

Findings  
and Recommendations

Mixing Populations in State  
Elderly/Disabled Housing  
Projects

December 21, 2004

Legislative Program Review  
& Investigations Committee

# Introduction

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## Overview

The primary purpose of the committee's study of mixing non-elderly disabled and elderly persons in state assisted housing projects was two-fold: examine the nature and extent of problems arising from this policy; and explore options and alternatives for resolving them. As discussed in the briefing report, the policy has both social and financial implications as well as legal.

The policy's social impact concerns the reported negative incidents resulting from young disabled persons living in the same projects with elderly individuals. Over the years, there has been much discussion, although little documentation, of problems between the two tenant groups, ranging from lifestyle clashes and fears based on misconceptions about mental illness, to actual physical conflicts, disruptive behaviors, and criminal activities.

The economic impact of the policy is related to the very low incomes and potentially longer tenures of young disabled residents as well as the growing presence of this group on project waiting lists. In combination, these trends could present a serious challenge to the financial viability of state elderly/disabled projects. The same trends may also result in less access to this affordable and accessible housing resource by low-income persons of any age.

Many factors in addition to policy, management, and funding matters, contribute to the social and financial problems found in state elderly/disabled housing including one major issue beyond the scope of this study - the state's affordable housing crisis - and another beyond the control of any legislation - resident attitudes. Solutions examined by the committee, therefore, were also multi-faceted. This report contains a series of proposals for addressing negative incidents and economics within the state projects through: more effective housing management tools; better support from and collaboration among state agencies; and stronger planning, oversight, and leadership by the state's lead housing agency.

The committee also considered a spectrum of policy options related to changes in tenant eligibility. Each option has benefits and drawbacks in terms of addressing social and financial problems and, to varying degrees, may be subject to legal challenges. In addition, many of the policy and administrative solutions examined by the program review committee would require more state resources and some would entail significant funding increases.

Analysis of possible alternatives to the current policy was complicated by data limitations. Much of the information included in this report was compiled for the first time and gathered through a variety of qualitative and quantitative methods. In many cases, data needed to fully assess various options were incomplete or unavailable within the timeframe of the study. As a result, some findings are based on estimates and projections. They are presented as indicators rather than conclusive evidence of current conditions or trends and should be viewed with care.

Overall, solutions to problems with the mixing populations policy must balance competing needs and conflicting goals. Both groups currently served by state elderly/disabled housing have limited incomes, few choices, and great needs for affordable and accessible housing. Policy changes can have a number of purposes that include: providing a safe and peaceful community of peers; ensuring affordable, permanent housing opportunities for low income persons with disabilities; promoting financial stability of elderly/disabled projects; or preserving a critical resource of affordable, accessible housing units for both low income populations. Different options may be chosen depending on how needs are weighed and how goals are prioritized.

Despite the many challenges to finding workable remedies, the committee believes the recommendations contained in this report will improve the operation and oversight of these housing developments. A number have been suggested by housing authorities or proposed in legislative committees in the past but failed to be adopted. Successful implementation requires collaboration and partnership among many parties. For example, project managers must build relationships with community service providers and try to understand and deal with lifestyle and generational differences as well as the stigma of disability. State agencies whose clients reside in elderly/disabled projects must support and work with housing management in meeting the tenants' needs.

Finally, commitment, guidance, and oversight by a state agency with ultimate responsibility and authority for housing matters is critical. By law, the Department of Economic and Community Development (DECD) is the state's lead housing agency, charged with operating, coordinating, and planning state as well as many federal activities to create and maintain quality, affordable housing in Connecticut. However, at present, DECD shares authority for state elderly/disabled housing projects with the quasi-public Connecticut Housing Finance Authority (CHFA), which could complicate implementation of any proposed improvements. The long-term effect of this split jurisdiction needs to be closely monitored to ensure there is strong leadership for state elderly/disabled housing issues.

## **Report Format**

This report is divided into four sections each of which contains the committee findings and recommendations. Section I describes social implications including the nature and extent of negative incidents at state elderly/disabled housing developments along with the management tools used to address them. The financial impact of the policy of mixing young disabled and elderly tenants in projects is discussed in Section II. Other considerations related to the demand for and supply of affordable housing in Connecticut are presented in Section III. Section IV provides a range of policy options available to address the both social and financial problems with state elderly/disabled housing projects.

## **Methodology**

In preparing this report, the program review committee met with a variety of government agencies including: the Department of Economic and Community Development, Connecticut Housing Finance Authority, Department of Social Services (DSS), Department of Mental Health

and Addiction Services (DMHAS), Department of Mental Retardation (DMR), and the federal Department of Housing and Urban Development (HUD). In addition, the committee met with staff from the Commission on Human Rights and Opportunities (CHRO) and housing court personnel as well as various advocacy and interest groups involved in housing matters. The program review committee interviewed housing authority officials and staff, resident service coordinators, and mental health and social service providers. The committee also visited a sample of elderly/disabled housing projects and held group discussions with residents.

The program review committee compiled information from housing authorities through a survey, data requests, and interviews. The survey solicited both information and opinion from the housing project managers. Specifically, they were asked to provide information on: 1) the nature and extent of negative incidents occurring in their projects in the last six months, 2) the policies and procedures used to screen applicants and handle problem tenants, and 3) the number, reason, cost, outcome, and length of time associated with eviction proceedings initiated in the last five years.

The survey also asked housing officials to: 1) gauge the level of social conflict and financial impact experienced at their developments due to this policy, 2) rate the effectiveness of the management tools and support services available to them, and 3) suggest changes, if any, they would make to the policy. Follow-up interviews were conducted for a number of responses.

With 80 out of 93 housing authorities cooperating, the survey response was 86 percent. The committee made numerous attempts to contact non-responding housing authorities. A copy of the survey and list of housing authorities who did not participate in the committee survey are provided in Appendix A.

# Section I: Social Impact

## Social Impact

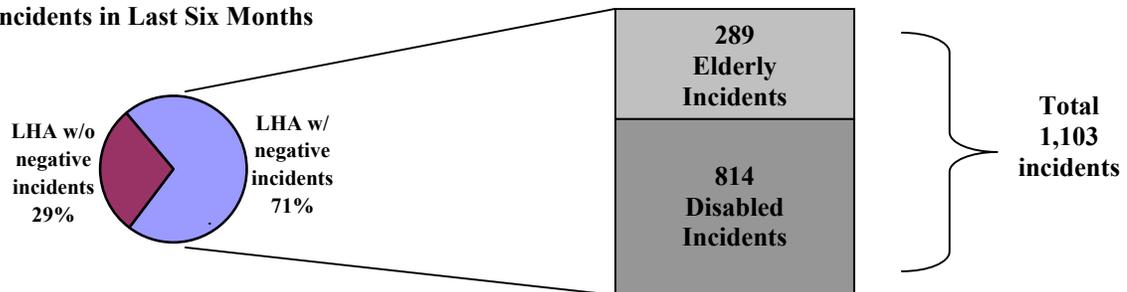
As discussed in the briefing, reports regarding conflicts occurring in elderly/disabled projects have been primarily anecdotal. To get a more factual picture, in July 2004 the program review committee surveyed housing authority management about the number and nature of negative incidents taking place within the previous six months. For purposes of the survey “negative incident” was defined as a specific occurrence that disrupts the safe and secure enjoyment of home and /or personal property involving a tenant at an elderly/disabled project.

A total of 80 out of 93 housing authorities completed the committee survey representing 86 percent of all housing authorities with state funded housing. The limitations of the data provided should be noted. The nature and extent of problems are described from management’s perspective as reported to the committee and therefore subjective. Housing authorities are not required to track complaints or negative incidents. Due in part to the absence of pre-existing data, there may be inconsistencies in how management records or judges “negative incidents.” For this reason, the committee also solicited opinions and experiences from tenants at various housing authorities. This information is summarized below.

### Negative Incidents

**Number of management problems.** Of the 80 housing authorities responding to the survey, 57 housing authorities (71%) reported the occurrence of at least one negative incident in the previous six months. Twenty-three authorities (29%) reported having no such incidents.

**Figure I-1. LHAs with Negative Incidents in Last Six Months**

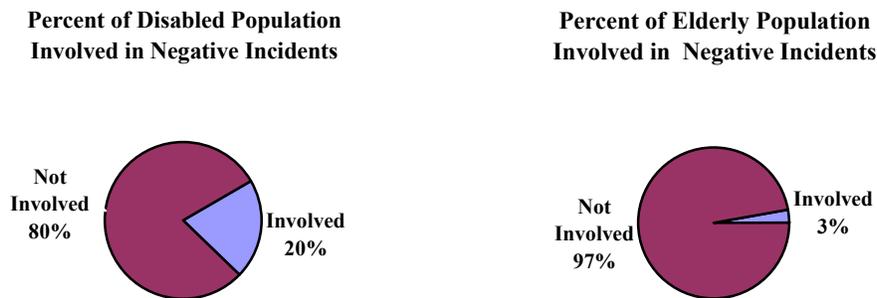


Source: LPR&IC survey of housing authorities, July 2004

As Figure I-1 shows, the 57 housing authorities experiencing problems reported a total of 1,103 negative incidents during the six-month timeframe. While both populations have been involved in negative incidents, younger tenants with disabilities were involved in the majority of incidents. Younger disabled tenants (under age 62) were involved in 74 percent (814 incidents) of all reported incidents. Tenants over the age 62 were involved in 289 incidents. Since some tenants, both old and young, engage in recurring or multiple negative incidents, the committee

also asked housing authorities to indicate the total number of individual tenants over and under the age of 62 who were involved in negative incidents. A total of 361 tenants were cited as involved in negative incidents during the six-month period including 135 elderly and 226 non-elderly disabled residents. *Overall, the portion of tenants, both young and old, involved in negative incidents is relatively small.* The 361 tenants involved in negative incidents represent 6 percent of the total tenant population represented in the survey (6,166). The committee also computed separate percentages of elderly and non-elderly tenants involved in management problems, illustrated in Figure I-2.

**Figure I-2.**



Source: LPR&IC survey of housing authorities, July 2004

The reported incidents show that 20 percent of all disabled residents were involved in a negative incident, as compared to three percent of the total elderly tenant population. *Therefore, as a group, younger persons with disabilities were more likely to be involved in negative incidents.*

**Nature of incidents.** The program review committee asked housing management to indicate the number of incidents by type. Housing authorities reported a broad range of types of incidents from noncompliance with policies regarding parking, pets, disruptive guests to inappropriate social behavior, to criminal activity. To measure the level of problems, the program review committee categorized the reported incidents into three types: serious incidents, inappropriate social behavior, and lease violations.

*Serious incidents.* While the program review committee recognizes what constitute a “serious” problem is a matter of judgment, for the purposes of this report, incidents involving physical safety or criminal activity were categorized as “serious”. This includes incidents of physical altercations, illegal drug use, drug dealing, and prostitution. A breakdown of these incidents and residents involved is presented in Table I-1.

As Table I-1 shows, there were 153 incidents involving 24 housing authorities identified as serious, approximately 14 percent of the total 1,103 reported for the six-month period. There were two categories in which no elderly tenants were involved - drug dealing and prostitution. The vast majority of serious incidents (141) involved a younger tenant. Due to data limitations, the total number of tenants involved in serious incidents cannot be calculated since an individual could be involved in more than one type. Nonetheless, the volume suggests that more young tenants than older residents were involved in serious incidents.

<b>Table I-1. Serious Incidents Reported in the Last Six Months.</b>					
<b>Type of Serious Incident</b>	<b>Total Number of Incidents</b>	<b>Tenants Under Age 62 With Disabilities</b>		<b>Tenants Over Age 62</b>	
		<b>Number of Incidents</b>	<b>Number of Tenants</b>	<b>Number of Incidents</b>	<b>Number of Tenants</b>
Physical altercation	42	34	15	8	8
Illegal drug use	61	57	21	4	2
Drug dealing	31	31	12	0	0
Prostitution	19	19	5	0	0
<b>Total</b>	<b>153</b>	<b>141</b>	<b>*</b>	<b>12</b>	<b>*</b>

*\*Total is not calculated since a tenant may be involved in more than one type of incident.*  
 Source: LPR&IC survey of housing authorities, July 2004

*Inappropriate social behavior.* The committee also asked housing authorities to report incidents regarding complaints of inappropriate social behavior. This category constitutes 12 percent of all incidents. As seen in Table I-2, the types of incidents mentioned most frequently were use of profanity, public intoxication, public nudity, and panhandling.

<b>Table I-2. Inappropriate Social Behavior Reported in Last Six Months.</b>					
<b>Type of Inappropriate Social Behavior</b>	<b>Total Number of Incidents</b>	<b>Tenants Under Age 62 with Disabilities</b>		<b>Tenants Over Age 62</b>	
		<b>Number of Incidents</b>	<b>Number of Tenants</b>	<b>Number of Incidents</b>	<b>Number of Tenants</b>
Profanity	61	59	24	2	2
Public Intoxication	21	20	11	1	1
Public Nudity	12	12	2	0	0
Panhandling	30	30	6	0	0
Other Miscellaneous	7	6	3	1	1
<b>TOTAL</b>	<b>131</b>	<b>127</b>	<b>*</b>	<b>4</b>	<b>*</b>

*\*Total is not calculated since a tenant may be involved in more than one type of incident.*  
 Source: LPR&IC survey of housing authorities, July 2004

Almost all of the incidents involved a younger disabled tenant with only four incidents involving residents over the age of 62. There were two categories in which no elderly tenants were involved – public nudity and panhandling. Similar to the previous analysis of serious incidents, the total number of tenants involved in inappropriate social behavior cannot be determined because of limitations in the way data were reported. However, the volume suggests more young disabled residents exhibited inappropriate social behavior.

*Lease violations.* The largest number of incidents fell into the broader category of lease violations. While all negative incidents may technically be lease violations, the incidents included in this category typically are general violations of housing authority rules and regulations. Table I-3 presents the range of incidents in this category.

<i>Table I-3. Lease Violations Reported in Last Six Months.</i>					
<i>Lease Violations</i>	<b>Total Number of Incidents</b>	<b>Tenants Under Age 62 with Disabilities</b>		<i>Tenants Over Age 62</i>	
		<b>Number of Incidents</b>	<b>Number of Tenants</b>	<b>Number of Incidents</b>	<b>Number of Tenants</b>
Verbal altercation	266	172	78	94	59
Excessive noise	165	101	49	64	13
Poor housekeeping	184	114	61	70	32
Destruction of property	35	30	21	5	3
Disruptive guests	111	86	47	25	18
Other lease violations (e.g. occupancy, parking, laundry, pets)	58	43	14	15	6
<b>TOTAL</b>	<b>819</b>	<b>546</b>	<b>*</b>	<b>273</b>	<b>*</b>
<i>*Total is not calculated since a tenant may be involved in more than one type of incident.</i>					
Source: LPR&IC survey of housing authorities, July 2004					

Housing authorities had 819 incidents in this category comprising 74 percent of all incidents. Among the most frequently reported incidents were verbal altercations (266) followed by poor housekeeping (184), excessive noise (165), and disruptive guests (111). These types of incidents, specifically verbal altercations, greatly outnumber the incidents in any other category. As the table illustrates, both populations engage in these types of incidents. Although elderly residents appear to be involved to a somewhat lesser degree in these incidents than younger disabled tenants, the ratio between the two groups for these types of violations is closer than in the other categories.

In their survey comments, most housing management officials attributed many of these incidents to intergenerational conflicts and lifestyle differences. Some housing authorities believe individual personalities and interests often contribute as much to lifestyle differences as do age or disability. The issue of disruptive guests and excessive noise were frequently mentioned in discussions with residents. The resident group discussions conducted by the committee provided further insight about these problems and are summarized below.

**Police involvement.** According to housing authorities, approximately 17 percent (184) of the total negative incidents required police intervention. Discussions held with residents and housing authority staff reveal that frequently negative incidents occur at night or on weekends when management is not readily available. Some housing authorities have taken the approach of encouraging and directing residents to call the police when negative incidents occur. Presumably, this approach is to provide documentation of problems as well as discourage frivolous complaints.

As another measure of incident severity, the committee contacted all local police departments to get a sense of the type of incidents to which they have been requested to respond. Overall, the 25 police departments who responded to the committee request reported receiving a total of 715 calls from state elderly/disabled housing projects in the six-month period. Of these calls, 330 were for medical or 911 emergencies; 151 were for miscellaneous reasons (including parking violations, animals, found property, and tenants locked out of apartments); 81 visits were in response to alarms (fire, security, car, etc.); and 54 reports were for burglary, assault, reckless driving/car accidents, and drug/intoxication. Noise and other disturbances, suspicious activity, and disputes between neighbors each amounted to 14 percent (99) of the calls reported.

Comments from residents and housing authority staff in a few locations suggest a disjointed approach by law enforcement and community service providers in responding to calls for service at housing developments. Housing managers and residents reported that at times the law enforcement response is to identify a problem as a management problem or mental health problem, conclude that law enforcement is not equipped or authorized to respond, and suggest that management or mental health providers be contacted. At the same time, housing authority staff and residents contend mental health providers indicate a problem requires arrest or confinement and suggest calling law enforcement. *The absence of a unified approach by law enforcement and community support services providers in responding to calls for service raises concern for the safety and well being of residents at mixed population housing developments.*

**Characteristics of housing authorities with negative incidents.** As part of its analysis, the committee sought to identify characteristics of housing authorities reporting negative incidents. In general, there were two interrelated factors that appear to relate to the total number of incidents – the size of the housing projects and the number of younger disabled tenants at a project. Overall, larger developments (over 100 units) have significantly more total incidents than smaller housing developments. Serious incidents, as defined in this study, were reported in 24 housing authorities with the vast majority of incidents occurring in developments with more than 50 units.

Large housing developments also have significantly more young disabled residents than smaller projects. The size of the housing authority appears to be related to the number of incidents involving disabled tenants. Larger developments (over 100 units) had a median of 13 negative incidents involving younger disabled. Medium size projects (50 to 100 units) had a median of three negative incidents with younger disabled residents. Developments with less than 50 units had a median of only one negative incident involving a tenant under age 62 in the last six months. Similar data analysis conducted for elderly residents was not statistically significant.

Across housing authorities, the percent of young disabled tenants involved in negative incidents ranged from zero to 100 percent of the young disabled who lived at the project. In general, the committee analysis found that the higher the *number* of disabled residents, the more negative incidents involving disabled tenants. Interestingly, there appears to be no statistical relationship between the *percent* of the disabled population residing at a housing authority and the percent of disabled tenants involved in negative incidents. Table 1-4 illustrates an example of this point. Two housing authorities can have the same percentage of disabled tenants (10%) while having different numbers of disabled tenants. At the same time, the housing authorities may have a different percent of their disabled population involved in negative incidents but have the same number of disabled tenants (5) involved in negative incidents.

<b>Table I-4. Example of Number vs Percentage</b>				
	<b>Number units</b>	<b>10% of tenants are disabled</b>	<b>Number of disabled tenants involved in negative incident</b>	<b>Percent of disabled involved in negative incident</b>
HA 1	50	5	5	100%
HA 2	100	10	5	50%

Furthermore, the total number of negative incidents and the number of such incidents involving a young disabled tenant is not related to whether a housing authority has a resident service coordinator or whether the housing authority has a policy for addressing negative incidents. This will be discussed further in this section.

The program review committee also asked housing authorities if the physical characteristics of projects (e.g., high-rise or garden apartments) had an effect on the number of negative incidents. Generally, housing managers felt that high-rise apartments tend to generate more management problems because of the number of common areas, stairwells, and elevators. In addition, the committee asked housing authorities if the number and types of problems occurring in elderly/disabled housing is the same in the other types of housing programs they run. Most housing authorities stated that there is generally more criminal activity in their other projects.

### **Group Discussions with Residents**

The committee acknowledged the need to receive input from the parties most affected by the policy of mixing populations – the residents. Formal public hearings, open forum meetings, and smaller group discussions were conducted in several communities around the state. Formal public hearings were held in Hartford, Hamden, Norwich, and Danbury. Open forum meetings and group discussions were also held in Manchester, Bristol, Hamden, Waterbury, and Danbury. In addition to these venues, residents were also offered the opportunity to contact the committee by mail, email, or telephone and several did.

These locations were chosen for a number of reasons including the concentration of young disabled residents, geographic diversity, size, and reputation. Further details are provided in Appendix B. It is important to note that the number of residents interviewed was not a statistically valid sample. Participation was wholly voluntary. Approximately twenty residents

participated at each of the five locations. One location only had ten or so participants. At most locations, the committee met with groups of young disabled and elderly residents separately.

Each group was asked a series of questions regarding their thoughts, opinions, and experiences residing in a mixed population environment. Each location produced a variety of responses to the questions. Overall, the consensus of the groups was their development is a good, safe, and peaceful place to live. Residents at most of the locations reported some degree of disturbance or negative incidents. However, tenants at one project reported no incidents or problems, indicating both populations either get along or keep to themselves.

The extent of problems reported by residents ranged from violations of parking and laundry room use to allegations of drug dealing and prostitution. A common concern was the presence of outside visitors. A few places had concerns regarding security especially related to common areas, stairwells, and doorways. Some reported fear of retaliation for complaining to management. Police presence varied by location from regular security patrols to casual dismissal of complaints.

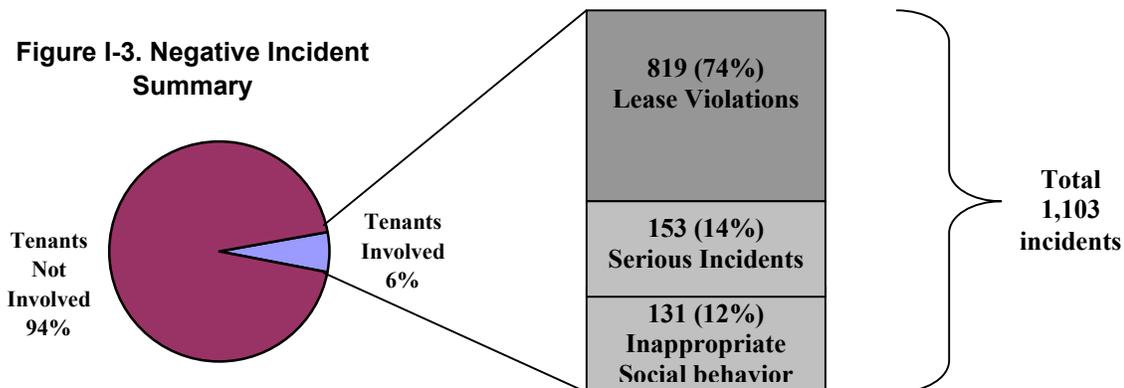
Most residents stated housing management was responsive and helpful albeit slow. A few felt that housing management at times gave some individuals more than adequate leeway in behavior that would not be tolerated in other settings. Resident service coordinators were viewed positively although few were actually identified as mediators. Tenants seemed to appreciate their resident service coordinator's event planning and assistance in securing service needs.

Some felt very strongly that the policy of mixing populations was a bad idea and that senior and disabled groups each deserved a place of their own, but overall many did not see any reason why the policy should change. It is important to note that some tenants did not seem to understand that a mental disability is considered a legal disability.

Both elderly and younger disabled groups mentioned lifestyles and generational differences as a factor in conflicts. Elderly residents think they have little in common with younger persons and some of the younger people show little interest in becoming involved with their elderly neighbors. At the same time, people at most locations also cited evidence that mixed populations can sometimes be beneficial to both groups. Examples were given of some younger tenants assisting elderly neighbors with errands.

Another common theme was the lack of affordable housing alternatives. Each group indicated they believed they had no viable or comparable residential options in the community. Several expressed fear that a change in this policy would result in their loss of housing.

**Summary.** Overall, the portion of tenants, both young and old, involved in negative incidents at state elderly/disabled housing projects is relatively small (6%). This group was involved in a total of 1,103 negative incidents during the last six months. As illustrated by Figure I-3, 74 percent of the negative incidents (819) fell into the broad category of lease violations that were general violations of housing authority rules and regulations. There were 153 incidents (14%) identified as "serious" and 131 complaints (12%) of inappropriate social behavior during the six-month period. Approximately 17 percent (184) of the total incidents required police intervention.



Source: LPR&IC survey of housing authorities, July 2004

There were two interrelated factors that appear to relate to the total number of incidents - the size of the housing projects and the number of younger disabled tenants. A total of 361 tenants were cited as involved in negative incidents during the six-month period including 135 (37%) elderly and 226 (63%) non-elderly disabled residents. As a group, younger persons with disabilities appear more likely be involved in negative incidents. The reported incidents show that 20 percent of all disabled residents were involved in a negative incident, as compared to three percent of the total elderly tenant population.

What an “acceptable” or even an expected level of persons involved in negative incidents is subjective. For some, six percent of a tenant population mix involved in negative incidents will not seem excessive. Others may find the higher percentage of disabled individuals involved in negative incidents, particularly in the vast majority of serious incidents, unacceptable. While the number and level of negative incidents is debatable, what is clear is that they do occur.

As indicated throughout this report, younger disabled and elderly populations living together in public housing poses several difficult management challenges but they are not insurmountable. To meet them it is necessary to identify the problems, understand the root causes, be willing to introduce changes, and have access to appropriate and sufficient resources. The discussion and recommendations outlined below provide a basic foundation to address these issues.

### Management Tools

Just as there is a range in the type and extent of problems, there are also a number of reasons why these problems exist. Interviews with housing managers and tenants identify a number of contributing factors. In any type of housing development, human nature and individual personalities will produce a number of people who will not get along. There will also be people who are just not good tenants or neighbors. This is to be expected in a mix of any group of people living together.

In addition to these factors, there are a few factors that are specific to the elderly/disabled housing community. There may be persons who have been inappropriately placed in a community that is designed for independent living. There may be individuals who refuse or are unaware that they are in need of social support services and are not receiving them. There may be individuals who may have been receiving services and treatment prior to tenancy but become unable to independently function well later for a variety of reasons.

Although challenging, several of these problems can be addressed through a variety of management tools. Housing authorities have two significant management tools at their disposal to handle problem tenants. At the application stage, housing authorities screen individuals for tenant suitability while subsequent non-compliant tenants may be evicted. However, housing authorities have frequently commented on the limitations of the allowable screening process and the prohibitive nature of eviction proceedings.

### **Tenant Suitability and Screening**

Housing authorities have a responsibility and an opportunity to screen applicants so those selected will abide by the lease provisions including paying their rent, maintaining their units, and not behaving in a disruptive manner. Unlike eligibility determination, under which an applicant is either eligible or not, applicant suitability is subject to a wide range of interpretation and judgment by housing authority staff. *The state's operating manual for subsidized housing outlines the eligibility requirements; however, it does not address tenant screening.* According to housing authorities interviewed by program review, most housing authorities follow the HUD guidelines issued for the federal projects they manage. Those guidelines allow screening, provided it does not violate antidiscrimination laws.

Many housing authorities believe their ability to screen applicants is limited due to these guidelines. Seventy-four percent of housing authorities responding to the program review survey believe there are limitations to the effectiveness of their current applicant screening process in identifying problem tenants.

Local housing authorities use different methods and combinations of information to screen applicants. Police records, reports from previous and current landlords, and credit checks all provide important information. Most housing authorities (67%) conduct criminal background checks through a state or local police database. Many housing authorities (55%) in the state use a private service based in Massachusetts, the INFO CENTER, that provides information on a person's credit history, criminal record, and any court-ordered evictions. Over 30 percent use some other type of credit history check.

Even with these mechanisms, housing authorities find it difficult to determine whether an applicant can live independently or conform to lease provisions. Residing in state elderly/disabled housing is considered independent living. Residents are expected to have the health and physical mobility to enable them to live on their own with minimal assistance. Support services may be used by residents to maintain independent lifestyles. Antidiscrimination laws limit inquiry into the extent and nature of an applicant's disability or need for supportive services.

Outside of criminal and credit checks, housing authorities must rely heavily on references when considering an applicant with limited or no rental history. Applicants such as individuals who have a history of homelessness and/or mental illness may provide references from a social worker or case manager. Case managers may provide assurances that they will support their clients in housing and help them comply with their leases. However, housing authorities believe sometimes references are more concerned in placing an individual rather than whether it is an appropriate placement. Even in cases where applicants voluntarily provide full disclosure of a disability and/or have a support system, some individuals may be suitable when applying but later experience problems when left to live alone or changes in their condition occur.

Program review attempted to determine the number of state elderly/disabled housing residents who were also clients of the Departments of Mental Health and Addiction Services (DMHAS) and Mental Retardation (DMR). Neither DMHAS nor DMR has an existing database that tracks people living in elderly/disabled housing. Each agency undertook the task of identifying the number of individuals living at identified sites using public housing addresses provided by the committee. Program review also asked both DMR and DMHAS whether they use any criteria or guidelines when assisting clients with residential needs.

**Figure I-4. Percentage of DMHAS/DMR Clients in State Elderly/Disabled Housing**



Source: LPR&IC survey of housing authorities, July 2004

As Figure I-4 shows, of the 1,275 non-elderly disabled persons residing in state funded elderly/disabled housing, 359 tenants (28%) are clients of DMHAS or DMR. The remaining 916 tenants (72%) are presumably either physically disabled or not receiving services from either DMR or DMHAS. Because it is unlawful to ask about a disability, there is no way to determine what percentage of each category exists.

**Department of Mental Retardation.** DMR found that statewide there are only 13 DMR clients living at elderly/disabled projects. One client is also elderly (over 62) and another lives with an elderly parent. DMR conducts an assessment of support needs for DMR clients seeking residential services. Using a standardized process and forms, DMR case managers rate the client's need for support and supervision prior to residential placement. An example of a DMR assessment tool is provided in Appendix C.

**Department of Mental Health and Addiction Services.** DMHAS found 385 clients residing at state elderly/disabled projects. Thirty-eight of these clients were over the age of 62. DMHAS reports that it does not have nor imposes standardized criteria or guidelines to assist in

placing clients. A DMHAS client receives a clinical need assessment by the team assigned to that client. The team looks at all the issues related to community living. Local mental health service agencies may use some criteria but DMHAS is unaware of local agency practice.

It is DMHAS policy to support a client's needs and desires in order for the person to live successfully in the least restrictive environment possible. No person is to be discharged from a DMHAS funded program, unit, or facility without ensuring that the person has been provided with a reasonable opportunity to develop adequate plans to obtain services and supports he or she will need following discharge. The DMHAS-funded provider's primary role in this respect is to explore and provide information to the person about available options for housing, services, supports, and resources following discharge, assuring that the individuals' preferences are given full consideration. However, it is up to the individual to make choices about which will be useful in continued recovery.

Establishing and maintaining a careful screening process for applicants helps ensure that only those applicants who can meet the terms of their lease are accepted. Without appropriate screening, management problems and evictions increase, and morale among residents declines. It is possible to comply with state and federal provisions while still holding all applicants to rigorous standards. Although changes in this area are limited because of federal law protections, better training and understanding of policies would be helpful.

**Therefore, program review recommends DECD, in conjunction with CHFA, revise and update the contents of the operating manual for state funded elderly/disabled housing programs no later than January 1, 2006. Specifically, DECD, in consultation with the state Commission on Human Rights and Opportunities (CHRO), should develop guidelines for tenant selection and suitability that are in accordance with all relevant state and federal laws. In addition, DECD should also seek input from social service agencies such as DMHAS, DMR, and DSS in the development of such screening criteria. Furthermore, the manual should address the need for a policy about and documentation of negative incidents.**

A key component of any program management is the development of clear, updated, and instructive policies and procedures. As noted at various points in this report, this key component is lacking in the state elderly/disabled housing program. *The existing housing manual for the management of state financed housing is in need of updating and does not address certain essential topics.* For example, the manual still refers to the Department of Housing and instructs users to refer questions to a division that no longer exists.

The manual also explains tenant eligibility requirements but does not address tenant selection or suitability. Housing authorities claim that being prohibited from asking about the nature and effects of an applicant's disabilities jeopardizes their ability to determine in advance whether or not the applicant is likely to be lease compliant and able to live independently in public housing. The committee believes the manual for state financed elderly/disabled housing should provide guidelines for the kind of questions that could legally be asked of applicants. This would assist housing authorities to screen out applicants whose exhibited behaviors indicate they

are incapable of independent living and/or in need of social service support without fear of litigation.

Another area where guidance should be provided is the development of policies regarding negative incidents. The program review survey results found 47 housing authorities (59%) had a policy to address negative incidents when they occur while 33 (41%) did not. Fifty housing authorities (63%) had a system to track negative incidents while 30 (38%) did not. Although having a policy in place does not guarantee enforcement, the committee believes expectations about the consequences of negative incidents should be clearly outlined and established at each housing authority. In addition, housing authorities should be provided guidance on how to track and document negative incidents that may be useful in the event of eviction proceedings.

Development of these operating policies and procedures will allow housing authorities to conduct thorough screening for all applicants based on clear, objective criteria and perhaps identify and reach out to residents who may be in need of services but are not currently engaged in treatment. Screening applicants thoroughly allows the authority to select only those individuals who can successfully meet the terms of their leases, leading to greater residential stability for all residents and fewer crisis or problem situations.

The lack of a formal policy concerning negative incidents has serious implications for the management of elderly/disabled housing. While housing authorities with few problems may see little need for a policy, a formal policy helps management, staff, and residents understand their respective rights and responsibilities regarding behavior that may place an individual's tenancy in jeopardy.

**Waiting lists.** Another example where policy and procedure clarification is needed is the creation and maintenance of wait lists. DECD contends policies in this area are clearly outlined in state regulation. However, interviews conducted by the committee and testimony given by housing authority officials at public hearings suggest confusion and/or lack of awareness of the requirements for the development, maintenance, and selection from wait lists. Several factors contribute to this situation.

First, the provisions relating to wait lists are referenced in different sections of the state regulations. Second, if local authorities also operate federal projects, they may maintain a combined waiting list for all the units they oversee. In such cases, the federal policy of selecting tenants based solely on the date and time of application (i.e., first come, first served) is usually followed. Third, some housing authorities have chosen to continue or believe they are required to use the optional federal preferences discontinued in 1996.

State statutes require that all applicants be given a receipt stating the date and time of application and a public list of applications be maintained in accordance with DECD regulations. These regulations, unchanged since first promulgated by the former Department of Housing in 1986, repeat the statutory provisions and only add requirements that authorities annually revise their lists, and if requested, make them available to the department. In accordance with its affirmative fair housing regulations, which were developed in consultation with the Commission on Human Rights and Opportunities, DECD recommends that a purely random lottery or the

point system approved for affirmative fair housing marketing plans be used to select tenants when asked by local authorities.

The recommended affirmative fair housing point system takes into account substandard housing, living situation (e.g., living in temporary or transitional housing), and income-to-rent ratio. Since young disabled persons are more likely than persons 62 or older to be homeless or living in substandard or temporary housing or paying half or more of their income for housing, following this system could give non-elderly disabled applicants preference for admission.

Federal policy also permits local housing authorities to establish admission preferences for certain categories of applicants in federal housing projects and, in the past, some preferences (e.g., for persons involuntarily displaced, living in substandard housing including being homeless, and paying more than 50 percent of income for housing) were required for federal projects. Many authorities chose to eliminate these preferences when they were no longer mandatory. As a result, each local housing authority is generally allowed to set its own wait list and tenant selection policies, provided all applicable statutes and regulations are followed.

DECD was unable to tell program review how many housing authorities have established preferences and, if in place, what they are. The department also did not know which, if any, authorities are using lottery or approved point systems to select state elderly/disabled housing tenants.

Inconsistencies in the way wait lists are created and maintained make it difficult to use wait list data for planning or needs assessment purposes and may result in inequitable treatment of applicants. Data are not centrally compiled and local authority policies and procedures are not monitored. *The program review committee found DECD provides little guidance on waiting lists and tenant selection policies for state elderly/disabled housing to local housing authorities.*

Program review believes this issue should be addressed in the updated policy manual and through instruction and training of housing managers. According to DECD, training was provided to housing authorities approximately ten years ago. Since that time housing authorities with questions or concerns could receive technical assistance provided by the department's affirmative fair housing staff person. However, this position was recently vacated and not filled due to budget constraints.

The need for training is also evident considering the varying levels of experience indicated by housing officials responding to the program review survey. While 35 percent of the officials responding to the committee survey reported having more than ten years of experience in their current positions, the vast majority had less than ten years. Thirty-eight percent of the housing officials had less than five years.

**Therefore, the program review committee recommends the DECD operating manual for housing include procedures on the creation and maintenance of wait lists. Also, training regarding state affirmative fair housing requirements including but not limited to the use, maintenance, and selection from wait lists should be re-instated.**

## Evictions

Another important management tool used by housing authorities is eviction or summary process. However, housing authorities claim the eviction process is long, expensive, and tends to favor tenants. Program review compiled statistics on eviction proceedings initiated by housing authorities against tenants of state elderly/disabled housing. Forty-nine housing authorities (61%) reported having initiated eviction proceedings in the last five years. Thirty-one housing authorities (39%) did not attempt any evictions in the last five years. An overview of the number of eviction proceedings initiated by housing authorities in the last five years is presented in Table I-5.

<b>Table I-5. Number and Type of Evictions in Last Five Years</b>					
<b>Against...</b>	<b>Non-Payment Of Rent</b>	<b>Illegal Drug Activity</b>	<b>Disruptive Behavior</b>	<b>Other Lease Violation</b>	<b>Total</b>
Tenants age 62 and over	34	0	13	8	55
Tenants under age 62 with disabilities	99	20	82	9	210
<i>TOTAL</i>	133	20	95	17	265
Source: LPR&IC survey of housing authorities, July 2004					

During the last five years, substantially more eviction proceedings have been pursued against young disabled tenants than elderly tenants. Housing management has initiated a total of 265 eviction proceedings – 55 against elderly tenants and 210 against younger disabled tenants. Non-payment of rent and disruptive behavior are the two most common reasons for evictions for both populations. While twenty evictions for illegal drugs have been brought against younger disabled tenants, no elderly tenants have been evicted for this reason. The number of evictions for other reasons – typically for lease violations such as being over occupancy – is the same for both populations.

**Outcome.** Program review also asked housing authorities to provide eviction outcome data. Table I-6 summarizes the outcome of the housing authority eviction proceedings for the last five years. For every type of eviction proceeding, there appears to be only slightly more evictions than mediations. In a smaller percentage of cases, the end result is the tenant moving away before judgment is rendered.

<b>Table I-6. Outcome of Housing Authority Eviction Proceedings in Last Five Years.</b>				
<b>Number resulted in:</b>	<b>Non-Payment Of Rent</b>	<b>Illegal Drug Activity</b>	<b>Disruptive Behavior</b>	<b>Other Lease Violation</b>
Eviction of tenant	55	9	39	3
Mediation/other negotiation	50	7	32	2
Other (e.g., tenant moves)	26*	4	24	9*
*Cases Pending				
Source: LPR&IC survey of housing authorities, July 2004				

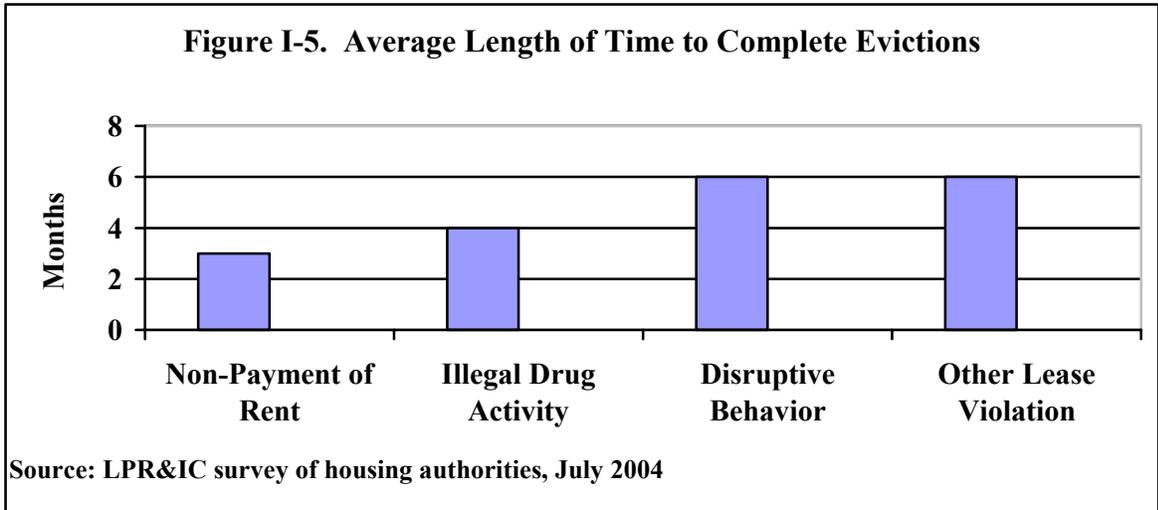
As described in the briefing report, court personnel, known as housing specialists, are responsible for the initial screening and evaluation of all contested housing matters. Housing court statistics indicate approximately 95 percent of the cases referred to housing specialists are settled.

Some housing authorities believe the housing court system tends to favor tenants of subsidized housing. The results of the outcome data reported in Table I-6 found the number of cases that resulted in eviction (in favor of the housing authority) and the number of cases resulting in mediation or other negotiation (presumably in favor of the tenant) are almost identical across categories. If the number of cases where the tenant moves away before judgment is factored in (in essence, eviction by default), the number of instances where the tenant is removed is slightly higher. This is similar to the results found in housing court statistics for evictions initiated by all types of landlords. Housing court statistics indicate evictions brought by all types of landlords are primarily in favor of the landlord by either default or judgment.

Whether or not the number of cases resulting in mediation or other settlement may be considered high is debatable. This may show that housing authorities are pursuing cases without sufficient evidence to prove their cases or, as housing management claims, that housing court favors tenants of subsidized housing. Conversations with housing specialists who mediate the cases before they are presented in court suggested to the committee that their primary objective is to try to negotiate an agreement that is fair to all parties. However, if at all possible, housing specialists try to avert rendering an individual homeless.

It is understandable for a judge to be concerned with the fate of a tenant who is not committable or incarcerable but who is unable or unwilling to abide by a lease in a standard tenancy. This is particularly true of a tenant with a disability who may have gone off his or her medication or is a substance abuser in relapse. In addition, it is widely accepted that public housing is viewed as “the housing of last resort.” However, it is a disservice to all residents if individuals who cannot meet the screening criteria or terms of a lease are allowed to continue to live in public housing because there are no other options for them. Program review believes this underscores the importance of more housing alternatives and access to appropriate social services. Without involvement of a service agency that can offer alternative or more appropriate housing, evictions will simply not be pursued as vigorously or granted as they should to protect the rights of other tenants.

**Length of time.** Committee analysis, shown in Figure I-5, found the average length of time to complete the eviction process as reported by housing authorities was three months for non-payment of rent; four months for illegal drug activity; and six months for evictions on the basis of disruptive behavior and other lease violations. Limitations of the housing court’s computer system and resources precluded the committee from conducting an independent verification of time for housing authority cases.



According to housing authorities, housing advocates, court personnel, and attorneys practicing landlord-tenant law, the pace of an eviction proceeding depends on a number of factors including the grounds for evictions, whether the case is contested, the complexity of the case, and whether or not legal counsel is involved.

The steps and timeframes for summary process are statutorily set forth in C.G.S. §47a-23. The summary process begins with the landlord serving the tenant with a *notice to quit*. There must be at least three full intervening days between the date the notice to quit is served and the last day specified in the notice for the tenant to vacate the premises. If the tenant remains on the premises after the last day given in the notice to quit, the landlord may submit a *summons and complaint* with the court. The court clerk sets a return date on the summons. The return date is a date from which certain time periods are measured.

Statistics collected by Connecticut’s housing court suggest all summary process cases move fairly quickly from the return date. Analysis of housing court information for FY 04 indicates contested cases had a median disposition time within the court system of approximately three weeks after the return date.

However, landlords must satisfy additional procedural steps in certain cases before filing the notice to quit. Prior to starting the summary process, state law (C.G.S. §47a-15) requires a landlord to provide written notice to tenants specifying the acts or omissions constituting the potential basis of eviction. This notice is commonly referred to as a “Kapa notice”<sup>1</sup> and applies to all cases except those specifically excluded by law.

If a tenant is being evicted because the landlord claims that he/she broke a term in the lease (other than paying the rent) or that the tenant is creating a nuisance (not within the statutory definition of serious nuisance described below) then the tenant must receive a separate notice in addition to the notice to quit and the summons and complaint.

<sup>1</sup> *Kapa Associates v. Flores* (1979) 408 A.2d 22, 35 Conn.Supp. 274.

A pre-termination notice is not required in cases for non-payment of rent or serious nuisance as defined in the statute. To fall within the exceptions set forth in C.G.S §47a-15, the landlord must establish that the tenant's conduct constituted a serious nuisance defined in statute as:

- inflicting or threatening to inflict bodily harm upon another tenant or the landlord,
- substantial and willful destruction of part of the dwelling,
- conduct presenting immediate and serious danger to the safety of landlord or tenants, or
- using or allowing the use of the premises for prostitution or illegal sale of drugs.

In cases where a “Kapa” notice applies, a tenant has a 15-day period in which to remedy the violation or risk the termination of the tenancy. If the breach is cured, then the lease cannot be terminated. If substantially the same act or omission for which notice was given recurs within six months, the landlord may terminate the lease. After the lapse of six months, the pre-termination notice process must start again if the non-compliance resumes.

The courts have acknowledged the legislative intent of this provision is in essence to give the tenant one opportunity to correct the conduct that prompted the initiation of termination proceedings. It was intended to discourage evictions against first offenders.<sup>2</sup> However, housing authorities suggest some errant tenants benefit from this reconciliation period by seemingly stopping the noncompliant conduct but then resuming after the six-month period expires. As a result, they can delay or suspend the initiation of eviction proceedings.

The effect of the reconciliation period may explain why eviction cases involving disruptive behavior or other lease violations may take longer than evictions based on non-payment of rent or illegal drug activity. Program review acknowledges the legislature's intent in giving a first time offender “another bite of the apple.” It is noteworthy that in 1997, to address landlord concerns, the legislature decreased the reconciliation period from 30 to 15 days. As such, the committee makes no recommendation about the pre-termination process but recognizes the potential delay created by it.

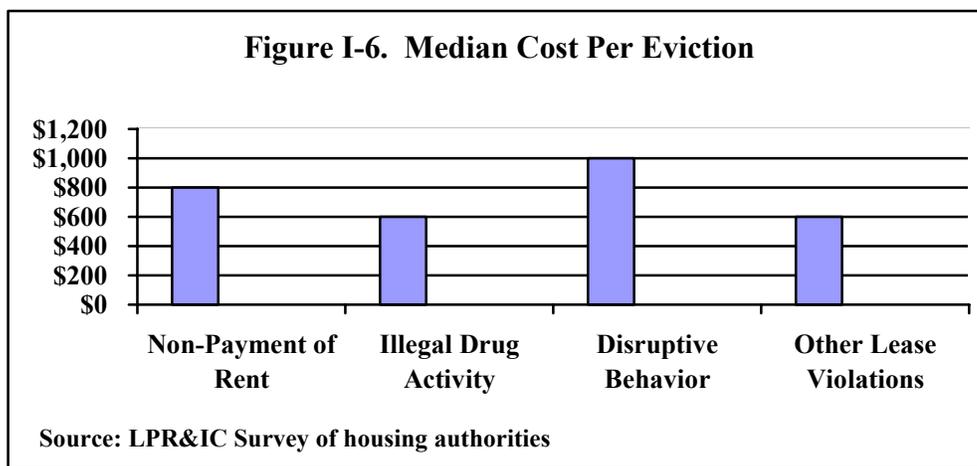
In addition to the time that might be incurred prior to summary process, there is also the possibility that a tenant's time in the premises is extended after judgment. In all cases, the tenant is allowed five days in which to vacate the premises. Under certain circumstances, a tenant may request a *stay of execution* to secure additional time before being ordered to leave the apartment. The length of stay can be up to six months in cases other than nonpayment of rent, serious nuisance, or where the occupant never had a right or privilege to occupy. In the case of nonpayment of rent, a tenant may apply for a stay of up to three months by depositing with the court clerk the full rent arrearage due within five days of the date that the judgment was entered.

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<sup>2</sup> *Housing Authority of City of Norwalk v. Harris*, 282 Conn.App. 684, 611 A.2d 934

This extension of time may also explain the length of eviction time as reported by housing authorities. As with the pre-termination notice requirement, the committee understands the legislature’s intent in its provisions for stays of execution and appreciates the court’s discretion in granting additional time. Therefore, the committee does not make any recommended changes in this area but acknowledges the provision’s impact on eviction time.

**Cost.** Eviction expenses reported by the housing authorities suggest cost variations exist for all types of evictions. As seen in Figure I-6, evictions for disruptive behaviors are the most expensive with a median cost of \$1,000. The median cost for evictions for non-payment of rent is \$800 while the cost for evictions for illegal drug activity or other types of lease violations was approximately \$600. Many housing authorities noted in their survey responses and in interviews with the committee that these figures do not include the cost of staff time and resources to prepare and proceed with a case.



Housing management indicate evictions for disruptive behaviors are more expensive because these cases take longer to document and prove. According to housing authorities, eviction costs for illegal activity may be less expensive because housing authorities will only pursue irrefutable illegal drug activity such as conviction of drug use or sale. Cases involving suspected drug use or drug activity by someone other than the tenant, for example a guest, would more likely be pursued on the grounds of serious nuisance or disruptive conduct, which is harder to prove.

When housing management decides to initiate eviction proceedings, it must believe there is sufficient available evidence to attempt to do so. Each eviction requires substantial written documentation. One difficulty associated with complaints and lease violations is that unless another tenant is willing to put in writing his or her complaint, the housing manager has no formal documentation of a complaint. Most tenants are unwilling to put their complaint in writing. Without the documentation, it is difficult to go forward with eviction proceedings. At times, there may be a lack of cooperation by tenant witnesses because of fear of retaliation. The loss of witnesses significantly impacts a landlord’s ability to defend its eviction action.

Discussions with housing advocates and attorneys practicing landlord-tenant law suggest the cost of evictions for some housing authorities may be higher than necessary because they are represented by local attorneys who may not have experience in this area or hire counsel at an hourly rate rather a flat rate per proceeding.

When asked about the effectiveness of evictions as a management tool, 31 percent of the housing authorities stated evictions were not at all effective. Thirty-five percent indicated evictions were somewhat effective while 34 percent reported evictions were effective to very effective as a management tool.

The committee believes more awareness of the myths and realities of the eviction process and housing court is needed. Currently, the Connecticut judicial branch publishes a number of brochures discussing the summary process (eviction) and the rights and responsibilities of landlords and tenants in Connecticut. These brochures appropriately focus on the procedural aspects of the court system. However, the committee finds some housing authorities would benefit from more guidance on ways to build stronger eviction cases such as the importance and methods of complaint documentation, techniques to gather and retain witnesses, and mediation strategies. In addition, suggestions on pooling resources to purchase legal services or selecting legal counsel would be beneficial. **Therefore, program review recommends DECD, in conjunction with CHFA, consult with Connecticut housing court specialists and the Connecticut association of housing authorities on developing possible seminars or materials on eviction proceedings.**

**Other Lease Enforcement.** In general, eviction proceedings are the last recourse, since avoiding the need for eviction is usually more cost-effective for housing authorities. Ideally, thorough screening reduces the admission of problem tenants. No matter how strict or cautious the screening criteria may be it is impossible to catch all potential problem tenants. In addition, a prospective tenant may initially pass the screening criteria but later his or her behavior may change for the worse. This is when lease enforcement can be a valuable management tool.

Discussions with groups of residents and testimony at various public hearings suggest lease enforcement across housing authorities varies. Management was frequently described as either too lenient or too strict in its enforcement of the lease provisions. Statements from residents and advocacy groups imply that housing management is lenient on problem tenants even when the lease suggests harsh consequences. This belief is somewhat supported in the finding that there does not appear to be a correlation between having a policy for negative incidents and the number of negative incidents. *Program review believes this may be indicative of enforcement issues despite the existence of a policy or perhaps an inability by management to convey or residents to understand the policies.*

As discussed earlier, the expectations and consequences of negative incidents must be clearly outlined and explained to all tenants. Problems on the part of any resident must be addressed quickly and equitably to ensure the safety and comfort of all. When a potential lease violation becomes apparent, housing authorities must document both the problem and the attempted resolution. If problems persist despite attempts to resolve the situation, eviction proceedings should begin.

*Program review believes more aggressive lease enforcement is needed. Documentation, such as a tenant's signed acknowledgement, that he or she has been informed of obligations and consequences of non-compliance, is also important if and when eviction proceedings are initiated.* While not every type of violation should result in eviction, housing administrators must send the message that rules and regulations are serious and violators not tolerated. Given the limited resources available and number of applicants waiting for the opportunity to receive housing, it is unjust to give repeated chances to non-compliant individuals. Disruptive or dangerous behaviors on the part of any resident, young or old, with or without a disability, should be addressed by housing authorities through consistent lease enforcement to reduce real and perceived threats to security.

To accomplish this, management staff must be able to investigate complaints about lease violations and to enforce provisions of the lease in a timely and objective manner. Residents participating in the group discussions with program review frequently mentioned that negative incidents seem to be more problematic at night or on weekends when management staff is not available. Having management staff on site during the day and some management presence available during the evenings or weekends may decrease reports of problems and increase resident feelings of security.

A few housing authorities visited by the committee have taken steps to improve management presence in their developments. A couple of housing authorities with high-rise buildings have installed security cameras in common areas, stairwells, or entrances. Conversations with CHFA staff revealed that more housing authorities are requesting security measures (e.g., cameras, keycards) as part of their capital needs. CHFA indicated that these security needs would be examined as CHFA asset managers continue to review the state housing portfolio. A few housing authorities have also contacted their local police departments to conduct periodic patrols of the developments. However, the committee heard from tenants and housing officials in some communities that police departments were not responsive to complaints or viewed them as management or social service issues.

*Acknowledging budget constraints, program review believes housing authorities must be allowed to increase the presence of management and develop adequate security to promote a sense of personal safety for their residents. An increased presence of housing authority staff may be necessary to be kept informed of potential problem situations that may not be apparent during the day.* **Therefore, program review recommends housing authority plans for safety and security measures should be part of the required management plan submitted annually for review. In addition, housing authorities should be encouraged to establish rapport with local police departments outlining respective roles and responsibilities in responding to negative incidents.**

### **Resident Service Coordinators**

The legislature recognized the need to link tenants with appropriate social services in its creation of the state's resident service coordinator program. Resident service coordinators (RSCs) are individuals who work to maintain the residents' ability to live independently by assessing their needs and referring them to the appropriate support services in the community.

Legislation enacted in 1998 established a DECD grant program to provide funding, based on need and the availability of matching funds, to sponsors of state assisted elderly/disabled housing for RSCs.

By law, housing authorities must use the funding to: (1) hire a resident services coordinator to assist residents of such housing maintain an independent living status, (2) assess the individual needs of residents of such housing for the purpose of establishing and maintaining support services, (3) maintain regular contact with residents of such housing, (4) monitor the delivery of support services to residents of such housing, (5) advocate changes in services sought or required by residents of such housing and (6) provide mediation and conflict resolution services.

Program review identified potential improvements for the RSC program through a review of the following areas: grant distribution, the RSC qualifications and job description, RSC training, and RSC program oversight.

**Grant distribution.** The original legislation intended for service coordination grants to be distributed by DECD to housing authorities on the basis of need and the availability of matching funds. Grant awards were originally calculated using a formula, which allotted developments with units of a certain size a specific number of hours of RSC services per week based on a DSS recommended hourly wage rate.

DECD reports that since 1998 the program has grown modestly over time with appropriations of \$550,000 (FY 99) to \$617,654 (FY 03-05).<sup>3</sup> According to DECD, increases in funding reflect inflation adjustments. *Since the implementation of the program, DECD has only been able to provide grants to the housing authorities that originally requested funding.* Currently, 34 elderly/disabled housing sponsors receive funding which supports 30 RSCs. The program review survey results indicate most RSCs employed by state funded elderly/disabled housing developments work part-time with hours ranging from 4 to 24, with a majority working either eight hours a week or sixteen hours a week. Because RSC services must be available to all tenants, the potential caseload of a RSC varies by the size of the development.

Twenty-one housing authorities that currently do not employ a resident service coordinator indicated on the program review survey that hiring a resident service coordinator would be “very helpful.” DECD reports many authorities did not initially apply for various reasons. Some found no need for the additional staff and others did not want to commit themselves because the funding was only guaranteed for one year.

The committee found some housing authorities have developed creative approaches to funding and developing the RSC position. For example, the Manchester Housing Authority was able to supplement its DECD grant with federal capital funds and funding from the Area Agency on Aging and a Community Development Block Grant. By doing this, the executive director managed to secure funding for two full-time (35 hours per week) RSCs to work in congregate

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<sup>3</sup> These amounts also include funding used to maintain a statewide registry of handicap accessible housing, which is currently estimated at \$42,000.

and state subsidized housing developments. (Both RSCs have graduate degrees in social services related fields and experience working with elderly and disabled people.)

*Given that the tenant population mix and situation at many housing authorities may have changed since 1998, program review finds that additional housing authorities may benefit from the availability of a resident service coordinator. **DECD should determine the number of additional housing authorities that would be interested in applying for a resident service coordinator grant. Based on this information, DECD should submit an appropriation request to the legislature for the FYs 07 budget.***

**RSC qualifications and job description.** RSCs funded with DECD grants are required to have either a BS/BA degree in a human services or related discipline or five years relevant experience in a position involving direct contact with elderly persons. The job qualifications also call for superior interpersonal skills, effective written and verbal communication skills, organizational ability, crisis intervention skills, and mediation/conflict resolution skills. RSCs are also required to possess knowledge of the aging network, aging process, and intervention techniques. (The job description is provided in the Appendix D.)

The qualification requirements and job description fail to communicate that a RSC can expect to work with residents who are not elderly, with physical and/or mental disabilities. A review of the legislative history indicates that the program was not to be limited to elderly residents; it was intended to provide all tenants access to a RSC for assistance with negotiating support services in the community, maintaining self sufficiency, and resolving conflicts. *However, the required education, skills, and experience included in the job description for resident service coordinators only reference services to the elderly.*

Discussions with individuals familiar with resident service coordinator programs argue that the job description and qualifications should remain broad and flexible to ensure a larger pool of applicants. At the same time the consensus of the various individuals interviewed by the committee for this program was that the current formula's resulting grant amount limits the pool of qualified applicants for this position. **Therefore, the program review committee recommends by July 1, 2005, DECD, in consultation with agencies that provide social services to elderly and non-elderly disabled populations such as DMHAS, DSS, and DMR, reassess the job description and accompanying qualifications for resident service coordinators to reflect the services needed by all groups residing in state funded elderly/disabled housing. In addition, program review recommends DECD, in consultation with DMHAS, DMR, and DSS, establish the number of hours and salary rate reflecting the level of skills and qualifications needed to adequately service this housing population.**

The committee interviews with RSCs and housing authorities reveal it is not uncommon for RSCs and housing management to perceive their roles as being primarily to serve the elderly. In addition, some housing managers do not appear to understand the scope of the RSC role, which has led to an expansion in RSC responsibilities beyond service coordination. A recent

university study<sup>4</sup> found the tasks required by Connecticut RSCs varied considerably including being required to perform management activities such as showing apartments, collecting rent, and inspections. Interviews with housing officials found that many view their own role very differently as well. Some housing officials believe their position is purely as property managers taking care of the financial and physical aspects of the projects they oversee, not as social workers. Other housing authority officials view providing social services as part of their role.

Program review agrees that the growing and changed population requires more of a social service aspect than in the past. As a result, housing authorities may be required to serve as more than landlords. However, the committee agrees that these additional responsibilities should not fall upon housing managers who are unlikely to have the qualifications or expertise to provide social services. For these reasons, *it is important to separate the functions of building management and social services*. Program review believes the need to separate these functions underscores the importance of resident service coordinators and the need for better collaboration with social service providers.

**RSC training.** Among the RSCs' major responsibilities are to assess the needs of the residents and link them with the appropriate services. To assist in these responsibilities, DECD, in consultation with DSS, developed a Functional Assessment and Care Plan form (provided in Appendix E) to assess the needs of any tenant requesting services. However, the RSCs are not provided training on how to complete the assessment form or on how to properly assess their residents' needs. *In fact, outside the skills and qualifications they bring into the position, RSCs in state funded elderly/disabled housing are not required to have any initial or ongoing training for their position.*

Unlike the DECD program, RSC staff in federal housing developments are mandated to meet certain training requirements. HUD requires all RSCs working in federal developments containing elderly and non-elderly disabled individuals to meet a minimum of 36 training hours before they are hired or within the first 12 months of employment. HUD funded RSCs must also meet a minimum of 12 hours of training annually. Their training must cover a number of categories including: aging and elder services, entitlement programs, legal liability issues, disability services, mental health issues, and communication and conflict resolution techniques.

Training for federally funded RSCs is provided through the New England Resident Service Coordinators, Inc. (NERSC) or the American Association of Service Coordinators (AASC), which also established the first RSC certification program. The program consists of several modules taken online and a final certification exam at the annual national conference.

In conversations with program review, several resident service coordinators stated their specializations are in assisting the needs of the elderly and feel unfamiliar with mental health issues or dealing with conflict resolution involving young disabled persons. Training on how to recognize and respond to mental health problems and how best to encourage integration of younger and elderly residents can help housing managers and existing resident service

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<sup>4</sup> Nancy Sheehan, Ph.D. and her graduate assistant Mariana Guzzardo of the School of Family Studies at the University of Connecticut conducted a study of RSCs in the state using a self-administered survey and telephone interviews. The study will be completed in the spring of 2005.

coordinators become more confident in working with residents with disabilities. In particular, mental health providers can help staff and residents differentiate between behavior that is dangerous and that which is just different and possibly unsettling. Training will also help resident service coordinators learn approaches addressing problems and ways to work with aging and disabled populations. **DECD should enlist professionals from mental health and other service agencies to train resident service coordinators and housing authority staff to better understand the needs of elderly residents as well as persons with disabilities.**

**RSC program oversight.** Supervision for individual RSCs in state funded elderly/disabled housing is primarily a function of housing management. In general, housing managers are not trained in social services and are therefore limited in their ability to meet all of the RSCs' supervisory needs. Recognizing this limitation, the Glastonbury Housing Authority took a unique approach of passing its RSC funding to the town. Through its well-established Senior Services Department, the town hired a RSC to be put on the department's staff to serve the housing authority. In this manner, the Glastonbury Housing Authority feels the RSC is receiving the appropriate type of supervision.

RSCs also receive limited DECD oversight through a financial audit and monitoring reports. As a condition of receiving the DECD grants, RSCs must assess the needs of any tenant requesting services, document all services provided, and submit quarterly reports plus an annual summary to DECD on the progress, effectiveness, and cost efficiency of the program.

Interviews with DECD staff and examination of the required RSC reports reveal:

- *the review conducted by DECD is primarily a financial audit;*
- *RSCs need clarification and instruction on the reporting requirements;*
- *the existing content and format of quarterly and year-end reports do not lend themselves to meaningful analysis and are not formally used by any agency; and*
- *DECD staff believes federal HIPPA<sup>5</sup> regulations and their lack of social service background prevents adequate monitoring of the required assessment form, and therefore, no one is monitoring this required function of the RSC.*

Looking at other resident service coordinator programs, the committee found that Maine has adopted a different approach toward the oversight of their resident service coordinators. In 1992, Maine created a full-time position for a manager of statewide resident services. This individual serves as an advocate and a clearinghouse for information, support, training and technical assistance for resident service coordinators. This individual maintains a database of all the RSCs working in their elderly and multifamily properties. The database is used to link new RSCs with experienced professionals in their geographic areas and promote the development of mentoring relationships. The database is also used to disseminate quarterly newsletters to the RSCs providing information and resources about services and service coordination.

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<sup>5</sup> Health Insurance Portability and Accountability Act of 1996 (HIPPA)

The manager of resident services also coordinates quarterly statewide meetings featuring educational and networking opportunities. In general, these meetings are intended to provide one or more of the HUD required trainings and continuing education requirements. In addition, the Maine manager of resident services has written and assembled a resource guide for RSCs and their housing managers containing an explanation of the role and functions of a RSC complete with sample job description, technical information, codes of ethics and conduct, training information, and information on how to communicate and mediate with residents.

**Program review recommends DECD create a single statewide manager position for the resident service coordinator program. At a minimum, this individual should:**

- **assist in measuring housing authority interest to re-open availability of the RSC grants;**
- **revise the content and format of the existing RSC reporting requirements;**
- **periodically monitor the activities of resident service coordinators through a review of the newly revised reporting instrument;**
- **provide technical assistance and guidance to RSCs in their roles and responsibilities including but not limited to the assessment of resident needs;**
- **evaluate the training needs of the currently employed resident service coordinators and arrange on-going training for all resident service coordinators as needed;**
- **act as a liaison between resident service coordinators and the social service agencies to further collaboration efforts as well as develop opportunities for resident education and awareness of disabilities; and**
- **prepare and maintain a resource guide including but not limited to identifying contact information and available services from the potential social service agencies across the state.**

### **Collaboration of Support Services**

As mentioned in the briefing report, some advocates suggest that mixing non-elderly disabled and elderly persons into public housing is possible and even successful with proper support services and partnerships between service providers and housing authorities. To evaluate the current level of collaboration, the committee asked housing authorities to rate the responsiveness of various social service agencies. Table I-7 illustrates the responses.

As expected, housing authorities reported the least experience with the Department of Mental Retardation (DMR). More than 50 percent of housing authorities reported having no experience with the state Department of Mental Health and Addiction Services (DMHAS). Housing authorities have more interaction with Area Agencies on Aging, community-based mental health service agencies, and local social service providers.

<b>Table I-7. Housing Authority Survey Results Rating Responsiveness of Social Service Agencies.</b>					
<i>Intervention by....</i>	<b>Not at all Helpful</b>		<b>Very Helpful</b>		<b>No Experience</b>
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	
State agency for mental health services (DMHAS)	57%	31%	9%	3%	56%
State agency for mental retardation services (DMR)	50%	30%	13%	7%	63%
State Area Agencies on Aging (DSS)	39%	22%	27%	10%	39%
Community-based mental health service agency	41%	39%	14%	6%	39%
Other local social service providers	28%	28%	21%	23%	34%

Source: LPR&IC survey of housing authorities, July 2004

Housing authorities having experience with these agencies rated both DMHAS and DMR as generally not helpful. Similar ratings were given to community-based mental health service agencies and area agencies on aging. Overall, local social service providers, typically identified as municipal or town departments, were rated the most evenly.

Program review also solicited the opinions of housing officials, tenants, and resident service coordinators interviewed regarding the availability, effectiveness, and success of support services provided by state and local agencies. The impression of support services across the state was quite diverse. In some areas of the state, support services, specifically mental health services, were viewed in a positive light. However, in other locations support services were seen as poor or unreliable.

As mentioned in the briefing report, a memorandum of understanding between the former Departments of Mental Health, and Housing, and the Department of Social Services and the Connecticut Housing Finance Authority was signed in 1994 to foster better collaboration between the various agencies. The agreement was intended to alleviate some of the management problems of mixing elderly and non-elderly disabled populations. Although the agreement was to continue indefinitely, it appears to have been lost or abandoned in the restructuring of state departments and changes in agency administration. When asked by program review during the study, none of these agencies were aware of the agreement.

The issue of collaboration between housing authorities and service providers has been raised on a number of occasions since 1994. In 1997, a working group of members of the Select Committees on Housing and Aging examined the issue of conflicts between elderly and disabled people who reside in elderly/disabled housing. Among the group's recommendations was greater outreach by state agencies, specifically DMHAS. Also in 1997, the program review committee in its study of *Major Publicly Assisted Housing Programs* found the need for additional collaboration and recommended housing authorities tap into existing resources and seek more local effort from mental health and social service agencies in their communities to improve management problems at elderly/disabled housing projects.

At a February 19, 2004 public hearing on the issue of mixing populations held jointly by several legislative committees, DMHAS Commissioner Thomas Kirk, Jr. made a commitment to legislators that DMHAS would have its local mental health authorities (LMHAs) contact public housing authorities in their areas and offer to meet with them to assess their needs in senior/disabled housing. In September 2004, DMHAS sent letters to all LMHAs directing them to make contact and develop a plan for an ongoing relationship with public housing authorities. Each LMHA was to report back to DMHAS the results of their efforts by November 1, 2004.

DMHAS provided program review with a summary of the LMHA efforts. As of November 21, 2004, most of the LMHAs submitted reports to DMHAS but a few were still outstanding. Contact was made with almost all housing authorities and meetings held in several instances. According to the LMHA reports, a few housing authorities did not respond or express interest in meeting with them. Several LMHAs report already having a well-established relationship with the local housing authority while some housing authorities were unaware of the existence of the service providers and were eager to make contact. The description of the "plans" were quite varied from more detailed descriptions of efforts such as the use of a crisis team or regularly scheduled meetings to mailing a brochure and contact information for future reference.

Making support services available to residents takes concerted efforts by housing authority staff and social service providers. Program review believes connecting housing with outside services can significantly reduce management problems and would be worthwhile for most tenants. One approach already discussed is to use resident coordinators to link up tenants with needed services and monitor the receipt of services.

To be successful, housing authorities and resident service coordinators must be able to tap into existing resources in the community and receive timely intervention from mental health and social service agencies in their communities when needed. Survey results and interviews with housing officials and staff found that relationships with social service providers were less than optimal. Prior efforts to encourage collaboration such as the 1994 agreement by various state agencies waned. **Renewed efforts of collaboration by the current DMHAS administration are a positive step in the right direction that should be continued. Furthermore, other state agencies charged with providing social services to elderly and non-elderly disabled populations such as DMR and DSS should assist housing authorities in identifying and accessing available social services offered through their agencies. Each agency should consider appointing a lead contact person to establish and maintain a regular channel of communication with housing authorities. At a minimum, each agency should develop a plan that details outreach efforts, available services, and crisis intervention. Each agency must report a summary of its collaboration efforts with housing authorities to the legislative committees with cognizance of housing matters no later than October 1, 2005.**

The committee believes better collaboration with local social services will help reduce tension and alleviate some of the management problems. The collaboration will also benefit the social service agencies. Helping a person with needs is much more difficult if the client has no permanent housing. Therefore, it is important for social service and housing providers to work together to maintain, if possible, the client in housing or if necessary more appropriate housing.

However, regardless of the implementation of resident coordinators or links with community service providers, the use of services is a matter of individual choice. Therefore, the success of service efforts, however sufficient, depends upon the individual's willingness and ability to use them regardless of where they reside. The consequences of not addressing behavioral issues affecting other tenants, though, should be made clear.

For some residents with disabilities, it may be difficult for management staff and residents to distinguish between behaviors caused by mental illness, substance abuse, or organic problems such as head injuries. In addition, some symptoms may be side effects of prescribed medications. At times, behaviors and symptoms may be misunderstood or frightening to other residents. *The stigma and the lack of awareness by some tenants and management staff regarding disability, especially mental health disabilities, may be factors in the perception of problems.*

Some of the elderly residents in state funded housing grew up in a time when having a disability meant being institutionalized. These stereotypes create very real fears for uninformed residents and significant barriers for disabled persons seeking to be accepted in their community. These fears and misperceptions can negatively affect the quality of life in public housing developments. **Therefore, program review recommends DMHAS through its mental health providers should take an active role in training housing authority staff and in helping residents address stereotypes about mental illness through presentations or materials distributed to public housing communities.**

DMHAS providers can have a significant impact on the success of their clients in public housing by educating housing management staff and residents about mental illness and substance abuse disorders. Resident education helps prepare elderly residents for living with younger, disabled persons and assures them that management will be responsive to their concerns.

## Section II: Financial Impact

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The possibility of serious financial problems resulting from mixed populations in state elderly/disabled housing was raised by local housing authority officials throughout the committee's study in public hearing testimony, during interviews with program review, and in responses to a committee survey. Almost 60 percent of the 76 housing authorities that answered the program review survey question about this matter indicated an increasing percentage of very low-income younger disabled tenants will present a *significant* financial problem for their projects over the next five years. Nearly 20 percent reported this is a significant financial problem now.

The financial impact of the mixed population policy is related both to the very low incomes of many non-elderly disabled persons and the rent structure required for state elderly/disabled housing projects. As described in the committee briefing report, these housing projects must cover their operating costs with rent revenues and other project income, such as interest from investments.

At the same time, tenants pay a base rent amount, which by law must be the lowest amount the project requires to meet expenses, or a percentage of their income up to 30 percent, whichever is greater. The state provides no operating subsidies for elderly/disabled projects although, as described in more detail below, some local authorities receive state funding for tenant rental assistance. Table II-1 below demonstrates the calculation of tenant rents for state elderly/disabled housing.

<b>Table II-1. Sample State Elderly/Disabled Housing Tenant Rent Calculation</b>		
	<b>Tenant A</b>	<b>Tenant B</b>
Annual Income	\$14,000	\$6,768
Adjusted Income (Allowance for certain un-reimbursed medical expenses)	\$11,000	-
Monthly Income	\$916	\$564
30% of Monthly Income	\$275	\$169
Utility Allowance (For basic utilities not included in rent)	\$45	\$45
Net Rental Charge Based on Income	\$230	\$124
Base Rent	\$130	\$130
Rent Charged Tenant (Greater of net rental charge or base rent)	\$230	\$130
Rent Subsidy (If available, difference between base rent and 30 percent of tenant monthly income)	-	\$6
Rent Paid by Tenant	\$230	\$124

All state elderly/disabled housing tenants must be low-income (defined as less than 80 percent of area median income), but generally there are individuals living in projects who are able to afford more than base rent and pay up to 30 percent of their monthly adjusted income. Income from what are known as “excess of base” tenants allows local housing authorities to build reserves for long-term expenses and to keep rent increases to a minimum. According to housing authorities, the highest income tenants tend to be elderly individuals who have pensions, income from investments or other assets that provide income in addition to social security retirement benefits.<sup>6</sup>

Generally speaking young disabled individuals are unlikely to have any accumulated assets or income sources other than social security disability benefits. As a result, non-elderly disabled residents tend to be poorer than their elderly counterparts. Poorer tenants provide less rent revenue to support project costs, are unlikely to produce significant excess of base income, and are more likely to need tenant rental assistance.

According to housing authorities, young disabled tenants are also likely to stay in residence longer than elderly tenants, due to their lower ages upon entry and the lack of alternative affordable housing. Their lower incomes therefore can have a long-term impact on project finances.

To better understand the financial impact issue, program review compiled and reviewed a variety of data related to tenant income, rent structures, and the financial condition of state elderly/disabled projects, which are summarized below. An overview of affordable housing needs and options for low-income elderly and disabled persons in the state is included in the next section. *Overall, evidence gathered during the committee study supports the concerns housing authority officials have expressed about the financial viability of state elderly/disabled housing projects.*

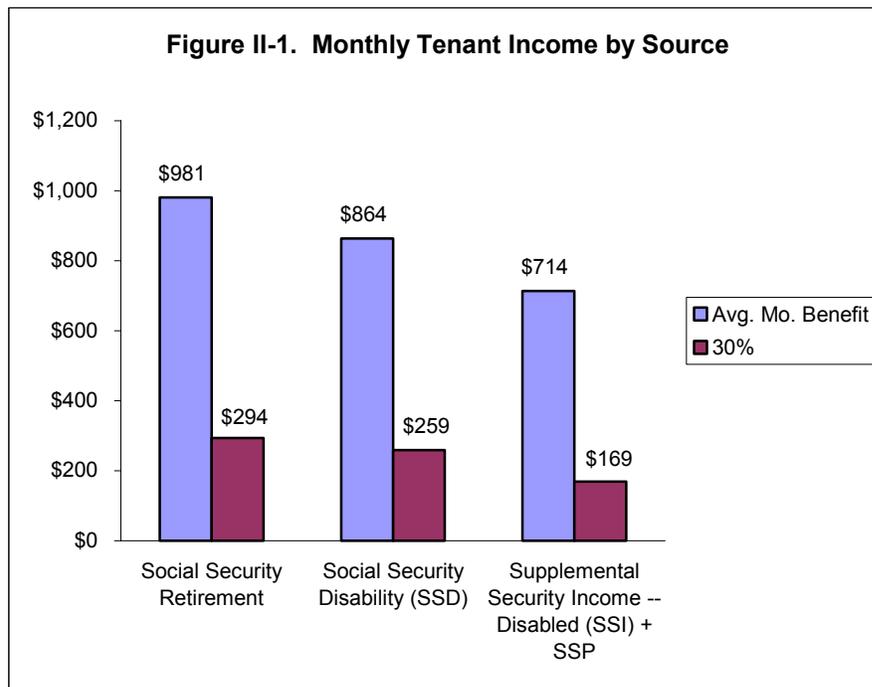
## **Tenant Income**

As discussed in the committee briefing report, on average, disabled persons receiving only social security disability benefits have lower incomes than people over age 62 receiving social security retirement benefits. Figure II-1 shows the average monthly benefits currently paid in Connecticut under the federal social security retirement and disability programs as well as the Supplemental Security Income (SSI) cash assistance program for low-income elderly, blind, and disabled persons. The SSI figure includes the average state supplemental payment (SSP) Connecticut provides for individuals living independently in the community (\$150).

Figure II-1 also shows the maximum amount considered affordable for housing costs for each income source, using the standard definition of 30 percent of income spent on shelter and basic utilities. On average, SSI recipients, such as many of the younger disabled tenants in state elderly/disabled housing, can afford to pay \$169 per month for housing or about one-third less than what an elderly person receiving social security retirement can afford (\$294).

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<sup>6</sup> State elderly housing, like other state and federal subsidized housing programs, has income limits but no asset limits. Prospective tenants must list assets on their applications but only the income from assets (e.g., interest from a bank account, rent received from property they own) counts toward eligibility.



To obtain data on actual tenant incomes and rents paid, program review committee contacted the 44 local housing authorities that anticipated significant future financial problems because of low-income disabled tenants in their survey responses for their most recent monthly rent rolls. Rental payment information was received from 38 authorities. Analysis of the rent roll data found elderly tenants have higher incomes and pay higher rents, on average, than non-elderly disabled tenants. There were three authorities, however, in which the average rent payments from younger disabled residents were slightly above the average monthly rent paid by a tenant age 62 or older.

Overall, the monthly rent payments for tenants age 62 and over at state elderly/disabled projects operated by these authorities ranged from \$172 to \$292, with a median of \$239. For young disabled tenants, the median was \$180 with average monthly rent payments ranging from \$99 to \$251. The median difference between the average monthly rents paid by each group was almost \$60.

An example provided by a member of the Hamden Housing Authority board of directors in public hearing testimony to the program review committee (September 30, 2004) illustrated the impact of low-income tenants on the finances of a state elderly/disabled project. According to the authority board member, residents age 62 and over paid an average monthly rent of \$247 while the average monthly rent of young disabled tenants was \$192, a difference of about \$55. Over a year, this gap accounts for nearly a \$39,000 difference in rental income since non-elderly

disabled tenants occupy about one-third of the Hamden authority's 190 state elderly/disabled housing units.

*The analysis of actual rent payments shows both groups served by state elderly/disabled housing projects have limited incomes but younger disabled tenants as a group are poorer and provide housing authorities with less rent revenue.* Using the median monthly rent payments from the analysis to estimate annual tenant incomes, it appears as many as half of elderly residents in the sample of 38 housing authorities have incomes at or under \$9,560; annual incomes of a similar proportion of young disabled tenants are at or below \$7,200.

*From the waiting list data for state elderly/disabled housing projects compiled by program review and presented in the committee briefing report, it seems likely young disabled tenants will become an increasingly larger portion of the residents of state elderly/disabled housing projects.* As of August 2004, non-elderly people with disabilities occupied 18 percent of the more than 7,200 state elderly/disabled housing units statewide and accounted for 41 percent of the more than 5,600 total wait list applicants. In 22 communities, non-elderly people with disabilities made up more than half and up to 95 percent of local waiting lists for state elderly/disabled housing. In 12 of these cases, young disabled tenants already occupy at least 25 percent and up to 52 percent of the local authority's state elderly/disabled units.

Despite the many limitations of waiting list information (i.e., inconsistent policies about developing and maintaining lists among local housing authorities and duplication of applicants across lists), it is clear demand for state elderly/disabled housing is strong among low-income young disabled persons. As the discussion of housing options in Section III will point out, affordable alternatives to state elderly/disabled housing also are very limited, especially for poor non-elderly disabled persons who need accessible units.

Given these circumstances, the committee believes the numbers of non-elderly disabled tenants can be expected to rise over time and rent revenues in many projects can be expected to drop. Unless housing authorities can reduce operating expenses, which include some costs that are difficult to control (e.g., utilities, insurance), and/or increase revenues from other sources, base rent increases will be required. Higher base rents without parallel increases in tenant rental assistance will become unaffordable to many members of the low income population the state projects are intended to serve.

Another possibility for addressing declining rental income and maintaining affordable rent levels in state elderly/disabled housing is for the state to provide operating subsidies like those found in federal housing projects. However, many believe tenant rent subsidies are preferable to operating subsidies, which can provide a disincentive to efficient management and close control of operating costs. Under either approach, greater state financial support would be needed to protect the financial viability of state elderly/disabled housing.

One other suggested way to promote financial stability in state elderly/disabled housing is to change the tenant composition. This would require revising eligibility requirements, tenant selection policies, or instituting caps on categories of tenants. Any such approach for addressing

the financial impact of mixing populations raises legal and constitutional questions, which are discussed in detail in Section IV.

### Project Rents

Current rent structure information provided to committee by CHFA for state elderly/disabled projects is summarized in Table II-2. As the table indicates, base rents for units in the 199 projects vary greatly but are generally among the most affordable housing costs in the state. In half of the projects, monthly base rents, which include some or all utilities, were at or below \$105 for efficiency units and \$130 for one-bedroom apartments.

<i>Table II-2. State Elderly/Disabled Housing Base Rents: 2004</i>		
<b>Monthly Base Rent</b>	<b>Efficiency Unit</b>	<b>One-Bedroom Unit</b>
Range	\$40 -\$590	\$48-\$644
Median	\$105	\$130

In the majority of cases, rents for both types of units are at affordable levels for the average tenant; that is, project base rents are at or below 30 percent of the average monthly incomes of SSI recipients (\$169) as well as of elderly persons receiving social security retirement (\$294). Base rents for efficiencies are less than \$169 at 78 percent of the state elderly/disabled projects and under that amount for one-bedroom units at 66 percent of the projects. Efficiency unit and one-bedroom base rents are below \$294 at 91 percent and 85 percent, respectively, of the state elderly/disabled projects.

It is important to note that only some state elderly/disabled projects include all utilities in their rents; tenant housing costs are higher than base rents in cases where heat, hot water, and/or electricity are extra. Utility allowances for tenants of elderly/disabled housing projects typically are between \$30 to \$50.

As discussed in the committee briefing report, several factors contribute to the variation in project rent structures, including the types of utilities and services included in rental charges, as well as the age of the project, how it was financed, and its financial condition (e.g., rental revenues versus operating expenses). For example, the oldest state elderly/disabled projects that have minimal capital costs often have the lowest rents. In contrast, highest rents tend to be found in newer projects built in the most expensive areas of the state.

The base rents needed to cover operating costs are so high in some state funded projects that federal Section 8 housing assistance is being used by housing authorities to make the units affordable to low-income elderly and disabled persons. In all but one case, the highest project base rents, over \$500 for one-bedroom apartments in seven projects and over \$400 for efficiencies in nine projects, are subsidized by Section 8 funding. This information underscores how valuable the state elderly/disabled projects, whose very low rent structures cannot be duplicated in today's market without deep subsidies, are to the state's supply of affordable housing.

Low project rents are often the result of low original development costs as well as local housing authority efforts to minimize operating costs. Further, some boards of directors have made decisions to use budget reserves or other revenues to offset operating expenses to make units as affordable as possible to their tenant pool.

While for over two-thirds of the projects the percentage of income requirement for tenant rent is set at 30 percent, the maximum allowed by statute, there are 68 projects below that level. At one authority with five state elderly/disabled projects, the required percentage is only 19 percent and percent-of-income requirements range from 22 to 29 percent for the other projects below the 30 percent standard. It is interesting to note almost one-third (14) of the authorities that said in their committee survey responses they anticipate significant financial problems over the next five years have percentage of income rent requirements under 30 percent and as low as 19 percent.

With sufficient excess of base and other sources of revenue, it is possible to keep base rents at levels that do not cover operating costs; however, a change in tenant composition, declining investment income, or unanticipated large expenses could necessitate big rent increases in a short time period. Given the trends in tenant incomes, rising operating costs, and capital improvement needs, local authorities may need to reconsider their rent structures to ensure long-term financial stability. These trends are among the matters CHFA is analyzing as part of its review of project financial conditions, which is outlined below.

**Rent subsidies.** Even though state elderly/disabled housing rents are generally well below market rates and among the lowest of publicly assisted housing rents, a substantial number of elderly and disabled residents lack sufficient income to pay project base rents. Connecticut's elderly rental assistance program (elderly RAP) was created to provide subsidies for such tenants and is currently administered by DECD. The program, within available appropriations, makes up the difference between 30 percent of tenant income (minus any utility allowance) and the base rent for a unit.

Analysis presented in the briefing report showed 17 percent of all state elderly/disabled housing units are subsidized through this rental assistance program. *The committee also found, as a group, younger disabled residents need subsidies to afford project base rents more than the population of elderly tenants.* Almost one-third of units occupied by non-elderly disabled tenants received elderly RAP subsidies while 14 percent of units with residents age 62 or over received this rental assistance.

The committee analysis of tenant incomes and rent payments described earlier in this section also reviewed information about rent subsidies. Almost 60 percent (22) of the 38 local authorities that provided rent roll data received state elderly RAP funding. In some, just a few tenants needed help to pay base rents but for the majority (16 of the 22), over a quarter of the project residents received a subsidy. At three authorities, over 70 percent of the state elderly/disabled housing projects were subsidized under the state elderly RAP program.

Tenant rent subsidies on average ranged from just a few dollars to nearly all of the entire monthly base rent charge. In one case, a tenant's adjusted income was so low, the entire rent

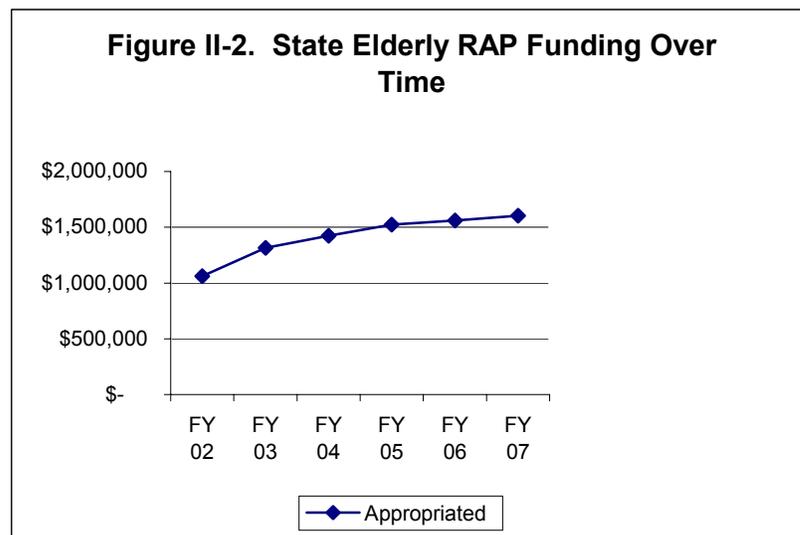
was paid with state elderly rental assistance. Elderly RAP was provided to both populations of tenants in the 22 projects, but at most authorities (15), a higher portion of young tenants with disabilities received the subsidy on average than tenants age 62 or over.

Clearly, the populations served by state elderly/disabled housing have very low incomes and include many individuals with high needs for financial subsidies. *To date, there has been no comprehensive assessment of current or future needs for tenant rental assistance or other types of financial support required for the state's portfolio of elderly/disabled housing projects.* This information is critical to determining the best ways to keep rents affordable to the state's poorest individuals and, at the same time, maintain financially viable housing projects.

**Program review recommends DECD and CHFA jointly conduct a comprehensive assessment of current and future needs for rental assistance or other types of financial support for the state's elderly/disabled housing portfolio each year. The results of the first such analysis should be presented to the legislature's committees of cognizance over housing matters no later than October 1, 2005.**

The amount of elderly RAP funding that might be needed to achieve the goals of affordability and financial viability is not known. Assistance provided under the state elderly RAP program has been limited to those housing authorities that requested and were found eligible for rent subsidy funding when the program was initiated. According to DECD, the program has not been expanded to any new authorities although additional appropriations have been requested and obtained when necessary to cover approved rent increases at already funded projects.

Figure II-2 shows trends in the state elderly RAP funding since FY 02. With a total budget of less than \$2 million, it has been a relatively small program although appropriations increased by about 44 percent between FY 02 and FY 05. Funding increases for the upcoming biennium (FY 06 – FY 07) are projected at a rate of less than three percent per year in accordance with budget instructions from the Office of Policy and Management.



What funding level will be adequate to meet needs for tenant rent subsidies is uncertain. With the transfer of the DECD state housing portfolio including elderly/disabled projects to CHFA, that agency now conducts budget reviews and approves rent increases. DECD no longer receives tenant rent rolls or other financial information from the elderly/disabled projects although it remains responsible for administering the elderly RAP program. Split jurisdiction complicates efforts by both agencies to monitor and plan for low-income housing needs. The recommended joint assessment should help answer questions about future needs as well promote coordination between the two agencies.

## **Financial Conditions**

As discussed in the committee briefing report, responsibility for overseeing the state's entire portfolio of existing subsidized housing, which includes state elderly/disabled housing projects, was transferred to CHFA from DECD in 2003. CHFA recently completed the annual budget review process for state elderly/disabled housing projects as well as its initial examination of the financial condition of each one. *Preliminary results from the authority's financial reviews show increasing operating expenses, lower tenant rent revenues, and significant capital improvement needs among the 199 state elderly/disabled housing projects.*

Based on its budget reviews, CHFA approved rent increases for at least one-quarter of the 199 projects for the upcoming year. The increases ranged from \$5 per month for an efficiency unit to \$50 per month for a one-bedroom apartment. The most common rent increase was \$20 per month and in all but six cases, the increase was at least \$20.

The CHFA financial review also showed at least two-thirds of the state elderly/disabled projects identified repair, rehabilitation, and revitalization work needed over the next five years and total costs would be about \$50 million. The median cost of needed capital improvements was almost \$210,000 and ranged by project from about \$78,000 to \$7.6 million. (The largest capital project would be a major revitalization effort involving the proposed addition of 30 units.) CHFA staff are now reviewing the identified work to determine priorities and possible approaches for funding the capital improvements, including how much to finance with local housing authority reserves.

Under the current division of authority for state housing projects, CHFA is responsible for asset management and budget review. DECD is in control of the state elderly RAP as well as some potential resources for capital improvements. *At this time, there are no formal requirements or procedures for coordinating financial reviews and decisions or sharing information.*

Ensuring financial stability and affordable rents requires coordination of the housing finance authority's action on rent increase requests and the state agency's allocation of tenant rent subsidy funds. According to all parties involved, the process went smoothly, with CHFA and DECD working together on an informal basis. The joint assessment of financial assistance needs recommended earlier will require both agencies to share information and should promote more formal coordination of their financial decisions.

In the coming months, CHFA staff will be examining project finances and rent structures in depth. The authority converted seven durational positions to permanent ones, hired two new staff, and created a financial oversight position to undertake asset management duties for the whole state portfolio transferred from DECD, including the state elderly/disabled projects. Their duties will include making site visits to all properties to assess capital and operating needs, examine project finances, and analyze cost and revenue trends.

CHFA has already begun to study state elderly/disabled housing base rents to better understand their relationship to project finances. As noted above, rental increases in state elderly/disabled projects will need to be accompanied with additional elderly RAP program subsidies. Once the housing finance authority's analysis of current base rents and trends in project costs and revenues is completed, it will be easier to project the level of rent subsidy funding required in the future.

Public hearing testimony provided to the committee by the executive director of the Norwich housing authority confirms the importance of completing this task as soon as possible. To meet steadily rising operating costs and declining rent revenues at its elderly/disabled projects, the Norwich authority requested and received approval for a \$45 per month increase in base rents (currently \$130 to \$145 depending on unit type) effective January 1, 2005.

The Norwich director was able to secure additional elderly RAP funding to cover the higher rents during 2005, but the state, through DECD, has made no commitments regarding future funding levels for tenant rent subsidies. The authority staff expect another \$45 rent increase will be needed for the following year, due primarily to the fact more project tenants are very low-income young disabled persons and fewer elderly tenants have incomes above \$10,000. If current trends continue, monthly rents could reach \$400 in five years. Without corresponding increases in rent subsidies, it is not clear how the authority's large number of very poor tenants of any age will afford the higher rents.

## Section III: Other Considerations

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Both groups currently served by state elderly/disabled housing projects are among the people most in need of affordable and accessible housing. As discussed in the prior section, low-income elderly and disabled persons need deeply subsidized housing; many also require units that are barrier free or have accessible features (e.g., bathroom grab bars, wide doorways and halls, wiring to accommodate special lights for the hearing impaired). *All information reviewed by program review shows affordable housing is in short supply in Connecticut. Overall, housing options for very low-income individuals, particularly those needing accessible units, are lacking.*

The committee examined a number of recent plans and reports to identify both: current and future housing needs of low-income elderly and disabled people; and the existing supply of affordable and accessible rental units. In addition to the state housing plan, the state plan on aging, a variety of state and federal assisted housing inventories, several new studies of affordable housing needs, and population and income data from the U.S. Census and the Social Security Administration were reviewed. While much of the existing information on affordable housing needs and options is incomplete, the committee was able to develop some indicators of demand and supply, which are described in this section.

### Affordable Housing Needs

In accordance with federal requirements, DECD prepares the state's consolidated housing plan and updates it every five years. The final draft of the latest plan, which covers 2005-2010, discusses the housing needs of many groups in Connecticut including elderly and disabled persons. In regard to the housing needs of senior citizens, the plan notes the "...state's elderly population is tremendously diverse in its housing preferences, financial characteristics, and health status..." and living arrangements, therefore, must take a variety of forms.<sup>7</sup> The plan describes that elderly renters, many of whom are on fixed incomes, find it difficult to keep pace with escalating rental rates but does not otherwise discuss housing issues faced by low-income seniors.

The draft state plan also points out "... people with disabilities are in the midst of an increasingly acute affordable housing crisis..." although needs and existing options are not quantified.<sup>8</sup> *According to the plan, there is not a single town in Connecticut where a person receiving SSI benefits, including the state supplement, can meet the federal criteria for affordable housing and only pay 30 percent of their monthly income for rent.*

A recent national affordable housing study, *Priced Out in 2002*, made a similar finding, noting persons with disabilities, overall, are the poorest in the country, with SSI benefits equivalent to 18.8 percent of the national median income for a one-person household.<sup>9</sup> The

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<sup>7</sup> Department of Economic and Community Development, *State of Connecticut 2005-2010 Consolidated Plan for Housing and Community Development*, November 2004 (p. 90).

<sup>8</sup> *Ibid* (p. 91).

<sup>9</sup> *Priced Out in 2002*, Technical Assistance Collaborative, Inc. & Consortium for Citizens with Disabilities Housing Taskforce, May 2003

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study included state-by-state analyses and showed SSI recipients in Connecticut would have needed to spend 97.8 percent of their SSI benefits to rent a one-bedroom housing unit in 2002.

Another national report on housing affordability in each state, *Out of Reach 2003*, found unsubsidized rents in Connecticut far exceed what poor disabled persons are able to pay.<sup>10</sup> According to the *Out of Reach* study, a person with disabilities in Connecticut receiving just SSI benefits (\$552 per month) can afford a monthly rent of not more than \$166 while the statewide fair market rent (FMR) is \$752.<sup>11</sup>

Table III-1 summarizes information from the *Out of Reach* report about fair market rents and the incomes needed to afford them in each area of Connecticut. The table provides further evidence of the need for deep rental subsidies to make private market rental housing affordable to very low-income persons, whether disabled or elderly.

Location	FMR by Number of Bedrooms		Income Needed to Afford FMR	
	Zero	One	Zero	One
Connecticut	\$607	\$752	\$24,295	\$30,088
Bridgeport, CT	\$575	\$748	\$23,000	\$29,920
Danbury, CT	\$725	\$867	\$29,000	\$34,680
Hartford, CT	\$519	\$647	\$20,760	\$25,880
New Haven-Meriden, CT	\$620	\$761	\$24,800	\$30,440
New London-Norwich, CT	\$541	\$654	\$21,640	\$26,160
Stamford-Norwalk, CT	\$1,046	\$1,225	\$41,840	\$49,000
Waterbury, CT	\$526	\$711	\$21,040	\$28,440
Worcester, MA-CT	\$549	\$663	\$21,960	\$26,520
Hartford (nonmetro portion)	\$399	\$644	\$15,960	\$25,760
Litchfield (nonmetro portion)	\$463	\$631	\$18,520	\$25,240
Middlesex (nonmetro portion)	\$686	\$777	\$27,440	\$31,080
New London (nonmetro portion)	\$581	\$712	\$23,240	\$28,480
Tolland (nonmetro portion)	\$399	\$644	\$15,960	\$25,760
Windham (nonmetro portion)	\$459	\$561	\$18,360	\$22,440

Source: *Out of Reach 2003: America's Housing Wage Climbs*, National Low Income Housing Coalition, 2003 (retrieved October 7, 2004, from <http://www.nlihc.org>)

The extent of Connecticut's affordable housing crisis and its relationship to homelessness in the state was highlighted in a study released by Infoline in the spring of 2004<sup>12</sup>. Infoline is the

<sup>10</sup> *Out of Reach 2003: America's Housing Wage Climbs*, National Low Income Housing Coalition, 2003 (retrieved October 7, 2004, from <http://www.nlihc.org>)

<sup>11</sup> Fair market rents, calculated annually by HUD for housing markets throughout the country, are used to set payment standards for various federal housing assistance programs. FMRs are estimates of the gross rents (shelter plus basic utility costs) paid for standard quality rental housing and are based on actual rents paid by households in a housing area.

<sup>12</sup> *Housing and Homelessness in Connecticut*, 2-1-1 Infoline, Spring 2004

nonprofit agency that operates the state's integrated human service referral system. According to the Infoline report, over the past five years the number of housing-related requests handled by its specialists increased by 120 percent, compared with the 53 percent overall increase in requests. During the same period, the number of calls Infoline received from homeless individuals increased 357 percent, from 3,662 in 1999 to 16,566 in 2003. The tremendous increase in requests for help with housing problems is another indicator of a severe lack of housing options for the very poor.

Data included in the state housing plan further indicate many homeless individuals are younger adults and persons with disabilities with little or no income. The plan states an estimated 3,000 to 5,000 persons are homeless in Connecticut on any given night, with almost three-quarters (71.4%) being single adults. Approximately 15 percent of this group report SSI as their source of income while nearly 52 percent report having no income at all.

**Population trends.** The affordable housing crisis described in the various materials reviewed by the committee will not be resolved soon. *Population trends indicate the current need for subsidized housing by both low-income elderly and disabled persons will continue and probably grow.*

The elderly Connecticut population has remained relatively steady according to 1990 and 2000 U.S. Census data and the percent of elderly poor has also remained steady during that period at approximately seven percent. However, the older population is expected to increase most rapidly between 2010 and 2030, when the baby boom generation reaches age 65. Even if the portion of elderly persons who are at or below the poverty level (\$8,825 annual income in 2003) remains low, there will be a much larger number of older adults seeking deeply subsidized housing (of which some may also be disabled).

Data from the Social Security Administration show an approximately 1.4 percent annual growth in non-elderly disabled Connecticut residents receiving SSI. In relation to a projected overall growth rate in the total Connecticut population of approximately 2.28 percent from 2000 to 2003, the non-elderly disabled population in Connecticut grew almost twice as fast, at approximately 4.31 percent.

State elderly/disabled housing is and will continue to be a critical resource for very low-income individuals. *Given current trends, however, it appears low-income persons age 62 or older will have less access to state elderly/disabled housing over time and elderly persons who are not disabled may eventually be displaced in some projects. Increasing numbers of young disabled applicants and residents, combined with lower turnover rates, means fewer units will be available over time for any new tenants.*

The analysis of project waiting lists presented in Section II showed young disabled persons make up 41 percent of applicants statewide and comprise the majority (50 percent or more) of persons on wait lists in at least 19 towns. Non-elderly disabled tenants occupy 18 percent of all state elderly/disabled housing at present and comprise larger portions of units, up to 83 percent, at projects in at least 32 municipalities. Occupancy rates over time have not been

tracked but housing authorities reported in interviews and public hearing testimony that numbers of younger disabled tenants in their senior/disabled housing projects are growing.

According to local authorities, once in residence, non-elderly disabled persons will have a longer tenure than elderly residents due to their younger age upon entry. They tend to stay in these projects in large part because there are few affordable alternatives, particularly if they require accessible housing. Program review tried to quantify tenant tenure and resident age ranges but found these data are not maintained by housing project managers or required by state or federal housing agencies.

At the committee's request, CHFA collected information on length of time in residence for current elderly and young disabled tenants in state elderly/disabled housing projects and, as a proxy for turnover rate, the numbers of tenant move-outs by group over the past five years. The data gathered from 199 local housing authorities, summarized in Table III-2, are inconclusive.

<i>Table III-2. Turnover and Tenure Among the Tenants in State Elderly/Disabled Housing (November 2004)</i>		
	<b>Elderly</b>	<i>Non-Elderly</i>
Average Move Outs in Last 5 Years (Relocation, Death, Eviction) Per Project	18.9 (n= 158 projects)	3.2 (n=144 projects)
Average Years Occupancy Per Project (n=173 projects)	7.4	4.6

The table shows, on average, elderly tenants had been in residence more than seven years while the average tenure of younger disabled tenants was under five years. The shorter average tenure of non-elderly disabled tenants could be because as a group they moved in more recently. A better analysis of tenure would calculate the time between move-in and move-out dates, but that information is not readily available.

The information gathered on numbers of move-outs indicates turnover rates are substantially higher for those age 62 and over than for non-elderly disabled tenants. On average, nearly 19 elderly tenants moved out over the past five years compared with just over 3 young disabled tenants. In most state elderly/disabled projects, the majority of tenants are over age 62 so higher number of elderly move-outs would be expected. Again, it is difficult to use this information to assess trends in tenure without data on move-ins dates as the Hamden Housing Authority did in public hearing testimony to the committee in September 2004. Hamden reported that in the last five years approximately 30 percent of the new residents of its state elderly/disabled housing projects were young disabled persons while the same category made up only 12 percent of those moving out. Hamden's experience, of course, may not be representative of all housing authorities.

Examination of tenant tenure trends is also complicated by a lack of information on the age of current residents. Neither housing authorities nor state housing agencies regularly collect tenant age data. The committee reviewed tenant age information that was received as part of the

rent payment analysis discussed in Section II. For all 12 local housing authorities that provided age data, the ages of non-elderly disabled tenants ranged from 20 to 61; the majority were middle-aged, with most being in their 40s and 50s. While only representing a small sample of projects, this analysis corresponds to tenant profiles described by local housing authorities in interviews and public hearing testimony.

The overall lack of tenant profile information for state elderly/disabled housing impedes effective planning. As the above discussion shows, it is almost impossible to assess trends that have a critical impact on a project's financial viability without knowing tenant ages, tenant tenure, and long-term needs for rental assistance.

### **Affordable Housing Supply**

Program review tried to assess the total supply of affordable rental units for low- income elderly and disabled persons as well as indicators of demand for this housing, such as occupancy rates and waiting list statistics. Only partial information on some of the major types of housing options could be developed within the timeframe of this study.

There are a variety of sources of information on affordable housing. These include on-line inventories of certain types of HUD assisted apartments for elderly and disabled persons and multifamily rental units financed by CHFA as well as a state funded computerized registry of accessible housing. DECD also compiles listings of all government assisted units (federal and state public housing, subsidized units in projects financed by HUD, the state, or CHFA, and private market units rented with Section 8 and other tenant rental assistance) for the purposes of the state's affordable housing appeal law. However, a comprehensive catalog of government assisted housing in Connecticut that includes household type, assistance program, and funding source for all types of units has not been produced since 1994.

*The committee found housing information critical to effective planning, policy development, and resource allocation is not collected in a single, complete source. Existing inventories contain little, if any, information on rents, subsidies, accessible features, occupancy, vacancies, or waiting lists; they generally are updated only on an annual basis. Neither current housing inventories nor the statutorily mandated accessible housing registry is of much help in matching low-income persons with affordable, accessible housing units.*

As required by P.A. 98-263, DECD established a computerized registry that catalogs and tracks accessible housing units throughout Connecticut. As listing by owners is voluntary, it is uncertain how comprehensive an inventory the registry is. Program review found many but not all state and federal housing projects are included in current listings. While the registry is a free listing service, there is little incentive for owners, public or private, to participate if they have no vacancies and long waiting lists for their accessible units. Without extensive monitoring, there is no easy way to determine what portion of existing public or private sector accessible units are included.

*The program review committee found the registry, as currently operated, is not a directory of affordable housing since any accessible unit is included regardless of the rent charged. At best, it is a partial inventory of units accessible primarily to persons with physical*

*disabilities*. When last checked by the committee, the registry showed only six vacant accessible units statewide, a fact that underscores the scarcity of accessible rental units at any cost.

At this time, the registry is temporarily suspended since the nonprofit agency contracted to operate it dissolved in late November. DECD, in consultation with the Office of Policy and Management, is considering what approach will be taken to reactivate the registry.

**Existing options.** Among the affordable housing options the committee identified for the two populations served by state elderly/disabled housing are:

- federal rental housing for the elderly and persons with disabilities, both public housing projects and developments financed by HUD, which encompass an estimated 41,000 publicly assisted units in Connecticut; and
- subsidized rental housing for elderly and disabled persons developed through CHFA financing programs, which total at least 11,500 rental units.

HUD was unable to provide the committee with specific occupancy, vacancy or wait list information for its federal projects in Connecticut. CHFA was able to supply some initial data for a portion of its elderly and disabled housing projects that indicated high demand for its subsidized units. Even without hard numbers, it is generally acknowledged that both HUD and CHFA projects have very low vacancy rates and very long waiting lists.

It is important to note some developments financed by HUD and CHFA have limited numbers of deeply subsidized units and most rents charged at such projects can be at market rates. Rents before any subsidy for one-bedroom apartments in the CHFA elderly/disabled portfolio, for example, range from about \$650 to almost \$1,500 per month while monthly rents charged for efficiency units ranged from \$530 to over \$1360. Therefore, not all housing included in assisted housing inventories would be affordable to the very low-income populations served by state elderly/disabled housing projects even if they were available.

As discussed in the committee briefing report, some housing authorities in Connecticut also have reserved their federal elderly housing projects for persons age 62 or over through the HUD designation process. At least 2,125 federal housing units in 15 communities are no longer available to new young disabled tenants in accordance with elderly-only designation plans approved by HUD since 1998. As part of the process, local authorities are supposed to provide evidence alternative housing is available to those excluded by designation and authorities may apply for Section 8 vouchers for use by members such groups (although HUD guidance documents are confusing on this point.)

Program review asked HUD which of the 15 authorities requested vouchers and whether they had received them. HUD staff, after reviewing its designation plan files, reported 13 authorities had indicated they would seek additional vouchers to help young disabled applicants on waiting lists and non-elderly disabled tenants voluntarily relocate; it was not known whether applications were made or additional vouchers were received.

Rental subsidy programs for private market housing, such as federal Section 8 housing choice vouchers and state's rental assistance program (RAP) are another major source of affordable housing options for low-income persons and some are targeted to elderly and disabled individuals. Rent subsidies usually make up the difference between a fair market rent amount and 30 percent of the recipient's income.

Information about two major rent subsidy programs is summarized in Table III-3. The table shows the two programs provide deep subsidies (about \$700 and over \$600, respectively) to more than 7,000 individuals. More young disabled than elderly renters receive subsidies, although by far the largest group of recipients is low-income families. Waiting lists are closed for both programs and not expected to open for a year or more.

There are approximately 34,000 federal Section 8 housing choice vouchers in total in Connecticut; detailed information on their use is available only for the small portion administered by the Department of Social Services (about 16 percent) shown in the table. Most Section 8 vouchers are allocated to local housing authorities and program data such as utilization rates and waiting lists are not centrally collected. According to HUD and DSS, however, demand for all rent subsidies is very high throughout the state and waiting lists for Section 8 are closed at most, if not all, housing authorities.

<i>Table III-3. Major Tenant Rent Subsidy Programs in Connecticut: 2004</i>		
	<i>DSS Section 8 Vouchers</i>	<i>State RAP</i>
Funding Level (Annual)	\$49.2 million	\$12.3 million
Average Monthly Rent Subsidy	\$706	\$630
Total No. Subsidies	5,602	1,537
No. Elderly Subsidies (Includes elderly disabled)	270 (5%)	63 (4%)
No. Disabled Subsidies	898 (16%)	291 (19%)
<b>Waiting List</b>	Approx. 3,600 /closed	Closed
No. Elderly	252 (7%)	-
No. Disabled	1,064 (30%)	-

As mentioned earlier, federal Section 8 vouchers are sometimes targeted to meet the needs of certain groups. Among the vouchers DSS administers, 250 are set aside for one federal program that works to provide mainstream housing opportunities for persons with disabilities and another program that helps persons living in nursing homes transition to private rental units in the community. The department also supplies 200 Section 8 rental subsidies that are being used by certain DMHAS supportive housing projects, which are described in more detail below. DSS additionally applied for and received 200 Section 8 housing choice vouchers to be targeted for non-elderly disabled persons that were on waiting lists for federal elderly housing projects designated elderly-only. All of the DSS targeted Section 8 housing choice vouchers are being used at present.

Both the Departments of Mental Retardation and Mental Health and Addiction Services administer housing assistance programs for persons with disabilities that are restricted to their client populations. These include rent subsidies for private market housing as well as subsidized

housing projects or units that include support services. Each DMR and DMHAS housing program is briefly described in Table III-4.

As the table indicates, in total, the mental health department housing programs provide rental assistance to nearly 900 clients. In addition, there are about 1,600 supportive housing units completed or in development throughout the state for persons with disabilities who are facing homelessness. The Department of Mental Retardation provides housing subsidies to around 800 of its clients for independent living arrangements in the community.

It is important to point out that the housing programs included in Table III-4 are available just to clients of DMHAS or DMR. Disabled persons not eligible for these programs have fewer housing options and must compete for federal and state elderly/disabled housing units or private market rent subsidies. Based on the listings included in the state accessible housing registry, it appears low-income persons with physical handicaps or disabilities that require special accommodations have few options in the private market, even if they are provided a rent subsidy.

*Subsidized rental unit information compiled by the program review committee shows housing options targeted for very low-income elderly and disabled persons are limited both in number and availability.* Although there are thousands of assisted units in federal public housing projects and developments financed by HUD and CHFA programs, generally few are vacant and waiting lists are long. Demand for tenant rental assistance for private market units, such as federal housing choice vouchers and the state rental assistance program, also far exceeds supply.

*Supportive housing initiatives and other DMHAS residential programs are increasing affordable housing options for low-income persons with mental illness and substance addiction disabilities. However, the amount of current and planned supportive housing units only begin to address the needs of this population.* A rough estimate prepared by DMHAS at the request of the committee indicates at least half of the clients served by the agency (which is over 30,000 individuals), given their living situations (no permanent housing) and extremely low-income levels (i.e., 0 to 30 percent of area median), need financial assistance with housing costs and other supports.

All of the information reviewed by the program review committee shows the need for affordable housing far exceeds the supply available for all low-income groups. The lack of affordable and accessible rental units is an overarching issue contributing to the problems of mixing populations in state elderly/disabled housing. The shortage of housing options is exacerbated by mismatches between available resources and resident needs. For example, affordable fully accessible rental units are not necessarily occupied by low-income persons with mobility disabilities. Without a comprehensive inventory to assist those seeking housing and to promote better planning, inefficient use of the limited amount of affordable housing will continue.

*Table III-4. Overview of DMHAS and DMR Housing Programs*

<b>DMHAS Residential Services</b>
<p><b>Shelter Plus Care</b>  <i>Federal ( HUD) rental assistance program for disabled persons who are homeless and targeted to those who have a serious mental illness, are dually diagnosed, have a substance abuse disorder, or AIDS. HUD provides shelter funds which communities must match one-to-one with a continuum of services (outreach, mental health, medical, substance abuse treatment, case management, etc.).</i></p> <ul style="list-style-type: none"> <li>• Approximately 650 persons served per year</li> <li>• 2004 standard rent payments range from \$463 - \$1,255 0BR; \$631 - \$1,470 1BR</li> <li>• Waiting lists closed; on average wait 2 years before housed</li> </ul>
<p><b>Bridge Subsidy</b>  <i>State funded temporary rental assistance targeted to persons with a psychiatric disorder while on a waiting list for a permanent state or federal housing subsidy; security deposits may also be provided. On average in 2004, 222 units subsidized per month.</i></p> <ul style="list-style-type: none"> <li>• Average monthly subsidy: \$285 (difference between rental charge and state supplement housing subsidy of \$400); typically receive for several years while on wait list for subsidized housing unit or voucher</li> <li>• Some wait lists closed, some open; on average wait slightly less than 1 year before housed</li> </ul>
<p><b>Supportive Housing</b>  <i>Public/private collaborative efforts to develop housing with services to meet the needs of persons with disabilities facing homelessness. Combined federal, state, and private funding is used to develop supportive housing opportunities in new and existing units. Program's target population is adults with mental illness or substance addiction who have been persistently homeless, but also serves other low-income individuals and families at risk of homeless.</i></p> <ul style="list-style-type: none"> <li>• Rents typically subsidized (e.g., with federal Section 8 project based assistance) to keep tenant costs to 30 percent of income</li> <li>• At present, through a 1992 demonstration project and a 2000 public/private initiative (pilots) spearheaded by DMHAS, almost 600 supportive housing units developed and 350 underway. Another 1,000 units to be completed in three to four years now in planning stage under a 2004 supportive housing initiative (Next Step) overseen by an interagency state council; 650 units targeted for adults with mental illness and/or substance addiction who have been persistently homeless.</li> <li>• Reliable utilization and wait list information not available/compiled at this time</li> </ul>
<b>DMR Residential Services</b>
<p><b>Community Based Housing Subsidy</b>  <b>Assists DMR clients acquire and retain personal home in the community.</b></p> <ul style="list-style-type: none"> <li>• On average, support provided to 781 clients per month</li> <li>• Total FY 05 funding: \$2.98 million</li> </ul>
<p><b>Other Housing</b>  <i>Most DMR residential options are than other than independent living and include: supported living and community living arrangements, community training homes, and residential centers.</i></p>

Based on the findings included in this section, the **program review committee concludes the state must take action to expand housing opportunities for low-income elderly and disabled individuals by promoting more quality affordable housing for all residents.**

**As a first step, it is recommended DECD, the state's lead housing agency, develop and maintain a comprehensive inventory of all publicly assisted housing in the state beginning July 1, 2006. At a minimum, the inventory should identify all existing assisted rental units by type and funding source, and include information on tenant eligibility, rents charged, available subsidies, occupancy and vacancy rates, waiting lists, and accessibility features. To assist in the department's efforts in compiling a complete inventory, the program review committee also recommends the statutes be amended to require property owners, both public and private, to report all accessible housing units to the state registry.**

The committee recognizes creating such an inventory and making the accessible housing registry mandatory will require some additional resources. A small investment in staff and equipment, however, can produce information critical to effective planning for new housing opportunities and making more efficient use of valuable existing units.

## Section IV: Policy Options

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### Introduction

In addition to management solutions for the social and economic problems facing state elderly/disabled housing projects, the program review committee examined possible revisions of the state's current policy on mixing populations. Over the years, the legislature has considered a number of proposals to change the tenant composition of the state projects to address concerns about conflicts and safety.

As part of this study, the committee tried to evaluate the social and financial impact, as well as the legal ramifications, of a range of alternative policies for state elderly/disabled housing. Five possible options were identified: Current Policy with Stronger Management Tools; Designation Plan; Percentage Goals; Total Age Restriction; and Partial Age Restriction.

The spectrum of policy options was developed and assessed based on three primary policy goals:

- reduce negative incidents that disrupt the peace, safety, and security of the community living in state elderly/disabled housing;
- protect the financial stability of projects; and
- preserve access to this source of affordable and accessible housing over the long term.

As part of the assessment process, the committee also considered possible legal implications, potential costs associated with implementing an option, and what, if any, immediate impact an option would have on tenant eligibility.

It is assumed the management and planning improvements recommended in previous sections would be in place and their positive effects would occur under any of the policy options. It is also imperative that, regardless of changes to current state/elderly disabled housing policy, the state make a serious commitment to expand affordable and accessible housing opportunities in the state. From surveys and interviews, the committee believe there would be less demand for units in the state projects from young disabled individuals if they had other choices for decent, safe, and affordable permanent housing.

A description and the advantages and disadvantages of each option are presented below. Table IV-1 summarizes all of the options. No option provides a satisfactory remedy for every concern about state elderly/disabled housing and which is the "best" alternative depends largely on the priority placed on the various goals. Each option has benefits and drawbacks in terms of addressing social and financial problems. In addition, many of the policy and administrative solutions examined by program review would require more state resources and some could entail significant funding increases. Finally, all options except the current policy may be subject to legal challenges, as explained in greater in detail in the following discussion.

## Legal Considerations

A threshold question in the debate about whether elderly and non-elderly disabled people should or should not live together in state funded public housing is what, if any, legal restrictions constrain Connecticut policy choices. This question is uncharted for Connecticut and ultimately the courts would likely provide the answer. To assess what might reasonably happen, two different legal fronts need to be considered: federal law and the Connecticut constitution.

**Federal law.** For the potential impact of federal law on Connecticut actions, program review studied the federal designation plan program enacted in 1992 and the Massachusetts mixed population statute enacted in 1995.

*Designation plans.* Until 1992, the federal public housing statute governing federal “elderly” housing defined elderly to include disabled persons, similar to Connecticut’s current statute for state funded “elderly” housing. As discussed in the briefing, in 1992, Congress amended the law by definitionally separating elderly persons from disabled persons, and establishing a program under which public housing authorities could designate projects or parts of projects as elderly only, disabled only, or mixed. Such designations, along with all the accompanying requirements, do not violate pertinent federal anti-discrimination laws (e.g., the federal Fair Housing Act) simply because Congress can pass laws that impact other federal laws because there is a presumption all statutes are intended to be read together. Therefore, since the federal government has established that such a program comports with other federal statutes, it is reasonable to believe Connecticut could adopt an identical strategy without violating those same federal laws.

*Massachusetts percentage goals.* Also described in the briefing, Massachusetts established a program for its state funded public housing in 1995 that, similar to the federal designation program, allows different treatment of elderly and non-elderly disabled persons. Massachusetts created different “placement priorities,” for elderly persons (up to 86.5 percent of a housing project) and disabled persons (up to 13.5 percent of a housing project). Similar to the federal designation law, no one who was already living in public housing could be evicted solely because of the placement priorities. After nine years in place, the Massachusetts statute has not been challenged on federal law violations, which adds support to the position that Connecticut could adopt a similar strategy.

**Connecticut constitution.** For the potential impact of the Connecticut constitution, the committee took note of the equal protection provision that prohibits discrimination against persons with physical or mental disabilities. This provision elevates the legal protections for persons with disabilities in Connecticut beyond that required under federal law and is therefore perhaps pivotal to what policy changes the state could make. The Connecticut Constitution (Article 21, adopted November 28, 1984, amending Article Fifth) provides:

“No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability.”

The significance of declaring that people with physical or mental disabilities are protected under the state's equal protection article gives people with those characteristics "protected class status." This means that the highest level of judicial scrutiny will be used by the courts when reviewing the validity of any state action taken that might discriminate against a person based on that status. The Connecticut Supreme Court held in *Daly v. DelPonte* (225 Conn. 499, 624 A.2d 876) the 21<sup>st</sup> Amendment's "protection for those possessing physical and mental disabilities identifies the members of this class as a group especially subject to discrimination and requires the application of the highest standard of review to vindicate their constitutional rights. "[...T]hat standard requires strict scrutiny of the challenged government action." (p. 515).

In equal protection analysis, there are three levels of review used to determine if a state action is a legitimate exercise of state authority or a violation of a person's equal protection rights. Essentially, the levels of review vary based on the nature of the state interest intended to be accomplished by the state action and how that state interest will be furthered by the contested state action. The most stringent review level is termed strict scrutiny, and applies to actions impacting protected classes like race or national origin, and in Connecticut, physical or mental disabilities. Under strict scrutiny, the state must prove the state action: "1) serves a compelling state interest, and 2) is narrowly tailored to serve that interest." Whether an action is narrowly tailored requires there be virtually no other way the state can accomplish its interest.

However, if a protected class is not involved, the level of review used is called rational basis, which is the least stringent level of review. Under this level, the state just needs to show there is a legitimate state interest, and that there is a rational connection between the state action and the interest. Unlike disability, age is not a protected class in the state constitution. A critical question to be determined is whether state action affecting non-elderly disabled people would be disability-based discrimination or age-based discrimination.

*Disability-based discrimination.* Possible state interests in restricting or prohibiting access to non-elderly disabled persons to the state funded public housing they now may live in could be:

- protecting the safety and security of elderly tenants from harm by tenants who are non-elderly and disabled, and
- ensuring that low-income elderly persons have places to live by eliminating the competition for people who are disabled.

It would seem that the safety and housing needs of low-income elderly citizens is a compelling state interest. Strict scrutiny further requires that the state action, i.e., restriction or prohibition of disabled persons, is sufficiently narrowly tailored to serve those compelling state interests.

In terms of the safety interest, a strong argument could be made that any blanket restriction would be much too broad. Such an action would result in the denial of housing to people who do not pose a threat to elderly tenants. Unless it can be proven that all disabled persons are a danger to elderly tenants, any kind of blanket restriction would appear to be doomed.

The interest in ensuring housing availability for low-income elderly persons would also likely meet a strong argument of discrimination. The state of Connecticut has many other avenues to ensure housing for low-income elderly persons besides prohibiting access people with disabilities. It is not but for people with disabilities that low-income elderly persons can't access affordable housing.

*Age-based discrimination.* Under both the federal designation plan and the Massachusetts law, a person who is elderly and has a disability is considered elderly for designation/prioritizing purposes. It is actually people who do not meet the age defined as elderly who are restricted.

The same situation would occur in Connecticut. If going forward, the definition of elderly was limited to those over 62, people who meet the age requirement but were also disabled would still be able to live in the public housing. It would be people under 62 who would not be able to live there. Since age is not a protected class, there would only have to be a rational relationship between the state action and the state interest in housing and safety. Further, under the state fair housing act, which prohibits discrimination in housing on the basis of familial status and disability, among others, there is an exception to the familial status related to age that allows certain housing to be restricted to just persons over 62.

Courts have held that when there are dual classes implicated by an action, such as this situation involving age and disability, it could be determined that the action is based on a non-protected class status and is valid unless that action is really a "pretext" for discrimination based on the protected class status. It should be noted that the Connecticut statutes providing for elderly-only congregate housing appear to coexist with the constitutional protection against discrimination based on disability.

**Conclusion.** Regardless of the validity of a state law, challenges can always be filed in court. Thus a caveat in any discussion about legal status, especially in a relatively untested area, is that ultimately a court, considering a set of facts, will make the final decision.

Considering federal law and the state constitutional provision, it would seem reasonable that as a legal matter, Connecticut, on a going-forward basis, could treat persons who are elderly and persons who are non-elderly and disabled differently in terms of access to state funded public housing. However, in any such program:

- non-elderly disabled persons already living in state funded public housing could not be evicted because of their non-elderly status if the state began restricting access to just elderly persons; and
- increased efforts should be made to provide housing alternatives for people affected by any restrictions.

## **Option 1: Current Program with Management Enhancements**

*Description.* One option is to retain the current system. In other words, continue to include disabled persons under age 62 in the eligibility definition of elderly. The legislature could adopt the management recommendations described earlier and allow the local housing authorities to handle the problems themselves through better screening, stronger lease enforcement, more effective eviction, trained resident service coordinators, further collaboration with social service agencies, and resident education/awareness of disability issues.

### *Advantages*

- Outside of the management recommendation costs, there would be no additional administrative expense to maintain the current system.
- The current program provides both elderly and non-elderly disabled individuals equal access to state elderly/disabled housing.

### *Disadvantages*

- The current system does not address the trend of growing numbers of young disabled tenants who may: a) affect a project's financial viability because of their lower incomes and b) potentially limit access to state elderly/disabled units due to their longer tenure.
- The trend toward an increased presence of younger disabled persons may cause some elderly persons to not seek this type of housing possibly decreasing the excess of base population.
- Assuming the correlation between the number of younger disabled persons and the number of negative incidents is valid then allowing the population to grow unchecked under the current system would produce more management issues that may overwhelm even the ability of more effective management tools to address.
- Housing authority managers generally do not support the current policy. The program review survey found 69 out of the 78 housing authorities willing to express an opinion opposed the policy (88%), with 52 percent of those strongly opposed. Only twelve percent of housing authorities favored continuing the mixed population policy. It would be difficult, if not impossible, for implementation of this policy to be successful if the vast majority of persons responsible for making it work do not favor it. The success of any of these approaches depends in large part on the degree to which housing authorities are committed, in theory and in practice, to making them work.

## Option 2: Designation Model

*Description.* Another alternative is to permit housing authorities to develop plans to designate entire projects or parts of projects (e.g., specific floors) for elderly-only or disabled only, subject to DECD approval. This model is currently used at certain federal elderly/disabled housing projects based on a 1992 federal law. Following the HUD model, a Connecticut housing authority interesting in designation would be required to submit an allocation plan to DECD, indicating how the authority's units would be filled. The plan would be voluntary and no existing lease compliant tenant could be forced to leave his or her unit. The plan must also include the housing authority's strategies to provide alternative housing to individuals willing to relocate from designated areas and applicants no longer eligible to live in a designated area (e.g., Section 8 vouchers).

### *Advantages*

- By some accounts, the designation program has helped reduce management problems at federal projects.
- This option provides housing authorities with the autonomy to manage its own tenant population (subject to DECD approval) and provides tenants with the choice to live among their peers.
- The designation model may somewhat address the financial concerns of the housing projects assuming elderly-only designations occurred.

### *Disadvantages*

- Discussions with groups of residents indicate they do not believe designation would solve their concerns regarding peace and safety. Restricting tenants to reside in a certain portion of a development does not preclude problems in common areas such as stairwells, parking lots, or meeting rooms.
- If all housing authorities choose, as they have for Connecticut federal designation plans, to designate units elderly-only, access for disabled persons could decrease. Housing authorities with designation plans in both federal and state developments would deplete a substantial source of housing for disabled individuals.
- The current housing market, vacancy rates, wait lists and availability of state financial resources would make it difficult for housing authorities to demonstrate alternative housing options.
- Designation goes against the idea of integration supported by most social service disability advocates. Through segregation, housing developments may begin to seem more like group homes and less like a diverse community setting.
- While designation would provide tenants an opportunity to live among their age peers, it could also limit the choices of certain tenants that do not. In a number of group discussions, some disabled residents expressed concern over

being sequestered to areas where potentially all the “problem” tenants would be congregated.

- This option will require staff resources to provide guidance to housing authorities in the implementation of the model as well as to develop a monitoring system. It is unclear whether DECD has sufficient staff resources to absorb this responsibility.

### **Option 3: Percentage Model**

*Description.* A third option is to establish priority percentage goals for each population group in state elderly/disabled housing, an approach adopted by Massachusetts in 1995. Currently, Massachusetts has placement priority goals of 86.5 percent for elderly and 13.5 percent for people with disabilities for each local housing authority.

In Massachusetts, if an authority does not have enough non-elderly disabled applicants to fill the 13.5 percentage, it can place elderly people in the units. If there are insufficient elderly to meet the 86.5 percentage goal, the next priority must be given to disabled individuals between the ages of 50 and 60. If units are still available, then the authority may offer them to younger disabled people. In addition, housing authorities may give disabled people, regardless of age, preference in handicapped-accessible units. These goals can only be achieved as housing authorities fill vacant units. The Massachusetts law forbids evicting any lawful residents in order to reach these goals.

According to Massachusetts officials, that state settled on the 86.5/13.5 percentages after extensive negotiations between the legislature, the state Department of Housing and Community Development (DHCD), and advocacy groups. By some accounts, these ratios were representative of the occupancy rates of the two populations statewide. If Connecticut followed that method, the goal for young disabled persons would be 18 percent and 82 percent for elderly persons.

#### *Advantages*

- By regulating the occupancy rate, this approach does attempt to ensure that state funded housing not become disproportionately occupied by younger disabled people. Massachusetts housing officials indicate the percentage priority goals have slowed what had been a sharply increasing rate of non-elderly admissions and reduced a relatively high percentage of non-elderly disabled tenants in certain projects.
- Percentage goals may help the financial stability of housing authorities by limiting the concentration of very poor disabled tenants from becoming the long-term foundation for a particular housing authority’s rent structure.
- The program review survey found more than 70 percent of the responding housing authorities strongly favor establishing percentage caps. When asked what the percentages for each group should be, housing authorities gave various responses. Seventy percent of the respondents believed the percentage goal for elderly should be 90 percent or higher. Twenty-three percent of the

housing authorities indicated the elderly percentage should be 80 or 85. Five housing authorities thought the elderly percentage could be lower than 80 percent. Conversely, most housing authorities thought non-elderly disabled should comprise 10 percent or less of the population with some indicating 15 percent.

### *Disadvantage*

- Extensive negotiations with interest groups may be needed to build consensus to determine an appropriate percentage goal.
- The cost and duties of state-level housing agencies would expand to administer and monitor this model.
- Establishing a placement percentage may increase or decrease a housing authority's existing percentage mix.
- There is no guarantee that elderly persons entering a development under a percentage goal will not be just as poor as the very low-income disabled individuals who may affect a project's financial stability.
- This option will require staff resources to provide guidance to housing authorities in the implementation of the model as well as to develop a monitoring system. It is unclear whether DECD or CHFA have staff resources to absorb this responsibility.

### **Option 4: Total Age Restriction (Individuals 62 and Older)**

*Description.* A fourth option is to exclude individuals under 62 years of age completely from this type of housing. To do this, the legislature would have to “grandfather” the existing housing population mix and fill vacancies as they occur with persons 62 years old and over.

### *Advantages*

- The program review statistics on negative incidents provide some evidence in favor of age-segregated housing because non-elderly tenants seem to pose more management problems compared to elderly tenants. One advantage of providing age-segregated housing is it would eliminate intergenerational conflicts and allow each group to reside with their peers who are likely to have similar lifestyle preferences.
- A project's financial stability may benefit from a possible increase of elderly individuals contributing to the excess of base.
- Outside of the management recommendation costs, there would be no additional administrative expense to verify age eligibility.

### *Disadvantages*

- This approach would not address the social and financial impact in existing mixed populations projects.
- The non-elderly disabled group will continue to need subsidized housing.
- The potential cost of this approach is very high. At the moment, the state pays a significant rental subsidy through the elderly RAP program for the disabled population in its subsidized housing. This subsidy pays the difference between what the tenant can afford and the base rent, which in many housing authorities is very low. If very poor disabled are placed in the private market, the difference a rental subsidy must cover will be significantly higher. For example, a very poor disabled person who can afford \$100 for housing, and needs a \$100 dollar subsidy to cover a \$200 base rent would need a \$400 rental subsidy to meet a \$500 rent in the private market.
- This approach does not acknowledge very low-income non-elderly persons with disabilities will age and eventually be eligible for these projects.

### **Option 5: Partial Age Restriction (Individuals 62 or older and “Near-elderly” Disabled)**

*Description.* A fifth approach is to limit the current age eligibility requirement for non-elderly disabled to achieve a more similar age group. For example, the legislature could continue to allow anyone over the age of 62 and those over 50 years old and disabled. As with the other approaches, the legislature would have to “grandfather” the existing housing population mix and changes would be on a going-forward basis.

### *Advantages*

- Having a tenant population mix closer in age may address complaints regarding different lifestyles and generational conflicts. It accommodates the theory that individuals prefer to reside with people of their own age. Interviews and public hearing testimony from residents suggest that older individuals would rather live in a community with their peers while some younger persons would rather not live in elderly housing, given a choice.
- Interviews and data from a sample of housing authorities indicate the median age of non-elderly disabled population is late 40s and 50s. Incorporating the “near-elderly” simply accelerates what will inevitably happen in the relatively near future as existing disabled tenants age in place and the disabled population as a group matures.
- Admission of older individuals may shorten the period of time very low-income persons remain as the basis of the rent structure.
- This option improves access to units by reducing the tenure rate while still preserving units for both groups on an equal basis.

- Outside of the management recommendation costs, there would be no additional administrative expense to verify age eligibility.

### *Disadvantages*

- This approach would cut off a supply of affordable subsidized units for persons with disabilities under the age restriction, most notably those who may need handicap accessible units.

**Conclusion.** Program review finds none of the approaches would remedy the social and financial impact of the existing policy without causing some ill effect for one or both population groups. At best, these approaches would reduce or lessen the social and/or economic impacts to varying degrees. All approaches, in conjunction with the management improvements recommended in the previous sections, have the potential of limiting social conflicts to some extent. There is no assurance that any approach would promote the financial stability of housing authorities.

One model, by restricting eligibility to persons 62 and older, would preserve future access to units for elderly individuals but completely eliminates a source of subsidized housing for non-elderly disabled people. Only two models, the percentage model and the age restriction approach described in option five, appear to preserve access to units for both groups. However, option five allows for equal access to units to both eligible populations, the placement goals limit each groups' access by a pre-determined percentage.

Table IV-1. Summary of Policy Options							
ALTERNATIVE	GOALS				OTHER CONSIDERATIONS		
	Reduce/Minimize Negative Incidents	Protect Financial Stability	Preserve Access for the Elderly	Preserve Access for Non-Elderly Disabled	Potential for Legal Challenges	Additional Costs	Restrict Disabled Access
<b>Option #1: Current System with Enhancements</b>	Yes somewhat, due to management tools.	No	No	No	None	Management tools (e.g., RSCs).	No
<b>Option #2: *Designation</b>	Yes somewhat, due to management tools and limits to interaction.	Perhaps, assuming elderly-only plans shift average tenant incomes upward.	Yes, assuming elderly-only plans.	Yes, assuming disability only plans.	Possible state constitution equal protection claim based on disability (but could also be viewed as permissible age-based discrimination).	Management tools; increased DECD plan, approval and monitoring; funds for housing alternatives	Yes, assuming elderly-only plans.
<b>OPTION #3: *Percentage Goals</b>	Yes somewhat, due to management tools and limits to interaction.	Yes, based on expected shift of average tenant incomes upward and predictability of tenant income levels.	Yes, due to percentage of units.	Yes, due to percentage of units.	Possible state constitution equal protection claim based on disability (but could also be viewed as permissible age-based discrimination).	Management tools; DECD administration & enforcement; funds for housing alternatives	Yes, some.
<b>OPTION #4: *Restriction to age 62 and over</b>	Yes, due to elimination of interactions (for incidents involving non-elderly).	Yes, due to expected shift of average tenant incomes upward and predictability of tenant income levels.	Yes	No	Possible state constitution equal protection claim based on disability (but could also be viewed as permissible age-based discrimination).	Management tools.	Yes
<b>OPTION #5: *Age Restriction (Elderly &amp; disabled persons age 50 and over)</b>	Yes, due to management tools and increased generational similarities.	Yes, based on expected shift of average tenant incomes upward and predictability of tenant income levels.	Yes somewhat, due to reducing long tenure problem.	Somewhat as limited data show the majority of non-elderly disabled are currently between 40-50 years old.	Possible state constitution equal protection claim based on disability (but could also be viewed as permissible age-based discrimination, especially due to the age-based access).	Management tools	Some

\* Current tenants grandfathered

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