZADA: Do not. And actually, our
24 recovery-oriented system of care organization just started
25 up a few months ago, and I know that Charlie's Place, as

1 well as some other substance abuse treatment facilities
2 and preventative programs, sit on it, but I know that last
3 time we met, actually just last week, it was still the
4 same issue of having housing available for these
5 individuals.

6 MR. GOLD: And the individuals who are taking
7 services from your organization, are they on Medicaid or
8 Medicaid-eligible, or are some third-party?

9 MS. CALZADA: Yes.

10 MR. GOLD: So they are Medicaid.

11 MS. CALZADA: Yes. I would say approximately
12 65 percent. And I'm the director of client services and
13 so I work HIV-positive people, but I also have a grant
14 underneath me that provides financial assistance for
15 substance abuse only, and so they may or may not have HIV.
16 However, for HIV-positive people that received Ryan White
17 Part B funds through our organization, about 65 percent
18 either have Medicare or Medicaid, and then there's a few
19 that don't have insurance. Right now they're having to
20 get it through the county or they just don't have anything
21 at all.

22 MR. GOLD: And you find most individuals are
23 going to some sort of supportive housing, or they're
24 looking to some apartment to receive their services?

25 MS. CALZADA: They're wanting supportive

1 housing, but there's about, I think, three clean houses
2 available for our clients. I've had success in placing
3 maybe two. Other than that, there's not that many beds
4 available at these sober houses that are available in our
5 community.

6 MR. GOLD: So what you're asking today is for
7 there to be consideration for additional buildings or
8 additional structures for a supportive housing sort of
9 concept.

10 MS. CALZADA: Yes, sir.

11 MS. LANGENDORF: Can I ask you how do you
12 define transitional housing? In your description, what is
13 transitional? Is there a time limit? Is there a recovery
14 time, because I know that might be different?

15 MS. CALZADA: Yes. When these people are
16 released from residential treatment, they're needing to be
17 placed immediately. It usually takes approximately six
18 months for them to be able to find somewhere affordable to
19 live. They'll get placed on a public housing authority
20 list or a low income subsidized apartment list, but right
21 now some of those places, our clients have been on them
22 for three years and they still haven't found a slot
23 available.

24 Another issue is that some of these people have
25 committed crimes in their past, and so because of their

1 criminal history they are being denied and they're having
2 to appeal that decision.

3 MS. LANGENDORF: But the time period. When you
4 said residential, they're in residential treatment.

5 MS. CALZADA: Yes, ma'am.

6 MS. LANGENDORF: Which lasts?

7 MS. CALZADA: Approximately 28 days.

8 MS. LANGENDORF: Just the 28-day thing, not a
9 longer residential placement.

10 MS. CALZADA: Correct.

11 MS. LANGENDORF: So they've been sober for 28
12 days.

13 MS. CALZADA: For 28 days.

14 MS. LANGENDORF: And then what you want to look
15 at is a transitional to support that sobriety.

16 MS. CALZADA: For at least an additional six
17 months until they're able to find somewhere to live, more
18 permanent housing.

19 MS. LANGENDORF: So we're looking at what
20 you're testifying there is a need for is that transitional
21 time.

22 MS. CALZADA: Yes, ma'am.

23 MS. LANGENDORF: Where they would be with like-
24 minded individuals, sober.

25 MS. CALZADA: Yes. Where there would be

1 support groups available for them or a sober contact,
2 since there's going to be a property manager there that
3 would also be in recovery.

4 MS. MCGILLOWAY: I'm going to ask a question
5 just to piggyback. Transitional housing -- and you had
6 used the word supportive housing as well. To this
7 demographic, what is supportive housing? How would you
8 guys define that?

9 MS. CALZADA: Well, one of the issues, being in
10 a substance abuse lifestyle for so long, they're not used
11 to boundaries or having any limitations put on them, and
12 so supportive/transitional housing would be where there
13 are going to be house rules there in place for them where
14 they are going to be required to be going either meetings
15 or some other support service, so then that way they
16 continue in their recovery and continue to get those tools
17 to help them remain in recovery.

18 MS. MCGILLOWAY: Okay. Thank you.

19 MR. HANOPHY: As part of the recovery process,
20 what about employment for this population? How is that
21 worked into this?

22 MS. CALZADA: I would say -- and this is just
23 because I have more experience with the HIV population --
24 most of them already receive Social Security benefits, and
25 so we've had a few clients -- we actually have one client

1 who is receiving funds from our agency through a HOPWA
2 grant, and he's already received his education, he's been
3 linked to Division of Rehabilitation Services, and he's
4 been receiving services through them, and right now, of
5 course, he's already got his masters degree but he has
6 this criminal background, he's not getting employment.

7 And so the goal is, though, that once they are
8 able to recover from their substance abuse issues and HIV
9 issues, they're finally undetectable and they have a very
10 high immune system, that they would be employed, and we've
11 had several clients that have tried to pursue that.

12 MR. CARPENTER: Are there any Oxford Houses in
13 your area?

14 MS. CALZADA: I want to say there's one, and
15 then we have a Well Home house, and then we have sober
16 housing. Now, the one that we've worked with is actually
17 a sober house and they have maybe eight beds available and
18 because it is so effective and people like being there
19 because of the support they get, there is hardly any beds
20 ever available.

21 MR. CARPENTER: It sounds like a model worth
22 using.

23 MS. CALZADA: Yes.

24 MS. GRANBERRY: And Amanda, thank you for
25 coming up today. I appreciate seeing so many from Corpus.

1 Charlie's Place serves 2200 clients a year and
2 we have about 70 beds and transitional supportive sober
3 living available to the community, and so we keep them
4 full constantly and it's very difficult for any other
5 agency to find housing because there's not even enough to
6 touch who we serve. And at Coastal Bend AIDS Foundation,
7 we provide the treatment on their residential treatment
8 portion of their grant, so we appreciate the partnership,
9 and it does make it very difficult when you have that
10 large a treatment facility trying to find housing for
11 anybody to serve the community.

12 MS. SCHWEICKART: Thank you, Amanda.

13 Our next public testimony is from Marilyn
14 Hartman, and you have a copy of her testimony placed on
15 top of your packets when you came in. Thank you.

16 MS. HARTMAN: Good morning. I'm Marilyn
17 Hartman, and I'm from NAMI Austin, that's the National
18 Alliance on Mental Illness, the Austin affiliate.

19 And I continue to be concerned, very concerned
20 about our citizens with severe and persistent mental
21 illness, those with the most severe cases, those whose
22 brain impairments don't allow them to have insight into
23 their condition -- and this is a condition called
24 anosognosia -- those who fail at staying on their meds
25 because of this, and those who are a relatively small

1 percentage of all those with mental illness but who create
2 the most costs for all of us taxpayers.

3 ECHO, which is Ending Community Homelessness
4 Coalition, here in Austin recently interviewed 289
5 homeless people in an attempt to find the 100 most
6 vulnerable with a goal of providing housing and support
7 services for them. Vulnerability would refer to those who
8 are likely to die within five years unless they are housed
9 and receive appropriate support services.

10 Of the 100 most vulnerable, 48 percent had
11 mental illness, 72 percent a substance use disorder, and
12 34 percent had both, and 25 percent were tri-morbid,
13 meaning they had a mental illness, substance use disorder,
14 and a serious medical condition.

15 Well, one of the 100 most vulnerable was a
16 Vietnam veteran who had lived on the streets for decades,
17 and he was put as a priority to get housing, and they did
18 secure an apartment for him in fairly quick order and went
19 to tell him that he had an apartment waiting for him, only
20 to find that he had died the night before on the street.

21 Well, this is not so totally unusual because
22 here in Austin alone in the last year, 2011, 138 homeless
23 people died on our streets. Now, we can assume that the
24 same percentages that I mentioned before about the 100
25 most vulnerable applied to those 138 people who died.

1 Those were our most vulnerable before they died.

2 If we look at our incarcerated population,
3 nearly 25 percent have a mental illness, and two-thirds of
4 them have a substance use disorder and their recidivism
5 rate is about 50 percent.

6 In Austin State Hospital, or ASH, 50 percent of
7 the patients have already been in the state hospital or
8 local mental health authority systems, and on average in
9 any given month 10 percent of them are right back in ASH
10 within 30 days. So these statistics haven't changed much
11 in years, and Texas ranks 51st, even behind Washington,
12 D.C., in per capita spending for mental health. We also
13 know that in Texas a person with a mental illness dies, on
14 average, 27 years sooner than somebody who doesn't have a
15 mental illness.

16 Well, I believe that we are not going to see a
17 significant improvement in these statistics until we have
18 appropriate interventions in the community when these
19 people are discharged or released or homeless. Housing
20 with support services targeted to individual needs, along
21 with medication compliance where anosognosia is evident,
22 must be part of the treatment plan. Those that aren't
23 going to recover anytime soon, if ever, need residential
24 programs.

25 So where are the ICFs or the small group homes

1 for which those with mental illness qualify? And I really
2 am not talking about board and care homes, I consider most
3 of those to be a travesty. I'm also not talking about
4 shelters, I'm talking about permanent supportive housing
5 or more intensive residential programs such as ICFs or
6 small group homes. And we do need the 1915i Medicaid
7 waiver funds to cover the support services for this group
8 of people. They don't exist in Texas right now.

9 Why do we think that just because somebody is
10 diagnosed after age 22 that they are less disabled or need
11 fewer supports than those with intellectual disabilities?
12 Why do we allow people with anosognosia to go off their
13 meds when research tells us that more damage is done to
14 the brain with every psychotic break? Why do we as
15 taxpayers shell out oodles of general revenue dollars to
16 perpetuate the revolving door of incarceration, re-
17 hospitalization, homelessness, and inappropriate ER and
18 EMS use when there are cost-effective solutions in the
19 community which also benefit these ill citizens? And it
20 would appear that we think it's fine that vulnerable
21 people are dying on our streets in significant numbers
22 because I don't see the urgency to address this. Do we
23 consider these lives expendable? All of this in a
24 supposedly enlightened society.

25 I always use my 37-year-old son, a bright

1 person, as an example. He's now been ill for 12 years
2 with what his psychiatrist describes as schizophrenia,
3 paranoid type, treatment resistant, and also has obsessive
4 compulsive disorder. I knew that he needed a residential
5 program after he was revolved through the doors of mental
6 hospitals in multiple states 13 times in three years.
7 Three of those times, at least, he was kept in for three
8 months at great cost to our taxpayers, but again,
9 government-paid residential programs don't exist for
10 persons with mental illness here in Texas, no matter how
11 severe the mental illness.

12 So my family placed him in a self-pay facility
13 and he has not been hospitalized since. That's the good
14 news. He's been there nearly nine years, he is required
15 to take his meds, and he considers this his home where he
16 feels safe and cared for, but despite medications, he is
17 still severely disabled, with recovery, if possible,
18 somewhere in the distant future.

19 I had great hopes when the HHSCC was
20 established that the needs of our citizens with severe
21 mental illnesses would finally be addressed: residential
22 programs that are not jails and prisons, but instead
23 community housing with appropriate services paid for with
24 Medicaid 1915i waiver in the state plan, and integrated
25 mental and physical health care. Well, I'm still hopeful.

1 I do think that Texas can do better we are for these
2 citizens.

3 Thank you for your time.

4 MS. LANGENDORF: Marilyn, I totally agree with
5 you on the age 22. That's always been hard for me to
6 understand why magically if something happens before 22
7 you have the same disability, but that's a huge issue.

8 Tell me what you mean by what is a self-pay
9 facility? Are we talking assisted living, are we talking
10 what kind of facility?

11 MS. HARTMAN: Well, it's essentially like an
12 ICF for MR except that because there's no funding support
13 for people with mental illness, the family or somebody
14 else has to pay for the support services. My son gets SSI
15 and so that covers basically the food and a roof over
16 their head, but it doesn't cover any of the support
17 services that he needs in order to stay successfully
18 housed in the community.

19 MS. LANGENDORF: So it's a government-funded
20 facility but you self-pay?

21 MS. HARTMAN: No, it's not government-funded.
22 It's basically run just like the ICF that is a sister unit
23 to the unit that my son is in. This is at the Mary Lee
24 Foundation here in Austin, and so they have ICF MRs there
25 and he's in that type home.

1 MR. GOLD: Do they accept the SSI check for
2 room and board?

3 MS. HARTMAN: Yes.

4 MR. GOLD: Like on the Medicaid program you
5 have to have X amount of money out for a personal needs
6 allowance. Do they allow your son to keep a little bit
7 for himself?

8 MS. HARTMAN: Yes. I think right now it's \$20
9 a month.

10 MR. GOLD: So his needs are being taken care
11 of, but what you're asking right here is to advocate for
12 more housing like what's out there now.

13 MS. HARTMAN: Yes. There are many, many more
14 out there like him that are out on the streets or in jails
15 and prisons because we aren't providing for them what they
16 need in the community.

17 MR. GOLD: And he needs some just basic
18 assistance with activities of daily living and how to take
19 medications?

20 MS. HARTMAN: He does, and also, they prepare
21 his food for him and deliver his food to him because he
22 doesn't go out of his apartment because of what he thinks
23 is going on outside of his apartment.

24 Another very important element of that care
25 that he gets is that they make and take him to his medical

1 appointments. He would never make a medical appointment
2 by himself, he would never get there, and so that's really
3 important also.

4 MR. GOLD: So he needs some basic
5 transportation, medication management, room and board.

6 MS. HARTMAN: Yes. They dispense the
7 medications to him. As I said, people living there are
8 required to take their medication as a possibility of
9 living there, and he's committed to that, although he did
10 go off his medication once last fall and had to be
11 reminded that he could be discharged from that housing.
12 But I think that, again, he has anosognosia, he doesn't
13 believe that he has what he has, and this is going on now
14 for twelve years.

15 And about 50 percent of the people with
16 schizophrenia have anosognosia, they want to go off their
17 medicines the very earliest possibility that they can.
18 That's what happens, they don't think they need it, they
19 don't think they're even ill, they can't see what the rest
20 of us can see in terms of their behaviors.

21 My son needs a great deal of support. In fact,
22 he even qualified for personal attendant services, that's
23 how disabled he is, and he gets right now nine hours a
24 week, because, of course, that can't pay for everything
25 that he's getting from the Mary Lee Foundation which,

1 again, my family is paying for.

2 MR. GOLD: Thank you.

3 MR. SCHWARTZ: Ms. Hartman, I would encourage
4 you, because the agencies are in the process now of
5 developing their legislative appropriations requests, and
6 so you mentioned a couple of times in your testimony about
7 the 1915i as an option, and it is an option, but there
8 would need to be an appropriation for that. So I would
9 encourage you to participate in the public meetings that
10 DSHS will have and advocate that they include that as an
11 exceptional item in their LAR.

12 MS. HARTMAN: I did give essentially this
13 testimony to the Health and Human Services Commission a
14 week or two ago in front of Executive Commissioner Suehs,
15 and he did want a copy of what I said.

16 MR. SCHWARTZ: That's good.

17 MS. HARTMAN: So hopefully it will get into the
18 right spot. But I thank you for that suggestion.

19 MR. SCHWARTZ: Each of the agencies will do a
20 public comment sort of process late spring/early summer on
21 what they're putting in their own LARs, so I would
22 encourage you to take advantage of those opportunities.

23 MR. GOLD: In addition to that, Promoting
24 Independence is preparing their 2012 recommendations to
25 the Executive Commissioner. Again, Colleen Horton, who is

1 with the Hogg Foundation, is the individual on PIAC that
2 represents individuals with behavior health needs, so you
3 may want to just touch base with her and talk about that.

4 MS. HARTMAN: Thank you.

5 MS. SCHWEICKART: Thank you, Marilyn.

6 I think that's all of our public comment for
7 today, so the next item on the agenda is the approval of
8 the meeting minutes from the December 5, 2011 meeting.
9 Are there any edits or changes to those minutes?

10 (No response.)

11 MS. SCHWEICKART: If there aren't any, is there
12 a motion to approve the minutes?

13 MR. GOODWIN: So moved.

14 MS. SCHWEICKART: All right. Mike Goodwin has
15 a motion. Do I hear a second?

16 MR. HANOPHY: Second.

17 MS. SCHWEICKART: All those in favor of
18 approval?

19 (A chorus of ayes.)

20 MS. SCHWEICKART: Any opposed?

21 (No response.)

22 MS. SCHWEICKART: Okay. Thank you.

23 The next item on the agenda is the draft budget
24 recommendations that the council made to TDHCA for the
25 council budget, and you have a handout of those draft

1 recommendations, and here to speak on the feedback that
2 TDHCA has is our chief of External Relations, Michael
3 Lyttle, so he will take over from here.

4 MR. LYTTLE: Good morning, everyone. Thanks,
5 Ashley, appreciate that.

6 My name is Michael Lyttle. I'm the chief of
7 External Relations for TDHCA. I'd like to thank the
8 council for letting me pinch hit this morning for Tim
9 Irvine. He is in Houston speaking at the TACAC
10 conference, and apologizes that he couldn't be here.

11 So anyhow, I'll get right into it. As we
12 understand it, the council members at the December 5
13 meeting decided that time would be set aside today to talk
14 about the budget recommendations to TDHCA for available
15 council funds for fiscal years '12 and '13. Draft
16 recommendations were crafted by the council's housing
17 issues and service issues committees, and as Ashley
18 mentioned, she's provided those to you in the handout.
19 So I wanted to take time and go through each of these
20 recommendations fairly briefly, but provide some feedback
21 from the department on each of them.

22 The first recommendation provided to TDHCA was
23 for the council to utilize available funds to procure a
24 consultant to make recommendations to both the TDHCA and
25 the Texas State Affordable Housing Corporation, or TSAHC,

1 governing boards regarding how policy documents, such as
2 the Qualified Allocation Plan, could be modified to direct
3 the use of housing tax credits and multifamily mortgage
4 revenue bonds to increase the creation of service-enriched
5 housing.

6 TDHCA certainly supports the ongoing dialogue
7 between the council, advocates for persons with
8 disabilities and our agency staff, but it is important to
9 keep in mind also that the state legislature and the
10 Governor's Office are both highly involved in prescribing
11 the policies and the ideas and concepts that make up the
12 Qualified Allocation Plan, and definitely broad changes
13 along those lines are typically driven through legislative
14 action.

15 So that being said, I think the council can
16 certainly advocate for such a position, but I think it's
17 important to realize that any recommendations from a
18 consultant are going to be weighed heavily by the
19 oversight offices and by the Governor's Office and
20 probably evaluated within the larger realm of the program
21 and the general state of the multifamily housing industry.

22 The second recommendation was that the council
23 should utilize available funds to provide capacity-
24 building and technical assistance for nonprofit
25 organizations that are interested in creating service-

1 enriched housing but lacking the knowledge and the
2 expertise to do so.

3 TDHCA definitely agrees that there should be an
4 opportunity for local nonprofits seeking to layer
5 supportive services into an affordable housing property to
6 procure someone with the expertise to make that happen.
7 Entities that have already secured capital financing to
8 build affordable housing could apply to TDHCA for the
9 available council funding. And we kind of envision that a
10 consultant, perhaps, could look at the feasibility of
11 obtaining supportive service funding, establishing service
12 agreements with local providers, instituting service
13 referral procedures for property management, and things
14 along those lines.

15 And the other thing I wanted to mention here
16 with regards to the -- excuse me, I'm on the wrong item --
17 no, this is the same item -- what I wanted to mention was
18 in looking at building capacity at the local level, TDHCA
19 has embarked on a reorganization effort that we're doing
20 right now, and I'm not sure how familiar you are with it,
21 but one of the things that we want to do is build
22 capacity, increase capacity at the local and the regional
23 level, and so as we work on our service model, this is
24 definitely something that would go in line with this sort
25 of concept. And I think we'll need to be mindful of how

1 our reorganization efforts are going, along with ideas
2 like this, to sort of make sure that we're moving down
3 parallel tracks, if that makes any sense. But definitely,
4 what the council wants to do and what the agency want to
5 do are the same thing in that regard: building local
6 capacity and making sure folks can do what needs to be
7 done.

8 The third recommendation to the department was
9 for council funding to be utilized to hire an outside
10 consultant to evaluate the rules and requirements that are
11 relevant to service-enriched housing from the state
12 agencies on this council which have the potential to
13 generate barriers to creating more service-enriched
14 housing.

15 The department recognizes the recent
16 discussions surrounding barriers to service-enriched
17 housing have brought to light differing perspectives on
18 the definition of integration among disability advocates.
19 From our view, some advocates promote the definition of
20 integration as the proportion of units set aside for
21 persons with disabilities within a single development,
22 while others promote a definition of integration as the
23 proportion of properties for persons with disabilities
24 within the larger community. The discussion of
25 integration also has more widespread implications, at

1 least from our viewpoint, that involve efforts to fully
2 comply with the Olmstead Decision as well as the Fair
3 Housing Act.

4 TDHCA sees an opportunity here to utilize
5 available council funding to possibly hire a third party
6 vendor, perhaps someone from the University of Texas
7 School of Law, to bring together advocates and
8 stakeholders with differing views on integration and to
9 develop a set of recommended policies or rules for
10 implementing TDHCA programs in an integrated fashion.

11 Finally, the fourth recommendation provided to
12 the department was that council funding be utilized to
13 conduct local trainings across the state, educating
14 housing and service providers about housing resources for
15 persons with disabilities and producing training materials
16 that could be disseminated to local providers.

17 We're very happy to announce that recently a
18 new source of funding had been identified, awarded and
19 allocated for this activity. Some of you know in December
20 2011, DADS received a second round of CMS Money Follows
21 the Person Demonstration administrative funding, a portion
22 of which will be transferred to TDHCA to complete
23 promoting independence initiatives for persons with
24 disabilities. One of the FTEs granted by the funding
25 source will be utilized to conduct informational

1 presentations across the state for community and
2 professional groups to provide education on TDHCA housing
3 programs for individuals with disabilities, to create
4 informational and educational materials to be disseminated
5 to interested stakeholders, and to provide technical
6 assistance to potential applicants for TDHCA funding such
7 as local housing and service providers.

8 So I think that covers it, at least in terms of
9 the draft recommendations proposed by the housing issues
10 and service issues committees, and we definitely would
11 like to open up the discussion to the full council to see
12 if there are any other recommendations that we can listen
13 to in regards to the use of available council funding
14 ideas that maybe haven't been voiced yet.

15 MR. GOODWIN: Maybe something, maybe so. Who
16 at the governor's level is involved in the QAP
17 development?

18 MR. LYTTLE: The policy staff that covers the
19 agency is involved with working with us on that, and
20 really, the senior level staff at the Governor's Office as
21 well is certainly mindful of how the QAP develops and the
22 kinds of directions that we take, so they're certainly
23 engaged. And really, since the governor appoints our
24 board, that's sort of another tie-in from that aspect as
25 well.

1 MR. GOODWIN: Because I'm just thinking that
2 we're worried about fighting outside forces of private
3 citizens making private input on that side of the house
4 would get support than just sitting back and waiting on
5 something to happen.

6 MR. SCHWARTZ: So Michael, I mean, I think
7 everybody at this table is very much aware that the
8 Qualified Allocation Plan is something that is approved by
9 the legislature also, but I didn't hear an answer in what
10 you gave us for recommendation number one. Will TDHCA
11 hire a consultant on behalf of the council so that the
12 recommendations can be formulated? The legislative
13 process in which they're used is a separate process and we
14 all know that, of course, it has to be approved by
15 leadership. What we're asking for is the ability to have
16 the consultant to do the work to form the recommendations.
17 You didn't answer that question in your comments.

18 MR. LYTTLE: I will tell you that I don't know
19 that the department has made a decision about that yet, a
20 firm decision. I know that we have been discussing it
21 with our board, Tim has been discussing it with the board,
22 and again, with the Governor's Office and some of the
23 others, but I can't give you a definitive answer today on
24 that.

25 MR. SCHWARTZ: Okay. So when do you think a

1 definitive answer will be forthcoming since the
2 recommendation that we made is a definitive
3 recommendation?

4 MR. LYTTLE: I would tell you probably in the
5 next month or two.

6 MR. SCHWARTZ: Thank you.

7 MR. LYTTLE: I think that's the least that we
8 can do in that respect.

9 MR. SCHWARTZ: Well, I mean, we have followed a
10 process and requested some feedback. My concern is that
11 time is getting short, so an answer would be nice, or nice
12 sooner rather than later.

13 MR. LYTTLE: Understood.

14 MS. LANGENDORF: Jonas, you're so nice.

15 (General laughter.)

16 MS. LANGENDORF: And we're not playing good
17 copy/bad cop. And it's probably me. I'm extremely
18 frustrated serving on this council. I don't know how long
19 we've been doing this, three years now? If I have to read
20 another report or do something, I don't feel like we've
21 been able to accomplish what I had hoped to be appointed
22 to this council to do. I still feel like we're running
23 around the same tree, and I've got to see something happen
24 in order to continue to serve and feel like the intent of
25 the legislation to create this council, not last session

1 but the session before, that we would have some product,
2 that we would have some activity or we would have
3 something that we were trying to address what we hear from
4 public comment.

5 I don't feel like -- I have nothing to point
6 to, and maybe it's just me and I'm stuck on the trees
7 because I'm trying to see something that we can say:
8 Okay, in Texas, based on this legislation that was passed,
9 we now have some production. And for me is that we see
10 something, not just keep talking about it, and I don't
11 know what else to do to help move this. And maybe it's
12 just me and my frustration, although Amy is shaking her
13 head.

14 The reaction, to me, from TDHCA feedback is I
15 didn't serve on this as a committee of TDHCA. I know you
16 all are the chair people of it, but I just feel like we
17 have got to move some of the systems so we at least know
18 at the end of the day there's going to be some service-
19 enriched housing, and I don't think there is any. So I'd
20 like some other input.

21 And Jonas, you're so nice.

22 MR. HANOPHY: Well, it's funny you should say
23 that, it's what we're always hearing from public
24 testimony, and at the end, even though I have all this
25 paper in front of me, whatever happened to service-

1 enriched housing, and I have to draw my attention back to
2 the documents and say we're still talking about.

3 Something tangible at some point, and I'm not sure what
4 it's going to take to get that, but I've been feeling a
5 little bit of the same thing.

6 MR. GOLD: And the point being, I think you
7 made a great point there -- and it's difficult for Jonas
8 and I to say things because we work for state agencies too
9 and we understand how state agencies work -- is that isn't
10 a TDHCA even though they're responsible for leading us up,
11 you know, what I'd like to see more of is looking at all
12 the various different disparate housing sources, and I
13 know enough to be dangerous, and how is that going to be
14 put together in terms of coming up with the housing. From
15 my understanding, we have lots of different funding
16 sources for housing across the State of Texas, from HUD,
17 from Ag Department, from Rural Health, and from just all
18 these different areas, that how are they going to be
19 leveraged together to help produce that, and I was really
20 hoping that this council would help push the system
21 towards that direction.

22 MR. SCHWARTZ: Michael, does TDHCA have plans
23 to put in their LAR a request for funding to move forward
24 on development of service-enriched housing that we talked
25 about and were very clear about in the first biennial plan

1 that the council put together?

2 MR. LYTTLE: Jonas, we have not had any
3 internal discussions yet about our LAR that's coming up,
4 we're about to start that process.

5 MR. SCHWARTZ: And I assume there will be a
6 public process as part of that.

7 MR. LYTTLE: That's correct, yes. We will have
8 our draft -- staff will come up with a draft legislative
9 appropriations request, take it to the board for a draft,
10 there will be opportunities for public comments, yes.

11 MS. LANGENDORF: The response on the CMS, now
12 we have, from what I understand, item 2 on the service
13 issues side, what I understand now -- Marc, and maybe you
14 can clarify this -- there are people in place in some
15 regions that are doing an inventory more of what might be
16 available out there. I mean, we're not producing anything
17 more but we are inventory that in the past there has been
18 not necessarily a great connection between the service
19 side and the housing side, so now we have people on the
20 ground. They're not doing individual placements, which
21 was a surprise to me, I thought they were, but that
22 actually happens in your --

23 NR. GOLD: Relocation contract.

24 MS. LANGENDORF: Relocation contract people are
25 actually out there trying to find housing. See, I very

1 much contend -- and this is where my frustration comes
2 in -- that there is waiting lists and waiting lists and
3 waiting lists out there, and people know that, we just
4 need more housing created. I mean, we really, really do.
5 I mean, I think it's good that there might start to be
6 more linkages, but the reality is, I know from the
7 programs we do, we can link all day long but if there's no
8 available units, we can't help anybody, and it's extremely
9 frustrating.

10 MR. GOLD: Yes. Let me just explain a little
11 bit about this. Those are two different things, and I
12 know I'm going to talk at the end of the agenda about how
13 the demonstration is funding a trillion different things
14 across the -- a trillion would be a little exaggeration,
15 but about 15-20 projects across the enterprise, and
16 including our partner at TDHCA.

17 What you're talking about is that we have a
18 number of housing navigators attached to our aging and
19 disability resource centers across the state. Part of the
20 job is to do an inventory but part of the job is also to
21 work with the local public housing authorities to find
22 more housing and to work with developers in more housing,
23 and that process is going forward.

24 And is Rebecca Faulkner here? Rebecca Faulkner
25 is new to the demonstration and she's working with Steve

1 Ashman, and so we can give you more specific information
2 about what that navigator process is. And then they
3 hooked up with a relocation contractor to get people moved
4 out.

5 So part of the job is really working with
6 developers, looking at those local plans of the various
7 public housing authorities and it goes back to addressing
8 that it's not just about TDHCA, although TDHCA is a big
9 part of this. This funding is the second round of funding
10 that just came up that TDHCA requested DADS include in our
11 request to CMS to help with their project access
12 voucher -- and I don't want to mis-speak here -- other
13 activities with TIBRA funding to help get more
14 administrators and more providers there to get some of
15 those dollars and some of those vouchers, even though
16 they're limited, out there. And so there's those two
17 different things going on, and if I mis-spoke, please
18 correct me.

19 But we would love to get into, maybe at another
20 council meeting, or certainly Jean, we would love to have
21 a sit-down conversation with you and Steve Ashman and
22 Rebecca on the housing navigators, how that works, and
23 really to get your feedback, how can we make that a better
24 process. We're just getting going, we're having lessons
25 learned, but if there's ideas that you can do to help us

1 make that a better program, we certainly would welcome
2 that feedback on that.

3 We can't provide money, we don't have the
4 dollars per se to go fund it, per se, but other ways that
5 we maybe can get other people to fund it, so I don't know.

6 MS. LANGENDORF: I think, bottom line, at least
7 out of this council I wanted to see some sticks and
8 bricks, some programs that were generating some housing,
9 and tax credit being the biggest generator, albeit, I know
10 they don't always fit together, but how do we make that
11 happen, and I'm not quite sure what else we can do.

12 MR. GOLD: Help me out. I think I've learned a
13 lot about housing over the years but I'm certainly not at
14 that level, what can we do other than leveraging current
15 dollars to get more housing out there? I mean, is there
16 some statutory changes or regulatory changes in terms of
17 where dedicated tax credits need to be or go to certain
18 things? I mean, is that something within the current
19 authority, or is there something like this council to make
20 recommendations about, again, rule changes that are within
21 the administrative code, or is there certain statutory
22 issues that need to be changed, or is it outside that
23 whole deal, is it just something else with the way HUD
24 runs or the Ag Department or Rural Health runs its
25 programs?

1 MR. HANOPHY: I thought that's why we were
2 looking for assistance.

3 MS. MCGILLOWAY: That's why I think we wanted
4 to get a consultant so they could come in, give us maybe
5 other ideas that other states are doing, because it really
6 is going to take changes within statute to have set-
7 asides, if that's possible, which it is but it would take
8 a mandate to do so and it passing. And I mean, we need to
9 be able to educate and create the awareness to, I think,
10 the legislative body to see the true needs so that they
11 can make those necessary changes.

12 MS. LANGENDORF: I mean, other states do this,
13 and take CDBG -- which I'll pick on Marc -- CDBG can be
14 used to create housing, it's not in Texas. That's a
15 legislative or it is an agency decision.

16 MS. SCHWEICKART: It's legislative. And I
17 would like to just address the conversation briefly
18 because I think that Marc is right, either we can leverage
19 current dollars or we can, as a council, advocate for
20 legislative change to change the current statute to then
21 possibly open up other avenues. And so I think that that
22 is what the biennial plan has been created for and it was
23 intended by SB 1788 to be in place that we put in what our
24 policy recommendations are and have those policy
25 recommendations be put in front of the legislature.

1 So I think that the probably biggest challenge
2 to this council is the fact that we have half state agency
3 representatives who are not supposed to be lobbying to the
4 legislature, and we have half governor appointees which do
5 have that opportunity, and so the way in which we get the
6 biennial plans recommendations out there and front and
7 center during the legislative session can be a challenge.
8 But that is what the biennial plan is intended to promote
9 is to say: these are the avenues that we have discussed
10 with the public and discussed amongst ourselves and we
11 think could be gone down to pursue service-enriched
12 housing.

13 MS. MCGILLOWAY: Yes, I agree, but I think
14 maybe the council needs assistance in developing or making
15 the proposals to the legislative mandates, to the changes
16 to the statute. I don't think that we as a group can do
17 that, have the know-how, and that's why I think we wanted
18 to hire a potential consultant to help us draft that
19 language to then go out and say this is what we're
20 proposing, put that in our plan, and then go and visit
21 legislative offices that may be interested in hearing
22 about it. I just don't think that we can do that on our
23 own, and I know that it's very hard for TDHCA to do that
24 because it is the program that you manage, you administer.
25 So we don't want to do this as TDHCA going to the

1 legislative body to do it, but we want to be the council
2 going and doing this on your behalf -- or not on your
3 behalf, but just making the proposed changes as a council.

4 MR. GOODWIN: We actually want them to tell
5 TDHCA to make the change.

6 MS. MCGILLOWAY: Exactly, but it needs to be
7 coming from the council, not from TDHCA. So this council
8 has a voice and we want to use it to its highest
9 potential, and this is a way I think we can do that and
10 make this council very worthwhile.

11 MS. LANGENDORF: And recommendation number one
12 on the -- I'm sorry, that's the service side -- no, wait a
13 minute, maybe it's the housing side -- the whole thing
14 about integration, I don't think that's a huge issue, I
15 think it's more money and directing money and directing
16 resources to doing some creating of housing for the
17 populations we're all trying to serve.

18 MR. GOLD: And in what I do, I think of
19 benchmarks always, and the way we do at least our business
20 at DADS, and the benchmark should be -- and I'm going to
21 go back to what you said, Jean, and I think what you're
22 stating -- the benchmark should be as a result of the
23 council what X amount of additional housing has been put
24 on the floor.

25 MS. LANGENDORF: I think that's our charge. I

1 keep going back to that, but I swear somewhere in the
2 legislation.

3 MS. GRANBERRY: I'd be interested to know what
4 Senator Nelson's views are on what's happened since she
5 introduced this.

6 MS. LANGENDORF: The legislative intent.

7 MS. GRANBERRY: Yes, if we're anywhere close to
8 her legislative intent and what she feels is happening.
9 Because I'll be real honest, Jean, I've had the same
10 discussion. I mean, I often wonder why I'm leaving my
11 family and coming to Austin again for a meeting, because I
12 feel like we're kind of stuck and I don't know what to do
13 to get past that, but I do feel frustrated. And maybe
14 it's just the setup, maybe it is that we're just supposed
15 to make recommendations and not actually have a product or
16 something that actually changes, and maybe it's the setup
17 of it being equal between the governor appointees and the
18 government agencies, I don't know, but it feels very
19 stuck. And maybe we are doing what we're supposed to do,
20 so I would be interested to know how close we are to the
21 initial legislative intent and maybe we're actually
22 further ahead than we thought we were, but I don't feel
23 like it.

24 MR. LYTTLE: May I interject something? I want
25 to be clear, though, about one thing, that the agency

1 isn't against this council voting to hire a consultant to
2 bring recommendations to us. That's not the case at all.
3 If that's what the council wants to do, great. I think
4 the tone of the comments, though, was be mindful that
5 while those will be ideas that will be held in respect
6 because of where they're coming from, there are a lot of
7 ideas about the QAP and there are a lot of different
8 sources and different interests that are basically
9 fighting for control of trying to get as many kinds of
10 units as they can as a result of this program, because the
11 tax credit program is a prolific producer of affordable
12 housing in the state, and especially when we're seeing
13 things like our HOME funding has been cut 38 percent by
14 the federal government, so that makes tax credits even
15 more important in the grand scheme of things.

16 I think that's basically what I was trying to
17 say. I certainly wasn't saying we're not saying don't
18 hire a consultant, so I just want to be clear about that.

19 MR. SCHWARTZ: So we can move forward then so
20 that we have an option to develop the recommendation.

21 MR. LYTTLE: Yes. The department has no issue
22 with that. If that's what this council wants to do, then
23 great.

24 MS. SCHWEICKART: So I guess I can say that if
25 the council wants to make a decision on the use of

1 available funds based on one of the draft recommendations
2 that Michael spoke to today and as provided to you all,
3 you certainly can make that decision as a group today.

4 MR. GOLD: But I'm just curious -- and again, I
5 apologize if I'm not as up to this as I should be -- what
6 exactly would this consultant be doing that isn't already
7 available in terms of either agency staffs to facilitate a
8 conversation or outside groups about spending, again, X
9 amount of very small amount of state monies to do this? I
10 mean, what is it that we're doing? And my understanding
11 too, I mean, there's FTEs attached to the original
12 legislation, and my understanding was those original FTEs
13 were help to support the activities of the council.

14 So what is it that we're buying? What is the X
15 amount before voting on something that may not already be
16 out there in terms of the knowledge base? So if there's
17 an answer, please share that with me, and again, it's my
18 lack of understanding, but I would like to know before we
19 start asking to spend, again, taxpayer dollars for
20 something that may be either in-house expertise or
21 someplace else. And if we don't have in-house expertise
22 and we feel that's going to produce then a certain
23 document, again, with certain benchmarks, what is it that
24 we're buying? So I guess that's my question: What is it
25 that we're buying?

1 MS. MARGESON: I think I agree with Marc, and
2 especially if it's a matter of looking at what other
3 states have done and how they've put this kind of housing
4 together -- which, I think, is what was said a while
5 ago -- then I see the staff of doing a really good job of
6 that already, so I'm a little bit confused where the
7 consultant goes from there. I mean, I've got a lot of
8 confidence in Ashley, I believe she could tell you if
9 there were policies or statutes in place that would work
10 against the development of more supportive housing --
11 whatever -- I always say it wrong so I'm not even going to
12 go there -- service-enriched housing, there you go.

13 MR. HANOPHY: My understanding, and I'm not
14 wedded to a consultant, but my thinking, or at least my
15 understanding of the discussion was it had to do with
16 somebody from the outside looking in for two reasons: one
17 was what are other states doing; but then that has to be
18 juxtaposed against Texas and how does a policy that was
19 developed in Wisconsin or how do the rules in Wisconsin
20 jive with what we have in terms of the overlay. If it
21 works there, why isn't it working here? What do we have
22 that's in statute that stops it? Or maybe we don't have
23 anything that really prevents us, we just haven't done it.

24 But if that's a staff research issue, that's
25 fine, but my understanding at least -- and I didn't

1 participate in that initial discussion, but my
2 understanding was that that had to do with that person
3 from the outside looking in and being able to pull that
4 together, and so if I'm misreading that, tell me. And it
5 wouldn't matter who, but that's what needs to get done,
6 and I don't think people on the council can take on that
7 role. Am I on target?

8 MR. GOLD: I think you're right on.

9 MR. CARPENTER: Has anybody done a cost-benefit
10 analysis with providing housing in communities rather than
11 in hospitals or other settings where we can actually say:
12 My goodness, we can save money right now at the state
13 hospitals. For the Department of State Health Services
14 it's \$400 a day. That's a lot. And I think if they're in
15 the communities receiving services, not only are they
16 going to have a better quality of life but it would be
17 cheaper. And in addition to that, do we have somebody
18 that's doing that analysis?

19 I mean, I know that just because we did that in
20 my department. I don't know what happens at DADS or any
21 other place.

22 MR. GOLD: Well, certainly at DADS we've
23 published information regarding institutional care versus
24 community care. I think State Health Services too
25 probably has.

1 MS. LANGENDORF: I think there's plenty of
2 that. I think what we don't have -- and again, yes, there
3 are some directives and the staff is responding to the
4 legislative directive, but I think what we need are
5 recommendations that could be taken forward that somebody
6 looking at other states where there have been successes.
7 Now, if staff can do that, then great, but what I've
8 seen -- and I know this is going to sound really critical
9 and I'm really truly not trying to be critical -- they're
10 looking internally and they see what is and that's what
11 they see is what is and if you're in there, it's hard to
12 see what it could be from the outside. I know in my
13 thinking a consultant wouldn't have the glasses on of the
14 state agency, or have the view coming from within.

15 MR. GOODWIN: I would pitch my mantra out there
16 again from a developer side. This is somewhat like a
17 field of dreams, if you throw a bucket of cash in the
18 middle out there, they will come.

19 (General talking and laughter.)

20 MS. LANGENDORF: We'll have developers.

21 MR. GOODWIN: But the problem is there aren't
22 additional new funds. There is reallocation of existing
23 funds, for example, the 811 program which, in my opinion,
24 is a great opportunity to bring the outside in if you had
25 the guarantee of X number of units that will be rented.

1 What you have to understand is the success of getting a ta
2 credit developer in this is am I able to take a risk over
3 at least a 15-year period that I don't get hit by the IRS
4 right upside the head with a mallet. And if you look at
5 the housing cycle, go back to 1986 when the apartment
6 industry just went south as quickly as it could go, and
7 HUD dumped some money in but it has to come from somewhere
8 else.

9 So one of the benefits, I think, of a
10 consultant, just like Jean said, you need somebody without
11 the blinders that can look not just at other states but
12 across the state of the spectrum of Texas. We've got some
13 of the best experts, as far as I'm concerned, on the
14 service side on how you get money and where money is and
15 what to do with it, but how do we get it out there because
16 they're constrained and they're fighting those laws. So
17 someone who could give us that perspective and then go at
18 it with the attitude of not well, it's not allowed because
19 it's not written in law that it's allowed, and take the
20 opposite side that it's not prohibited, so maybe we can do
21 some of these and leverage the dollars we have.

22 And I think that's where we need to aim. We're
23 not going to get new dollars, we're probably going to get
24 fewer dollars, particularly next year. The slash-and-burn
25 fiscal people are going to reign during the elections

1 because the voters want to see how am I going to pay less
2 taxes. So I think that's the value of our consultant is
3 to tell us: Okay, here are some successful programs and
4 here is where you may have to go take a hammer to your
5 programs a little bit to fit the mold or to loosen it up.

6 MS. GRANBERRY: And I think along with that
7 that they would find places in the Texas Administrative
8 Code and in the individual regulations and programs that
9 can more easily be addressed to make some changes. I know
10 we've been in a rulemaking process forever and have found
11 some thing that if changed could significantly change how
12 we do business and make it much easier for us to live
13 within the money that is available and still have client
14 safety addressed in those things which is some very small
15 changes in that rule. So I think that would be helpful as
16 well.

17 MR. GOLD: I keep on getting concerned only in
18 that -- I mean, it's not that I disagree with what anybody
19 said because I haven't, just the concern that within the
20 intent of the legislation itself was that the expectation
21 with those FTEs that were attached to the legislation that
22 that work was being done. Now, you could argue it's kind
23 of difficult for TDHCA to police itself, that sort of
24 statement there, but the staff attached to it, at least
25 from my understanding of the legislation, was that it

1 would be doing that type of analysis in terms of doing
2 that. Or we at a point where you usually say is there
3 somebody else to do it from a third party, and that part I
4 don't know. I'm just always concerned with taxpayer
5 money, working for a state agency, that we're not doing
6 something that we shouldn't be or already being paid for.

7 MR. WYATT: Can I ask a question, because I
8 missed the committee meetings and I apologize, so I'm not
9 going to try and rain on your ideas. But did you kind of
10 broach with Ashley and the staff as to whether she could,
11 within a time frame that fits the LAR process, come up
12 with equivalent type of analysis? I'm just asking that.
13 Because to me, I think you should at least go through a
14 process where you decided you don't have the staff
15 capacity with what is here and then you go out for the
16 consultant, as opposed to just let's just cut to the
17 consultant right away because we know they may be able to
18 do it quicker.

19 I don't even know who this consultant would be,
20 but I think you ought to at least go through a process
21 where you've tried the staff approach and then you think
22 it can't be done quickly enough or some other reason and
23 you decide you have to just bridge over to a consultant
24 just maybe because of time constraints or maybe something
25 else. But that's my thought.

1 MS. LANGENDORF: Well, this actually was a
2 response to asking where the budget was, originally -- I
3 mean, what we were doing with the money that the
4 legislature allocated which I thought, as council members,
5 and you all agree, we have some responsibility over -- and
6 so in doing that, there's a hundred -- well, over the two
7 bienniums \$200,000 unbudgeted. So I think out of that, as
8 I recall, that's how we came to committees to talk about
9 what to do with those funds.

10 If \$200,000 could support a housing
11 development, I'd say put the money in that housing
12 development. I'm tired of studies, quite frankly. I want
13 to see something happen and something that we get some
14 sticks and bricks somewhere that we can point to and say
15 we've made progress, we have more units, people are being
16 served. So I'm not sure. I mean, we reacted to some of
17 us are frustrated, but that's how we had these committees
18 to talk about to do with what we were told was in our
19 budget. So it wasn't necessarily whether staff could do
20 it or not, or at least I don't even remember having that
21 conversation.

22 MS. MARGESON: When we looked at those physical
23 analyses of how projects have been done and a lot of them
24 have four and five funding sources in order to get a
25 project on the ground, could any of our money be used in

1 an instance like that to help leverage other money so that
2 something else could be developed?

3 MS. LANGENDORF: I don't know. I mean, I don't
4 know what people are missing, if people are missing
5 something. And I doubt that based on the allocation from
6 the legislature for this that it could be used for that,
7 but you all would have to tell us that.

8 MR. LYTTLE: Yes. We would have to visit with
9 the Legislative Budget Board and the experts there about
10 the allowable uses of funds. I'm sure it's something
11 staff could look into.

12 MS. LANGENDORF: And wasn't it that before the
13 council you didn't put it in your LAR? It wasn't in your
14 LAR, was it?

15 MS. SCHWEICKART: Do you mean what they gave us
16 in 2009?

17 MS. LANGENDORF: The last session where it was
18 refunded.

19 MS. SCHWEICKART: It was listed the same as the
20 previous.

21 MS. LANGENDORF: But there was no plan for how
22 that was to be spent.

23 MS. SCHWEICKART: There wasn't like an
24 exceptional item or anything like that, it simply states
25 what your advisory committee supporting schedule is, and

1 so you describe what your advisory committee receives
2 state for, so it's simply a description of what currently
3 exists.

4 MS. MCGILLOWAY: Ashley and Michael, could you
5 come back to us with what we can do with the funds,
6 because I would be interested to know.

7 MR. LYTTLE: Absolutely.

8 MR. GOLD: But I think we'd want an answer
9 really shortly.

10 MS. LANGENDORF: We're already in March.

11 MR. GOLD: I think we're all very sensitive
12 that certainly for us in the health and human services,
13 Jonas and Jim, we're starting our LAR process now, I mean,
14 we're in it now. And really, the LARs are due -- and help
15 me out here -- in July?

16 MR. HANOPHY: The first run in May.

17 MR. GOLD: And again, whether or not this is
18 even within -- I mean, TDHCA is in this strange thing:
19 they've got the council and yet this is above TDHCA. What
20 parts can be put in their LAR? What parts aren't even
21 appropriate for the TDHCA authorization jurisdiction?

22 So yes, I think as a council if we want that
23 information, we probably need to get it pretty shortly.
24 Kind of as Jean says, boy, it would be nice if there's
25 some extra money whether we can do something with real

1 bricks and sticks, something tangible that can get
2 something on the floor. But we're all on a really fast
3 track and I think everyone is very cognizant that this
4 2013 session is going to be a very difficult legislative
5 session for funding. I think everyone is very aware,
6 certainly for us on the health and human service side it's
7 going to be very difficult.

8 MS. LANGENDORF: And because we're only meeting
9 today and I'm not sure when the next time, if I could make
10 a motion that we're clear that we would like TDHCA in
11 their LAR, or whatever document goes to the legislature,
12 that we want funds and we want tax credit ability to
13 support the development of service-enriched housing.
14 Motion on the table.

15 MR. SCHWARTZ: Well, and I guess I would amend
16 your motion in one way, and that is that the first crack
17 at the LAR is a staff recommendation, so I'd want to see
18 in the staff recommendations that something go to the
19 board about the development of service-enriched housing.

20 MS. LANGENDORF: I'll happily accept that
21 amendment to my motion, and I don't know Robert's Rules,
22 so I don't know if that's the right tie-in or not.

23 MR. WYATT: Can this council propose a motion
24 for staff? I don't understand how that occurs.

25 MR. LYTTLE: I'd like to mention something.

1 The legislative appropriations request and the Qualified
2 Allocation Plan which governs the Tax Credit Program are
3 different documents. I mean, I'm not sure what you're
4 asking for. If you're asking to put a recommendation in
5 our LAR to use tax credits for a certain purpose, there's
6 not an intersection there.

7 MS. LANGENDORF: I want both. I want movement
8 in the QAP, and I know you have a process and I know
9 there's activities, and this is where I've had my largest
10 frustration with this, is if we're sitting on this
11 council, as a council we're asking the -- we're not all
12 going to go to the QAP meetings, we're trying to say out
13 of this council we're making recommendations to the QAP
14 development.

15 MR. WYATT: Jean, wouldn't the council have a
16 prepared recommendation or testimony? It was voted upon
17 and then that is presented through the testimony? Isn't
18 that how it would work?

19 MS. LANGENDORF: I don't know. It hasn't been
20 clear what comes out of this council to go wherever it
21 needs to go.

22 MR. WYATT: I would think it would propose a
23 recommendation and that would carry some weight, because
24 it's from the council, it's not from you or me
25 individually, and it would then be put into the proposal

1 for the board to consider, along with the other entities
2 that obviously are making these decisions. It comes down
3 to they're going through just endless proposals from
4 various advocacy groups and so forth and they get to the
5 Housing and Health Services Coordination Council.

6 MR. GOODWIN: I think we have a hook that the
7 other people don't have in that we are I'll say a
8 legislatively created council specifically for the purpose
9 of finding -- and rather than beating TDHCA into
10 submission, how to find ways that TDHCA can amend either
11 the policy or the QAP or something that would encourage
12 and facilitate the development of the housing. Because we
13 can tell TDHCA what to do all day long, but number one,
14 they don't build apartments, they don't building housing,
15 they don't build group homes, they make a route to funding
16 available. The other half of that equation is how do you
17 get people to come ask for the funds that they've made
18 available. And so we can beat on TDHCA and we can ask
19 them to make those available, but the other half of our
20 mission is then how do we facilitate getting the people
21 using those funds, and some of that may be going into
22 oversight and regulation, making it easier for a developer
23 to allocate X number of their units.

24 Because I go back to where I thought we were
25 going, and we're not building group homes, we're trying to

1 find a way to take persons with disabilities into the
2 larger community in housing and provide units and service
3 availability to them. And so we're not talking about 10
4 or 15 unit group home, we're talking about say a 100-unit
5 property that has at least 10 or 12 that are dedicated to
6 persons with disabilities and the person that builds that
7 has the ability to go somewhere and find, quote, a
8 placement officer that says I've got 10 candidates for you
9 right here and the service people are standing right
10 behind him saying we will bring to that the appropriate
11 services to help him do this.

12 MS. MARGESON: So when we have testimony like
13 we did today, one about ICFs or similar facilities, and
14 one about transitional housing, is our stance that just
15 doesn't apply here? I mean, I'm listening to what you're
16 saying, so is our position that we're just not the
17 appropriate audience for that kind of discussion, or what?

18 MR. HANOPHY: Well, we go back and it seems to
19 me that we've kind of been guilty of a little bit of drift
20 among the council, topic drift, and my understanding was
21 that we were formed to address specifically -- I'm just
22 blanking on the term --

23 (General talking and laughter.)

24 MR. HANOPHY: -- service-enriched housing and
25 that we tend to drift. If we go back to our definition,

1 within our definition we allowed for a broad array because
2 we just sort of operationally divided. So I don't think
3 it's our job to negate or pooh-pooh one idea over the
4 other, it's to figure out what it takes to get service-
5 enriched housing, and I think you articulated it: we've
6 got to bring the services, we've got to increase the
7 capacity of housing. But we've sort of lost that focus,
8 we've gone whole council meetings and not mentioned the
9 term service-enriched housing.

10 To me, it would be up to the public to decide
11 how many of what is the most needed. Certainly set-aside
12 apartments with resources brought there, maybe there's a
13 certain number of small congregate living, but that would
14 kind of be up to the public to kind of tell us. Our job
15 is to sort of -- aren't we supposed to be promoting the
16 system, figuring out how to promote a system that puts
17 this in place. And so I don't know, I think we're
18 drifting a bit. So where do we go from here?

19 MR. GOLD: Where do we go from here? So what
20 we're doing is meaningful, certainly for those who work in
21 state agencies, certainly those from the public, from
22 developers. I mean, there's just not a lot of resources
23 around not to be meaningful.

24 MR. HANOPHY: And as a state agency, of course,
25 we don't lobby. My understanding, the reason why we

1 participate in this council was to contribute to the
2 biennial plan which has specific recommendations in it on
3 which we hope legislators will act. And so all this
4 discussion we're having, we may need to put that energy
5 into getting that plan -- putting the teeth in the plan
6 that we think is necessary so that we're living up to our
7 obligation and then the legislature can decide. Maybe we
8 need to put our focus back into that, and maybe part of
9 that recommendation is between X date and X date there be
10 a deliverable, one project, two projects by disability
11 population or by housing type or something. Do something.

12 MS. LANGENDORF: Do something.

13 MR. HANOPHY: No, seriously.

14 MS. LANGENDORF: I'm serious.

15 MR. HANOPHY: But we may be meeting the initial
16 intent of that as we come up with recommendations, and
17 perhaps the next recommendation is: Okay, let's put us in
18 position to help whomever is responsible to do it do
19 something.

20 MR. GOLD: More housing.

21 MS. MARGESON: Well, I do remember in the
22 definition that we came up with that the term integrated
23 was in the definition, and I'm just -- I get a little
24 frustrated because we hear these extreme needs and I'm an
25 advocate for integrated housing, and I think that that's

1 part of the reason that the service committee wanted to
2 have more discussion about really defining -- you know,
3 because, I guess, of the testimony that we hear and
4 because there's different ways to define that, and are we
5 precluding addressing some very serious needs and maybe
6 those aren't the needs that we should be addressing.

7 And that's why I just said what I did, I wasn't
8 being facetious, I'm really trying to understand do we
9 take those matters into consideration or not, because some
10 of that has to be done in a congregate, what we would
11 typically call segregated setting, just as the lady from
12 NAMI described her son's situation. So I'm confused now
13 about our focus.

14 MR. GOLD: I just want to bring this up as a
15 member, it's 11:23 and we have the agenda, I guess we
16 could discuss this forever and a day, but I would think at
17 least this part of the conversation we need to at least
18 wrap it up or talk about what next steps are needed or
19 whether or not as a council we need to schedule another
20 meeting very, very quickly just to follow up with the rest
21 of the agenda. But again, it sounds like a general
22 frustration, at least what I'm hearing from the
23 conversation, we need to have one or two concrete
24 benchmarks established and whether or not that can be
25 done. And I don't know if anybody else, certainly people

1 can add on to this conversation, I just know that we need
2 to move and do something right now.

3 MS. MARGESON: That's true, we have a very full
4 agenda, so do we finish hashing this out and have a second
5 meeting, or do we just move on with the agenda?

6 MR. HANOPHY: I would suggest we just move on
7 with the agenda and set up another meeting to go through
8 this more, get back on focus. But we do have an
9 obligation because we have people here kind of counting on
10 an agenda and may want to hear certain parts of it.

11 MS. SCHWEICKART: That's true, and it was
12 published in the Texas Register.

13 MR. HANOPHY: And then we can reconvene and
14 have another discussion.

15 MR. GOODWIN: I have one question, or this may
16 be something that can be done in the interim, and again,
17 I'm taking myself out of this room, I don't think we have
18 had an input from the people who develop housing as to how
19 to get them to the table, and I would wonder if maybe
20 TDHCA, maybe TSAHC who has a pool of people that develop,
21 quote, affordable housing which is what we're going to
22 have to have, could get us ideas as to how we could bring
23 to the table representatives of that community, including
24 the development side of public housing authorities, to
25 talk about what it would take to get them to the table we

1 want to be at where we could put units on the ground that
2 serves this community.

3 MS. SCHWEICKART: That would be part of our
4 reconvening then?

5 MR. GOODWIN: Yes. That's just a question
6 could we do that, and I don't want to have a lot of
7 discussion about it, I just throw it out there for the
8 people that would be interested in trying to see some of
9 that so we might find out how big a nut we've got to crack
10 on the other side.

11 MR. LYTTLE: The organization that represents a
12 fair number of developers is called TAAHP. We can
13 certainly approach TAAHP and help facilitate something
14 like that where we're looking at having them solicit input
15 from their members, indicating this council is very
16 interested in producing units along these lines, they're
17 seeking your expertise on what would it take to get that
18 done in Texas. Sure, we could facilitate something like
19 that.

20 MR. SCHWARTZ: Would members of TSAHC, the
21 folks that you all work with also participate in that?

22 MS. MCGILLOWAY: Sure. Well, the same
23 developers that apply for our multifamily bonds would be
24 members of TAAHP as well, and so it would be the same
25 audience.

1 MR. SCHWARTZ: I wasn't certain if it was the
2 same group or not.

3 MS. MCGILLOWAY: Sure. And any way that TSAHC
4 can use our funding to leverage with tax credits, you
5 know, we'll certainly be at the table -- or any of our
6 other funding sources, for that matter. We have
7 development funds, interim construction funds, that sort
8 of thing, so we would welcome that conversation.

9 MS. MARGESON: We should just move on then to
10 the progress on the biennial plan and then plan to do a
11 followup meeting to address unfinished issues. Is that
12 good, everybody?

13 (General agreement indicated.)

14 MS. SCHWEICKART: So that would be something
15 between now and our next meeting which is in June?

16 MR. WYATT: Yes.

17 MS. SCHWEICKART: Okay. The next on the agenda
18 was the progress on the biennial plan, the updates of the
19 committees, so I just wrote up briefly some information so
20 that way people who are one committee could know more
21 about what's happening on the other committee since you
22 guys have been split in two in terms of your conference
23 calls.

24 So the service issues committee has held three
25 conference calls so far, one in January and two in

1 February, and the service committee has looked at a wide
2 range of policy recommendations, and so I have a couple
3 here. There isn't a handout but I can certainly provide
4 this information in a handout form, I can send it out
5 electronically. I was going to do a verbal update for
6 now.

7 So the service committee was looking at the use
8 of Department of State Health Services funding for
9 community-based mental health services, about their
10 research into the 1915i waiver, looking at regulatory
11 barriers into 1915c waivers concerning definitions of
12 qualified residence for Medicaid programs. That led into
13 the discussion of how differing perspectives on
14 integration play into what our state plan and what CMS
15 looks at as to definitions of integration and what is a
16 qualified residence, that discussion was had. Also
17 looking at the Department of State Health Services
18 recovery-oriented systems of care and how collaborations
19 are happening at the local level around the recovery-
20 oriented systems of care.

21 And the next meeting of the service issues
22 committee, their conference call is Wednesday, March 14,
23 and so we're going to be continue to tackle those issues
24 and any others that are brought by the committee members.

25 The housing issues committee has held four

1 conference calls, two in January and two in February. And
2 so we started with looking at what was requested at the
3 December 5 council meeting which was researching HB 216
4 and its implications on Fair Housing law, so we discussed
5 that at our first call. Then from there the committee's
6 main focus has been on possible recommendations regarding
7 TDHCA's Housing Tax Credit Program, recommendations on
8 revisions to the Qualified Allocation Plan, and possibly
9 some aspects of tax credit property compliance monitoring
10 regulations that are found in the Texas Administrative
11 Code. So that has been the main focus so far of the
12 housing issues committee, and their next conference call
13 is on Wednesday, March 21.

14 So that is a summary. Are there any questions
15 about what's been happening at the conference calls?

16 (No response.)

17 MS. SCHWEICKART: So that moves us into the
18 next agenda item which is a discussion of the public
19 forums. So at the December 5 meeting staff was asked to
20 look into basically a timeline for bringing forward a
21 draft biennial plan to the public to receive input, so one
22 of the handouts that you received is looking at the month
23 of May and the month of June as ways of moving forward
24 with the public comment process. So basically, due to the
25 process of getting public comment through the Texas

1 Register, we would need to submit the draft plan to the
2 Texas Register on May 23 to have the public comment period
3 begin June 1.

4 And then during the month of June would be
5 taking out that plan to the public in a series of forums,
6 so I thought that it would be easiest if our June council
7 meeting could coincide with the Austin public forum. And
8 then we've heard from members of the public interest in
9 doing one in Plano and there has been a lot of partnership
10 up there, one in Corpus Christi which there has been
11 partnership with Amy's organization and others down in
12 Corpus Christi, and then looking at Lubbock as a final
13 location and I've been reaching out to the Aging and
14 Disability Resource Center up there, along with the Center
15 for Independent Living, trying to find basically community
16 partners that would want to work with us on bringing
17 together folks to give feedback. And then the public
18 comment period would end on the 22nd of June.

19 So this is a draft. We can certainly change
20 the way that we're going out there and seeking input.
21 This was what was asked for staff to provide. So is there
22 any questions or comments on the way that it looks so far
23 in terms of the timeline?

24 MR. HANOPHY: Will there be more meetings, or
25 is this the ones we've selected to do?

1 MS. SCHWEICKART: This is what I have so far in
2 terms of just feedback that I've received about people
3 being willing to play host and partner with us, and so if
4 the council sees the need for other locations, we could
5 certainly consider that. We also do have to consider the
6 time frame that we have to be able to then consolidate all
7 that public comment, put it somewhere into the plan, and
8 then finalize the plan before our August 1 deadline.

9 MR. GOLD: I guess my question would only be,
10 Ashley, why are waiting till June?

11 MS. SCHWEICKART: Because we don't have a draft
12 plan yet.

13 MR. GOLD: But aren't the public forums
14 supposed to help shape the plan? I mean, I don't know

15 MR. HANOPHY: Usually have a draft to start
16 with and then we take public comment. Right?

17 MS. SCHWEICKART: Well, that was something that
18 we discussed at our last council meeting is that we did
19 the opposite last time which is where we collected the
20 public input at the beginning and then drafted the plan;
21 whereas, this time we did that online discussion forum to
22 try to get some feedback to start the process and then
23 talked about having a draft to take out to the public. So
24 I don't know if we want to continue with that idea.

25 MS. MCGILLOWAY: I like the way that we have

1 proposed to do it with the draft plan for people to
2 provide comment on so that it's kind of a place for us to
3 gauge whether we're hitting the mark or not and the public
4 can tell us yea or nay, and then make any necessary
5 changes that we feel are warranted.

6 MR. HANOPHY: I was just sort of kind of
7 thinking some demand side, you know, I think of like the
8 Houston area probably a big demand there, and again, we
9 have limited time, but also South Texas and the whole
10 Valley area because of the poverty rate and all those
11 other things and a fairly large population there.

12 MS. SCHWEICKART: Okay.

13 MR. GOLD: And Corpus really isn't the Valley.

14 MS. GRANBERRY: It's not the Valley but San
15 Antonio is not South Texas either.

16 (General laughter.)

17 MS. SCHWEICKART: Another comment that was made
18 at the last council meeting was to branch out from the
19 locations that we had the first round of forums, and so we
20 had the first round of forums in Fort Worth, Houston, El
21 Paso, Austin.

22 MR. HANOPHY: Well, that's true.

23 MS. SCHWEICKART: So I mean, if you really want
24 to add to this list, we can. We have to also think about
25 we want to have the council's presence, at least a portion

1 of the council's presence at each of these, so it's the
2 time that could be committed by members in the month of
3 June.

4 MR. HANOPHY: I don't think you'd want any more
5 of this.

6 MS. SCHWEICKART: Okay. Just changing the
7 locations perhaps.

8 MR. HANOPHY: But that's up to you, because
9 that is a good point, we were in the other places last
10 time.

11 MR. GOODWIN: Did you give the Valley a chance
12 to respond and didn't get anything from them?

13 MS. SCHWEICKART: I actually received feedback
14 without having to even solicit it from many of these
15 locations, so I could certainly reach out to organizations
16 down in the Valley and see if there are any that are
17 jumping at the opportunity.

18 MR. GOODWIN: I've worked in both places and
19 the difference between Corpus and Harlingen is night and
20 day.

21 MS. GRANBERRY: And I would think you could
22 actually do the Valley, either the Upper or Lower Valley,
23 and the Lower Valley is different than the Upper Valley as
24 well, but I think Corpus is different. But I do think
25 often people think that San Antonio represents South Texas

1 and the rest of us further south prefer a difference than
2 San Antonio.

3 MR. HANOPHY: You're not onboard with anything
4 they say in San Antonio?

5 MS. GRANBERRY: We love San Antonio but we're
6 just not the same.

7 MR. GOODWIN: They're out of step, that's the
8 only problem.

9 (General laughter.)

10 MS. SCHWEICKART: Is there any other thoughts
11 on the public forum schedule?

12 So this would mean that the quarterly scheduled
13 council meeting, the regularly scheduled council meeting
14 would be in line with the Austin public forum on June 6.

15 Okay. The next agenda item is an update on the
16 CMS Real Choice Grant, and I can say, fortunately, that's
17 a fairly brief update because one of the main components
18 of the implementation of this grant is the application for
19 Section 811 funding from HUD, and as HUD is yet to release
20 the notice of funding availability for that, we are in
21 somewhat of a holding period at this point. But I will
22 give you an update on other activities and how they're
23 going.

24 So we have made some progress since the
25 December 5 council meeting, the last time I updated

1 everyone. We've signed our interagency agreement with
2 DADS and we are in the process of signing our interagency
3 agreement with the University of Texas which they have
4 agreed to be our 811 vendor, is the way that we label
5 them, which an 811 vendor is taking on many of the
6 implementation activities.

7 So one of the main ones that we're focusing on
8 currently is the creation of the PRA agreement which is an
9 agreement between the state's housing finance agency and
10 the state's Medicaid agency which has been delegated to be
11 DADS. And so they're going to be working with us on the
12 Section 811 application, the PRA agreement that we have to
13 create in order to receive Section 811 funds, and a public
14 hearing process for amending any of TDHCA's policy
15 documents that would be needed to be amended to receive
16 Section 811 funding and work with Section 811 funding in
17 coordination with our other capital financing pots of
18 money.

19 So basically, we're doing prep work on the
20 Section 811 application, and in terms of our UT vendor, we
21 have Penny Seay, who is the director of the UT Center for
22 Disability Studies and she's our lead contact. She is
23 also working with Lucy Wood, who is UT's Justice Center
24 for Public Interest Law representative and she's working a
25 lot on the support services side of the program and the

1 PRA agreement. And both of them have been communicating
2 with DADS and with DSHS on eligible populations to receive
3 Section 811 assistance, what services are provided to
4 those eligible populations, and we're starting to look at
5 what the referral process will be for our local lead
6 agencies to the housing properties.

7 And then on the housing side, UT has
8 subcontracted with Mandy Demaio of Demaio & Associates,
9 and she has been working on Section 811 for years and so
10 she's a great resource, and she's been communicating with
11 TDHCA's multifamily staff who do the multifamily housing
12 side of things to look at how 811 funding can be linked in
13 to those existing resources.

14 So that's what we're working on now. We're
15 also reaching out to other states that the Melville act
16 was based on. Melville Act was looking at North
17 Carolina's model, Louisiana's model, Pennsylvania's model,
18 and we've been reaching out to those states and our
19 contacts in those states to learn more about how they
20 implemented their existing programs.

21 In terms of other activity that's part of the
22 CMS grant, we are in the process of signing our
23 interagency agreement with HHSC in order to run the
24 housing and services for persons with disabilities
25 clearinghouse, the online clearinghouse on the 2-1-1 Texas

1 website. So we have started basically our brainstorming
2 sessions with HHSC to make that clearinghouse a reality.

3 And in terms of on the side of our grants
4 advisory body, the 811 team has been meeting. They met in
5 February to discuss populations to be targeted for Section
6 811 funding, and their next meeting is going to be on
7 March 20 and I think they're going to be talking a little
8 bit heavier on the housing side on that meeting, but we
9 are having our advisory team have those monthly meetings
10 to give us their feedback on, as we implement, what do
11 they want to see in each of these activities.

12 And then finally, in terms of just general
13 administration of the CMS grant, last Wednesday TDHCA and
14 DADS staff participated in a conference call that CMS held
15 with the other five states that were awarded this funding,
16 so we talked to Indiana, Maryland, Wisconsin, Mississippi,
17 those groups to see basically what are their current
18 activities with their funding, what are their challenges
19 that they've seen, ways they've overcome those challenges,
20 so we can kind of feed off of each other and learn from
21 each other as we go through it.

22 But I think that the rest of them are also, as
23 I said at the beginning, in a holding pattern, so they're
24 waiting with bated breath for the HUD NOFA to come out,
25 and I think at that point it will be hit the ground

1 running as fast as you can. So that is what's going on.
2 Our next call with the CMS awardees is going to be in
3 April, so we're going to have ongoing calls with those
4 other five states to keep up with them and to keep going.

5 Is there any questions about the CMS grant?

6 MR. HANOPHY: Any day now? Do we know?

7 MR. GOODWIN: Well, it came out in December,
8 she promised.

9 (General laughter.)

10 MR. GOLD: And I can tell you that we at DADS
11 are very frustrated with HUD. You know, you put out this
12 money to prepare for something and you keep on waiting,
13 and the grant year can be -- I think Steve Ashman asked
14 whether there will be carryover opportunities and
15 extension, and usually the case with CMS type of grants.
16 I know, again, Rebecca is working with Steve on the DADS
17 side, but it's just pure frustration that this wasn't all
18 synced up with the grant with the NOFA coming out.

19 MS. SCHWEICKART: But I, of course, will keep
20 you updated as soon as I learn more and as soon as the HUD
21 NOFA is released I will let you guys know, and that is
22 something that myself and my fellow TDHCA and DADS staff
23 will be working on as soon as it happens.

24 So the next item on our agenda is based on the
25 overlap that we have discussed on a couple of occasions,

1 but most recently at our last meeting, on the issues that
2 concern this council and the creation of service-enriched
3 housing for people with disabilities and the ongoing
4 update that TDHCA has engaged in with updating our
5 analysis of impediments to Fair Housing. So I'm going to
6 allow Jennifer Molinari from TDHCA to provide a brief
7 update on where we are with our analysis of impediments to
8 Fair Housing.

9 MS. MOLINARI: Good morning, everyone. As
10 Ashley mentioned, I am Jennifer Molinari and I'm TDHCA's
11 Fair Housing coordinator.

12 I want to give just first a little bit of
13 background about our analysis of impediments so that you
14 can have some perspective from all this is coming from, so
15 that you have some materials in your packet related to
16 that.

17 In 2009, a Fair Housing complaint was filed
18 against the State of Texas, and as a result of that Fair
19 Housing complaint, the State of Texas and the complainants
20 entered into a conciliation agreement that required the
21 state to update its analysis of impediments in two phases.
22 And we did that so that the first phase, which covered a
23 63-county area directly impacted by the hurricanes, could
24 continue with the recovery work more expeditiously and not
25 have to wait for an entire AI for 254 counties in the

1 entire state to be updated, so that's why we do have a
2 unique situation in Texas.

3 We finished our Phase 2 for that 63-county area
4 in May of 2010 (sic) and came up with 16 impediments to
5 Fair Housing choice. The impediments mainly center around
6 four categories where there are actions that the State of
7 Texas can take to address Fair Housing barriers, and those
8 are education, of course training, planning, and then
9 enforcement of Fair Housing Acts and related laws.

10 So there are four state agencies that are
11 actually involved with the Phase 1 and the Phase 2
12 analysis of impediments to Fair Housing choice, and those
13 state agencies are the agencies that annually administer
14 HUD funding in the state, so of course, we have the Texas
15 Department of Housing and Community Affairs, we also have
16 the Texas Department of Agriculture, we have the Texas
17 General Land Office who is currently administering our
18 hurricane recovery funds, and we also have Health and
19 Human Services.

20 We are, as a state, starting to take actions to
21 address the barriers to Fair Housing choice. If you are
22 so interested, you can look on our website and I also have
23 some materials here with me that show you some of the
24 actions that we're taking, not only in the hurricane-
25 impacted areas but also statewide to help address some of

1 those Fair Housing barriers.

2 And while we move forward with our Phase 2, you
3 might have seen last week Ashley had forwarded an email
4 inviting to sign up to receive updates or be part of our
5 initial stakeholder database for the development of our
6 Phase 2 analysis of impediments. We are full swing into
7 that analysis right now, and what we are doing is starting
8 to schedule ten statewide what we call in-person focus
9 groups, which are pretty much like public hearings. We're
10 also scheduling stakeholder interviews, we are engaging
11 the residents currently through telephone surveys and
12 we've participated in a couple of those, and we're doing a
13 wide variety of other public input type activities. So
14 it's really important that if you do want to have a voice
15 in the Phase 2 analysis of impediments that you make sure
16 to sign up and let us know about that and we'll figure out
17 the best and most appropriate way to make sure you're
18 involved in the process.

19 We all want this Phase 2 analysis of
20 impediments to be cohesive with Phase 1 so there's not
21 confusion statewide, but also that it is fully inclusive
22 and has as much information as we possibly can from the
23 stakeholders that are affected by this analysis.

24 You can see on the second page some of the
25 specific tasks that we're looking into that could be Fair

1 Housing barriers like environmental injustice issues, Not
2 In My Back Yard-ism, transportation issues, and some
3 others.

4 So as I mentioned, we have already begun Phase
5 2 in late 2001 (sic). We are already starting to reach
6 out to residents and we are starting to reach out to
7 stakeholders, and you can expect to be talking about June-
8 July when we have some activities coming up with the
9 council. That's when we're going to be holding some of
10 our in-person focus groups, so kind of keep that in the
11 back of your mind. This week or next week we'll be
12 sending out some final details so people can start
13 planning around those, because I know we all have very
14 busy schedules, so we hope to have that out really soon.

15 And we are still planning to have a draft ready
16 for public comment available in October of this year, with
17 anticipated submission of the AI to HUD in about December
18 of this year.

19 So I also have in here some of the things that
20 we have already begun to do. I think something that's
21 particularly going to be of interest to this group is that
22 we did look at racial and ethnic concentration analysis
23 using HUD's impacted area criteria, so once we kind of get
24 all that information together, it's going to show you kind
25 of a statewide snapshot of where some of the more

1 affordable housing needs might be. We have also looked at
2 other entitled jurisdictions' analysis of impediments and
3 kind of gone through those to see what's in their AIs and
4 see how that matches up with what we're finding as well.

5 So kind of with that, I'm going to go ahead and
6 open up the floor. I know we've all had a very long day,
7 and I want to give you as much chance as possible to ask
8 any questions that you may have of us.

9 MR. GOLD: I would just hope and think that
10 information that you're doing is going to be duplicative
11 of issues here, or at least they supplement each other.
12 Again, I'm going to use that word leverage again where
13 we're leveraging energy and activities that you're finding
14 needs and supports for and that's just in sync with
15 whatever is going on in terms of recommendations with
16 whatever comes out of that plan.

17 MR. HANOPHY: I kind of have a sense that NIMBY
18 and all those other pieces, when you had your categories,
19 give me some examples of training issues that you had
20 identified as impediments.

21 MS. MOLINARI: Sure. One of the ones that we
22 found was the biggest one, especially when you go into
23 rural communities, is that many people when they either
24 didn't know what their Fair Housing rights were, or even
25 if they did, when they would go and talk to officials, the

1 city officials didn't have anyone as a point person,
2 didn't know where to refer a Fair Housing complaint, they
3 might not know all the protected classes, just general not
4 understanding of the Fair Housing Acts.

5 In Texas we have the Texas Fair Housing Act and
6 the Federal Fair Housing Act, of course, that we abide by,
7 and the Texas Workforce Commission enforces the Texas Fair
8 Housing Act and they also do that for HUD, and many people
9 didn't even realize that there was that resource locally.
10 And that was probably one of the biggest ones that we
11 found.

12 MR. HANOPHY: So in my mind, that would fall
13 under education, so what was education?

14 MS. MOLINARI: Let's see, so we have your
15 regular citizens and then you also have industry players
16 that you would want to be educating as well. They also
17 might not have their own Fair Housing plan or method or
18 contractor follow-on and so on, so builders and
19 developers. We also have a lot of training needs around
20 teaching developers what the Fair Housing Act requires in
21 terms of the design and construction of housing.

22 MR. HANOPHY: So the training was more for the
23 people and the education was for the vendor.

24 MS. MOLINARI: But I guess those lines can be
25 blurred, but yes, it's a little bit of both.

1 MR. GOLD: So does the Workforce Commission
2 regulate the half-mile rule?

3 MS. MOLINARI: The half-mile rule?

4 MR. GOLD: Yes, the half-mile rule in the Human
5 Resources Code, but that's the one that says that within
6 half a mile you can't have more multiple group home type
7 of settings.

8 MS. MOLINARI: They do not. So they strictly
9 enforce the Fair Housing Act.

10 MR. GOLD: Just the Fair Housing.

11 MS. MOLINARI: Right.

12 Any other questions?

13 (No response.)

14 MS. MOLINARI: If you ever have any questions,
15 I'm always available. And I also wanted to introduce
16 Leland Unruh over here to my right and your left. He is
17 our Fair Housing coordinator, so he and I are working
18 together throughout this Phase 2 analysis of impediments
19 and future updates will likely be coming from Leland, so
20 we wanted you to put a face to the names.

21 MS. MARGESON: Jennifer, you said 2001 a couple
22 of times, but you really meant 2011. Right?

23 MS. MOLINARI: Yes, I did. I'm sorry, I
24 apologize.

25 MS. MARGESON: Okay. I was just thinking has

1 this been going on for 12 years.

2 MR. GOLD: We were so young back then.

3 MR. HANOPHY: We were all optimists back then.

4 (General laughter.)

5 MS. MOLINARI: Yes, I did mean 2011.

6 MS. MARGESON: Okay.

7 MS. MOLINARI: Thank you very much for letting
8 me speak in front of you today.

9 MS. SCHWEICKART: Thank you, Jennifer.

10 All right. So the last presentation item on
11 the agenda, and I know Marc is here to do this item, is
12 the presentation on the DADS Money Follows the Person
13 Demonstration Round 2 Admin Funding. And I may have said
14 that in the wrong order, it's a long title.

15 MR. GOLD: It's a long title. And I'll be
16 very, very fast; you know I can talk very quickly.

17 The Money Follows the Person Demonstration is
18 this huge incredible engine in the health and human
19 services side, and also the way it's impacting housing.
20 For example, this 811 grant is a result of the Money
21 Follows the Person Demonstration. And the demonstration
22 allows the state to generate an extra 20 points in its
23 FMAP and that would be a whole other conversation on what
24 that actually means, but bottom line it's translating to
25 probably over \$100 million by the end of this

1 demonstration is over that we've generated for the State
2 of Texas, and Texas is the leader in the country for this
3 project.

4 So originally, the demonstration's emphasis is
5 in relocating individuals from institutional settings, so
6 that can be intermediate care facilities for individuals
7 with intellectual disabilities, nursing facilities, or
8 even it can work in acute care type of settings like state
9 hospitals, and from there we generated this 20 extra FMAP
10 points for everybody that we relocated. But early on in
11 the demonstration, individuals at the Centers for Medicare
12 and Medicaid Services, or CMS, recognized that many states
13 were not very advanced or they didn't have enough
14 infrastructure, and so they allowed what's known as 100
15 percent infrastructure grants within the demonstration,
16 and in Texas we have now generated almost \$20 million just
17 in that alone.

18 And so what we go through is a public process
19 that's going to be more formalized -- and again, something
20 that Rebecca is working on with Steve Ashman -- in terms
21 of soliciting stakeholder input, providing that
22 information to the leadership at the Health and Human
23 Services Commission, and again, the demonstration and
24 actually promoting independence is really an HHSC activity
25 that's been delegated to DADS to operate but it covers all

1 five of the health and human services agencies, including
2 the Texas Department of Housing and Community Affairs and
3 the Texas Workforce Commission. So maybe that's the tie-
4 in there, Paula.

5 So what we've asked for and what we've received
6 thus far is additional money to help -- and again, we are
7 all about those benchmarks, and you've heard me talk
8 before about benchmarks -- so everything that we propose
9 to CMS to help with our infrastructure is for the sole
10 purpose of increasing the number of individuals who get to
11 move back into a community-based setting. So everything
12 has to be tied to that benchmark and we have to report to
13 CMS every six months how are we meeting those benchmarks,
14 how are we increasing the number of people relocated.

15 So we asked for 100 percent funding and we've
16 received our very significant support for the individuals
17 who go out and do our relocation services. And Doni -- I
18 don't know if you're still on the line -- Doni is one of
19 our relocation contractors, among many things, and they go
20 and help facilitate that process.

21 We just recently requested in the second round
22 25 staff to work with our state supportive living centers
23 to work actively for the individuals who are in our state
24 supportive living centers, individuals with intellectual
25 disabilities, again, to remove those barriers, to develop

1 a very tenured and experienced provider base, especially
2 for those with co-occurring behavioral health issues, to
3 be able to live back into a community setting.

4 We have supported our aging and disability
5 resource centers. Actually, we financed all of them out
6 of the demonstration, plus we've added some additional
7 supports and services for the ADRCs, including for housing
8 navigators -- and we talked a little bit about those
9 housing navigators before, and I really look forward to
10 sitting down with Jean and talking to you how we can
11 enhance that activity. And also for benefit counselors --
12 that's another conversation about the MDS3.0 -- but those
13 are to really help individuals who are not on Medicaid but
14 are on a spend-down mode who are living in nursing
15 facilities to help them, because our relocation
16 contractors are there just to help the Medicaid type of
17 population.

18 We're providing assistance to help support and
19 provide recommendations and find ways of supporting our
20 direct service workers out in the field. Those are the
21 people who actually do the direct delivery of attendant
22 type of services and other type of activities for
23 individuals living in the community.

24 In addition, we're about to establish a project
25 with the Department of Aging and Disabilities assistive

1 and rehabilitative services on providing supportive
2 employment for individuals who are moved back into the
3 community and to give them meaningful sort of work, not
4 just what you've heard, sort of sheltered workforce
5 situation, but meaningful type of work

6 We also have a project with the Department of
7 State Health Services to provide what's known as the
8 behavioral health project. It's been very successful,
9 extraordinarily successful, and we started off in Bexar
10 County but now we're both in the Austin and Bexar County
11 service delivery areas. We're providing supports for
12 individuals with co-occurring behavioral health issues as
13 they're moving out of a nursing facility environment to be
14 successful in the community, and we're also providing
15 those additional monies to help individuals with
16 intellectual disabilities.

17 We've supported, as we've mentioned here, the
18 Texas Department of Housing and Community Affairs and
19 doing really outreach with the developers and other
20 individuals who are HOME funds administrators, and that's
21 a real-life activity to get them to sign up and help
22 deliver that type of information.

23 We've established a real quality improvement
24 section within our Center for Policy Innovation. This is
25 just looking at quality issues and developing this really

1 amazing database and IT issues so we can do direct reports
2 that we can get real-life data immediately on what the
3 individuals look like and what their needs really are, how
4 individuals in the community are really sort of behaving.
5 That's really been a really exciting area.

6 We are working with the DADS ombudsman office.
7 The ombudsman are individuals who work within our nursing
8 facility and assisted living facility environments to help
9 them and help individuals there know what their rights
10 are, their requirements, and help too in the relocation.

11 And then, of course, we used some of the money
12 to help fund the closure of ten large private ICFs.

13 So the money is out there. We still have
14 probably \$50-60 million we can tap into. Certainly -- and
15 this would probably need to be another conversation at
16 another time -- I know that Ashley wanted us to talk about
17 it a little bit but it would be a couple hour
18 conversation. There's this thing called the 1115 UPL
19 waiver out there, and that's going to provide a lot of
20 different opportunities working with hospital districts
21 and looking at trying to get people out, but the good word
22 there -- and again, it's going to be interesting how
23 that's going to intersect with housing -- is there's some
24 additional monies, the possibility for the behavioral
25 health side as well as using some of this money to support

1 some of the activities under the Affordable Care Act as we
2 move forward.

3 But we're going to be having an official
4 template that should be going out very shortly to ask
5 really what your ideas are on how we can use this money to
6 help support people who are moving back into a community-
7 based setting and keeping them there. Unfortunately, we
8 can't use the money to really build housing per se, we
9 can't do that, which is very sad. But there could be some
10 pilot projects that perhaps we could want to look at or at
11 least entertain.

12 So that is the very quick version of what's
13 going on with all the funding opportunities.

14 MS. SCHWEICKART: Great. Thank you so much,
15 Marc. Does anyone have any questions?

16 MS. MARGESON: Oh, yes.

17 MR. GOLD: Now, Paula.

18 MS. MARGESON: You talk faster than I can hear.

19 MR. GOLD: Well, you know, I keep saying that
20 I'm from the northeastern Texas county called Manhattan.

21 MS. MARGESON: You know us Texans, we listen
22 slower.

23 MR. HANOPHY: From the neighboring county of
24 Long Island.

25 (General laughter.)

1 MS. MARGESON: Say a little bit more about the
2 1115 waiver.

3 MR. GOLD: You know what, there's going to be a
4 lot of information out there that it makes your head hurt,
5 sort of a brain freeze sort of conversation. But it's
6 very complicated. It has to do with upper payment limits,
7 so we had to do -- we had the Star Plus program and it was
8 what's known as the B/C waiver. B waiver means you can
9 waive Freedom of Choice; C waiver is like the CBA program,
10 you can provide community-based services. We had to
11 replace that with an 1115 waiver because you couldn't do
12 this other mechanism called upper payment limits which
13 really gets into hospital disparities and serving
14 uninsured, and so we have this waiver.

15 So within this waiver we're going to be
16 developing this sort of local hospital sort of voluntary
17 sort of consortiums where local communities can pony up
18 some additional money, attach it to the hospital district,
19 and we can all send it to CMS and draw down even more
20 money to provide certain services. For example, like on
21 the behavioral health side is usually one of the examples,
22 but there's other issues from DADS and the enterprise to
23 do it.

24 But what I would suggest is that there will be
25 probably a lot of local community training opportunities,

1 because it is very, very, very complicated. And we even
2 in the state are still just learning exactly what all the
3 various different opportunities are under that.

4 So I know that's probably not a satisfactory
5 answer, but it would really take a very long conversation,
6 and over at the Health and Human Services Commission where
7 this is housed, Maureen Milligan is the one who leads it
8 and she provides information on that.

9 And I don't know, Jonas, do you have anything
10 you want to add to that.

11 MR. SCHWARTZ: Well, Marc, Ashley and I, I
12 think had a conversation online on Friday, and I think it
13 would be good probably for Maureen to come and give the
14 council some additional information. Ashley and I are
15 going to meet with Maureen to figure out what of that
16 information is relevant to the council and their work, and
17 then have her come and possibly do a presentation that's
18 user-friendly.

19 MR. GOLD: Yes. Maureen is so brilliant, she's
20 scary brilliant, and it's going to be good for her to be
21 able to tailor it for this conversation because you can
22 really go out into the weeds on this conversation in terms
23 of the financing mechanisms and just the real policy-wonk
24 type of conversation.

25 MR. SCHWARTZ: I mean, the real intent of the

1 1115 waiver that we have now was to preserve some
2 financing options and some funding mechanisms, like Marc
3 said, particularly for the hospitals that there's a
4 federal prohibition against having when you're in a
5 managed care environment, and Texas is clearly all in a
6 managed care environment now, so the 1115 would allow us
7 to preserve those funding sources. But there are some
8 other opportunities that will come as a result of that.

9 MR. GOLD: Yes, it's that and larger. I mean,
10 and again, this gets into the weeks, we had to carve out
11 the hospitals, now we can carve them back in. I mean,
12 it's crazy stuff. But it would be important to get a
13 tailored conversation so we don't get lost in all these
14 sort of trails of what this is, and again, you know, have
15 it focused: how does this help, if at all, service-
16 enriched housing.

17 MS. LANGENDORF: And that would be my request
18 is that if we're going to have a presentation that we talk
19 about I guess what realistic changes or modifications
20 would actually support us in developing service-enriched
21 housing.

22 MR. GOLD: Right. I mean, that should be the
23 focus for this conversation.

24 MS. LANGENDORF: There's a lot going on with it
25 but a lot would not have anything do with living in the

1 community.

2 MR. GOLD: A lot of it really has to do with
3 providing additional services out there but not housing,
4 so it would be interesting to see if there are any other
5 opportunities other than on the services side.

6 MS. SCHWEICKART: And I also thank Marc and
7 Jonas for helping me learn more about this.

8 MR. GOLD: I's painful.

9 MS. SCHWEICKART: It's very complicated. But
10 Jean, you know, that is really what we want to do,
11 hopefully sometime in the future when we can have an
12 expert like Maureen help us to find out how are these
13 service opportunities going to be available for people who
14 have the biggest barriers becoming stable in their
15 housing, those who perhaps don't currently receive the
16 services, is this an opportunity to get those services
17 connected with them and then they can maintain stability.
18 So I definitely hope to have something for the council to
19 learn more soon.

20 MR. GOLD: And you think I talk fast? Just
21 wait, just wait. She's brilliant, though.

22 MS. SCHWEICKART: All right. So then the last
23 thing on our agenda is basically our next steps and staff
24 assignments, and so it sounds like, based on our earlier
25 conversation, that that would be some type of reconvening

1 with more information as to -- I know that there was the
2 eligible uses of the appropriation of council funding that
3 I need to go to the LBB and ask for clarification on, so
4 that's one thing to bring to you all. The other component
5 of that reconvening, it sounded like, was to make a
6 definitive decision on how the available funds for fiscal
7 years 2012-2013 are going to be utilized.

8 Is that a correct understanding of why there
9 was that need to bring us back together?

10 MS. MCGILLOWAY: Yes.

11 MS. SCHWEICKART: So is there any discussion on
12 when that needs to happen? I know that we want to act
13 quickly, and I totally agree with that. I think that it
14 does make sense, given the fact that we're halfway into
15 fiscal year 2012. Are there any, I guess, dates to throw
16 out, months to be looking at, people's schedules?

17 MS. MCGILLOWAY: Well, let me ask this. If
18 that's what we're going to come back and do, what's going
19 to help us make a decision at that meeting, is it more
20 discussion of this, or is it something that we need to
21 come prepared as far as we've decided as an entity that we
22 represent? Because I don't want to just meet and no one
23 has done -- we don't have anything to consider in the
24 meantime and just have the same conversation again.

25 MR. SCHWARTZ: I think one question that was

1 put on the table, but Ashley was not given the opportunity
2 to answer that question, and I'm not suggesting she answer
3 it now but that she bring it back to us, is the research
4 that we're asking for, can it be done within existing
5 resources with the staff that support housing and health
6 services, or would we need to hire a consultant. If we
7 did that, would we be able to do it in an expeditious
8 fashion in order to have the information that we need to
9 move forward.

10 MS. SCHWEICKART: I mean, I can tell you right
11 now that given the timeline that we have to complete the
12 biennial plan and given the input that I need to collect
13 from members of this council through our committees to
14 create the policy recommendations, create the chapters on
15 barriers and the like, if we're looking to turn around
16 this activity of making recommendations on the Qualified
17 Allocation Plan and others in a short time frame, I don't
18 think that I would be able to do both the biennial plan
19 creation, public hearings, conference calls, all of that,
20 and do this work that we would consider an outside
21 consultant for.

22 I think that when there was the conversation
23 about the fact that there is this available funding, part
24 of the reason why there is this available funding is
25 because we had funding designated to staff currently under

1 the main FTE on the council, so that opened up some
2 funding if we wanted to use that for an outside consultant
3 for a professional to do a study. And so I mean, I
4 understood the comments that Jean and Mike made earlier
5 which is that having somebody that's outside of a state
6 agency position to be able to have that kind of outside
7 perspective and to be able to give the council a non state
8 agency perspective on state agency policy and funding
9 sources, I definitely can see a benefit in that.

10 That's, I guess, my piece there.

11 MR. SCHWARTZ: Okay. Well, so then you did a
12 fine job in answering that question. Thank you. Then my
13 followup question to that would be do we know who such a
14 consultant would be and if they can do the work and if
15 they're available and if their price is reasonable.

16 MS. SCHWEICKART: I think that that's
17 definitely a good question. I'm trying to think of how I
18 would solicit such information without having an RFP to
19 provide to that community. I can certainly try.

20 MR. GOLD: RFI, request for information.

21 MS. SCHWEICKART: And that process would be
22 somebody that would be completely outside of, I guess,
23 state agency status. There is also the ability of hiring
24 somebody from a public university. That would not have to
25 go through the state procurement process which can be a

1 lengthy process, even for an RFI. And so there is also
2 that possibility of obtaining somebody from a state
3 university to do the work.

4 MR. GOODWIN: I think that's a potential
5 winner, because on the 811 side using that process brought
6 in what I thought were some really smart people that know
7 what they're doing.

8 MS. SCHWEICKART: Okay. So I can look into who
9 we could procure.

10 So I have asking the LBB about the uses of
11 funds, figuring out who would be possible vendors to
12 procure for this activity. Are there any staff
13 assignments for this reconvening?

14 MS. MCGILLOWAY: Because this is something if
15 we decide we want money to be put towards hiring a
16 consultant and doing this analysis, this is not something
17 that we are trying to get the feedback from and put in
18 this new plan, this is something that would be ongoing for
19 the next year, year and a half. Right?

20 MS. SCHWEICKART: Right. So this would be
21 something obviously we could state something in our
22 biennial plan about it, but yes, it would be an ongoing
23 process outside of us turning in a biennial plan.

24 MS. MCGILLOWAY: Okay. Because then I don't
25 know, do we need to reconvene before the June meeting to

1 make this decision.

2 MR. SCHWARTZ: That would be my question,
3 because Ashley answered my first question very well.
4 Michael also said that we could procure the consultant.
5 Then the question to be worked out is what vehicle are we
6 going to use to procure the consultant and do we need a
7 sub-group of this council to sort of provide Ashley with
8 consultation on that RFI process or whatever -- just so we
9 have some input is what I'm getting at.

10 And I don't know that we need to meet as a body
11 before June to discuss all of this, but I think Jim did
12 bring up a good point and that could be certainly a
13 prominent agenda item on our June meeting is looking at
14 what our goal and purpose is as a council. I mean, I
15 think we need to have that discussion.

16 MR. GOLD: I would hope we'd have that
17 conversation before June. I mean, I'm serious. You're
18 about to do public hearings and you talked about doing
19 public hearings in June, talking about another plan going
20 out, and we're still debating on the purpose of being
21 here.

22 MS. MARGESON: That's a good point based on
23 what the one presenter said about having high hopes for
24 the council. Obviously, there was a public expectation
25 too.

1 MR. GOLD: And if we can't articulate it here,
2 how do you put that on a public face? This isn't about
3 finger-pointing or anything, it's just if that's the issue
4 at hand, then June is, to me, way too long. And really,
5 before you come up even with the draft plan and public
6 hearings and putting your face out there again and having
7 that conversation, that's a hard conversation.

8 MR. SCHWARTZ: Well, so then do we need to have
9 a meeting in April and let that take the place of the June
10 meeting?

11 MR. GOLD: We can or supplement it, Jonas.

12 MS. GRANBERRY: It looks like we need a public
13 hearing in June anyway and you always have one in Austin,
14 so we would be here anyway for that.

15 MR. GOLD: For me it's fundamental, as you're
16 writing a report, you know, what's this about.

17 MS. MARGESON: Well, I really need us to have a
18 discussion about when we said integrated in the
19 definition, what did we mean and what did we not mean,
20 because I'm confused.

21 MS. LANGENDORF: Paula, I would just ask that
22 did you look back at -- I feel like we've spent a lot of
23 time on that -- what we did present, what we hashed out.

24 MS. GRANBERRY: I think we left it purposely
25 somewhat open to interpretation. I think we used the word

1 and then allowed it to be interpreted. Because to me I
2 feel like there are instances where integrated means
3 integrated within the larger community but in a house
4 that's specific, where in other instances it is out there
5 in set-asides and things like that. And I think all of
6 those are levels of integration that can be provided, and
7 again, I believe in pushing things down to the local area
8 to decide what's best for them and not somebody telling
9 them this is what you have to do but these are all of the
10 things that are available under integration and now you
11 decide as your community what fits you and what serves
12 your constituents the best.

13 MR. SCHWARTZ: And as the person that chaired
14 that subcommittee on putting the definition of service-
15 enriched housing, developing the definition that we are
16 following, we did purposely leave it open so that there
17 would be that flexibility in the individual communities.

18 MS. MARGESON: But there has been some
19 subsequent comment about assisted living and kind of a
20 bias against that, and within the disability community
21 this definition wouldn't work, you know that, Jonas.
22 Integrated is integrated, period. I'm not saying that's
23 necessarily how I see it but I just really feel confused
24 about it. So the vagueness must have really worked on me
25 because I'm not getting what that scope can include.

1 MS. SCHWEICKART: Well, the discussion that has
2 been recently had in the service issues committee
3 meetings -- conference calls, I'm sorry -- has been that
4 when it comes down to what a local community would want in
5 terms of how they use the definition of integration to
6 best meet their needs, they also have to think about what
7 their funding sources that helped them establish those
8 places to help meet their needs, what those funding
9 sources define as integration.

10 And there are federal laws that would keep one
11 definition from happening when it comes to the use of
12 their funding. So I mean, that is a very legitimate place
13 where a definition of integration comes to heads with a
14 federal law. So I mean, I think that that was the
15 conversation that I think the service committee had been
16 having is where are we seeing those barriers occur. And I
17 don't know if that means that we, as a council, go change
18 what we see as service-enriched housing. It does mean
19 that there's a barrier that exists in federal law, but
20 that doesn't mean we have to change our definition, but
21 again, that is up to the council.

22 MR. GOLD: Is that HUD law?

23 MS. SCHWEICKART: IRS, Section 42, Housing Tax
24 Credits.

25 MS. LANGENDORF: I'm not going to go into

1 integration, but on the idea of whether we meet or not, I
2 think the plan -- if it requires meeting, I just want to
3 make sure somewhere in the plan we are really, really,
4 really clear that we somehow want to impact the Housing
5 Tax Credit, the largest producer of housing units in
6 Texas, to support service-enriched housing. I don't know
7 that we know what we want to say because a consultant
8 would hopefully help us do that, but I do think if we're
9 going to take a plan out for public comment, at least from
10 my side, we need to be doing something.

11 MS. SCHWEICKART: And Jean, would that be
12 outside of the policy recommendations that the housing
13 issues committee has been talking about in their
14 conference calls?

15 MS. LANGENDORF: I don't remember, and frankly,
16 I'm just looking at the recommendations that come up here.
17 If we're delaying making decisions on this stuff, I want
18 to make sure there's something in the plan, and I don't
19 remember, to tell you the truth.

20 MS. SCHWEICKART: So I guess that goes along
21 with what Paige was saying before was that this
22 opportunity to fund an outside consultant to do this work,
23 the timeline would not align exactly with the timeline for
24 the biennial plan. That is true because we probably would
25 take much longer in terms of procuring the appropriate

1 person and then allowing them to work and come up with
2 those recommendations, and we'd already had to have
3 submitted our 2012-2013 biennial plan by the time that
4 vendor was done. So that is true that we're going to have
5 kind of two things happening at the same time.

6 MS. MCGILLOWAY: But we can still have
7 recommendations in the plan that a legislative body needs
8 to give consideration to a set-aside or whatever the
9 points driven to ensure that there is the creation of
10 service-enriched housing.

11 MS. SCHWEICKART: Absolutely.

12 MS. MCGILLOWAY: Yes, we definitely need that.

13 MS. SCHWEICKART: And that's what I've been
14 using the housing committee's calls to do is to gather
15 that input.

16 MS. LANGENDORF: So in June this group is going
17 to consider each committee's recommendations?

18 MS. SCHWEICKART: Well, before the draft gets
19 to the public, so that would be actually prior to June,
20 that would be in May.

21 MS. LANGENDORF: Okay. But we don't have a
22 meeting.

23 MS. SCHWEICKART: Not an in-person one
24 scheduled.

25 MS. LANGENDORF: Because in looking at the

1 calendar, I was trying to understand this, when we were
2 going to approve the draft, edits to the draft, but we
3 have no approval of the draft.

4 MS. SCHWEICKART: I see what you're saying. So
5 you're saying that perhaps instead of having a June
6 meeting, have a May meeting to approve the draft.

7 MS. LANGENDORF: Or some kind of meeting. I
8 mean, I don't want something going out that we haven't
9 already -- I mean, if we're having it out for public
10 comment and we're sitting in Lubbock or whatever and
11 somebody starts saying something and we start going:
12 Well, I didn't approve that; did I approve that; why do we
13 have this in the draft?

14 MR. GOLD: And I think that speaks to the point
15 I was trying to say before was I don't think we can wait
16 till June.

17 In fact, I would think sooner than later on
18 some of this conversation in terms of what's going on
19 because you certainly don't want to get into -- well, this
20 is a public meeting here -- that you're going to five or
21 six different locations and there's a sense that --

22 (Simultaneous discussion.)

23 MS. SCHWEICKART: Right.

24 MS. GRANBERRY: Ashley, right now you've got
25 set the deadline for council member edits to draft plan at

1 what is it, May 19 or 18?

2 MS. LANGENDORF: Yes, May 18.

3 MS. GRANBERRY: If we're talking about
4 approving it, I mean, that would back everything up. If
5 we're talking about approving it rather than just sending
6 it out for edit, how far back would we need to go?

7 MS. SCHWEICKART: Well, I guess, yes, I mean,
8 that's really the question. And I don't want to belabor
9 the point of the separation between the two, but we are
10 talking about two different things: reconvening to talk
11 about to approve a budget recommendation and reconvening
12 to talk about the draft biennial plan.

13 So we can do those together, but I think that
14 the biennial plan draft is probably not going to be ready
15 until mid May.

16 MS. MCGILLOWAY: So our way of approving it in
17 this proposed time frame is simply by us submitting
18 comments to you.

19 MS. SCHWEICKART: To me to provide it to you
20 all.

21 MS. MCGILLOWAY: It was never the intention
22 that we were going to come together and approve the whole
23 thing as a group and then go out with public comment.
24 Right?

25 MS. SCHWEICKART: In terms of how it fit in

1 with the quarterly meetings timeline, no. That doesn't
2 mean we can't change that and have a time for you all to
3 come together to talk amongst each other about the draft
4 rather than providing individual edits.

5 Of course, once we receive all the public
6 comment, I would assume that I would be putting all that
7 public comment into a final draft and you all again would
8 be able to see the final draft and provide any feedback on
9 that as well. So there's going to be the before and after
10 time frame to be submitting input on the plan.

11 MS. MARGESON: But I remember when we did this
12 before, it seems to me that we did a draft plan approval
13 individually, just looking at our computer and then we
14 came together.

15 It's really hard to do that in a vacuum,
16 because you may not know if you're on the service
17 committee what the housing committee was thinking when
18 they did this. So to me, it really needs a face-to-face
19 discussion for me to have a really good handle on what I'm
20 approving.

21 MS. SCHWEICKART: Okay.

22 MS. MARGESON: That's just me.

23 MS. SCHWEICKART: So we're talking about
24 perhaps bumping up what was going to be the June council
25 meeting into May then?

1 MR. SCHWARTZ: Yes.

2 MS. SCHWEICKART: I guess I can send out some
3 proposed dates then and receive feedback on what those
4 dates would be?

5 MR. SCHWARTZ: Yes.

6 MS. SCHWEICKART: And at that time would also
7 be the time to approve use of available funding?

8 MS. GRANBERRY: So really and truly, if we're
9 putting off approving any use of funding until May,
10 nothing is going to really get used until the next fiscal
11 year.

12 MS. LANGENDORF: We would be putting out an RFI
13 for 200,000.

14 MS. MCGILLOWAY: Yes.

15 MS. GRANBERRY: So then the entire amount will
16 get used in the next fiscal year rather than part in this
17 year and part in next year.

18 MS. SCHWEICKART: I mean, I think we would have
19 to award a contract in this fiscal year in order to
20 legally use this fiscal year's funding, and so we would
21 hopefully do that over the summertime as soon as we could,
22 but I would see the majority of the work that would be
23 getting done would be getting done in state fiscal year
24 2013.

25 Okay? Are we good with that then? Are there

1 any other comments, any other next steps?

2 (No response.)

3 MS. SCHWEICKART: All right. Thank you guys so
4 much. Is this adjourned? Are we adjourned, Paula?

5 MS. MARGESON: We're adjourned.

6 (Whereupon, at 12:32 p.m., the meeting was
7 concluded.)

C E R T I F I C A T E

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2
3 MEETING OF: Housing & Health Services Coordination
4 Council

5 LOCATION: Austin, Texas

6 DATE: March 5, 2012

7 I do hereby certify that the foregoing pages,
8 numbers 1 through 104, inclusive, are the true, accurate,
9 and complete transcript prepared from the verbal recording
10 made by electronic recording by Nancy King before the
Texas Department of Housing and Community Affairs.

(Transcriber) 03/08/2012
(Date)

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