



Westchester Independent Living Center, Inc.

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The Honorable Herman D. Farrell
New York State Assembly
LOB 923
Albany, New York 12248
Attention: Clinton Freeman

February 10, 2017

Dear Mr. Freeman,

Westchester Independent Living Center (WILC) is a leading disability rights organization that represents persons with physical and mental health disabilities in Westchester County. There is a housing crisis in New York State for people with disabilities and seniors due to the lack of affordable and accessible housing. Unfortunately, this crisis has resulted in the unnecessary institutionalization of tens of thousands of persons with disabilities across the state. I am writing to urge you to support people with disabilities and seniors and Olmstead implementation by funding programs which will help people remain in their homes. WILC strongly supported Assembly bill A.9303B (Lavine) and Senate bill S.6943A (DeFrancisco) from last legislative session that would have provided a tax credit for purchase, construction or retrofitting of a principal residence to achieve universal visitability. These bills were introduced in the Assembly and Senate and passed both houses but were vetoed by Governor Cuomo last legislative session. We urge Governor Cuomo to fund this legislation in the 2017-2018 Executive Budget.

The lack of accessible housing is one of the most significant barriers to people with disabilities and seniors living independently in the community. Most existing housing stock is not designed to accommodate people with disabilities, including disabilities as one ages. Homes often do not meet people's needs as they age or acquire disabilities and this reality deprives them of economic and social opportunities that are necessary to remain healthy, successful and connected to family and friends. Housing built with basic accessibility features – known as "visitability" – would meet the needs of people throughout their lifespan and allow homes to be visitable by friends and family members with disabilities. According to AARP's research, nearly 9 in 10 seniors choose to stay in their current homes rather than move, a choice known as "aging in place." However, between 19 and 31 percent say they need to make at least some home modifications to be able to remain in their homes. These modifications can range from grab bars in the bathroom and non-skid rugs to major structural changes. Some of these home modifications can be quite costly, putting people at risk of unwanted institutional placement.

The visitability bill as amended would provide homeowners with a tax credit up to \$2,750 to assist with the cost of constructing, purchasing or retrofitting a home to make it more accessible. Due to the high cost of home modifications, many people cannot afford to make changes to their homes to make them more accessible, or to move to a more accessible home. Most prefer to remain at home rather than move to nursing facilities or different, more accessible housing as their needs change. However, many are forced out because their homes are no longer safe or practical for them to live in. This tax credit will help to ensure that people with disabilities and seniors are able to afford these modifications and remain in their homes. Offering homeowners a tax credit to assist with the construction, purchase or retrofitting a home will also help to increase New York's stock of visitable homes. It is far more affordable to include these features when constructing a new house, yet many people do not consider accessibility when building, purchasing or updating their homes. However, everyone can benefit from basic visitability features such as no-step entrances and wider doorways, including families with children in strollers, and individuals with disabilities and seniors with mobility impairments.

For the past two years the legislature has passed a bill to create a modest tax credit of merely \$2,750 to help people with the costs of purchasing or retrofitting their homes to make it more accessible, or to provide incentives for accessible housing including visitable features at the time of construction. Yet, despite strong support, the bill, A.9303/S.6943 of 2016, was vetoed two years in a row. We urge the legislature to include a home modification tax credit, similar to this bill in the 2017-18 budget.

In 2015, a similar bill passed the New York State Legislature, S.2967A. The veto memo stated *"Encouraging the Growth of accessible and adaptable housing to help individuals remain in their own homes as they age, as well as to help those with disabilities, is an important goal which I strongly support."* However, the memo stated it needed to be passed in the context of the budget. Though the Assembly did include the language in their one house budget proposal, it was not included in the final budget. This was in large part due to the need to better understand the cost estimates for such a program. For this reason, the sponsors included a \$1 million cap per year in aggregate to A.9303B/S.6943A. As the program would now be considered a pilot project, the State has five years to determine whether this cap is sufficient to meet the needs of the population. Further, the State can simply include the \$1 million in the 2017-18 State budget since since it would not take effect until January 1, 2017, or after.

We strongly support inclusive home design/visability features in new residential housing that receives financial assistance for construction from federal, state, county or local governments (Assembly bill A.6402 sponsored by Assembly member Simon and Senate bill number S.4597, sponsored by Senator Krueger of 2016). The bills have been re-introduced with Assembly bill number A.1023 (Simon) and Senate bill number S.3315 (Krueger). The vast majority of existing housing stock of housing wasn't built to meet the needs of people with disabilities and seniors. Housing built with basic accessibility features, known as "inclusive home design" or "visability" would meet the

needs of people throughout their lifespan and allow homes to be visitable by family members and friends with disabilities. Renovation of new homes is much more expensive than including accessibility features at the time of construction. Pursuant to federal law it is unconstitutional to segregate persons with disabilities and seniors by warehousing them in nursing homes and other types of institutions. And as the "baby boomers" age, there will be a greater need for accessible housing in the years ahead.

Access to Home is a successful and important program administered by New York State Homes and Community Renewal (HCR) that provides funding for home modifications to allow individuals with disabilities and seniors to stay in their homes and out of costly institutions. Yet the program has been severely underfunded at only \$1 million for the last several years. As a result, most areas in New York don't have this essential program, and the areas that do, receive so little funding that there are extraordinarily long waiting lists. As New York continues to implement Olmstead and more people continue to transition back into the community, the need for accessible housing will only increase. For many people, the addition of a ramp to their front door makes the difference between being able to live independently and being home-bound or forced into an institution. The State can help people with disabilities to live in their own homes and avoid unwanted nursing facility placement. We strongly recommend your support to increase Access to Home funding to \$4 million in the 2017-18 budget, and to fund a visitability tax credit, by requiring inclusive home design/visitability features when new construction receives government funding.

The State of New York should make discrimination by landlords based on a tenant's source of income illegal under the New York State Human Rights Law. A bill calling for this relief was introduced by Assemblyman Weprin in 2016 with bill number A.3059.

Many landlords refuse to accept tenants with rental subsidies such as Section 8 and subsidies tied to the Nursing Facility Transition and Diversion and Traumatic Brain Injury Medicaid Waivers. Persons with disabilities rely on these subsidies to live independently in their communities, especially given the lack of affordable and accessible housing available to them.

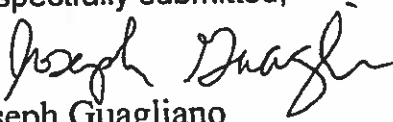
Additionally, New York should work to prevent homelessness for people with disabilities and other vulnerable populations by enacting the Home Stability Support (HSS) program. HSS provides a rent supplement for people with disability income facing eviction, homelessness, or hazardous living conditions.

Affordable, accessible and safe housing is one of the most basic needs for any New Yorker. As the Legislature holds hearings as to housing issues I respectfully urge that you consider my comments in your deliberations.

Finally, last year we fought for a historic commitment from the State to fund 20,000 units of supportive housing over the next 15 years. As you know, we were able to get Governor Cuomo to make an appropriation of \$2 billion to fund, among other things, the first 6,000 units of supportive housing over the next 5 years. However, the State has

only released funding for the first 1,200 units. In order to release the remaining funding, a memorandum of understanding (MOU) is required to be signed by the Governor, Senate and Assembly so that the Governor and Legislature can agree as to the best way to disperse these funds.

Respectfully submitted,



Joseph Guagliano

Legislative Advocate

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