

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

HOUSING AND HEALTH SERVICES
COORDINATION COUNCIL MEETING

Rooms 1420-1430
Health and Human Services Commission
4900 N. Lamar Boulevard
Austin, Texas

December 5, 2011
10:05 a.m.

COUNCIL MEMBERS PRESENT:

TIMOTHY IRVINE, Chair
PAULA MARGESON, Vice Chair
BILL CARPENTER for NICK DAUSTER
KENNETH DARDEN
MARC GOLD
MIKE GOODWIN
SHERRI GOTTHART-BARRON
AMY GRANBERRY
JIM HANOPHY
JEAN LANGENDORF
PAIGE MCGILLOWAY
JONAS SCHWARTZ
DON VAN RYSWYK
MARK WYATT

ON THE RECORD REPORTING
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P R O C E E D I N G S

MR. IRVINE: We're ready to start. Good morning. My name is Tim Irvine. Welcome to the December 5 meeting of the Housing and Health Services Coordination Council.

If I might, I would like to call roll quickly to establish that we have as quorum. Mark Wyatt?

MR. WYATT: Here.

MR. IRVINE: Paige McGilloway?

MS. MCGILLOWAY: Here.

MR. IRVINE: Jonas Schwartz?

(No response.)

MR. IRVINE: Jim Hanophy?

MR. HANOPHY: Here.

MR. IRVINE: Marc Gold?

(No response.)

MR. IRVINE: Bill Carpenter?

MR. CARPENTER: Here.

MR. IRVINE: Sherri Gotthart-Barron?

MS. GOTTHART-BARRON: Here.

MR. IRVINE: Doni Van Ryswyk?

MS. VAN RYSWYK: Here.

MR. IRVINE: Jimmy Carmichael?

(No response.)

MR. IRVINE: Michael Goodwin?

1 MR. GOODWIN: Here.

2 MR. IRVINE: Amy Granberry?

3 MS. GRANBERRY: Here.

4 MR. IRVINE: Paula Margeson?

5 (No response.)

6 MR. IRVINE: Felix Briones?

7 (No response.)

8 MR. IRVINE: Kenneth Darden?

9 MR. DARDEN: Here.

10 MR. IRVINE: Jean Langendorf? I know Jean is
11 here, she just have just stepped out for a minute. There
12 she is.

13 We have a quorum so we are in business, and we
14 are moving on to the first item which is public comment.
15 If you have not yet had an opportunity to sign up with a
16 witness affirmation form, that is requested.

17 Also, before we get into the public comment,
18 just so you know who you're talking to, might I have
19 people on the phone call identify themselves?

20 MS. LeoGRANDE: This is Robin LeoGrande from
21 North Texas.

22 MR. IRVINE: Okay. Anyone else?

23 (No response.)

24 MR. IRVINE: Okay, great. Jason Howell would
25 like to speak, and I ask that anybody as you speak, first

1 of all, come up and sit at the table, make sure the mike
2 is working so we can get you on the record. Just state
3 your name and for whom you are speaking, please.

4 MR. HOWELL: My name is Jason Howell. I'm
5 executive director of a non-profit called SoberHood, we
6 have a statewide coalition of housing here in Texas, and
7 I'm also on the board of the National Association of
8 Recovery Residences. I'm an advocate for individuals with
9 disabilities, and under the Americans With Disabilities
10 Act and Fair Housing Act, this specifically includes
11 people in recovery from substance use. Moreover, many
12 individuals with major mental and medical illnesses, as
13 well as developmental and physical disabilities are at
14 higher risk for chemical dependency.

15 It's important to remember that recovery
16 happens and that it's enriched housing that is highly
17 correlated with recovery outcomes. That's the whole
18 reason why the founder and executive director of
19 SoberHood, which I mentioned, oversees a statewide
20 coalition of housing providers called the Texas Recovery
21 Housing Network. It's through this statewide, and the
22 national perspective, being on the board of NARR, that I
23 can say that the greatest threats to enriched housing in
24 Texas is a shallow understanding to the spectrum of
25 housing needs as well as fair housing discrimination on

1 the part of state and local governments.

2 People with disabilities have the right to
3 dignity, the right to be seen as individuals, and the
4 right to self-determination, and as such, they have a
5 right to a spectrum of housing that includes family life,
6 congregate living and peer-based group homes. People with
7 disabilities are a very large and broadly defined
8 population protected under the Federal Fair Housing Act
9 and its amendments. People with disabilities make up at
10 least 18 percent of the U.S. population and include
11 individuals with physical or mental impairment which
12 substantially limits one or more major life activities, a
13 record of having such impairment, or even being regarded
14 as having such an impairment.

15 If enriched housing is defined as integrated,
16 affordable and accessible housing models that offer the
17 opportunity to link residents with on- and off-site
18 services and support that foster independence for
19 individuals with disabilities and persons who are elderly,
20 we must consider the full spectrum of housing models that
21 are required to meet this diverse population's individual
22 needs and their desires.

23 Granted, funding streams understandably focus
24 on priority populations, but looking through a long-
25 sighting, there will never be enough money to go around.

1 That's the whole reason why we have priority populations
2 like people with severe mental illness or histories to
3 include chronic homelessness, but most people with
4 disabilities are not a priority population, and if we
5 provide them with this spectrum of enriched housing,
6 hopefully they never will become a priority population.

7 Oftentimes individuals with disabilities choose
8 to live together in group homes to gain the peer support
9 that they need for better outcomes, and to possibly cost-
10 effectively receive the services they need to live a
11 happier and healthier life. Many of these group homes are
12 peer run and self-funded. To meet the demand, we need
13 grassroots group homes like this in every residential
14 neighborhood. For example, recovery residences are
15 nationally certified server homes that provide people in
16 recovery with peer-based support and a community culture
17 of recovery. Rather than relying on outside funding,
18 residents are expected to work, pay rent and volunteer.
19 Peer mentors and coaches connect residents with supports
20 and services.

21 Recovery residences are the preferred enriched
22 housing model for people early in their recovery, so
23 please, mindfully frame the enriched housing discussion
24 as a spectrum of housing models that includes disabled
25 group homes like recovery residences to prevent and remove

1 policy barriers, and the most glaring policy barrier is
2 around fair housing issues. People with disabilities have
3 the right to fair housing, the right to integrate into
4 neighborhoods, and the right to congregate living under
5 the Federal Fair Housing Act and its amendments.

6 The greatest threat to their fair housing
7 rights are state and local government actions misguided by
8 prejudicial assumptions, unfounded fears, and Not In My
9 Back Yard political pressures. This is a civil rights
10 issue. Disabled group housing and their residents
11 received the brunt of 40 documented tabloid accusations
12 that research does not support, and stigmatizing rhetoric
13 from neighborhood bullies.

14 Even though the Texas Fair Housing Act
15 prohibits disability-based housing discrimination in much
16 the same way that the Federal Fair Housing Act does, the
17 Texas Legislature passed HB 216, what's known as the
18 Boarding House Bill, in 2009. HB 216 is an unmandated law
19 that empowers municipalities to regulate group homes for
20 individuals who are disabled or who are elderly. Such
21 regulation is blatantly illegal under the Federal Fair
22 Housing Act.

23 And HB 216 has sparked this wildfire of housing
24 discrimination activities across Texas. The City of El
25 Paso has already passed an illegal HB 216 ordinance, here

1 in the City of Austin they're busy drafting an illegal
2 regulatory program, and the newspaper reports out of
3 Dallas and San Antonio indicate that there's political
4 pressure towards housing discrimination. And please don't
5 take my word for it, let's listen to the fair housing
6 experts like the Department of Justice and Housing and
7 Urban Development. They clearly state that regulations
8 and licensing requirements for group housing are
9 themselves subject to scrutiny under the Federal Fair
10 Housing Act.

11 Central requirements based on health and safety
12 concerns can be discriminatory themselves or be cited
13 sometimes disguised discriminatory motives behind attempts
14 to exclude group homes from a community. Regulators must
15 also recognize that not all individuals with disabilities
16 living in group housing settings desire or even need the
17 same level of services or protection. For example, it may
18 be appropriate to require heightened fire and safety
19 measures in group homes for people who are unable to move
20 around without assistance, but for other groups of persons
21 with disabilities who do not desire or even need such
22 assistance, it would be inappropriate to require fire
23 safety measures beyond those normally imposed on the size
24 and type of the residential building involved.

25 The Housing Judiciary Committee's statements

1 around the Fair Housing Act amendments in 1988 highlight
2 while state and local governments have the authority to
3 protect the safety and health and regulate use of land,
4 that authority cannot be used to prohibit individuals with
5 handicaps to live in communities. This has been
6 accomplished by such means as the enactment or imposition
7 of health, safety or land use requirements on congregate
8 living arrangements among non-related individuals with
9 disabilities. Since these requirements are not imposed on
10 families and groups of similar size of other unrelated
11 people, these requirements have the effect of
12 discrimination against persons with disabilities.

13 The Judiciary Committee also states that
14 another method of making housing unavailable to persons
15 with disabilities has been the application or enforcement
16 of otherwise neutral rules and regulations on health,
17 safety and land use in a manner which discriminates
18 against persons with disabilities. Such discrimination
19 often results from assumptions about the needs of
20 handicapped people as well as unfounded fears.

21 We should also note that local governments that
22 receive HUD funding are obligated to further fair housing
23 for all protected classes which includes persons with
24 disabilities. According to the HUD guide, this
25 affirmative duty is just not limited to HUD-funded

1 programs but also extends to all housing and related
2 activities. Violations can result in hefty fines,
3 millions of dollars of payback, as well as the loss of
4 future funding.

5 Local government decisions pertaining to
6 funding the location and operation of housing must not
7 have a discriminatory intent or a discriminatory impact on
8 persons with disabilities. Discriminatory intent can be
9 established when an action treats a protected class
10 differently than other persons regardless of motive.
11 Local governments cannot limit the number of unrelated
12 residents in a group home more than they can for
13 biological families. This means that there's countless
14 zoning laws here in Texas that are illegal or
15 unenforceable. Density restrictions should be linked to
16 square footage. Regulating group housing is illegal.
17 There are ways that we can improve the availability and
18 quality of housing and that's through certification
19 programs and accreditation programs.

20 Out of respect of time, please advocate for
21 fair housing, especially for people with disabilities.
22 Stop state and local government from discriminating
23 against persons with disabilities in this world of
24 scarcity. Please help us open up more good homes before
25 we ever start talking about closing any one "bad" home.

1 Thank you. If you have any questions.

2 MR. IRVINE: Thank you. This is a very
3 important topic, the whole issue of how fair housing laws
4 are administered. HUD has just published a proposed rule
5 regarding its treatment of actions which have a
6 discriminatory impact, whether intentional or
7 unintentional, and I urge everyone who wants to stay
8 involved in this and effect a better world to go to the
9 HUD website, see the draft rule, understand it and weigh
10 in with some comments and participation.

11 I also think, just on a personal level -- this
12 is not anybody but Tim Irvine speaking -- that fair
13 housing is ultimately all about choice. If you give
14 someone assistance but don't give them choice, you've
15 maybe helped them bridge an intolerable, otherwise
16 untenable moment in their life but you really haven't
17 empowered them to be what they're capable of being. If
18 you give somebody a choice then they're going to make
19 something of themselves, so I think it's very important.

20 MR. HANOPHY: I just had a question just to
21 clarify. I get the sense through your comments that part
22 of the feedback also, since this relates to our biennial
23 plan, is that the issue of congregate living arrangements,
24 are you saying that that's one of the areas of omission
25 from our biennial plan? Are you looking to strengthen

1 that? What's your thoughts on that? Because you
2 mentioned that several times.

3 MR. HOWELL: Sure. I would hope that if you're
4 looking at enriched housing and you're really wanting to
5 serve this really broad population with just a lot of
6 different needs, that you need to look at a spectrum of
7 housing which would include group housing.

8 MR. HANOPHY: So congregate housing would be
9 part of that enriched housing.

10 MR. HOWELL: In that spectrum. You've got
11 affordable housing, supportive housing, you've got various
12 group housing models, and within group housing models
13 you've got a lot of different populations, so what those
14 peer-run group housing models would look like would depend
15 on what population you're trying to serve.

16 MR. HANOPHY: Okay. Thank you.

17 MS. LANGENDORF: And I did have some questions
18 related to, I guess, the peer housing. In your mind is
19 that generally a temporary environment, or oftentimes
20 would the peer really become a permanent?

21 MR. HOWELL: Specifically with recovery
22 residences, sober housing, those peer-based models, there
23 is a requirement for the individual to have a minimum
24 stay. In other words, this is about creating a culture
25 and community family within the house, and if an

1 individual is not willing to at least sign up for three
2 months, then they're not a right fit. They need to join
3 the community and help cultivate that community, so
4 there's a minimum.

5 Now, on the high end, no, they can stay there
6 for as long as they choose to stay. You know, we like
7 seeing people stay because when the new men and women come
8 in, they have a mentor to help create that culture.
9 Eventually, individuals may want to move out of a group
10 home setting on to their own, and so looking at how you
11 create support services and housing options for them,
12 oftentimes they probably have poor credit, they may have a
13 criminal background, and so it's really difficult for them
14 to get housing in just the open market. In a lot of Texas
15 cities, it's a very competitive market.

16 So again, looking at the spectrum, it's a very
17 complex issue, so once someone moves out of group housing,
18 how do we support them to their next step.

19 MS. LANGENDORF: And for me, a lot of my
20 decision or where I fall on the congregate or not
21 congregate has a lot to do with whether it's permanent or
22 temporary housing, overall, but I understand some of that.
23 Some of that what might be temporary for me is a lot
24 longer for someone else. It is a matter of not
25 necessarily a year or a year and a half, it is what that

1 individual needs to then go become reintegrated into what
2 would be regular, normal housing within the community.

3 Now, on House Bill 216, my understanding of
4 that bill, the driving force behind it was when people
5 turn over their benefits to someone else, that it was more
6 of getting at the operators, who are in many communities
7 taking incredible advantage of people with disabilities,
8 and so I know a lot of the motivation behind that
9 legislation was in the area of those boarding houses that
10 basically took their SSI check and said, I'll provide you
11 everything.

12 MR. HOWELL: And the bill is very unfortunately
13 worded. I wish that whoever was writing the bill had
14 reached out more in a little bit of fair housing, and I
15 understand that they were trying to narrowly focus on a
16 very, very specific population, but they used terms like
17 persons with disability which is this huge population, and
18 a one-size-fits-all model is not workable.

19 MS. LANGENDORF: I would like us to get a
20 little bit more analysis on that, if we could. I remember
21 when it was going through the process, but I think if it
22 is now supporting, which I understood it was, a framework
23 for cities to establish boarding assistance.

24 MR. HOWELL: It's a framework for cities to
25 illegally discriminate against people with disabilities,

1 and unfortunately, that's how it's done.

2 MS. VAN RYSWYK: I think you do raise a really
3 important point about congregate housing and also a
4 continuum of care, and it does seem like there's a
5 disconnect between different Medicaid waivers when it
6 comes to recognizing accepted models of supported housing,
7 and I remember early on we had an extended conversation
8 about integration, what does that mean, does that include
9 or exclude assisted living. I've gotten a copy of TAC
10 10.1.15, the integrated housing rule, and that
11 specifically excludes assisted living.

12 I agree with Tim. In my mind, it all comes
13 down to choice. My personal bias, my personal preference
14 is smaller, community-based family. But with that said,
15 there are a lot of people who choose to live with people
16 who may have similar experiences or abilities, some people
17 without disabilities choose to live in frat houses and
18 Amish communities, and people with disabilities under the
19 community-based alternatives or the Star+Plus waivers,
20 they can go into assisted living facilities, and although
21 Medicaid doesn't pay for the housing per se, it does pay
22 for the supports.

23 And what's been really interesting to me, as a
24 relocation contractor, is about 90 percent of the
25 consumers with whom we work lack housing, and when all of

1 the housing options are put on the table, 40 to 45 percent
2 choose assisted living and that's been really surprising
3 to me. I thought that the vast majority would be
4 interested in apartments of their own or housing of their
5 own. And yet, when we look at the HCS waiver which
6 primarily services persons with intellectual and
7 developmental disabilities, the waiver will not pay for
8 in-home supports in facilities with more than four
9 individuals.

10 I know Robin LeoGrande is on the line. She has
11 organized a number of parents and she's conducted a survey
12 of housing needs and preferences, and I believe she's
13 gotten over 700 responses. What's interesting is that
14 about 40 to 60 percent of the parents, primarily of young
15 adults with intellectual and developmental disabilities,
16 choose assisted living, and the integrated housing rule
17 seems to take that off the table: we will not pay for
18 land, we will not invest in housing that is not
19 integrated. And at the same time, that same bias seems to
20 exist with the Medicaid waiver that provides those support
21 services.

22 So again, I have a bias in terms of smaller and
23 less, but it seems like true consumer direction and
24 person-directed care is saying what do you want, and
25 although I may have biases for small or family-based, why

1 do I have the right to say you have no right to choose
2 larger facilities as a housing option. That seems odd to
3 me.

4 MS. LeoGRANDE: This is Robin LeoGrande. Thank
5 you for summarizing the survey results.

6 I am in total agreement with Tim on the comment
7 about giving choices to the community. As a parent of a
8 young man with Down's Syndrome, the socialization aspects
9 of his life and the life of his 20,000 friends up here in
10 North Texas is as important as the services that he has
11 provided as an individual, and I think that's one of the
12 reasons why so many families are choosing assisted living
13 type settings is because they realize that in this day and
14 age our children have friends in the community and want to
15 live with those friends, and those friends become their
16 extended family over time just as a typical person might
17 view their friends.

18 And that's one of the reasons why it's so
19 compelling to have an assisted living philosophy. The
20 rate of illness is lower around people with friends, the
21 depression is lower when people have friends around them,
22 and I have always said that the biggest testament to this
23 housing effort for me is when my son is able to mourn with
24 his friends when his father and I die. And that is a
25 realistic view of my goals for him and all of the people

1 around him -- not all -- but many of them want to live
2 with their friends, they have said they want to live with
3 their friends.

4 The notion that these people don't know what
5 they want and that other people have to speak for them,
6 that notion is going away as these young adults and these
7 older people who have been in the community all of their
8 lives have been socialized with the community, have not
9 been put aside to a farm or to a place where they don't
10 come in contact with the world. So options are very, very
11 important. I just wanted to reiterate that concept.

12 MR. IRVINE: Thank you very much.

13 Any more discussion on this point?

14 (No response.)

15 MR. IRVINE: Thank you very much for that
16 presentation and your testimony.

17 MR. HOWELL: Thank you very much.

18 MR. IRVINE: Very valuable.

19 Okay. We would now entertain a motion to
20 approve the minutes of the last meeting.

21 MS. VAN RYSWYK: So moved.

22 MS. GOTTHART-BARRON: Second.

23 MR. IRVINE: We have a motion and a second.

24 Any discussion?

25 (No response.)

1 MR. IRVINE: All in favor say aye.

2 (A chorus of ayes.)

3 MR. IRVINE: Any opposed?

4 (No response.)

5 MR. IRVINE: Motion passes, the minutes are
6 adopted. Moving too fast for me, I can't keep up.

7 MS. LeoGRANDE: May I ask a question?

8 MR. IRVINE: Sure.

9 MS. LeoGRANDE: Is there anyone else in the
10 room that hasn't been introduced?

11 MR. IRVINE: I'm sorry. Yes. We've introduced
12 all of the members of the council present. There are a
13 number of people in the audience. Would you all be
14 comfortable with going around the room and introducing
15 yourselves?

16 (Audience members introduced themselves; Mr.
17 Irvine repeated their names and affiliations for the
18 record.)

19 Marilyn Hartman with the National Alliance on
20 Mental Illness.

21 Sara Tillman with the Texas Veterans
22 Commission.

23 Mitchell Gibbs with Front Steps.

24 Mack Marsh with the Texas Association of
25 Centers for Independent Living.

1 Steve Ashman with DADS.

2 MR. IRVINE: We've got Ashley Schweikart,
3 Elizabeth Yevich, Rita Gonzales-Garza. And also let the
4 record reflect that Paula Margeson joined us during public
5 testimony. That's who's here.

6 Next we have a presentation of the budget. At
7 our last meeting there was some discussion about the
8 budget and a desire to have a better understanding,
9 especially as it relates to the biennial planning process,
10 and Ashley will now come forward and make that
11 presentation.

12 MS. SCHWEICKART: Ashley Schweickart, council
13 coordinator.

14 So the council does have funding which can be
15 allocated towards the 2012-2013 biennial planning process
16 and as I mentioned at the last council meeting, there is a
17 portion of 2012 council funds that could be used towards
18 the online clearinghouse activity that's proposed within
19 the CMS grant, Real Choice Systems Change grant, so TDHCA
20 and DADS are now working with the information technology
21 staff at 2-1-1 to implement the clearinghouse and we're
22 awaiting final word from 2-1-1 for their cost estimate for
23 implementation, so I don't have that exact amount for the
24 council at this time.

25 But that being said, besides that cost and

1 besides the fixed costs that are involved with salaries,
2 travel for council members, printing and supplies, and
3 also the potential for public hearings later on in the
4 fiscal year, the council has approximately \$100,000 for
5 fiscal year 2012 and \$100,000 for fiscal year 2013 that
6 could be utilized towards the biennial planning processes.

7 So basically, we wanted to put forward at this
8 time a solicitation of the council members for possible
9 activities or projects to fulfill the council's statutory
10 obligations and could be part of this biennial planning
11 process that may need the utilization of funding.

12 So an example project, to throw something out
13 there for you guys, one of the council's statutory duties
14 in SB 1878 was to develop a database to identify,
15 describe, monitor and track the progress of all service-
16 enriched housing projects developed in this state with
17 state or federal financial assistance, and we've done a
18 lot to get towards meeting that goal.

19 But one new thing that has come up is that
20 TDHCA, we're in the process of releasing a rural and farm
21 worker housing study for which we hired a vendor that
22 inventoried all affordable housing properties in rural
23 Texas, so now we have that information at our disposal,
24 basically all affordable housing in the rural areas of
25 Texas. And one of example of something we could do in

1 terms of utilizing council funds for this fiscal year is
2 to contract with a vendor to inventory the remaining
3 affordable housing properties in urban areas and then
4 provide that on our website in some way.

5 One example of a way that we could provide
6 that, I know the council has thought about some type of
7 interactive mapping, and so that could be a potential way
8 that we show that inventory is through some interactive
9 mapping on our website, and so that would be something
10 that we could hire a contractor to do.

11 So I want to throw out an example for you guys
12 but also to provide time to get your input as to how funds
13 could be utilized for the biennial planning process or any
14 outstanding statutory obligations.

15 MR. GOODWIN: Can I ask a dumb question?

16 MS. SCHWEICKART: Sure.

17 MR. GOODWIN: In the context of that proposal,
18 would you define affordable housing?

19 MS. SCHWEICKART: Oh, you mean in the context
20 of what we have gained from the study?

21 MR. GOODWIN: What we're going to map or
22 inventory.

23 MS. SCHWEICKART: So what would I consider
24 affordable housing. Well, in the statute it's just saying
25 affordable housing that's received state or federal

1 financial assistance.

2 MS. LANGENDORF: When I saw this on the agenda,
3 my anticipation was that we would actually have a budget.
4 Is that something we will be able to get, a budget for the
5 funds that are allocated for the council? I mean, it's
6 legislated, the amount.

7 MS. SCHWEICKART: Right, yes.

8 MS. LANGENDORF: Since I'm serving on this,
9 quite frankly, I get so much criticism from people, with
10 all the cuts that were experienced -- I mean, I'll be very
11 frank about this, with all the cuts that were experienced
12 this last legislative session, I've had people: Well,
13 you're serving on that council, how is it that you got all
14 this money -- you, as if I had something to do with it; I
15 personally stayed away from it -- and I can't say how the
16 money is being spent. So I mean, as a council member, I
17 would very much appreciate having an idea of how the money
18 that the legislature has put and that I am serving on this
19 that I would actually be able to see a budget.

20 MS. SCHWEICKART: Sure. And I think that with
21 the 2-1-1, awaiting 2-1-1's cost estimation for the online
22 clearinghouse that may be part of the CMS grant, we're
23 really hoping to get that as soon as possible.

24 MS. YEVICH: That's why we don't have like a
25 handout and a spreadsheet, we're still in flux on that,

1 and we were hoping to have that by today but we simply
2 don't.

3 MS. LANGENDORF: I'm not asking for
4 expenditures, I'm asking for a budget, to me it's a plan,
5 so we have a plan how much we're going to put out for
6 certain things. I mean, correct me if I'm wrong, but I do
7 budgets all the time and I dream a lot in my budget, but I
8 have a budget whether or not I get the funding. We have a
9 concrete, or this council has a certain amount of money
10 that the legislature allocated to us. I'd like to know
11 how it's been budgeted because we didn't take any action
12 on it, at least not when I was here.

13 And I'm not meaning this probably as irritated
14 as I sound, I just had a bad morning.

15 (General talking and laughter.)

16 MS. LANGENDORF: I'm getting a little
17 irritated, quite frankly, as a member. I've had so many
18 comments from advocates like: I can't believe they funded
19 that and they cut our housing and they cut our Medicaid.
20 I mean, everybody was so angry after the last session,
21 which I don't blame them. But I'm kind of like, yeah,
22 okay. So I thought, well, at least I'll have a budget.

23 MR. IRVINE: So we want a budget for the next
24 meeting.

25 MS. LANGENDORF: Yes, please.

1 MS. GRANBERRY: I think that was what I
2 anticipated too after our questions at the last meeting
3 was that we would have a budget, and I understand that
4 there's some things in flux.

5 MS. YEVICH: We'll get that to you.

6 MS. GRANBERRY: As an appointee, which I think
7 we probably take a little more flack than a state agency
8 representative would, that would be helpful to have.

9 MR. GOLD: I think part of that argument then
10 is so you can demonstrate what the products are being
11 delivered.

12 MS. LANGENDORF: What we're planning for, what
13 we're thinking about.

14 MS. SCHWEICKART: Yes, absolutely.

15 MS. LANGENDORF: To a lot of people all that
16 matters is money in the bottom line.

17 MR. HANOPHY: Going back to your question, you
18 had mentioned the dollar amount could include strategies
19 for outreach for public forums and conferences. Right?

20 MS. SCHWEICKART: Right.

21 MR. HANOPHY: Something to consider, and I
22 don't know the mechanics of it, but some sort of
23 methodology to either prior to or following any sort of
24 forum to come speak being some sort of online format where
25 we could collect information or get feedback or to

1 increase the amount of feedback we could get, be it
2 topical, be it as online methodology for following up.
3 For example, we had a session, there were 20 people giving
4 public comment, and here were the areas that came out most
5 frequently, then some sort of online forum for us to do
6 further outreach to people to see what they think of what
7 those people said, or something like that too. I don't
8 know that we could collect enough information.

9 MS. SCHWEICKART: So that sounds more like
10 you're saying kind of an open, ongoing thing, that it
11 would be almost like a blog.

12 MR. HANOPHY: Or it doesn't have to be, it
13 could be very strategic, some methodology. For example,
14 we had comments today, very robust discussion on
15 congregate housing and the value of it and how that
16 brushes up against public policy. A followup to that
17 electronically, sort of timed to be sent out to a larger
18 group of people to get their input on that could yield
19 some good information.

20 So it wouldn't necessarily be an ongoing but it
21 would be sort of strategic releases either prior to or
22 following up public comment to get further input on that,
23 because we'd get a fairly diverse level of input on that.
24 I'm not sure of the mechanics of it but I'm sure you could
25 contract for that, and it seems to me we could create a

1 fairly robust email blast that would get feedback.

2 MR. GOODWIN: We just did that over the last
3 eight weeks with the online discussion.

4 MR. HANOPHY: Right.

5 MR. GOODWIN: The format is there.

6 MR. HANOPHY: A way to build on public comment
7 received to get more information. It's just a thought.

8 MS. SCHWEICKART: Okay. And obviously that's
9 an agenda item that's further down the list is the
10 responses from the online discussion forum that we had
11 opened and we had given a specific window of time on that
12 so that we could compile the responses for this meeting.
13 So that forum is no longer active but there were several
14 ways that we conducted outreach to try to get members of
15 the public to participate in that.

16 And that forum, the council was sent all of the
17 questions that we were going to post and pose to the
18 members of the public, and so we can certainly talk about
19 building off of that format maybe as like a post-meeting
20 type of thing saying: Here's what was discussed at the
21 December 5 council meeting, if you would like to add to
22 this discussion.

23 MR. HANOPHY: Or here's the themes of public
24 comment, here's the issues, what do you think. Because I
25 thought the responses here were great.

1 MR. GOLD: The thing is, Ashley, I want to come
2 back to the previous conversation. Ultimately what people
3 want to know is after all this discussion and gathering
4 information, it's like so, what are you doing, and again,
5 what are the real products coming out of here and thank
6 you for listening, but that just goes so far.

7 I'm looking into intricacies of my problems
8 with the City of Austin, but there's a personal issue and
9 we're doing this and I'm going to public meetings, and I
10 see people like me sitting up on a dais, and it doesn't
11 matter. And that's almost more frustrating and I think
12 ultimately that makes people more angry. So I've gone to
13 these meetings, I've given the testimony over and over and
14 over for years and years and years.

15 So some way that there has to be some sort of
16 feedback to when people provide comment, the idea that
17 someone has actually looked at it or discussed it, and I
18 think almost a response. And I realize you can't maybe
19 respond to ever single one but maybe a thematic response,
20 saying: Okay, we heard all these comments about this
21 subject and here's kind of where we're at. So people do
22 really hear what's happening and we're more than just
23 bureaucrats listening and taking input and stuff like
24 that.

25 MS. SCHWEICKART: Sure. Two things, just

1 before Jean, on that. I just wanted to say that I
2 provided verbatim all of the responses to the online
3 public forum to you today and also electronically last
4 week, and if we do want to provide a response, I wanted to
5 allow there to be time to provide response, I would not
6 want to submit response myself, I would want to have it as
7 the council's collective response. So that's why I made
8 that very clear when I launched the forum that there
9 wouldn't be responses at that time within the forum, but
10 there could be a way that the council could respond after
11 they met and discussed what was said.

12 MS. LANGENDORF: That's what I hope we'll do.
13 I've got some recommendations. I mean, I think it's going
14 to be a healthy discussion when we get to that because
15 there's a lot of meat in those comments and things that we
16 might look at doing.

17 MR. IRVINE: Absolutely. And it's interesting
18 to me to compare the way the council functions with the
19 way an agency typically functions. When agencies take
20 policy actions, they almost always express them in rules,
21 and rules are put out for public comment and got through
22 comment and reasoned response process. And we don't
23 really have anything that lends itself to that unless we
24 kind of collectively come together and coalesce around
25 some idea.

1 And it seems to me that the most basic
2 expression of what we do is a combination of both our
3 budget and our policy stances that we've taken, and
4 perhaps it would be appropriate for us to go through a
5 process along those lines for the budget where we roll out
6 a staff draft that will be considered at the next meeting
7 and then vet that for comment, and then have input and
8 reasoned responses to the comments, and then based on what
9 the public things we say: Yep, that's what we're going to
10 do with the limited money we've got and here's why.

11 MS. SCHWEICKART: And this is the time for you
12 guys to give me what you would like the budget to be used
13 for and that way I can draft some type of draft to give to
14 you at the next meeting.

15 MR. GOLD: And precisely. Again, I'll go back
16 to the state's Promoting Independence Plan, every two
17 years we put that out. That's precisely the way I pull
18 that together, we provide all the budget information. But
19 every year the Promoting Independence advisory committee
20 puts out 20-30-some-odd recommendations that then go to
21 the big box in this building and then it goes on to the
22 governor and the legislature and there's about 24-25
23 recommendations. Then the report comes out afterwards
24 saying: And this is what happened, yes, no, maybe, no
25 funding was allocated, but it's keeping part of the plan.

1 So the ideas remain alive, however, there was no action
2 because there was no policy direction or there was no
3 thing.

4 And it's a short paragraph and it just sort of
5 gives people an idea: Well, you made all these comments,
6 you made all this effort, here's kind of a status update
7 of what we're all about. At least that way it sort of
8 completes that circle of information. If I'm going to be
9 willing as the public to provide you information, then at
10 least do me the courtesy of making a response. And it
11 doesn't have to be a long dissertation, three to four
12 sentence sort of thing saying: Great recommendation,
13 there was no funding by the 82nd Legislature, there's no
14 policy direction, there's just so much that we can do
15 under our authorization.

16 MS. SCHWEICKART: And that, I think, definitely
17 fits in with this 2012-2013 biennial planning effort
18 because we put our policy recommendations and coordination
19 recommendations in the 2010-2011 plan, and I think that we
20 should have a piece where we say this is the status on
21 these recommendations that we put out in 2010-2011, and I
22 think that's a great piece to add.

23 MR. GOLD: You can look at the way we do it
24 with the Promoting Independence Plan just as a template or
25 a model; it doesn't have to be that way, obviously, it's

1 just one way of approaching it that seems to have worked
2 well. I mean, we're not always happy with the results but
3 it is the reality of what's going on.

4 MS. VAN RYSWYK: And I think there should be a
5 lot of synergies between this group and the CMS Real
6 Choice group as it prepares an application for 811 grant
7 funds. I think to the extent that we can involve
8 recommendations from this group and kind of look at
9 innovative projects, that's one way that the group's
10 efforts can be translated into something very practical.

11 MS. SCHWEICKART: I agree. And I think that
12 given that Mr. Schwartz is not here, we could move to a
13 different agenda item because I know he was going to
14 present.

15 MR. GOLD: He's coming; we were in the same
16 meeting and so he is coming.

17 MS. SCHWEICKART: Okay.

18 MR. GOLD: Can I offer you one piece of good
19 news?

20 MS. SCHWEICKART: Sure.

21 MR. IRVINE: Let the record reflect that Marc
22 joined us right as Ashley was beginning her presentation.

23 MR. GOLD: And I apologize. We had a thing
24 with CMS and CMS and CMS. Anyway, I do apologize, tried
25 to get over here as soon as we could.

1 I have a piece of good news. To our ongoing
2 wonderful relationship with TDHCA, and we're very
3 appreciative with the working relationship that we have
4 with DADS and TDHCA and DADS as it represents the Health
5 and Human Services Commission and the enterprise with Jim
6 here and everybody else, that the Money Follows the Person
7 demonstration has just been perhaps the only source of
8 real income in the 811 grant as a result of MFP and it
9 goes across so many different areas here. We just found
10 out, Steve Ashman and I, this morning that we just got
11 awarded another \$12.2 million, and part of that request
12 included the Texas Department of Housing and Community
13 Affairs.

14 So TDHCA will be getting some additional, when
15 we talked about real staff or real people for real
16 product, that this helps them so they can use other
17 resources to work on and to do other sorts of activities.
18 So we're very proud of certainly that relationship and
19 certainly this coordinating council helps make that
20 argument when I do go hat in hand to CMS that they know
21 that we're really working hard.

22 And we really are a model for the rest of the
23 country in terms of I hear people in other states saying
24 how do you get it, I say it's been a lot of hard work for
25 me since 2005 and working with you and developing those

1 relationships and learning to speak each other's
2 languages. So that's a little bit of good news in a time
3 when we don't always have a lot of good news to share.

4 MR. IRVINE: Thank you.

5 MR. GOLD: Well, we certainly appreciate the
6 working relationship and the understanding.

7 MS. SCHWEICKART: That's great news.

8 And I don't want to move ahead of ourselves
9 because I can talk about the CMS grant, the Real Choice
10 Systems Change grant, but I do want to again give you guys
11 an opportunity to say what activities that would be beyond
12 what myself as staff could conceivably undertake, you
13 would want to pursue that would be potential use of
14 council funding, either something that's toward the
15 biennial planning process or something towards our
16 outstanding statutory obligations.

17 MR. HANOPHY: The only other thing that came to
18 mind when Jason was talking and the followup questions,
19 and I know you did this when the council first came
20 together, and that was the research component of it. You
21 know, if part of what we're supposed to be doing is giving
22 solid recommendations during legislative session or prior
23 to, partially because I don't dance in this arena as much
24 as other folks at this table, but I'm not aware of the
25 plethora of policies and legislative issues that apply,

1 bills, to begin to look at some of those things and see
2 where an apparent bill filed with the right intentions is
3 now at cross-purpose. That could also be a forum for
4 getting feedback but also doing the research on that. And
5 I realize that that requires staff time that may or may
6 not be budgeted.

7 MS. SCHWEICKART: Great. Anything else?

8 MR. HANOPHY: Talk about an entrance, perfect
9 timing.

10 MR. SCHWARTZ: Couldn't figure out where I was.

11 MS. SCHWEICKART: You're right on time.

12 MR. IRVINE: Neither can we, Jonas.

13 MS. SCHWEICKART: Tim, I don't know if you want
14 to introduce this.

15 MR. IRVINE: Let the record reflect that Jonas
16 Schwartz has joined the meeting and will now provide us
17 with an update on the Medicaid 1115 waiver.

18 MR. SCHWARTZ: Well, good morning, everyone.

19 The Health and Human Services Commission
20 submitted what's called an 1115 research and demonstration
21 waiver to CMS back in the early spring. The purpose is to
22 do two things with our Medicaid managed care program that
23 serves many, many Medicaid beneficiaries in our state.

24 The first thing that this 1115 waiver is
25 intended to do is to basically allow us to continue to

1 carve in hospitals as part of our managed care program.
2 There's a federal prohibition that when the state goes to
3 managed care, we weren't allowed to continue doing that
4 under our current Medicaid authority that we were
5 operating our managed care program under, so by moving to
6 an 1115 program, we are able to continue to carve
7 hospitals in to provide services and it's paid as part of
8 our regular managed care funding.

9 The other thing that the 1115 waiver does is it
10 expands the delivery of Medicaid managed care services to
11 the Rio Grande Valley. Prior to this point, there was a
12 prohibition in state law around Medicaid managed care not
13 being a delivery mechanism in the Valley. The state has
14 been participating in the Medicaid managed care delivery
15 format since 1999, so the other thing that we will do is
16 expand the delivery of Medicaid managed care services to
17 the Rio Grande Valley and our timeline for that is March 1
18 of 2012.

19 So with this 1115, the majority of the Medicaid
20 services provided in our state will be provided through
21 the managed care service delivery option. The rural areas
22 will still be operated in a fee-for-service format. So
23 that's what we have proposed to CMS that this waiver will
24 do. We are negotiating the waiver with them right now, as
25 we often do, and we expect approval of that waiver shortly

1 is all I can say. We don't have approval yet.

2 The other thing that folks might be interested
3 in, as part of the Affordable Care Act and health care
4 reform that was passed in March of 2010 there were some
5 long-term services and supports provisions included in
6 that law, and there were three provisions. One is
7 extension of the Money Follows the Person Program which
8 our state has operated for many years and done very well.
9 The other provision was the state option for something
10 called Community First Choice which would basically allow
11 us to have personal assistant services in our medicaid
12 waivers that serve individuals with developmental
13 disabilities and intellectual disabilities. And then
14 there's a third option called the Balancing Incentives
15 Program that basically looks at how the state can begin to
16 move their system to a no wrong door kind of approach or
17 single point of entry for long-term services and supports.

18 Our state is currently looking at all three of
19 those options and evaluating whether or not those options
20 are feasible for us to implement and what the cost
21 projection of implementing those features would be. And
22 there will be more to come on that in the near future, but
23 I just wanted folks to know that we are very aware of
24 those provisions in the Affordable Care Act and we are
25 working internally to see what it would take for our state

1 to implement it both from a fiscal perspective as well as
2 a programmatic and infrastructure perspective. So I'll
3 bring you more information as I have.

4 MR. GOLD: Can I just add one addendum to that?
5 Managed care is not only moving into the Rio Grande Valley
6 which is obviously going to be a huge piece of it, but
7 also the El Paso and Lubbock areas on March 12. So as
8 Jonas said, from DADS and the fee-for-service perspective,
9 a very significant part of the individuals with
10 disabilities regardless of age will be served under
11 managed care, under the Star+Plus program.

12 MS. SCHWEICKART: And Jonas and Marc, just to
13 give some perspective to those of us who maybe aren't as
14 experts and as gifted in the field of health and human
15 services, could you explain how this is a change from the
16 previous way that things existed and how perhaps this
17 would affect the council in terms of their recommendations
18 on Medicaid waivers?

19 MR. GOLD: Well, the beauty of Star+Plus --
20 which began as a small little pilot program in the Houston
21 area in 1998, and then there was this major expansion in
22 2007 and now this really big expansion in 2012 -- for the
23 individual it still should be kind of seamless. There's
24 two things that are beautiful about Star+Plus -- and this
25 will really get into the weeds of the conversation -- is

1 individuals who are at the Social Security income level of
2 \$674 SSI, they get waived services immediately, meaning
3 that they can remain in the community for a longer period
4 of time without going on what we call an interest list --
5 we use that versus wait list in the State of Texas because
6 we don't do a pre-eligibility issue.

7 So that's really significant because you have
8 more people are getting the community and hopefully not
9 losing their community resources faster. Individuals who
10 are at 3 percent of SSI or medical assistance only, they
11 still have to remain on an interest list. So I think the
12 significant thing here is maybe some people they still
13 stay in their house, but I think overall the mission of
14 this council remains the same, it's still an issue of
15 affordable, accessible and integrated housing for all
16 individuals who are at this very, very low level of need
17 who are really between 17 and 19 percent of average median
18 income for whom housing remains and continues to be an
19 issue.

20 And not only that issue, is that as people are
21 spending down resources, an acute issue occurs in their
22 life, and all of a sudden they need some attendant
23 services, they're not quite on Medicaid, they may be at
24 30-40 percent of income, there's still taxes to be paid,
25 there's still infrastructure, things that need to be

1 supported, as those resources spend down, then people come
2 more and more in jeopardy of losing the family home or
3 their residence, and so then what happens for those
4 individuals.

5 So from my perspective, the mission remains the
6 same, things really aren't that much different. For the
7 most part it will be relatively seamless, people are still
8 getting services. Under managed care you get also a
9 service coordinator which has really been helpful because
10 it sort of coordinates the acute and long-term services.
11 But overall, I think the mission, the issues about housing
12 continue to remain the same, certainly in this time of
13 economic issues when families don't have perhaps as many
14 resources available, children don't have as many resources
15 to share to keep elderly parents in the community. That
16 real danger of individuals becoming almost homeless in a
17 sense unless they have some additional funding, I think
18 that remains the same.

19 Jonas, what's your point?

20 MR. SCHWARTZ: I agree with everything that
21 Marc said, and I will say that with the expansion of
22 managed care, I think for the individual receiving those
23 services is going to be, I think, better for them in the
24 long run because the managed care organization that they
25 will choose then will assist them in coordinating those

1 services, and you haven't always had that kind of in the
2 fee-for-service world. So I think there will be some real
3 benefits for individuals.

4 MR. GOLD: Which means an increased need for
5 housing stock because people live longer, people are going
6 to need services longer. I know a lot of our focus is
7 usually with individuals with physical disabilities,
8 developmental disabilities, but I can't begin to tell you
9 what a huge discussion this is. Individuals with
10 developmental disabilities, even in the last 10-15
11 years -- and we have a draft report right now -- are
12 living maybe 20-30 percent longer than even ten years ago,
13 which means more and more individuals are staying there
14 and as parents leave, their choices are because a lot of
15 people want that residential component and I don't know if
16 we have enough group homes in the State of Texas to fund
17 all that sort of activity.

18 But those are the challenges, and I think part
19 of the council's mission is not only to identify the
20 current issues but where are we as a state going to be
21 three, five, ten years down, and is that housing stock
22 going to be available, and is it going to be, again,
23 affordable, accessible and integrated so people can really
24 live and remain in that community-based system because
25 discussions that everyone has been hearing both on the

1 state and national level are very, very true: how do we
2 sustain the system.

3 And again, if the desire, both on a national
4 and state level, is to keep people in the community
5 because that's what we all want, it's quality of life
6 issues, too, it really actually is a cost-saver for the
7 State of Texas and for the federal government, then where
8 is the housing stock going to be?

9 MS. MARGESON: You know, from a service
10 provider standpoint and speaking for the Dallas area with
11 the expansion of Star+Plus, what it's proven to be is
12 something that theoretically looks really good but in
13 actuality there's a vast need for, I guess, some
14 efficiency improvement. Because just the response in
15 working with the different providers, there's a lot of lag
16 time, there's a lot of not calling back, there's a lot of
17 delay in processing.

18 And I'm willing to say right now, because we're
19 still new to the system -- and I don't know, Doni, if
20 you've experienced what we experience but I suspect you
21 probably have -- it's very frustrating because we're in
22 initial stages, I guess, we've only had it for a couple of
23 years now. But heck, I've been trying to reach someone in
24 administration for the major provides for the past week
25 and can't even get a call back, so I'm thinking if

1 consumers are dealing with what I'm dealing with, they're
2 just probably pulling their hair out.

3 MR. GOLD: Well, then, Paula, I certainly not
4 only urge but we really request you do, we don't know
5 unless we know, and if you're finding significant
6 problems, then you need to call HHSC, the managed care
7 division, and let people know what your experiences are,
8 and that's the only way they can go back and address those
9 problems. We want to make sure that those efficiencies
10 and those systems are working as well as they possibly
11 can, but that feedback has to get back to the right people
12 so they can make that change.

13 MR. SCHWARTZ: Paula, call me directly and I'll
14 make sure that your concerns get to the right person and
15 that your issue is handled.

16 MS. MARGESON: Okay. As long as you're talking
17 to me directly, Jonas, I was wondering when you mentioned
18 no wrong door, are you in essence referring to what when
19 we were trying to pass Mi Casa and being able to use the
20 money for the person, without having to follow the person,
21 but using that process up front? Is that what you're
22 referencing there?

23 MR. SCHWARTZ: From what I've read, that's what
24 it looks like, yes. I mean, they're looking for a system
25 that has a single point of entry for individuals.

1 MR. GOLD: But if you're asking about diversion
2 money, that's another issue. The idea is how do we get
3 some basic services to individuals in the beginning,
4 certainly, to keep them in the community, but the BIP, the
5 Balancing Incentive Program, is really to help get that
6 infrastructure and that flow so you really perhaps do talk
7 to people early on and maybe get them on some state plan
8 amendment programs before even sort of waiver services
9 actually get done.

10 And for the State of Texas it will be an extra
11 2 percent, and those extra 2 percent, those funds have to
12 go back into services, not infrastructure. But as Jonas
13 stated very clearly, everything is up in the air right
14 now, everything is being explored, there's the pros and
15 cons of all this stuff, and you always have to look for
16 unintended consequences from implementing anything.

17 MS. MARGESON: Is the mechanism in place within
18 the health care act to do that without having to pass
19 separate legislation?

20 MR. GOLD: One would think that the legislature
21 is very interested. There's this Legislative Oversight
22 Committee and I can't imagine the State of Texas state
23 agencies just going forward in a direction without
24 certainly legislative direction that yes, this is part of
25 what we're wanting to do. The Legislative Oversight

1 Committee, they haven't had their first meeting yet, have
2 they?

3 MR. SCHWARTZ: They haven't had their first
4 meeting, and to my knowledge, at least as of last week,
5 the Legislative Oversight Committee had not been
6 appointed, but Senate Bill 7 that passed this past session
7 directed the state to look at an 1115 waiver, which we're
8 doing, and establishes a Legislative Oversight Committee,
9 and we're also supposed to look at how long-term services
10 and supports will be impacted by the Affordable Care Act
11 and we'll make reports on a regular basis to that
12 Legislative Oversight Committee.

13 MR. GOLD: And don't get confused between the
14 different 1115s. Just FYI, an 1115 -- and we're not going
15 to have a Medicaid 101 conversation here because that
16 would drive all of us insane -- when we usually talk about
17 waiver programs, those are the 1915(c) and those are the
18 standard. An 1115, what it does, in a nutshell, allows
19 you to throw out all the rules and regulations, create
20 your own system, obviously CMS has to buy off on it but
21 create your own system.

22 And so that's kind of the beauty of what Jonas
23 was talking about, this current thing, 2005 we carved out
24 the hospital system because of a thing called upper
25 payment limit, and again, if I start talking about that,

1 you would take an icepick and go up your nose and remove
2 your frontal lobes.

3 (General laughter.)

4 MR. GOLD: But what this 1115 then does is
5 allow us to bypass those sort of regulations and it really
6 allows you to create your own system, again, with CMS
7 approval. So there's UPO-1115 and think of it that way,
8 and then there's these other 1115s in terms of perhaps,
9 who knows, redoing the entire system, looking at different
10 components of ACA and see how they all sort of fit in.

11 The bottom line is a lot of things are in flux
12 right now, but no doubt there's going to be a lot of
13 changes in the next several years because of how do we
14 sustain the system, how do we deal with demographic
15 growth, how do we deal with the baby boomer issue, how do
16 we deal with the fact that we are in a time of restricted
17 resources, how do you develop a system that will provide
18 those basic health and welfare issue protections, but
19 knowing that this is just growing, whatever the sort of
20 service need is out there. So that's all on the table.

21 MS. VAN RYSWYK: With folks with intellectual
22 and developmental disabilities, if the life expectancy is
23 increasing, a lot of folks are experiencing accelerated
24 aging, and so one of the issues is that we've got
25 different waivers that tend to specialize with different

1 population groups and you've got the Star+Plus or CBA
2 waiver that kind of focuses on folks with physical
3 disabilities and you've got the HCS and the CLASP that
4 kind of focus on folks with cognitive impairment who may
5 need habilitation services.

6 And so I'm excited by CMS allowing folks to
7 kind of propose their own waivers or hybrids because there
8 are more and more people who have needs that kind of go
9 beyond an individual waiver, and our system, as it exists
10 now, is somewhat segmented and that really works against
11 folks who may have a combination of physical and mental
12 disabilities.

13 MR. GOLD: And on an immediate level what this
14 council expects part of the mission is, even some simple
15 things, although I know it's not simple and it's not
16 always inexpensive, is how do you retrofit homes, how do
17 you deal with home modifications, how do you allow those
18 things that are already in existence, you know, we can't
19 build everything from bottom up, then how do we do some
20 retrofitting here, if that's possible.

21 And home modifications are going to be huge in
22 terms of allowing individuals to remain in their home, age
23 in place, and be able to sustain that. Every day you hear
24 about a person falling, and falls are like the number one
25 issue where people end up in an institutionalized setting.

1 We just heard about Senator McGovern, he fell and he's in
2 the hospital sort of thing. It's just so significant. So
3 how do we get the homes that make sense with the grab bars
4 and the lower counters and the whole nine yards, and I
5 think, again, one of the things for this council to
6 consider. And I know part of the mission is how we
7 collapse monies and look at different monies and different
8 other sort of funding structures, but the home
9 modification piece is huge.

10 MS. VAN RYSWYK: Although it would be fairly
11 easy to get to that issue with a bottom-up approach if we
12 could just get builders to adopt universal design. It
13 doesn't cost that much more to build an accessible home,
14 but to retrofit, then it gets much more expensive.

15 MR. GOLD: It is, but for some people who are
16 currently in their home, they don't want to give that up,
17 and the moving and all the chaos that that creates. It's
18 all going to be part of a big plan, and absolutely,
19 universal design and building homes that make sense for
20 the future is part of that conversation.

21 MR. SCHWARTZ: So I think to just wrap this up
22 a little bit, there's only one 1115 waiver that's been
23 proposed now, and we're looking at making some changes to
24 long-term services and supports, but nothing has been
25 decided, no decisions have been made, and we have not made

1 any proposals to CMS yet. And we will be required to seek
2 public input and to have an open process when the state
3 determines that we're going to move in this direction.

4 MS. SCHWEICKART: Great. Thank you.

5 (Discussion about sound system noise.)

6 MR. IRVINE: Can you give us a couple of quick
7 updates, one on the CMS Real Choice Grant, and also on the
8 online discussion forum?

9 MS. SCHWEICKART: Yes. So moving on to the CMS
10 Real Choice Systems Change Grant, you all have three
11 handouts in your packet regarding the grant. The first
12 one is just a very quick overview of the grant, the next
13 one is the grant oversight, and the third is the changes
14 to the Section 811 program, given the Frank Melville Act,
15 which we did discuss at our last meeting.

16 So I don't know how much everyone knows. I
17 know there are several members of this council that are
18 also working on this CMS grant in various capacities, but
19 I'll give just a very quick overview of the grant and then
20 explain the role of the 811 Team and the role that the
21 council can play.

22 So DADS which was the designated Medicaid
23 agency for the state, along with TDHCA as the state
24 housing finance agency, we applied to CMS and were awarded
25 about \$330,000 for the Real Choice Systems Change Grant

1 which we propose doing three things with that funding
2 based on the parameters of the grant. The first one was
3 to take steps to apply for future HUD Section 811 funding,
4 a new funding source, project-based rental assistance for
5 people with disabilities that can state agencies are
6 eligible for.

7 The second is to create and implement a housing
8 and services partnership academy which is bringing in
9 local groups from across the state to Austin for a daylong
10 academy that can provide them information about funding to
11 apply to the state for, housing funding as well as
12 services funding, and can educate them as to the different
13 options for community-based living for people with
14 disabilities and how they can promote that in their
15 communities.

16 And then the third thing is building and
17 maintaining a housing and services for people with
18 disabilities online clearinghouse, and so that is a
19 portion that currently we're working with Two on One to
20 find out if we can house this clearinghouse on their
21 website, and so it would be specifically community-based
22 housing and community-based services for people with
23 disabilities, locating that in a clearinghouse format.

24 So that's a very quick overview of what the
25 grant proposes to do.

1 To talk about specifically the way that we're
2 going forward in implementation, we created what's called
3 the 811 Team which has representatives from TDHCA, DADS,
4 DARS, DSHS, DFPS, HHSC to get together with
5 representatives from three interagency organizations, the
6 PIAC, Promoting Independence Advisory Committee, the DAW
7 which is the Disability Advisory Workgroup that TDHCA has,
8 and this council, so we have representatives from those
9 three organizations, and then we also have Medicaid
10 consumers that sit on this 811 Team. So jointly, the 811
11 Team meets monthly to work through how to successfully
12 implement this grant and the three activities that I
13 mentioned.

14 And if anyone wants to add anything that's on
15 that 811 Team, Jean is the representative for the
16 Disability Advisory Workgroup, Doni is the representative
17 for the PIAC, and Mike is the representative for the
18 council. So we have good representation. We also have
19 Jonas and Mark as the state agency reps for their
20 respective state agencies. So we have a lot of people
21 working on this grant that are also on the council.

22 So basically, the 811 Team will provide that
23 guidance as we go forward and its next meeting is actually
24 this Thursday, I believe. The 811 Team has met once, this
25 is going to be their second meeting. But we wanted to

1 provide the council an update on how things are going
2 because we had mentioned in our grant proposal that this
3 council was the basis for one of the ideas that we
4 proposed which was the online clearinghouse, and that this
5 council can provide feedback in the form of their
6 representative to the 811 Team, as well as just when I do
7 these updates for you guys to provide any feedback on the
8 grant activities, any opinions that you have, or you can
9 give those opinions to your representative on the 811 Team
10 which is Mike.

11 I know that was pretty fast. Are there any
12 thoughts? Just wanted to let you guys know where we are
13 right now.

14 MR. GOLD: Could you maybe express for people
15 when we think the NOFA is going to come out for the 811
16 itself?

17 (General talking and laughter.)

18 MS. SCHWEICKART: So Technical Assistance
19 Collaborative, TAC, did a webinar recently right before
20 Thanksgiving about the changes to the Section 11 Program.
21 Their understanding was that the NOFA should be coming out
22 any day now, and that was similar to the information that
23 we received from HUD is that the NOFA should be coming out
24 any day now, and that that NOFA will provide details as to
25 this agreement that the state's Medicaid agency, which has

1 been designated to be DADS, and TDHCA, what kind of
2 agreement those two agencies need to have in place when
3 applying for the new Section 811 funding because we have
4 to work together to show that we are going to be providing
5 affordable housing that has connections to services and
6 supports. So that NOFA will hopefully give us guidance on
7 how to do that, on how to make that agreement between DADS
8 and TDHCA happen.

9 MR. GOODWIN: They may have trouble getting
10 that out, in my opinion, because it may not be the first
11 one but this NOFA is going to come out about how to get
12 funding from a program for which no rules have yet been
13 written because the rulemaking process has not occurred
14 yet. And so the NOFA will have to be modified and
15 surveyed and whatever you want to call it around whatever
16 final rules are written on it. So you're asking about how
17 you put out a NOFA without rules.

18 MS. SCHWEICKART: Right. And that was a
19 question that we had. There was a call for those who
20 received this CMS grant funding early on, and Ben Metcalfe
21 from HUD was on that call, and he agreed with you, he said
22 that this first NOFA for this first round of new 811
23 funding is probably going to be very different from the
24 NOFAs that come out moving forward because there are not
25 established final rules -- we haven't even seen proposed

1 rules for this new 811. So I agree with you. We will
2 have to, I guess, as we go along try to create the best
3 program that we can create here in the State of Texas and
4 be successful moving forward. But you're right, we don't
5 have rules to go off of.

6 MR. SCHWARTZ: Did they happen to mention in
7 the call when they thought proposed rules might be out for
8 comment?

9 MS. SCHWEICKART: Yes. They stated that the
10 proposed rule would come out early 2012 but that it
11 wouldn't be until the Spring of 2012 that that rule would
12 be finalized.

13 MR. GOODWIN: They have a 60-day comment period
14 and then 30 days after that.

15 MR. GOLD: If it operates at all like CMS, we
16 get a notice of public rulemaking, it could be three years
17 later we get the final rule.

18 MR. SCHWARTZ: That's true.

19 MR. GOLD: If three years.

20 MR. GOODWIN: But the potential for the grant,
21 in my opinion, what we've been doing for years now could
22 come to some form of fiscal culmination because this
23 thing, supposedly, in 2012 is going to produce something.
24 It's going to produce vouchers tied to a apartments
25 specifically for persons with disabilities. It is my

1 understanding that there will be no Section 811
2 development buildings in 2012, that there's no grant for
3 sticks and bricks. All the money is going to go into
4 vouchers or be administered by the housing finance
5 agencies.

6 MS. SCHWEICKART: And what we focused on is
7 that portion of the funding which is project-based rental
8 assistance.

9 MR. GOODWIN: Right. It's all going to be
10 project-based rental assistance this year.

11 MR. GOLD: And project-based meaning the bricks
12 and sticks?

13 MR. GOODWIN: Well, it will be rental
14 assistance only, and what the goal is is to get, for lack
15 of a better word, a conventional developer who will take a
16 portion of his units and set aside those units for persons
17 with disabilities which would then be supported by a
18 project rental assistance contract through the state
19 housing agency. And who knows what that means, but I've
20 approached a couple of people about: Hey, you build
21 housing, you do tax credits, you do bonds, you do this,
22 what about this? And the answer is: Is it going to have
23 HUD ties? And don't know. I don't know if having a
24 project-based rental assistance through TDHCA is going to
25 bring in all of the other stuff.

1 MR. GOLD: So how do you feel about all this?
2 Do you think a voucher program is better than the bricks
3 and sticks? Is the HUD ties, just people are concerned
4 because of their regulation?

5 MR. GOLD: The building grant that gives you
6 physical apartment buildings, the ones I was involved
7 with, we were doing 22 and 24 units which were sustainable
8 in and of themselves. The latest ones were down to 15-16
9 units which really makes it difficult to provide what I
10 will call the management and physical operation of the
11 facility. It doesn't affect the ability of services
12 available, but to have an onsite management, onsite
13 maintenance and really take care of this building becomes
14 difficult in a one-off. And you've got a huge NIMBY issue
15 that goes away about six months after a project is built
16 because it turns out to be the nicest thing in the
17 neighborhood.

18 But these would be integrated in, for example,
19 100-unit properties. You would have 15 to 20, up to 25
20 percent, but I'm saying 15 to 20. From a developer's
21 standpoint it sort of makes sense if I don't have these
22 overbearing compliance rules because it gives me anywhere
23 from 15 to 25 percent guaranteed occupancy, and that's a
24 no-brainer. And the income, that's a no-brainer.

25 MS. SCHWEICKART: And as stated on the handout

1 that's about the changes in the Section 811 Program, the
2 stated reasoning behind allowing this project-based rental
3 assistance for state housing agencies to be eligible for
4 these funds is to be able to leverage other capital
5 financing sources that the state housing agency has
6 available at its disposal with the Section 811 as the
7 rental assistance component, so it's being able to tie a
8 rental assistance component to the capital financing.

9 MS. MARGESON: Can it be applied to existing
10 projects, or will they need to be new projects?

11 MS. SCHWEICKART: That is another point of
12 clarification by HUD that we would hope to have with the
13 NOFA and rules, so at this point, we do not know.

14 Any other questions about the grant?

15 (No response.)

16 MS. SCHWEICKART: Okay, so moving on to the
17 online discussion forum feedback, we're at the big one.

18 So the last handout in your packet is the
19 feedback we received, so just to give you guys a
20 refresher, to prepare for our 2012-2013 biennial planning
21 process, the council wanted to solicit this feedback about
22 ongoing barriers and challenges to the creation of
23 service-enriched housing in the State of Texas, people
24 with disabilities and people who are elderly. So we
25 opened this forum for one month from Friday, October 21 to

1 Friday, November 18, and we publicized it through TDHCA's
2 email list, the council's email list, we also had some
3 participating council members such as TSAHC provided it on
4 their email list, as well as emailing specific
5 stakeholders that the council felt were relevant to
6 provide feedback, we also did an email blast to those
7 relevant stakeholders. So we tried to get out as many
8 ways as possible. It was posted on the council's web page
9 as well.

10 And so then, given the council's generated
11 postings, we had people respond to the questions that we
12 posed, and I split the responses into five broad
13 categories just based on the responses. So barriers to
14 consumers was the first, financial barriers is the second,
15 administrative and regulatory barriers is the third,
16 coordination barriers is the fourth, and then HHSCC's
17 future efforts was the last.

18 And then on the very last page of the document,
19 if you will want to turn to that last page in that
20 document, I summarized -- just in case you guys don't want
21 to read verbatim all of the comments, I summarized those
22 comments on the last page under potential subcommittees
23 that those comments could be worked on. So basically, I
24 just did a very, very simple breakdown of the main housing
25 issues and the main service issues.

1 And so under the main housing issues, the
2 feedback around housing issues centered around
3 affordability, and I think that that affordability, a lot
4 of times people think of the affordability to the
5 consumer, which is definitely one field that was touched
6 upon in the feedback, but we have people who are on SSI or
7 SSDI which is people below 30 percent of area median
8 income, many times very much below 30 percent, and how do
9 we provide housing units that are affordable to that
10 population, how do we provide just more affordable housing
11 in general, how do we up the housing stock in Texas.

12 But then there's also the affordability and
13 feasibility for the developer, so that was also something
14 that was touched upon in feedback was a developer cannot
15 create a financially feasible development that deeply
16 subsidizes rents to the level of those who are at the SSI
17 or SSDI level without some type of operating subsidy. And
18 that is the main case that we saw at the last council
19 meeting when we presented the financial feasibility case
20 studies report to you all. That was also a comment made
21 by those developers is the need for some type of layered
22 financing that includes the financing subsidy in order to
23 afford those deeply subsidized rents. So that came up in
24 the feedback.

25 Another thing that came from the feedback is

1 people are very interested in this new Section 811 funding
2 that we just talked about, people are going to want to see
3 where the state goes with that funding, and so I think it
4 does behoove us to, as Doni said, showing that the council
5 is involved in that new innovative process and new
6 project.

7 And then on the services side under the service
8 issues, the things that were touched on in the feedback
9 were providing a greater array of housing options for
10 specifically persons with mental illness and persons with
11 intellectual or developmental disabilities were mentioned.
12 So having person-centered planning for those services that
13 are provided in that housing setting was a key issue that
14 was brought up.

15 Also, when discussing persons with mental
16 illness, there was a lot talked about in terms of Medicaid
17 waiver services and persons with mental illness not being
18 able to get those services, and so providing more
19 comprehensive service funding. And then also, just
20 basically what kind of community-based work should be
21 done, so a lot of people talked about prevention and early
22 intervention services as being key community services that
23 were needed. People also talked about providing greater
24 education to property managers, to the public about mental
25 illness to combat discrimination and also to provide that

1 education to legislators so that they can understand how
2 to provide legislation that accurately assists persons
3 with mental illness.

4 So that's the feedback that we received, and I
5 know that at the last council meeting it was asked that I
6 provide some type of recommendation as to the
7 subcommittees that could be created based on that feedback
8 and the feedback we heard today so that when we start this
9 biennial planning process, we'll have major issues that
10 each committee can talk about.

11 So as I'm throwing this out, people can
12 disagree or agree, but we could try to tackle it as having
13 the housing experts, having people who are in the housing
14 field, like Paige, like Mike, like Jean, tackle some of
15 the housing issues that have been brought forward, and
16 having people who are the service experts, like Jonas and
17 Marc and others, be on a service committee and tackle
18 those issues. So that would be different than the way
19 that we did things last biennial plan, and so I don't know
20 how people feel like about that, and I'm open to
21 suggestions.

22 MR. GOLD: Sounds great. You did a great job
23 in summarizing; truly, you did a tremendous job.

24 MS. SCHWEICKART: Thank you.

25 MS. MCGILLOWAY: Ashley, can I ask a question?

1 MS. SCHWEICKART: Yes.

2 MS. MCGILLOWAY: It says here that we got 31
3 responses, so then I'm assuming people just chose what
4 question to respond to if they felt like they had
5 something to say.

6 MS. SCHWEICKART: Right.

7 MS. MCGILLOWAY: Did you feel that we got
8 responses from an array of different individuals and
9 organizations in this?

10 MS. SCHWEICKART: No. I think that,
11 unfortunately, even though we were trying to do as much
12 outreach as we possibly could, I think that there were
13 several individuals who responded to many questions so
14 that we did have the same respondents over multiple issues
15 that were posed. And I will say that also when you think
16 about the populations that we're trying to help with this
17 council, there was a greater focus on persons with mental
18 illness and persons with intellectual and developmental
19 disabilities more so than the other targeted populations.

20 MS. MCGILLOWAY: That's what I got from it as
21 well, so it's good to know the source of where this
22 information is coming from so that we know that these may
23 just be a select group of people that are concerned about
24 these issues, although many of these, of course, have been
25 a repeated theme over and over since I've been working in

1 affordable housing.

2 Thank you.

3 MS. SCHWEICKART: Yes.

4 And this is also a time that we can talk about
5 if we want to provide responses to those individuals that
6 provided feedback in the forum.

7 MR. GOLD: Well, again, I think you take
8 thematic ways of doing that. I mean, I would never
9 suggest question by question, it would drive you crazy,
10 and I'm not sure what utility, but some thematic things,
11 perhaps, so people know at least we're listening.

12 MR. HANOPHY: Or even keeping people in the
13 loop, you know, here's the next step. The next step is to
14 take this group and this group and they're going to tackle
15 these issues, we expect those issues to be addressed by,
16 and then another followup, here's what the group did.

17 MS. SCHWEICKART: Right. So the next step is
18 to have the subcommittees hash these out and then their
19 ultimate recommendations will be put into the next
20 biennial plan.

21 MR. IRVINE: This is something I've wrestled
22 with for years and years and years, and that's
23 thematically how we're approaching this. We talk about
24 addressing needs of specific communities but really the
25 objective is to address the needs of the one community but

1 finding the most effective ways, holistically, to make
2 limited resources available to some people who live in
3 that one community so that they can realize their fullest
4 potential. And I am always disturbed by the fact that you
5 get feedback from people who have different abilities and
6 different challenges and different needs and that while
7 those voices are important and they're powerful and
8 everything, they kind of get lost in the rest of the
9 community.

10 It would really seem to me that the incredible
11 focus that's going on right now on fair housing is an
12 opportunistic moment for us to take this dialogue out of
13 this room and into a larger community, and I would really
14 like to see us use fair housing as an issue where we can
15 present to cities, counties, larger areas, not just little
16 sectors within those types of communities but to the
17 larger community what the state is trying to accomplish
18 here and how important it is and how beneficial it is.

19 The benefits of integrated housing are not just
20 benefits to persons who might be excluded from it, they're
21 benefits to the people who might otherwise have never
22 experienced the richness of a diverse society. And I
23 really think that we need to give Texas communities a
24 primer on what fair housing means on a really practical
25 level. We need to tell people you can do this, you can't

1 do that. We need to be very detailed, very
2 understandable.

3 This whole thing, this whole issue of how we
4 provide housing and services to all members of our
5 communities is just so opaque because it's so detailed,
6 and people just recoil, they say, This is so complex, I
7 just am not going to give the effort to understand it.
8 And I really would like to see us have a way that we can
9 kind of cut through that clutter and produce something
10 that tells the city: Yes, here's what you can do, and
11 here's what the law says you should be doing, and here are
12 all the neat reasons why you should be doing it, and here
13 we're also helping bring together and marshal resources
14 and put together tools to help finance that, to help
15 arrange for it.

16 How's that for a big diatribe?

17 MR. GOLD: Excellent.

18 (General laughter.)

19 MS. SCHWEICKART: And maybe to build off of
20 that comment, perhaps the way to put your emphasis into
21 the practices of the council moving forward in writing
22 this new biennial plan is perhaps working with TDHCA's
23 group.

24 MR. IRVINE: I think this needs to be a front
25 and center issue in the updating of the analysis of

1 impediments of fair housing choice. And I would really
2 like to see a subcommittee of this group work specifically
3 with that activity and that effort.

4 MS. LANGENDORF: Because realistically, we
5 could do all kinds of things on getting a new 811 and
6 working with a developer that says we're going to develop
7 200 units and be very public -- somebody help me out here
8 with the math -- it would be 50 of them could serve people
9 with disabilities and we're moving right along and we've
10 got a great deal, and then it gets killed down at the city
11 level because the neighbors don't want those people in
12 their neighborhood -- which happens continuously, as we
13 all know.

14 So I think it's a real good point, I think it's
15 something we need to be running in tandem, for sure,
16 because we all know there's a lot of NIMBYism and we
17 somehow have to address that.

18 But I also think, be it by committee or however
19 we do it, there are some things that I think we could
20 improve opportunities. I read all these barriers again,
21 and I was like: How many times are we going to have to
22 hear? We know the big issue are those that are 30 percent
23 below, and nobody is developing that housing. 811s, yes,
24 other than that, nobody is developing.

25 How do we really promote that? What kind of

1 things can we do? One of the things I really want to do
2 or see happen is the state has funding, under the HOME
3 Program we have this overriding up to 5 percent can be
4 used for people with disabilities when the need is much
5 greater than that, we need to somehow work to get that 5
6 percent removed so truly where somebody wants to live
7 there's going to be housing no matter where that person
8 wants to live, or a voucher to go along with them no
9 matter where they want to live, and we're not dealing with
10 this 5 percent situation that we currently have.

11 The other is when I keep reading this and we
12 all know this, and then I know if I want to go in and
13 apply to develop 30 percent units for people with
14 disabilities, TDHCA is going to require me to spend money
15 up front in doing a market study to tell us, yet again,
16 that yes, there's a need for 30 percent units. I mean,
17 maybe there's an opportunity to waive some of these
18 requirements when, after 500 million times we hear we know
19 there's a need.

20 I can tell you we're doing the tenant-based
21 rental program, or trying to, anyway, with HOME funds and
22 we put out applications and we have 80 people within two
23 months, 80 families, 80 individuals with disabilities who
24 need housing -- I mean, are living in cars. It's really
25 brutal out there and it's getting even worse.

1 So I just want to be on a committee that
2 somehow we come out with concrete recommendations --
3 pardon the pun -- some way that we really change something
4 somewhere and say, Okay, there's a barrier. There are
5 some things here, page 3 or 4 or 5, the guy talking about
6 he had the TBRA program and it's not a partnership. It
7 needs to be a partnership with the funding source to
8 really serve people. It's more discouraging than
9 encouraging when you're trying to get somebody services.

10 What can we do as members to really say, Okay,
11 we've changed that or we've made this recommendation. So
12 put me on any committee where we can make recommendations
13 and see something change.

14 MR. HANOPHY: Not to throw cold water on any of
15 that discussion, the challenge I have or the question I
16 have in my mind is scope. This council exists for a
17 specific reason and I realize, through however many
18 degrees of separation, we can attribute any number of
19 topics to that, but as I read, the purpose was to increase
20 state efforts to offer service-enriched housing through
21 increased coordination of housing and health services. I
22 think anything we have to do has to be within that context
23 or we run the risk of diluting what we're doing to the
24 point where we're just another face in the crowd.

25 I think a lot of nonprofits over the years that

1 were created around a specific disability population or
2 cause, and because of need or impact or whatever, now say
3 we serve everybody or we do this. I think anything we
4 take on should be in the context of this.

5 MS. MARGESON: Oh, Jim, what the heck, the
6 legislature has diluted its now concept.

7 MR. GOLD: But he makes a very good point, we
8 have a jurisdiction.

9 MR. HANOPHY: If we want to have impact. I
10 mean, I thought the testimony we've had this morning was
11 about what you might be leaving out or how to think about
12 service-enriched housing in areas to expand upon. And it
13 clearly touches into the fair housing realm, but let's
14 keep it within that context of what we're supposed to be
15 doing.

16 MS. LeoGRANDE: But isn't it important to
17 consider that there needs to be some sort of awareness
18 about what you're trying to accomplish? So maybe in terms
19 of fair housing, in terms of your creating awareness
20 across the state of what you're doing, an element of that
21 is a brief education on fair housing. Because I think
22 really most cities have fair housing or some similar
23 phrasing in their strategic plans, so in a lot of cases,
24 an education on fair housing per se has already taken
25 place, but the update to the fair housing laws or the 811

1 laws or some of the other regulations that are coming down
2 from Austin, that is very, very timely and does feed into
3 some of these plans that your committee has in place. So
4 I think there is an opportunity to fill both of those
5 objectives under your charter in the form of an awareness
6 briefing.

7 MR. HANOPHY: Correct. What I'm saying is that
8 although it could be tempting to sort of take on fair
9 housing as a topic in and of itself, I think we have more
10 credibility of we say within the context of service-
11 enriched housing which means this, there's a key issue
12 here that's a barrier to service-enriched housing, and
13 that are these fair housing issues. I just think framing
14 it within the context of what our mission is gives us more
15 credibility, and by that, raises the issue of fair
16 housing.

17 MS. SCHWEICKART: So what I'm hearing, we
18 definitely are talking about having a subcommittee that
19 maybe focuses on the issue of service-enriched housing,
20 the issue of fair housing as it relates to service-
21 enriched housing, or however you want to say that.

22 MR. IRVINE: I guess the way I would phrase
23 it -- and I absolutely agree, you need to focus on your
24 statutory charge -- is you have a subcommittee that's
25 dealing with service-enriched housing but it's got to be

1 done in a way that's very mindful that this isn't just an
2 unfettered, whatever you want approach, this is something
3 that must comply with fair housing.

4 MR. HANOPHY: And certain issues, as were
5 raised this morning, are getting in the way of this, and
6 they clearly -- well, not clearly, but could potentially
7 be violations of fair housing.

8 MR. HANOPHY: And that is a key factor in
9 implementing service-enriched housing.

10 MS. SCHWEICKART: So that seems like one
11 definite group that could be meeting and discussing issues
12 going forward. Are there any other thoughts as to the
13 other pressing issues as related to service-enriched
14 housing that were talked about in this feedback that we
15 want to move forward with another subcommittee to tackle
16 to address?

17 MR. HANOPHY: I liked your original idea, and I
18 think what we just agreed to fit within that concept of
19 taking service providers to talk about the service-related
20 issues, and people with the housing expertise to talk
21 about those housing comments. I know a lot about services
22 and person-directed planning and all that good stuff, but
23 housing is not my strength, but other folks really do.

24 MS. SCHWEICKART: Okay.

25 MS. LeoGRANDE: And I think it's very important

1 to get the families involved in this process.

2 MR. IRVINE: Yes.

3 MS. LeoGRANDE: Because they are the voters and
4 they are the ones with the responsibility for their
5 children, so we want to make sure that we get a broad
6 representation of their needs as well.

7 MS. SCHWEICKART: Definitely.

8 MR. IRVINE: And I think that by getting broad
9 involvement of families, you also sort of automatically
10 will address communities that say: Oh, we don't want
11 those people. Well, those people are already in your
12 community. I have a young adult with disabilities living
13 with me in a very nice neighborhood that is known as sort
14 of NIMBYist Central in Austin, so I'm sorry, he's already
15 there.

16 (General laughter.)

17 MS. SCHWEICKART: And so one suggestion that
18 Jonas actually brought up with me when we were at the 811
19 Team meeting was the possibility of kind of doing a little
20 bit of the opposite of what we did the last time we went
21 through this process. Because the last time we went out
22 and we visited four different cities around the state to
23 gather input before we created any documents for the plan,
24 and so we discussed maybe doing the drafting of the
25 documents for the plan, so the subcommittees would meet,

1 discuss the issues, make recommendations, and then after
2 that language is on paper, going out for public hearings
3 after that. I see people shaking their heads like it's a
4 good idea.

5 MR. GOLD: I think it's a great idea.

6 MS. GRANBERRY: Timeline-wise, wouldn't that
7 put public hearings in the summer?

8 MS. SCHWEICKART: It would.

9 MS. GRANBERRY: And how successful are those?

10 MS. SCHWEICKART: That's a good question. I've
11 only done a couple of public hearings in the summertime
12 and they were on disaster recovery so everyone was there.
13 Any thoughts on timing?

14 MS. MCGILLOWAY: Maybe if we just stress -- I
15 mean, I think that's a perfect time for people to provide
16 comment as we will be entering a session. Right? Am I
17 off?

18 MS. GRANBERRY: Right. But all of this has to
19 be finished before session. Right? I mean, it has to be
20 finished and turned in by August 1. So you'd be looking
21 at May, early June for public hearings?

22 MR. GOLD: You know what, people are always
23 taking vacations.

24 MR. HANOPHY: You can't plan around it.

25 MR. GOLD: You just can't. Things happen in

1 the summer, people do work in the summer, people are home
2 in the summer, some people are off that week, some people
3 aren't. That's just the way it works.

4 MS. MCGILLOWAY: But my point is, and I
5 understand that, but if we put it in the guise that a
6 session is coming and the more support we have behind our
7 recommendations, the more likely that someone is going to
8 be willing to take up the charge. I mean, it's sounding
9 like what Jean is proposing, most of what we're going to
10 think about is stuff that needs to be legislatively
11 mandated to we state agencies, and we need to kind of
12 create a buzz and an awareness and get that public comment
13 before we go and we try to take someone to take up our
14 charge.

15 I mean, I know it's going to be impossible and
16 maybe it's going to be a failure, but we can't not do it
17 or try it. But I think it's a great way to approach it.
18 It's more proactive than reactive, in my opinion.

19 MS. SCHWEICKART: Okay. So given that we're
20 looking at a timeline of trying to have some draft
21 language to give to the general public by mid May, I think
22 we definitely need to, as soon as we can, get these
23 subcommittees, get the people who are on them on them.
24 And last time the way that we did things to kind of lessen
25 the burden of people who are out of Austin having to

1 travel, we did conference calls, I think those worked
2 fairly well as long as we can set up a time frame for the
3 calls that work for everyone.

4 So I think what I'm going to do is I'm just
5 going to send you all an email that has proposed
6 subcommittee structure and which one you're on and give
7 you some options for dates and times for upcoming
8 conference calls and see how people feel. Does that work?

9 MR. GOLD: Can we get that as soon as possible,
10 though, to secure dates and times?

11 MS. SCHWEICKART: Yes. I will post-haste.

12 MR. GOLD: It's crazy time already, and really,
13 LAR preparation begins next month.

14 MS. SCHWEICKART: Are there any other comments
15 on the biennial planning framework moving forward?

16 MR. IRVINE: I have one. I've been to an awful
17 lot of public hearings over my life and they're usually in
18 a nice room like this and it's a small group of people who
19 just happen to be interested in the idea, and I think
20 that's testimonial to the people who show up but it's not
21 a very effective way to run public hearings. I would like
22 to explore finding large diverse groups that are already
23 meeting and seeing if they would be willing to partner
24 with us. For example, hooking up with a large PTA meeting
25 or a Little League meeting or something like that that's

1 going to get broad involvement from larger cross-sections
2 of communities.

3 MS. LeoGRANDE: Well, I would be glad to
4 volunteer the community up here.

5 MR. IRVINE: Where's the community up there?

6 MS. LeoGRANDE: This is in the North Texas, the
7 Community for Permanent Supported Housing. We have an
8 extensive active community and a very large email list,
9 and we are the organization that has the 700 people on our
10 survey, and we would love to host a forum for you to
11 present your plan, our plan.

12 MR. IRVINE: That would be great.

13 MS. GRANBERRY: I would think too, or I would
14 like to see, I know we went to major cities last time but
15 if we could move that around a little bit and not
16 necessarily just repeat the cities we went to. We didn't
17 go further south last time. Corpus, Rio Grande Valley,
18 that area would be happy to host that as well.

19 And then I agree, public hearings can be very
20 difficult. I know Texas Interagency Council is hosting
21 some in conjunction with the Homeless Coalition which at
22 least brings in some more people.

23 MS. SCHWEICKART: That's right. And TICH is
24 coordinated through TDHCA and they have been doing a lot
25 of great things and trying to get public hearings in

1 places that people are already meeting, so I think that's
2 a good suggestion.

3 MS. LeoGRANDE: If we could start getting those
4 scheduled just so that we can reserve locations, that
5 would also be very helpful and that would kind of commit
6 us to a date for this draft.

7 MS. SCHWEICKART: Sure, yes. I can look into
8 dates for meetings in May.

9 MR. IRVINE: Anything else?

10 MR. HANOPHY: What we should probably do, too,
11 is we should probably look and see what we're aware of
12 within the context of our agencies or responsibilities
13 that might be going on in April or May, if there's an
14 autism conference or something coming up that we're aware
15 of that perhaps we could tap into the group there either
16 by having an opportunity for a focus group if they'd let
17 us carve out some time or at least have a chance to give
18 out a survey or something.

19 MS. SCHWEICKART: Okay.

20 MR. GOLD: The third Thursday is PIAC.

21 MS. SCHWEICKART: The PIAC meeting is the third
22 Thursday of May.

23 MR. GOLD: Of April.

24 MS. SCHWEICKART: Of April.

25 MR. GOODWIN: Would a TAAHP seminar be a good

1 community?

2 MS. SCHWEICKART: Did you say TAAHP?

3 MR. GOODWIN: Texas Association of Affordable
4 Housing Providers.

5 MS. SCHWEICKART: Do they have something in
6 that time frame?

7 MR. GOODWIN: I don't know. As a fair housing
8 presenter, what you have, in theory, is all the tax credit
9 developers.

10 MS. LANGENDORF: They do their annual
11 conference in July.

12 MS. SCHWEICKART: Well, we'll think about that
13 window of time because we definitely want to make sure
14 that not only the council members have gotten to see the
15 drafts and the public have gotten to see the drafts that
16 we incorporate those kinds of reports too.

17 That's a great idea, and I'll send out an email
18 to remind everyone to look at any of the stakeholder
19 groups that you work with or groups that you attend
20 yourself or someone from your agency or organization
21 attends, and just remind you to look on your calendar and
22 see if there's anything that we can potentially partner
23 with. That's definitely a good idea.

24 Is there anything else?

25 MR. IRVINE: We're done.

1 MS. SCHWEICKART: Let me just make sure that
2 everyone knows that our next meeting is Monday, March 5,
3 so everyone can get that on their calendars. Monday,
4 March 5. Typically we try to do them at 10:00 a.m. If
5 you guys have any spaces you'd like to have met -- I know
6 that Paige has volunteered TSAHC before -- we can
7 definitely use that.

8 MR. IRVINE: I really like the TSAHC facility.

9 MS. SCHWEICKART: All right; we're coming to
10 you.

11 MS. MCGILLOWAY: That's great. Come to East
12 Austin.

13 MS. SCHWEICKART: Thank you.

14 MR. IRVINE: Thank you. We're adjourned.

15 (Whereupon, at 12:05 p.m., the meeting was
16 concluded.)

