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INDEPENDENT LIVING AND DISABILITY POLICY

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ACCESSIBLE HOUSING DATABASE AND MANUAL

KATE TORAN

Disability Policy Studies

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ACCESSIBLE HOUSING DATABASE:

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Section I:

About the Accessible Housing Database

In the United States, we have long been concerned with decent, safe and sanitary housing. Housing is a basic need, and of extreme importance to members of a society. Housing and the built environment are particularly significant to disabled people because they are generally more affected by physical design factors. The physical design of a building can create environmental barriers for some, and literally produce a situation in which people are "prisoners in their own homes." Accessible housing is especially important as people with disabilities work to become independent, productive members of their communities. Historically, people with disabilities have been sequestered away from their families and communities, living in institutions. The availability of appropriate housing for all members of our society is a goal yet to be achieved, but the lack of accessible housing options potentially has grave implications for people with disabilities, as the shadow of institutionalization looms long over their psyches.

Housing is one of the most fundamental components of the independent living movement, and accessible housing has been a cornerstone issue for Independent Living Centers across the country since their inception. Although Independent Living Centers have long been involved with providing housing services, there has been little or no systematic and sustained tracking of accessible rental units or documentation of accessible housing statistics.

The goal of the Accessible Housing Database package is to provide a tool with which Independent Living Centers can track accessible rental housing in their community, and from which officials and advocates can draw data in order to assess affordability and availability of accessible housing.

The Policy Background section reviews housing policy as it relates to people with disabilities. Housing policy for people with disabilities generally covers two major areas: mainstream accessible housing, and supported housing. This text focuses on policy regarding mainstream accessible housing, the development of accessibility standards, and alternative policy approaches that have been implemented recently in a few U.S. cities.

The Assessment Plan section outlines methods to develop a strategic plan for accessible housing and presents a model study conducted in the City of Berkeley.

The Accessible Housing Database was developed by Kate Toran (ktoran@uclink4.berkeley.edu) in 1999 with support from the Research and Training Center on Disability Statistics at UCSF, the Research and Training

Center for Accessible Housing in North Carolina, and the Research and Training Center on Independent Living and Disability Policy at the World Institute on Disability in Oakland. The user interface has since been modified by the WID RTC-ILDP.

Section II:

Accessible Housing: Policies and Implications for People with Disabilities

A. Introduction

In the United States, we have long been concerned with decent, safe and sanitary housing. Housing is a basic need, and of extreme importance to members of a society. Housing and the built environment are particularly significant to disabled people because they are generally more affected by physical design factors. The physical design of a building can create environmental barriers for some, and literally produce a situation in which people are "prisoners in their own homes." Accessible housing is especially important as people with disabilities work to become independent, productive members of their communities. Historically, people with disabilities have been sequestered away from their families and communities, living in institutions. The availability of appropriate housing for all members of our society is a goal yet to be achieved, but the lack of accessible housing options potentially has grave implications for people with disabilities, as the shadow of institutionalization looms long over their psyches.

B. Demographics

Definitions of Disability

There are many definitions of disability. The federal government has not decided on a uniform definition, and actually employs over 50 different definitions of disability in federal statutes and regulations (Pfeiffer, 1993). The Rehabilitation Act of 1973 set forth the most often used definition, which is the basis for the definition of disability as stated in the Americans with Disabilities Act (ADA, 126 USC 12102):

The term "disability" means, with respect to an individual (a) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

When referring to disability in this study, I will be using this ADA definition of disability, as well as concepts of disability developed by the World Institute on Health.

Impairment, Disability and Handicap

The World Institute on Health has developed some interesting concepts regarding disability, impairment and handicap, which have been analyzed by Andrew Batavia in his 1993 article, "Relating Disability Policy to Broader Public Policy: Understanding the Concept of Handicap." The concepts are helpful when talking about people's relationship to the built environment. Impairment is "loss or abnormality of psychological, physiological, or anatomical structure" (World Health Organization, 1980). Disability is defined by the World Health Organization as, "any restriction or lack (resulting from impairment) of ability to perform an activity in the manner or within the range considered normal for a human being." Handicap is "a disadvantage for a given individual, resulting from an impairment or disability, that limits or prevents the fulfillment of a role that is normal (depending of age, sex, social, and cultural factors) for the individual...." A handicap does not necessarily follow from having a disability. A handicap is generated by the interaction between an individual and their environment. A disability becomes a handicap when the environment diminishes the individual's ability to perform a task. So with this impairment, disability and handicap trilogy, we have moved from the level of the organ or limb (micro), to the person (individual), to society (macro), (Batavia, 1993).

This discussion is useful, because it removes the onus of handicap off the individual, and places responsibility on society, and the structure of the built environment. It also implies that many people may have handicaps in our society, not just people with disabilities. This is an important point, because policy approaches that emphasize the view that easing access to the built environment benefits all of society have broad public appeal, and shift the focus from disability as a "special interest."

The use of the concept of handicap is a charged issue because of the negative connotations associated with the word. The term handicap is not widely accepted by the disability rights movement in the United States, but the concept is used widely by the international disability community. For this study, the concept of handicap will be used to clarify the relationship between the individual and the built environment.

Prevalence of Disability

The demographics of our nation's population are changing. As medical technology becomes more sophisticated, people are able to live longer, and the population is reaching increasingly older ages. Disability increases in direct proportion with age, thus as our society ages, there are more elderly persons with disabilities. Effective medical and rehabilitation resources are also significant in enabling those born with disabilities, or who acquire disabilities through accident or war, to live longer lives. Data collected from the disability supplement to the National Health Survey reveal that 20% people living in the United States, approximately 54 million people, reported having some level of disability, and 10%, approximately 26 million people, reporting having a severe

disability. There are slightly more people with disabilities living in Alameda County than the national average. According to the U.S. Census Bureau, there are 207,696 persons with disabilities, age 16 or older living in Alameda County, or approximately 21% of the population. Of those people, 107,537, or 11%, are living with a severe disability.

According to Berkeley's Consolidated Plan, there are an estimated 11,000 disabled adults living in the city, or 9% of the total population. According to the ADA Compliance Officer for the City of Berkeley, there are approximately 17,000 disabled people, or 16% of the total population. This figure is based on the ADA definition and national averages of disability. It is very difficult to get an accurate count of people with disabilities, especially at the city-level; estimates regarding the number of disabled people typically vary, depending on how one defines disability. The actual number of people with disabilities in Berkeley presumably lies somewhere between 9% and 16%. This is a very broad range, but the higher figure may be more accurate because the City of Berkeley does have a significant amount of in-migration of people with disabilities because of the city's reputation and the recruitment efforts of UC Berkeley's Disabled Student Program. If we assume that the actual disabled population is approximately 16% and we use the national averages from the National Health Survey quoted above, we can assume that about half of the disabled population, or 8%, has a severe disability. It should be emphasized that this is just an estimate, and not an exact count.

Not all people with disabilities require specific housing modifications, and different disabilities require different kinds of adaptations, yet the statistics indicate that a significant portion of the population is disabled, and this warrants further study of the built environment.

C. History of Housing Policy as it Pertains to People with Disabilities

This next section provides an historical overview and assessment of the key housing policies that have affected people with disabilities. Federal housing policies are the main focus, but important California state policies are also discussed.

The focus on people with disabilities as a social class started in the 1950's, as many veterans from World War II and the Korean War came back to the U.S. with disabilities. At that time, medical technology and rehabilitation services were improving, and people with acquired or genetic disabilities were able to live longer and more relatively unconstrained lives. As people with disabilities were becoming more integrated in the fabric of society, it became apparent that there were serious structural and attitudinal barriers prohibiting this integration. Throughout the 1960's there were many federal legislative efforts, that continue to this day, dealing with issues of access to the built environment for disabled people.

ANSI A117.1

The first major response to lack of physical access for disabled people came out of a coalition formed by the National Easter Seal Society for Crippled Children and Adults and the President's Committee on Employment of the Handicapped; the groups joined forces to specifically address the problem of environmental barriers. Also at this time, the University of Illinois received a research grant to develop accessible building standards.

In 1961, "Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped," published by the American National Standards Institute (ANSI A117.1 – 1961) came out of this research activity. ANSI is a non-governmental organization that puts forth a variety of recommended design standards. ANSI A117.1 (1961) was six pages long and described minimal design criteria which had been field tested at the University of Illinois. The ANSI standards were the first national design guidelines for access in the U.S., and a national educational program was developed along with the standards to encourage state and local governments to adopt the standards.

Within four years of the publication of ANSI A117.1, thirty-four states had taken some steps toward implementation, although overall, the standards were not very effective in changing design practices. ANSI A117.1 was not federally mandated, and contained only minimal scope provisions. The Standard did not provide any specifications for housing, or facilities which were being renovated, nor did they provide guidelines regarding historic structures. The Standard was revised and expanded, and the current edition is ANSI A117.1 –1980, which is the generally accepted design standard by the private sector, and it is also frequently the basis for state and local building codes. In the 1980 version, information regarding housing accessibility was included.

Housing and Community Development Act of 1964

The Housing and Community Development Act of 1964 was the first federal legislative effort to address the needs of people with disabilities. This Act sought to identify the scope of the problem of access barriers for disabled people, and to develop strategies for removing barriers to access. Under this Act, projects seeking to remove architectural barriers that restricted accessibility became eligible for federal assistance. As part of the Act, the U.S. Department of Housing and Urban Development (HUD) set up a requirement that 10% of elderly housing units which they developed or financed must be accessible to disabled people. (Chen, 1992).

National Commission on Architectural Barriers and the Rehabilitation of the Handicapped

The Housing and Community Development Act was criticized for its over-emphasis on community initiative to "watchdog" the implementation process, and for its overall lack of guidance on accessibility standards (Chen, 1992). To

compensate for some of these weaknesses, Section 15 of the 1965 amendments to the Vocational Rehabilitation Act (Public Law 89-333) set up the National Commission on Architectural Barriers and the Rehabilitation of the Handicapped. Similar to the 1964 Act, the Commission was set up to assess the extent of architectural barriers and to develop an agenda for action. These were also the goals for the Housing and Community Development Act of 1964. It is apparent that the 1964 Act was not effective in meeting its goals and thus a new body was created to achieve similar goals. After studying the issue for two years, the Commission concluded that there was a general lack of awareness in both the public and private sectors regarding the problems of architectural barriers. The Commission's recommendations included a public awareness and education campaign, as well as legislation specifically dealing with issues of accessibility.

Architectural Barriers Act of 1968

As a follow-up to these recommendations, Congress passed the Architectural Barriers Act of 1968. This Act set forth mandatory legal requirements to provide for minimum accessibility standards. The Act stipulated that any facility built or renovated with federal funds must be accessible to disabled people according to a standard issued by the General Services Administration (GSA), HUD, the Department of Defense (DoD), and the U.S. Postal Service (USPS). This was the first law to provide distinctly for access; and the first standard applied was ANSI A117.1 (<http://www.faa.gov/arp/S7.HTM>). Unfortunately, the legislation was not considered successful because of the lack of enforcement provisions (Chen, 1992).

Rehabilitation Act of 1973

The Rehabilitation Act of 1973 was a watershed policy event for people with disabilities, and was the most important piece of legislation until the ADA was passed. The Rehabilitation Act protects people with disabilities from discrimination in federally funded programs. Significantly, the Rehabilitation Act created specific sanctions and enforcement policies, providing governmental authority to ban federal funds from discriminating entities. The famous and far-reaching Section 504 (Section 504, Title V, 1973 Rehabilitation Act) states:

No otherwise qualified handicapped individual in the United States... shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits or, or be subjected to discrimination under any program or activity receiving Federal financial assistance, or under any program or activity conducted by an Executive Agency or by the U.S. Postal Services.

Low-income, federally funded housing programs are covered under Section 504, which provides for program access to activities that receive federal funds. Newly constructed or renovated buildings must have a minimum of 5% accessible units for people with mobility impairments and 2% for people with hearing and or vision impairments.

Section 502 of the Rehabilitation Act established the Architecture and Transportation Barriers Compliance Board (ATBCB), to ensure compliance with standards mandated by the 1968 Architectural Barriers Act. The ATBCB Board was specifically created to address the problems associated with the lack of an effective compliance program. The Board has the authority to investigate complaints, hold public hearings, issue compliance orders, and seek court enforcement when appropriate (Jeffers, 1977). The Board also has the authority to develop minimum standard guidelines for federal agencies to use in compliance with the Architectural Barriers Act. The standards are designed to (42 USC 4151-4154a):

...ensure that certain buildings and facilities financed with Federal funds are designed, constructed, or altered so as to be readily accessible to, and usable by physically handicapped persons.

The Minimum Guidelines and Requirements for Standards for Accessibility and Usability by Federal and Federally-Funded Buildings and Facilities by Physically Handicapped Persons (ATBCB, 1982) were adopted by the Board in 1981. These guidelines are based on ANSI A117.1 (1980).

Uniform Federal Accessibility Standards

The four federal agencies responsible for issuing standards under the Architectural Barriers Act of 1968 published the Uniform Federal Accessibility Standards (UFAS) in 1984. Thereafter, UFAS became the exclusive accessibility standard providing guidance under the Architectural Barriers Act. UFAS standards are so closely based on the ATBCB guidelines and ANSI A117.1, that the UFAS text that differs is underlined (Chen, 1992). UFAS generally provides accessibility standards in the public realm, while ANSI provides standards for the private sector.

Fair Housing Amendments Act of 1988

The Fair Housing Amendments Act of 1988 (FHAA) expanded Title VIII of the Civil Rights Act of 1968 to explicitly prohibit discriminatory housing practices based on disability and family status. Title VIII prohibits discrimination in:

- the sale, rental, and advertising of dwellings
- provision of brokerage services; and
- residential real estate transactions

The Fair Housing Amendments Act is outlined and discussed in detail because it is currently the most important housing policy for disabled people.

The Fair Housing Amendments Act was the first federal law to regulate private sector behavior by providing anti-discrimination protection for people with disabilities (McGuire, 1994). The Act recognizes that people with disabilities can face discrimination because of a building's inaccessible design. Therefore, the Act states that unlawful discrimination includes a failure to design and construct

multi-family dwellings for first occupancy after March 13, 1991, in accordance with certain accessibility standards.

The requirements set forth in FHAA are a blend of accessible and adaptable design features. The housing is intended to look like conventional housing; the required features are intended to be incorporated into the overall design of the building, "...resulting in features which do not look unusual and will not add significant additional costs" (House Report Number 711). The requirements under the FHAA for buildings ready for first occupancy after March 13, 1991 that have an elevator and four or more units are as follows:

- accessible building entrance on an accessible route
- public and common areas must be accessible to persons with disabilities
- doors and hallways must be wide enough for wheelchairs
- all units must have:
 - an accessible route into and through the unit
 - accessible light switches, electrical outlets, thermostats and other environmental controls
 - reinforced bathroom walls to allow later installation of grab bars
 - kitchens and bathrooms that can be used by people in wheelchairs

If a building with four or more units built after March 13, 1991 does not have an elevator, these standards apply to the ground floor units. FHAA also requires housing providers to make "reasonable" accommodations in rules, policies and practices to disabled people in order to provide equal opportunity of use and enjoyment of their home. Reasonable is defined as "practical and feasible," and the accommodations cannot impose an undue financial hardship. Housing providers are also required to allow disabled persons to make "reasonable" physical changes to their unit and/or other common areas of the building. Reasonable is defined in this case as "not interfering with the enjoyment of the unit by the next tenant."

In 1992, HUD developed the Fair Housing Accessibility Guidelines, which were incorporated into the Fair Housing Amendments Act of 1988. The guidelines provide technical assistance and help simplify compliance procedures for builders and developers. Unlike the accessibility requirements, the guidelines are not mandatory. Builders and developers may use the guidelines to ensure that their buildings are in compliance with the Fair Housing Amendments Act, but they also may meet the requirements in alternative ways, (Fair Housing Design Manual, 1996).

Analysis of the Fair Housing Amendments Act

The compliance procedures for the FHAA have generally been fairly weak. HUD enforces compliance with the Act, but does not review plans for new multi-family housing, nor does it provide a certificate of compliance. Reviewing design and building permits is not a feasible task for HUD, so the agency encourages local governments to add Fair Housing design and construction requirements into their

existing review procedures. But it is still the sole responsibility of developers and builders to comply with Act's requirements.

By enacting the FHAA as civil rights legislation, Congress did not mandate that county officials enforce it (Ward, 1998). It is up to the individual who believes that s/he has been discriminated against to file a complaint with HUD. HUD can also file its own complaint. The complaint is either handled as an administrative procedure with HUD, or as a civil action in state or federal court. And unfortunately, by the time the complaint has come to HUD, the building has already been constructed, and is therefore harder and more costly to bring into compliance. "A HUD-commissioned study found that if builders comply with the Fair Housing Act during construction, their costs rise by only about one-third of one percent. However, remodeling a building that has already been constructed can cost a great deal more" (HUD No. 98-173, 1998).

By and large, local governments have not followed HUD's advice to consolidate local and federal regulations. Sometimes builders and developers get caught in a confusing web of regulations, because local building codes do not match federal requirements. There have been many lawsuits where developers claim that they followed the local requirements, only to find out that they were out of compliance with federal requirements.

HUD is investigating over 50 apartment complexes and condominiums in Las Vegas which allegedly violate the design requirements of the FHAA, (Ward, 1998). It is estimated that nearly all rental units and condos constructed since 1991 in Las Vegas are out of compliance, and since there is an estimated 2,000 rental units and condos built each year, this affects a large amount of units. The confusing regulatory environment is seen as a contributing factor, "local uniform building code doesn't match the federal requirements. Though their work meets the letter of the local law, the feds are coming down on builders" (Ward, 1998). Many disability rights advocates are partially sympathetic with this claim, but not wholly in agreement, pointing out that it is still the developer's responsibility to meet all local and federal regulations.

The compliance mechanisms should be proactive and not driven by after the fact complaints. The lawsuits make it clear that local code enforcement officers should be understand all relevant regulations and they should be enforcing the requirements of the FHAA at an early stage of development.

HUD Secretary Andrew Cuomo, with support from President Clinton under the President's One America Initiative, has intensified compliance procedures with the FHAA, by requiring "a builder to make modifications to completed housing units so they are accessible to people with disabilities" (HUD, No. 98-173). This is the first time that builders have had to modify existing structures to comply with the FHAA, and it seen as a significant step in fighting housing discrimination. Builders and developers now may face a large cost burden if they do not comply

with design requirements of the FHAA. The federal government is taking the FHAA seriously, and is willing to put more power into its compliance enforcement.

In terms of increasing the supply of accessible housing, the Fair Housing Act has been partially successful. But because the Act only applies to new construction, if a community is built-out and/or does not have a lot of new construction, overall supply of housing will not be greatly effected. The overall effectiveness of the Act is limited by its scope because increasing accessibility of new multi-family housing units alone is not sufficient to increase disabled people's housing choices. A broader implication may arise because the areas with most of the new construction tend to be in the suburbs, where land form and lack of transit make accessibility difficult for the plurality of people with disabilities with low incomes. New construction in general represents more expensive housing than older housing and so it is less responsive to the affordability needs of most people with disabilities.

Housing Rights, Inc. works at the state level in California, enforcing the FHAA, and training and educating city staff. According to Wanda Remmers, the Executive Director of Housing Rights, Inc., the overall importance of the FHAA for disabled people has been in the increased level of access awareness of access issues. Ms. Remmers believes that an important goal of the Act is to change attitudes, "and that's slow, hard work." The Fair Housing Amendments Act is a very important piece of legislation for disabled people. Although there are shortcomings, the Act's potential effectiveness is critical to the disability community.

A controversial Bill to reform the Fair Housing Amendments Act has been introduced in the House of Representatives: H.R. 3206, "Fair Housing Reform and Freedom of Speech Act of 1997." H.R. 3206, if passed, will exempt local zoning decisions from scrutiny under the Fair Housing Amendments Act. This would have the effect of providing more local control over zoning decisions concerning group homes. In this time period of conservative values, there has been fierce neighborhood opposition to most low-income housing projects in general. The proposed changes to the Fair Housing Amendments Act could make the process of developing group homes for disabled people more vulnerable to local opposition.

The Americans with Disabilities Act

The Americans with Disabilities Act, the most far-reaching civil rights law for people with disabilities, was signed into law on July 26, 1990, "guaranteeing equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications" (Fair Housing Manual, 1996). The ADA states that "the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency

for such individuals" (ADA, S.933). The expansive goals of the ADA make it the most important piece of disability policy both nationally and internationally. Although the ADA is a very significant piece of legislation, it does not comprehensively cover housing.

Title III of the ADA covers public accommodations. Restaurants, hotels, retail stores, doctors' offices, museums and theaters are considered public accommodations. The ADA does not cover private housing, "strictly residential facilities are not considered places of public accommodation and therefore would not be subject to Title III of the ADA" (Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines, 1994). Private residential apartments and homes are not covered under the ADA, but if a place of public accommodation is located in a private residence, for example a doctor's office or daycare center, the sections of the residence used for public purpose are subject to the ADA's requirements (<http://www.usdoj.gov/crt/ada/ada.html>, 1998).

Although the ADA does not cover private housing, some limited types of publicly funded housing is covered under Title II. The scope of the ADA's housing provisions is minimal and targeted; Title II of the ADA covers public services, and with respect to housing, this includes, public housing and housing provided for state colleges and universities.

The ADA has been important to the disabled community in terms of bringing discrimination to the forefront of political debate and public consciousness, but although the ADA has been of major importance to disabled people, expansively covering employment and public accommodations, it is not the primary law that covers housing.

California State Laws

States may also have civil rights laws that are significant for people with disabilities. The two California Civil Rights Laws relevant to disabled people and housing are:

California Civil Code, Section 51 "Unruh Civil Rights Act." The Unruh Act prohibits arbitrary discrimination in all business establishments, including businesses engaged in the sale or rental of housing accommodations.

California Civil Code, Section 54.1. Section 54.1(b)(1) states that "Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state..."

Section 54.1(b)(3)(A) and (B) requires "any person renting, leasing or otherwise providing real property for compensation, to allow for a reasonable modification, or a reasonable accommodation, in order to allow the disabled person full enjoyment of the property."

At the behest of the disability community, the state of California has been a leader in disability access for over 20 years. California accessibility requirements are often stronger than federal laws, but a recent proposal to unify state and federal regulations would change this. The proposed changes could have the positive effect of simplifying and clarifying the codes, but critical to note is that state access codes would be reduced to federal levels under the proposed scheme. If passed, the access reductions could affect the supply of accessible housing by providing a lower cap for accessible units on large renovation projects. Unfortunately, often when there is an attempt to unify accessibility standards, the impetus has been toward adoption of the lesser standard.

D. Creating Model Accessibility Standards: Adaptability and Visitability

This next section outlines the overall difficulty of creating meaningful accessibility standards, and analyzes new policy approaches that are being implemented at the local level.

Developing Accessibility Standards

Not every person with the same disability has the same accessibility needs, so developing generic accessibility standards is a difficult undertaking. The wide range of disabilities and abilities make the task of creating useful standards quite complex. Both UFAS and ANSI standards are based on “average” male anthropometrics, and therefore the standards are less meaningful for women, children, or even “non-average” men. The standards are based on non-ambulatory, semi-ambulatory people, and people with vision loss, the elderly, but not severely disabled people (Steinfeld, 1977).

An important question that arises when developing standards is whether the model standards should apply concepts of accessibility for the entire population, or just focus on people with disabilities. The early legislation did focus on disability as a special class, but as the policy environment shifts, the goals and standards are starting to change.

Some critics believe that accessibility standards for housing means too many things to too many people, and that the trend will be toward more and more overly prescriptive standards. Interestingly enough, this has not been the case. Concepts of adaptability and “visitability” rather than strict accessibility, are becoming more widely cited and used. For example, the Fair Housing Amendments Act requires some adaptable features, and recognizes the broad implications of an environment which is convenient for all users, “With the aging of the population and the increase in incidence of disability that accompanies aging, significant numbers of people will be able to remain in and safely use their dwellings longer” (Fair Housing Design Act Manual, 1998).

Adaptability

Developers and building industry representatives often cite the prohibitive cost of creating accessible housing as a problem in affordable housing delivery.

Developers are critical of building special units for a perceived small percentage of the population. But costs can potentially be lowered if builders engage in constructing adaptable housing from the ground up. Adaptable housing has features that are designed to be easily adjusted to accommodate the needs of different people. For example, accessible design standards would mandate that a builder put grab bars in the bathroom at a specific height. Adaptable design would require the builder to provide reinforced areas for potential placement of grab bars. The adaptable design model allows for more flexibility. Adaptability is seen as being more economically efficient than specific accessibility standards. By emphasizing that adaptable design creates housing suitable to meet the needs of the entire population, young to old, able-bodied to disabled, the market appeal is broadened.

Visitability

"Visitability," a new concept advocated by the disability community to simplify accessibility standards, has been implemented in some cities. Visitability standards are intended to appeal to a wide range of people, not just disabled people. Visitability emphasizes that all housing should have a certain minimal level of basic accessibility, and that basic access benefits many sectors of society. Visitability is defined by the disability rights group Concrete Change as, "maximum feasible basic access."

Visitability rejects the notion that only a certain percentage of housing units should be accessible. Visitability acknowledges that many people may benefit from improved environmental design, and that disabled people may want to visit friends and family, and not be restricted to the certain percentage of "special housing." If all housing has some basic level of accessible and adaptable features, housing units do not have to be reserved for disabled people. Special housing is seen as serving only a small market, but visitable housing is designed to make sense for the whole population.

The estimated cost of implementing the visitability standard is quite low. The cost of designing visitable houses is purported to add from zero to \$200 to the construction costs, and the construction foreman for Atlanta Habitat for Humanity agrees with this assessment. "Building homes with steps is simply a matter of habit, and incorporating visitability is a good way to break that habit. If it's approached as an integrated part of construction, it's not a real head-grinder" (Ervin, 1997). Though, it is important to note that the ease of eliminating steps in housing depends on the terrain, lot size, and building height. Eliminating steps on lots with a steep grade may be difficult to accomplish without making the unit very expensive. Eliminating steps on multi-story units is also may be difficult.

Atlanta, Georgia and Austin, Texas are presently the only U.S. cities that have passed visitability ordinances. Both cities are fairly new, notably flat, and have predominantly one-story houses. Atlanta passed the first local visitability ordinance in 1992. "The provisions of this ordinance are specifically enacted to

further the policy of the city of Atlanta to provide that new single-family, duplexes and triplexes which are constructed with public funds, as herein described, be provided with design features to provide accessibility and usability for physically disabled people" (Atlanta City Ordinance, 1992). The basic requirements mandated by the ordinance are: one flat or ramped entrance, doors at least 32 inches wide, wall switches and outlets at reachable heights, and reinforced bathroom walls to allow for installation of grab bars. The requirements are based on ANSI A117.1-1986. This basic level of accessibility ensures that disabled people can visit any newly constructed house.

The City Council in Austin, Texas unanimously passed the second visitability ordinance in the U.S. on October 7, 1998. The Austin ordinance was enacted partially in response to past housing violations by the city. In 1997, HUD found the city of Austin Department of Neighborhood Housing and Conservation had discriminated on the basis of disability by not complying with Section 504 of the Rehabilitation Act of 1973. The City risked losing its federal funding unless it took significant steps to remedy the situation. The City was required by HUD to engage in many compliance procedures, and the Visitability Ordinance came out of this new responsive atmosphere.

The Austin ordinance is nearly identical to the Atlanta ordinance, which it used as a model. Like the Atlanta ordinance, the Austin visitability requirements apply to newly constructed single-family homes, duplexes and triplexes that receive financial assistance from the city. The ordinance has generally the same design requirements of the Atlanta ordinance.

By broadening the appeal of accessibility, some of the specific access features are lost, but the disability community feels that it is moving ahead significantly with the new visitability standards. More new single-family houses will have a basic level of access, and new multi-family housing is still covered by the more stringent FHAA requirements.

As part of promoting comprehensive approaches to housing and community development, HUD, under the leadership of Secretary Cuomo, has started to encourage visitability in new construction and buildings undergoing substantial rehabilitation. HUD outlines their support of visitability in the Federal Register as part of their new SuperNOFA process. HUD created the Super Notice of Funding Availability (SuperNOFA) to consolidate and coordinate and generally improve their funding process. Visitability is seen as a complement to existing accessibility standards, and is not seen as a substitute for more strict standards. In addition to applicable accessible design and construction requirements, applicants are encouraged to incorporate visitability standards where feasible in new construction and substantial rehabilitation projects. Visitability standards allow a person with mobility impairments access into the home, but does not require that all features be made accessible... A visitable home also serves

persons without disabilities, such as a mother pushing a stroller, or a person delivering a large appliance (HUD, 1998).

The importance of the visitability standard is that it recognizes the improved environmental conditions for many sectors of society, and the requirements are streamlined and easy to understand. HUD's endorsement of visitability standards is a significant step for a policy alternative that started at the grassroots level.

British Visitability Policy

Accessibility standards are also relevant internationally. In March, 1998, the British Parliament passed legislation, very similar to the U.S. visitability ordinances, requiring that "every new home must have an entrance without steps, a downstairs bathroom, sufficiently wide halls, all doorways passable by wheelchairs, and other elements of universal design" (Concrete Change Press Release, 1998). Again, the benefits that accrue to all of society because of increased environmental convenience were cited as part of the rationale of the new law. UK Construction Minister Nick Raynsford stated, "There will be direct benefits of increased convenience, accessibility and sociability for disabled people. The measures will also help significantly those people who are temporarily disabled through accident or injury, the elderly and those with young children in prams and pushcarts" (Concrete Change Press Release, 1998).

The move toward broader standards of accessibility may continue into the future, which could prove a wise strategy, as the future of housing policy is tenuous. Policies that are relevant across many sectors of society may be critical for future support.

E. Recent Housing Policy Issues

Disabled people are among the poorest in the nation. According to the National Council on Disability, the average family income for all families in 1995 was \$46,478, but it was only \$28,067 for families of people with disabilities. Therefore, housing affordability is a major issue for people with disabilities. But we are living in a time of major upheaval in social and government services, and housing has not been exempt from this debacle. Federal budget-cutting techniques are the locus of much of the change. There have been many changes in federal housing policy, and in fact, HUD's viability as a federal department has been quite uncertain.

Section 8

The long-term implications of national housing policy will directly impact the supply of affordable housing. Specifically, the expiration of contracts under HUD's Section 8 programs are causing a great deal of concern to housing advocates.

Section 8 housing assistance was established in 1974 to provide affordable housing (project-based) or rental assistance certificates and vouchers (tenant-based) for low-income, elderly and/or disabled people. Project-based housing units were financed with 20-year Section 8 rental assistance contracts. Beginning in fiscal year 1996, many of the project-based Section 8 contracts started to expire. Landowners can opt out of the program after their contracts are finished, and many landowners are choosing this option. Landowners in areas with strong rental markets have a financial incentive to opt out of the project-based Section 8 program, and charge market rates for their units. For instance, the prices in the rental market in the Bay Area are increasing dramatically, "Bay Area rents have jumped 20 to 25 percent higher than the maximum rents HUD will allow" (Anders, 1998). The possibility for landlords to opt out of the Section 8 market could cause a major loss of subsidized housing in Berkeley, "Of the 631 project-based Section 8 units in Berkeley, 246 are slated to sunset over the next 17 months" (Albert, 1998). The pool of Section 8 housing is decreasing, and public housing funds are shrinking, but housing needs are growing.

In Berkeley and the other rent controlled cities in California, as rent control diminishes in efficacy, landlords may be less willing to rent to Section 8 tenants. Previously, the HUD established Fair Market Rent had been higher than the local rent because rent control kept local rents lower than the overall region. Now that complete vacancy decontrol is on the horizon (complete vacancy decontrol in California will become effective January 1, 1999), landlords can charge rents up to what the market will allow. This could take away the financial benefit involved with accepting Section 8 vouchers. Landlords are well aware of this issue, and in an article in the Berkeley Property Owners Association newsletter, Michael St. John looks at this issue.

The situation regarding Section 8 rentals is changing radically in Berkeley. Whereas, in the past, owners had significant incentives to commit their units to Section 8 rental, owners in the future will have clear incentives to take their units out of Section 8 rental in order to put them on the decontrolled rental market. It appears likely that fewer and fewer Berkeley units will be available for Section 8 rental over the next few years... Whereas, in the past, Section 8 rents were generous as compared to Berkeley rent controlled rents, Section 8 rents in the future will in general not be generous as compared to vacancy decontrolled rents (St. John, 1997).

If this projection comes to reflect a significant trend in Section 8 availability, disabled people could be adversely affected because many depend on Section 8 vouchers or certificates. Although this predicted trend is relevant in the Bay Area, it may not be as applicable in areas that are not in a transformation period from strong to weak rent control, and in areas where the housing market is not particularly strong.

Elderly Only Classification

Changes to the 1964 Housing and Community Development Act have begun to erode housing options for people with disabilities. Title VI of the Housing and Community Development Act of 1992 has the potential to decrease housing options for disabled people by allowing public housing authorities and private owners of subsidized buildings to designate their units, which were once classified for both elderly and people with disabilities, as "elderly only." Before the 1992 Act, federal law required units in public and federally financed buildings to be available to elderly households and disabled households on an equal basis (Opening Doors, 1997). HUD estimates that as a result of this policy, 98,996 public housing units will be lost to disabled people by March 1998.

Allowing the classification change to "elderly only" could exclude many disabled people across the country. Disabled people will not be forced out of a current rental unit because of the policy, but many disabled people that were on waiting lists to get into federally subsidized housing may now no longer be eligible for certain housing. This could be a significant problem, because, "over two thirds of people with disabilities are unemployed in the United States and the majority of them rely on HUD housing" (Wangeman, 1998). Also, a recent HUD report stated that, "47% of people with disabilities had 'worst case needs' in housing" (National Council on Disability, 1996).

To replace some of the potential housing lost to disabled persons because of the elderly-only classification, Congress has allocated over \$180 million in new funding for Section 8 certificates and vouchers specifically for disabled people. Local Public Housing Authorities (LPHA) must apply to get these new Section 8 vouchers and certificates in response to a Notice of Funding Availability (NOFA). The NOFA is not sent directly to LPHA's, but is published in the Federal Register. There could be an increase in Section 8 housing for disabled people if the LPHA is aggressive about going after that money, but many LPHA's are not aware of or have not applied for the newly allocated funds. Out of \$98.5 million available to LPHA's in 1997, only \$48 million was awarded (Opening Doors, 1998).

The increasing problems with Section 8 vouchers and certificates weaken this policy strategy. As mentioned previously, in cities with a high demand for rental housing, landlords can often get rents higher than HUD's Fair Market Rent, so they may not be willing to rent to Section 8 tenants. Also, landlords may be especially unwilling to rent to disabled people, for whom they might have to make accessibility accommodations. Disabled people would have to find units with certain level of accessibility, and a landlord willing to accept their Section 8 voucher or certificate.

Analyzing the Impacts of the Elderly Only Policy Shift

The General Accounting Office (GAO) studied the effects of the elderly-only policy shift on the availability of public housing options of younger disabled people. The GAO found that thus far, the policy shift "had little impact on the

availability of public housing for people with disabilities”(GAO, RCED-98-160, 1998). The report goes on to state that “73 public housing authorities had allocation plans approved by HUD as of November 1, 1997, allowing them to designate 24,902 of their units as elderly-only, approximately 36 percent of their housing stock for the elderly and persons with disabilities” (GAO, RCED-98-160, 1998). Although the designation changed, the resident population has not significantly changed at the time of the study.

The GAO determined that it is too soon to judge the effectiveness of the increase in Section 8 rental certificate and voucher set-asides for disabled people. The report does cite that approximately 3,000 more certificates and vouchers were available to housing authorities in November, 1997. Of the 3,000 available, 1,600 were reported to have been issued to disabled people who used 1,162 to obtain private rental housing (GOA, 1998).

There are many reasons why this policy has not thus far dramatically affected the disability community. The main reason why the policy change has had little impact is because so few Local Public Housing Authorities have chosen to change building classifications. Also, disabled people currently living in a unit will not be asked to leave if the designation changes, and because the turnover rate in public housing buildings is so low, we might not see a large impact for a few years. It is important to be aware of the potential impact of this re-classification scheme, even if the current impact is not dramatic. The delayed effects of this policy could be tremendous if there is not an increase housing options for people with disabilities.

Massachusetts: A Statewide Policy Response

Accessible housing advocates in Massachusetts knew the policy winds were shifting against mixing younger disabled people and elderly people in housing facilities. The elderly-only policy was initiated partly in response to some well-publicized incidents in public housing projects in the Boston area. A state level bill, the Omnibus Bill, was suggested to limit the number of younger disabled people that could live in the same buildings as elderly people. In order to stave off total policy disaster for disabled people, when the Omnibus Bill passed in 1989, there were several important provisions for disabled people. The Omnibus Bill capped the number of disabled people that could live with elderly people, but added provisions for increased vouchers, and a statewide accessible housing registry. The registry, MassAccess, was funded in 1992, and has functioning since 1995. The bill requires all landlords who receive any state or federal assistance to register their accessible units with the MassAccess. When an accessible unit becomes vacant, landlords are required to affirmatively market them to the disability community through the accessible housing registry. This policy response is seen to be effective thus far; the registry has listed 600 vacancies in the past two years with a 94% referral success rate (Zelbow, 1998).

F. Conclusion

Generally, housing policies in the U.S. that relate to mainstream accessible housing have had the goal of increasing housing options specifically for disabled people by providing for a minimum level of accessibility. The sum total effect of accessible housing policy is hard to quantify, but it is clear that housing is much more likely to have some level of accessibility now than it was 30 years ago. Since the late 1950's, when the concept of accessibility started to become part of the national dialogue, incremental changes in attitudes as well as removal of structural barriers have worked to increase housing options for people with disabilities. The Americans with Disabilities Act has been a momentous piece of legislation that will ensure the continued social integration of disabled people, and access to housing will continue to be very important to successfully live independently.

Currently, the focus of housing policy is starting to shift, and this is evident in the new "Visitability" standards. Accessible housing policy is changing to be more inclusive of many sectors of the public. This shift in emphasis is seen as a strategic move to attract a wider base of support, and to make "visitable" housing easier to build. There may be some loss in access specificity, but the gain would be made up in the far-reaching implications of the broader policy.

It is clear that as housing policies continue to shift, the time is ripe for the creation of new strategies for building and preserving affordable and accessible housing. In order to create new strategies, accurate information is necessary. Developing data collection techniques to assess a community's accessible housing stock can potentially be a useful informational tool in setting a new direction for housing policy and practice.

Section III:

Developing a Strategic Plan for Accessible Housing using a Participatory Action Research Model

A. Introduction

Housing is one of the most fundamental components of the independent living movement, and accessible housing has been a cornerstone issue for Independent Living Centers across the country since their inception. Although Independent Living Centers have long been involved with providing housing services, there has been little or no systematic and sustained tracking of accessible rental units or documentation of accessible housing statistics. The goal of this document is to develop broadly applicable techniques for evaluating the accessibility of a community's rental housing stock while outlining strategies

for developing a systematic plan to increase accessible housing options for disabled people.

This planning project began with a search for similar studies that had been conducted by other cities or Independent Living Centers. As part of the research process, many different organizations throughout the country were contacted. Independent Living Centers, a number of housing authorities, ADA compliance officers, and the main disability research and training centers in the nation were contacted. The specific research and training centers contacted include the Research and Training Center on Disability Statistics at UCSF, the Research and Training Center for Accessible Housing in North Carolina, and the Research and Training Center on Independent Living and Disability Policy at the World Institute on Disability in Oakland. Without exception, all organizations contacted expressed enthusiasm over the idea of collecting local accessible housing statistics, but no organization had collected or had access to similar statistics.

B. The Significance of Gathering Accessible Housing Data

Although a study attempting to answer the question, "What percentage of the rental housing in my community is accessible?" has not been done before, accessible housing data are quite significant to housing policy analysts as well as disabled people. In this time of budget uncertainty and housing policy upheaval, it is very important for advocates of accessible housing to have information about the size of their community's accessible housing stock. This information is necessary to accurately assess the impact of policy shifts on the supply of accessible housing in a local community.

For example, the Community Development Act of 1992 decreased the supply of housing options for disabled people by allowing public housing authorities and private owners of subsidized buildings to change the designation of units from elderly and disabled, to elderly only. This re-designation effectively excludes many disabled people from previously available housing. The Housing Task Force of the Consortium for Citizens with Disabilities estimates that the national affordable and accessible housing supply will decrease by an estimated 273,000 units. What is the specific geographic distribution of these units, and how does this policy change affect local communities? This information is not currently known, and it is noteworthy to add that the HUD office in San Francisco confirmed that they are not keeping track of regional accessible housing data, and referred me to the local Independent Living Center for this information.

New Section 8 Funding for People with Disabilities

To replace some of the housing lost to disabled persons because of the elderly-only classification, Congress has allocated over \$180 million in new funding for Section 8 certificates and vouchers specifically for disabled people. But Local Public Housing Authorities must apply to get these new Section 8 vouchers and certificates in response to a Notice of Funding Availability (NOFA). The NOFA is not sent directly to Public Housing Authorities, but is published in the Federal

Register (Opening Doors, 1998). This policy is intended to increase Section 8 housing for disabled people, but the local Public Housing Authority must be aggressive about going after the subsidies. Unfortunately, many Public Housing Authorities are not aware of or have not applied for the newly allocated funds. Out of \$98.5 million available to Public Housing Authorities in 1997, only \$48 million was awarded (Opening Doors, 1998). It is important that local Public Housing Authorities know the extent of the housing problems that disabled people face, and they should be lobbied to apply for available housing money targeted to people with disabilities.

Gathering accessible housing statistics can be a significant part of a proactive housing campaign, and it is clear that local Independent Living Centers and housing advocacy groups have an important role to play in generating or utilizing such statistics. As new funding options become available, it will be necessary to document the unmet housing needs of disabled people at the local level.

The Consolidated Plan

In this time of federal and state housing policy change, one way to affect public housing expenditures at the local level is through the Consolidated Plan (ConPlan). The Consolidated Plan is a federally mandated document that all local entities receiving federal housing money must prepare. The Consolidated Plan is a strategic planning document and process that helps determine how federal housing money will be spent. This Plan is intended to be "a long range planning document that describes housing needs and market conditions, housing strategies, and outlines an action plan for the investment of federal housing funds" (Opening Doors, 1997).

The Consolidated Plan is significant to the disability community because it provides an opportunity for disability rights activists to provide input and influence this powerful local planning document. During the Consolidated Plan process, which has a mandatory citizen participation component, accessible housing advocates can press for federal housing money to be spent on specific housing activities targeted to disabled people. "The ConPlan is the best chance to go on record about the housing crisis facing people with disabilities in your community or state. It is an opportunity to make sure that the housing needs of people with disabilities get a high priority, and that government housing activities actually address these housing priorities" (Opening Doors, 1997).

As federal housing entities continue to devolve responsibility to states and local governments, the Consolidated Plan could become the most important housing document guiding local public housing decisions. Therefore, it is critical to be part of this process. Documenting the current housing situation for disabled people will be a necessary part of this process. Providing a needs assessment is an important part of the Consolidated Plan because it helps determine which groups will be given priority in the allocation of housing funds. "The disability community should not wait to be asked by housing officials to provide housing

needs data for the Consolidated Plan. Rather, it should be proactive in collecting and providing this information to the jurisdiction, and should ensure that these data are included in the final plan sent to HUD” (Opening Doors, 1997). This underscores the importance of the disability community to have access to data regarding the accessible housing supply and demand in their city. With this information, there is a greater potential to influence housing policy by taking a substantive role in the Consolidated Plan process. Therefore, it is a highly relevant task to outline a model study for gathering accessible housing statistics.

Research Approach

The method a researcher uses to set up and execute a study is significant to the success of the study. The research approach used in this study, and recommend for any group working on developing a systematic or strategic accessible housing plan, is based on participatory action research, which “seeks to increase participation of low-ranking people in the society” (Whyte and Doe, 1995). This type of research is meaningful for disabled people, who have often been objects of study, but have not often directed or led the studies themselves. Participation of the end-users is a primary component of a holistic design process. Disabled people are the experts on their own housing needs, and their participation in the development of accessibility standards and overall strategic housing plan is critical.

Key informant interviews and focus group sessions can be a useful way to gain important insight and collect qualitative data regarding the ease or difficulty for people with disabilities to find and keep good rental housing. Understanding the local needs of the community is crucial in developing a useful plan. Also, because “accessible housing” can have different meanings for different people, it is useful to have community input on creating relevant standards of accessibility. Participation of disabled people as well as other stakeholders will help ensure a more meaningful process, and should be woven throughout the development of an accessible housing strategic plan.

C. Developing a Strategic Housing Plan

This section outlines strategies to develop a systematic accessible housing plan and a method of assessing the accessibility of local rental housing, geared toward disability rights organizations. Creating this type of model plan can be a difficult challenge because there are many factors that are unique to a particular area or city. The information that follows will be as general as possible to allow for a range of housing conditions.

Establishing an accessible housing plan for your city is important. An overall vision and implementation plan is important in creating a proactive housing campaign. Having an overall plan will help to increase the effectiveness of local advocacy and service organizations, instead of merely reacting to problems as they arise.

Many cities have various agencies and private non-profit organizations that work on housing services, as well as local builders, developers and housing managers. Generally there is no guiding structure or system of accountability governing the many agencies. Coordinating local housing service providers, advocates and consumers can be a first step in developing a strategic accessible housing plan.

Coordinate housing activities at the local level: Organize a "stakeholder" meeting with all interested parties, including but not limited to housing consumers, developers, managers, housing services providers, and city staff. Invite many interested groups or individuals across the political spectrum, because having a diverse interest group can be important in the effectiveness of the overall campaign. Generally, the more diverse the group, the more powerful the coalition that will form.

Develop Broad Goals/Mission Statement: Establish the underlying interests that brought your diverse group together. Identify common goals and objectives, and write a mission statement that will serve to link the broad interests of the various stakeholders.

Evaluate the Current System of services: Assess the current housing services available to disabled people in your community: which organizations are providing what types of services? Identify gaps, problems and successes within the current system. Brainstorm ways of changing problem areas, and expanding on successful programs. Also, expand the current housing options to include alternative housing models, such as cooperative housing, or shared housing.

Assess the Accessible Housing Demand: It is important is to understand how many people with disabilities are in your community, and how many of those people have specific access needs. Document how many people with disabilities live in your city, and try to assess the level of specific access need. You will also want to know some demographic information about the population of people with disabilities in order to further understand their housing needs. Document the median incomes for people with disabilities in your city, and assess if people with disabilities in your community need affordable as well as accessible housing. Analyze the significant barriers that people with disabilities face when finding housing in your city. Try to assess how often people with disabilities move within the city, and how many people with disabilities move into your city from other areas of the country. Understanding the age composition of the local population will also provide valuable information about potential housing access needs. As the population ages, housing will need to be adapted to allow people to "age in place."

Establish Specific Goals and Actions: A clear and specific set of goals will help to guide the strategic housing planning process. Goals that are informed by the mission statement and followed by actions necessary for implementation are

critical to a good plan. The actions that comprise the implementation plan should provide a roadmap needed to meet the goals. The implementation program is as crucial to the plan as the mission statement. It is important to understand the locus of your group's power in order to develop successful action strategies. A politically astute assessment of your group's strengths will help to inform relevant strategies. For example, if your group has a lot of political influence, but little money, use that political clout and influence.

Create a Time-Line: Establish short-term goals and long-term goals, thoughtfully distinguishing between the two. Start your campaign by focusing on short-term goals and build an incremental path toward the long-term goals. I recommend that you start with short-term goals in order to establish yourself as a new coalition, using the momentum from initial successes to sustain your long-term vision. Also, be specific about responsibilities for carrying out particular actions.

Assess and Allocate Resources: Identify the availability of resources. If there is not enough available resources, develop fundraising strategies.

Monitor Results: Create an evaluation mechanism to assess which strategies are working and which are not. Adjust strategies as necessary to optimize your chances of success.

Once you have created a broad-based coalition and established an overall vision, plan, and implementation program, you will certainly have plenty of work to do. Below is an outline of steps to take to assess your local rental housing. These steps should help you get started gathering important information regarding the state of rental housing for disabled people in your community.

D. Steps in Assessing Physically Accessible Rental Stock

Information on how much accessible rental housing there is in the city, as well as where that housing is located is relevant. Location may be particularly relevant if people with disabilities feel as if they are being "red-lined" out of certain neighborhoods, and into others.

Getting Started: A Quick Look

Before delving into gathering statistics on the accessible housing, it is important to have a sense of the overall rental housing conditions in the city. A few relevant factors are easy to appraise, and will give you a general sense of the accessible housing potential in your community.

Rental Stock

Find out how many rental units there are in your city. It is not always easy to get an exact count, but try to get a close approximation from the information available. Call the local housing authority or rent board. U.S. Census data can also be used to find out how many units there are in your city. The census is only taken every ten years, so until the 2000 census comes out, the most recent

information will be from 1990. The U.S. Census has an on-line site, where it is easy to download the relevant information. The web address is:
<http://www.census.gov/>

Median Year

A quick look at the median year that housing was built in your city will give a general idea of the potential amount of accessible housing. Older housing stock tends to be less accessible because of a previous lack of awareness of structural barriers, and lack of federal standards and regulations. Accessibility guidelines were not generated until 1961, when the American National Standards Institute published ANSI A117.1 – 1961, and accessibility standards were not federally mandated until the Architectural Barriers Act of 1968. Therefore, the age of the housing stock can be an important first indicator of accessibility. The median year that housing was built in your city can be accessed through the U.S. Census.

Build-Out

The next factor to assess is how built-out is your city. Is there a lot of land for new development, or is most of the building taking place in-fill or redevelopment? Recent accessibility requirements mandated by the Fair Housing Amendments Act only apply to the construction of new housing. The Fair Housing Amendments Act is an important piece of legislation for disabled people, but it does not completely solve accessible housing needs. Cities that are more built-out will require a more diligent accessible housing plan, because the Fair Housing Amendments Act, one of the main techniques of adding accessible units to the local rental housing stock, will have a diminished capacity. The planning department in your city should have information regarding how many vacant acres are currently zoned for residential.

Vacancy Rates and Affordability

Also, a look at the vacancy rates in your city will be necessary. How tight is the housing market in your city? For example, the vacancy rates in Berkeley are very low, ranging from 1% to 3%. It is a challenge for anyone in Berkeley to find housing, and to add special needs onto your requirements makes it disproportionately difficult. Generally, when vacancy rates are low, the rents are high. Affordability is also a major issue for disabled people. A look at the median rents in your city will also be necessary to the overall picture of rental housing conditions. Vacancy rates and median rents can be found in the U.S. Census.

Terrain

Geographical factors are also important when thinking about accessibility potential of a neighborhood, community or city. It makes intuitive sense that the more level the terrain, the easier it will be for people in wheelchairs to move about. Also, housing units in steeper areas will generally be harder to ramp, or build with a level entry. It is not impossible for disabled people to live in steeply sloped areas, but it is usually less likely.

Creating an Inventory of Accessible Housing: Subsidized Housing, Section 8, New Multi-Family Development

1. Read your city's Consolidated Plan and Analysis of Impediments. Look for an inventory of subsidized housing in the city. The list should have information regarding accessible units.

Questions to ask the local housing authority:

- Does the Consolidated Plan contain information about how many subsidized units are accessible?
- Can we get a copy of the most recent Consolidated Plan and the Analysis of Impediments?
- If the Consolidated Plan process is ongoing: Can my group get involved with the Consolidated Plan process?

2. If there is no listing of accessible units, or if you have reason to believe that the list is inaccurate, call all the building managers, and get first-hand information on how many of their units are physically accessible.

Questions to ask building managers:

- How many wheelchair accessible units do you have in your building?
- Are the units occupied by people with disabilities?
- How many total units are there in the building?

3. It is also important to collect information from each building manager about the size of the waiting list, and the average wait before people actually get in to the building. Many cities may have what seems to be a large amount of subsidized housing, but the turnover rate could be quite slow. It is not unusual to have to wait 3 or more years in some cities to get into subsidized housing.

Questions to ask building managers:

- What is the average time people stay on the waiting list before they can move in?
- How many people are on the waiting list now?
- Is the waiting list currently open?

4. Try to assess how many units have been lost to disabled people in your community because of the elderly-only policy shift. Public Housing Authorities must submit a plan to HUD, outlining any changes, so information should be available. But Public Housing Authorities are only one source of potentially lost units. Privately owned and federally assisted housing units may also be affected by the elderly-only policy shift. Owners of federally assisted units do not have to submit a report to HUD, so it will take some research to locate and survey all the local federally assisted housing providers in your community.

Questions to ask the Public Housing Authority or federally assisted housing providers:

- Were any units, which were once available to people with disabilities, lost because of the "elderly only" policy?

- How many total units in the city have been affected by the policy shift?

5. If your city has rent control, there is most likely a Rent Board that keeps a database of all rental housing in the city. It is useful to purchase the database, to get an accurate count of all the rental units in the city. The database will probably also list all tenant-based Section 8 units. Section 8 units are an important source of housing for many people with disabilities; therefore it is good to have an accurate count of the number of physically accessible Section 8 units. The local housing authority may have information regarding the status of the units.

Questions to ask the Rent Board or housing authority:

- Can I obtain a list of Section 8 units?
- Is there information regarding the physical accessibility of the Section 8 rental stock?
- If not, are yearly inspections done on the units? Could accessibility be added as part of the inspection? (Provide standard accessibility guidelines)

6. Call local housing developers, private and non-profit. For the non-profit buildings, be careful not to duplicate information gathered from the Consolidated Plan.

Questions to ask local housing developers:

- Do any of your buildings have wheelchair accessible units?
- How many in that building are accessible?
- Are the units occupied by people with disabilities?
- How many total units are there in the building?
- What is the address?

7. If there is a ramp program in your city, gather data on how many ramps have been built.

Questions to ask the agency that helps build or finance the ramps:

- Can we obtain a list addresses of houses or apartments where you have helped build ramps?
- Is there break-down of information regarding whether the ramps were built on private homes or rental units? Is there information regarding which rental units with ramps are Section 8?

E. Tracking Compliance with the Fair Housing Amendments Act

The Fair Housing Amendments Act of 1988 is an important law for all housing advocates to be familiar with, so I will discuss the Act in some detail. The Fair Housing Amendments Act recognizes that people with disabilities can face discrimination because of a building's inaccessible design. Therefore, the Act provides that unlawful discrimination includes a failure to design and construct multi-family dwellings for first occupancy after March 13, 1991, in accordance with certain accessibility standards.

In 1992, HUD developed the Fair Housing Accessibility Guidelines, which were incorporated into the Fair Housing Amendments Act. Builders and developers may use the guidelines to ensure that their buildings are in compliance with the Fair Housing Amendments Act, but they also may meet the requirements in alternative ways.

The requirements under the Fair Housing Amendments Act for buildings ready for first occupancy after March 13, 1991 that have an elevator and four or more units are as follows:

- accessible building entrance on an accessible route
- public and common areas must be accessible to persons with disabilities
- doors and hallways must be wide enough for wheelchairs
- all units must have:
 - an accessible route into and through the unit
 - accessible light switches, electrical outlets, thermostats and other environmental controls
 - reinforced bathroom walls to allow later installation of grab bars
 - kitchens and bathrooms that can be used by people in wheelchairs

If a building with four or more units built after March 13, 1991 does not have an elevator, these standards apply to the ground floor units. The Act also requires housing providers to make “reasonable” accommodations in rules, policies and practices to disabled people in order to provide equal opportunity of use and enjoyment of their home. Reasonable is defined as “practical and feasible,” and the accommodations cannot impose an undue financial hardship. Housing providers are also required to allow disabled persons to make “reasonable” physical changes to their unit and/or other common areas of the building. Reasonable is defined in this case as “not interfering with the enjoyment of the unit by the next tenant.”

Compliance with the Fair Housing Act is one way to ensure the growth of the accessible housing stock. Therefore, it could be a useful strategy to track the status of new multi-family dwelling units. HUD is the agency that has the responsibility of ensuring compliance with the Fair Housing Act. A call to HUD might be helpful in finding out if they are keeping data regarding accessible units in new multi-family housing in your city. If HUD is not tracking compliance, check with the ADA Compliance Coordinator in your area or the local building inspector. Do the local building codes match the Fair Housing Act requirements? If not, lobby city staff to bring local codes into compliance with the Fair Housing Act requirements. This is the most efficient way to ensure that new multi-family housing built in your city will be accessible.

F. Gathering Statistics on Physically Accessible Housing

1. Rental listing agencies willing to cooperate with the study can be a rich source of data. Rental listing agencies can be the best source of market conditions for rental housing.

Questions to ask rental listing agencies:

- Do you list wheelchair accessibility as a feature or field in your housing descriptions? If yes,
- Can you query your database and tell me how many accessible units you have listed in our city each year for the last 5 years? How many total listings did you list each of those years?
- What do you or the landlords use as a definition of accessible?

If you can get this information, and you know the total number of housing units for your city, you can get a fairly accurate estimation of the percentage of accessible rental units in your city. You can then perform statistical estimation procedures for sample proportions to infer proportional ranges of accessible housing for all rental units in your city. This procedure provides a confidence interval, within which you can be certain that the true number of accessible rental units in your city will fall.

These data are useful, but should be supplemented with an actual random sample. Unless you get all the addresses with the raw numbers from the rental listing agency, there may be no way to control for repeated listings. Not all rental units in your city will have been listed with the agency, so it may be difficult to make inferences about the entire population of rental units based on units listed with an agency. Also, the units listed as accessible with the service may not actually be accessible. Listing accessibility is generally up to the landlord's discretion, which does not ensure accuracy.

2. Another key method for assessing the rental stock of your city is to sign up with a local rental listing agency, visit currently available rental units as if you were a prospective tenant, and perform a survey of these units. If you do use this "current listings" strategy for selecting and surveying units, it may be practical to do the survey at two or three different times during the year, as the rental market may fluctuate noticeably throughout the year. Performing the survey at different points in time will help give a more accurate picture of the rental market and the amount of accessible housing. This strategy provides rich data, viewing the inside of the building. It is not a purely random sample, because you are only surveying rental units that happen to come on the market when you are doing the study, and this may add a bit of sampling error. All methods of data gathering have a certain amount of error, so it is important to be able to assess that error. You can't eliminate all the error, but you can try to control it, and acknowledge. The results of this survey can be used to make inferences about the entire rental housing stock in your city. This is a practical method, since there are generally too many rental housing units in a city to accurately count each accessible unit. Using a sample to make inferences about a larger population is a commonly used statistical procedure.

3. An alternative research method is a random sampling technique, which could be used to supplement information gathered from rental listing agencies or the

"current listings" survey. It is very difficult to get a truly random sample. It could be achieved if the sample is chosen from the population of all rental housing in your city. This poses a couple of problems: it is difficult to obtain a list of all rental units in a city; if you are able to choose 100 addresses from a list of all the rental units, it will be difficult to get inside the unit to perform the survey. A drive-by survey may be conducted if you cannot gain access to the inside of the units. A drive-by survey can give some basic accessibility information, but it should be supplemented with other data.

Some of the suggestions listed above may not be feasible because of the size of your city's rental housing stock. If the suggestions above do not make sense, you may want to start with the random sample.

G. Conclusion

The strategies outlined above are intended to serve as a guideline, and not a confining mold. Adapt the suggestions as necessary to conform to local situations. Good luck with your accessible housing campaign and research. Please email feedback, suggestions and success stories to: Kate Toran at ktoran@uclink4.berkeley.edu

Model Study: Berkeley

A. Introduction

The purpose of this final section is to document the implementation of fundamental steps in assessing the physically accessible rental stock. This chapter provides a model study conducted in the City of Berkeley and outlines the process of gathering statistics on physically accessible housing.

The study outlined in this section was initiated by Center for Independent Living, Berkeley (CIL), a non-profit education, training and service organization for people with disabilities. The housing advocates at CIL were interested in finding out how much of the rental housing in Berkeley is accessible to people with disabilities. CIL's housing department serves approximately 850 disabled people per year, so they have a strategic perspective on the housing shortage in the Bay Area. From their vantage point, they discerned a need for more accessible housing in Berkeley and throughout Alameda County, and they wanted to study the issue to find out if this was in fact the case.

The World Institute on Disability (WID), a national research center for people with disabilities, also became interested in the study, and felt that the practical applications of this study were quite important. Thus replicability became a key feature of the study, and WID became a co-sponsor of this project.

B. Bay Area Trends Housing Costs

The City of Berkeley, like the entire Bay Area, is experiencing a serious housing crisis. Due to several notable factors, housing in the greater Bay Area is among the most expensive in the country. Booming economic growth, resulting in a rapid increase in high paying jobs, combined with a sluggish housing supply response, work to increase housing prices dramatically. This "jobs housing imbalance" is a factor in driving up housing prices, and traffic congestion. A report published by the Manufacturing Group found that 56,286 homes must be built in Santa Clara County by the year 2000 to balance out the jobs housing imbalance in that county

(http://www.service.com/PAW/morgue/news/1995_Aug_25.PASURVEY.html).

According to the California Association of Realtors, the Santa Clara area surpassed Honolulu as the most expensive metropolitan area in the United States, with a median price for a single-family detached home of \$316,250 (Wilson, 1998). As housing prices rise, the affordable housing stock is diminishing rapidly, "By 1990 the Bay Area had 260,000 very low-

income tenant households with incomes under \$16,000 a year and only 140,000 apartments renting for less than \$400 a month (City of Berkeley Consolidated Plan, 1995). This crisis of affordability affects many income groups, from middle income tenants that may not be able to take the step into homeownership, to low income tenants that are finding themselves squeezed out of the market completely, into homelessness or out of the area.

Rent Control

As vacancy rates in the Bay Area are dipping lower and lower and housing prices are driven increasingly upward, rent control is slowly vanishing. The Costa-Hawkins Rental Housing Act, which was signed into law by Governor Wilson in 1995, diminishes the strength of rent control laws by introducing "vacancy decontrol." Vacancy decontrol has been phased in since the signing of the law, and in January 1, 1999, full vacancy decontrol will be implemented. Full vacancy decontrol means that when a unit becomes vacant, the owner of that unit can increase the rent as far as the market will allow, and in the current market, that could mean substantial rent increases.

After the new rent has been set, rent control comes into effect. During the period of tenancy, rent increases will be limited to annual adjustments and/or individual rent adjustments, which is the current policy under Berkeley's Rent Control Ordinance. After January 1, 1999, homes and condos will be exempt from rent control, except if the tenant has been in the unit prior to January 1, 1996, but eviction controls will still be applicable. Members of the Berkeley Rent Stabilization Board and the Housing Department have speculated that vacant units are being kept off the market until the full vacancy decontrol takes effect in January, and rents can increase unfettered by rent control (Albert, 1998).

In Berkeley and throughout rent controlled cities in California, as rent control diminishes in efficacy, landlords may be less willing to rent to Section 8 tenants. Previously, the HUD established Fair Market Rent had been higher than the local rent because rent control kept local rents lower than the overall region. Now that landlords can charge full market rates for their units, the financial benefits of accepting Section 8 vouchers or certificates have ceased to exist.

Many landlords in Berkeley, and in other rent control cities, welcome the lifting of vacancy control, expressing that rent control reform will allow them to better maintain their buildings. Landlords maintain that the restrictions imposed by rent control have constrained their ability to upgrade their units because they have not been able to charge full market rents. The lifting of vacancy control may provide an incentive for developers to add more housing to the market. Critics of rent control argue

that housing policies should be more targeted to the poor and most vulnerable in society, and that lifting rent control will create more movement in the market. In a tightly controlled rental market, tenants may stay in rent control units long after the unit becomes a poor locational choice for that tenant because they do not want to lose their cheap rent.

Now that rent control has been weakened, it will be important to track changes in the rental market, to see if in fact strict rent control had been unduly constraining the market. Housing advocates should track the amount of unit maintenance and look for increases, and also look for increases in the overall rental stock. Key policy changes specifically targeted to vulnerable populations will now be critical in order to provide an adequate supply of affordable housing. No new housing policies have been implemented since vacancy de-control has come into effect, so rental housing affordability will continue to remain a problem for many people.

With the combination of increasing housing prices, high demand and low supply, low vacancy rates, and the weakening of rent control laws, it is easy to understand why housing affordability is a major issue. Although most people are feeling the effects of the housing crisis, people with disabilities experience the housing shortage in a unique way.

C. The Need for this Study

Finding any rental housing in Berkeley is a challenge, but finding accessible housing is disproportionately difficult. Generally, a smaller percentage of the housing stock is suitable for people with disabilities because they are more affected by physical design factors. Discrimination is another factor that makes it difficult for disabled people to find housing. Berkeley's Consolidated Plan acknowledges disabled people as a "special needs population," in terms of housing, estimating that, "about one-sixth of the eligible disabled people living in Berkeley receive housing assistance" (Consolidated Plan, page I-22). An extremely high percentage, approximately 83%, of income-eligible disabled people are not being served with housing assistance. The lack of accessible and the lack of affordable rental housing are both contributing factors to this situation.

Berkeley's Consolidated Plan does mention the inaccessibility of the City's older housing stock, but no hard data are provided. "Much of the city's older housing stock is inaccessible but the City's large number of wood-frame housing in 1-4 unit buildings readily lends itself to the installation of ramps, widening of doors and interior changes to make them accessible" (Consolidated Plan, page I-22). The City supports access improvements by funding CIL to build ramps and make interior modifications. CIL operates on a very limited budget and the demand for ramps and interior modifications far exceeds the money available.

Information is available to demonstrate the need for more affordable housing in the Bay Area in general, and specifically Berkeley, now it is important to collect the data to demonstrate the need for more accessible housing. In this study, data are collected and studied regarding accessible rental housing in Berkeley, and an answer is attempted important questions about the actual percentage of accessible rental units in the City of Berkeley.

D. Research Approach

Participatory Action Research

The research approach used in this study is based on participatory action research. This is a multi-dimensional approach which stresses that the people who are under study or "who play key roles in the social system under study participate in the design and implementation of the research" (Whyte and Doe, 1995). A participatory action research approach emphasizes community-centered initiatives, and is important in building "capacity" in disenfranchised communities. Capacity building is a term used to describe the process of empowerment within disenfranchised communities, stressing the development the community's own potential and resources. Participatory action research is a method by which marginalized members of society, who are often the objects of study, are empowered, are seen to be "experts" on their situation. Using participatory action research is a commitment to including participants in the design of the study and the decision-making process.

Participatory Action Research highlights the fact the process of research is as important as the outcome. Working with the community under study has been an important part of the entire research process, from refining the research question to designing, implementing and disseminating the results. Two very significant disability rights organizations set the research agenda for this project, and the study comes out of a group process that emphasizes participation of key stakeholders.

E. Gathering Initial Qualitative Data

Key Informant Interviews

Key informant interviews are a method of gathering qualitative data from people that have intimate experience and knowledge of the issue under study. The interviews are in-depth, loosely structured to capture a wide range of possible data and to provide for a spontaneous, free exchange of information. Key informant interviews were used to gather preliminary information helpful in the design of the quantitative study and to help frame the important overall housing issues that disabled people face in Berkeley.

The first steps in setting up key informant interviews are to highlight major topics and issues that should be covered and generate broad study questions, and then select a range of key informants. For this study, key informants were selected for their specialized knowledge and/or experience with accessible housing. Interviews were conducted with a range of disabled and non-disabled tenants, as well as local ADA Coordinators, and disability research analysts. Some interviews were conducted over the phone, but most interviews were held in person. Copious notes were taken, and then analyzed for common themes.

Important information that came out of the key informant interviews:

- Housing is a major issue for disabled people
- There is a need to gather accessible housing statistics
- The Fair Housing Law is extremely important to a housing study
- Units that are listed with rental agencies or in the newspaper as accessible are not always accessible
- Non-profit housing developers have asked the Oakland ADA Coordinator for data regarding accessible rental housing in the Bay Area, and as of yet, that information is not known.

Focus Group Sessions

Similar to key informant interviews, focus groups are a data collection method for qualitative data. Focus group sessions gather together a group of people to brainstorm and discuss a chosen topic. The group brainstorm session is intended to spark ideas and insights from the group at large, creating a synergistic effect where one person's ideas generate new ideas in other participants.

Two focus group sessions were held to generate ideas for the study, and to develop an understanding of the main problems facing people with disabilities looking for housing in Berkeley. Also, it was important to establish an understanding of the informal information networks of the disabled community. In developing the study, it was necessary to have a sense of how much information might not be captured using traditional data collection methods. For instance, if the study focused on rental units that are listed in mainstream rental agencies, rental units that are passed on by word of mouth will not be captured. Understanding this informal network means that the accuracy of the study can be clearly assessed. The study will not be able to capture units that pass through the informal network, so this is acknowledged as a possible source of error. See Appendix I for a summary of the focus group protocol.

Important information that came out of the focus group sessions:

- Age of the housing is important (older housing tends to be less accessible)
- There is a strong network in the disability community that functions to pass on accessible units from person to person, without listing the unit in the traditional venues.
- There is no single definition of accessibility. Accessibility is a continuum, and what may be accessible to one person is not necessarily accessible to another.
- When landlords list units as accessible, they are not always accessible
- People with disabilities face a significant amount of discrimination in the housing market
- Bathrooms are generally the hardest room in a unit to get into in a wheelchair

Key informant interviews and focus group sessions provide a needed structure for gathering qualitative data, and provided an important avenue to meet with a broad group of disabled people, from grassroots activists to housing services providers to city staff. The interviews and group sessions helped to clarify the research question, and provided insights into current housing policy as it affects disabled people.

F. Significant Factors Regarding Housing in Berkeley

Most of the demographic data used in this section of the report are based on 1990 Census data. The Census is taken every ten years, and we are nearing the end of the ten-year period, therefore it must be stated that the data are somewhat out-dated but still illustrative of general trends and patterns in the City of Berkeley.

Rental Stock: Supply

The Berkeley Rent Stabilization Board lists 28,508 units in their database (as of July 1998). This figure is a slight undercount of all rental units in the Berkeley, because some units do not have to be listed with the Rent Board. Listed below are the types of rental units that are exempt from the annual registration:

- the unit is not rented out
- it is empty
- it is given rent-free
- it is owner-occupied
- the unit is owned by a government agency
- the unit is short-term, or transient quarters (14 days or less)
- the unit was developed by a non-profit, but owned and controlled by a majority of the residents
- the unit is leased by the Berkeley Housing Authority
- the landlord shares the kitchen or bathroom with the tenant

- the building is newly constructed (after 1980)

It is difficult to get an exact count of all current rental units in Berkeley, but the estimation of 29,000 is a close approximation and will be the figure that will be used as the basis for further analyses.

Median Year

According to the 1990 Census, the median year that housing was built in Berkeley is 1939. This is important to note because older housing stock tends to be less accessible because of a previous lack of awareness of structural barriers, and lack of federal standards and regulations. Accessibility guidelines were not generated until 1961, and the standards were not federally mandated until the Architectural Barriers Act of 1968. Thus the age of the housing stock can be an important first indicator of accessibility. So Berkeley's housing stock will generally not provide a high level of accessibility because of its age.

Build Out

Build-out is a significant factor to study because recent legislative requirements, mandated by the Fair Housing Act and detailed in the Fair Housing Act Accessibility Guidelines, only apply to the construction of new housing. If a community is built-out and/or does not have a lot of new construction, reliance on the Fair Housing Act to achieve an increase in accessible units will not be effective.

Berkeley is a built-out city, and has little land available for new development. In the City of Berkeley, there are only 613 parcels, representing 4,284,140 square feet of land (98 acres), classified as vacant residential land. If one adds "planned development" uses (where future construction may or may not occur) to the analysis, the parcel count goes up to 796 and the lot square footage goes up to 5,704,433 (Skinner, 1998), or 131 acres.

Although Berkeley is mostly built-out, housing development does take place on a small scale. Complete data regarding new construction are not yet available, the partial data show that during the period from April 1, 1990 to December 31, 1994, there were finalized building permits for 211 units in multi-family buildings (four or more units). During this same period, there was a loss of 38 units from multi-family buildings. There was an overall net gain of 173 multi-family units (Report on Cumulative Housing Units with Finalized Building Permits in Berkeley, April 1, 1990 through December 31, 1994).

Many highly urbanized cities are focusing on redevelopment opportunities to generate new development, which is often affordable housing development. Using redevelopment strategies to build new housing could

be an important method for Berkeley to increase both the affordable and accessible housing stock.

The Fair Housing Amendments Act is an extremely important piece of legislation for disabled people, but it does not completely solve accessible housing needs, particularly in a city like Berkeley, where there is not an abundance of new housing construction.

Vacancy Rates

Vacancy rates are a general indicator of the health of the housing supply in an area. Low vacancy rates are associated with a limited supply of housing, higher prices and a generally more constrained market. According to the 1990 Census, the vacancy rate in Berkeley is 3.08%, and thus indicates all the problems associated with low vacancy rates. Some recent studies suggest the vacancy rate in Berkeley may be as low as 1%.

Affordability

Affordability is very important for disabled people because many are in the lowest income categories. "In January 1995, thirty percent of people with work disabilities had incomes below the poverty level, compared with 10.2 percent of the working-age population without work disabilities. Of those with severe work disabilities, 35.8 percent had incomes below the poverty level" (LaPlante, 1996).

Affordability of all types of housing is a severe problem for many people in Berkeley. For example, the median cost of a new home in Berkeley is \$275,000 (California Association of Realtors, 1998). For this house to be affordable, a household must have an income of at least \$91,666. The general rule is that people can afford to buy a home that is less than three times their gross annual income, although most first time homebuyers allocate 40% of their income to housing, and in California, most people spend more than 30% of their income on housing. Households choosing to spend a higher percentage of their income on housing are considered cost-burdened, with less money to spend on other needs. In Berkeley, many households experience a high level of cost-burden, "nearly 32% of households in Berkeley reported in a 1998 survey that they pay over half of their income on housing" (Berkeley General Plan Update, 1999 Draft).

Income

The median household income in Berkeley is \$53,577 (1990 Census data, adjusted for inflation). According to HUD, approximately 18% of the Berkeley population have incomes below the poverty level, while only 10.6% of the entire Alameda County population are below the poverty level. Also, compared to the Oakland Primary Metropolitan Statistical Area, which has been stable since 1969, Berkeley has a noticeably high

poverty level that has fluctuated markedly over the ten-year period of study.

Table 1

Poverty Rate (Percent)		
	Oakland PMSA	Berkeley
1969	9.9	18.1
1979	9.9	21
1989	9.3	17.5

The student population is thought to shift the median household income down and poverty levels up for the city. Therefore, when talking about low-income households, it is important to distinguish between the temporarily low-income population (students), and the long-term, low-income population.

There is significant clustering of high poverty households, please see Appendix II. The areas bordering the University of California, Berkeley campus have some of the highest concentrations of poverty, indicating that much of the poverty in the city may be explained by the temporary poverty of students. Census tract 4240 located in the southwest border of the city also has a high level of poverty.

To get another indicator of poverty that might exclude students, the percentage of the population receiving public assistance was analyzed. Students generally do not receive public assistance while community members are more likely to receive benefits. Looking at the distribution of public assistance benefits it is clear that the south and west areas of the city are receiving the highest percentage of benefits, please see Appendix III. The data indicate that south and west Berkeley are the lowest long-term income areas in Berkeley.

Shifts in rent control policy have affected the supply of affordable housing in Berkeley. In 1990, there were an estimated 10,279 rental units affordable to two-person very low-income households (legal rent ceilings under \$400 per month). By 1996, the final year of vacancy control, there were just 1,300 rental units with legal rents below \$400, (Berkeley Homeless Continuum of Care Plan, 1998). The rental stock in Berkeley is currently undergoing another major shift now that January 1 has passed, and the final stage of vacancy de-control has been implemented.

Rent Ceilings and Averages

Information from the Rent Board gives us a look at current rent ceilings. A rent ceiling is not the actual rent paid, or contract rent, but is the top amount that landlords can potentially charge for their units. As of July 1998, the average rent ceiling for a studio apartment is \$534.32; the

average rent ceiling for a 1-bedroom apartment is \$627.59; and the average rent ceiling for a 2-bedroom apartment is \$798.15.

The average rent ceilings are significantly lower than current average rents. Two months of rental listings were analyzed (one month before January 1, and one month after), from a Berkeley rental listing agency, please see Table 1. Averages rent ceilings were inserted into the table for easy comparison. It is interesting to look at current rent ceilings, but it's important to note that vacancy de-control is dramatically affecting these outdated figures.

Table 1: Currently Listed Rents and Rent Ceilings in Berkeley

	Studio	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom	6-Bedroom
Average Rent, July, 1998*	\$648	\$800	\$1,098	\$1,713	\$2,400	\$3,999
Average Deposit, July, 1998*	\$1,411	\$1,479	\$2,318	\$3,361	\$2,500	\$5,000
Average Rent, January, 1999*	\$790	\$1,025	\$1,375	\$2,035	\$2,293	no data
Average Deposit, January, 1999*	\$1,387	\$1,768	\$2,496	\$2,820	\$3,786	no data
Average Rent Ceiling **	\$534	\$628	\$798	\$1,046	\$1,428	\$2,147
# of Listings, July 1998*	29	33	26	9	1	1
# of Listings, January 1999*	49	61	94	15	7	0

*Average rents and deposits were calculated from one month of currently listed rental units.

**Source: City of Berkeley Rent Stabilization Board

Along with coming up with the money to pay for increasingly higher monthly rents, tenants also must pay a large sum of money as a deposit upon moving in to a rental unit. For a studio apartment, deposits can be as high as \$2,925; and for a one-bedroom, deposits can cost a tenant up to \$4,800. The highest deposit charged in Berkeley during the study period, was \$7,500 for a three-bedroom apartment in the South Berkeley area.

It is clear that rents have increased significantly in the first few months since the vacancy control has been eliminated. The rents were higher during the first two weeks of January, and are now lowering slightly, as

landlords adjust the appropriate market level. As many housing analysts predicted, there has been a slight increase in rental listings in January.

The supply of rental housing in Berkeley is limited and expensive, and the demand continually runs high. All renters face extremely stiff competition for the available rental units in Berkeley, "According to Dana Godell, president of Homefinders Bulletin, there are approximately 100 people for every vacancy in Berkeley" (Otto, 1998).

Terrain

Finally, it is important to point out is that some residential neighborhoods in the City of Berkeley have very steep slopes. Steep slopes will not keep all disabled folks out of a neighborhood, but may keep out many.

G. Accessible Housing Demand

Berkeley has a unique historical significance to disabled people. As the birthplace of the independent living movement, Berkeley is a mecca for disabled people. Berkeley is the location of the first Independent Living Center and the first curb cuts, and the city has a reputation of being friendly and accessible for people with disabilities. This reputation, as well as University of California recruitment, draws disabled people to Berkeley from all over the country. Therefore, in Berkeley there is a high demand for accessible units.

Demographics

According to Berkeley's Consolidated Plan, there are an estimated 11,000 disabled adults living in the city, or 9% of the total population. According to the ADA Compliance Officer for the City of Berkeley, there are approximately 17,000 disabled people, or 16% of the total population. This figure is based on the ADA definition and national averages of disability. It is very difficult to get an accurate count of people with disabilities, especially at the city-level; estimates regarding the number of disabled people typically vary, depending on how one defines disability. The actual number of people with disabilities in Berkeley presumably lies somewhere between 9% and 16%. This is a very broad range, but the higher figure may be more accurate because the City of Berkeley does have a significant amount of in-migration of people with disabilities because of the city's reputation and the recruitment efforts of UC Berkeley's Disabled Student Program. If we assume that the actual disabled population is approximately 16% and we use the national averages from the National Health Survey, we can assume that about half of the disabled population, or 8%, has a severe disability. It should be emphasized that this is just an estimate, and not an exact count.

Low-income rental housing is particularly important for people with disabilities because of the high levels of poverty and low levels of

homeownership. The national homeownership rate for people with disabilities is 2% (Disability Rights Action Coalition for Housing, 1996). And as of October, 1998, disabled people make up 47% of the waiting list for Section 8 housing in Berkeley.

H. Analysis of Subsidized Rental Housing in Berkeley

As the research elaborated in Appendix IV shows, there are a total of 1,372 subsidized rental units in the City of Berkeley. Out of those 1,372 units, 137 units (or 10%) are physically accessible. If we also include partially or minimally accessible units, there are 406 somewhat accessible units (or 29.6%) in the City's subsidized housing inventory.

The demand for subsidized rental units is so high, and the supply so limited, that some people in Berkeley have been on waiting lists since the early 1990's. Based on data collected thus far, the average wait for any subsidized housing in Berkeley is approximately 2.6 years. This may not be an accurate figure because complete data are not yet available, and because it is difficult for building managers to estimate time on the waiting lists. Also, different buildings are funded from different sources, there is a range of protocol and procedures regarding getting onto a waiting list.

Elderly Only Policy

Research indicates that Berkeley has not lost any accessible units because of the elderly only policy shift. The three subsidized buildings in the city that are solely for seniors have been that designated as such since they were built.

Section 8

There are 1,158 tenant-based Section 8 units listed in the Rent Stabilization Board database. The Affordable Housing Resources in the City of Berkeley indicates that there are approximately 1,495 Section 8 certificates and vouchers. Although the Housing Authority does make site visits to each unit on a rotating basis, they do not track accessibility.

I. CIL, Berkeley: Putting Accessible Housing on the Map

Ramp Data from CIL, Berkeley


The Center for Independent Living has built 118 ramps in Berkeley since 1983; 74 ramps were for built for home  ers and 44 were constructed on rental units. Out of the 44 ramps built on rental units, 9 were built on Section 8 units. See Chart 1 and 2. Also, see Appendix V for a map showing the distribution of ramps in the city.

Chart 1

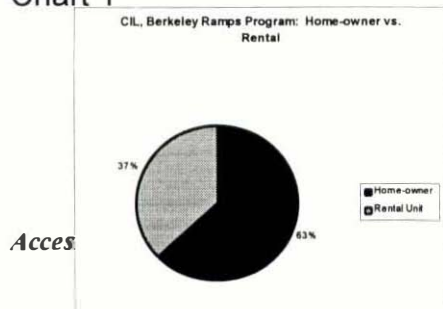
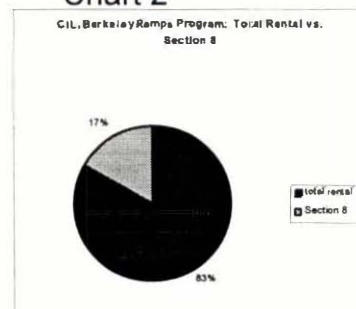


Chart 2



Access

J. Private Market Rental Housing: Quantitative Data Data from the Community Housing Office

Data regarding rental housing in Berkeley were collected from the University of California at Berkeley Community Housing Office (CHO). CHO is a rental listing service available to faculty, students and alumni. A query of their database provided information regarding the percentage of accessible units listed with their service yearly, for the last five years. CHO has listed between 14% and 26% of the total rental stock in Berkeley over the past five years. The percentage of accessible listings out of total CHO listings over the past five years ranges from 9% to 13%. See charts 3 and 4.

Chart 3

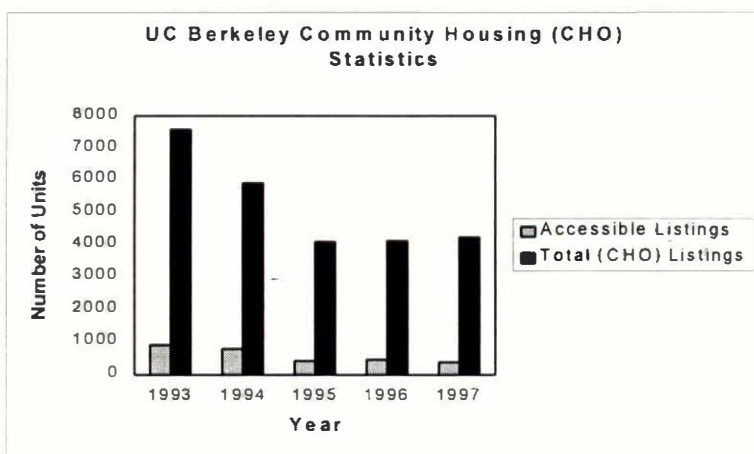
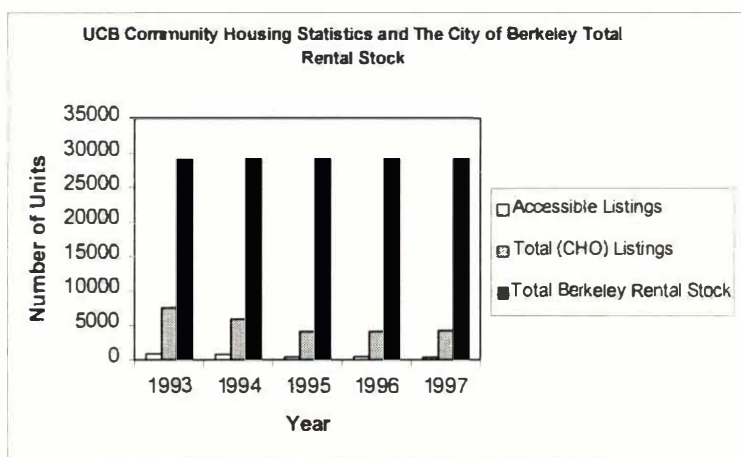


Chart 4



An immediate question that arises when first looking at the data from CHO, is why did their total listings decrease so noticeably from 1993 to 1997. The reduction in listings is due to the fact that the University cut

funding to the program, but stipulated that CHO could not charge a user fee. CHO therefore had to charge a listing fee to landlords, and since other rental services in Berkeley do not charge a listing fee, business dropped off considerably.

Statistical estimation procedures were used to infer the proportional ranges of accessible housing for all rental units in Berkeley.

The data from CHO indicate that between 10.9% and 12.1% of rental units in Berkeley are physically accessible.

These data are useful, but most likely overestimate the percentage of accessible rental housing. The overestimate occurs because there was no control for repeated listings. One accessible unit could have been listed more than one time a year, increasing the count. Also, the units listed as accessible with the service may not actually be accessible. Listing accessibility is generally up to the landlord's discretion and they might not actually know how to accurately assess accessibility. CHO uses "number of steps" as a proxy for accessibility, which is a very rough judgement of accessibility. Because of these flaws, the CHO data was supplemented with an actual random sample.

Drive-By Survey

The drive-by survey was undertaken to augment information from CHO regarding the accessibility of the City of Berkeley's rental housing stock. The drive-by survey was conducted by analyzing rental buildings from the outside. Individual rental units could not be fully analyzed because of a lack of access to the inside of the structures. Obviously, it was not possible to gather complete accessibility data using "drive-by" method, but a basic level of access using a uniform definition of accessibility was estimated. A building was determined to be accessible if it had a level entry or a ramp into any entrance that had rental units on that floor. For example, if a basement had a level entry, but was used for utilities and not living space, it would not count as accessible. Please see Appendix VI for a copy of the survey instrument. The Berkeley Rent Stabilization Board database was obtained, which lists nearly all the rental units in Berkeley. This database, along with a random numbers chart, was used to select 100 statistically random rental units.

Drive-By Survey: Data Analysis

There are 7,159 rental buildings in the Rent Board Database. A total of 103 buildings were surveyed. Out of those 103 buildings, nine were clearly accessible, and 94 were clearly inaccessible. Applying statistical estimation procedures:

The data from the drive-by survey indicate that between 8.6% and 8.8% of rental buildings in Berkeley contain at least one physically accessible unit.¹

As expected, this figure is lower than the estimate derived from the CHO data, but comparisons are difficult because the Community Housing data pertain to individual housing units, while the drive-by survey measured the accessibility of rental buildings.

Current Listings Survey

The third data collection technique used for this study was a survey of rental units that were listed for rent with a Berkeley rental listing agency. This technique afforded the opportunity of actually assessing the inside of the unit for accessibility. A three-page survey instrument was initially designed to conduct this survey (see Appendix VII), but this proved to be impractical. A pre-test of the survey indicated that the instrument was too long and detailed, thus unrealistic for use. The survey was then shortened to include only the first six questions on the instrument.

Current Listings Survey: Data Analysis

There were very few accessible units in the pool of currently listed units surveyed, and the few units that did pass the accessibility test were very minimally accessible.

The data from the current listings survey indicate that between 5.8% and 6.0% of the rental units in Berkeley are physically accessible.

The current listings survey found a very low amount of rental units to be accessible, the lowest amount of all three surveys. This may be because rental units that are accessible do not often go on the market. If people with disabilities are living in the accessible units, they generally try to pass the units on to friends, and people that need the access features. The fact that only units available for rent were surveyed may have biased the sample so that a representative sample was not achieved.

The current listings survey also measured landlord's willingness to rent units to people with guide dogs. Of the 101 landlords and managers surveyed, 22% stated that they would not allow guide dogs, 63% would allow guide dogs, and 16% either didn't know or said "probably not." This indicates that people who rely on service animals face discrimination in the market, and face severe barriers in obtaining housing in Berkeley's highly competitive housing market.

¹ The range is based on a 95% statistical confidence level for this and all subsequent calculations.

Overall Data Summary

Each data collection method has its strong and weak points. The fact that the CHO data cover a five-year time span is a strong point, but the lack of quality control over the data leaves room for error. The drive-by survey may be the most representative method because each case was randomly chosen, and uniform accessibility standards were applied, but information could only be secured on the exterior of the building. The "current listings" survey provides the richest data source because the most information about the units was obtained with this method, but only units that were for rent at a certain point in time were surveyed. The data from CHO had the highest estimation of accessible rental units. This is most likely explained by the lack of quality control over the data, and the lack of a standard definition of accessibility. The "current listings" survey provided the most detailed data, and therefore may be the most accurate. The data collected from the "current listings" survey generated the lowest estimation of accessible units.

Comparison of Supply and Demand

Comparing accessible housing demand to the actual supply of accessible housing is difficult. First of all, it is hard to get an accurate count of people with disabilities who actually need housing modifications. Also, it is difficult to estimate the number of people with disabilities looking for rental housing at one point in time. People with disabilities may tend to move less than people without disabilities (and this could be partly because of the difficulty of finding accessible housing, and the costs associated with moving). And, of course, not all people with disabilities need the same type of access features, and not all people with severe disabilities are renters. Additional research is needed to obtain a more accurate assessment of the demand for accessible units. But if we assume that people with severe disabilities comprise approximately 8% of the Berkeley population, and the best estimate for accessible units is 6%, there are slightly fewer accessible housing units than the potential demand for those units.

The demand for accessible housing units in Berkeley may be more constant than in other cities because of the amount of in-migration of people with disabilities. A quick perusal of the Berkeley disabled email list shows that there are inquiries for accessible units made by people moving from out of town about 3 or 4 times a month. The Disabled Students Program at the University of California, Berkeley recruits disabled students to Berkeley each year. While these students remain in school, the University will provide appropriate housing, but when the students graduate or leave school, they generally look for housing in private market. So the competition for the accessible units in the city is fairly strong.

Visitability

Some analysts argue that the percentage of accessible housing should match the percentage of the disabled population. This could cause policy complications whereby the accessible housing would have to be reserved for disabled people. Many accessible housing advocates are critical of the "percentage mentality," emphasizing that disabled people don't want to have special housing available only to them, but that all new housing should have a certain level of basic access. This new concept of "visitability" highlights the fact that disabled people want to visit family and friends in their houses. In Berkeley, visitability would not be the most effective strategy because there is not a lot of new housing construction in the city. Multi-layered strategies are required in Berkeley to increase housing options for disabled people, please see Appendix VIII, Berkeley's campaign for accessible housing.

K. Conclusion

The supply of rental housing in Berkeley is very constrained. There is not enough available rental housing in Berkeley in general, and there may not be enough accessible rental housing. There is a major affordability problem that hits those with low incomes and those with disabilities particularly hard. So it's easy enough to predict that there is not enough accessible and affordable rental housing. Yet the City of Berkeley probably has more accessible housing than most cities, because of the strength of the Independent Living Movement, the hard work of the Center for Independent Living coupled with the financial support of the City of Berkeley, and the long support given by the city's overall population. It is not unusual to walk 5 blocks and count 3 ramps. But all the ramps are not on rental units. And not all ramped units have people with disabilities living in them. The next question that should be studied is whether the units with special access features are occupied by the people who need those features.

A precisely planned campaign with many different venues for improvement and change will work to increase housing options for people with disabilities in Berkeley. Policies that emphasize the improvement and affordability of rental housing for the whole population may be the most effective in broadening the appeal of the housing campaign.

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Section IV:

Instructions for Using the Database

First, you'll need to un-Zip the Accessible Housing Database files and install the folder on your (C:) drive. To open the database, double-click on the "My Computer" icon on the Windows desktop, and then double-click on the (C:) icon in the My Computer window. Finally, double-click on the file labelled "Database" (Or, from within MS Access, select "Open Database..." under the "File" menu and open "A:\Database").

You should arrive at the switchboard, or entry window, of the database which reads "Welcome to the Switchboard of the Accessible Housing Database." There are three main choices available here: Enter New Data, Generate Reports, and Assistance.

Enter New Data

These three buttons allow you to add data to the database. The database cannot automatically check for duplicate entries and will allow you to make confusing, multiple entries for the same building or person. Once your database is established, it is recommended that you Check Records to see if a building or client is already in the database before adding them (see below).

Enter new unit/landlord

To add a new building, rental unit, or landlord to the database, click on Enter new unit/landlord button. This form has three sections. You may either click on each text field to type in an entry, or you can use the Tab key to move the cursor from field to field down the form.

Starting at the top, add Landlord Information by typing in their name, telephone number, disability attitudes, and the source of that information. Under Attitude toward Disability, you can either click on the gray drop-down menu box to the right of the text field to select a choice, or type in your own assessment.

In the next section, add Building Information by typing in the property's address, number of accessible units, total number of units, the building name (if applicable), the type of building, and the source of this information. Again, under Building Type, you can either click on the gray drop-down menu box to the right of the text field to select a choice, or type in your own description.

In the final section, add Rental Unit Information to a specific unit by typing in the apartment number (if applicable), checking off if the unit is Section 8

subsidized, the date available, and the current rent. You cannot enter data in the Rental ID field; the database automatically generates identification numbers for each entry.

The three sections of this form are nested, meaning that Rental Unit Information is a sub-form of Building Information, which is a sub-form of Landlord Information. This also means you can create multiple entries for rental units within one building, or multiple buildings owned by one landlord, by using the gray Record toolbar at the bottom of each. If you want to enter data on multiple buildings owned by one landlord, enter the information for the landlord and the first building, and then select "New Record" under the "Insert" menu (or use the Record toolbar at the bottom of the Building Information sub-form) to create a new Building record and enter the data for the second building.

When you have completed the entire form, click the Go to next form button.

Rental Unit Information

This form allows you to include data on both the general and specifically accessible features of the rental unit. To enter a feature, click on the gray drop-down menu box to the right of the text field, and select a feature.

To select multiple features, press the Enter key on your keyboard (or select "New Record" under the "Insert" menu, or use the Record toolbar at the bottom of the General or Accessibility Features sub-forms) to create a new record, and then select another feature.

If you need to enter a feature which is not included in the drop-down menu list, click on the appropriate Add features to list button. A table listing the features will open in a new window, with the cursor blinking in a new entry line. Just type in your entry, close the table, and click on the gray drop-down menu box to select your feature from the list (the list will update itself).

When you have completed the form, click the Enter another unit/landlord button to start the process over again, or use the Return to switchboard button to return to the switchboard.

Enter New Client

To add a new client to the database, click on Enter new client and the Client Information window will open. Type in the name and telephone number of your client, and check off if they receive Section 8 subsidies (and require subsidized housing).

To enter an accessibility need of your client, click on the gray drop-down menu box to the right of the text field, and select a need from the list.

To select multiple needs, press the Enter key on your keyboard (or select "New Record" under the "Insert" menu, or use the Record toolbar at the bottom of the Accessibility Needs sub-forms) to create a new record, and then select another feature.

If you need to enter a feature which is not included in the drop-down menu list, click on the appropriate Add an access need to list button. A table listing the needs will open in a new window, with the cursor blinking in a new entry line. Just type in your entry, close the table, and click on the gray drop-down menu box to select your need from the list (the list will update itself).

When you have completed the form, click the Enter another client button to start the process over again, or use the Return to switchboard button to return to the switchboard.

Enter rent history for unit

To update the rent history on a particular rental unit, click on the Enter rent history for unit button. In the Rent History Information window, first create a new record by selecting "New Record" under the "Insert" menu (or use the Record toolbar at the bottom of the Rent History Information form). Then type in the Rental ID (which you can see either by clicking the Enter new unit/landlord button or by clicking the Check for rental unit button and finding the appropriate record), the new rent, and the date at which this change becomes effective. When you are done, close the window to return to the Switchboard.

Check Records

These two buttons are intended to prevent duplicate entries by allowing you to check if rental units and clients are already entered in the database before adding them. The database cannot automatically check for duplicate entries and will allow you to make multiple (and potentially confusing) entries for the same building or person. It is recommended that you Check Records to see if a building or client is already in the database before adding them.

Check for Rental Unit

To check if a rental unit already exists in your database, press the Check for Rental Unit button. The table of Rental Unit listings and the Find window will appear. Make sure that Search is set to All, Match is set to Any Part of Field, and that the Match Case and Search Only Current Field checkboxes are not checked. Then type in the text you want to search for (landlord's name, unit address, etc.) and press Find Next or the Enter key.

When the search is completed, close the Find window and Rental Unit listings table.

Check for Client

To check if a client already exists in your database, press the Check for Client button. The table of Client listings and the Find window will appear. Make sure that Search is set to All, Match is set to Any Part of Field, and that the Match Case and Search Only Current Field checkboxes are not checked. Then type in the text you want to search for (e.g., the client's name) and press Find Next or the Enter key. When the search is completed, close the Find window and Client listings table.

Generate Reports

These three buttons allow you to generate reports listing detailed information on the rental units, buildings, and clients in your database. The reports are useful for viewing key information in concise form either on screen or printed "hard copy." Press the View Available Units button to view the report of rental units, listing landlord, telephone number, building address, rent, availability date, and general and accessibility features. Press the View Buildings button to see the report listing buildings by address, type of building, and accessible and total units. Press the View Clients button to see a listing of clients by telephone number and Section 8 eligibility.

Assistance

This section of the database is designed to assist users and provide background information regarding accessible housing policy issues. Each button will open up a document in MS Word. The About this Database button will bring up a window with background information on the creation of this database. The Instructions button (essentially the same as the Help button) will bring up this set of instructions. The Policy Background button will bring up a brief essay providing background information on the topic. The Assessment Plan button will bring up another paper by Kate Toran outlining a plan for assessing the availability of affordable, accessible housing in your community.

Exit

The Exit button will close the database and exit Microsoft Access.