Chapter 5

ACCESSIBLE HOUSING

INTRODUCTION

The fourth major housing plan category identified in the Regional Housing Plan (RHP) is accessible housing. SEWPRC provides a discussion of accessible housing in Chapter IX of the preliminary RHP. First, it presents a summary of the Federal and State laws on accessible housing; second, the construction and design practices that promote and provide accessible housing; third, a discussion about the current demand for and supply of accessible housing units, including a discussion about the different levels of care associated with different types of units; and a summary of the findings that lead to the preliminary recommendations.

As stated in Chapter II of the preliminary RHP, developing an adequate supply of accessible housing was identified as one of the seven components needed to address the Regional housing problem:¹

• A need for accessible housing stock to accommodate persons with disabilities

In addition, the RHP plan objective related to accessible housing states the need to “Provide accessible housing choices throughout the Region, including near major employment centers.”

Like fair housing practices, accessible housing requires a discussion of Federal and State laws, as much of the discussion is centered around unlawful housing discrimination against persons in protected legal classes, in this case referring to persons with disabilities. In addition to discrimination issues, there are specific legal considerations regarding the physical aspects of accommodation for accessible housing development. Issues of accessible housing are intrinsically related to issues of affordable housing and fair housing practices; further discussions are provided in SEI Chapters 2 and 3 respectively.

¹ Preliminary RHP Chapter II, Objectives, Principles, and Standards, pages II1-2
This analysis of the RHP first provides a brief summary of SEWRPC’s approach to issues concerning accessibility and background and context regarding current and projected economic conditions and their impact on fair housing and environmental justice communities. An analysis of the recommendations set forth within the RHP in light of current economic conditions (including the Great Recession and housing crisis) is then provided.

PRELIMINARY REGIONAL HOUSING PLAN AND ISSUES IDENTIFIED CONCERNING ACCESSIBLE HOUSING

SEWRPC’s Legacy 1975 Regional Housing Plan
Neither accessible housing nor any specific references to persons with disabilities are directly addressed in the 1975 Legacy Regional Housing Plan above and beyond a few recommendations directed towards housing needs of the ‘elderly’ and ‘handicapped’ or beyond the discussion of Fair Housing practices. Although the term “accessible housing” had not yet been used, the 1975 Plan did touch on some of the issues tangentially relating to accessible housing. One of the nine original objectives of the 1975 Plan was “the provision of housing which is designed to be functionally suitable for the occupants residing therein.” This objective, despite not being designated for persons with disabilities, alludes to the need for appropriate housing based on physical needs so should be considered as addressing needs for persons with physical disabilities.

The Legacy plan does discuss at length the social constraints beyond economic barriers to safe, adequate and sanitary housing for low- and moderately low-income households and protected classes under the Fair Housing Act, and racial discrimination and community opposition are the focus of discussion. Persons with disabilities were not added as a protected class until an amendment to the Fair Housing Act in 1988.

The Legacy plan included a housing allocation strategy and set forth a series of recommendations, divided into two categories (nonsubsidized and subsidized housing); intended to help preserve and promote affordable housing. Additionally, it included recommendations that would have improved affordable living circumstances of people with disabilities who are entitled to fair housing practices throughout the Region.

The current preliminary RHP addresses the recommendations set forth in the Legacy RHP in Chapters III and XII. Tables III-10 and III-11 in Chapter III display the 1975 Legacy recommendations that support accessible housing with persons who live with disabilities in mind, or more generally, for persons of protected classes, are summarized under subsidy and nonsubsidy housing recommendations as follows:

- Subsidy Housing Recommendations
  - Recommendations to Facilitate Utilization of Housing Subsidy Programs at the Local Level

3 Preliminary RHP, Chapter II Housing et al, page II-7
4 Southeastern Wisconsin Regional Planning Commission, Planning Report No. 20, A Regional Housing Plan for Southeastern Wisconsin, February 1975, Chapter 14
- Calls for the establishment of county-level housing agencies. Specifically mentioned under item 2 is tasking the county-level agency with determining the number of households in ‘housing need’ categories including elderly, large family, or handicapped
- Local units of government should investigate the possibility of utilizing local revenues as a source of public subsidy funds to reduce the cost of housing to households in the need category (note: both ‘elderly’ and ‘handicapped’ are identified as ‘need categories’ and would constitute persons with disabilities)

- Nonsubsidy Housing Recommendations
  - Abatement of Social Constraints: Housing Discrimination
    - Expansion of Federal, State and local fair housing laws that prohibit housing discrimination
    - Expansion of public informational programs to spread awareness to discriminated groups about existing legal mechanisms to combat discrimination
    - Regular assessment of fair housing enforcement procedures and processes

The recommendations regarding expansion of fair housing laws and programs as well as the needs assessment recommendations set forth in the Legacy 1975 RHP were all carried over to the current RHP as discussed in Chapter XII (Recommended Housing Plan for the Region).

Summary of Accessible Housing as it Applies to the Preliminary Regional Housing Plan
As stated above, the first part of Chapter IX of the preliminary RHP begins with a discussion of Federal and State laws surrounding accessible housing. Given that persons with disabilities are also a protected class, there is a considerable amount of overlap with the Fair Housing/Opportunity section. In addition to the fair housing laws and policies referenced in SEI Chapter 3 and in preliminary RHP Chapter VI, the following additional laws and regulations outline requirements for accessible housing and accessible housing options:

- Fair Housing Accessibility Guidelines
- Fair Housing Design Manual
- Rehabilitation Act
- Federal Code of Regulations
- Americans with Disabilities Act
- Architectural Barriers Act
- Wisconsin Open Housing Law (includes requirements for accessible multi-family unit buildings)
- Wisconsin Administrative Code

Federal laws surrounding accessible housing stem from the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA); combined these provide the Federal framework for accessible housing, including the components to prevent discrimination and the determinants of accessible housing.

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5Preliminary RHP Chapter IX Accessible et al, page IX-2-5
As accessible housing laws often include a physical design component which coordinates Federal and State fair housing laws with building codes, Section 504 also includes a discussion of accommodation, development, and compliance requirements. The Architectural Barriers Act and Wisconsin’s Open Housing Law further address issues surrounding compliance with building codes and design modifications. HUD has also developed Fair Housing Accessibility Guidelines and a Fair Housing Act Design Manual, and the U.S. Access Board has developed ADA Accessibility Guidelines (ADAAG) that applies to facilities covered by the ADA.

In the second part of Chapter IX, SEWRPC documents construction practices that promote accessible features in housing, such as Universal Design and Visitability, and provides examples of accessible features.

In the third part of the Chapter, SEWRPC assesses the current and projected demand for accessible housing units in the Region and the dynamics related to disability and housing needs. The current and projected estimates for persons with disabilities by sub-area along with an evaluation of the current accessible housing stock by sub-area indicate that all sub-areas in the Region currently have a shortfall of accessible housing units. Most likely, with the aging of the population (particularly the baby boomer generation), the need and demand for accessible housing throughout the Region will continue to grow over the planning period (to 2035).

Based on the aging baby boom generation, SEWRPC projects the number of persons over the age of 65 years in the Region will increase from about 241,000 in 2000 to about 448,000 persons in 2035. The following tables in the preliminary RHP document the current number of persons with disabilities and conditions for persons with disabilities throughout the Region:

- Table IX-2 – Persons with Disabilities by County in the Southeastern Wisconsin Region: 2009
- Table IX-3 – Type of Disability for Persons with Disabilities by County in the Southeastern Wisconsin Region: 2009
- Table IX-4 – Households Reporting One or More Members with a Disability: 2010
- Table IX-9 – Veterans by Service-Connected Disability in the Southeastern Wisconsin Region: 2010
- Table IX-10 – Median Earnings by Disability Status for Persons 16 Years and Older with Earnings in the Southeastern Wisconsin Region: 2009

In addition, the Chapter includes estimates of the supply of accessible housing units. It is noted that most of the accessible housing units in the Region are likely to be multi-family housing units constructed since 1991. The number of these units is estimated for each County in the Region.

Particular tables that give reference to Senior and Assisted Housing are noted as follows:

- Table IX-6 – Assisted Living Facilities in the Southeastern Wisconsin Region: 2010
- Table IX-7 – Number and Percentage of Community and Assisted Living Arrangements in the Southeastern Wisconsin Region by County: 2010
- Table IX-8 – Senior Housing Developments in the Southeastern Wisconsin Region: 2010

SEWRPC’s analysis discusses the major issues surrounding the components and dynamics of accessible housing, including the age component; different types of housing needs and services based on different
disabilities; the disproportionate concentration of persons with disabilities in the Region’s urban centers; and an affordability component. There is a definite age component to disabilities; disabilities tend to be on a spectrum that includes time or life cycle as a factor as they tend to increase significantly with age. A person may experience changing accessibility needs over the course of their life and this may require reasonable adjustments or modifications to their housing.

SEWRPC describes government funding programs for development of accessible housing, and different types of housing and housing alternatives such as community based residential facilities (CBRFs), adult family homes, residential care apartment complexes (RCACs), and continuing care retirement communities (CCRCs or senior housing developments). Such housing alternatives are subject to State licensing regulations along with local zoning ordinances. CBRFs and adult family homes are generally concentrated in the larger urban centers of the Region (Cities of Kenosha, Milwaukee, and Racine) and RCACs and nursing homes tend to be more widely distributed throughout the Region. Regulations related to the establishment of community living arrangements in residential neighborhoods are summarized in Figure VI-4 of Chapter VI. SEWRPC also provides a map of sewered communities in the Region currently having zoning regulations that allow the construction of multi-family units (Map IX-3).

Although not nearly as concentrated as minorities, persons with disabilities tend to live in lower income and more urbanized portions of the Region (see RHP Map IX-2). Part of this is simply an affordability issue and another part is due to accessibility based upon a reliance on public transportation or other services that tend to be located or more concentrated in the Region’s larger cities.

Accessible housing also has an affordability component. Persons with disabilities tend to have lower incomes than those without disabilities. The median annual income of persons with disabilities was almost half that of persons without disabilities in the Region in 2009. In addition, many persons with disabilities rely on Supplemental Security Income (SSI) payments from Social Security as their source of income. Based on this, SEWRPC includes information on trends in senior housing, aging in place and universal design components and strategies. Although cost estimates are not included in the preliminary RHP, estimates show that the upfront costs for incorporating Universal Design (UD) and Visibility features into new construction are considerably less expensive than retrofitting existing housing units. Estimates on the costs for adding UD features to new construction generally are in the ballpark of $500 to $5,000, or about 5 percent of the total cost of building a new home.6

Among the findings by SEWRPC in the preliminary RHP is that the Federal and State fair housing regulations are limited in that they do not address issues of accessibility for persons with sensory or other disabilities that are not physical in nature, that most are focused on persons with mobility-related disabilities. The Recommendations presented to address Accessible Housing will be presented and analyzed in the coming pages at the end of this chapter.

6 Various construction websites and AgingCare.com present information showing that incorporating UD features may add between $500 and $5,000 to total construction costs or estimate that it can incur costs upwards of 5 percent of the total value of a typical house.
RATIONALE: ACCESSIBLE HOUSING AND ENVIRONMENTAL JUSTICE

Accessible Housing: Persons with Disabilities, the Elderly, and an Aging Population
The need for accessible housing impacts an economically vulnerable environmental justice subgroup, persons with disabilities. In addition, given the aging of the population, the number and percentages of persons with disabilities are growing. As SEWRPC has stated, trends show that the number of persons age 65 and over have the highest percentage of persons reporting disabilities as well as the highest total number of disabilities. 7 As the incidence of disability increases with age, the preliminary RHP takes into consideration the expected increase overall in demand for accessible housing over the planning period.

As the baby boom generation ages and the demand for a wide variety of accessible housing increases, the current supply of accessible housing will need to be increased. Under the preliminary RHP, SEWRPC has identified and documented the key issues surrounding the growing need for accessible housing units throughout the entire Region. Although there is considerable data through the American Community Survey about the number of persons with disabilities, including by disability type and location, there is a dearth of information on the locations of accessible housing units. Although it is possible to inventory some types of facilities and units, the number of accessible housing units and features can only be estimated based on government regulations for multi-family units and Community Living Arrangements (CLAs). In addition, there is limited data regarding accessible single-family homes. This may, however, be changing.

In 2012, Hoffman and Livermore published a study 8 combining new measures of disability with housing and neighborhood characteristics now available in the American Housing Survey (AHS). In 2009, for the first time, the AHS began including questions about disability; this was expanded in 2011 to include questions on home modifications for persons with disabilities. 9 Their results confirmed that people with disabilities tend to live in poorer quality housing and neighborhoods compared to people without disabilities even AFTER controlling for income. They confirmed the findings of other studies including tendencies towards residence in lower rated neighborhoods with lower median incomes, lower fair-market rent values, fewer benefits (access to stores and satisfactory police protection), and more problems (higher crime rates, traffic congestion). Additionally, housing and neighborhood characteristics tended to become even less desirable as the severity of a person’s disability or number of limitations increased. They also point out that costs associated with managing disabilities likely factor into reductions in housing quality, as disability management costs often outweigh quality of housing cost decisions, and that disabilities might also make it difficult for a person to identify and fix housing deficiencies, leading to lower housing quality.

Accessible Housing: Affordability, the Great Recession, and the Housing Crisis
As noted previously, the Great Recession and housing crisis have had a disproportionately negative impact on environmental justice communities and their prospects for obtaining affordable housing. For persons with disabilities and the elderly, things have gone from bad to worse due to the high rate of

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7 Preliminary RHP, Chapter IX Accessible Housing, page IX-8
9 More information on the American Housing Survey is available online at http://www.census.gov/housing/ahs/
foreclosures and overall inadequate accessible housing stock. Many older adults and people with disabilities are on fixed incomes and disruptions in the economic climate (both macro and micro) have rippling effects on the cost of goods, medication, health care, credit, and housing.

Not all older Americans are on fixed incomes; homeownership rates tend to increase with age, and most of the wealth for older Americans is tied up in housing equity. Although many own their houses outright, most (add % here) hold mortgages. A study by the American Association of Retired Persons (AARP)\(^1\) notes that older Americans have been hit hard by the foreclosure crisis and found from 2007 to 2011, serious delinquency rates on mortgages grew the fastest for people older than 50. Two major reasons include loss of income through job loss, or due to illness or disability, which tend to disproportionately impact persons over 50. Statistics from the Council for Disability Awareness warn that disability due to medical problems can cause severe financial hardship and in 2007 contributed to 62 percent of all personal bankruptcies filed in the U.S. and to half of all home foreclosure filings in 2006.\(^1\)

The number of people reporting disabilities is a moving target and includes temporary and short term as well as longer term challenges. Recently it was noted that in June 2012 more people applied for Social Security Disability Insurance (SSDI) than the 80,000 new jobs that were created in that month. A representative from the Social Security Administration explains that during an economic downturn and recession, “...people become unemployed and seek a way of continuing to have income. And people who can qualify for our disabled worker benefits, of course, go ahead and apply.” In general, SSDI applications tend to increase during recessions and an analysis of National Bureau of Economic Research data shows that between December 2007 and June 2009 applications for SSDI increased from 2.81 million to nearly 2.88 million with a record high in 2010 of 2.94 million applications.\(^1\) Certainly an aging population is a factor in these increased numbers; however the relationship between historical recessions and increased reporting of disabilities is striking.\(^1\)

The National Council on Disability (NCD) set forth “The State of Housing in America in the 21\(^{st}\) Century: A Disability Perspective”\(^1\) in 2010, a nationwide report on the housing needs for people with disabilities. The report documents trends; provides a comprehensive overview of the state of housing needs; assesses current policies, laws and programs; assesses current and projected needs; and provides recommendations for best management practices and to improve housing for persons with disabilities:

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“Creating and sustaining safe, accessible, affordable, and integrated housing continues to involve challenging and complex barriers that arise from the interaction of poverty, inaccessibility, funding rules related to acquiring supportive services, and a disability policy system rooted in the outmoded model of segregating people with disabilities from the community mainstream.” – NCD, 2010

NCD considers affordability the key challenge to overcoming the barriers for attaining accessible housing. But based upon the financial and housing crisis, affordability is getting further out of reach. First, affordability includes issues surrounding securing financing, both for private individuals to purchase accessible housing units or make modifications, and for developers who are no longer readily able to secure funding to develop multi-family (accessible) housing. Second, currently there is too little subsidized housing and inadequate funding for Housing Choice Vouchers to close the gap between low incomes and rental costs; this is unlikely to change. An expanded discussion on Housing Choice Vouchers is provided in SEI Chapter 6 Subsidized Housing.

A report by the Center for Housing Policy demonstrates that the projected demand for accessible housing by the year 2050 should be raising several red flags nationally about the state of preparedness. Individuals who are older are living longer, which means they are living longer often with disabilities that affect their mobility. As the study suggests, by 2050, one in four older adults will require some modification to their housing environment in order to remain safe, comfortable and independent.

Accessible Housing: Urban Centers, Poverty, Transit, and Jobs Access

For persons with disabilities, there is a relationship between urban centers, poverty, and transit. In addition to adequate housing, most persons with disabilities require a network of support, most of which is concentrated in the urban centers of the Region. Based on Census data and SEWRPC’s analysis, the areas in and around the Cities of Milwaukee, Racine, Kenosha, Waukesha, and West Bend have the highest percentages of persons with disabilities. Given the relationship between disability and poverty, the concentration of low-income persons with disabilities places added demands on services, and has a disproportionate impact on the Region’s urban centers.

Transit is an important issue for persons with disabilities as a significant proportion of this population does not drive. An NCD study from 2005 reported that about one-third of people with disabilities report a lack of adequate access to transportation. In a recent joint publication from the American Association of People with Disabilities (AAPD) and the Leadership Conference Education Fund, equity in transportation for people with disabilities is a significant problem. Adults with disabilities are more than twice as likely as those without disabilities to have inadequate transportation (31 percent versus 13

15 Lipman, Barbara, Jeffrey Lubell, and Emily Solomon Housing an Aging Population: Are We Prepared? Center for Housing Policy, 2012. Accessible online at http://www.nhc.org/publications/index.html?phpMyAdmin=d3a4afe4e37aae985c684e22d8f65929
percent). Persons with disabilities that are transit dependent may prefer to live in one of the four urban areas that have a major bus transit system.

There are four major bus transit systems in southeastern Wisconsin serving the four largest cities and their environs (Kenosha Area Transit, Milwaukee County Transit System, Racine’s Belle Urban System, and Waukesha Metro Transit). Ozaukee and Washington Counties provide either county- or municipal-shared ride taxi service, along with some limited bus rapid transit that links select municipalities to destinations in Milwaukee County. In addition to its local fixed route service, Kenosha Area Transit maintains a rural bus route that links the City of Kenosha to the more rural areas throughout Kenosha County and to the City of Lake Geneva in Walworth County; this service is on a limited basis and would not likely be used for the purposes of commuting. Under the ADA, each of the major transit systems is required to provide paratransit service within a minimum three-quarter mile radius of the existing fixed route transit service. As stated in SEI Chapter 4, pressure on operating budgets of the major transit providers in southeastern Wisconsin have had a significantly negative impact on reducing transit service in terms of both the area served and service frequency, having a disproportionately negative impact on persons with disabilities given that they are more likely to be dependent upon public transit. Currently, the Racine and Waukesha transit agencies limit paratransit service to within three quarters of a mile of the current fixed transit routes, the Federal minimum requirement. Kenosha County Transit and Milwaukee County Transit System are able to provide paratransit service anywhere within Kenosha and Milwaukee Counties, respectively. Continued funding shortfalls may threaten this, and reduce the service area to the minimum ¾ mile radius of the fixed transit routes. Compounding the problems is the limited amount of interurban routing between the four major transit systems, which makes crossing county lines difficult.

Coinciding with transit is the issue of jobs access. The Bureau of Labor Statistics estimates that about 17.8 percent of persons with disabilities are part of the labor force. Many of those do not drive and are reliant on the public transit system, and therefore most likely are limited to jobs within the local transit service area.

**American Planning Association on Accessible Housing**

A discussion on the APA’s General Policy Position #1 is provided in Chapter 3 of the SEI. Again, this states that planners need to support the provision of housing opportunity, should strive to support housing stratification, and work to eliminate barriers to housing opportunity. Additionally, under General Policy Position #3, the APA and its chapters support measures to preserve the existing housing stock, and under Position #3B, they specifically point to the preservation and replacement of assisted housing. Preserving the existing assisted housing stock is a cost effective measure for ensuring affordable accessible housing. Unfortunately, and as SEWRPC points out, many subsidized housing units, some of which may be accessible, are at risk for conversion to market rate units, as some of the federal subsidies or contracts expire. For example, these include LIHTC properties that are at the end of their 15 year cycle. Given the additional Federal aid cuts to housing assistance programs along with the growing

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18 The most current (2011) BLS news release related to persons with disabilities in the labor force is available at [http://www.bls.gov/news.release/disabl.nr0.htm](http://www.bls.gov/news.release/disabl.nr0.htm)
demand for rental units (as stated in SEI Chapter 2), this will place even more strain on the accessible housing stock.

General Policy Position #5 encourages more innovative housing options for a diverse population; under Specific Policy Position #5B, APA advocates for more accessibility options in new developments, including increased Visitability and Universal Design features within the housing stock.

PRELIMINARY REGIONAL HOUSING PLAN RECOMMENDATIONS FOR ACCESSIBLE HOUSING

Accessible Housing Recommendations
In total, there are 7 recommendations related directly to Accessible Housing within the preliminary RHP, as follows:

1. Communities with sewer service in sub-areas identified as having a household income/housing and/or job/housing imbalance should identify areas for additional multi-family housing in their comprehensive plan, which would help to address both affordability and accessibility needs.

2. Local governments should support efforts by private developers and other housing providers to include construction design concepts such as Universal Design and Visitability. Visitability is a movement to change home construction practices so that all new homes offer a few specific features that make the home easier for people with mobility impairment to live in or visit. Visitability features include wide passage doors, at least a half-bath on the first floor, and at least one zero-step entrance approached by a useable route on a firm surface with an approximate grade of 1:12 grade from a driveway or public sidewalk. Other features that promote ease of use for persons with disabilities include wide hallways, a useable ground floor bathroom with reinforced walls for grab bars, and electrical outlets and switches in accessible locations.

3. It is recommended that the Governor and State Legislature continue to support funding for publically-funded Long Term Care programs such as Family care; Include, Respect, I Self-Direct (IRIS); and Family Care Partnership as these programs provide the major funding for home modifications which allow persons with disabilities and the elderly to maintain their independence in their homes and communities. It is also recommended that State funding be provided to the Department of Health Services or other State agency to develop a database to track housing units known to include accessibility features.

4. It is recommended that public funding be maintained for Independent Living Centers to continue providing services to persons with disabilities.

5. Local governments will have access to estimates regarding accessibility of housing through the American Housing Survey (AHS) beginning in 2012. Local governments should analyze AHS and census data to estimate the number of accessible housing units in the community to help ensure that there are plentiful housing options for persons with mobility disabilities not only to reside in, but also to visit their families and neighbors. To achieve this, municipalities should prioritize accessibility remodeling with funding from sources such as CDBG, HOME, TIF extensions, and other sources.

6. Local government code enforcement officers and building inspectors should receive training on the accessibility requirements of State and Federal fair housing laws with regard to multi-family housing construction and rehabilitation.

7. A number of government programs refuse to fund accessibility modifications for renters, leaving a large segment of the population with less access than homeowners to funding that may help
them remain in their housing. It is recommended that programs be modified to allow renters to use funding sources for accessibility improvements that are available to homeowners, in consultation with the property owner as provided in Fair Housing laws.

Each recommendation was evaluated in light of its potential or probable impact on accessible housing given the existing and projected data provided within the RHP as well as information documented on current socio-economic and housing trends. CED specifically looked at the potential positive or negative impacts that each recommendation could have on environmental justice communities.

**ANALYSIS OF ACCESSIBLE HOUSING RECOMMENDATIONS**

As stated in Chapter 1, this study is an evaluation of the recommendations set forth in the RHP, to determine their socio-economic impact on the Southeastern Wisconsin region based on the framework set forth by SEWRPC:

1. What positive social and economic impacts to environmental justice populations, if any, would be expected from implementation of the plan recommendation?
2. If positive social and economic impacts would be expected, would environmental justice populations receive a proportionate share of benefits, compared to the regional population as a whole?
3. What adverse social and economic impacts to environmental justice populations, if any, would be expected from implementation of the plan recommendation?
4. If adverse social and economic impacts would be expected, would impacts on environmental justice populations are disproportionally high, compared to the regional population as a whole?
5. If adverse impacts would be expected, what steps could be taken to mitigate disproportionally high social and economic effects on environmental justice populations?

There is a considerable amount of overlap between the recommendations; additionally, there is a considerable amount of overlap between different recommendations that support different plan categories. In order to evaluate the recommendations in an efficient manner, CED identified key categories or ‘tools’ that the recommendations fall into, that support the overall key objective.

**Accessible Housing: Key Objective**
The proposed recommendations of the RHP related to accessible housing are designed to further the following principal objective:

- *Increase housing options for all persons with disabilities throughout the Region*

In combination, the 7 recommendations for accessible housing have been designed to encourage affordable and accessible housing options within the existing and proposed sewer service areas (areas of existing and planned urban development), which have the services needed to support higher-density residential and commercial and industrial development. Many of the recommendations or tools in this topic area are complementary and coincide with tools and discussion in SEI Chapter 3 related to Fair Housing practices and in SEI Chapter 5 related to Subsidized and Tax Credit Housing.
Tools that Impact the Costs of Development and Housing Prices

Applies to Recommendations: 2, 3, 4

These recommendations incorporate tools aimed at reducing the cost of the physical construction of housing development while some are aimed at reducing the regulatory costs associated with development. As long as costs per unit are reduced in order to provide a reduction in cost to the consumer, these tools are likely to have a positive impacts on persons with disabilities by providing greater opportunity for purchasing or renting accessible units, reducing costs on accessibility modifications, or by providing the means to develop accessible units at a more affordable price.

Recommendation 2 directs local governments to ‘support efforts’ by developers to incorporate design features that increase accessibility or Visitability for persons with disabilities. Incentives to encourage increased accessibility features might include density bonuses or reduced permit fees. Although the HUD guidelines as stated under the Fair Housing Accessibility Guidelines and the Fair Housing Act Design Manual are intended to avoid design specifications or modifications for accessibility that would significantly increase the cost of constructing new multi-family housing, accessibility features may increase the costs for development and home pricing to some extent. Therefore this recommendation, if implemented would have a significantly positive impact on environmental justice populations. [Note to SEWRPC and Advisory Committee: This recommendation would be stronger and more likely implemented if it included and cited examples of how communities could support the efforts of developers – ie density bonuses and other developer incentives].

Recommendations 3 and 4 focus on maintaining public (State and Federal) funding for accessible housing programs. If implemented at current levels, each of these would maintain the current positive impact on persons with disabilities. Maintaining funding at the current levels may prove to be a challenge, given the state of the economy and the recent trend in significant budget reductions at the Federal and State levels. [Note to SEWRPC and Advisory Committee: CED will provide follow up on Recommendations 3 and 4. Both recommendations are good and CED would like to see increased funding or proportional funding given that the need is projected to increase over the course of the planning period, but CED needs to do some more work on this to see how the specific budgets have been impacted over the past 4 years].

The first part of Recommendation 3 directs the State to continue funding for a series of Long Term Care programs. These provide a major funding source for home modifications which allow persons with disabilities to remain in their homes. This recommendation would have a positive impact on EJ populations on two grounds: first, it assists in the costs of accessibility modifications for households that are most likely low-income and could otherwise not afford modifications, and second, it takes some pressure off of the already pressured accessible housing stock by allowing persons with disabilities to remain or age in place at home.

In the second part of Recommendation 3, SEWRPC recommends that the State provide funding for the Department of Health Services (or other State agency) to develop a database to track housing units that have received grants or loans for accessibility improvements or modifications. As the APA and NDC point out, the loss of accessible units needs to be addressed, and efforts need to be made to ensure the preservation of all existing accessible units. This would help identify (at least from here on out) which units will need to be preserved and would be available for future use. Developing an inventory and tracking units will help the State and local communities gain a better sense about the need for
additional units, and ultimately, this should diminish the costs for future studies resulting in a significantly positive impact on environmental justice populations. [Note to SEWRPC and Advisory Committee: Currently, accessibility features and modifications are not documented in property assessments. Modifications are deductible on income taxes, but tax information is restricted. CED recommends that SEWRPC and the Advisory Committee consider developing a recommendation that would add documenting accessibility features and/or modifications to the residential property assessment. Alternatively, this could be worked into Recommendation 3. This would have to occur at the State level, but would be the easiest way to develop an inventory for tracking such features].

Recommendation 4 states that public funding should be maintained for Independent Living Centers (ILCs) to continue providing services to persons with disabilities. There are two major ILCs located in the Region, IndependenceFirst and Society’s Assets. IndependenceFirst serves Milwaukee, Ozaukee, Washington, and Waukesha Counties, while Society’s Assets serves Kenosha, Racine, and Walworth Counties (along with Jefferson and Rock Counties outside of the Region. ILCs are non-profit organizations that are monitored by the Wisconsin Department of Health Services and the Wisconsin Department of Workforce Development (Division of Vocational Rehabilitation). ILCs provide several important core services to persons with disabilities as well as to their designated communities including peer support, information and referral, independent living skills training, and person and systems advocacy. Some ILCs also provide community outreach and education, ADA training, and personal care and service coordination.

ILCs are coordinated at the State level, and receive Independent Living funds under Title VII of the Federal Rehabilitation Act (1973). Under this, each State must develop and submit a State Plan for Independent Living (SPIL) that sets forth the goals and outlines the needs, services provided, and so on. Given the important role that they play for both individuals as well as the community, ILCs should continue to receive public funding. Government action consistent with Recommendation 4, therefore should continue to have a significantly positive impact on EJ populations, and specifically persons with disabilities.

**Tools that Impact Design, Aesthetics, and Safety**

*Applies to Recommendations: 2, 7*

These recommendations focus on changes to existing design, aesthetic, and safety guidelines that would support improvements in accessible and affordable housing. Although each of the Accessible Housing Recommendations, by definition, incorporates elements of design and safety, these tools focus on those that have a direct impact due to the recommended changes to existing practices.

Based on this, Recommendation 2 directly considers the specific design features that would improve access for persons with disabilities to determine how design features are constructed in a more accessible and universal manner. This recommendation focuses on design elements for new construction that include Universal Design features and Visitability guidelines; although neither UD or Visitability is mandated under law, each would contribute towards improving accessibility within the

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19 State Plan for Independent Living (SPIL) for years 2011 through 2013 accessible online at [http://www.il-wisconsin.net/council-spil/](http://www.il-wisconsin.net/council-spil/)
Region’s housing stock, and thus would have a significantly positive impact on environmental justice populations.

SEWRPC does note that the accessibility requirements under State and Federal fair housing laws are currently directed towards addressing the needs of persons with mobility-related disabilities; such modifications may not adequately address the needs of persons with other disabilities (hearing or visual impaired, or other).

Recommendation 7 would also likely have a significantly positive impact on persons with disabilities, given that it would expand resources for providing modifications to renters that would allow persons with disabilities to age in place. [Note to SEWRPC and Advisory Committee: CED recommends that this recommendation be revised to also allow for landlord eligibility (see example from Virginia).] Under Fair Housing laws, landlords are required to permit reasonable modifications at the expense of the tenant, although tenants may also be required by landlords to restore the property to its original condition upon vacancy. Most programs that provide modification assistance are directed at homeowners to allow for aging in place, but fail to extend this type of assistance to renters. As many persons with disabilities rent their housing, this cuts off modification funding for a considerable portion of the population. This recommendation would eliminate or lessen the cost burden for modifications and would therefore open up the door to the majority of persons with disabilities. Other states and municipalities have adopted programs that allow renters and/or landlords to apply for loans for modifications that could serve as models for programs provided within Wisconsin, such as the Virginia Housing Development Authority Rental Unit Accessibility Modification Program or the Housing Accessibility Modification Program of Baltimore County, Maryland.

**Tools that Impact Policy and Zoning**

*Applies to Recommendations: 2, 6*

These recommendations focus on changes to the legal implications of housing or land use policies or zoning. The evaluation focuses on whether or not the legal ramifications behind proposed policies and/or zoning changes could have a disproportionate impact on environmental justice communities. This includes all recommendations that impact laws, policies, and zoning at state, county, and local levels. Zoning ordinances regulate the use of property, including the height, size, shape, density, intensity of use, and placement of structures or residences within various zoning districts in the community.

Recommendation 2 considers some of the design aspects of improving access for persons with disabilities that may require flexibility or changes to zoning ordinances, to provide density bonuses or other incentives to developers that include UD features in new single- and two-family housing. This would have a significantly positive impact on environmental justice populations.

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20 Virginia Housing Development Authority Rental Unit Accessibility Modification Program information is available online at [http://www.vhda.com/Renters/Documents/Rental%20Unit%20Modification%20Grant%20Program.pdf](http://www.vhda.com/Renters/Documents/Rental%20Unit%20Modification%20Grant%20Program.pdf)

21 Housing Accessibility Modification Program of Baltimore County information is available online at [http://www.mdod.state.md.us/Home%20Mods.aspx?id=214#HAMP](http://www.mdod.state.md.us/Home%20Mods.aspx?id=214#HAMP)
Recommendation 6 addresses compliance with State and Federal laws. Specifically, this recommendation addresses education and training of code enforcement officials who would be working in the field to ensure that State building codes requiring accessibility features are adhered to during permitting and construction. Implementation and execution of this recommendation will likely have a significantly positive impact on environmental justice communities and persons with disabilities, given that compliance would likely increase the number of accessible units throughout the Region.

**Tools that Impact Planning and Programs**  
*Applies to Recommendations: 1, 3, 5, 7*

Similar to the tools that impact policy and zoning, these recommendations focus on whether or not planning tools or programs, when implemented, could have a disproportionate impact on environmental justice communities. Given that each of the recommendations fosters the promotion of fair housing goals through local planning and implementation of programs, it is likely that each of these recommendations, if implemented, would have a positive impact on environmental justice communities within the Region.

Recommendation 1 centers on incorporating additional accessible housing into the local or county comprehensive plan by realigning it with the goals set forth to address household income, job and housing imbalances and affordable housing needs. Currently, most comprehensive plans have or should have some form of multi-family housing and accessible housing recommendations or goals. Given that the comprehensive plans are all slated for periodic updates, this recommendation requires that a closer examination should be paid by the communities within the sub-areas that currently have job/housing imbalances and high housing cost burdens in order to address accessible housing needs. These communities should work to identify the current and projected supply of and demand for accessible housing units; in doing so, they should identify areas for additional multi-family housing that would address both affordability and accessibility. Based on this, it is likely that there would be a significantly positive impact on EJ populations, specifically persons with disabilities.

Recommendations 3, 5, and 7 focus on changes to existing programs that support resources for persons with disabilities that would likely improve the services being provided and broaden the scope of funding for modifications. Recommendations 3 and 5 both propose the development of new data resources (State-level databases) on accessible housing including tracking modification grants and loans and developing an inventory. Recommendation 5 goes a step further by encouraging municipalities to develop a method to prioritize accessibility remodeling projects based on an analysis of new data from the American Housing Survey (AHS). Recommendation 7 calls for the expansion of existing modification grant programs to rental housing. Each of the three recommendations would likely have a significantly positive impact persons with disabilities given that new information would help local communities gain a better understanding of the housing needs of persons with disabilities, the number and location of accessible housing units, and expand funding programs available to renters to make accessibility improvements.

**Tools that Impact Education and Outreach**  
*Applies to Recommendation: 6*

Recommendation 6 calls for education and training for those local government employees who will work in the field to help maintain accountability and follow up for accessible housing requirements in State
building codes for new multi-family construction and rehabilitation. Further education and training would likely increase the number of accessible units throughout the Region by helping to ensure accessibility requirements are fully understood and implemented. Based on this, it is likely that this recommendation would have a significantly positive impact on EJ populations, specifically persons with disabilities.

**Tools that Impact Socio-Economic Barriers**

*Applies to Recommendations: 1, 2, 3, 4, 5, 7*

These recommendations focus on opening up housing opportunities in areas of the Region with limited housing for persons with disabilities, including many of the Region’s suburbs and exurbs, including those characterized by a lack of multi-family housing units.

As mentioned above, if implemented and acted upon, Recommendations 1 and 2 would likely provide a wider selection of accessible housing stock throughout the Region particularly in those communities in sub-areas identified as having a Lower-Cost Job/Housing Imbalance (see Chapter 4 of the SEI). This would have a significant positive impact on environmental justice populations, particularly persons with disabilities.

Recommendations 3, 4 and 7 each support resources and programming that would impact environmental justice populations such as persons with disabilities and the elderly by providing them continued or increased access to services and possible financial support. Recommendations 3 and 4 simply maintain funding for such programs, while Recommendation 7 requests extending the funding for existing programs for homeowners to persons with disabilities that rent their housing. Overall, each of these will have a significantly positive impact on persons with disabilities.

Implementation of Recommendations 3 and 5 would provide a greater overall knowledge base of the accessible housing stock in the Region. Better, more accurate data will help local level planners, social service agencies, elected officials, decision makers, housing advocates, and other advocates make better, more-informed decisions to support the housing needs for persons with disabilities. Gaining a better understanding about the supply and demand for affordable accessible housing and acting upon it should lead to an increase in the number of accessible housing units, or how funding to support modifications should be distributed. Overall these recommendations, if incorporated into planning and programs, should have a significant positive impact on persons with disabilities.

**SUMMARY – ACCESSIBLE HOUSING**

FORTHCOMING
Environmental Justice Impact Matrix: Accessible Housing

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>No Impact</th>
<th>Significantly Adverse Impact</th>
<th>Adverse Impact</th>
<th>Positive Impact</th>
<th>Significantly Positive Impact</th>
<th>Key Recommendation</th>
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</tbody>
</table>

- No Impact: recommendation will not have any direct impact, adverse or positive, on environmental justice populations
- Significantly Negative Impacts: environmental justice populations are likely to be negatively impacted in greater proportion to the regional population as a whole
- Adverse Impacts: environmental justice populations are likely to be negatively impacted in proportion to the regional population as a whole
- Positive Impacts: environmental justice populations are likely to receive benefits in proportion to the regional population as a whole
- Significantly Positive Impacts: environmental justice populations are likely to receive a greater proportion of the benefits compared to the regional population as a whole.
- Key Recommendations: CED identifies these select recommendations as likely having the greatest positive impact on environmental justice populations

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