Impact of Georgia’s Settlement Agreement with the U.S. Department of Justice on Housing Programs

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In the mid-1990’s Lois Curtis was confined at Georgia Regional Hospital in Atlanta; She had been in & out of Georgia Regional over 20 times.

In 1995, Ms. Curtis brought suit against the State of Georgia alleging discrimination under the Americans with Disabilities Act by requiring her to be in an institution, a segregated place because only people with disabilities lived there, in order to receive support services.

Ms. Curtis was soon joined in her suit by Elaine Wilson, who was also confined at Georgia Regional.
In June of 1999, the Supreme Court determined that individuals with disabilities had the right to receive supports in the community rather than in institutions when three conditions were met:

- The treating medical professionals determined that a community setting was appropriate;
- The person with a disability did not object to living in the community;
- The provision of services in the community was a reasonable accommodation.
As a Result of The Olmstead Decision

- All states were required to take the steps necessary to serve individuals with disabilities in the community when the three conditions stated in the ruling were met.
- Subsequent Settlement Agreements with State’s across the nation were entered into a decade later to foster enhanced compliance.
Georgia’s Settlement Agreement with the U.S. Department of Justice

- In October 2010, the Settlement Agreement resolves the Civil Rights Division’s complaint against the State of Georgia regarding the State’s failure to serve individuals with developmental disabilities and mental illness in the most integrated setting appropriate to those individuals’ needs.

- Establishes targets to be reached by June 2015 for the assistance of individuals with developmental disabilities and mental health disabilities.

- Our housing work focuses on meeting the targets for mental health.
Settlement Agreement: Mental Health Housing Targets

1. Georgia will provide by July 1, 2015, housing supports to 2,000 individuals who are deemed ineligible for any other benefits.

2. Georgia will provide bridge funding to 540 individuals by July 1, 2014, to support a transition to supported housing during the time needed for those individuals to become eligible and a recipient of other supplemental income.
Settlement Agreement:
Mental Health Housing Targets

3. By July 1, 2015, Georgia will serve in community settings 9,000 individuals with serious and persistent mental illness who currently are:

- served in the State Hospitals,
- frequently readmitted to the State Hospitals,
- frequently seen in Emergency Rooms,
- chronically homeless,
- and/or being released from jails or prisons
GA Housing Voucher Program

- Provides state funded rental assistance across Georgia for Settlement Agreement eligible individuals with mental health issues
- Individual can rent at any unit which will accept GHVP
- Units must meet Housing Quality Standards
- Operated by Georgia Department of Behavioral Health and Developmental Disabilities
- By July 2014, GHVP had served 1,574 individuals
  - 118% of the SA goal of 1,400 by June 30, 2014
- 45% had $0 in income at entry
DBHDD Bridge Funding

- Provides bridge funding to individuals to enable their transition to permanent housing options
  - Such as first months rent, utilities deposits, utility and rent arrears, moving costs, household items
- 732 individuals assisted in FY2014.
  - 147% of goal
Building the Capacity to Serve 9,000 Individuals

- DCA has sought to support the State’s effort to build the capacity to serve the 9,000 called for in the Settlement Agreement

- Our first step to support this goal was to create a plan to evaluate existing & potential resources - 2012
  - Enlisted the assistance of the Technical Assistance Collaborative, a nonprofit TA provider
  - Prepared in collaboration with Department of Behavioral Health & Developmental Disabilities & Department of Community Health
Strategies to expand affordable housing opportunities

- DCA has established sub-strategies designed to improve access to affordable housing opportunities
  1. DCA Housing Choice Voucher Resources (HCV)
  2. Shelter Plus Care (S+C) Sponsor-Based Expansion
  3. Section 811 PRA Funding through the Frank Melville Reinvestment Act
  4. Integration of Tax Credit Units to Populations with Disabilities
  5. Outreach to Other Public Housing Authorities
1. Housing Choice Voucher

- Create a wait list preference for persons covered by the Department of Justice Settlement Agreement

- Individuals must meet DCA HCV eligibility requirements

- Units must be leased in the DCA HCV program jurisdiction

  - 149 counties:
    - All counties except: Bibb, Chatham, Clayton, Cobb, DeKalb, Fulton, Glynn, Muscogee, Richmond, and Sumter
1. Linking DCA’s HCV to DBHDD GHVP Participants

- Partnership offers HCV as a substitute for GHVP assistance, enabling individuals to move to federal program and, thus, freeing up more flexible GHVP vouchers (i.e. state resources) for those most in need
  - HCV is a permanent subsidy as long as household remains compliant with terms of the program

- Beginning in 2014, individuals can either:
  1. Transition from the state funded GHVP
  2. Transition directly to the Housing Choice Voucher

- Bridge Funding is available

- Since its implementation, 143 households had transitioned by January 31, 2015.
2. Maximizing Shelter Plus Care Production

- DCA partners with nonprofit providers of supportive services through the Shelter Plus Care Program to provide rental assistance to individuals who are homeless and have a disability.
  - Nonprofit serves as “sponsor” — renting units on behalf of tenants.
  - Many of the individuals have a mental health disability and are eligible under the Settlement Agreement.
2. Maximizing Shelter Plus Care Production

- In 2011, the most recent data available when we were working on our plan, we knew that 4% of the funds received by the State were not used, equaling 150 vouchers.

- Federal Funds available to the state were being returned to the federal government.
2. Maximizing Shelter Plus Care Production

- We have focused on working to over serve our grants to maximize these resources.
- In October 2012, we had 1,473 units in production
- As of January 2015, we have 1,778 units in production
- 62% of grants at contract/over serving in April 2013
- 82% of grants at contract/over serving in January 2015
3. Section 811 Project Rental Assistance Demonstration Program

- Create long-term affordable rental units for extremely low income persons with disabilities while also making available appropriate support and services

- Access quality rental units integrated within the community
3. Section 811 PRA: Georgia’s Award

- Georgia was one of 13 states selected in February 2013 through a competitive application process to participate in this new demonstration program that will provide long-term project-based rental assistance to persons with disabilities.
  - $4.1 Million for 5 years of rental assistance for 134 units

- Subsequently applied in May 2014 for $10 Million to assist 350 units; Announcement Pending
3. Section 811 PRA: Interagency Partnership Agreement

- Tri-Party Agreement to implement program:
  - Department of Community Affairs (DCA)
  - Department of Behavioral Health and Developmental Disabilities (DBHDD)
  - Department of Community Health (DCH)

- DCA will administer the vouchers; receives funding

- DCH and DBHDD will provide funding and support services to make it possible for individuals to live in the community in housing of their choice
3. Section 811 PRA: Property Selection Criteria

- Within Tax Credit Compliance Period

- No outstanding compliance issues

- Owner & property manager have a demonstrated record of operating success, evidenced by no less than 90% physical occupancy across their respective portfolios

- Property is within geographic area of service providers
3. Section 811 PRA: Identification of Units

- From 3 Pools:
  - Pool 1: Properties Affiliated with PHAs
    - Since 2000, 48 PHA-affiliated developments
    - Shared mission to serve the most vulnerable populations
    - Experience with HUD programs and systems
    - Access to transportation
3. Section 811 PRA:
Identification of Units

- Pool 2: Tax Credit Developments Financed in 2011 and 2012 Rounds
  - Were incentivized to set aside units to accommodate individuals targeted under the Settlement Agreement

- Pool 3: Tax Credit Developments Participating in the Georgia Housing Voucher Program
  - Owners are experienced with population
  - Expand access to limited GHVP if individuals transition to 811 PRA voucher
3. Section 811 PRA: To Facilitate Roll-Out, Target...

- To larger communities with public transportation pending DCH and DBHDD concurrence
  - Atlanta, Augusta, Columbus, Macon, and Savannah
- To Owners with experience with TRACS and EIV
- To larger developments so that 15 units or more can be put under one contract
  - But no less than 5 units at a single property
3. Section 811 PRA: Ineligible Tax Credit Properties

- Development cannot have an existing use restriction for persons with disabilities, including:
  - Contracts for Shelter Plus Care
  - PBRA targeted to persons with disabilities

- Properties restricted to individuals aged 62 years or older
3. Section 811 PRA: Coordination of Services for Support of Tenant

- DCA, DBHDD, and DCH will work with local service providers and property owner to enter into a Memorandum of Understanding for each property detailing how the program will be operated, referral process, support service coordination, process for filling vacancies, Due Process, confidentiality, etc...

- DCH and DBHDD will monitor services provided to each tenant
  - Note: Tenant is not required to engage in services as a condition of the receipt of 811 assistance
3. Section 811 PRA: Where Are We Now?

- DCA and HUD signed Cooperative Agreement with HUD on October 30, 2014

- Goal is to have the first 40 units under RAC contract by July 1, 2015, with final 15 units under contract in Spring of 2018

- Total of 135 units under this initial contract
3. Section 811 PRA:
Key Next Steps

- Affirmative Marketing Plan Developed and Approved by HUD – Submitted January 30, 2015
- In process of procurement of TRACS Vendor – assist with reporting and payment review
- In process of establishing Internal Accounting Systems.
- In process of establishing Program Oversight Structure
- Refine Tenant Referral Processes
- Establish Local Community Network
- Training and Education of Local Providers and Owners within each Community
- Outreach to and Selection of Property Owners in target communities
4. Integration within Tax Credit Units

- Each Tax Credit development must have a marketing plan for the outreach to tenants with special needs, including those under the Settlement Agreement.
  - Each development must provide outreach to service providers, homeless shelter or disability advocacy organizations in county.

- Incentivize through the 2015 competitive application process:
  - Developments with a commitment of HUD Section 8 project-based rental assistance from a Public Housing Authority which has elected to offer a tenant selection preference in their Voucher programs for persons with specific disabilities identified in the Settlement Agreement: No more than 10% of units.
  - Developments which agree to accept a Section 811 PRA Contract if made available.
5. Outreach to Local PHAs

- DCA proposes to work collaboratively with DBHDD and DCH to develop an outreach and education initiative targeted specifically to PHAs.

- 188 public housing agencies administer over 60,000 vouchers and own/manage over 44,000 units of public housing in Georgia.

- Ensure consistency in communications strategy.
Olmstead: Ms. Curtis’ Life Today

- Lois Curtis
Olmstead: What It Really Means

- The case ultimately was about “giving people a chance to lead meaningful lives.”
  - Charlie Bliss, Atlanta Legal Aid Lawyer, on the 15th Anniversary of the Olmstead Decision in 2014

- Alfred Brooks, RESPECT Institute of Georgia

- Zinda S.
Questions?
Thank You

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