

Ohio's Plan to Increase Independent Living Options for People with Developmental Disabilities

Executive Summary

The Ohio Department of Developmental Disabilities (DODD) mission is to improve the quality of life for people with developmental disabilities and their families. Participation in community life is a key component to quality and independent living is one expression of how people achieve a quality of life.

DODD recognizes the full continuum of living options for people with developmental disabilities, including service models such as shared living, licensed and certified homes with waiver services, and intermediate care facilities. This plan concentrates on independent living options, defined as settings that are of the person's choice, integrated, and embedded into the community, where services are uncoupled from housing and housing is covered by a lease agreement that comports with Ohio Landlord-Tenant Laws.

This plan ties into DODD's Comprehensive Strategic Plan. It was devised with the understanding that DODD's current housing programs are insufficient to address the full need for independent living in Ohio. The six overarching goals and underlying strategies outlined in this plan are designed to address these gaps.

DODD recently convened an advisory committee that reviewed and commented on this plan. The advisory committee reflects DODD's diverse stakeholders and includes people who receive services, county boards, non-profit housing corporations, state agency partners, advocates, parents, providers, and other collaborators. The advisory committee will have a continued role that includes assisting the department with prioritizing the goals and strategies included in this plan.

This plan was devised in consideration of currently available resources, programs, and initiatives. It will serve as a "roadmap" for DODD to consider approaches to improve access to independent living. DODD will periodically review and update this document as described in Goal 6 to ensure all goals and strategies embodied in this document remain relevant and achievable.

DODD is aware that this plan is ambitious and that it is being introduced at a time with unprecedented challenges, including a global pandemic and a shortage of direct support professionals. Despite these challenges, DODD is confident that it can and will increase independent living options for the people receiving services.

This document details DODD's plan to increase independent living options for people with developmental disabilities.

I. Introduction

DODD recognizes housing as a strong social determinant of health and health outcomes. Although DODD supports an array of housing options for people with developmental disabilities, the primary focus of this plan is on independent, integrated housing options, that are covered by a lease, in settings that are chosen, and where there is a clear separation between the delivery of services and the housing. This plan also focuses on settings that are consistent with the Centers for Medicare and Medicaid's (CMS) Home and Community-Based Settings Rule. While living with one's family, in one's own home, or a Shared Living arrangement, are all recognized as inclusive options, they are not specifically addressed in this plan.

This plan seeks to improve housing opportunities for people with developmental disabilities by ensuring their inclusion in the community. DODD will accomplish this by increasing options, removing barriers, leveraging opportunities, communication, education, and technology.

Background

People with developmental disabilities want what all people desire, to have full access to their community and to be included in all aspects of society. Ohio housing policy and programs align with this value. Ohio's participation in federal programs such as the Balancing Incentive Program, Money Follows the Person, and Section 811 Project Rental Assistance, demonstrates the state's commitment to these ideals. These principles are also clearly reflected in state housing initiatives, such as the Ohio Department of Medicaid's Subsidy Demonstration Program, a program devoted to accessible and affordable housing. Ohio's commitment to inclusivity is underscored by Governor DeWine's signing of Executive Order 2019-03D in January 2019 which made Ohio a "disability inclusion" state focused on equitable and inclusive access for Ohioans with disabilities. DODD interprets exercising one's right to live independently in the community as an important expression of inclusion.

DODD has a long history of creating programs that serve persons with developmental disabilities in community-based housing settings. Since 1992, DODD has administered the Community Capital Assistance (CCA) Program, which has provided capital funds to county boards and their non-profit housing corporations to build or renovate housing. CCA creates integrated and accessible housing throughout the state. As of June 30, 2020, 3307 projects have been completed in 86 counties. Of these projects, 1507 consisted of purchases and 1800 consisted of renovations.

In 2016, DODD launched the Rental Assistance Program (RAP), a rental assistance program for extremely low-income (ELI) people moving from institutional to community settings. RAP fills a gap in the current continuum of housing programs by offering immediate assistance to qualifying people without access to a mainstream housing subsidy, such as a Housing Choice Voucher or a county board-issued subsidy. RAP subsidizes fair market rents until the person can either afford their rent or obtain a permanent subsidy. While the number of people assisted by RAP fluctuates, a total of 333 people were assisted in FY 2020. As of June 30, 2020, 43 counties were utilizing RAP and 311 people were enrolled in the program.

DODD recognizes that the above resources alone are inadequate to address the state's collective need related to affordable independent living. The goals and strategies outlined in this plan are designed to address gaps and to build upon the terms outlined in the 2020 Ball v. DeWine Settlement Agreement.

II. Demographic Profile

Ohioans with Developmental Disabilities and Income Limitations

Understanding the challenges around obtaining independent living requires DODD to look at the links between poverty and housing. Data from the Social Security Administration's Office of Retirement and Disability Policy shows that in 2018, 308,349 people Ohioans were receiving Supplemental Security Income (SSI); of those 16,641 were aged and 291,708 were blind and had a disability. The 2021 federal maximum benefit for Ohioans who receive SSI is \$794. Ohio does not currently provide a state supplement to recipients of SSI.

Housing is considered affordable when a household pays no more than 30 percent of income towards rent. This 30 percent rule of thumb is rooted in the 1969 Brooke Amendment which was adopted in

response to rising rents in public housing. Though originally capped at 25 percent, Congress raised the cap to 30 percent in 1981. Though controversial at the time, the 30 percent rule is now a well-established benchmark. The goals and strategies outlined in this plan adhere to the 30 percent rule. Several annual studies apply the 30 percent rule to examine affordability on a local, state, and national level. "Out of Reach," one of the most frequently cited of these studies, is published by the National Low-Income Coalition (NLIHC). According to the 2019 edition, people receiving a monthly SSI benefit of \$771 (the 2019 federal maximum rate) could not afford rents that exceeded \$231 per month. Adjusted for 2021, SSI recipients could afford \$238 rent. According to the U.S. Department of Housing and Urban Development (HUD) FY2021 Fair Market Rent Documentation System, the fair market rent in Columbus, Ohio, for a one-bedroom apartment is \$827.

Housing affordability is not only based on the rent-to-income ratio; it is also based on the amount of one's monthly income. As defined by HUD, ELI includes households whose incomes do not exceed the higher of the Federal Poverty Level (FPL) or 30 percent of Area Median Income (AMI). Each year, this information is updated by the federal government. The 2021 FPL is \$12,880, while AMI differs from county to county.

Many people with developmental disabilities receive SSI. Those who receive SSDI, or a combination of SSI and SSDI, may receive slightly more income, per month, but still live in poverty. Based on the 2021 cost of living adjustment of \$11 per month, SSI beneficiaries who receive the maximum benefit of \$794, receive \$9,528 annually, which is 26 percent less than the FPL.

On average, Ohioans receiving SSI alone, have incomes that are far less than 30 percent and closer to 17 percent of AMI. Since Ohioans with incomes consisting of SSI are well below both the FPL and 30 percent of AMI, all are considered ELI according to HUD.

The relationship between income and affordability is significant. As reported in a 2016 report, "Priced Out: The Housing Crisis for People with Disabilities," a study co-authored by the Technical Assistance Collaborative, Inc., and the Consortium for Citizens with Disabilities Task Force Ohio data showed that SSI recipients would need to spend 82 percent of their monthly income for a one-bedroom apartment. The report concluded that SSI recipients cannot afford safe, decent housing without a rent subsidy, and that "Without a subsidy, people may have to choose other housing options such as living with family or living in a congregate setting".

III. Goals and Strategies

Ohio's plan to increase independent living options includes six goals and underlying strategies that support independent living.

Goal 1 - Expand the Inventory of Affordable and Accessible Rental Units

Goal 1 reflects current and ongoing efforts to leverage the resources of local, state, and federal agencies to provide additional rental units and use state agencies' resources and capacity to incentivize developers to create additional accessible and affordable housing for people with developmental disabilities.

1. Expand the Inventory of Affordable and Accessible Rental Units for People with Developmental Disabilities

Ohio is fortunate that it has a mix of affordable housing options, including project-based housing

developed and subsidized by the federal government, low-income housing tax credit (LIHTC) projects, and various types of tenant-based subsidies, known as vouchers. However, these resources are inadequate to meet the needs of all Ohioans who are extremely low-income and in need of a subsidy. As a result, people with developmental disabilities must compete against other vulnerable populations, including other disability sub-populations, those experiencing homelessness, those at-risk of homelessness, families, veterans, and the elderly.

For people who need housing that is both affordable and accessible, the options are further reduced. While there are laws in place that govern the production of accessible housing units, there is still a gap between what is needed, and the number of units produced. Section 504 of the Rehabilitation Act of 1973 (Section 504) was one of the first civil rights laws offering protections for people with disabilities. Section 504 prohibits discrimination based on disability in any program or activity that receives federal financial assistance. Under this law, all newly constructed housing developments with five or more units are required to set aside five percent of units, or one unit, whichever is greater, that meets the accessibility needs of a person with a mobility disability. This law further requires that an additional two percent of units, or one unit, whichever is greater, is accessible for persons with hearing or visual disabilities. Section 504 requires compliance with the Uniform Federal Accessibility Standards (UFAS).

The Americans with Disabilities Act (ADA), Title II, imposes accessibility requirements on public accommodations that were built after January 26, 1992. In an apartment complex, the ADA covers public and common areas, but not individual apartment units. As a result, while persons with mobility disabilities may be able to gain access onto the property, as well as into the building, the access may not extend beyond the threshold of an apartment unit.

The Fair Housing Act of 1988 (FHA) applies to all housing with four or more units built after March 13, 1991. It requires compliance with a specific set of design and construction guidelines. The FHA is important because it provides us with new tools to address concerns that people with disabilities often confront when they are seeking housing. One tool, reasonable accommodation, allows one to request a waiver from a rule or policy. The request should be granted if it can be linked to the person's disability. Another tool, reasonable modification, allows one to request a structural change to address accessibility needs, based on one's disability.

The above laws have significantly improved both the landscape of housing options for those with disabilities and the success rates for locating suitable housing. However, these laws neither singularly, nor collectively, address the shortage of affordable accessible housing.

While Ohio has a good foundation in place, there are significant unmet needs that must be addressed. The below strategies and action items are intended to address gaps.

Strategy and Action Steps

Strategy 1.1: Pursue and leverage local, state, and federal rental subsidy opportunities.

1.1.1. Build upon the state's Ohio 811 Program – a demonstration program currently administered by the Ohio Housing Finance Agency (OHFA), in partnership with DODD, the Ohio Department of Mental Health and Addiction Services, and the Ohio Department of Medicaid.

1.1.2. Incentivize county boards to coordinate with local public housing authorities by placing persons on Housing Choice Voucher (HCV) waitlists and by encouraging their non-profit housing organizations to accept HCVs or apply for project-based assistance.

1.1.3. Incentivize county boards to coordinate with their local public housing authorities to

pursue federal subsidy opportunities targeted to disability populations.

1.1.4. Increase the capacity of county board-established non-profit housing corporations around leveraging state Community Capital Assistance.

1.1.5. Identify sources to provide secondary financing (operations grants) that will enable rents to be written down on affordable housing units that serve people with disabilities.

Strategy 1.2: Provide incentives for developers to build affordable units for people with developmental disabilities and other disability populations.

1.2.1. Develop a comprehensive plan with OHFA to serve extremely low-income people with developmental disabilities.

1.2.2. Incentivize Low-Income Housing Tax Credit (LIHTC) developers to include more than 30 percent units in their projects.

Strategy 1.3: Provide incentives to developers to increase accessibility levels and the number of universally designed rental units.

1.3.1. Encourage LIHTC developers to increase accessibility and universally designed rental units by offering grants or other incentives to offset costs associated with incorporating new design elements.

1.3.2. Incorporate the most useful design elements from 1.3.1 into OHFA's policies.

Goal 2 - Increase Access to Rental Subsidies

Goal 2 is consistent with efforts to increase the number of rental subsidies, both tenant and project-based, for persons with developmental disabilities through policy changes, funding requests, and partnerships with local housing authorities. These efforts will be in addition to demonstration programs currently available to persons with developmental disabilities.

2. Increase Access to Rental Subsidies for Persons with Developmental Disabilities

An annual report published in 2021 by the National Low-Income Housing Coalition, "The Gap: A Shortage of Affordable Homes," found that funding for federal housing assistance has been historically insufficient. The research showed that three out of four low-income households in need and eligible for federal housing assistance obtained assistance and that extremely low-income (ELI) renters were more likely than other renters to be seniors or people with disabilities. Data specific to Ohio shows that only 42 rental units are affordable and available for every 100 ELI households and that the affordable housing shortage is even more severe in Columbus, which has only 32 units per 100 of the city's poorest residents.

It is well established that persons receiving Supplemental Security Income (SSI) are ELI and cannot afford fair market rent without a subsidy. The lack of adequate federal funding for housing subsidies causes those with developmental disabilities to compete with other needy populations. To manage the issue, many public housing authorities keep their waitlists closed. When waitlists open, their opening is usually sporadic, and the time they are open is relatively short, often just a matter of days. Getting onto a waitlist in many areas of the state requires careful and constant monitoring. In larger cities, waitlists are often years or even decades long. As a result, some public housing authorities are forced to use a "lottery" system to select recipients. Finally, local "point systems" do not always favor people with disabilities.

The strategies and action items outlined in this goal are intended to decrease living costs for people with developmental disabilities by increasing access to housing subsidies.

Strategy and Action Steps

Strategy 2.1: Partner with state and local agencies to prioritize the rental subsidy needs of people with developmental disabilities.

2.1.1. Encourage local Public Housing Authorities (PHA) to adopt preferences for those with disabilities, if not already in place.

2.1.2. Encourage county boards to partner with PHAs and other local or state agencies in their annual planning processes.

2.1.3. Encourage county board-established non-profit housing corporations to coordinate with PHAs to prioritize Housing Choice Vouchers for their projects.

Strategy 2.2: Pursue and/or develop funding sources to expand the availability of rental assistance.

2.2.1. Continued partnership around the Ohio 811 Program, a HUD-funded project-based rental subsidy program for those with disabilities to maximize the number of people served.

2.2.2. Continue to partner with the Ohio Housing Authorities Conference and their membership to leverage existing resources.

2.2.3. Continue to partner with the Ohio Housing Authorities Conference and their membership to leverage new resources, especially resources directly targeted to people with disabilities (Mainstream Vouchers, NED Category 1, and NED Category 2 Vouchers).

2.2.4. Encourage the creation of a state subsidy for ELI people with disabilities.

Goal 3 - Build Understanding and Increase Awareness of Informed Choices

Goal 3 intends to increase awareness of, interest, and engagement in moving from congregate homes to independent living among those with developmental disabilities and their families, county boards and their staff, public and private referring agencies, developers, and landlords. Communication materials, trainings, and a coordinated outreach effort by DODD and other state agency partners are intended to increase the number of people making an informed choice about independent living.

3. Build Understanding and Increase Awareness of Informed Choices for Independent Living among People with Developmental Disabilities, Families, County Boards, and their Staff, Public and Private Organizations, Developers and Landlords

DODD wants to ensure that people with developmental disabilities are aware of the array of integrated housing options that are available to them and that families can confidently envision independent and integrated living options for their children and siblings. County board staff deserve support and education related to housing resources, housing navigation, and housing maintenance and retention. Goal 3 explores strategies that promote awareness. These strategies are offered with the recognition that current economic and staffing crises may have an impact.

Strategy and Action Steps

Strategy 3.1: Develop and Implement culturally competent communications, advocacy, outreach, and education plan.

3.1.1. Create a communication plan that addresses key audiences to independent living, including, but not limited to, those with developmental disabilities, families, county boards, Councils of Government, advocacy groups, providers, housing developers, property managers, landlords, PHAs, and other state agencies.

3.1.2. Develop and message out the key components of the independent housing options that are being supported in this plan using social and other media, including the fundamental principles, opportunities, challenges, and barriers associated with each option.

- 3.1.3 Convene a group of public and private stakeholders to maximize outreach efforts.
- 3.1.4 Communicate and outreach to housing stakeholders, including developers, public housing authorities, and landlords related to the statewide Housing Locator-Social Serve, accessibility standards, principles of Universal Design, reasonable accommodations and reasonable modifications, HUD guidance as it relates to persons with disabilities.
- 3.1.5. Support communication efforts by Ohio's 12 Centers for Independent Living and the Ohio Olmstead Task Force to encourage the allocation of resources for the creation of housing for persons with disabilities.
- 3.1.6. Develop an outreach, education, and training plan for people with disabilities and their families that explores various independent living options, and topics that support independent living, such as affordability, service provision, employment, transportation, accessibility modifications.
- 3.1.7. Develop an outreach, education, and training plan for county boards and other stakeholders who assist in the identification and procurement of independent living arrangements. Topics would include but not be limited to Landlord-Tenant Law, fair market rent, Fair Housing, funding opportunities.

Strategy 3.2: Build the capacity of public and private agencies to assist people with disabilities and their families in making informed choices related to housing.

- 3.2.1. Raise the profile of independent living in the individual service plan (ISP).
- 3.2.2. Develop and implement independent living training for county board staff.
- 3.2.3. Develop and implement independent living training for state developmental center staff.
- 3.2.4. Develop and implement independent living at training for intermediate care facility staff.
- 3.2.5. Develop and implement independent living training for direct support professionals.

Goal 4 - Review Potential Policy or Practice Changes Related to Services

Goal 4 looks at changes around the delivery of services that would better support a person's choice to live independently.

4. Review Potential Policy or Practice Changes that will Facilitate Increased Access and Availability of Services and Supports that Permit Persons to Choose More Independent Living Options

As more people exercise the option to live independently, access to services and the availability of service providers will be increasingly important to their housing stability. It is well understood that services should be individualized or person-centered and that people should be able to select both their services and service provider.

A 2016 White Paper published by The Harvard Joint Center for Housing Studies identified some of the challenges that present as DODD works towards expanding the choice of inclusive and independent living options. "Disability Housing: What's happening? What's challenging? What's needed?" exclusively examined housing for those with developmental disabilities. The study noted that, although work has been done towards the goal of community living since the 1960s, the biggest challenge is rooted in the history of how disability services have shifted from a focus on care-to-choice-to access. The study's author describes these approaches in more detail than is required for this plan, but boils them down accordingly: 1) The Care Approach, a Kennedy-era model where people with disabilities require special treatment, services, and care, with a focus on protection; 2) The Choice Approach, described as stemming from self-advocacy and self-direction, with attention on respect and dignity; and 3) The Access Approach, based in the ADA and its titles, and therefore focused on services, physical spaces, and employment, with an emphasis on equal access and opportunity. The

study's author concludes that solutions to challenges surrounding disability housing require careful balancing of these approaches to services.

Services for those with developmental disabilities are often covered by Medicaid. Ohio's Medicaid State Plan services address a range of needs, including doctor visits, prescriptions, medical equipment, home, dental and vision services, pregnancy care, and mental health services. People with a Home and Community-Based Services Waiver (HCBS), such as DODD's Level One, Individual Options, or Self-Empowered Life Funding waivers have access to a variety of services that provide additional support. Waiver programs include services such as nonmedical transportation, employment and day services, nutrition assistance. Waivers do not reimburse for room-and-board.

HCBS Waivers are authorized by 1915(a) of the Social Security Act and were introduced as a mechanism to direct Medicaid funds that previously would have been spent to support a person with a disability in an institution, to supporting that person in the community. HCBS waivers allow people to waive their right to institutional care, and to receive care in their homes instead of in a long-term care facility. Ohio Waiver services and average costs are updated regularly by the Ohio Department of Medicaid in a Waiver Comparison Chart.

Ohio's county boards administer Medicaid waivers. County boards contract with private agencies that provide waiver services to people living in the community. The availability of service providers varies from county to county. The presence, or lack of presence, of service providers may impact where a person lives and the degree of independence they enjoy. The cost of services may also influence a person's ability to live independently in the setting of their choice. For example, the cost of services may require that persons live together and share a provider. These challenges have a common root, limited resources.

While limited resources and capacity constraints are challenges, barriers often lead to innovation, and innovations in technology are beginning to bridge gaps in the service delivery system. The expanded use of remote monitoring and supports is just one example of a technology that is assisting people with their independent living goals.

Ohio can be more efficient with how limited resources are managed. The changes made to facilitate independent living should reflect commonly accepted ideals relating to the person's choice. The goal of this section is to ensure that services support the person in the setting of their choice, rather than the setting being driven by service provision.

Strategy and Action Steps

Strategy 4.1: Explore cost-savings measures that support independent living in the setting of one's choice.

- 4.1.1. Encourage county boards to collaborate with contiguous counties, or regionally.
- 4.1.2. Increase coordination between providers.
- 4.1.3. Expand use of technology, including remote monitoring and supports and other innovative services or practices that promote independence.
- 4.1.4. Explore additional services that support independent living in the setting of one's choice (e.g., services and activities to expand home and community-based living opportunities and to promote community integration (per June 26, 2015, CMS informational bulletin).

Strategy 4.2: Survey boards and service providers around unique approaches to providing services. Promote peer-to-peer learning regarding unique approaches.

Goal 5 - Remove Challenges to Independent Living

Goal 5 requires us to consider miscellaneous actions that will promote independent living.

5. Remove Challenges to Independent Living

Ohio is concomitantly operating two statewide housing demonstration programs for people with disabilities: the Ohio 811 Program, and the Ohio Department of Medicaid Subsidy Demonstration Program. Administering these programs has provided the four partner agencies—DODD, OHFA, the Ohio Department of Medicaid, and the Department of Mental Health and Addiction Services—with a better understanding of the steps that are needed to better meet the housing needs of people with disabilities, particularly people with extremely low incomes.

Similarly, DODD programs such as the Rental Assistance Program and the Community Capital Assistance program, as well as countless conversations with people with disabilities, their families, county boards, advocates, providers, and stakeholders, strongly informed the goals and action steps that follow.

Goal 5 is a catchall goal. The strategies and action steps outlined in this goal are varied but they align with the overarching objective of this plan, to increase independent living opportunities for people with developmental disabilities.

Strategy and Action Steps

Strategy 5.1: Identify tools to support independent living.

5.1.1. Increase use of Fair housing requests – reasonable accommodation and reasonable modification – to accommodate people with disabilities.

5.1.2. Increase the use of STABLE accounts to support housing goals.

5.1.3. Promote best practices to accessing benefits such as the SSI, SSDI, Access, Outreach and Recovery (SOAR) methodology.

5.1.4. Encourage the inclusion of county boards in the local continuum of care planning processes.

5.1.5. Explore establishing a landlord risk mitigation fund for people with pre-existing evictions or damaging behaviors.

Strategy 5.2: Identify barriers to independent living and remove them.

5.2.1. Incentivize developers to adopt inclusive or low-barrier Tenant Selection Plans.

5.2.2. Examine unfair and discriminatory zoning policies.

Goal 6 - Assess and Implement

Goal six makes DODD accountable for assessing and implementing this plan. DODD will continuously assess this document. DODD will also collect data, establish a process for tracking and analyzing advancements, to meet the identified goals.

6. Assess and Implement Plan

DODD is committed to continuously assessing and improving this plan. DODD will review available data sources and make recommendations for the collection of any needed or missing information. DODD will collaborate with other state agencies around the sharing of any data that would advance the goals outlined in the plan.

DODD will select an advisory committee of not more than 25 that will assist in establishing the benchmarks for each goal and action item.

DODD will establish the methodology for evaluating this plan and for measuring its success.

This document will be a living document that will be reviewed every two years and updated as determined necessary by DODD and its advisory committee members.

Strategy and Action Steps

Strategy 6.1: Improve data collection so that it presents an accurate picture of the population's current living situation.

6.1.1. Evaluate current data and make recommendations for improvements.

6.1.2. Create data-sharing agreements with other departments to advance the goals within this plan.

Strategy 6.2: Convene an advisory committee to continuously assess and oversee implementation of the plan.

6.2.1. Select advisory team members.

6.2.2. Establish roles, meeting schedule, timeline for implementation.

Strategy 6.3: Track, evaluate, and continuously improve upon this plan's progress.

6.3.1. Establish process for tracking and evaluating the plan.

6.3.2. Establish process for reviewing and updating document.