



The Center of All Relationships

Housing Needs of Navajos with Disabilities

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The Navajo home is not only a roof over one's head, but the place where families are established and children grow and learn; it is the center of all Navajo relationships.

*Fort Defiance Housing Corp. v. Lowe
Navajo Supreme Court 2004*

Background and Summary of Findings

Throughout the Navajo Nation, there is a severe shortage of adequate housing. High unemployment¹, low income², and an extreme lack of sufficient housing stock³ are all factors increasing the need for greater access to appropriate housing. However those persons with a disability face additional challenges, and therefore, have an even greater need for access to appropriate housing. Approximately 15% of the Navajo population reports itself as having a disability, with 91% of those persons with a disability being low-income.⁴ Over the last seven years, the Native American Disability Law Center (the Law Center) has been working to identify the barriers to housing for families with disabilities. This report focuses on the results of those efforts, with the most consistently identified barrier to obtaining housing by persons with a disability on the Navajo Nation being the procedures and policies in applying for housing.

The Law Center has conducted a number of housing needs surveys and focus groups in the last seven years. The surveys and focus groups focused on housing services provided by the Navajo Housing Authority (NHA) as their programs are specifically for low income families. The results have consistently indicated that access to appropriate housing is a major concern to people with a disability across the Navajo Nation. The results also indicate that simplified and more consistent policies and procedures, as well as assistance in navigating those procedures, are needed. Also needed is greater

¹ Phase II Housing Needs Assessment and Demographic Analysis, prepared for Navajo Housing Authority, August 2011, p.76.

² *Id.* at p.77.

³ *Id.* at p.19: "In total about 90% of the existing housing stock on the Navajo Reservation requires some form of remedy ranging from minor repairs to complete replacement. Added to that is need for another 15,200 new units and 8,500 expansions to alleviate overcrowded conditions."

⁴ *Id.* at p.74.

understanding of the barriers that those with a disability face. Therefore education and training to those who provide housing services is critical to increasing that understanding. Likewise, greater outreach and education is needed to assist people with disabilities as well as their family members and service providers, in understanding the housing application process and their rights throughout the process.

About the Law Center

The Native American Disability Law Center (Law Center) is a non-profit organization that works to protect the legal rights of Native Americans with disabilities in the Four Corners area of Arizona, Colorado, New Mexico and Utah. The Law Center also works to ensure that Native Americans with disabilities have access to justice and are treated equally in their communities and nations.

Access to housing has consistently been identified as a major concern to Native Americans with a disability in the Four Corners area.

In June, 2007, the Native American Disability Law Center conducted a comprehensive Needs Assessment in an effort to identify the most pressing needs of Native Americans with disabilities in the Four Corners region. This Needs Assessment consisted of mailing over 2,000 surveys to persons with disabilities, and conducting nine focus groups composed of individuals with disabilities, family members and service providers.

The 2007 Needs Assessment identified access to housing as one of the most important issues facing individuals with disabilities in our service area. The focus group participants consistently stated that housing issues were the most important problem facing people with disabilities. The survey participants also indicated that one of their highest priorities was the lack of accessible housing. Survey and focus group participants all documented frustration with the Navajo Housing Authority, especially with the application process.

Following are some of documented concerns resulting from the 2007 survey and focus groups:

- housing is a huge barrier, regardless of disability;
- 35% of survey respondents did not have a place to spend the night in the previous year;

- 48% of survey respondents with a physical disability were homeless at one time or another; and
- 67% of the focus group participants reported facing continual discrimination and felt that they are not understood by their communities and tribal leaders.

Five years later, the Law Center conducted a similar Needs Assessment in 2011 including surveys and focus groups. Very similar results were obtained, with housing being one of the top concerns for both survey and focus group participants.

The documented concerns include the following:

- One parent mentioned the housing application process is a long process; she was currently on the NHA waitlist for going on four years and did not know when or if she would obtain housing.
- Another participant stated they had applied for NHA housing and they were placed on waitlist for five years. She stated: "It is hard living here on the reservation to receive services and especially if your family member has a disability issue."
- A male participant with physical disabilities from uranium mine exposure stated he had applied for NHA housing and was placed on the waitlist. He stated he did not have the transportation to update his application. He just gave up and never bothered to re-apply. He stated that NHA had too many questions and paper work and NHA's rules were too strict.
- One mother stated that she had applied for housing in 1995 when her kids were still young but nothing went through. More recently she has re-applied four times, but nothing is being done. Yet other people that were on the list after her have obtained housing.
- One member of the community who tries to assist others stated that a lot of homes with persons with disabilities have no ramps. One such individual is isolated in a small 5x10 home. Another grandmother with a disability has a restroom that is no longer useable.
- A gentleman with several disabilities was told by an NHA staff person that he did not look like he had a disability. He has not

gotten anywhere with all his housing applications. NHA repeatedly lost his paperwork.

2011-2012 Housing Needs Survey

Following up on the concerns raised in the 2007 and 2011 Needs Assessments, the Law Center developed and distributed a Housing Needs Survey in 2011-2012. Reported below are the results obtained solely by those participants who identified as Navajo.

Survey Participants

The vast majority of the respondents, over 83%, were people with disabilities. A small number of the respondents were service providers, family members or care givers for persons with a disability.

The following responses relate to those with disabilities. As the survey focused on those persons often the most in need of housing, namely those currently living in group homes and institutions, the participants are not necessarily reflective of the Navajo population in general or those living in NHA housing. Fifty percent reported to be between 26 - 45 years old, 37% were 46 – 64, and only slightly less than 4% were 65 or older. About 42% live in a group home, 23% live in an institution, 17% live with family, and 8% live in their own home. Regarding the primary disability, 70.4% reported a developmental disability, 16.7% reported mental illness, 7.4% were visual impaired or deaf, and 9.3% reported as other.

Survey Results

Of the respondents who had applied for housing with NHA, the vast majority stated that application process was too complicated and the process too long. The majority also raised the issue of the long wait times to obtain housing. One respondent stated it was ten years or more. Another stated that they gave up because of the long waitlist. Of those that were denied housing, some did not know why. Others believed they were discriminated against because of their disability or their health condition.

Over 90% of all respondents did not know there is a grievance process if they are denied housing or have other problems. And almost 95% did not know at the time of applying that they could request a reasonable accommodation related to their disability.

2011 Housing Focus Groups

The Law Center facilitated three focus groups to persons with disabilities and their caregivers. They were held at the Chinle Community Center in Chinle, Arizona on September 21, 2011; at the Dine Bii Association for Disabled Citizens in Tuba City, Arizona on November 29, 2011; and at the Window Rock Education Complex on December 7, 2011.

The discussion centered on three questions:

1. What are the biggest issues for people with disabilities concerning appropriate housing services;
2. How can service providers assist people with disabilities obtain NHA or Public Rental Housing; and
3. How can family members or care-takers assist people with disabilities obtain NHA or Public Rental Housing.

The responses indicate that access to NHA housing services is an ongoing issue for many Navajo people with disabilities. The barriers to accessing appropriate housing that were identified by the participants include:

- Many participants stated the biggest issue for people with disabilities to obtain a NHA home is paperwork and NHA's policies. They feel frustrated with the many questions that need to be answered and documents that need to be submitted and then resubmitted each year while they wait for a home.
- Waitlists are too long; it can take many years to obtain housing. It is a frustrating process and many people give up and do not continue with the recertification process or re-apply.
- Several participants stated that NHA misplaces files and loses documents, and there are additional problems with the process.
- One service provider stressed that NHA staff is not trained to work with people with disabilities; they discount the hardships that people with disabilities and especially those with developmental disabilities face.
- Many stated that NHA staff does not fully explain the process to applicants.

- Another participant stated that NHA procedures are a barrier in that no one follows through with requests; there does not appear to be established procedures or timelines for responses to requests. Others shared this concern.
- Service providers stated that there are no established NHA procedures that would allow for other outside agencies that have the funds and resources to make housing physically accessible provide that assistance directly to NHA residents.
- Another participant stated that many people with disabilities are not educated or go on their own to apply for housing; she stressed that people need help in understanding the process. Another participant agreed that many people with disabilities do not know their legal rights and are not aware of the grievance process.
- One person suggested that the housing application should be different for people with disabilities. People with disabilities do not have transportation and it is hard to get around. The housing services are very hard to deal with especially if you're in a wheelchair.
- Several participants noted that NHA services for maintenance and weatherization are also a problem.
- A care provider stated that NHA and housing programs are set up with their own rules and policies. Many are being ignored and placed on a waiting list for years to obtain a home. The housing services, tribal government and community people do not support people with disabilities to obtain a house or public rental.
- Concern was raised that others are not being provided accommodations related to their disabilities.
- Concern was also raised that there is too much red-tape, favoritism among our own people and a "don't care" attitude toward one another.

Participants made the following suggestions as to how to increase access to housing for people with disabilities:

- NHA needs to understand needs of their clients with a disability; there should be an annual week-long disability awareness

training for NHA staff; this should include training regarding developmental disabilities.

- There should be a trained person in each NHA office to assist those families with a disability with the application, re-certification, reasonable accommodation, and grievance process.
- There should be better collaboration with other service providers to know what resources are available.
- Agency directors need to be involved.
- Training should also include contractors, maintenance workers, law enforcement, doctors, home care providers, service providers, emergency preparedness taskforce, CHR.
- NHA staff need to follow through. If you make a promise, don't break the promise.
- Improve the process.
- A housing guide about tenant rights and how to deal with the waitlist policy should be developed.

Conclusions and Recommendations

The various needs assessments, surveys and focus groups that the Law Center has conducted have all identified that lack of appropriate housing is a huge barrier to Navajos with a disability, regardless of their disability. The barriers facing those applying for housing services, the significant percentage of Navajos with disabilities, and the high unemployment and poverty rate on the Navajo Nation demonstrate the great need to increase access to housing services. Finding and applying for home ownership or public rental through NHA presents a deep challenge for many individuals with disabilities. Economic and income difficulties exist for individuals with disabilities that often prevent them from owning or renting an NHA home.

The application process and recertification process is lengthy and difficult to manage. The waitlists to obtain housing are far too long. Additional housing stock that can accommodate a person's disability is desperately needed. The application process should be simplified and NHA should accommodate the needs of people with disabilities during the application and recertification process.

There needs to be greater awareness of the barriers facing those with disabilities and greater understanding of and compassion for the challenges they face. This can be accomplished by training NHA staff in disability awareness including awareness regarding developmental disabilities.

People with disabilities and their families are unsure or uneducated on how to obtain housing, how to obtain reasonable accommodation, and how to grieve a denial of housing or request for reasonable accommodation. There is need for training, awareness, and outreach to people with disabilities, their caregivers and service providers about their rights. Assistance is needed in completing the application and related documents. It is very telling that in the most recent Law Center survey, over 90% of all respondents did not know there is a grievance process if they are denied housing or have other problems, and almost 95% did not know at the time of applying that they could request a reasonable accommodation related to their disability.

Identifying the need for adequate housing for people with disabilities and the barriers they face in obtaining access to appropriate housing is only the first step. The Law Center continues to work to provide that access to housing and encourages all those involved to take the steps necessary to reduce the barriers that persons with a disability face in obtaining housing and housing services.

5 Ways to Improve Housing for Navajos with Disabilities

- 1. Simplify the Application & Recertification Process**
- 2. Train NHA Staff on the Needs of People with Disabilities**
- 3. Provide Appropriate Accommodations for People with Disabilities**
- 4. Increase the Number of Accessible Homes**
- 5. Reach Out to People with Disabilities & Inform Them of Their Rights**