
Disability-Inclusive Housing

An Explainer for Housing Element Advocates

Summary

All California cities, towns, and counties (“cities”) are required to plan for housing that includes people with disabilities. This housing should come in a variety of forms integrated into existing neighborhoods and new buildings and developments and be affordable, physically accessible, and close to amenities like transit, shopping, and services. Overall, a disability-inclusive approach to housing elements creates better housing for all people and more stable communities.

Let’s Speak Up!

People with disabilities are a part of all of our communities. The [Centers for Disease Control \(CDC\)](#) estimates that one in four adults in the United States live with a disability. People with disabilities face housing barriers related to access, affordability, and community inclusion. As a housing and/or disability advocate, you can speak up during the housing element update process to ensure your city is planning for homes that are accessible to neighbors with disabilities. A housing element is a state-mandated chapter of the city’s general plan. The state requires cities to plan for future housing needs for an eight-year period, or “cycle.” California has required all cities to plan to meet the housing needs of everyone in their community since 1969. Cities are currently planning for the sixth housing element cycle.

California state law requires cities to specifically address the housing needs of people with disabilities, including those with developmental disabilities, when updating their housing elements.¹

¹ [CA Gov. Code 65583\(a\)\(7\)](#) should contain an “analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels [...] and for persons with disabilities.” “The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality [...] from meeting the need for housing for persons with disabilities.” housing elements should also contain an “analysis of any special housing needs, such as those of [...] persons with disabilities, including a developmental disability.”



How to Advocate

- Use [this letter template](#) to write an email or mail a letter to your local planning department, planning commission, and/or city council.
- Attend a public meeting (a community workshop, planning commission meeting, or city council meeting) and let them know during the public comment time that you want them to plan for disability-inclusive housing in their 6th cycle housing element.
- Contact others in the local community, including individuals with disabilities and their families, Disabled and Deaf activists, non-profit organizations, and service providers, and encourage them to write or speak to their city's representatives. These emails and public comments are "on the record" and the state will see if the city has received input but does not plan accordingly.

Key Concepts

Here are a few things to keep in mind as you advocate for disability-inclusive housing:

- **Plan for meaningful outreach to the disability community**
 - Reach out to [your local regional center, center for independent living, State Council on Developmental Disabilities regional office](#), and other local disability organizations, particularly disability-led organizations. Talk to residents with disabilities as targeted outreach.
 - Ensure your outreach materials and communication is accessible to people with disabilities of diverse access and language needs. This can include but is not limited to ensuring materials are translated into English plain language, any relevant spoken language, American Sign Language and/or that materials are accessible via screen readers.
 - Ask members of the disability community what types of housing they would prefer and what types are currently lacking.
 - Survey the incomes of the disability community in order to plan for housing styles people want at price ranges that are actually affordable to them.



- **Plan for inclusivity**

In 1999, the United States Supreme Court ruled in *Olmstead v. L.C.* that people with disabilities have a right to live and receive services in community settings rather than in institutions. Today, many Californians with disabilities receive long-term care in their own homes and communities through Medicaid-funded [Home and Community-Based Services](#) (HCBS). However, many people still live in segregated group homes or institutions, places where all the residents have similar disabilities, often because of a lack of accessible, affordable, and inclusive housing options.

- **Plan for multi-family housing where people with and without disabilities live side-by-side, rather than on separate floors, in different buildings, or in different neighborhoods.** People with disabilities have too often been excluded from society and continue to lack opportunities to integrate within their communities.
- **Identify areas of the city or types of housing where there are disproportionately few disabled residents and the barriers preventing disabled residents from living there.** If there are economic barriers, impediments to applying for or accessing housing, or a lack of accessible units, the city should “Affirmatively Further Fair Housing” by reducing or removing those barriers.
- **Require that disabled residents are given the same social opportunities and physical amenities as everyone else who lives in multi-family buildings.** Promote on-site programming and opportunities for residents to connect, and make sure those opportunities are inclusive and accessible to residents with disabilities. On-site services can be especially useful, but make sure that those services are truly available to all residents and that paid staff are committed to serving residents with disabilities and fostering an inclusive community.
- **Plan for a variety of accessible housing options.** There should be no “one housing model” for people with disabilities in your city. People with disabilities are incredibly diverse. Some people with disabilities will want to live independently in studios or one-bedroom apartments, while others may desire to live with housemates in a single-family



house or co-housing, where they can experience a blend of independent and community-driven life.

- **DO NOT plan to meet all of the lower-income housing goals with Accessory Dwelling Units (ADUs).** Many ADUs are not physically accessible or deeply affordable, while others lack access to transit, shopping, and services. ADUs can be an important piece in the puzzle, and you can advocate for your city to pre-approve certain ADU models that meet ADA and Fair Housing Accessibility Guidelines, but ADUs will not be able to fulfill all the needs of people with disabilities in your city.

- **Plan for affordable housing**

- **Build homes that are affordable to “extremely low income” households that are making less than 30% of Area Median Income (AMI).** When California cities update their housing elements, they are required to specifically plan for housing that is affordable to a variety of income levels, including those who earn a “very low income” (30-50% AMI). However, it's common for people with disabilities to earn less than that because people with disabilities are [more likely to be unemployed](#) and may lack stable incomes. People with disabilities who rely on Supplemental Security Income (SSI) as their sole source of income may have less than \$900 in monthly income ([12%-15% AMI](#)).
- **Plan for dense, multi-family housing.** While it is important to support a wide array of housing options for people with disabilities, in practice it is more challenging to build lower-density housing that is deeply affordable and inclusive, so housing that is denser and multi-family will tend to be more accessible to neighbors with disabilities.

- **Plan for accessibility**

- **Plan for at least 15% of units to be with mobility access features and 10% of units with hearing/vision access features.** These percentages reflect the number of low income renters who need these types of accommodations. It is critical that these accessible units matched with future tenants who need the access features. Cities should plan for *more* accessible housing units, because many older homes do not meet accessibility standards, limiting the options and choice of housing for residents with mobility needs.



- Include a Housing Element program for people with disabilities and accessibility professionals to be consulted during a building's design phase, and/or create objective design standards for new developments that incentivize developers to design around accessibility.
- Include a Housing Element program to support needs and [sensory and other access needs](#) (beyond mobility and sensory disabilities) when designing new buildings.
- Provide funding for retrofitting to make existing homes more accessible.
- **Plan homes near transit and commercial access**
 - **Locate accessible housing near transit.** Transportation is an important access consideration for many people with disabilities. According to the [US Department of Transportation](#), people with disabilities are less likely to own or have access to vehicles than those without disabilities. Even if they do have vehicles, people with disabilities are still less likely to drive.
 - **Locate accessible housing near commercial areas.** For people with disabilities, it can be essential to live near transit, shopping, and services. What types of services are especially useful to people with disabilities? Look for social service centers that cater to persons with disabilities as well as everyday places of business, such as libraries, post offices, gyms, barber shops, public parks and professional offices.



Housing Element Requirements

Government Code Section 65583(a)(7)) requires “An analysis of any special housing needs, such as those of the elderly, persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code.

According to the California Housing and Community Development Department (HCD), the analysis of disability-inclusive housing should include the following:

- The total number of persons and households in this group, including tenure (rental or ownership), where possible;
- A description of the housing needs of this group, including a description of the potential housing problems faced by members of the group, existing resources or programs, and an assessment of unmet needs;
- Identification of potential program or policy options and resources to address the need.

In addition to the requisite analysis above, a thorough analysis of the special housing needs for persons with disabilities should include:

- A discussion with people with disabilities about resources, existing housing, and services;
 - Cities should contact local community-based organizations and service providers [your local regional center, center for independent living, State Council on Developmental Disabilities regional office](#), and **other local disability organizations, particularly disability-led organizations, county health/mental-health departments, health-related nonprofits (e.g. United Cerebral Palsy, Heart Fund, Lung Association, Diabetes Association, Cancer Society, etc.) or school districts that maintain the number of students with disabilities receiving accommodations, enrolled in special education programs, and students participating in homeschooling.**
- Identification of housing types that can accommodate people with disabilities and zoning and capacity available to facilitate these housing types;
- Housing programs or strategies to address identified needs.



Resources

- [The Kelsey](#) - A social impact nonprofit housing developer pioneering disability-forward housing solutions
 - [The Kelsey Learn Center](#) - Various resources about housing for the disability community
 - [Housing Access and Design](#) - Descriptions and links about inclusive, accessible, and ADA design
- [Disability Statistics](#) - A project of Cornell to provide disability statistics
 - [2018 Disability Status Report for California](#) (PDF)
- [Healthy City](#) - A mapping tool using health and equity info
- [Everyone's Neighborhood: Addressing "Not in My Backyard" Opposition to Supportive Housing for People with Mental Health Disabilities 2014](#) (PDF) - A paper discussing how to advocate for Supportive Housing and defend against local opposition
- ["Disability-Forward Policy Recommendations To Advance Accessible and Affordable Housing for All"](#) by Valerie Novack, Adam Ballard, Allie Cannington, and Cathleen O'Brien
- [Center for Inclusive Design and Environmental Access](#) - A University at Buffalo program of the School of Architecture and Planning to study and promote inclusive design
- State of California
 - [HCD housing element Building Blocks: People with Disabilities, Including Developmental Disabilities](#)
 - [Department of Developmental Services: Facts and Stats](#)
 - [Department of Health Care Services: Mental Health Services Act](#)
 - [Department of Rehabilitation](#)
- U.S. Housing and Urban Development (HUD)
 - [Information for Disabled Persons](#)



Events

Affirmatively Furthering Fair Housing and Disability Justice in Housing Elements.

Save the Date: August 13, 2021 | 10:00-11:30 a.m.

This training is part of the housing element Training Series, intended for affordable housing and tenants' rights advocates from nonprofit and grassroots organizations. Questions? Contact nkirshbaumray@pilpca.org

A huge thank you to Allie Cannington (The Kelsey), Caroline Bas (The Kelsey), and Cam Coulter (South Bay YIMBY) for contributing to this resource! For more information about advocating for disability-inclusive housing through your local housing element update process, contact info@fairhousingelements.org.

