

# EAST BAY INNOVATIONS

## *A Case Study*

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## **Executive Summary**

East Bay Innovations (EBI) is a nonprofit organization founded in 1994 and located in Alameda County, California, east of San Francisco. It arranges and provides personalized supports that enable people with disabilities to live in their own homes, work in jobs of their choice, and participate fully in their communities. EBI staff are recognized leaders and innovators who have built trusted relationships with diverse partners to create affordable, accessible housing and help people with disabilities move from institutions and unstable or inadequate housing to permanent homes in the community. Interviews with 25 key informants helped identify five organizational attributes that underpin EBI's success and that could serve as models for advocates. These are vision and commitment; mastery of housing programs and policies; community-building through creative collaborations; expertise working with people with complex disabilities and familiarity with the practical details of architectural accessibility; and frequent, successful use of reasonable accommodations to remove policy barriers preventing people with disabilities from renting affordable housing. The study also identified systemic barriers and facilitators to creating affordable, accessible housing and related legal and policy solutions.

## **Case-Study Introduction**

Since its founding in 1994, EBI has created affordable, accessible housing in Alameda County and helped people with disabilities leave substandard housing and homelessness and move from unstable or inadequate housing and from institutions such as nursing facilities into permanent homes in the community. Other core services include supportive living and independent living designed to help people live on their own and employment services that help people find a career and be successful in their work.

In this case study, we introduce EBI's mission, values, and programs and explore how the organization has effectively increased affordable, accessible housing and assisted people with disabilities transition from institutions and inadequate living situations to stable homes in the community. We also present insights,

observations, and perspectives on EBI's role in the county's complex housing, social services, and healthcare ecosystem. The case study draws on research and extensive interviews with 25 key informants, including EBI leadership and senior staff members, clients, Public Housing Agency (PHA) officials, nonprofit affordable and supportive housing developers, housing advocates, and county healthcare and mental-health officials. We examine how EBI acquired the skills to carry out its mission and the practical methods the organization used to achieve community-living goals in partnership with clients and stakeholders. We discuss how the organization combined a sophisticated knowledge of housing programs and policy with disability-rights advocacy to increase the number of affordable, accessible housing units in the county and obtain crucial housing rental vouchers and housing accommodations for clients. We explore how the organization built trusted collaborations with key county stakeholders and, by working together, how they successfully leveraged healthcare and housing resources to move individuals out of institutions and ensure housing stability over the long term. We also identify systemic barriers and promising facilitators that affect the creation of affordable, accessible housing in the county and actions advocates can take locally to improve housing options for people with disabilities.

## **Background**

People with disabilities living in nursing facilities or other institutions face two primary obstacles when they move back into their communities: unaffordable and inaccessible housing and limited funding for moving costs and long-term supports that allow them to stay in the community.

People with disabilities living in the community who are at risk of institutionalization also face systemic housing threats, including unaffordable rents, unstable living situations, evictions, and lack of physical accessibility in their homes, which could force them into nursing facilities, other restrictive settings, or even into homelessness. The affordable-housing problem is especially dire in the San Francisco Bay Area. Low-income renters and people with disabilities must contend with an overall housing shortage and choose between expensive market-rate apartments or search for scarce affordable, accessible rental units.

An early innovator, East Bay Innovations has a long history of creating successful strategies for increasing affordable housing and helping people with disabilities to transition from institutions and unstable living situations into stable homes in the community.<sup>1</sup> Founded in 1994 to provide supportive living and other services to people with functional and mobility limitations and intellectual and developmental disabilities, EBI worked closely with its primary funder, the Regional Center of the East Bay (RCEB), to establish the supportive-living program.<sup>2</sup> At the time, the concept of supportive living for people with intellectual disabilities was relatively new in California, although similar programs were in early development in some locations around the country. For the first time, supportive-living services offered the opportunity for any adult with a disability to live in their own home and receive individualized services and supports, regardless of the nature or type of disability. Growing from the Independent Living Movement of the 1970s and 1980s,<sup>3</sup> and representing a sea shift away from the nation's legacy of segregating and institutionalizing people with disabilities, supportive living recognized that all people with disabilities have the right to live in homes of their choosing and under their control. Within this context, people direct their lives as much as possible and support systems are designed to meet their needs.<sup>4</sup>

The organization added new programs and expanded existing ones as it grew. In 2020, EBI reported providing services to a total of 585 people. One hundred fifty people have been transitioned from institutions or unstable community settings to permanent homes in the community. Among these, 120 received continuing, long-term supportive services that helped ensure their housing remained stable. Housing-transition and supportive-services program funding comes from a mix of sources, including the Money Follows the Person (MFP) program (called California Community Transitions [CCT] in California and referred to as MFP/CCT hereafter);<sup>5</sup> the Alameda County Whole Person Care pilot, a Medicaid 1115 Waiver program;<sup>6</sup> Health Homes through a county Medicaid managed-care plan, Alameda Alliance;<sup>7</sup> the HUD Housing Opportunities for People with AIDS (HOPWA) program, administered by the Housing Authority of Alameda County (HACA);<sup>8</sup> and the Medicaid Home- and Community-Based Alternative Waiver program.<sup>9</sup>

With funding from RCEB and In-Home Supportive Services, a Medi-Cal program

made up of a combination of federal, state, and local resources,<sup>10</sup> EBI also supported 35 people with significant and complex disabilities, involving 24-hour daily staffing for some, making community living possible for them. The organization also supported 160 people with developmental disabilities who wished to live independently and required daily support, such as grocery shopping, meal planning, and health maintenance.

EBI also provides employment support for 150 people who work at jobs of their choosing. With support from the Social Security Administration's Ticket to Work program, EBI supports an additional 110 more people as they prepare to work.<sup>11</sup> EBI also supports ten clients with significant physical or intensive medical needs in a community-based day program involving art classes, fitness activities, and independent-living-skills instruction.

Since its founding, EBI has helped people with disabilities find affordable, accessible housing and provided supportive services. Those activities expanded in 2009 when EBI became the lead organization in Alameda County for the MFP/CCT program. MFP/CCT and Whole Person Care paid for the cost of moving into a new home, including the first month's rent and security deposit; home accessibility modifications; assistive devices and home setup, including furniture, household goods; and assistance locating and hiring personal-care workers. Services also included assistance locating and connecting with healthcare providers in the community and habilitation services, such as help to learn skills necessary to live independently. The organization also provided long-term supportive services with funding from other sources, as previously discussed. EBI estimated that 85 percent of 150 people who transitioned from institutions to the community also required deep housing subsidies, and many needed accessible housing. The organization also worked with over 40 skilled nursing facilities in the county to identify candidates who wished to leave the institution and return to homes in the community.

Early in its operation, EBI recognized that affordable housing availability determined whether or not a person with a disability living in an institution had a realistic opportunity to transition back to a secure home in the community. Out of

necessity, EBI staff members became experts in housing programs and policy. They carved out a unique role in affordable housing development and the delivery of supportive services after people transitioned to the community. Since its founding, EBI has forged relationships with Public Housing Agencies (PHAs) and affordable and commercial housing developers. These alliances helped the PHAs and developers obtain financing that allowed them to incorporate deep rental subsidies and set aside affordable units for people with disabilities living on very low incomes. County agencies also recognized EBI's housing and supportive-services expertise. The Alameda County Healthcare Services Agency, the Housing Authority of Alameda County (HACA), and Alameda Alliance, the county Medicaid managed-care organization, contracted with the organization to assist people who were homeless, people living with HIV/AIDS, and people with mental-health conditions find stable, permanent housing. Contracted services also included case management and community-based long-term services and supports.

As MFP/CCT was ending, EBI recognized that the program would require other funding to continue, especially if federal funding were no longer available. Staff members worked with California legislators to draft a bill outlining provisions similar to MFP/CCT, but with fewer restrictions. That bill, SB 214, passed the California Assembly and Senate in 2020 and is awaiting the governor's signature.

In another innovation, EBI teamed up with the County of Alameda to purchase distressed homes using neighborhood stabilization funding and renovate them, adding accessibility features and renting them to people transitioning from nursing facilities under the MFP/CCT program. Various housing vouchers supplement the monthly rent, making the units affordable for those with very low incomes. Thus far, the partners have purchased and renovated seven units and four more are in process.

## **Research Methods**

EBI carries out its work within a complex framework of federal, state, and municipal housing policies, local economies, diverse housing needs, and community housing preferences. To help us understand EBI's role, within this framework and in Alameda County, we conducted a literature review focused on



state, county, and municipal housing policy. We also carried out extensive personal interviews with 25 key informants, including EBI leadership and senior staff members, clients, Public Housing Agency (PHA) officials, nonprofit affordable and supportive housing developers, county healthcare and mental-health officials, and housing advocates.<sup>12</sup> These key informants identified organizational attributes—values, skills, and capabilities—that define how the agency carries out its mission. They also identified primary structural barriers to and facilitators of creation of affordable, accessible housing. Insights from the key informants and other research helped us identify actions advocates can take locally to increase affordable, accessible housing.

## **EBI: Organizational Strengths and Attributes**

Our interviews with key informants revealed the following five primary organizational attributes that characterize EBI and that could serve as models for other organizations:

- Vision and commitment
- Mastery of housing programs and policies
- Community-building through creative collaborations
- Expertise working with people with complex disabilities and familiarity with the practical details of architectural accessibility, and
- Frequent, successful use of reasonable-accommodation provisions to remove policy barriers preventing people with disabilities from renting affordable housing.

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### **Vision and commitment**

From the outset, EBI has been committed not only to the principles embodied in supportive and independent living but also to empowerment, equality of treatment, civil rights, and full community inclusion enshrined in disability-rights laws and the Disability Rights Movement.<sup>13</sup> Many people we interviewed pointed out that organizational leadership and staff-member commitment to EBI's mission

are central to its success and impact. A senior PHA official who has worked with EBI almost since its founding said, “Organizations like EBI that provide both advocacy and ongoing support in a very targeted way for populations that otherwise would have great difficulty, are very critical.”

One high-ranking county health official, speaking about EBI’s capacity to assemble both subsidies for rental housing and funding for housing development, in collaboration with PHAs and developers, said,

**It’s really a special kind of leadership, where the person in the role holds a vision of what should happen and then just keeps working to get there. Because the system is not set up to make that path clear...you get there by networking and patience and persistence.... EBI just [has] this real commitment to community integration and helping people with disabilities live full and meaningful lives in the community. And that underpins all of their incredible, creative, patient work to piece together all of these convoluted funding sources.**

Similarly, people who EBI helped move from nursing facilities or inadequate community housing to homes in the community spoke about staff members’ tenacity and commitment to making their transition succeed. A woman EBI helped move from a nursing home, where she had been living for a year, said,

**I have to say that EBI, they’re not just interested in finding you an apartment, they’re interested in the whole person...they want you to be prosperous in maintaining that apartment. Meaning that they want you to have good community associations and support, and whatever it takes to maintain your stability in your apartment, because what use is it for them to find you an apartment if you can’t maintain it? You may have had issues with money management, you may have issues with interpersonal skills, substance abuse, anything that could have, you know, interfering with you having stable housing. So, they wanted to address each and every one of those issues.**

Another older man with a complex neurological disability who had been cycling

between the hospital and homeless shelters said,

**I thank God for just giving me time to meet EBI. And I'm blessed to have them in my life. So, they have done a lot for me. Everything turned out great. And I believe it will continue. People would come around and talk to me and let me know some things I needed and [it's] still the same way today. So, I can always talk to the case manager. They call me constantly and ask me certain things and if I need anything or some things I could possibly want or need, they do it.**

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## Mastery of housing programs and policies

Since its founding, EBI has been actively involved in affordable housing creation and development because they had experienced firsthand that housing shortages could prevent institutionalized clients from moving to community settings. Over time, EBI's senior staff acquired a thorough technical understanding of the complexities of building and leasing affordable, accessible housing in the San Francisco Bay Area, one of the most expensive housing markets in the country. An EBI staff member said,

**I haven't run across anybody like us, honestly. It's no longer an expectation that independent living service providers or supported living service providers have any experience in housing at all. When we started, we were the ones who led the housing charge, and that was the expectation. So, we developed this expertise that's no longer an expectation anymore. I think it impacts a lot of people.**

Now, EBI's senior leaders are recognized experts in the intricacies of federal low-income and affordable housing policies, programs, and funding options. They also have a strong command of state, county, and municipal policies and funding mechanisms related to construction, zoning and taxation and of market forces and community housing preferences that affect land use. This mastery has paved the way for senior leaders to build multiple partnerships with PHAs, developers, advocates, and others. These alliances have led to the creation of more affordable, accessible housing in the county. Remarking on EBI's housing role, one county

healthcare official said,

**I, for many years, believed that community health workers should be able to grasp and understand the housing world. And given how long I've had that attitude and how long I failed at getting that to happen, I've come around to the value of having someone who really tracks and specializes in that. East Bay Innovations has taken on that role. And it's made a huge difference.**

Key informants we spoke with noted that the complexities of many government housing programs make it exceptionally difficult for certain people with disabilities to navigate them independently, making a case for a knowledgeable intermediary, such as EBI. Remarking on these obstacles, an EBI staff member recalled their experience assisting someone who had been homeless for 20 years to find permanent housing:

**Can you imagine being chronically homeless for 20 years, and on your own? Well, the developer created a portal on a website where, if you were applying for a unit, you created an account. You have to fill out the application, then all the correspondence and documentation had to be uploaded from your email, and put into the portal on the website. And you know, somebody who's on the street, how are they going to do that? Or they're in a nursing facility, and they don't have access to laptop or wi-fi. But that's how the developer and property management world works.**

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## Community-building through creative collaborations

We interviewed several key informants who identified EBI's skill and commitment to building and sustaining collaborative relationships as the organization's single most important attribute. One county health official, speaking about the complexity of developing affordable housing, said,

**If the conditions are not right for people to do what [EBI] does...easily, then you've created an environment where you need extraordinary leaders who are—and this is part of my own training in public health—that are community builders.<sup>14</sup>**

Others confirmed that EBI has built robust relationships and earned trust, which is crucial for all parties involved to work together effectively, including housing developers, PSA officials, advocates, and government policymakers. EBI supported clients who live in all the county's largest affordable housing developments, evidence of their capacity to build and sustain long-term relationships with multiple stakeholders.

***Working with PHAs and developers.*** EBI forged relationships with PHAs and affordable and commercial housing developers and helped them identify financing that allowed deep rental subsidies. They also secured agreements with these partners to set aside units that would be affordable for people with disabilities living on very low incomes. Developers agreed to the terms of these funding sources, not only because they provided financing but also because they improve the chances that various jurisdictions would approve their funding applications. PHAs collaborated on these projects because they increased affordable housing for their locale and because EBI proved to be a trusted partner who actively worked to find qualified disabled tenants and to use rental vouchers within the timelines set by the U.S. Department of Housing and Urban Development (HUD). An EBI staff member said,

**We've alerted the housing authorities to HUD RFPs [Request for Proposal] for extra rent vouchers for people with disabilities, and then helped them write the proposal. And that's happened a number of times over a span of years, mainly with three housing authorities.**

By working collaboratively with PHAs and developers, EBI helped create a pipeline of affordable, accessible housing units. Moreover, EBI created an incentive for developers to take advantage of deep rental financing subsidies by promising to provide support to any disabled tenant who occupies one of these units, even if EBI is not the agency that officially supports that person. This assurance helped alleviate developers' concerns that tenants with disabilities will encounter problems that require support that falls outside the responsibility of building management. While EBI does not always get paid for this service, several senior staff members said that providing such help builds lasting trust and helps secure

their partnership with developers. An EBI staff member said,

**On the ground, our relationship with property management is vital. It's so important that we are on the same page and on the same team, knowing that this end goal is helping people to be fairly housed and safely housed and that we're working together towards that aim. So, across the years we've really made an effort to build relationships with property management and resident services of the various sites and try to be accessible to them and help address issues promptly so that they want to work with us.**

In 2018, EBI joined the Alameda County Housing Authority and several other nonprofit service organizations that applied for 85 vouchers under the HUD 811 Housing Choice Vouchers (known as Mainstream Vouchers) program. This federal program provides affordable housing linked with voluntary services and supports so the lowest-income nonelderly people with significant and long-term disabilities can live independently in the community.<sup>15</sup> This collaboration emphasized helping nonelderly people with disabilities who are leaving institutions and other segregated sites, homeless, or at risk of institutionalization or homelessness. A senior EBI staff member recalled,

**Since we were at the table, helping them write the application, they wrote in the application that they would have special waiting lists for people who were transitioning from nursing facilities. So, in that realm, instead of waiting ten years for a voucher, which is kind of a typical thing once you get on the waiting list, in this scenario, where we're bringing the resources to the housing authority and we're a partner, then we get people vouchers much quicker.**

For this application, HUD required that all vouchers be used within 12 months after being awarded, a challenge because the vouchers, and other rent subsidies that might apply, have stringent tenant eligibility requirements that can be time-consuming and complicated to fulfill. Nevertheless, EBI was able to apply most of the vouchers to available rental units within the required timeframe so that qualified people with disabilities could move into permanent, stable homes. The organization's capacity to meet this problematic timeline underscores the staff's

skills and capabilities, reinforces trust, and encourages vital partners to collaborate again in the future. One EBI staff member observed that the job requires a soft touch and many hours of patient advocacy and management. Remarking on the challenges of securing permanent housing for people with disabilities, establishing prospective tenant eligibility, and moving them into their units, a senior EBI staff member said,

**...the work is so delicate that to do it on a grand scale is a little bit daunting. I just left three people moving into apartments that were set aside for our clients.... And just getting those three people through the application process and selected, and approved—they all have Section 8 vouchers—took hours and hours of my time, to be a liaison every step of the way. To do that on a grand scale...I think there's a threshold where you just lose the ability to pay attention to all the details.**

EBI's relationships with both nonprofit and commercial developers have made it possible for people with disabilities to use both Section 8 Housing Choice Vouchers<sup>16</sup> and 811 Mainstream Vouchers to cover rental costs for below-market-rate units, making those units affordable for people with very low incomes, including Supplemental Security Income (SSI) beneficiaries.

These victories are especially crucial because, even when the vouchers lower the rent for an already below-market-rate unit, the unit's final rent might still be slightly lower than it could rent for in the open market. However, even under these circumstances, landlords are sometimes willing to accept the lower rent based on the relationship they have with EBI. A staff member noted,

**We work on multipronged strategies.... We reach out to nonprofit and for-profit developers who have BMR [below-market rate] units, to try and get people into those units using their vouchers. We have enough of these relationships with nonprofit and for-profit developers, that we're fairly successful in helping people use vouchers. Even though, in high-cost, high-rent areas like the Bay Area, you would not think that many landlords would accept a Section 8 voucher, because the rents are capped, and usually not quite market-rate rents.**

Confirming EBI's observation that establishing relationships with developers, property managers, and landlords encourages them to accept rental vouchers, one PHA official said,

**I think in the Bay Area market we've had a problem with vouchers either not being enough to incentivize landlords to take them or, even if they are sort of at an adequate level, because we have such a housing shortage, landlords, whether it's overt or not, I think they discriminate against people with vouchers because they don't want to deal with the paperwork and the oversight.**

These collaborations also help fulfill settlements and decrees under the U.S. Supreme Court's *Olmstead* decision implementing the community integration provision of the Americans with Disabilities Act.<sup>17,18</sup> HUD noted in a 2018 funding opportunity notice,

**Targeting resources to assist eligible persons with disabilities and their families who are transitioning out of institutional or other segregated settings or at serious risk of institutionalization will help further the goals of the Americans with Disabilities Act (ADA). One critical goal under the ADA is to ensure services, programs, and activities by public entities are provided in the most integrated setting appropriate to the needs of individuals with disabilities, as affirmed by the Supreme Court in the *Olmstead* decision.<sup>19</sup>**

***Building connections between housing and healthcare financing and services.*** Housing, healthcare, and social services funding has historically been segregated, with limited interconnections, even as researchers have reported a connection between housing and health outcomes. One county official at a healthcare agency said, "I think one of the biggest gaps that we see consistently is that health and housing seem to play separately. And for so many people, those are tied together. You can't separate them." However, recently, evidence has linked social determinants of health—including poverty, housing quality, stability and affordability, neighborhood characteristics, food availability, and transportation—with health status.<sup>20</sup> Recognizing these critical connections, various states, including California



through its Whole Person Care pilot, described below, have been using Medicaid to help clients find stable housing.

California established the five-year Whole Person Care (WPC) pilot program in 2016 under an 1115 Medicaid demonstration waiver, which provided funding to 25 counties and cities that supported infrastructure development linking clinical care, nonclinical care, and social services.<sup>21</sup> The WPC pilot in Alameda County, called Care Connect or AC Care Connect, was geared toward people with complex conditions who were receiving care management in one system but required care coordination that crosses multiple systems. Many of these people had disabilities, were homeless, or were at risk of becoming homeless.<sup>22</sup>

As Alameda County developed the WPC waiver application, a healthcare official recalled their collaboration with EBI to fashion a new funding mechanism, referred to as a Flexible Funding Pool (FFP). The FFP designated move-in funds for clients, as well as incentive and recruitment funds for landlords. Advocates used the landlord fund to encourage more landlords to offer units to tenants with low-income-housing vouchers.<sup>23</sup> This flexible funding was modeled, in part, after MFP/CCT, but involved less bureaucracy, more permissive eligibility requirements, and more robust resources. After speaking with EBI about the MFP/CCT model, this official recalled thinking, “Oh, that’s really a good idea. Let’s see if we can get it under Whole Person Care!”

Drawing on this collaboration with EBI and based on the organization’s experience as the MFP/CCT provider for the county, the county wrote the FFP to eliminate specific restrictive MFP eligibility criteria, including the 90-day nursing-facility-stay requirement. The funds could also help disabled people stay in their homes if they were facing institutionalization because of unmet disability-related needs or housing loss for other reasons. FFP also provided funding up front, rather than on a cost-reimbursement basis, making it much easier to pay rent and security deposits, purchase household goods, or arrange for accessibility modifications promptly, rather than waiting weeks or months for authorizations. The FFP permitted up to \$8,000 per household for furniture and other accessories, accessibility modifications, or other home repairs, so people with disabilities could remain in

their own homes or move out of institutions into community settings. Commenting on the value of the FFP, one EBI staff member said,

**For instance, we've been able to help someone transition out of a [nursing facility] who was living there for over seven years even though they were probably able to live in the community successfully way before they transitioned, but they didn't have appropriate documentation and because of the documentation issue, they wouldn't be able to access a traditional voucher. So, they're just sitting there in a nursing home using Medi-Cal dollars when they don't have to be. We're able to use the Flexible Funding Pool to subsidize their portion of the rent and so now they've been living in the community for almost a year. So, it can be used in unique situations like that.**

EBI staff noted that under some circumstances, the FFP also paid the difference between the Fair Market Rate (FMR) established by HUD, which determines how much the Housing Choice Voucher will pay toward rent and the unit's actual market rent. One person said, "For us, anecdotally thinking about the people that we've been serving through the [FFP] project, it's been a game changer and really powerful." Another EBI staffer said,

**We're super grateful for that and we don't take that lightly, so we do our very best to try to make sure that we are able to keep that trust [with the County Health Care Services Agency]. But, yeah, it's really an amazing opportunity and I think with that particular funder we've become a well-trusted agency and they look to us for a lot of diferent things to pilot.**

In another example, EBI discussed how FFP policies and financing helped secure housing for two people with disabilities who would have otherwise lost the units. A home inspection revealed a faulty water heater in a three-bedroom home that an institutionalized wheelchair user who required 24-hour live-in personal-care workers was planning to move into using a Housing Choice Voucher. The landlord had planned to replace the water heater when he completed renovations on a studio apartment on the same property. He was also considering another EBI client for that studio unit; however, he was not planning to install a separate water meter for

it. The water heater had to be replaced in the three-bedroom unit according to Housing Choice Voucher rules. A separate meter was also required in the studio before the renters could use the subsidies to rent both units. However, the disabled man needed to move in quickly, but the policy restrictions jeopardized his occupancy chances. Switching strategies, EBI used FFP funding, which did not have similar policy restrictions, to replace the water heater and bypass the PHA requirement for a water meter in the studio. The innovative and streamlined FFP policies and funding made it possible for both EBI clients to move into these permanent homes.

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### Expertise working with people with complex physical disabilities; familiarity with accessibility needs

EBI staff have honed their skills over several decades working with people with significant functional limitations and other disabilities, many of whom require extensive daily support to live successfully in the community. This critical capacity involves, among many skills, understanding the practical aspects of physical accessibility and the structural features required to make a housing unit functional for someone who, for example, uses a wheelchair and requires 24-hour personal care. Commenting on the challenges of finding rental units that can potentially be made accessible and where the property manager will take a rental voucher, one EBI staff member said,

**We're working with people with physical disabilities, so you have to find a unit that will take a [Section 8] Housing Choice Voucher that fits within the rental amount, and is physically accessible. And that's really hard to do. Oftentimes that housing is...not good quality housing. Oftentimes it's older stock, so the accessibility part of it is problematic, and, and it's labor-intensive. Also, landlords don't have to take Section 8, so even if they have one that you could use Section 8 on, if the landlord doesn't want to play, then, you know, it doesn't matter.**

One county health official noted that EBI is likely the only organization operating in the county who has applied for funding from the Whole Person Care FFP, which could pay for certain accessibility modifications when a qualified person

transitions from an institution or an unstable community setting, or who is homeless. Several other key informants observed that most groups working in the county to help people find housing serve primarily people with mental-health disabilities and do not have adequate knowledge about accessibility. Consequently, they did not apply for FFP funding, even if a client they served needed access modifications. Observing that most county provider organizations lack familiarity with accessibility and do not have contacts that could carry out accessibility modifications, one county official said,

**Other providers aren't even familiar with the concept of modifying space to make it accessible that work with us. So, we could do more to promote it and train our providers, for sure, on how to use it. One of the things that it requires is that you have someone in your organization who knows who to call to do the work. I mean, EBI has given us good contractors. But as county people, we can't endorse anybody. We can just say, "Oh, we've heard these people are good. But you've got to decide on your own." So, finding the contractors or the suppliers, I think, is a barrier for a lot of our providers.**

These specific skills and capabilities, in part, account for EBI's success transitioning so many people with significant disabilities into deeply subsidized, permanent housing.

A young man with a spinal cord injury who had been in a nursing facility for over two years following a shooting worked with EBI to find an apartment so he could resume his life in the community. His transition took months because he required a wheelchair-accessible unit that was also affordable. Eventually, though, a unit was found. Reflecting on his experience with EBI, he said, "They saved my life, so, because I was able to get me a place and, you know, get back in the community and get back my independence."

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## Using reasonable accommodation

On numerous occasions, EBI has successfully used the reasonable accommodation provision of Section 504 of the 1973 Rehabilitation Act<sup>24</sup> to obtain waivers or changes in Housing Choice Voucher, PHA, or housing-management rules that

would otherwise prevent a prospective disabled tenant from establishing eligibility for a particular unit. EBI estimates that about 80 percent of the clients they helped move from institutions to the community needed a housing-related reasonable accommodation.

An EBI staff member described how they first learned about the principle of reasonable accommodation. One of the organization's first clients was a motorized wheelchair user who had developmental and intellectual disabilities. As a young adult, she and her family wanted her to have the opportunity to live independently. At the time, however, no organization would provide supportive living services for someone with her disability. Even group homes refused to take her because she used a wheelchair. Other than her family home, the only options available to her were skilled nursing facilities or a state-run warehouse-like institution for people with developmental disabilities. Neither was acceptable to her or her family.<sup>25</sup>

Recently founded to serve people with diverse and complex disabilities, EBI worked closely with the family to envision and create a living situation that fulfilled the young woman's wish to live independently. The organization encountered complex challenges in reaching this goal, however. For example, EBI had to convince the agencies that provided funding for personal-care workers that supportive living, still a new idea, would be safe and sustainable for this person, especially since she required two live-in personal-care and shift workers. They also had to acquire a rental subsidy voucher from a PHA, a challenge because wait times to receive such vouchers typically were months or even years. When the PHA awarded the young woman a voucher, her mother, a disability-rights attorney, asked the agency for a reasonable accommodation so it could be transferred immediately from an outlying county to her home county, rather than waiting the required year before a transfer would be allowed.

Locating an affordable, accessible apartment with the required number of bedrooms to accommodate two live-in personal-care workers that would also accept the rental subsidy voucher presented additional hurdles. According to EBI staff we interviewed, this is the first time EBI, working in collaboration with the client and her parent, successfully used a reasonable accommodation argument to

persuade the local PHA that the young woman was legally entitled to a three-bedroom apartment because she required two live-in personal-care workers, each of whom needed a bedroom. Taking place more than 25 years ago, this was a pivotal early victory because the PHA would otherwise have evaluated the young woman's housing eligibility based on her status as a single person, among other things, and therefore deemed her eligible only for a one-bedroom unit. Without a home in the community that could accommodate her workers, she could not have lived independently, as she and her family had desired. An EBI staff member recalls,

**So that was my first lesson in how to use the law, really, to make some of these nuances, some of these hurdles clearer. One of the things that we do all the time now, and with good success, is we'll sign people up for any and all open Section 8 waiting lists. Usually the housing authority will make you stay for a year in their jurisdiction using the voucher, before you can port [export] it out. And every time we write a letter of reasonable accommodation to allow the person we're serving to port immediately because of a disability justification. So, it could be that their job is in the community that they want to reside in, or their day program. Or their family lives in an area in close proximity, and their family provides emergency support. Almost always, the housing authorities honor it. So what it's done is, instead of us just relying on the housing authorities around here [Alameda County], to open their waiting lists for us to get people on, it's made it possible for a lot more people to get vouchers, because of the ability to make a reasonable accommodation argument to have them port it.**

EBI has also successfully obtained reasonable accommodations for many clients that permit rent-ceiling payment exceptions. According to HUD, a PHA can establish an exception payment standard of up to and including 120 percent of the published FMR as a reasonable accommodation for a family or household that includes a person with a disability. If a payment standard higher than 120 percent of the FMR for the unit size is necessary as a reasonable accommodation, the PHA must request approval from HUD headquarters for an exception payment standard for the unit.<sup>26</sup>

On many occasions, EBI has asked a PHA to waive the number of tenants required for a multibedroom unit as a reasonable accommodation so personal-care workers can live in the units with residents who need 24-hour assistance. They also use the reasonable accommodation provision to waive the PHA's policy of including the income of live-in personal-care workers in the rent calculation.

## **Challenges**

Even as EBI has successfully carried out its mission, sometimes in the face of significant external hurdles, it has also experienced some internal challenges that affect its capacity to maintain and expand some of its programs. According to interviews with staff, one of the biggest problems it has faced is employee turnover within specific job categories. For example, the state's salaries for direct support workers have not kept pace with salaries paid in other jobs these workers could perform in California, so turnover in these critical support jobs can hamper the agency's ability to sustain and grow specific programs. Exit interviews that EBI conducted with these workers suggested that most of them enjoyed the work they were doing with EBI, but they accepted higher paid opportunities to keep up with the high cost of living in the state. Similarly, mid-level program positions have also seen some turnover for the same reason.

Staff turnover has sometimes meant that clients living in institutions wait longer to transition to the community because their caseworker has left, and a new one has not yet started. Although several clients we interviewed said that they had experienced some gaps in service while they waited for new staff to start work, these clients said they were highly satisfied with the services they received. Nevertheless, these staffing problems still create difficulties for both clients and the organization.

## **Overview of Barriers and Facilitators to Increasing Affordable, Accessible Housing**

As a society, we lack a shared vision that housing is a human right, according to many of the key informants we interviewed. In their opinion, people who need affordable housing most, including people with disabilities, face a social perception of unworthiness that acts as a disincentive to the construction of affordable

housing projects. Other significant barriers in California include losing historic funding from property taxes and redevelopment funds, the cost and complexity of building such housing, and restrictive land-use rules. Many people we interviewed reported that affordable housing developments frequently require multiple funding sources, each with different eligibility requirements and timelines, making it difficult to assemble the needed funding for a project. Even when locales build affordable housing, rents are often too high for people with disabilities living on SSI payments. Renters can use federal housing vouchers to reduce rents, but the need for vouchers outstrips their availability. Estimates suggest that about 700,000 California households are on waiting lists for housing vouchers, almost twice the number of vouchers available.<sup>27</sup> HUD's FMR calculations, which determine the value of a rental voucher for low-income tenants, are frequently lower than actual market rates, thus limiting property management's interest in renting to a voucher holder.

Although federal laws require a small percentage of units to be physically accessible when housing is built with federal funding, the need for accessibility exceeds availability<sup>28</sup> and accessible units are sometimes rented to people who do not require accessibility. According to several PHA officials we interviewed, some housing developers think that accessibility is too expensive, and that making an older unit accessible is impractical because of cost and time. Moreover, no federal housing policy specifically directs municipalities to require all developers to set aside some units for various priority populations, including people with disabilities. Even when developers include affordable units for target populations, they are not required to accept Housing Choice Vouchers that make those units affordable for people living on SSI.

Foremost among the federal policies that respond to the lack of affordable housing are programs that subsidize rent for various low-income groups. Advocates, housing officials, and others recognize that rental subsidies make housing affordable and attainable for many poor people, even as funding for these programs is inadequate. Two housing subsidies—HUD Section 8 Housing Choice Vouchers and HUD 811 Mainstream programs—help people with significant and long-term disabilities live independently in the community.



Other important facilitators include the federal Low-Income Housing Tax Credit (LIHTC) program, administered by the states, which encourages private investment in housing construction and rehabilitation that lower-income households can afford. Community land trusts provide low- and moderate-income people with the opportunity to build equity through homeownership and reduce displacement due to land speculation and gentrification.

Important innovations also include experimental federal Medicaid programs, such as California’s Whole Person Care pilot (2015–2020), which permitted Medi-Cal funding to be used to help people transition from institutions, or from being homeless, to the community, cover unexpected housing costs, and provide financial incentives for landlords and property managers to accept disabled tenants. Federal disability-rights laws play a unique role by requiring reasonable accommodations in federally financed housing that can waive or modify policies when they exclude people with disabilities from renting affordable housing.

State initiatives, such as California’s SB 2, the 2017 Building Homes and Jobs Act, created a fee on recording certain real estate transactions devoted to constructing affordable housing. SB 330, the Housing Accountability Act, takes a different approach by reducing local control over affordable housing development approvals.

Local initiatives in Alameda County, such as the Supportive Housing Land Trust, recently established with state Mental Health Services Act Innovation funds, intended to ease the housing crisis for people with serious mental illness whose income is 200 percent of poverty.<sup>29</sup> Alameda County’s Measure A1 Bond, passed in 2016, raised money to build affordable housing. Municipalities are increasingly requiring that multifamily residential developments include a certain number of affordable units for people at different income levels. Many advocates laud inclusionary housing policy because it supports housing that integrates renters of different ages and incomes. We discuss some of these barriers and facilitators in greater detail below.

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## Barriers

***Lack of a shared social vision.*** Complex economic, social, and policy factors have

contributed to the extreme housing shortage and escalating housing costs in the Bay Area. A core problem that key informants we interviewed mentioned most frequently was inherent institutional opposition to ensuring everyone has access to housing. As a society, we lack vision, a shared commitment to solving the problem, and a foundational belief that housing is a fundamental human right.<sup>30</sup> One county healthcare official we interviewed said that the lack of a shared vision is the number-one barrier to solving the housing crisis.

Moreover, according to many we interviewed, people who need affordable housing most—older people, those with disabilities, including mental health conditions, people experiencing homelessness, and those within these groups who are also people of color—are also likely to encounter negative social perceptions that influence neighborhood willingness to allow affordable housing projects. Such historic disability-based social stigma and discrimination have undermined society’s commitment to creating affordable housing, restricting access to construction resources. One PHA official said, “Creating the case still really isn’t there for people with disabilities and housing.”

According to several nonprofit developers, housing projects that mix market-rate units with affordable units that are likely to be rented to people with disabilities or who have experienced homelessness, as well as affordable projects targeting specific disability populations, often encounter strong neighborhood opposition, referred to as NIMBY—Not in My Back Yard. Such opposition exists even as neighborhood residents say they support increasing affordable housing. Housing policy advocates have long recognized the NIMBY phenomenon related to developing housing for people with disabilities, including mental-health conditions, and homeless people with disabilities. NIMBY is especially concerning when disability, race, and ethnicity intersect.<sup>31</sup> One PHA official we interviewed said, “I think they [neighbors] believe market rate tenants won’t want to live with someone who has a disability.”

Alameda County nonprofit housing developers, PHA and healthcare officials, and advocates alike also said that they think the idea that housing is a center for economic profit rather than a social necessity contributes to the scarcity of

affordable housing. One county healthcare official said,

**I was really struck by the fact that rather than collecting taxes to invest in affordable housing, we give tax breaks to wealthy corporations and individual investors so they can get a return on investment to put money into an affordable housing project.... Since housing is seen as a market commodity where people can profit and become wealthy off of others, the result is a lot of inefficiencies, particularly in the world of social or public housing investment.**

According to the Turner Center for Housing Innovation at the University of California, Berkeley, “There is no long-term solution to California’s housing affordability crisis without building millions of new homes in a manner that is consistent with climate and racial equity goals.”<sup>32</sup>

***Loss of historical funding.*** Historically, significant public funding from property taxes and local redevelopment funds supported affordable housing construction in designated communities in California. In 2011, Alameda County permanently lost an estimated \$59 million annually in redevelopment funds, which has made it much more challenging to build affordable housing in the county.<sup>33</sup> Several developers and PHA officials we interviewed said that the loss of this funding reduced affordable-housing construction and changed the direction of affordable-housing development, adding multiple new layers of complexity to acquiring funding, permits, and other approvals.

Advocates and PHA officials we interviewed also noted that Proposition 13, passed by voters in 1978, set limits on property taxes and has significantly decreased funding available for schools, civic programs and services, and infrastructure projects, including affordable housing. The popularity of this tax benefit means that it is unlikely that voters will approve changes in the near term.

Several informants also mentioned that the federal mortgage-interest deduction has deprived communities of revenue for affordable housing and has fostered deep homeownership inequities. This deduction allows taxpayers to subtract mortgage interest from their federal taxable income under certain circumstances. Critics

charge that this deduction benefits higher-income households primarily.<sup>34</sup> Over time, the loss of these key revenue sources has contributed to the current housing crisis.

***Housing shortage.*** Across the San Francisco Bay Area, an inadequate supply of housing stock, especially affordable housing, has caused rents and mortgages to escalate. Households living on limited fixed incomes, such as seniors and people with disabilities, face the most significant challenges finding and maintaining a home in this market. Only an estimated 25 affordable-housing units exist for every 100 extremely low-income households in the Bay Area. Moreover, between 2013 and 2018, rents grew by 71 percent for one-bedroom apartments, according to HUD’s FMR data. In 2018, SSI payments for people with disabilities covered less than half the rent for a one-bedroom rental at the 2018 FMR. Estimates indicate that Alameda County, where EBI carries out its programs, requires about 54,000 more affordable rental apartments and homes to meet current demand.<sup>35</sup>

***High construction costs and funding complexity.*** New construction of affordable and low-income housing in the San Francisco Bay Area costs about \$600,000 per unit, an increase of 22.4 percent between 2016 and 2019.<sup>36</sup> Land-use restrictions, labor and construction costs, and costs related to financing complexity are contributing factors.

Nonprofit developers we interviewed reported that they frequently must use four or five funding sources to launch an affordable-housing project, each with different eligibility requirements, various competitiveness levels, and deadlines. An EBI staff member noted that even when a developer is willing to apply for funding that assures that a certain number of units will be financially subsidized using project-based HUD vouchers—federal housing assistance linked to a particular property—it could be years before all the required approvals have been obtained. One person said, “You might be a winner in the end or you might not, even though you put all this time into it.” A nonprofit developer noted that “It’s really, really expensive to build. It’s hard to get approved. It takes a long time. So, I have a project that finally got approved...in its seventh year of work.”

One nonprofit developer who rehabilitates existing properties said,

**It's not uncommon for us to have multiple regulatory agencies layered on a single unit. So, there may have been county Community Development Block Grant (CDBG) funds that were allocated during the initial rehabilitation of these units. And there may have been city funds at some point. And then they may have a project-based voucher.... [W]e can oftentimes have three to four inspections a year, sometimes by the same inspector, but they're doing the inspection and reporting to different entities. It is a burden.**

Because there are economies of scale, developers prefer to build large projects with multiple units. However, those we interviewed said that land-use restrictions, including exclusionary zoning and low-density zoning permitting only single-family homes, make it very difficult to build multifamily housing.<sup>37</sup> For instance, one recent study found that California locales allow multifamily housing on 25 percent of land zoned for housing, yet on average single-family homes can be built on 75 percent of such property.<sup>38</sup> One PHA official said, "...the more units you can put on a site, the cheaper the land and you're doing it all at once anyway, so you're getting more bang for that site. So density is an issue and there's a lot of backlash against density here."

***California Regional Housing Needs Allocation (RHNA) excludes institutionalized people.*** Since 1969, the state has required that all California cities, towns, and counties must plan for all residents' housing needs, regardless of income. Called the Housing Element and Regional Housing Needs Allocation (RHNA), the California Department of Housing and Community Development (HCD) determines the total number of new homes that locales need to build to meet the housing needs of people at all income levels. California's local governments meet this requirement by adopting housing plans as part of their "general plan," which serves as a blueprint for how the city or county will grow. A jurisdiction must first know how much housing it must plan for and estimate how much will be needed at various affordability levels to create a housing plan. This process is called the Regional Housing Needs Assessment (RHNA). Several key stakeholders we interviewed pointed out that these assessments, which occur every eight years, do not include or count institutionalized people as vulnerable populations with specific housing needs. Some of these people, however, must live in nursing homes and other

institutions because they have lost their housing and no longer have access to affordable, accessible homes in the community. Moreover, they noted that the assessment does not include accessibility as a housing element to be measured and included in planning.

**Limited accessibility.** Federal and state policies require minimum accessibility in affordable housing, yet these rules generate far too few accessible units to meet the current and growing need as the population ages.<sup>39,40</sup> Section 504 of the 1973 Rehabilitation Act requires that at least five percent of federally financed new or rehabilitated housing be accessible. California law establishes a higher standard for specific projects: all newly constructed and rehabilitated housing constructed with LIHTC must include a minimum of ten percent of the units with mobility features and a minimum of four percent of the units with communication features. The building entryway, common areas, amenities, paths of travel, and the leasing office are also required to be accessible.<sup>41</sup>

Projects might also be required to meet other federal, state, or local accessibility rules. For example, California has adopted a Universal Design Model Ordinance that local governments can voluntarily adopt. Universal Design (UD) in the housing context—sometimes referred to as “visitability”—is intended to ensure that a percentage of new housing units meet a wide range of visitors’ basic needs.<sup>42</sup> Several municipalities in Alameda County have voluntarily adopted UD requirements.<sup>43</sup> One PHA official we interviewed applauded these requirements, noting,

**Our requests for proposals give bonus points if you exceed the accessibility requirements. We give the most points if a project is universally designed. So, we get some projects that are universally designed and exceed the number of accessible units from the get-go.**

However, at least one locale allows extensive exceptions to compliance with its own UD ordinance, so its impact is mixed in that locale, according to one developer we interviewed.

**Limited data.** Physical accessibility of affordable multifamily housing is a vital

consideration for people with disabilities. It can be a deciding factor in whether someone can live in a particular unit, yet data on accessible housing is limited. HUD reported in 2011 that about five percent of housing in the U.S. was accessible for someone with moderate mobility disabilities, and only about one percent was accessible for people who use wheelchairs or other wheeled mobility devices, regardless of income.<sup>44</sup> Similarly, in Alameda County, information is sparse about the accessibility of rental housing. In 2019, Alameda County identified 74,691 affordable rental units, but accessibility information for these units is lacking.<sup>45</sup> The Housing Authority of the County of Alameda (HACA) publishes a searchable database of affordable multifamily apartment complexes that includes a field for accessibility.<sup>46</sup> A point-in-time search revealed that the database lists wheelchair accessibility for some units within 144 affordable multifamily apartment complexes dispersed throughout the county. However, all have long rental waiting lists, and many have age, disability, or other eligibility restrictions, such as income requirements that exceed SSI payments. The Alameda County Housing and Community Development Department (HCD) has provided financing, technical assistance, and policy support for the construction of 2,500 affordable-housing units during the past three decades.<sup>47</sup> Five to ten percent of these units will likely meet minimum federal accessibility standards. The HACA data referenced earlier, however, might include some or all of them, thus underscoring the difficulty in accurately identifying accessible, affordable units in the county.

**Cost.** Several PHA officials we interviewed said that developers perceive the cost of accessibility as an obstacle. One PHA official said,

**...[Y]ou'll often hear a groan of onerousness because of the expense that goes into creating the accessible units and the balance of that unit's cost with the other units that are perhaps, just visitable.... So you'll often find that developers only want to meet the minimal need rather than trying to make it a more welcoming community....**

Another PHA official made a different point: “It’s funny, now we’re having this conversation, like when is the last time I heard somebody really concerned about the accessibility—accommodating a disabled person versus let’s just get them off

the streets and into a unit.”

Two PHA officials, commenting on the extent to which affordable housing developers are concerned with the perceived cost of accessibility, said,

**PHA Official # 1: On acquisition and rehab of existing [housing] stock, it's often really difficult to make units fully ADA [accessible] that already exist. And it often elongates the construction schedule because those ADA units are offline for much longer. So, yeah,...sometimes existing buildings, they [ADA requirements] just really get in the way and make it cost prohibitive if you're looking at wanting more affordable housing or improving the affordable housing you have. Like, what's the trade off when you've got existing walls, existing this, that and the other to create a fully ADA unit?**

**PHA Official # 2: Yeah, it's cost-prohibitive and therefore they don't want to do it.... [T]here's no benefit to doing it from a builder's standpoint.**

Remarking on the challenges of making an existing property accessible, another PHA official said, “So if you're looking at development, the acquisition and rehab has obvious issues because it's usually not accessible and it sometimes is impossible with any kind of financial feasibility to be make something accessible for people with physical disabilities.”

Creating accessibility in newly constructed housing and the renovation of existing structures has real costs. The observations previously noted, however, suggest that some housing officials and developers have not entirely accepted accessibility as an essential, required housing characteristic that some people must have to live in the unit now, or in the future, as they age or acquire disabilities.

***Assignment of accessible units.*** Several PHA officials and advocates noted that even when accessible units are available, people with disabilities who meet the varied income, family size, and other eligibility requirements do not apply because they are not aware the units are available. EBI staff and other advocates we interviewed described having to contact developers, building managers, PHAs, and others repeatedly to determine if any rental units are available and to identify those that



are accessible. One EBI staff person described how she broadcasts news of an available, accessible unit throughout her housing advocates network so the unit will not be lost for someone with a disability who requires accessibility.

Several PHA officials also mentioned that municipal policies require that affordable units go to eligible city residents first, including accessible units, even if the applicant does not require accessibility. Several PHA officials described the policy of holding accessible units open for 60 days, instead of the more typical 30 days, allowing more time for eligible disabled applicants to apply, as a burden because apartment managers lose the rent. One PHA official said that their jurisdiction's policy of giving preferential treatment to a city resident still applied even when a qualified person with a disability who lived outside that municipality expressed interest in the accessible unit. Affordable multifamily housing built with Low Income Housing Tax Credits in California addresses this problem by requiring housing managers to inform renters who do not require accessibility that they might be asked to move to a comparable unit if someone with a disability needs their accessible unit.<sup>48</sup> It is not clear how frequently this requirement is implemented, however.

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## Facilitators

***Federal rental assistance.*** There is widespread support, including among many of the key informants we interviewed, for federal rental housing assistance programs and broad recognition that rent subsidization is a critical facilitator that helps make housing affordable for many people with disabilities. The U.S. Department of Housing and Urban Development operates around 20 programs that provide rental and other assistance to low-income households. For instance, Section 8 Housing Choice Vouchers, administered by PHAs, make up the difference between the cost of renting housing in the commercial market and the income of people living on extremely low incomes, including older people, people with disabilities, and people experiencing homelessness. They allow the renter to apply the voucher amount to a rental unit of their choice, provided the housing meets the program's requirements, and the landlord will accept the voucher.<sup>49</sup>

The HUD 811 Mainstream Vouchers program helps the lowest-income nonelderly

people with significant and long-term disabilities live independently in the community by providing affordable housing linked with voluntary services and support. PHAs receive extra points when their application for these vouchers includes partnerships between PHAs and housing and disability services organizations, such as EBI, and emphasizes those that help people transition from institutions to homes in the community. These deep housing subsidies can help increase affordable housing and promote states' efforts to comply with *Olmstead*.

***Low-Income Housing Tax Credits.*** The LIHTC program encourages private investment in affordable housing construction and rehabilitation. LIHTC rental units make up the largest share of the subsidized housing stock in the United States, producing nearly 3 million units.<sup>50</sup> All units are for households with less than 50 or 60 percent of Area Median Income (AMI). Administered by the Internal Revenue Service but controlled by states, LIHTC provides a significant financing source for affordable rental housing.

California requires LIHTC developments to include a minimum of ten percent of the units with mobility features, and a minimum of four percent of the units with communication features, higher accessibility targets than federal law requires. California also has adopted reasonable-accommodation policies that include a preference that people who require mobility, hearing, vision, or other sensory accommodations occupy accessible units.<sup>51</sup> Adding to this requirement, California also requires that tenants without disabilities occupying an accessible unit might be asked to move to an equivalent unit if a qualified disabled applicant needs the accessible unit. It is not clear how much influence these policies have had on matching prospective disabled tenants with accessible units, but advocates we interviewed report that they have used the policies to negotiate with a property owner on behalf of a disabled client.

Most PHA officials and developers we interviewed thought that LIHTC are an essential facilitator for affordable housing construction even though units constructed with LIHTC funds do not meet the needs of very low-income renters without layering on housing vouchers. Moreover, units are not required to be permanently affordable.

***Alameda County Whole Person Care pilot—Flexible Funding Pool (FFP).*** Alameda County’s Whole Person Care pilot project (2015–2020) established the FFP, additional funds that augment rents and create an incentive to private landlords who manage market-rate buildings to accept applicants with Housing Choice Vouchers. Landlords think incentives are valuable because they receive numerous applicants for available market-rate units and have no reason to take on the perceived bureaucratic burden of accepting a Section 8 Housing Choice Voucher. According to a county stakeholder we interviewed, who had direct knowledge about the program, the landlord received \$1,000 when they rented a new unit to a person with a housing voucher and \$500 for each new unit rented after that to someone with a voucher. If the tenant damaged the apartment, the FFP also covers up to \$4,000 of repairs beyond the security deposit.<sup>52</sup> Many stakeholders we interviewed viewed the FFP not only as a creative and unusual solution that helped people with disabilities transition into stable homes in the community but also as a bridge between housing and healthcare and a potential replacement, in Alameda County, for MFP/CCT funding.

***Reasonable accommodations.*** Reasonable accommodation, a provision of the 1977 regulations implementing Section 504 of the 1973 Rehabilitation Act, has been used creatively, as described previously, to obtain waivers or modification of policies that otherwise might prevent a person with a disability from renting an affordable housing unit. HUD also spells out some specific circumstances where prospective tenants can request a reasonable accommodation. For example, a PHA may approve a payment standard amount up to 110 percent of the published Fair Market Rent (FMR) as a reasonable accommodation if a disabled renter requires a specific unit for disability-related reasons such as unit size, location, or presence of accessibility features. PHAs can also ask HUD to approve a rental payment that is greater than 120 percent of FMR, if necessary, to ensure a reasonable accommodation, an essential option in the expensive San Francisco Bay Area housing market. If someone transitioning from an institution to housing in the community finds that their SSI income amount, combined with other residents’ income, makes it difficult to find a unit that meets their needs, the household may request an exception payment standard as a reasonable accommodation.

Affordable housing built in California using LIHTC financing is also subject to reasonable-accommodation requirements that spell out a preference that people who require mobility, hearing, vision, or other sensory accommodations occupy accessible units. LIHTC financed developments are also required to inform a tenant who moves into an accessible unit, but does not require accessibility, that they might be asked to move into an equivalent unit if a qualified disabled applicant requires the accessible unit.

***Inclusionary housing policy.*** As federal support for low-income housing has declined, cities and counties have looked for methods to increase affordable housing while also addressing racial inequities in housing. They use land-use policy, such as inclusionary housing, to increase affordable units in market-rate projects. Locales are increasingly requiring that multifamily residential developments include a certain number of affordable units for people at different income levels.

Inclusionary housing programs typically offer incentives to offset the cost of providing affordable-housing units in market-rate projects. Common incentives for developers include approval to build higher density buildings, fewer parking requirements, or property-tax reductions. However, developers can avoid including affordable units in their projects by paying in-lieu fees, typically paid into a housing trust fund used to pay for affordable housing elsewhere. Developers sometimes see in-lieu fees as a way to avoid creating inclusionary units, but some studies also suggest that the fees, if structured correctly, actually can generate more affordable housing than the inclusionary policy alone requires.<sup>54</sup> Key informants we interviewed also observed that housing projects that comply with inclusionary rules are more likely to have some accessibility features, thus increasing the pool of affordable, accessible units.

Although various local jurisdictions in Alameda County have adopted inclusionary housing policies,<sup>55</sup> most inclusionary units are set aside for people whose incomes are either 40 percent or 50 percent of AMI. Rents are still too high for people living on SSI. An EBI staff member noted that HUD's fair-market rents are sometimes not realistic in the Bay Area housing market. Although a reasonable-accommodation request could make up for the difference, there is no guarantee that the PHA will approve it. Even with this barrier, another EBI staff member

pointed out that inclusionary units are still critical housing resources because Housing Choice Vouchers can be layered on to the affordable rental rate to substantially reduce the monthly rent, especially if advocates work effectively with PHAs to allocate a portion of available vouchers to these units. One EBI staff person said, “Developers love to take vouchers on inclusionary units because they can charge the PHA market rents as long as they fit the amount that the housing authorities establish for the vouchers.” Making a different point, a county health official said, “I love, of course, the fact that inclusionary units create an opportunity for there to be integrated housing. And by integrated, I mean not just by disability but by income level and other characteristics.”

***Alameda County A1 bond initiative.*** Alameda County voters approved the Measure A1 Bond in 2016 to raise \$580 million for affordable housing in the county for homeless people, including individuals and families; chronically homeless people with disabilities and other homeless populations; seniors; veterans; and people with disabilities, including physical and developmental disabilities and mental illness; among other purposes. This funding strategy is an example of a local initiative intended to address the extreme shortage of affordable housing that targets the most vulnerable populations.<sup>56</sup>

Although this source of funding holds promise for increasing affordable, accessible housing for people with disabilities, EBI has encountered obstacles to its implementation. For example, someone who has been in a nursing facility for 90 days or longer does not meet the HUD definition of homeless and therefore cannot be placed in an A1-funded housing unit, thus eliminating those units from the limited pool of affordable housing available to people who have lived in institutions for more than 90 days.

***Supportive Housing Land Trust.*** Local initiatives in Alameda County, such as the Supportive Housing Land Trust, recently established with state Mental Health Services Act Innovation funds, intends to ease the housing crisis for people with serious mental illness whose income is 200 percent of poverty. The land trust uses community ownership and land control to provide affordable homes, and community facilities continue in perpetuity. A community land trust is a nonprofit

formed to hold the title to land to preserve its long-term availability for affordable housing. The trust retains ownership of the land, and the homebuyer pays a lease fee on the land, which protects the trust's investment in the land. While land trusts will not create enough housing units to solve the San Francisco Bay Area's affordable housing needs, several key informants we interviewed were excited about its potential for other reasons. One county healthcare official said he envisioned, for example, accessible four-plex units in which three are market rate, and the fourth is deeply affordable and designated for a person with a disability. This model not only encourages integration, but the market-rate units also might have the potential to partially or wholly subsidize the affordable unit, thus fostering the sustainability of that unit. This person said,

**The most successful projects I've been involved with are the ones where we have a small number of units in a larger affordable housing development that are targeted to people with histories of homelessness or people with disabilities. They're the ones that have tenants who have the highest level of satisfaction with their housing and the best outcomes in terms of their life changes, increased income, more stability, and better health outcomes.**

***Other state incentives.*** In recent years, the California legislature has considered numerous bills to increase affordable housing and reduce homelessness. Several PHA officials we interviewed pointed out examples of recently passed legislation that they think are likely to help developers traverse the complicated building process and increase affordable housing. For instance, SB 330, the Housing Accountability Act, passed in 2019, reduces some of the complexity involved in getting housing developments approved by reducing local control over affordable-housing development approval. SB 330 provides certainty on development impact fees, standardizes the number of hearings a city can hold to approve projects, and bans cities from downzoning or otherwise removing zoned capacity.<sup>57</sup>

AB 1763, also passed in 2019, amended the existing Density Bonus Law, allowing for 100 percent affordable-housing projects to include unlimited density around transit hubs. Existing law provides for the calculation of the amount of density bonus for each type of housing development that qualifies under these provisions.

This change could increase the financial viability of more affordable-housing projects.

## **Summary and Conclusion**

Throughout its existence, East Bay Innovations has an established history of creating affordable housing and helping people with disabilities move out of institutions and unstable living situations into permanent housing. The organization's work is anchored in a fundamental commitment to disability rights, independent living, and community-integration principles. People with disabilities whom EBI has assisted to transition to the community spoke eloquently about how desperate they had been to leave their restrictive, impersonal institutions, and return to their lives and families in the community. They also acknowledged that they could not have reached and sustained that goal without EBI's help and support.

Senior EBI staff have mastered complex housing programs and policies and built lasting relationships, anchored in trust, with every significant housing stakeholder in Alameda County, including housing developers, PHA officials, county health and mental-health leaders, property owners, managers, and advocates. These solid partnerships have spurred the creation of new affordable housing throughout the county and increased the number of private-property owners and managers who are willing to take housing vouchers and to rent to disabled tenants. After years of productive and dependable collaborations, housing managers with almost every major housing development in the county trust that EBI will be available to solve problems concerning disabled tenants that go beyond traditional property-management issues. County officials and EBI have collaborated to purchase distressed homes using neighborhood stabilization funding, renovate them, add accessibility features, and rent the homes to people transitioning from nursing facilities.

Collaborating with EBI, county healthcare leaders advocated successfully for a Medicaid-funded FFP, partially modeled after the Money Follows the Person program, which helped with moving expenses using a client move-in fund and landlord recruitment and incentive fund to encourage more landlords to offer units

to low-income housing-voucher holders. EBI leadership has worked with state legislators to design legislation modeled after the Money Follows the Person program. If signed into law, it will provide an essential source of funding for the costs of moving people with disabilities from institutions into housing in the community.

We must resolve well-documented structural barriers to creating affordable housing for people with disabilities before any real progress can be made in increasing genuinely affordable, accessible housing at the scale required to provide permanent, stable homes for those who need it. Barriers include lack of social will, disability bias, inadequate public funding, land-use and zoning restrictions, high construction costs, and bureaucratic complexity. These problems are compounded by high rental costs in the open market and limited affordable housing, especially in the San Francisco Bay Area, along with inadequate federal support for rental subsidies. Possible termination of the successful federal Medicaid-funded Money Follows the Person program is already reducing the number of people with disabilities who can transition from costly, restrictive institutions to homes in the community,<sup>58</sup> and financing is insufficient for long-term supportive services that some people require to remain in stable housing.

Only robust federal and state responses will resolve most of these structural barriers. However, local leaders, like EBI, can champion programs and policies that will make a difference. For example, service and advocacy organizations should work with PHAs and urge them to set aside Housing Choice Vouchers for people transitioning from institutions. These relationships, along with partnerships with developers and other housing stakeholders, will set the stage for these diverse partners to work together to apply for funding when HUD project-based vouchers become available. More locales should be encouraged to adopt inclusionary zoning rules and strengthen those rules by requiring that developers who take advantage of inclusionary zoning also take housing vouchers, so the units are affordable for people with disabilities living on SSI. Locales should also require that commercial multifamily-housing developers accept rental vouchers as a condition of approving housing developments. Medicaid managed-care health plans that serve people with disabilities should include funding for the transition costs covered by MFP/CCT



and the FFP when negotiating with their states on Medicaid reimbursements.

Similarly, states should negotiate for these costs to be included when applying for various Medicaid waivers with the Centers for Medicare and Medicaid Services (CMS). Advocates should work with municipalities within a geographic region to change their preference for municipal residents who do not require accessibility when affordable, accessible housing units become available. The purpose would be to amend or formally waive these policies to allow any eligible disabled person who requires and applies for an accessible unit to be given priority over applicants who do not have disabilities regardless of where they live. Local leaders should also urge municipalities to include people in institutions among the so-called special-needs groups and consider their needs during the Regional Housing Needs Assessment. Municipalities should also include methods that ensure affordable housing units are set aside for people with disabilities.

## Endnotes

<sup>1</sup> EBI funding comes from a state-funded Regional Center charged with providing services for developmentally disabled individuals and their families; various Medicaid and state agency sources; county healthcare and managed-care sources; and community partnerships and private donations.

<sup>2</sup> Regional Center of the East Bay (RCEB) is a member of a statewide network of organizations financed by the California Department of Developmental Services that support people with developmental disabilities and their families.

<sup>3</sup> National Council on Independent Living, “About Independent Living.”  
<https://ncil.org/about/aboutil/>

<sup>4</sup> C. Bolton & B. Allen, “Supported Living Services,” Connections for Information and Resources on Community Living (CIRCL), Placerville, CA. (2001).

<sup>5</sup> The California Community Transition (CCT) program began in 2008 as part of the federal Money Follows the Person Medicaid pilot project. The Department of Health Care Services (DHCS) administered CCT, and community-based organizations provide Medi-Cal recipients residing in a state-licensed healthcare facility (for 90 days or more) services necessary to safely move out of facilities and into homes in the community. The program was slated to end in 2019 but has received five short-term funding extensions.  
<https://www.disabilityrightsca.org/publications/the-california-community-transitions-cct-program-a-way-for-a-nursing-home-resident-to>

<sup>6</sup> Whole Person Care (WPC) is a pilot program within Medi-Cal 2020, California’s Section 1115 Medicaid Waiver. WPC is designed to improve the health of high-risk, high-utilizing patients through the coordinated delivery of physical health, behavioral health, housing support, food stability, and other critical community services. <http://caph.org/wp-content/uploads/2018/07/alameda-wpc-pilot-7.12.18.pdf>

<sup>7</sup> The HHP is an optional Medicaid State Plan benefit established by the Affordable Care Act. HHP serves eligible Medi-Cal beneficiaries with complex medical needs and chronic conditions who may benefit from enhanced care management and coordination.  
[https://www.dhcs.ca.gov/services/Documents/MCQMD/HHP\\_Funding\\_Summary\\_Feb-2019.pdf](https://www.dhcs.ca.gov/services/Documents/MCQMD/HHP_Funding_Summary_Feb-2019.pdf)

<sup>8</sup> HOPWA is a federal program dedicated to the housing needs of people living with HIV/AIDS. <https://www.hudexchange.info/programs/hopwa/>

<sup>9</sup> The HCBA Waiver provides care-management services to people at risk for nursing home or institutional placement. [https://www.dhcs.ca.gov/services/ltc/Pages/Home-and-Community-Based-\(HCB\)-Alternatives-Waiver.aspx](https://www.dhcs.ca.gov/services/ltc/Pages/Home-and-Community-Based-(HCB)-Alternatives-Waiver.aspx)

<sup>10</sup> In-Home Supportive Services, California Department of Social Services: The IHSS program helps pay for services so people with disabilities can remain safely in their own home. IHSS is considered an alternative to out-of-home care, such as nursing homes or board and care facilities. Eligible beneficiaries must be over 65 years of age, or disabled, or blind. Disabled children are also potentially eligible for IHSS. <https://www.cdss.ca.gov/in-home-supportive-services>

<sup>11</sup> Social Security Administration, Ticket to Work. <https://www.ssa.gov/work/home.html>

<sup>12</sup> Brandeis University, Committee for Protection of Human Subjects. IRB Protocol #20048R-E, Caldwell: Understanding Barriers and Facilitators to Increasing Affordable Housing for People with Disabilities.

<sup>13</sup> R. K. Scotch, “Politics and Policy in the History of the Disability Rights Movement,” *The Milbank Quarterly* 67, no. 2 (1989): 380–400.

<sup>14</sup> Meredith Minkler says about community-building: “Juxtaposed against the backdrop of today’s troubled economy and complex health and social challenges there is a growing emphasis on concepts like community partnerships, community empowerment, capacity building, individual and community empowerment.” M. Minkler, *Community Organizing and Community Building for Health and Welfare*, 2012, Rutgers University Press, New Brunswick, NJ.

<sup>15</sup> Through the Section 811 Supportive Housing for Persons with Disabilities program, HUD provides funding to develop and subsidize rental housing with the availability of supportive services for very low- and extremely low-income adults with disabilities. [https://www.hud.gov/program\\_offices/housing/mfh/grants/section811ptl](https://www.hud.gov/program_offices/housing/mfh/grants/section811ptl)

<sup>16</sup> HUD Section 8 Housing Choice Vouchers, administered by PHAs, make up the difference between the cost of renting housing in the commercial market and the income of people living on very low incomes. [https://www.hud.gov/topics/housing\\_choice\\_voucher\\_program\\_section\\_8](https://www.hud.gov/topics/housing_choice_voucher_program_section_8)

<sup>17</sup> *Olmstead v. L.C.* 527 U.S. 581 (1999).

<sup>18</sup> 42 U.S.C. §§ 12101–12213 (2010).

<sup>19</sup> 2017 Mainstream Voucher Program, FR-6100-N-43, CDFA 14.879, U.S. Department of Housing and Urban Development, Public and Indian Housing. June 18, 2018.

<https://www.hud.gov/sites/dfiles/SPM/documents/FY17%20Mainstream%20Voucher%20Program%20NOFA.pdf>

<sup>20</sup> J. Kennedy & E. G. Wood, “Disability-Based Disparities among Noninstitutionalized Working-Age Adults in the US: Evidence from the 2018 National Health Interview Surveys,” 2020, Collaborative on Health Reform and Independent Living, Spokane WA.

<https://www.chril.org/>

<sup>21</sup> Through standardization of practice, AC Care Connect hoped to improve consumers’ experience while engaging in the development of universal tools and sharing of consumer health records. <http://accareconnect.org/care-connect/#infographicrow>

<sup>22</sup> Whole Person Care Alameda County, California Association of Public Hospitals and Health Systems (CAPHS), 2018, Oakland, CA.

<sup>23</sup> Whole Person Care Alameda County.

<sup>24</sup> 29 U.S.C. § 794.

<sup>25</sup> Diane Lipton, Disability Rights and Independent Living Movement Oral History Project, 2001, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, CA.

<https://oac.cdlib.org/view?docId=hb1s2001nb;NAAN030&doc.view=frames&chunk.id=div00061&toc.depth=1&toc.id=div00061&brand=oac4&query=CHLOE>

<sup>26</sup> Housing Choice Voucher Program Guidebook, Payment Standards, 2019, U.S. Department of Housing and Urban Development, Washington, DC.

[https://www.hud.gov/sites/dfiles/PIH/documents/HCV\\_Guidebook\\_Payment\\_Standards.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/HCV_Guidebook_Payment_Standards.pdf)

<sup>27</sup> L. Morales, “The 2019 – 2020 Budget: Considerations for the Governor’s Housing Plan,” 2019, Legislative Analyst’s Office, Sacramento, CA.

<sup>28</sup> J. L. Maisel, E. Smith & E. Steinfeld, “Increasing Home Access: Designing for Visitability,” 2008, AARP Public Policy Institute, Washington, DC.

<http://idea.ap.buffalo.edu/idea/wp-content/uploads/sites/110/2019/07/IncreasingHomeAccess.pdf>

<sup>29</sup> Supportive Housing Community Land Alliance, Innovative Project Plan Description, Executive Summary, July 22, 2019.

[https://mhsoac.ca.gov/sites/default/files/02\\_03\\_Alameda\\_INN%20Project%20Plan\\_Supportive%20Housing%20Community%20Land%20Trust\\_7.22.2019\\_Final.pdf](https://mhsoac.ca.gov/sites/default/files/02_03_Alameda_INN%20Project%20Plan_Supportive%20Housing%20Community%20Land%20Trust_7.22.2019_Final.pdf)

<sup>30</sup> Confirming this concern, in May 2020, the California legislature became the first state in the country officially to propose amending the state constitution to recognize the human right to housing. California Assembly Constitutional Amendment, 2020.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200ACA10](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200ACA10)

<sup>31</sup> J. Ross, “Avoiding and Overcoming Neighborhood Opposition to Affordable Rental Housing,” 2020, Advocates’ Guide 2020, National Low-Income Housing Coalition, Washington, DC. [https://nlihc.org/sites/default/files/AG-2019/02-10\\_Avoiding-Overcoming-Opposition.pdf](https://nlihc.org/sites/default/files/AG-2019/02-10_Avoiding-Overcoming-Opposition.pdf)

<sup>32</sup> D. Garcia, “2020 California Legislative Year in Review: A Frustrating End to a Disappointing Year for Housing,” 2020, Turner Center for Housing Innovation, University of California, Berkeley, CA. <https://turnercenter.berkeley.edu/blog/2020-california-legislative-year-in-review>

<sup>33</sup> Alameda County Community Development Agency, “What was Lost After Dissolution of Redevelopment,” 2014, Affordable Housing and Community Development, Alameda County, California. <https://www.acgov.org/cda/hcd/documents/Lost-Redevelopment-funds-impact-Affordable-Housing.pdf>

<sup>34</sup> Joint Committee on Taxation, Estimates of Federal Tax Expenditures For Fiscal Years 2018–2022 for the California House Committee on Ways and Means and the Senate Committee on Finance, 2018.

<sup>35</sup> Innovative Project Plan Description, Supportive Housing Community Land Alliance, County of Alameda, 2019, California, Oakland, CA. [https://mhsoac.ca.gov/sites/default/files/02\\_03\\_Alameda\\_INN%20Project%20Plan\\_Supportive%20Housing%20Community%20Land%20Trust\\_7.22.2019\\_Final.pdf](https://mhsoac.ca.gov/sites/default/files/02_03_Alameda_INN%20Project%20Plan_Supportive%20Housing%20Community%20Land%20Trust_7.22.2019_Final.pdf)

<sup>36</sup> Innovative Project Plan Description.

<sup>37</sup> R. C. Ellickson, “The Zoning Strait-Jacket: The Freezing of American Neighborhoods of Single-Family Houses,” 2020, Yale Law School, Public Law Research Paper (forthcoming). <https://ssrn.com/abstract507803> or <http://dx.doi.org/10.2139/ssrn.3507803>

<sup>38</sup> S. Mawhorter & C. Reid, “Local Housing Policies Across California: Presenting the Results of a New Statewide Survey,” 2018, Turner Center for Housing Innovation at University of California Berkeley. [https://californialanduse.org/download/Terner\\_California\\_Residential\\_Land\\_Use\\_Survey\\_Report.pdf](https://californialanduse.org/download/Terner_California_Residential_Land_Use_Survey_Report.pdf)

<sup>39</sup> Twenty percent of the total U.S. population will be people 65 and older by 2050; 25.4 percent of people aged 65–74 reported disability, and 49.8 percent of people over age 75 reported disability in 2015. W. Erickson, C. Lee & S. von Schrader, “2015 Disability Status Report: United States,” 2016, Cornell University Yang Tan Institute on Employment and Disability, Ithaca, NY.

<sup>40</sup> The federal Fair Housing Amendments Act (FHAA), 42 USC 360, calls for newly constructed multifamily dwellings with four or more units to provide basic accessibility to people with disabilities if the building was ready for first occupancy on or after March 13, 1991. The design features apply to all units in buildings with elevators and ground-floor units in multilevel buildings without elevators.

<sup>41</sup> Federal and State Low-Income Housing Tax Credit, 4 CCR § 10325, Tax Credit Allocation Committee, Attachment 10, Minimum Construction Standards, Regulation Section 10325(f)(7) § 10325, Application Selection Criteria-Credit Ceiling Applications.

<sup>42</sup> California Universal Design Model Ordinance, 2002. <https://www.hcd.ca.gov/building-standards/state-housing-law/universal-design.shtml>

<sup>43</sup> Ord. No. 3198 N.S., § 1, 11-7-2017. [https://library.municode.com/ca/alameda/codes/code\\_of\\_ordinances?nodeId=CHXXXDE\\_RE\\_ARTIZODIRE\\_30-18UNREDE\\_30-18.4NECORE](https://library.municode.com/ca/alameda/codes/code_of_ordinances?nodeId=CHXXXDE_RE_ARTIZODIRE_30-18UNREDE_30-18.4NECORE)

<sup>44</sup> Multi-Disciplinary Research Team, Accessibility of America’s Housing Stock: Analysis of the 2011 American Housing Survey (AHS), 2015, Office of Policy Development and Research, U.S. Department of Housing and Urban Development, Washington, DC.

<sup>45</sup> Find Affordable Housing in Alameda County website using search and advanced features functions at: <https://achousingchoices.org/>. Also see Eden, I&R. 2019 Annual

Report at: [http://edenir.org/wp-content/uploads/2019/11/Eden\\_IR\\_Annual\\_Report\\_FY19.pdf](http://edenir.org/wp-content/uploads/2019/11/Eden_IR_Annual_Report_FY19.pdf)

<sup>46</sup> Housing Authority of the County of Alameda. <https://www.haca.net/>

<sup>47</sup> Community Development Agency, Affordable Housing Development Program, Alameda County, California. <https://www.acgov.org/cda/hcd/rhd/index.htm>

<sup>48</sup> 4 CCR § 10337.

[https://govt.westlaw.com/calregs/Document/I03B32C80C87B11EDA701804CC22C90B8?viewType=FullText&listSource=Search&originationContext=Search+Result&transitionType=SearchItem&contextData=\(sc.Search\)&navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad720f100000182bc35ea5ecd2a6304%3Fppcid%3Dab2a9dbef640fcb0e5bddace3f9fe%26Nav%3DREGULATION\\_PUBLICVIEW%26fragmentIdentifier%3DI03B32C80C87B11EDA701804CC22C90B8%26startIndex%3D1%26transitionType%3DSearchItem%26contextData%3D%2528sc.Default%2529%26originationContext%3DSearch%2520Result&list=REGULATION\\_PUBLICVIEW&rank=12&t\\_querytext=CR\(%22REGISTER+2022%22+%2B3+32\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I03B32C80C87B11EDA701804CC22C90B8?viewType=FullText&listSource=Search&originationContext=Search+Result&transitionType=SearchItem&contextData=(sc.Search)&navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad720f100000182bc35ea5ecd2a6304%3Fppcid%3Dab2a9dbef640fcb0e5bddace3f9fe%26Nav%3DREGULATION_PUBLICVIEW%26fragmentIdentifier%3DI03B32C80C87B11EDA701804CC22C90B8%26startIndex%3D1%26transitionType%3DSearchItem%26contextData%3D%2528sc.Default%2529%26originationContext%3DSearch%2520Result&list=REGULATION_PUBLICVIEW&rank=12&t_querytext=CR(%22REGISTER+2022%22+%2B3+32)&bhcp=1)

<sup>49</sup> Seventy-five percent of new voucher holders must have incomes at or less than 30% of Area Median Income (AMI) to be eligible, making these vouchers especially crucial for people living on SSI. PHAs set payment standards, typically between 90% and 110% of HUD’s Fair Market Rent (FMR). Referred to as project-based vouchers, PHAs can link between 20% and 30% of Housing Choice Vouchers to a specific property if they choose to do so.

<sup>50</sup> HUD Office of Policy Development and Research, “Low-Income Housing Tax Credits,” July 1, 2017. <https://www.huduser.gov/portal/datasets/lihtc.html>

<sup>51</sup> 4 CCR § 10337.

<sup>52</sup> The Whole Person Care project is slated to end in 2020, but several stakeholders we interviewed were optimistic that Alameda County would continue to fund the Flexible Funding Pool (FFP).

<sup>53</sup> 4 CCR § 10337.

<sup>54</sup> Inclusionary Housing, In Lieu Fees. <https://inclusionaryhousing.org/designing-a-policy/off-site-development/in-lieu-fees/>

<sup>55</sup> Grounded Solutions Network, Inclusionary Housing Database, 2018, <https://inclusionaryhousing.org/map/>

<sup>56</sup> Alameda County Community Development Agency, Affordable Housing Bond Issuance. <https://www.acgov.org/cda/hcd/housing/plan.htm>

<sup>57</sup> D. Garcia, "Revisiting California's Density Bonus Law: Analysis of SB 1085 and AB 2345," Turner Center for Housing Innovation at UC Berkeley, 2020. [http://turnercenter.berkeley.edu/uploads/Revisiting\\_California%80s\\_Density\\_Bonus\\_Law.pdf](http://turnercenter.berkeley.edu/uploads/Revisiting_California%80s_Density_Bonus_Law.pdf)

<sup>58</sup> K. Liao & V. Peebles, "Money Follows the Person: State Transitions as of December 31, 2019," Mathematica for the Centers for Medicare and Medicaid Services. (2019). <https://www.medicaid.gov/medicaid/long-term-services-supports/downloads/mfp-2019-transitions-brief.pdf>

## Acronyms

<b>ACHSA</b>	Alameda County Healthcare Services Agency
<b>ADA</b>	Americans with Disabilities Act
<b>CC</b>	Care Connect (AC Care Connect)
<b>CCT</b>	California Community Transitions
<b>CMS</b>	Centers for Medicare and Medicaid Services
<b>DHCS</b>	Department of Health Care Services
<b>EBI</b>	East Bay Innovations
<b>FFP</b>	Flexible Funding Pool
<b>FMR</b>	Fair Market Rate
<b>HACA</b>	Housing Authority of Alameda County
<b>HCBA</b>	Home- and Community-Based Alternative Waiver
<b>HCD</b>	California Department of Housing and Community Development



<b>HOPWA</b>	Housing Opportunities for People with AIDS
<b>HUD</b>	U.S. Department of Housing and Urban Development
<b>IHSS</b>	In-Home Supportive Services
<b>LIHTC</b>	Low-Income Housing Tax Credit
<b>MFP</b>	Money Follows the Person
<b>MHSA</b>	Mental Health Services Act
<b>NIMBY</b>	Not in My Back Yard
<b>PHA</b>	Public Housing Agency
<b>RCEB</b>	Regional Center of the East Bay
<b>RFP</b>	Request for Proposal
<b>RHNA</b>	Regional Housing Needs Allocation
<b>SMI</b>	Serious Mental Illness
<b>SSI</b>	Supplemental Security Income
<b>UD</b>	Universal Design
<b>WPC</b>	Whole Person Care

## **Other Terms**

**HUD 811 Housing Choice Vouchers** (Mainstream Vouchers)

**HUD Section 8 Housing Choice Vouchers**

## **How to Cite This Brief**

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