



Tennessee Housing Development Agency Issue Brief: Disparities in Housing Opportunity for those with Disabilities

Part Three of a Six Part Series Examining Issues of Fair Housing in Tennessee

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Key Findings

- Disability is the most common basis for Fair Housing Complaints.
- Tennesseans with a disability have lower incomes and a higher rate of poverty than those without a disability making affordable housing more difficult to find.
- Individual survey respondents with disabilities report that they are welcomed by neighbors but in focus groups, supportive housing providers say neighbors make finding a livable space for adults with disabilities difficult.

Introduction

This brief is the third in a series addressing fair housing issues in Tennessee. The issue brief series presents a summary of research THDA performed between 2018 and 2020 to identify impediments to fair housing choice. The analysis of impediments (AI) research forms the basis of 2020 – 2024 Fair Housing Plan. The plan includes actions and strategies to eliminate or reduce the negative effects of specific impediments based upon the AI research¹.

The Fair Housing Plan identifies three impediments to housing choice related to disability:

- 1) Lack of knowledge about available rental housing opportunities [...] which may disproportionately affect persons [with a disability] who are low income;
- 2) Lack of accessible and affordable rental and for sale housing for persons with disabilities; and
- 3) Lack of understanding of Fair Housing laws

by project sponsors, property managers, landlords, realtors and homeowner associations, which may lead to disparate treatment of persons [with a disability], including the failure to make or approve reasonable accommodations and modifications for persons with disabilities.

Demographics of Persons with Disabilities

Tennesseans with disabilities form a diverse group with varied housing needs. Individuals deal with disabilities at all stages of life. There are several disability types including physical limitations and cognitive impairments. In general, Tennesseans with disabilities have lower incomes and greater incidences of poverty than those without a disability. Taken together, these demographic characteristics indicate that Tennesseans with a disability face a range of physical, social, and economic impediments to housing choice.

Disability impacts Tennesseans of all ages. Statewide, 15.4 percent of the adult population has a disability. The majority of persons with disabilities are between ages 18 and 64. However, more than one-third of Tennesseans over the age of 65 have some type of disability. Approximately one-in-twenty Tennessee children have a disability.

Disability is not a homogenous category, some are obvious and apparent while others are invisible. Different disability types present a broad range of housing needs. The most common type of disability in Tennessee is ambulatory difficulties, accounting for 27.8 percent of the state's disabled population. The next largest category, cognitive difficulties, accounts for 19.6 percent. The incidence of various disability types is relatively consistent across different regions of the state.

Tennesseans with disabilities experience a disproportionately high incidence of financial difficulty and corresponding housing cost burdens. Census data reveal that those with a disability have disproportionately low annual earnings. Over 35 percent of those with a disability have annual

earnings below \$15,000. Less than 25 percent of those without a disability have such low annual earnings. Almost 30 percent of those without a disability have earnings greater than \$50,000; only 19 percent of those with a disability are in that same earnings category. Poverty is also more pronounced among Tennesseans with a disability compared to those without a disability. Persons with a disability have an incidence of poverty 85 percent higher than those without a disability.

Table 1

Annual Earnings by Disability Status		
	With Disability	Without Disability
\$1-\$4,999	15.8%	9.7%
\$5,000-\$14,999	20.9%	15%
\$15,000-\$24,999	16.5%	15.1%
\$25,000-\$34,999	13.9%	15.3%
\$35,000-\$49,999	13.4%	16.6%
\$50,000-\$74,000	11.1%	14.9%
\$75,0000 +	8.3%	13.4%
Source: American Community Survey 2013-2018, Table: S1811		

Table 2

Poverty Status by Disability in Tennessee			
	Total Population	With Disability	Without Disability
Below Poverty Level	14.2%	22.7%	12.3%
Source: American Community Survey 2013-2018, Table: S1811			

Earnings are just one type of income reported by the Census. The measure includes wages earned from a job. Other income sources that are not calculated in earnings figures include benefits like Social Security Disability (SSDI), Supplemental Security Income (SSI) and other forms of public assistance. The median annual earnings of Tennesseans with a disability is \$22,367ⁱⁱ while the annual income of households which include someone with a disability is \$38,500ⁱⁱⁱ. The respective earnings and income of Tennesseans

without a disability are \$31,205^{iv} and \$50,972.^v Regardless of the measure used, Tennesseans with disability, as a group, have lower incomes than other Tennesseans and consequently encounter a narrower range of options in the market for housing.

Table 3

Household Income By Disability Status	
Disability Status	Median Income
No Disability	\$41,000
Any Disability	\$38,500
Source: Cornell University online resource for disability statistics	

Household Income By Disability Status	
Disability Type	Median Income
Visual	\$36,500
Hearing	\$40,500
Ambulatory	\$38,500
Cognitive	\$36,500
Self-Care	\$40,500
Independent Living	\$32,400
Source: Cornell University online resource for disability statistics	

Barriers to Housing Opportunities for those with Disabilities

Tennesseans with disabilities face frequent barriers to housing choice. Disability is the protected class most commonly cited by Tennesseans filing fair housing complaints with the US Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity.^{vi} Since 2016, complaints by those with a disability number more than all other protected classes combined.

Housing discrimination takes many different forms. Discrimination in terms, conditions, and privileges relating to rental housing is the most common form of housing discrimination encountered by persons with a disability. Persons filing fair housing complaints report failure to make reasonable accommodation almost as frequently, meaning the individual with the disability has requested an accommodation to allow them to use and enjoy a housing dwelling that was denied; therefore, making housing access more difficult.

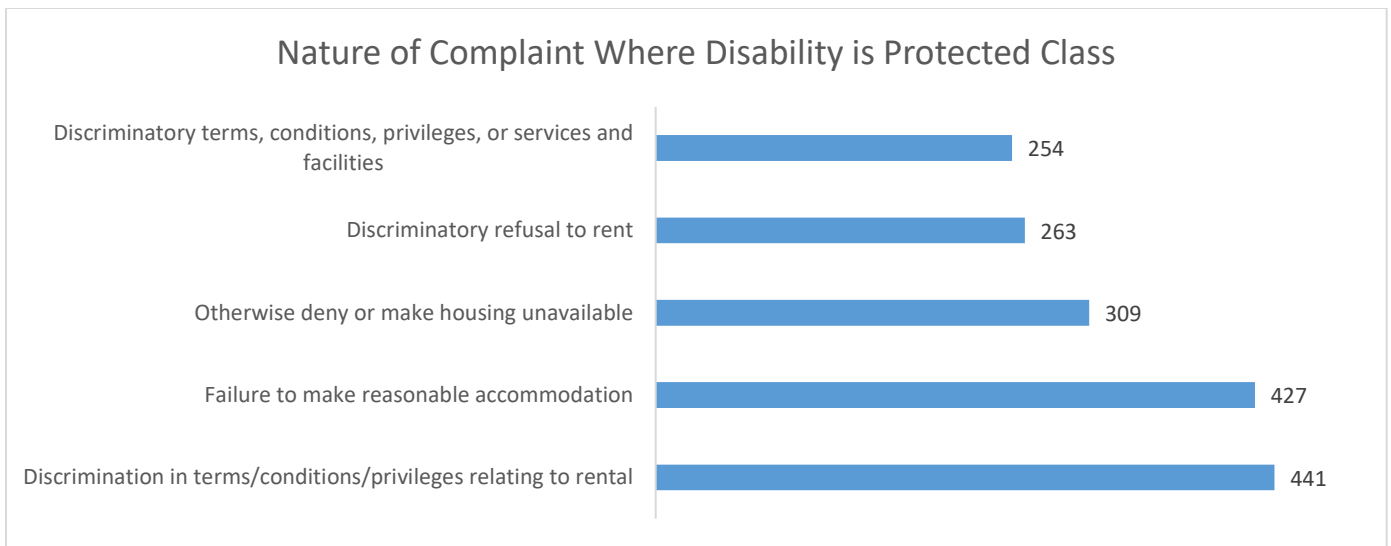


Figure 1

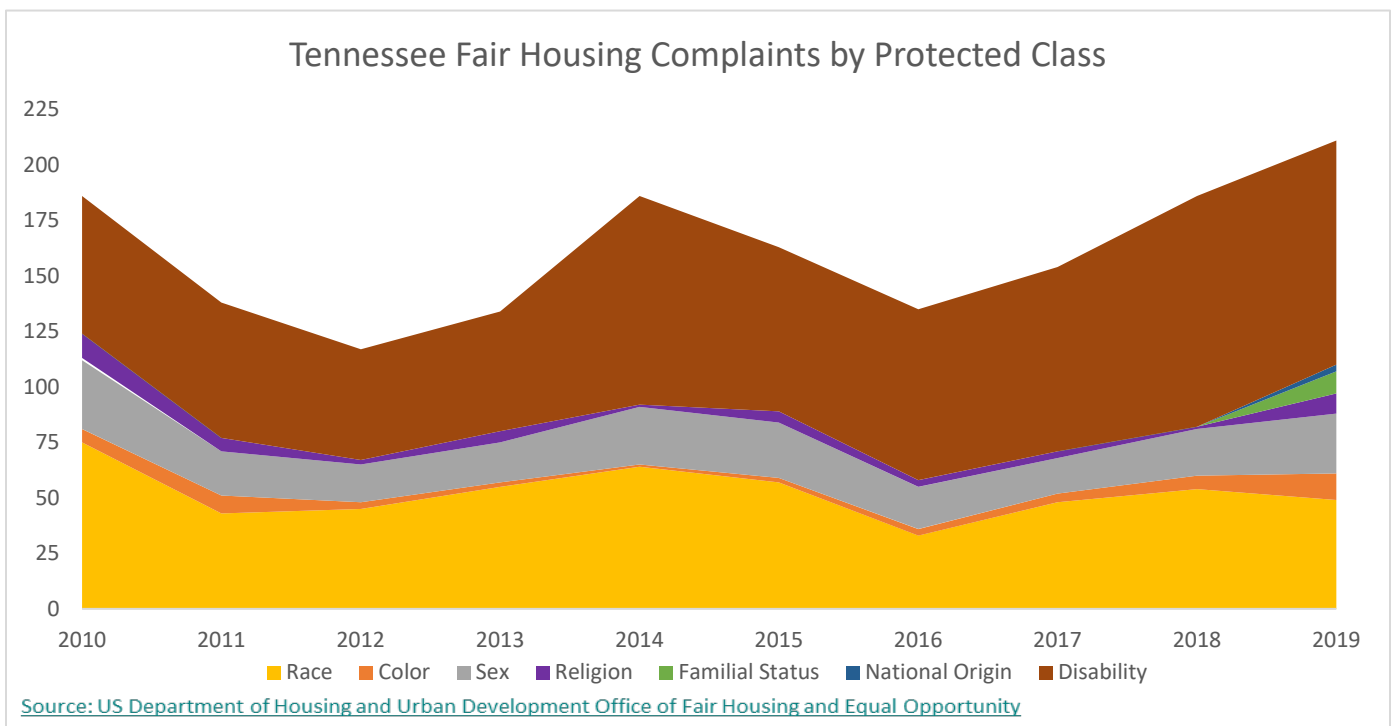


Figure 2

From Tennesseans and Affordable Housing Stakeholders

The Fair Housing Plan speaks directly to the lived experience of Tennesseans with disabilities. In 2019, THDA gathered comments from Tennesseans about their experiences in the housing market through an online survey and a series of focus group discussions. Nearly 400 survey respondents (29.6 percent) indicated that a member of their household has a disability.^{vii} Some respondents mentioned a

lack of knowledge about affordable housing opportunities. Specifically, survey respondents mentioned being unable to find available housing with specific accessibility features. Focus group participants in rural areas of the state mentioned that it was difficult to find resources available in their communities. Some expressed the need for a way to identify available options, especially for specific disability subpopulations. In general, the responses indicated that there are too few housing options for

persons with disabilities. This is due in part to neighbors misunderstanding the nature of specialized housing options for certain disability types.

The survey also provides further evidence of confusion on the part of landlords and others regarding their responsibilities under the Fair Housing Act and the Americans with Disabilities Act. This feedback informed the identification of impediments and actions to overcome them. Among households that include a person with a disability responding to the survey, nearly half require an accommodation (48.4 percent). When asked about their most recent housing search, 34.8 percent of respondents answered that they did not find more than one good option for an accessible unit to buy or rent.

The survey and focus group discussion provided mixed results regarding community inclusion. When asked about their experiences, half of survey respondents indicated that neighbors were supportive of them living in the neighborhood. The focus group attended by persons with a disability, family members, and advocates offered a different perspective.^{viii} A representative from a non-profit for adults with developmental disabilities relayed that she faced fierce “NIMBYism” (Not In My Back Yard) from neighbors when proposing to purchase or rent homes for adults with developmental disabilities to live together. Persons with developmental disabilities often benefit from living together in a service-enriched supportive community. Other representatives from various organizations that provide aid to those with disabilities agreed that they have encountered strong push-back when trying to find a place for adults with disabilities to live together. Reasons listed from the neighbors included claims of excess ambulance traffic and that multiple people living together who are not blood-related is a disruptive use in their neighborhood.

The differences between the survey and the focus group may be that the survey reached individuals with certain disability types who are able to speak up for themselves. On the other hand, the focus group specifically engaged advocates for individuals with a range of disability types that may have disallowed

them from participating in the survey and invited them to discuss the experiences of the individuals they serve on their behalf.

Like other states, Tennessee’s zoning enabling laws explicitly classify group homes for persons with disabilities as residential use. Such homes must be permitted anywhere other residences are permitted without additional administrative burdens^{ix}

Regardless of these provisions, some jurisdictions effectively exclude housing intended for persons with certain disability types. Narrow definitions of “residential land use,” “family,” and “dwelling” in zoning codes can easily exclude housing for persons with cognitive and self-care disabilities. Some municipalities deem these uses as a special use and require a weeks- to months-long process, including public comment, to obtain approval. This process can be burdensome for supportive housing providers and is often where potential housing is halted.

The survey asked respondents to provide open-ended comments on anything related to housing and their disability. Several of the responses mentioned neighborhood infrastructure, inadequate sidewalks and streets for ease of mobility. Others mentioned a landlord or property management ignoring requests for accommodation. Some even reported being threatened with eviction due to accommodation requests. Several respondents mentioned affordability, some for homes or rentals in general, and others about specific accommodations. One respondent stated “a poor housing environment has contributed to deterioration of [my] condition and well-being.”

Please indicate if you have had any of the following experiences:

201 Responses	Yes	No	N/A
Trouble getting the landlord to make the requested accommodations for me or my household member's disability	21.4%	29.4%	48.8%
The landlord refused to accept my assistance animal	6.5%	27.4%	64.7%
The HOA in my neighborhood wouldn't let me make necessary changes to my house or property for my household member's disability	3.5%	19.9%	75.6%
My landlord or Homeowners' Association worked with me to get the accommodations I need.	13.9%	19.4%	64.7%
I had more than one good option to choose from among the accessible units I considered buying or renting.	18.4%	34.8%	44.8%
I had to get help from an organization to find housing that met my or a member of my household's needs	16.4%	32.8%	49.3%
Neighbors are supportive of having me in the neighborhood.	50.2%	15.4%	32.8%

Table 4

THDA is Taking Action to address these Impediments

In order to address the lack of knowledge about available rental housing opportunities which may disproportionately affect low-income persons with a disability, THDA is taking the following actions:

- Educate THDA grantees, operators of affordable housing properties, and other state and federal partners about the features within TNHousingSearch.org that allow for listing detailed accessibility features, marketing accessible units to persons with disabilities and targeting special populations; and
- Improve collaboration and communication between local service providers and THDA's housing choice voucher program in order to support the transition of homeless individuals to permanent housing opportunities through THDA's Non-Elderly Disabled (NED) voucher program.

Additionally, THDA is taking affirmative action to address the lack of accessible and affordable rental

and for sale housing for persons with disabilities. Actions to overcome this impediment include:

- Prioritizing the development and preservation of affordable rental housing for the elderly, persons with disabilities or other special needs in THDA's competitive grant programs;
- Targeting low-income elderly and disabled homeowners in THDA's Home Modifications and Emergency Repair Programs;
- Incentivizing universal design (UD) features in THDA's grant funded development programs;
- Requiring Center for Medicare & Medicaid (CMS) accessibility standards in certain multifamily properties developed through THDA programs; and
- Prioritizing assistance to organizations that embrace a "Housing First" approach by minimizing barriers in access to services, such as criminal background, financial requirements, and sobriety.

Finally, THDA is working to educate project sponsors, property managers, landlords, realtors and homeowner associations about fair housing and disability issues. In this way the agency is

working to alleviate the lack of understanding of fair housing laws which leads to disparate treatment of persons with a disability, including the failure to make or approve reasonable accommodations and modifications for persons with disabilities. Specific actions include:

- Collaborating with fair housing agencies to develop educational materials specific to fair housing for persons with disabilities to improve understanding of the requirements and the need to improve housing choice for persons with disabilities through reasonable accommodation and reasonable modifications; and
- Distributing educational materials digitally on THDA's website, TNHousingSearch.org and by sharing with partner agencies for posting.

Further Considerations

Persons with disabilities face impediments to finding accessible, affordable housing. This is due to inaccessible infrastructure, discrimination from landlords, and simply having lower incomes on average than those without disabilities. These factors make finding affordable housing difficult. The Fair Housing Perspectives & Analysis Supporting brief delves further into the actions THDA has either began or planned to begin in order to address these impediments.

As a recipient of federal block grant dollars, the State of Tennessee is required to take meaningful action to further fair housing choice^x. THDA is one of three state agencies that must engage in consolidated planning every five years, meant to assess the affordable housing and community development needs within their jurisdiction.

Prior to September 2020, the Department of Housing and Urban Development (HUD) required grantees to perform an Analysis of Impediments to Fair Housing Choice (AI) as part of the consolidated planning process. The purpose of the AI is to identify barriers to fair housing choice. While recent federal guidance no longer requires and AI or similar formal assessment of housing barriers, the State completed AI research in, prior to the new rulemaking, and developed a series of briefs to explain the

impediments and actions identified in the 2020 - 2024 Fair Housing Plan.

Other Briefs in This Series

Arik, Hulya; McCarthy, Kevin C, "Racial and Ethnic Disparities in Home Mortgage Originations in Tennessee." Tennessee Housing Development Agency, January, 2021.

Anderson, Teresa; Swanson, Laura "Overview of Findings Supporting the Fair Housing Plan & Perspectives on the State of Fair Housing." Tennessee Housing Development Agency, January, 2021.

McCarthy, Kevin C., "State of Publically Assisted Rental Housing in Tennessee." Tennessee Housing Development Agency, *forthcoming*.

McCarthy, Kevin C; Randle, Zelinka, "Barriers to utilizing Housing Choice Vouchers" Tennessee Housing Development Agency, *forthcoming*.

Webb, Megan, "Fair Housing Impacts of Utility Costs and Broadband Access in Tennessee." Tennessee Housing Development Agency, *forthcoming*.

<https://thda.org/research-reports/issue-briefs>

ABOUT THDA

As the State's housing finance agency, the Tennessee Housing Development Agency (THDA) is a self-sufficient, independently funded, publicly accountable entity of the State of Tennessee. THDA's mission is to ensure that every Tennessean has access to safe, sound, affordable housing opportunities. More information about THDA programs can be found online at www.thda.org.



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ⁱ Between 2015 and 2017, HUD implemented a new AFFH rule that required grantees to perform a more expansive Assessment of Fair Housing (AFH). Only a few jurisdictions had completed an AFH when the process was suspended in 2018. For two years, the regulatory requirement reverted to an AI. This time period coincided with preparation of THDA's five-year consolidated plan. In September 2020, the Preserving Community and Neighborhood Choice rule took effect. The new rule eliminates the requirement to produce a document memorializing a formal analysis of barriers to housing choice. However, the rule is explicit that grantees must "take active steps to address discrimination in the rental and sale of housing" and that grantees must "at a minimum, to evaluate potential barriers to affordable housing." The new framework "returns control" to states and local governments, freeing them to perform a more meaningful analysis of fair housing, sensitive to their own unique circumstances. Also, see the forthcoming brief in this series "Fair Housing Implementation in Tennessee under Preserving Community and Neighborhood Choice."

ⁱⁱ ACS 2018, five-year estimate, table S1811

ⁱⁱⁱ Median household income for all households that include a disabled person (regardless of age or work status) is not readily available from the ACS tables. Thus, for purposes of this analysis, the Cornell University online resource for disability statistics (based upon ACS data) was accessed to find the median income for households with a working age disabled member (21 to 64).

^{iv} ACS 2018, five-year estimate, table S1811

^v ACS 2018, five-year estimate, table S1903

^{vi} The complaint data show the nature of the alleged discrimination, the protected class status involved and the resolution of the complaint. An individual complaint may allege discrimination based upon participation in more than one protected class. The total complaints by protected class are not unduplicated. Therefore, a single complaint may be counted in more than one protected class category in the analysis.

^{vii} The 2019 Tennessee fair housing survey was designed by THDA staff with consultation by ABT associates specifically as one measure of analyzing impediments to fair housing choice in Tennessee. The survey asked individual Tennesseans to share their experiences in the housing market, as well as key

demographic data. It was posted on THDA's website between May and October 2019. Of the 1,955 survey respondents, 566 reported searching for housing to buy, and 533 searched for rental housing during the last year. Due to the sample size, particularly in relation to some questions, reliability when generalizing the findings beyond the parameters of this analysis may be limited.

^{viii} Seventeen focus groups were held across the state with meetings in each of Tennessee's "Big Four" most populous cities and in rural communities in each of the state's three

Grand Divisions. Elected officials, staff of the state's nine development districts, and other organizational stakeholders, such as real estate trade organizations, attended many of the focus groups.

^{ix} Tennessee Annotated Code 13-24-101

^x This obligation is generally described as the duty to Affirmatively Further Fair Housing. It is explicitly required of recipients of federal funds under the Fair Housing Act, the Housing and Community Development Act and implementing administrative rules.