

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
HOUSING AND HUMAN SERVICES COORDINATION COUNCIL

PUBLIC FORUM

Council Chambers
Plano Municipal Center
1520 Avenue K
Plano, Texas

10:00 a.m
Monday,
June 11, 2012

PRESIDING: Ashley Schweickart, TDHCA

COUNCIL MEMBERS PRESENT:

Mike Goodwin
Paula Margeson
David Danenfelzer
Doni Green

ON THE RECORD REPORTING
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PROCEEDINGS

MS. SCHWEICKART: My name is Ashley Schweickart. I am the Coordinator of the Housing and Health Services Coordination Council and I wanted to allow the council members present to introduce themselves and then our co-host, our partner today, Robin Leogrande, will be providing some opening comments as well.

And so why don't we go ahead and I'll start with Doni here.

MS. GREEN: I'm Doni Green with the North Central Texas Council of Government, the area agency on aging.

MR. DANENFELZER: David Danenfelzer with the Texas State Affordable Housing Corporation.

MS. MARGESON: Paula Margeson. Paula from Plano.

(Laughter.)

MS. MARGESON: I'm with REACH Independent Living Centers.

MR. GOODWIN: I'm Mike Goodwin. I'm the governor appointee representing property developers.

MS. SCHWEICKART: All right. Robin, would you like to come up for your welcome?

MS. LEOGRANDE: Hi. Can you hear me? Good morning. My name is Robin Leogrande and I'm the president of Community for Permanent Supported Housing in North Texas, and I'd like to welcome all of you today to this forum.

We are delighted to be able to bring to you information about the plans that are in work for housing for people with disabilities of all kinds and seniors and people who have other challenges when they are facing finding housing in the

community.

We would like to thank the City of Plano for allowing us to use this beautiful facility. We understand that they are also concerned about this issue and have been most generous in providing us a place to meet.

And finally, I would like to thank the Committee that is here today. I welcome all of you to Plano and welcome to hear the comments that we have regarding your plan.

We hope that today will be an enriching opportunity for you to hear the ideas that are being brought forth and for you to comment as appropriate. If you would like to comment, please remember to complete a form up at the welcome area, so that the Council has your name and they can call you up accordingly.

So thank you very much for coming and I'll turn it back to Ashley.

MS. SCHWEICKART: Thank you, Robin.

So I have a brief presentation on just the background of the Council and the purpose of these public forums. This is the third of our four forums. We're here to receive any public feedback that you have here in Plano on our plan and on the work of the Council.

So to start off I just wanted to give everyone a little bit of background, and there are some handouts that have the PowerPoint slides that you can follow along if you'd like.

So just to give you a brief overview, this Council, the Housing and Health Services Coordination Council, was created by the 81st Texas Legislature in 2009. It actually came about as a recommendation of the Legislative Budget Board, which is a financial organization and also a research organization on behalf of the

legislature.

The Council includes 16 members. The Executive Director of the Texas Department of Housing and Community Affairs serves as the Council Chair. Then there are eight members that are appointed by the Governor, and there are seven other members that represent the state's housing and health and human service agencies.

The Council meets quarterly, and our next meeting is Monday, September 10, for anyone who is interested. We meet in Austin, Texas, but we will be providing a conference call-in number for those who want to listen in.

And the Texas Department of Housing and Community Affairs provides the clerical and advisory supports. That's my role as the Coordinator.

Also, the main deliverable that we provide to the legislature and also the Governor is a biennial plan. And the biennial plan is due August 1st of every even numbered year. So that means August 1st of 2012 is when our next plan is due.

The next page just provides you all with the names of all of the state agency representatives as well as the governor appointees.

So you may recognize some of your local representatives, such as Paula; Paula from Plano.

And so just to give a little bit of background on what the legislation directs the Council to do. The Council has five main duties. The first is to develop and implement policies to coordinate and increase state efforts to offer service-enriched housing.

The second is to identify barriers that are preventing or slowing service-enriched housing. Those would be financial barriers, administrative barriers,

regulatory barriers, or barriers that have to do with the coordination of multiple state agencies.

The next directive is to develop a system to cross-educate staff in state housing and health service agencies, so that there are staff in both fields that are conversant in both housing and health service issues.

The fourth is to identify opportunities for the state to provide technical assistance and training to local housing and health service entities. So to be able to say to our local partners who receive state funding, Here is some training, some education to be conversant in both housing and health services.

And finally, the last duty is to develop performance measures to track the progress of barrier elimination, coordination between housing and health services staff, and the provision of technical assistance.

So that is the main list of duties that the Council has.

So when we started in 2009, one of the first things that we had to do was to define service-enriched housing. This may be a new term to many people and so the first thing we did was to create that definition, which is in the slide on page 3. But I'll read it out.

"For the purpose of directing the work of the Housing and Health Services Coordination Council and its work products, including the biennial plan, Service-Enriched Housing is defined as integrated, affordable, and accessible housing that provides residents with the opportunity to receive on-site or off-site health-related and other services and supports that foster independence in living and decision-making for individuals with disabilities and persons who are elderly."

So that's where we started. We then had a 2010-2011 Biennial Plan

that was submitted to the Office of the Governor and the Legislative Budget Board in 2010.

And then in the last year and a half we've actually worked on the duties that I mentioned before, as well as other specific duties that Council staff has as well, and have come up with a 2012-2013 Biennial Plan, of which we have posted it as available on the Council's website, which is on the last page if anyone needs that website.

And we have also provided it on the Texas Register and provided some press releases about it and now we are out at a public forum. So we had our first public forum in Austin, our second in Corpus Christi, and now we're here in Plano for our third. And we're going to Lubbock next week for our final public forum on the Biennial Plan.

So the purpose of these forums is to gather that feedback on what the public thinks of the recommendations that are made in the Plan, and about the work of the Council moving forward.

So to give a quick background on the Biennial Plan and how it's structured. We broke up all our work into four main sections, to provide easy following to people who wanted to flip to recommendations, or who wanted to see the research and information gathering that's been done.

So Section 1 of the Plan addresses current state efforts for service-enriched housing in the State of Texas, and what activities have been undertaken in the last two years, since the Council provided their 2010-2011 Plan. So this includes the progress that's been made on those recommendations from the 2010-2011 Plan.

And it also discusses the impact that the 82nd Legislative Session had

on state agencies that are represented on the Council and also the impact that that session had on the funding sources and policies that support affordable housing and community-based services. So that's Section 1.

Section 2 then goes on to provide some research and information gathering efforts that have been undertaken by Council staff in order to inform the Council of methods for implementation of service-enriched housing. So we looked at, first, contextualized what the need is out there, that persons with disabilities, regardless of age, have in Texas for both affordable housing and community based services and supports.

And then other research-gathering efforts were to fulfill some of the statutory duties of the Council. So we provided a chapter that looks at what the existing capacity is for our local housing and health services providers. So we did a survey of, where we had an online survey, and about 350 organizations participated.

And we asked them questions about, what are the barriers and obstacles they see to being able to fund affordable housing, to be able to fund health related services and supports and to be able to connect to one another to ensure that there is an integration of both housing and health services in their community. So that's Chapter 4 of the Plan.

Chapter 4 analyzes a series of interviews that the Council did with, what we considered some best practice, service-enriched housing providers. So we interviewed nine different organizations, from different parts of the state, and asked them questions about how they finance the development and operation of their properties that specifically served very low-income persons that had disabilities.

And so that is Chapter 5, is looking at those interviews, which we

turned into basically our case studies about service-enriched housing financing and development.

Then, Chapter 6 of the Plan looks at what are the ongoing barriers to service-enriched housing that we've been told by the public are still barriers that they see today. So we did an online discussion forum in November of this past year, and asked, What do you still see as your continuing obstacles? And got feedback from the public through that online discussion forum and provided it in Chapter 6.

Then, Section 3 of the Biennial Plan is the Recommendations section. So there are two chapters that propose recommendations for overcoming the barriers that have been identified by the Council and to achieve the goals of increasing state efforts to offer service-enriched housing.

There's one chapter that looks at the housing related issues of funding and housing quality, and then there's a second chapter that looks at the service issues related to community-based services and supports funding and policies around community-based services and supports.

Finally, Section 4 of the Biennial Plan looks ahead to possible implementation of Council recommendations and provides what is currently going on within these state agencies to further the efforts of the Council. So right now there is a partnership between the Department of Aging and Disability Services, DADS, and the Department of Housing and Community Affairs, TDHCA, to create housing for low-income persons with disabilities.

There's a federal grant from the Centers for Medicaid and Medicare Services, CMS, that those two agencies partnered to receive, and are partnering again to try to receive a new grant, that we're currently applying for, from the Department of

Housing and Urban Development.

So that's where we are right now and those are the main sections of the Biennial Plan we have put forward to the public in draft form to receive their feedback.

And just the last slide in the handout is for additional information. If you wanted to go to the Council's website and see what we've been up to; to also provide written comment if you don't want to speak today but you'd like to provide some written comment on your thoughts about the Council's efforts and about the Biennial Plan, there's information on where you can mail it, fax it, email it. And we are accepting those written comments through Friday, June 22.

And so that's my presentation of the background of who we are and what we're doing right now.

And so I did want to then provide an opportunity for anyone to come up and speak. You don't have to have filled out a Witness Affirmation Form yet. If you've decided you want to come and say some words you can always just sign the Witness Affirmation Form afterwards. But we would like to accept your input.

I know that Robin had some testimony that she wanted to provide. So we can start with Robin and then if anyone else would like to speak we'd like to hear what you have to say.

MS. LEOGRANDE: I hope this microphone is working well up there. Good. Please excuse my back.

My name is Robin Leogrande, and I'm the President of Community for Permanent Supported Housing located in North Texas, and Council, once again, I would like to thank you for coming to Plano today and give us the opportunity to share our comments on the Plan that you have drafted.

We've come a long way in the last two years since the last legislative session. The families of children living with intellectual and developmental disabilities are beginning to engage in conversation about the needs of their children beyond the lifetimes of they, as parents.

Many community partners have helped parents have a voice. Among them are service providers such as Metro Care Services of Dallas, LifePath Systems of Collin County, school districts, primarily transition specialists, advocacy groups such as the Down Syndrome Guild of Dallas, the Texas Autism Treatment Center, the Fragile X Association, the ARC of Dallas, and the ARC of Denton.

There are many other organizations and individuals who are involved in helping parents, far too many to mention.

The parent's voices have brought you here today as a result of the Community for Permanent Supported Housing Survey, now at 950 families participating. Community for Permanent Supported Housing, the basis of our existence, is that all people should, at a minimum, live in clean, safe, enriched, low-cost permanent housing of their choice.

Our focus is adults living with disabilities, whether they are diagnosed, not diagnosed and regardless of IQ. My comments regarding the Plan are from that perspective.

Overall, the Plan is very thorough. It states the needs for enriched housing and funding very clearly. It provides best practices and challenges for residential service providers. The recommendations are necessary changes to the current services structure in Texas.

It is clear that the Council listened to all input and has incorporated

learning from previous years. Thank you for such a thorough draft.

The importance of an enriched life, a life that includes the services necessary to live away from the parent's home cannot be underestimated. Without these services, these adults have very little opportunity to be as independent as possible.

The state investment of 18 years of public education will be wasted as regression occurs. These adults will become homeless and cause our community obscene amounts of emergency funding. It is wise to be proactive in creating safe, clean, enriching, low-cost, permanent housing of their choice.

The importance of having a right to decide on what types of housing people want to live in, is both a legal and an ethical issue. A continuum of care is necessary to reflect all the options available to all people regardless of their disabilities.

In the preface of the Plan, it states the priorities, including the need to expand community-based housing options to persons who are elderly and persons with disability. For the purposes of this Plan, community-based housing options are considered to be non-institutional facilities, and to exclude licensed-care facilities such as assisted living. We would like to see all living options included.

In several areas of the Plan there are mentions of setting aside X percentage of units to populations with special needs housing, which includes persons with disabilities. We would like to see that there are no minimum limit to the number of people with very low income, and encourage all people who are not low income to live there as well, if they are so interested.

As our children have been raised in the community, they have

developed friendships with their peers, both disabled and non-disabled. These friendships are important to them. They should be able to live with or near their friends in the same living structure.

To put a percentage limit on the number of disabled people living in a structure is an insult. There are communities all around Texas that have high percentage of people with specific interests, whether it is race, religion, or hobby. People living with disabilities should not be limited to where they live.

As stated in the Plan, partnerships between local housing providers and local service providers to provide persons with disabilities decent living situations is fundamental to the success of enhanced living -- enriched living.

Making this a reality can be very complicated, time-consuming and costly. Our organization, Community for Permanent Supported Housing has been working on a collaboration model that brings this concept to the community in which it serves.

We would like to suggest that a pilot program up here, be available, and be supported to show how it can work.

In the Plan there is mention of supported housing for special needs populations as receiving particularly strong community opposition. It is the responsibilities of all citizens to follow the laws. If laws discriminate, they need to be changed.

Social issues are derived from behaviors, norms, social structures and policies that no longer apply. Changing the hearts and minds of people opposed to housing in their neighborhoods can be a long process handled with kid gloves.

I would like to suggest that people living with disabilities have been

in neighborhoods for years. This is not a new concept. Everyone should know the law and the laws should be followed.

This concludes my comments. Again, I would like to thank you for bringing this draft to the people of Texas and thank you for coming to Plano.

MS. SCHWEICKART: Thank you, Robin. Does any members of the Council have any questions for Robin and her testimony?

MS. MARGESON: I did have a question, but I needed to interrupt her when she said it, because now I'm not sure where it was.

When you were talking about the Plan in particular, I think it was the second point you made, after the assisted living.

MS. LEOGRANDE: Setting aside X percentage of units? Is that the one you were referring to?

MS. MARGESON: Perhaps.

MS. GREEN: The first point was just including all types of residential settings.

MS. MARGESON: Right. Right. Yeah.

MS. GREEN: And then the second, doing away with restrictions on percentage of units that are dedicated for persons with low income or persons with disabilities.

MS. MARGESON: And so your concern was that that percentage shouldn't be limited.

MS. LEOGRANDE: No. There should be no percentage.

MS. MARGESON: Ashley, does that tie back to requirements like that relate to tax incentive funding and things of that nature?

MS. SCHWEICKART: There are scoring criteria provided in certain housing financing for the set-aside of units for particular targeted populations.

MS. LEOGRANDE: So the point I was trying to communicate is that people should live where they want and the services should be available to the people if those services are needed. If I have 20 friends I want to live with and there's a percentage maximum of people with my disability in a particular location, I can't bring my 20 friends and we can't all live together. And that's not the way the normal society acts.

There are people with religious affiliations and racial affiliations and even hobbies that all live in the same neighborhood or in the same apartment complex. And it should be no different for people with developmental or intellectual disabilities.

MR. GOODWIN: I think we're talking about the Plan that we're submitting, we're going at it in the opposite direction, and that is, when developers do tax credit deals, they will check any box that has a point on it, to maximize points.

And as we found out this weekend, some will then start hysteria throughout the state to have the people with pitchforks and torches vote against projects in my neighborhood so that their projects get accepted. And there are others who will form their own little residents' associations with two friends and endorse projects.

Our purpose in putting percentages were minimum percentages that would garner points and therefore assure that there would be units for persons with disabilities in that housing and that the developer would be required to agree to, at a minimum, that percentage. And that would stay with the project, in this case, in

Texas, it would be 30 years.

They would be required to provide that. If we didn't put it in there then there would be no obligation on their part to seek out, I will say the service providers and the agencies in the project area and make sure that they were accommodating persons with disabilities.

We went from the opposite direction. Not, we're capping it at 5 percent. We're saying, You've got to do at least 5 percent. That's a minimum.

MS. LEOGRANDE: And I think that my interpretation of what I read was that, it's a maximum, and I think that people who are not embracing people with intellectual and developmental disabilities in their projects, housing projects, will believe that, they only need to house only 5 percent.

I think there needs to be some other wording that clarifies that it is a minimum of 5 percent and its is expected that anyone who comes and is qualified to live in a place, a residential option, should be able to live there.

I'm very concerned about caps. I'm very concerned about the impression that it makes that 5 percent is a maximum. Oh, I've done my deal: 5 percent. I don't have to deal with this issue any more.

MS. GREEN: I think Robin is speaking to a couple of policy issues. One is that the Texas Department of Health and Community Affairs has adopted a definition of integration, which refers to housing persons with disabilities located among housing for persons without disabilities, so there's that definitional issue.

And then, Ashley, I believe some of the federal grants do restrict the percentage of units to no more than 25 percent for persons with disabilities, and so --

MS. SCHWEICKART: That are restricted. That doesn't mean that

that's a cap. That means that you have to set aside that many, and that more persons can live there that have a disability but that, in terms -- there's no restriction. There's no maximum. There's no cap that exists, in terms of how many people, if they want to live together in the same property. It's just that in terms of, what the set-aside of units is, that there has to be a base set-aside, that that's the set-aside specifically.

MS. MARGESON: Well, and then also, too, I was concerned about your comments related to the friends of people with disabilities wanting to live in service-enriched housing. Did you get the impression that somehow that that wouldn't be allowed? Or possible?

MS. LEOGRANDE: I think that we are not giving enough credit to the people who want to make a living at this, being able to make a living at creating housing and managing housing. I think that all people coming together to work on increasing the housing situation for people with intellectual and developmental disabilities, the service providers as well as the people who are managing the housing, want to make it successful.

We need to assume they want to make it successful and we need to ensure that we are removing the barriers to making it successful, not assuming that they are going to have a difficult time at it. Just figuring out what needs to be removed, what obstacles need to be removed to make it happen.

The Plan is very, very focused on enriched housing. I 100 percent agree with that. I just want to make sure that there are no barriers to that and that builders don't have excuses not to follow it.

MS. GREEN: And Paula, another issue on the service side, is that the Medicaid waiver programs for folks with intellectual and developmental disabilities

home and community services, doesn't recognize residences with more than four people.

And certainly that option exists with the waivers for adults with physical disabilities, but the Centers for Medicare and Medicaid Services, as I understand it, considers qualified residences as being those that care for no more than four people.

So that gets in the way in terms of bringing services to folks with disabilities. There's a bit of a disconnect between the waivers.

MS. SCHWEICKART: Any other question or comments by the Council?

(No response.)

MS. SCHWEICKART: Okay. Great.

Thank you. Thank you, Robin.

Would anyone else like to come and give some public comments?

Thank you.

MR. MASCARI: My name's Marty Mascari. I guess I'm going to ask to what Robin had to say, and I think what Robin's referring to, is the new Section 811 vouchers. In that program I believe there's a limit to, anyone who gets that funding, to a maximum of 25 percent of the units for those vouchers, because they're focused on integration, where previously 811 was developing segregated housing, I guess you would put it.

And I think the concern is that, if they're going to put together housing, if they want to be able to go out for 811 vouchers, which is critical for the extremely low income population, and they don't want to be under the restrictions of

25 percent maximum, which is the integration program that they're doing, is my understanding.

The program is great. You guys did a great job.

MS. SCHWEICKART: Oh, thank you.

And in terms of the new Section 811 rules -- so the Frank Melville Act, which was the federal statute that created this new program, they do say that 25 percent of a property, a multifamily property, 25 percent of those units can receive an 811 rental subsidy for persons with disabilities. So if you have a 100-unit property, 25 units could have that rental subsidy for persons with disabilities.

But that does not restrict or disallow other persons with disabilities living in the other 75 units of that property. It's just that the rental subsidy that's part of 811 funding can only be for 25 units.

MR. MASCARI: It was my understanding in the conference call that they did that they were looking to properties that were integrated, and they were very much looking at a maximum of 25 percent. And I understand 25 percent, but geared towards 25 percent towards people with disabilities and we're looking at properties.

And that's a key issue, going forward, because that program is very much looking at tax credit housing as their partner in that program, and it really did sound as if they were gear to properties that maximize 25 percent of those units, and were really trying to push for integration.

And I think Robin's coming from the point of, they want to be able to still develop congregated housing if they can. If that's what the people that they are serving want.

And they're so many people at so many different levels that for some

people at some levels that's really the ideal environment for them.

MS. LEOGRANDE: Yes. I want to clarify. I'm all for integrated housing. I think it should be an option and I think that parents and their children know best how they will best function without them, without the parents. And if parents decide that they want to be a more communal, more supported, more hands-on services situation, that should be the right of the individual. The state, the federal government should not be telling those people, those families, where their children should, will do best. I understand that we, as a society, want everyone included in the world. I think that parents have the responsibility for making some very, very difficult decisions when they're no longer able to take care of their children. And that is where is the best place for their children to live?

Twenty-five percent. I'm not saying that a 100-person unit should be populated with only people with anything. I'm just saying that there should be choices. Everything should be a choice.

MR. DANENFELZER: May I ask a question actually, for either of the last speakers? It appears right now that the 811 requirement is really federal, and this Committee doesn't necessarily have a way of changing that. But is there a way that either at a state level that we could find a way to fill that gap.

So that if the federal rules continue to support a limit of 811 of 25 percent, what other ideas would you have to fill that other 75 percent of housing need, for people with disabilities within a given project?

MS. LEOGRANDE: Well, I think that would probably go to whether or not they have HDS funding, and whether or not there can be some sort of resources available to those individuals, where they can apply those financial resources to that

living situation.

And I go back, for example, to the ABLE Act. The ABLE Initiative at the federal level, where they're looking at a 529-type similar account, where up to \$500,000 can be set aside by parents for their children with intellectual and developmental disabilities.

That kind of funding can be used in a nonintegrated setting for people with intellectual or developmental disabilities, if they want to pay for that kind of service. Pay for living there without that voucher.

We are again, talking about very low income people. The majority of the people that we are looking at have \$700 a month to their name, through their SSI payment. We need to make sure that there's housing available at that level, for all the people who need it.

Their parents raised them in the community, have saved the government, the state of Texas, millions, billions of dollars by not institutionalizing these children at birth. And what we forgot about was that these parents pass away. And they weaken. And they get ill.

What is going to happen to these children when their parents can no longer take care of them. It's a social issue. And we need to address some of that social issue through the housing initiatives.

MR. DANENFELZER: Thank you.

MS. SCHWEICKART: Were there any other individuals that wanted to provide comment?

All right. Come on up.

MS. JONES: Good morning. My name is Barbara Jones. I have a 25

year-old who has autism. He's not on the HCS list, he's on CLASS. And I just want to know where he would fit into this. Would he still be eligible for this housing?

Because I noticed in your literature, it says 70-and-below IQ, and my son's at 75 IQ.

And children with autism need the same services and the same housing as these other guys do. I'm also a sister of a young -- my brother had Down syndrome, and he was in a group home. My parents looked and looked and finally, when he was 35, found a group home through Evergreen, and he lived there 10 years until he passed away.

Well, my son can't live on his own. We got onto CLASS because you know how it was back then. Everybody was scrambling, trying to find something. And back then that's when he got on. There were a couple of parents who got on to HCS because their kids were nonverbal and MHMR fudged their scores.

So now we've been on the HCS list for five years. We're coming down. We're 800 and something. I need a place for my son to go. I've got dementia. I need a place for my son to go.

You know, he ran away over the weekend. He disappeared. We had to call the McKinney police. We finally found him. My son needs a place to go, too, where he's safe.

There are a lot of children with autism who also need a place to live. They might not necessarily have a 75 IQ, especially those who speak, but they also need a safe place to live, too. So I don't think it's fair to put the 70-and-below stipulation for IQ on there.

MS. SCHWEICKART: Just to clarify, the Housing and Health Services Coordination Council does not have any stipulations as to IQ.

MS. JONES: Okay. Good. I saw that on there, and I was kind of worried about it, because he needs a place to live, too.

(Pause.)

MS. SCHWEICKART: Does the Council have any questions?

MS. GREEN: Well, I think Ms. Jones speaks to some important points as well in terms of barriers on the service side, some policy barriers, and that is, the CLASS program offers a number of support services, but it doesn't provide any kind of residential option. It does not pay for group homes, or assisted living, or adult foster care facilities.

And I think there are a lot of folks like your son who are falling through the cracks, where they have conditions, but don't neatly fall into any of the waivers.

And the waivers are separated by age, by diagnosis, by IQ.

And so I think that's one of the reasons why we need to advocate for a Medicaid waiver that is based on functional need, rather than age, or diagnosis.

Because there are a lot of people who have both physical disabilities and mental disabilities, and the waivers, the Star Plus Community-based Alternatives, really does a good job of targeting people with physical disabilities, but really doesn't have any services to offer those who may have autism, or dementia, or traumatic brain injury.

So I think we need to chip away at those barriers as we can, and really look at what the person needs rather than age, or diagnosis.

MS. JONES: Well, he had a 105 IQ when he was diagnosed -- well, when he first got into CLASS, and now it's down to 75, before he graduated from high school, so it's changed a lot from when he was younger. And he needs -- yes, and he's

on their list, but you know how the lists are now.

And I just worry about, like all these other, if their parents are here, what do we do some day when we're not here? So thank you for your time.

MS. SCHWEICKART: Thank you.

Are there any other individuals? Oh, yes. Come up.

MS. THARP: Hello. I'm Gaylen Tharp and I am a parent, in the same situation as the last lady's in. I have a 20-year-old with autism, with an 85 IQ, who has extensive needs and may be able to partially live on his own with some supports, but will need some sort of support.

He is also on the CLASS program. I have been doing volunteer research for CPSH and through that, learned that with the CLASS program, if he were to move into a home, again, if he were to rent, with more than two other disabled people, he would lose his CLASS services.

So at this point, he's at the point where maybe with his CLASS services he could live at least partially on his own, but, being able to afford a home to rent with friends, you can't afford a home in this area on SSI.

Now he can possibly earn an income. We're keeping our fingers crossed. We're hoping for that, but I'm working with CPSH for people that may not be able to but yet possibly could live with less supports, but they'll lose their CLASS services if they move into a place that they can afford.

I have a question. I saw that the Consolidated Waiver Program has been discontinued. Do you guys know why?

MS. SCHWEICKART: I can bring that back to our representative from the Health and Human Services Commission, and provide that as public

comment that he can provide an answer to you.

MS. THARP: Okay. Because I've got to tell you, when I saw it on the website just a couple of weeks ago actually, still on the website, I was really excited. I thought that this was a really good move. Like you said, looking at functional needs versus IQ needs or specific disability, but actually looking at what is needed.

I'd like to see the Consolidated Waiver Program continued, and expanded to other counties. That, I think, is our greatest chance of being able to thoroughly address the specific needs of the individual. So you don't take a person like my son, and put him in an institution or an institutionalized setting that he might not need, that costs us a lot more money. You allow him to live in a place with other people, maybe right around his need level, that just need some supports. That would be less expensive for the state.

Now I have one other comment on the Report, besides just saying that you guys did a fabulous job. I'm really impressed with how thorough everything is. I did notice that there was a lot of emphasis on lack of information and the need to be clearer on information for those in institutional settings.

It seemed to assume that people in the community, that the benefit counselors are fully clear in giving them information. I think that's not correct. It's very difficult, in the community, to get information about housing, to get information about waiver programs. There's a lot of confusion. So I would urge you to take the parts in the Report that assume that the people in the community are being served properly as far as getting information out, and just expand the clearinghouse and ways of providing information better to everyone.

MR. GOODWIN: Ashley, would you address the 1-1 initiative that we're working on?

MS. SCHWEICKART: Sure. So Chapter 9 of the Plan, and you may have been referencing this, so Chapter 9 of the Plan looks at the partnership between the Department of Aging and Disabilities Services and the Department of Housing, and the grant that we received from the federal government.

So one of the projects that's being undertaken with that funding, is to provide a clearinghouse of information for persons with disabilities that are looking for community-based housing or community-based services and support.

And so we're trying not to limit, in the creation of that clearinghouse, we're trying not to limit it in terms of our targeted population, only to persons looking to leave institutions. The clearinghouse, as we're creating it, is supposed to be available to anyone who wants that information, who's seeking information.

It's going to be an online database, and we're partnering with the Texas Information and Referral Network, which is 211; many people may have heard of 211. So that's the way we're going is to say, anybody, whether they are trying to exit an institution or whether they're currently living in any community-based housing, whether it be with a parent, a friend.

Or if they're currently living in a setting where they'd just maybe prefer a different type of setting, in the continuum of options of housing that they can access this clearinghouse. So that's what we intend to make it available to everyone.

MS. THARP: Okay. I guess my point is specifically, it says, Traditionally benefit counselors have worked with persons already living in community-based settings. And they may be working with some people, but I have

actively, over the last two years, worked to find information about housing, and it is difficult. I graduated from college with honors and I'm having a lot of difficulty locating information about what's available in our community, and understanding the rules behind it.

And even the thing that Robin said about the three and four people living in group homes, it took me a long time to find the state citation that that is true. A lot of it we hear word-from-mouth but we don't know if it's definitely a law.

So I just want to emphasize that there's several places in this report that give the impression to lawmakers that the community knows what's going on and it's very clear, and benefit counselors work with them. And there may be some people that get that, but other people, like people in the CLASS program, people that are on the waiting list, people that are not in the programs, they don't know where to begin.

So I want to emphasize that that would be very helpful to make sure that they are able to access that information as well.

MS. SCHWEICKART: Thank you.

Are there any other questions by the Council?

(No response.)

MS. SCHWEICKART: Okay. Thank you so much.

MS. LEOGRANDE: I wanted to follow up on something that Gaylen said. The flow of information has been through, from my perspective, has been through the government agencies and the service providers that are licensed by those agencies. It's a new generation and now the parents are reading the laws.

So now what we have to do is we need to start thinking about how are we going to communicate this information to everyone, particularly the parents who

are advocating for their children. Because even as we have moved forward with this project, from my perspective, this is the first time that parents have really mobilized to address these issues in housing up here.

So what that means is all the information that the government has, and the agencies have and the service providers have are now being read by the people who are actually supposed to be using these rules and laws and regulations. That means there's another type of eyeball looking at this information, and the information needs to be understood by the people who are actually going to be using it. Not just the people who are communicating that information to them.

So it's a different audience, if you will, of all of this information that has typically been in just a few organizations. Now we're talking about hundreds of thousands of new eyeballs looking at this information. It has to be available. It has to be understood and it has to be open to scrutiny as your Plan is.

MS. SCHWEICKART: Thank you.

MS. HILL: My name is Vickie Hill. I'm with nonPareil.Institute here in Plano. We work with adults with autism and I'd like to follow on with something Robin just said. I think she made a very good point that sometimes you have different people who are looking at your resources.

And one of the things I was thinking earlier as we were talking, was, we're talking an example of a hundred-unit facility where you might have 25 set aside for those with special needs. Well, that means somebody's having to develop 75 without special needs. So the developer who's going to be interested in doing that is really going to be focused on the 100 units, the 75, that's the majority of it.

But we also have organizations coming, often from parent's side, or

from advocate's side, who would like to develop housing for those with special needs.

So we're looking at one group over here who wants to develop regular housing, but, yes, we'll put the set-aside in just to make people happy and to be able to get some

funding. We have another group over here who would really like to create something for that special needs population, but all of a sudden when they're focused on, what you've got, this 25 percent, you're basically forcing them to go create the other 75 percent, just to be able to get their little 25 percent.

And you might want to think about, how can you -- I know this legislature is very interested. What can we do differently? And it might be an appropriate place to start looking at pilot projects for this particular population. What could be done differently?

Instead of coming at it, everything, from the mind-set of, We're going to do everything like we always have for the 75 percent, and we're going to have a tag-on for the others.

Along that same line, I would also mention the ICFMR Program. I know someone recently who set up a very nice ICFMR home, but to do it, they had to buy a license from someone who was already licensed, because nobody new could get into the field.

Those licenses change hands for a quarter of a million dollars. What does that tell you? That tells you that the market is out there. That people need that kind of housing, but they can't get to it because of the restrictions that are being put on it.

So there are many of us who would like to be able to create housing. We're just looking for some sort of an inroad to come up with ways that new people

can get into the field, people who may not have been in it 10, 15, 20 years ago.

And especially when you look at the changes in the special need population over time. Where 30 years ago, autism was 1 in 10,000 and it's 1 in 88 today. So we're looking at something that's a little different, historically.

Thank you.

MS. SCHWEICKART: Thank you. Do any of the Council members have any questions?

(No response.)

MS. SCHWEICKART: Thank you, Vickie.

Is there anyone else who'd like to provide public testimony?

Okay. Great. Thank you.

MS. NIEMOTKA: Hi. My name is Irene Niemotka. I am with CPSH, but I want to talk to you as a parent. I read the brochures, the full Report, and your recommendations are excellent and I thank you for all your work.

What I'd like to know as a parent is, is there anything that we can do as parents to support what you have written, and to help? Because the session in 2013, we'd like to see changes. Is there anything we can do to push them through?

MS. GREEN: I think one thing that you can do if you're concerned about some of the restrictions within the Medicaid Waiver Programs is, the Center for Medicare and Medicaid Services is accepting public comment on rules on home and community-based services.

And they're looking at these very issues. What constitutes a qualifies residence? And, they're going to be talking about different settings and which services can be provided, persons that are planning, requirements for providers who may be

interested in participating in the programs.

The comments are being accepted until July 2 of 2012 and you can submit comments, a mailbox that they've established, regulations.gov. Or comments can also be sent via mail. But I think that's a great way of, if you're concerned about some of the restrictions within the Medicaid waivers.

MS. NIEMOTKA: Thank you very much.

MS. SCHWEICKART: I would also just add that with our Plan, you know we provide it to the public, once it's in its final form, we provide it on our website. It's also provided to the Office of the Governor and to the Legislative Budget Board. But we also tell those who are interested in, if it happens to show a particular recommendation within the Plan that they are interested in, that they can always talk to their local state representative, or state senator, about that particular recommendation.

Because state agencies, by law, are not in a lobbying role, or an advocating role. But obviously, organizations such as the one you're a part of, are in that role, and can talk to your local state representative or state senator about, if you saw a recommendation or an idea that you wanted to promote that happened also to be in the Plan, to bring that forward.

MS. GREEN: We're not a lobbying group, but as parents, we have the right to give our opinion.

Thank you so much.

MS. NIEMOTKA: Another idea on the service side. I know that the Texas Department of Aging and Disability Services has created a pilot, unfortunately it's not available in the Dallas-Fort Worth area, but through the waiver program for older persons with disabilities they've created a Nursing Facility Diversion Program,

and they've made a certain number of slots available to those people who are at imminent risk of institutionalization.

And typically, folks are at risk because their caregiver has gotten sick or died. I'd be really nice, I think, if we could see some kind of diversion slots established for the other waivers as well, because if you need to go in for surgery, if you're 864th on a waiting list, that doesn't give you the help when you need it.

MS. SCHWEICKART: Are there any other individuals who'd like to come up.

Go ahead.

MS. HUBANKS: Hi. I'm Leann Hubanks. I'm the President of Plano Community Homes.

Congratulations, Doni.

MS. GREEN: Thank you.

MS. HUBANKS: My organization has been in Plano since 1983. We have four campuses. We have three here in Plano and one is in Denton, and we provide affordable housing for seniors on a very limited income.

So we have about 500 residents, and the way it works, about 75 to 80 percent of our residents' incomes fall at the 30 percent of median income and below. All of them would fall below the 50 percent, but the majority fall lower than that. So that kind of gives you an idea of who we serve.

But the thing I want to make a point of is, many of these residents are also disabled. And a lot of the very eloquent speakers that you've had, are dealing with children who are 20, 30, 35. Well, we're going to get them when they're 60, 75, 80. You know those disabilities don't go away.

And so they're going to be coming to us and they're going to be on SSI. Our goal has always been to keep those individuals in the facility, which is their home. I mean this is an apartment. It's an apartment with service enrichment, service-enriched housing, we have a service coordinator. Our role is to bring the services to them so that they can stay in their home as long as possible.

We've already talked about the fact that the waivers are really hard to get. An option for assisted living is very, very difficult, so their next option is going to be a nursing home. And they don't want to go to the nursing home. So we're going to bring services in for as long as possible, to keep them out of the nursing home, until it becomes either unsafe for them or unsafe for somebody else.

But many of the disabilities are mental health disabilities. So at times, it does become unsafe for them, or unsafe for somebody else. So we may have to work on that.

The information that you've got on pages 82 to 84 is very enlightening and I really want to make sure that you guys are thinking along that line. That is really spot on.

They're overbuilt and they don't serve the right population. That somebody really needs to be looking at the tax credits and saying, Okay. You need to put either rental subsidies with that or you need to be saying, so much of it has to be designated for 30 percent of median income and below.

So somehow, somebody needs to make some changes into that system. Plano doesn't score very high so they don't work very well. It's overbuilt. There's too many around here. They sit empty.

Our residents can't afford to go there, so we end up with a waiting list.

And we do the best we can.

So I just want to remind you there's a silver tsunami coming and we're all out there doing the best we can. But we also deal with the disabilities. We deal with all of that, so we do the best we can with service-enriched housing.

And I know we've worked with some of the folks here and we appreciate everything you've ever done for us and we'll continue to do that, but we deal with both the seniors and the disabled and don't just get seniors with this. Thank you.

MS. SCHWEICKART: Thank you.

Are there any questions or comments for the Council?

(No response.)

MS. SCHWEICKART: Thank you very much.

MS. HILL: Good morning. My name is Margaret Hill, Housing Navigator with United Way's Area Agency on Aging in Tarrant County.

I had a quick question, maybe in recommendations, in the direction of funding and partners. I'm currently working with a couple in Tarrant County who's interested in expanding affordable housing for older adults who are on that extremely low income, and I was trying to get some recommendations from you guys, in regards to who --

We were probably going to look for Section 811 vouchers or some funding in that area. But any other recommendations for funding sources or partners who'd be interested in developing such housing? So, do you guys have any recommendations for the direction of our project, or funding sources or partners who'd be interested in doing such a project?

MS. SCHWEICKART: Can I just ask a couple questions so I

understand?

MS. HILL: Yes, ma'am.

MS. SCHWEICKART: Is it a multifamily residence? How many units are there?

MS. HILL: Well, yes, ma'am, I believe so. We're actually having a meeting this week and we're in the early stages of getting our ideas on what they want to do, but they had mentioned multifamily design. Their main vision is to develop affordable housing for the extremely low income, for the elderly, low income. That is their main, main focus. That's what they want to do, is develop for that type of population, the elderly who are on that extremely low, low income.

But that's right now, I believe, where they're starting.

MS. SCHWEICKART: Okay. There are resources on the Texas Department of Housing and Community Affairs website.

MS. HILL: Okay.

MS. SCHWEICKART: And also I'll give you my information so that we can talk further about what programs we offer. And also the U.S. Department of Housing and Urban Development. They offer a small number of programs that are direct-to-developer type of assistance. Because a lot of their programs are entitlement funding programs, they go through city or county governments, but there are some direct assistance programs that you can look at and I can provide you where to find those.

MS. HILL: That would be great. We're not sure where to start with developers. I'm trying to find a non-profit in Tarrant County or any developers in Tarrant County that would have the same interest in developing that type of housing

for the elderly who are in that low, low income like you guys talked about earlier, probably. The SSI income range.

So like I said, we're in the early stages, but I was going to research Section 811 funding, possibly, for the project, and then beyond that, I'm not really sure what would be the best way to go in the direction of funding or partners.

MS. SCHWEICKART: Sure. To provide a clarification. The target population is an elderly population. You're looking at over the age of 60.

MS. HILL: Yes, ma'am

MS. SCHWEICKART: The Section 811 Program, the federal regulation states that it's a non-elderly funding source, so it can't be used for persons over, I think, 62.

MS. HILL: Okay.

MS. SCHWEICKART: However there is a Section 202 Program and that is specifically for elderly individuals that are on low incomes, so that's a thing to look into.

MS. HILL: Okay.

MS. SCHWEICKART: But we can talk afterwards and I can certainly try to find resources for you.

MS. HILL: Okay. Thank you.

MS. MARGESON: I was going to say, too, one of the easiest ways to do that, if you're starting from scratch, is to find a co-sponsor that's done a lot of 202 projects and see if they'll come alongside you, something like Community Housing Corporation.

MS. HILL: Okay.

MS. MARGESON: There are entities out there that have done a lot of that.

MS. SCHWEICKART: Or consulted on that. Diana McIver and Associates, DMA, it's a provider of consulting work as well as development work. But they've done consulting on several 202 projects around the state.

MS. HILL: And what was the name of that?

MS. SCHWEICKART: Diana McIver and Associates, DMA.

MS. HILL: Okay.

MS. MARGESON: And sometimes people will co-sponsor with you because they want to manage the property afterwards, and so they'll come to the table with some assets, so you may not just be in it all by yourself.

MS. HILL: Yes, ma'am. That's why a partner or sponsor, and so, the co-sponsors we should be looking for, in that sense, the co-sponsors would be interested in co-sponsoring this project.

Any direction, any resources would be extremely appreciated, so, thank you so much.

MS. SCHWEICKART: Thank you.

All right. Come on down.

MS. PEARSON: Good morning. My name is Ja'net Pearson and I'm the Executive Director of Lighthouse Senior Services Network.

I just wanted to tag on a little bit with, I'm sorry, I didn't get your name. The lady from Plano Community Homes. As it pertains to elderly housing and this tax credit talk.

I coordinated services and managed apartment communities for over

20 years, and sadly, the whole tax credit thing just does not typically seem to be working for seniors in the community.

I make house calls. I'm in seniors' living rooms all the time, and what's happening with that over populated tax credit population is that seniors are moving in with the hope of being able to receive Section 8. And because there are so many tax credit properties, sadly, property management companies and property managers are doing things to get people to lease apartments.

A senior whose income is about \$700 a month, yes, can still lease on what they call the regular rent side, which the rent may be 600-and-something dollars, so that senior is living there on a fixed income with the hope of getting some kind of subsidy which never comes. And so if the remedy for affordable housing is tax credits, then I just don't believe that that's going to work out long term for people who are really on a limited income.

If you took a survey of seniors, particularly, my focus is Dallas County, you would find that the majority of the seniors that are living in tax credit properties, although there are all kinds of guidelines, I understand how it works, there's all kinds of documentation and paperwork and everything that goes into it. And that paperwork will be in the file but that senior will be living out of their means.

Documentation is fudged to get people to lease because there's so many units available, so seniors are struggling in these tax credit properties. Financially, once the rent is paid, now they can't buy their medicines, they can't get food. And because of that, now they're being taken advantage of by other entities, so then you get all kinds of people that want to come and help them. Home Health Care companies say, Oh, we'll buy your groceries if you sign up for our services.

And so one thing is affecting another thing, which is affecting the big picture, which is services, yes. Seniors definitely need the services, but really they need true affordable housing that is strictly based on their income. And so when I hear tax credit and seniors, those two things for low income seniors, to me just don't go well together. And the senior does not benefit if they are not receiving some kind of subsidy.

And Dallas -- well, the state of Texas, the United States, doesn't have enough units for low income seniors. That's a part of why you are here. But is there another format for developing properties that you see in the future that would be more 202 garnered, as opposed to just tax credits? Because I didn't hear any of that. Is there any, just real low income, based on income, housing that's coming down the pike that we don't hear about?

MS. SCHWEICKART: I guess I could say that from what we, at the state level, are told by our federal partners, is that almost across the board, our funding sources are being cut, so even those programs that are currently in existence, such as the Home Partnerships Program, are receiving funding cuts. We do not see any new funding sources, or new programs coming online on this time, at least from the federal government.

And the Texas Department of Housing is primarily federally funded, so, unfortunately, at a time, as you stated, there is such a increased need for low income housing, we don't have a new funding source or a new source, other than those federal agencies that provide the financing for housing development and rental assistance --

MS. PEARSON: Okay.

MS. SCHWEICKART: -- at this time.

MS. PEARSON: Okay. That's all. Thank you.

MR. GOODWIN: Let me add something, and I'll say this in defense of TDHCA. The tax credit program is controlled by the IRS, and it runs on federal definitions. And under the federal definition, low income is 80 percent of the median area income. Under the tax credit rules, that is lowered, generally as a norm, to 60 percent of the median area income.

And you just described a population whose income is below 30 percent of the median area income. The hook of the tax credit is that it is not -- tax credits from TDHC are not dollars that they hand out. It is an allocation of funding based on the population of Texans, and what it does is it allows an investor to buy a dollar's worth of tax credit, which can be deducted from their other income from their business sources.

So when they buy that dollar, and we'll say they buy it for 90 cents, they have a 10 percent return on their money. And if you want to go to a bank and find out how many of them will invest for a return of only 10 percent, the answer is not very many.

But those restrictions are at the 60 percent level. In order to get the rents down, there has to be some sort of other subsidy layering in there, and that's where the vouchers come in, and that's where --. I'm enthused about the 811 Voucher Program because, in a prior life, I did 811 as congregate housing, where we built 22-unit properties in various communities. And that's not a lot of units.

With the new program, the hope is we will be able to produce more units for fewer dollars over a wider area than we've ever been able to do before in the

811 process.

But on the housing provider side, there is still one truth. The expense of running that housing is not less than any other housing out there. It's the same as the luxury housing. You're paying as much for faucets and kilowatts of electricity as anybody else. And you get no discounts there.

And so the only break you have is that value of the tax credit allows you to bring the rents down some. But if they don't generate the income, they don't pay their bills. They don't pay their bills, they don't pay their mortgage and they get foreclosed on and the housing goes away.

So it's a tough nut to crack and at our last meeting, the day before our last meeting, for example, it was just announced that the Budget Board informed TDHCA that not only are you not going to get more money to operate with next year, you probably ought to start looking at a 10 percent cut.

Now that's not tax credit dollars, but that's the dollars they have to provide the wherewithal to produce the tax credit. So it's not a bright picture.

On the other side, from my standpoint the housing for persons with disabilities is brighter from a federal standpoint for Texas. Number one, because, due to a great deal of Ashley's work, they got this planning grant. And now that the NOFA's out, say, now we're going to distribute dollars, they are the most prepared, or one of the five most prepared states in the country to get those dollars.

And those dollars -- if I were doing the old housing and I had a million dollars, I might could develop two or three projects, because I'm paying for sticks and bricks. And I've also got to put some subsidy in there.

Under the new one, the sticks and bricks have gone away, and so all of

that money is going to go into vouchers for housing, so we should get more vouchers statewide. We should get more units statewide under the state-administered program than we did under the federal administered program. That's the bright spot.

And sadly, ma'am, we're not going to come buy your housing, we, meaning the state of Texas. The dollars just aren't there. And hopefully, you will have a developer up here that will successfully compete with TDHCA, and get a number of those vouchers that you can use.

But when you start spreading the dollars out, they get very thin, and as you all have heard here, the need is very great. I wish there were a better answer, but I don't think there is. And in the end we'll do the best, we, meaning the state, not this Council, the state will do the best they can with the dollars they have and get as many people included as they can.

I think one of the brightest spots is the Clearinghouse. Hopefully, the information about service-enriched housing will be more available and more understandable than it ever has been. And I think that DADS Resource Center, because there's a pilot program that they're working with housing counselors that are regionalizing that are bringing that information that was not there before.

They're some bright spots. It's just not -- the big sun is there forever. We're getting some patches in the clouds now.

MS. PEARSON: Okay. Thank you very much.

MS. SCHWEICKART: Thank you.

Do we have any other individuals that would like to provide a comment or testimony to the Council?

(No response.)

MS. SCHWEICKART: Any other comment by any of our Council members today?

MR. GOODWIN: I've gotten in enough trouble.

(Laughter.)

MS. SCHWEICKART: Well, I think that concludes our meeting. Thank you everyone, so much for coming and providing your feedback.

As I said before, you can also provide written testimony to us. That last page of the handout provides the website and where to provide feedback. Thank you so much for coming.

(Whereupon, at 11:30 a.m., the meeting concluded.)

CERTIFICATE

IN RE: Public Forum

LOCATION: Plano, Texas

DATE: June 11, 2012

I do hereby certify that the foregoing pages, numbers 1 through 44, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Barbara Wall before the Texas Department of Housing and Community Affairs.

06/18/2012
(Transcriber) (Date)

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