
NEWS ON TAP

The NEWS ON TAP Newsletter is part of OHCD's Housing and Disability Technical Assistance Program (TAP) concerning issues related to housing for persons with disabilities in the City of Philadelphia.
January 2001

Reasonable Accommodations in Real Estate Sales

*By Jan Chadwick, Assistant Director
Fair Housing Council of Suburban Philadelphia*

The question was recently posed to me "How far does a Realtor really have to go to accommodate a disabled person in their search for an accessible home to purchase?" If it's the Realtor's normal practice to drive clients around in their own car does that mean the Realtor will have to rent an accessible van to show a wheelchair user around? Do you have to hire an interpreter for the hearing impaired or have all your materials translated into Braille? I had thought after being in this business for almost 10 years that I had at least a general answer to almost any fair housing issue. But I must embarrassingly admit, that this one stumped me. I realized that I was not aware of whether there was any case law regarding this issue or whether the information I had heard was just urban legend. So I went to the old backup and pulled out all my resource books, case books, did some searching on the Internet and asked several "experts" on the subject. Their answers were remarkably similar to mine. Reality is that there is not any case law on the subject. Most of the

accessibility case law relates to rental housing. So how is a Realtor to navigate the high seas of fair housing law when encountering a client with a disability?

For my resources, I have relied on attorneys at the Disabilities Law Project and the Bazelon Center for Mental Health Law, and a long time employee of the Fair Housing Enforcement section at HUD. The common response is that a reasonable accommodation cannot impose an "undue burden" on the Realtor and must not "fundamentally alter" the nature of the Realtor's business. Say for example, you represent a small sole proprietor real estate office, and the client is seeking a house or condo in the \$30,000 price range. It *might* be an "undue financial

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burden” to hire a van or buy a portable ramp specifically for such a client, because the cost of the accommodation may exceed both the commission received and the time and effort may exceed your business resources. On the other hand, with a large real estate office or a client seeking a \$300,000 property, there may be no undue burden involved. On the contrary, such a real estate office may find it profitable to purchase a portable ramp and have it available for client use. Such ramps are relatively inexpensive (starting at \$75 I understand), are compact enough to fit in the trunk of a car, and are easily portable (or so I have been told).

As regards the “fundamentally altering the nature of the program,” none of the people I spoke with could come up with a logical example of a Realtor using this argument. Perhaps you can?

Here’s the advice. If you have a potential client with a disability come to you, sit down and discuss what it is that they will need as an accommodation. You may find that they really don’t

need any accommodations at all. Or, your client may have his/her own transportation available and that might not be an issue. I was able to find a local agency, Freedom Valley Disability Center (610.353.6640), which has a portable ramp that can be loaned. One person I spoke with gave me another practical example—when he was in his home search process, his wife was very ill and could not join him in the hunt. His Realtor assisted him in videotaping the property so that his wife could look at the house without actually visiting. This might be an acceptable way for a client who is a wheelchair user to view the second story of a property that they are considering modifying after purchase.

The bottom line is that it is your duty to try to do something to accommodate. Although you should never assume that you know what your client needs. Always discuss it with them. Be practical: it doesn’t have to be expensive. The disabled home seeker probably already knows what he/she will need in the form of an accommodation. If you believe that what the client is asking is an undue financial burden, discuss it with the client. See if you can come up with a different solution together. The more flexible

you are and willing to come up with a solution, the less likely you will be accused of a fair housing violation.

Is there a fair housing issue you would like to see addressed in a future column? Contact the Fair Housing Council of Suburban Philadelphia at (610) 604-4411 or fhcsp@craftech.com.

Accessible Section 8 Units Information Bulletin

By Steve Gold

A lot of folks have asked why the disability community should fight for Section 8 vouchers when, in many communities, there are no accessible units that accept Section 8. That may be accurate at the “fair market rents” at which Section 8 vouchers are normally set for nondisabled persons. However, for people who need accessible housing, there are some legal handles that you can force your public housing authorities to use under the federal public housing law and under Section 504 of the Rehabilitation Act (*See Note*) to address and remedy this problem.

Specifically, housing authorities generally set Section 8 payment rents at about 100% of the “fair market rent”. However, for people who cannot find accessible units at “fair market rents”, as Step 1, public housing authorities can request HUD to approve a reasonable accommodation of setting the Section 8 vouchers between 100% and 120% of the “fair market rent”. If people with disabilities who need accessible units still cannot find dwellings at 120% of the “fair market rent”, as

Step 2, your public housing authorities can ask HUD for an exception above 120% of the “fair market rent”.

The following example demonstrates how this works. Let’s assume the “fair market rent” for your geographic area is \$600 a month for a two bedroom dwelling. For people who need accessible dwellings, your public housing authority can ask HUD for permission to set the “fair market rent” at \$720 per month (Step # 1). If people still cannot find accessible units, then the public housing authority can take Step 2 and ask HUD to go above \$720 to as much as \$840 (i.e., 140% of the “fair market value”).

Therefore, the value of the Section 8 voucher increases significantly for people who need accessible dwelling units.

The entire purpose of using Section 504 is to provide “equal opportunity” for people who need accessible units and for whom the private market at the “fair market rent” does not have accessible units. The assumption (and maybe only an assumption) is that

there are – or could be – more accessible units at higher market rents.

Whether or not your public housing authority applies for new Section 8 vouchers, whenever a person or family cannot find accessible dwelling units at the “fair market rent”, you should pressure your public housing authority to apply to HUD to increase those rents.

***Note:** Section 504 of the Rehabilitation Act of 1973 requires that all programs receiving federal funding, whether they are services, activities, or housing, be accessible to persons with disabilities. It adopts the concept of "programmatic accessibility." This means that all programs receiving federal funds need to be "readily accessible and usable by individuals with disabilities." Section 504 also mandates that a recipient of federal money must give priority to methods that provide services to people with disabilities in the most integrated setting possible when choosing among alternatives that would make services possible.*

Horizon House Creates an Inclusive World

Horizon House Mission

Impressive is the best way to describe Horizon House. Horizon House is a very innovative non-profit social service agency that works in partnership with disabled individuals and their families. Horizon House advocates and provides comprehensive, community based rehabilitation services to create opportunities for those served to manage their lives through environments emphasizing individual strength and choice. By working for and combining their efforts with disabled individuals, Horizon House can accomplish what is necessary to maximize independence and well-being and to aid in the success of the individual and gain the respect of the community. Horizon House serves approximately 4,000 consumers in Pennsylvania and Delaware and approximately 400 consumers have access to the residential services.

Real Estate Division

Kristine Mancini, Director of Real Estate at Horizon House has been with the agency for 13 years. Horizon House headquarters, where Ms. Mancini works, are located at 120 South 30th in Philadelphia, a convenient location with five floors

consisting of classrooms, a cafeteria, conference rooms, offices and a pleasant, comfortable atmosphere. Ms. Mancini is responsible for all the real estate needs that the agency requires in order to do the services that are required. Ms. Mancini had been a Realtor for many years prior to working at Horizon House, and when she first came she felt like she was a real estate person coming into a social service agency. Ms. Mancini has great expertise in real estate, but she commented, "After 13 years I now feel like a social service person working in real estate. I have grown to really understand the needs of the individuals I work with."

Ms. Mancini stressed that the primary business of Horizon House is social service and therefore it has made sense for them to collaborate with other agencies that specialize in housing. Horizon House has been successful in partnering with other agencies in order to develop housing for their consumers. However, Horizon House also provides housing for their consumers with disabilities and special needs and pursues only acceptable, adequate, affordable, and appropriate living and learning environments. Ms.

Mancini added, "I will only place people in housing that meets my high standards. That means that the housing must be geographically desirable and well maintained."

When asked if Horizon House has had any difficulties with housing, Ms. Mancini explained that one of the issues she has had to deal with is discrimination. She noted, "Sometimes when the community learns that our consumers will be moving into their neighborhood they have tried to stop us. In some cases, we have placed consumers in units where the neighbors filed lawsuits to prohibit them from moving in. What we have found is that the neighbors do a complete turn around and come to feel good about our consumers. Discrimination is not as bad now and part of the reason is because we have taken the time to educate the landlords and the community."

Miss Mancini continued, "We will send out letters of introduction with letters of recommendation and references to landlords that we would like to work with. We try to develop a rapport

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with the office management of the units where we have consumers. We'll bring over donuts to the office or send out movie tickets or coupons for pizza as a thank you for the job they do. We have done a lot of public relations and advocacy with the landlord and we are very careful to maintain all of our properties. We have sites all over the city but most of our units are in south and west Philadelphia. The locations are desirable and we maintain high standards for the homes. We do all the maintenance and capital improvements to our properties. We have a reputation of keeping our places very well maintained."

***Homeless Services Division
– A True Continuum of
Care***

Ms. Mancini arranged for Horizon House to obtain new office space, and on March 17th, 2001, the Homeless Services Division moved to 1201 Chestnut Street, an ideal location where homeless individuals can drop-in and feel comfortable. Ms. Phillip Beltz, Director of the Homeless Services Division of Horizon House stated that they are trying to serve anyone who is homeless in Philadelphia. The way in which they do this is through a Continuum of Care that begins with

Horizon House's Outreach, Engagement and Case Management Services. This service unit, funded by the city of Philadelphia's Office of Emergency Shelter & Services and the Coordinating Office of Drug & Alcohol Abuse Programs (CODAAP), provides help to individuals living on the street, and case management to individuals with substance abuse problems.

Referring to homeless individuals, Mr. Beltz stressed, "We just like to see that they come in. Usually the front line of entry is at the Safe Havens. Once homeless consumers are targeted, Horizon House staff then refer them to appropriate income and health care benefits, housing, drug treatment and vocational/employment programs." Another part of the Outreach, Engagement & Case Management Unit is the Sidewalk Ordinance Outreach & Case Management team, which targets chronically homeless men and women with primary drug and alcohol dependency in Center City. This unit works to engage individuals into treatment while introducing options of substance use reduction to promote sobriety.

Mr. Beltz explained, "I am a Veteran Street Outreach

Person. I believe that you need to work with people where they are and then use different approaches to try and get them into the community. In addition, Horizon House also has a nighttime outreach team that works from 11:00 pm until 7:00 am. This team, which is funded by the Philadelphia Office of Mental Health (OMH), has become an extremely valuable resource in the winter. We are also very proud of our Mobile Assessment Clinician who goes out to different sites in the community in order to connect homeless people to treatment. This program has been very successful and they received the PARF Award in 1998 for the most outstanding services in the state of Pennsylvania."

Most of Horizon House's outreach work is done in Center City, however a commitment has been made to strengthen the West & South West Philadelphia community with the West & Southwest Philadelphia Outreach & Community Resource Development. Horizon House goes on the streets, in soup kitchens and drop-in centers to provide outreach to homeless adults and help improve the quality of their lives. Horizon House has fostered linkages in this section of the city to achieve

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this goal through community development and working with block captains and local businesses. For her outstanding work on this project, Brenda Cooper-Cutts, Outreach & Community Resource Specialist, recently received the Health Care for the Homeless Clinicians Award from the Philadelphia Health Management Corporation, one of the funders of the program. Ms. Cooper-Cutts makes over 500 unduplicated contacts a year, and the center city office makes about 850 – 900 unduplicated contacts a year.

Once Horizon House has connected with a homeless individual, the Homeless Intervention Program (HIP), supported by the U.S. Department of Housing and Urban Development (HUD) and OMH, provides case management services that will link the individual to healthcare, housing, vocational training, educational and financial support. Individuals who have a primary diagnosis of Severe Mental Illness or a co-occurring drug and alcohol disorder, who have experienced situational or episodic (less than one year) homelessness and who are willing to accept behavioral health treatment are connected to a whole array of

services. The goal is to enable individuals to return to productive life in the community.

Mr. Beltz noted, “76% of these individuals have moved to self-sufficiency. Our efforts to integrate individuals into the community-at-large are part of another Horizon House program, Supports to Achieve Self-Sufficiency (SASS), which is also funded by HUD. SASS is a short-term (6 to 18 months) transitional housing program that assists consumers in successfully obtaining the skills needed to move into an independent living environment. SASS is also oriented to connecting people with their families and mending fences. The program provides fully furnished apartments and a residential support staff for 20 consumers in Northeast Philadelphia.

According to the “Client Assessment of Residential Stability” tool used by SASS staff to evaluate consumers, 50% of the participants have been involved in part-time and full-time employment and 87% of the participants moved into greater self-sufficiency. These individuals are either living independently in the community without subsidies, are renting

apartments with Section 8 vouchers or have become homeowners.

Another program, Shelter Plus Care (S+C), is geared toward moving individuals into permanent housing. Homeless adults with chronic substance abuse problems and their families, and people with mental health needs and mental retardation are taught the skills necessary for living in the community through Horizon House’s Shelter Plus Care Program. This program, supported by HUD and CODAAP, began in the early 90’s when HH, in partnership with a local non-profit housing development corporation, was awarded 51 units to serve people with primary substance abuse disorders. Families occupied about half of the units and single adults occupied the others. In 1999 the program was expanded with an additional 20 units, making a total of 71 scattered sites in the city. 61% of the people participating in the Shelter Plus Care program have moved on to permanent housing and 20% have become homeowners.

Horizon House continues to collaborate with the housing development corporation and together they received a

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McKinney Grant for an additional 20 Shelter Plus Care units that will be coming on board July 1st 2001. These units are for sectional minorities – gay/lesbian cross gender homeless individuals, and they are currently accepting referrals from consumers and interviewing staff.

Similar to the S+C program, Horizon House has begun a new project, Promoting Readiness to Enable Parents to Achieve Residential Enrichment (PREPARE), that will serve 55 families with behavioral health needs in order to move them towards permanent housing within two years. Referrals will come from the Philadelphia Office of Emergency Shelter Services. The housing development corporation is providing the property and HH will provide the case management services. Horizon House also has a Letter of Agreement with Northeast Treatment to provide services for children with behavioral health needs. PREPARE is supported by Philadelphia Office of Housing and Community Development (OHCD), Community Development Block Grant funds, Home Investment Partnership Act funds and the Commonwealth Homeless

Assistance Program Funds.

Mr. Beltz was emphatic about the importance of working with other agencies. “The reason we have been successful in all of our endeavors is because of the partnerships that we have forged. HUD, the Philadelphia Behavioral Health System that includes CODAAP and OMH, OHCD, other city agencies and our local housing development corporation have all been instrumental in helping us achieve our goal.”

And that goal is moving people through the continuum of care and integrating them successfully into the community. This was best stated by John McNight in 1991. *“Our goal should be clear. We are seeking nothing less than a life surrounded by the richness and diversity of community. A collective life. A common life. An Everyday Life. A powerful life that gains its joy from the creativity and connectedness that comes when we join in association as citizens to create and inclusive world.”*

During the summer of 2001 a number of individuals who have received services from Horizon House and are now successfully integrated into the community will be interviewed. These

interviews will be printed in subsequent newsletters. For more information about the Horizon House Real Estate Division, call 215-386-3838 and for more information about the Horizon House Homeless Services Division call 215-636-0606.

Available Resources-Publications of Interest

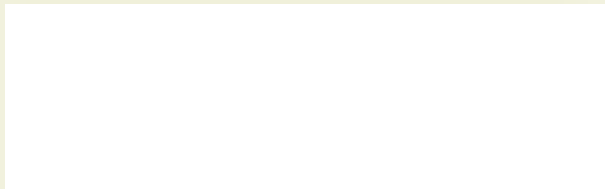
Consumer Handbook to Credit Protection Laws

This handbook explains how the consumer credit laws can help you shop for credit, apply for it, maintain your credit standing, and, if need be, complain about an unfair deal. This handbook also explains what you should look for when using credit, details that creditors look for before extending credit, and reviews legal solutions to discriminatory practices that have made it difficult for women and minorities to get credit. Copies of this handbook and other consumer pamphlets are available upon request from Publications Services, Mail Stop 127, Board of Governors of the Federal Reserve System, Washington, DC, 20551, 202-452-3000.

When The Law Says It's Okay to Bend the Law - Reasonable Accommodations

This *NEWS ON TAP* publication on Reasonable Accommodations is part of OHCD's Housing and Disability Technical Assistance Program (TAP) concerning issues related to housing for persons with disabilities in the City of Philadelphia. To order a copy call 215-576-1150, ext. 4.

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Project Director: Diana T. Myers • Newsletter Editor: Peggy Robertson • Editor: Mary Melaragni
If you would like more information about a project described here, please contact us at the following address:
NEWS ON TAP, P.O. Box 4399, Philadelphia, PA, 19118. (215) 576-7270 Fax: (215) 576-8650



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P.O. Box 4399
Philadelphia, PA 19118