

# Center for Disability Rights, Inc.

February 17, 2017

## **Re: Written Testimony to the Joint Budget Committee on Housing**

Thank you to the Joint Committee for this opportunity to comment on the 2017-2018 Executive Budget. My name is Gregg Beratan and I am a Policy Analyst at the Center for Disability Rights. The Center for Disability Rights (CDR) is a disability led, not-for-profit organization headquartered in Rochester, New York. CDR advocates for the full integration, independence, and civil rights of people with disabilities. CDR provides services to people with disabilities and seniors within the framework of an Independent Living Model, which promotes independence of people with all types of disabilities, enabling choice in living setting, full access to the community, and control of their life. CDR works for national, state, and local systemic change to advance the rights of people with disabilities by supporting direct action, coalition building, community organizing, policy analysis, litigation, training for advocates, and community education.

### **The Need for Accessible Affordable Integrated Housing is Beyond Urgent**

New York State is currently in the midst of a crisis level shortage of accessible, affordable integrated housing. This shortage is keeping disabled people from realizing their constitutionally guaranteed right to live in the community. The budget contains a number of items labeled 'affordable housing' but a close reading reveals them to be more of a boon to housing developers than disabled people in need of affordable accessible integrated housing. Millions in tax abatements or credits for developers to create housing that is too expensive for anyone trying to get by on public assistance and requires no guarantees that all or even a percentage of it will be accessible is not what Disabled New Yorkers need. Two examples of projects in locations where there is a need but the projects fall short are:

#### **"Affordable New York" Housing Program**

The Center for Disability Rights would love to support an "Affordable New York" housing program which included accessible, affordable, integrated housing.<sup>1</sup> The Governors proposed tax abatements and incentives may create affordable housing for some New Yorkers, but nothing in his proposal ensures that the housing is affordable or accessible to disabled New Yorkers. It is

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<sup>1</sup> ELFA Article VII – Part 5 pp.331-363.

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precisely this neglect of accessibility that has led to the current crisis-level shortage of affordable, accessible, integrated housing in New York. Unless the State clearly requires accessibility in affordable housing, our community will continue to be ignored and discriminated against.

### ***Mitchell-Lama Portfolio***

This 41 million dollar middle income housing project<sup>2</sup> cannot be a priority while there *is* an ongoing crisis level shortage of affordable housing stock. That crisis becomes even more acute when we focus on the availability of affordable accessible housing. The lack of affordable accessible housing is direct result of state neglect, and this cannot continue. This is not a problem the state is unaware of; New York State and many disability organizations have issued reports detailing the problem. It forces many disabled people to choose between life on the streets or life in an institution. The State must develop real affordable integrated housing solutions that consider the needs of disabled New Yorkers struggling to get by on limited public assistance incomes.

### **Safeguard Olmstead Rights**

Access to affordable, accessible, and integrated housing is a key part of Olmstead implementation and the integration of disabled New Yorkers in mainstream society. In November CDR called on the Governor to expand the Olmstead Housing Subsidy to a permanent funding stream, to ensure that Federal funding is also dedicated to Olmstead implementation, to prioritize public housing for people transitioning out of institutions and nursing facilities, and to create more accessible housing targeted to people with extremely low incomes. We also called for the Governor to restore funding for Access to Home to \$5 million. He did neither. The Legislature must act where the governor has failed to.

### **Create a Tax Credit for Visitability Modifications**

In 2016, for the second year in a row, the Legislature passed a bill creating a tax credit for visitability of housing. The Governor vetoed that tax credit, again. As he did so, he again said that he supports a visitability tax credit, but that this tax credit should be part of the budget process. Despite his apparent belief that this tax credit should be handled in the budget, he failed to propose the visitability tax credit in the budget this year.

CDR is deeply disappointed at the Governor's disregard for visitability. The shortage of accessible housing in New York, has had a terrible impact on the ability of disabled and older individuals to live in the community. This tax credit would help increase the accessible housing stock and enabled disabled people to be more fully involved in our communities. CDR calls on the Legislature to correct the Governor's failure by including the Universal Visitability Tax Credit in the 2017 budget.

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<sup>2</sup> ELFA Article VII – Part R p. 325.

## **Conclusion**

The housing options in this budget show a Governor with little regard or priority for disabled people's right to live in the community. The *Olmstead* ruling set forth a legal principle that is neither aspirational or optional. Disabled people have a right to live in the community, and the State must do more to ensure that right! It is over a quarter century after the ADA, and nearly twenty years after the *Olmstead* decision, but the lack of accessible, affordable, integrated housing continues to deprive disabled New Yorkers of our rights. We call upon this committee and the Legislature to address this issue so that all New Yorkers can live in freedom.

Thank You!

A handwritten signature in cursive script that reads "Gregg D. Beratan". The signature is written in dark ink and is positioned above the typed name and title.

**Dr. Gregg Beratan**  
**Policy Analyst**  
**The Center for Disability Rights**