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# Fact Sheet

## Community Living Exchange

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Housing Information Update #22:  
Department of Justice and the Housing  
Authority of Baltimore City Reach  
Landmark Accommodations Agreement

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The Community Living Exchange at Rutgers/NASHP provides technical assistance to the Real Choice Systems Change grantees funded by the Centers for Medicare & Medicaid Services.

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*This Information Update is the twenty-second in a series to be made available to improve awareness and understanding of alternative approaches to expand affordable and accessible housing choices for Americans with disabilities. These updates will feature new publications, policy developments at a federal, state, and local levels, and other strategies being pursued by grantees, community and faith-based organizations, and housing agencies to respond to the Olmstead "Community Inclusion" mandate. These Information Updates are being prepared by Michael Morris, Director of the National Disability Institute at the NCB Development Corporation on behalf of the Community Living Exchange at the Rutgers University Center for State Health Policy. To contact Michael Morris directly, his email address and phone number are [mmorris@ncbdc.org](mailto:mmorris@ncbdc.org), (202) 521-2930*

## **HOUSING INFORMATION UPDATE NUMBER 22**

### *Department of Justice and the Housing Authority of Baltimore City Reach Landmark Accommodations Agreement*

On September 29, 2004, the Department of Justice announced the settlement of a lawsuit alleging a pattern of discrimination by the Housing Authority of Baltimore City (HABC) against low-income people with disabilities. The agreement, the first of its kind, enforces Department of Housing and Urban Development (HUD) regulations against a public housing authority. Under the agreement, HABC will implement changes to its housing facilities, programs, policies and practices; commit several million dollars to provide over 2,000 new housing opportunities for individuals with disabilities; and pay \$1,039,000 in damages.

The complaint, specifically, alleges that HABC discriminated in both its public housing and Section 8 subsidized housing programs by: (1) denying access to HABC public housing and Section 8 housing programs to people with disabilities; (2) operating housing programs that are not accessible to people with disabilities; (3) failing to make available a sufficient number of public housing units that are fully accessible to people with mobility impairments and/or vision or hearing impairments; (4) failing to make common areas of its public housing developments and its administrative offices accessible to people with mobility impairments; (5) unlawfully excluding nonelderly people with disabilities from "mixed population" housing; (6) failing to complete a timely assessment of the needs of people with disabilities for accessible housing as required by Section 504 and Title II regulations; (7) failing to distribute accessible units throughout its public housing developments in a sufficient range of sizes comparable to those available to people without disabilities and failing to maximize the placement of people with disabilities in accessible public housing units; (8) failing to grant requirements for reasonable accommodation to applicants for and recipients of Section 8 housing vouchers; and (9) failing to provide assistance to Section 8 applicants with disabilities in finding and retaining suitable housing, including accessible housing for people with mobility impairments.

Under the agreement, HABC is required to establish a \$1,000,000 fund to compensate individual victims of discrimination who will be identified through a claims process and pay a total of \$39,000 to the individuals who filed a private suit against HABC. The agreement will cost HABC nearly \$10 million in fines and costs of compliance. A ten-year agreement between the two sides requires HABC to:

1. Provide 830 federally-compliant accessible public housing units; create 1,850 new affordable housing opportunities for non-elderly people with disabilities through both public housing and through Section 8 rental subsidy programs; and provide extra assistance to people with disabilities seeking to use Section 8 subsidies to rent privately-owned housing units in Baltimore;
2. Identify privately-owned housing units in Baltimore that have accessibility features useful for people with physical disabilities and encourage landlords to rent these units to low-income people with disabilities;
3. Implement an effective system for responding to tenants' and applicants' requests for reasonable accommodations in HABC's rules or practices as well as modifications to public housing units if needed for disability-based reasons;
4. Adopt and implement effective nondiscrimination policies and procedures; implement training programs for HABC employees to ensure compliance with the consent order and with federal civil rights laws prohibiting disability discrimination; and develop procedures for effective communications with people with disabilities.

Local advocates can take considerable guidance and leverage from the HABC agreement. Advocates should work with local housing authorities to ensure that:

1. All housing programs are accessible to people with disabilities;
2. A sufficient number of public housing units are fully accessible to people with mobility and/or hearing or visual impairments;
3. Common areas of public housing developments and the attendant administrative offices are accessible;
4. Nonelderly people with disabilities are included in mixed population housing;
5. Requests for reasonable accommodations are filled;
6. Accessible units in public housing developments in a sufficient range of sizes comparable to those available to people without disabilities are provided and people with disabilities wishing to live in these units are properly placed.

Advocates and local housing officials should be mindful of the requirements and purposes of the Section 8 vouchers (housing choice vouchers) program. The two sides should work together to ensure that all requests for reasonable accommodations made by recipients of Section vouchers (housing choice vouchers) are filled. Assistance to Section 8 applicants with disabilities in finding and retaining suitable housing must be provided.

The agreement between HABC, the Department of Justice, and the Maryland Disability Law Project (who brought the case forward) makes clear the consequences of a pattern of practices that discriminate against people with disabilities related to the accessibility and availability of public housing and reasonable accommodation requirements related to the use of housing choice vouchers. The federal government will enforce the Fair Housing laws and this agreement places all public housing authorities on notice that they must affirmatively meet the housing needs of people with disabilities. Housing authorities who rebuff efforts by advocates to see that the authority complies with federal laws and regulations should view the HABC settlement as an important warning.

### **Additional Information**

A copy of the consent decree is available on the Justice Department's website at <http://www.usdoj.gov/crt/housing/caselist.htm>.