

To: El Dorado County Board of Supervisors

Re: Public Comment for El Dorado County Housing Element Implementation Progress Report, 3/19/2019, Items 19-0149 and 19-0227

Date: March 15, 2019

From: Karen Mulvany, Chair, Sacramento Regional Advisory Committee, State Council on Developmental Disabilities

Housing Considerations for Residents with Intellectual and Developmental Disabilities (I/DD)

For the past two years, representatives from the SCDD have been collaborating with County planners to identify new housing solutions and opportunities for county residents with I/DD and their families, also assessing the County and family cost exposure to the care solutions associated with each housing option.

Of the 1150+ regional center “consumers¹” living in El Dorado County (EDC), over half are 21 or younger. The State Council on Developmental Disabilities (SCDD) estimates that there are an estimated 2300+ residents with I/DD in the county, given that the regional center enrollment rate is about 50% of those eligible. The major housing options for people with I/DD are:

<u>Housing/Living Setting</u>	<u>Restrictive Measure*</u>	<u>Eligible for IHSS?</u>	<u>Living Cost for Resident and/or Family**</u>
Living Independently in a rented or owned unit	Least Restrictive	Yes	highest
Living with Parents/Family	↓	Yes	moderate
Living in an HCBS ² Residential Facility (Group Home)	↓	No	zero to minimal
Living in an Institution	Most Restrictive	No	zero to minimal

* Least Restrictive is preferred by law, if appropriate and available

**Cost for independent living also depends on whether the resident has secured a section 8 housing voucher and if it is accepted

The vast majority (81%) of our regional center residents live with family members. There are no institutional facilities (intermediate care or skilled nursing) in the county, and licensed and vendored community care, or residential, facilities contain only enough beds to house about 47 people. Statewide, about 9% of regional center consumers live in residential facilities, versus about 4% for our county³.

Where Regional Center Consumers Live, 2019

El Dorado County and Statewide, and High and Low Percentage Counties

<u>Housing Option</u>	<u>EDC</u>	<u>Statewide</u>	<u>High County</u>	<u>Low County</u>	<u>Rural Comparables</u>		
Parent/Guardian	81%	78%	90% Imperial	49% Marin	57%	Shasta	63% Butte
Community Care Facility	4%	9%	22% Marin	2% Imperial	16%	Shasta	8% Butte
Independent Living	14%	9%	30% Lake	5% Riverside	21%	Shasta	27% Butte
ICF	0%	2%					
SNF	0%	0%	(Excludes counties with < 100 consumers)			Shasta	Population 180,000
Other	1%	1%			Butte	Population 225,000	

¹ People with I/DD who are eligible and receive state funded services from a regional center are termed “consumers” under state law (Welfare and Institutions Code).

² HCBS = Home and Community Based Services, which meet federal and state standards to enable individuals who are eligible to live in an institution to instead live in a community setting.

³ See <http://www.dds.ca.gov/FactsStats/QuarterlyCounty.cfm>

For people with I/DD, housing is inexorably linked with the daily care services that each individual requires in order to live. I/DD care services are typically funded through state and federal government programs, which in turn fund regional centers, which in turn fund service providers. However, IHSS, or In Home Support Services, is partially funded by local city or county jurisdictions. The county share of IHSS expense is expected to increase in coming years due to rising minimum wage, growing expected enrollment, and a change in the formula used to calculate the county's share of cost.

1. Residential Facilities

Alta California Regional Center (ACRC), which coordinates state and federally funded services for these individuals, has identified a need for more HCBS-compliant residential facilities in El Dorado County⁴. Each vendored residential facility may house up to 4 individuals in a residential neighborhood, with the home's staffing and care monitored by Community Care Licensing and the Regional Center. Although residential facilities are deemed more restrictive than the family home, this more comprehensive regional-center funded housing option includes food, utilities and care services, making it the least costly living option from the perspective of people with I/DD and their families.

Residents of an HCBS-compliant residential facility are not eligible for IHSS. Consequently, whenever a citizen who is now receiving IHSS benefits moves into a vendored residential facility, those IHSS benefits are terminated – along with the county's share of that cost. With 53% of the county's regional center residents under age 21, the lifetime IHSS cost considerations, and potential savings with more residential facilities, are significant.

Alta California Regional Center requires that its vendored homes be single-story only, meaning that 5 bedroom, one story structures are typically required to accommodate overnight staff/administrators and residents. Such single family home configurations are in very short supply and realistically must be newly constructed to meet demand. **Consequently, any County assistance, incentives, and/or permit relief for developers of new residential facilities will benefit the county's residents with I/DD and the County itself, given the opportunity to curtail growth in IHSS expenses.**

2. Accessory Dwelling Units

About 14% of El Dorado County regional center residents live in their own homes, supported by care staff if needed. This is better than the statewide average of 9%, but lower than the 20-30% that some other rural counties have achieved (i.e. Lake, Shasta, and Butte counties). The primary barrier to greater independent living is the high cost of rental housing, as under this model, residents with I/DD pay for their own living expenses while the regional center covers the cost of care staff.

Over the past few years, second units have been renamed in state law as Accessory Dwelling Units (ADUs), and these have become a keystone of the state's affordable housing plan to address the housing crisis. Notably, the legislature has declared that ADUs are intended for family members and the disabled, along with seniors, veterans, and other populations in need⁵. As of 2017, it is now mandatory that local jurisdictions update ADU ordinances in compliance with new state laws. Because there is no regional-center funded 24x7 care solution available for people with I/DD who live in the family home, many families will be highly motivated to create ADUs for their relatives with disabilities, in order to secure a staffed housing/living solution that will survive the eventual passing of parents.

⁴ See ACRC RFPs at <https://www.altaregional.org/request-proposals-rfp>

⁵ See Government code section 65852.150(a)(2)
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65852.150.&lawCode=GOV

El Dorado County's existing ordinance for second units allows for square footage of up to 1600 sq. feet on parcels of 1 acre or more, 33% higher than the 1200 square foot baseline specified by the state. Larger ADUs offer many more housing options for people with I/DD, ranging from broadened independent living housing options that could also provide housing for one or more staff, to licensed and vendored residential facilities able to house multiple residents. A new federal income tax exemption now available to live-in IHSS care providers offers economic benefits to counties that facilitate housing solutions large enough to accommodate live-in staff.

Some counties have adopted ADU ordinances that provide an exemption from the ADU owner-residency requirement for public housing agencies, land trusts, or nonprofit housing organizations. Additional possible ADU owner-occupancy exemptions could include licensees of residential facilities who operate both units on the parcel, and beneficiaries of trusts owning the property. A requirement for separate addresses for any kind of ADU, specifically including all attached ADUs⁶, would increase living options for residents with I/DD.

A new option in state law as of 2017 is a *junior accessory dwelling unit*⁷, essentially a type of attached second unit. This option essentially divides the residential capacity of an existing home into two parts by allowing an existing bedroom with an exterior exit to be retrofitted with a kitchenette, while attaching a bathroom which may be shared, to create a new separate living unit within the building envelope. Crucially, a junior ADU creates a new affordable housing unit that can help fulfil the county's Regional Housing Need Allocation (RHNA) obligation, with minimal new construction. Because total residential capacity of the property is unchanged, the state statute exempts such units from code upgrades, sprinklers, additional parking, etc. All of these factors mean that Junior ADUs are likely the least costly means of creating new affordable housing units. These are not presently permitted in the county.

For a resident with I/DD who may be uncomfortable making a complete move away from the family, home, junior ADUs offer a safe, familiar initial step to begin independent living. Such units also offer a new option to seniors who wish to age in place in their own homes, allowing them to secure rental income while maintaining personal privacy.

3. Multifamily Housing

No discussion of I/DD housing would be complete without also advocating for sensory-friendly, universal designs, particularly in multifamily affordable housing. There is a notable need for such housing located near shopping accessible by ADA compliant wheelchairs, so that people who are dependent upon wheelchairs can independently access retail services. At the same time, there are new headwinds to consider, such as the reduced value of tax breaks that have been critical to the development of affordable housing in the past.

Conclusion

New opportunities to create affordable housing are emerging, driven by new state statutes for ADUs, new sources of funding for local jurisdictions, and new statutes streamlining the permitting requirements for affordable housing. We hope that when the County updates its ordinances to comply with new state ADU law, this will be an opportunity to fold in additional provisions to assist our residents with I/DD.

⁶ ADUs with a separate address from that of the parents are especially advantageous because these clearly enable I/DD residents to qualify for a broader range of independent living services, notably supported living services.

⁷ See Sonoma County Junior ADU pamphlet at <http://www.hcd.ca.gov/policy-research/docs/Sonoma-Co-Junior-Dwelling-Units-Pamphlet.pdf>

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