

The process for an appeal regarding a home modification is to call or write to the MCO. If denied, the next step is to file a state fair hearing. Participants can find help with this process in two places on the KanCare website: [bit.ly/3btic0n](http://bit.ly/3btic0n) and [bit.ly/3uSRSEU](http://bit.ly/3uSRSEU). Or they can call the KanCare Ombudsman office at 1-855-643-9180.

### **Vocational Rehabilitation (VR) Services, Kansas Department of Children and Families (DCF)**

This program assists Kansans with disabilities to become gainfully employed. For VR clients, home modifications may be covered if they are intended to remove barriers to access and functioning and allow the VR client to achieve an employment outcome. Home modifications must be written into the client's Individual Plan for Employment (IPE). Modification of rental property can be considered, depending on several issues. For more information, see [bit.ly/3fi8KhG](http://bit.ly/3fi8KhG).

### **Client Assistance Program (CAP)**

For VR clients who disagree with a decision of the VR agency, the CAP can assist with advocacy services to help protect the rights of persons receiving or seeking services under the Rehab Act. The Disability Rights Center of Kansas (DRC) administers the program. Learn more at [bit.ly/3w9ouua](http://bit.ly/3w9ouua).

### **U.S. Housing and Urban Development (HUD) - Older Adult Home Modification Program**

Assists nonprofit organizations, state and local governments, and public housing authorities with safety and functional home modifications and limited repairs to meet the needs of low-income elderly homeowners. These funds are available to local agencies that have applied for grants, so contact a CIL or other local organization to discover local program availability.

### **The US Department of Veterans Affairs (VA) Specially Adapted Housing Grant Program**

Veterans and service members with certain service-connected disabilities can use grant funds for the purchase or construction of a new home, or the modification of a current home. The applicant must own the home and must have a qualifying service-connected disability. [bit.ly/2SYa8hZ](http://bit.ly/2SYa8hZ)

### **Rural Housing Repair Loans and Grants program funded by the United States Department of Agriculture (USDA)**

Grant recipients must be very low-income homeowners 62 years or older. Low interest loans are available to recipients under age 62. Funds may be used to modify existing residences to create safer living quarters. USDA also offers assistance at local levels, and some have broader eligibility requirements. Kansas-specific information can be found at [bit.ly/3oyKUCJ](http://bit.ly/3oyKUCJ).

#### **For More Information**

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\*<https://www.ncd.gov/publications/2010/Jan19201>  
\*\*<https://archives.hud.gov/local/nv/goodstories/2006-04-06glos.cfm#:~:text=Affordable%20Housing%3A%20Affordable%20housing%20is,for%20housing%20costs%2C%20including%20utilities>

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## **Housing for Kansans with Disabilities: A Resource**

Housing—as a physical structure and as the setting for many life activities—is a social determinant of health; that is, an element of the conditions in which people are born, grow, live, work and age that can strongly influence health.

Good health depends on having adequate housing that is safe and does not contribute to health problems. For people with disabilities, finding adequate housing is difficult if accessible features are needed—such as a barrier-free entrance, an accessible bathroom, or an environment free of harmful chemicals. Additionally, disability stigma can prevent qualified renters from accessing housing. Because people with disabilities often have lower income, finding affordable housing, generally defined as housing for which the occupant is paying no more than 30% of gross income for housing costs, including utilities\*\*, can be a problem.

Provided below is a list of regulations regarding housing, and programs that address barriers to or provide supports for housing in Kansas.

### **Fair Housing Act (FHA)**

The FHA, as amended in 1988, is a federal law prohibiting discrimination based on disability and other characteristics when a person is buying, renting, or securing funds for a home.

Under the FHA, a person with a disability can request reasonable accommodations (such as a rental application form in large print) and reasonable modifications (such as installing grab bars or a ramp at their own expense) from housing owners to facilitate accessible and equal housing opportunities. Reasonable modifications might also include:

- Assigning an accessible parking space to a person with mobility limitations
- Permitting a tenant to transfer to a ground floor unit
- Adjusting a rent payment schedule to accommodate receipt of income assistance
- Permitting a support animal in a “no pets” building for a tenant who requires assistance.

Additionally, for a tenant in federally assisted housing, the housing provider may be required to pay for the modifications if it does not create an undue burden.

The FHA also establishes certain accessible design and construction requirements regarding accessibility of multifamily dwellings consisting of four or more units (such as apartment complexes) constructed after March 13, 1991. For more information on the FHA, see [bit.ly/3eSift1](http://bit.ly/3eSift1).



**Disability and Health Program**  
kansans with disabilities can be healthy

“Affordable, accessible, and appropriate housing is critical and integral to making a community more livable for people with disabilities”  
(National Council on Disability, 2010).\*

Also, Fair Housing Accessibility FIRST is an initiative designed to promote compliance with the Fair Housing Act design and construction requirements. The program offers comprehensive and detailed instruction programs, useful online web resources, and a toll-free information line for technical guidance and support. [fairhousingfirst.org/](http://fairhousingfirst.org/)

### **Americans with Disabilities Act (ADA)**

Title II of the ADA prohibits discrimination based on disability in any programs, services, and activities of public entities, including state and local public housing and housing assistance. While the ADA applies to multifamily properties, it does not apply to the actual dwelling units—those are covered by the FHA. However, all areas of public accommodation at a multifamily property must be fully accessible, including the rental office, laundry area, and common space. See: [bit.ly/3omxxoQ](http://bit.ly/3omxxoQ).

Additionally, Title III of the ADA covers accessibility requirements for transient housing, such as motels, homeless shelters, and nursing homes. See here for specific information about these regulations: [bit.ly/3uUeN2B](http://bit.ly/3uUeN2B).



### **Legal Resources and Advocacy**

#### **Centers for Independent Living (CILs)**

CILs provide information and referral services, and advocacy regarding housing for people with disabilities. CIL staff understand the many housing barriers that confront disabled people and can provide information about local programs for housing, rental assistance, and home modification. Contact your nearest Kansas CIL for assistance: [silck.org](http://silck.org).

#### **Housing and Credit Counseling, Inc. (HCCI)**

HCCI's The Kansas Tenant Handbook can be accessed at no charge at the website below. It gives information about communication and business relationships between tenants and landlords and about the Kansas Residential Landlord & Tenant Act, including information regarding discrimination. HCCI offers education and counseling about finances in four Kansas offices.

Tenant Counseling Program for the tenants across Kansas: [housingandcredit.org](http://housingandcredit.org).

#### **Kansas Legal Services**

This non-profit law firm and community education organization helps Kansans of low and moderate income to obtain legal assistance in a variety of areas, including housing. Information, including an application for services, is available at [kansaslegalservices.org](http://kansaslegalservices.org).

#### **Kansas Bar Association**

Provides a free legal referral service (although the legal services themselves are not free of charge) at [lawyerreferralservice@ksbar.org](mailto:lawyerreferralservice@ksbar.org). A pamphlet titled, "Eviction Notice: A General Overview of the Eviction Process in Kansas," is available at [adobe.ly/3fmLaR1](http://adobe.ly/3fmLaR1).

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### **U.S. Department of Housing and Urban Development (HUD)**

This federal agency provides programs to support housing for people with low income in both urban and rural areas. Most funding is awarded through block grants to governmental organizations, such as cities, or to public housing agencies (PHAs).

Check with local organizations, such as a CIL or PHA, to learn what funds and programs are available locally. You may also use the HUD Resource Locator to search for HUD resources at [resources.hud.gov](http://resources.hud.gov).

Section 8 (of the Housing and Community Development Act of 1974) helps people with low income to find housing outside of public housing developments. It provides rental assistance directly to private landlords via vouchers for qualified participants, who locate their own rental units. However, the program can be difficult to access and typically has waiting lists. A news organization called ProPublica published a guide to securing Section 8 housing: [bit.ly/3ou9pkf](http://bit.ly/3ou9pkf).

HUD Certain Development Vouchers enable non-elderly families which include people with disabilities, but who do not currently receive housing assistance, to obtain accessible housing in certain developments where owners have established preferences for, or restrict occupancy to, elderly families. Eligible families should contact the local PHA.

An overview of HUD information for disabled persons is available at [hud.gov/topics/information\\_for\\_disabled\\_persons](http://hud.gov/topics/information_for_disabled_persons).

### **Resources for Modifying a Home for Accessibility**

#### **Assistive Technology for Kansans (ATK) K-Loans**

This consumer-run alternative finance program provides low-interest loans to help people with disabilities or chronic health problems to obtain assistive technology or home modifications. See [k-loan.net/](http://k-loan.net/).

#### **Federal Income Tax Deduction for Accessibility Home Modifications**

The cost of home improvements made to accommodate a person with a disability can be deducted as medical expenses. If the home improvement increases the value of the home, the cost of the improvement is reduced by the increase in the value of your property. The difference is a medical expense. For a list of eligible expenses, see Capital Expenses at [irs.gov/publications/p502](http://irs.gov/publications/p502).

#### **KanCare**

Home and Community Based Service (HCBS) waivers are KanCare (Kansas Medicaid) programs that provide services to nursing care eligible Kansans enrolled in Medicaid who choose to live in their communities versus an institution. The KS Department for Aging and Disability Services (KDADS) oversees seven different HCBS waivers. Five of these waivers have a service category called Assistive Services, under which home modifications may be covered. Managed Care Organizations (MCOs) contract with KanCare to provide services. Waiver participants must show a need for home modification. For more information on waivers, see the fact sheets at [kancare.gov](http://kancare.gov): [bit.ly/3bwr31C](http://bit.ly/3bwr31C).