



POLICY BRIEF: Aging in Place at New York City Housing Authority (NYCHA)

INTRODUCTION

Aging in place is the principle that people should be able to live in their homes and communities for as long as they can do so safely, regardless of age, income, or ability. Public policies should support this goal not only to enable the independence of older people, but also because it is an alternative to costly institutionalization.”¹ In many respects, New York City is at the forefront of cities which adopt age-friendly policies and practices to create sustainable housing options for older New Yorkers as they age. AARP ranked New York City among the top five “Most Livable Cities” because of its housing, supportive community features and services, and adequate mobility options, which together facilitate personal independence and the engagement of residents in civic and social life.² Despite these strides, the City’s aging policies have not extended to the thousands of low-income New Yorkers who live in New York City Housing Authority (NYCHA) developments and are denied the right to have family members move in to care for them. NYCHA’s failure to adopt age-friendly policies shifts the housing burden to hospitals, nursing homes, and other City agencies. This brief lays the groundwork for age-friendly public housing that is consistent with established Citywide policies and goals, and is humane, progressive, and effective policy for the City.

THE INCREASED CHALLENGES AS NEW YORKERS AGE, PARTICULARLY FOR LOWER-INCOME INDIVIDUALS

Nearly 90 percent of people age 65 and over want to stay in their homes as long as possible, and most of them believe their current home is where they will always live.³ Policies that promote aging in place not only reflect the desire of the vast majority of seniors to remain in their homes as they age,⁴ but also make good economic sense by

¹ Vera Prosper, Ph.D., *Livable New York Resource Manual: Livable New York Sustainable Communities For All Ages* (August 2012)

² AARP New York, *AARP Names Upper West Side 2nd Most Livable Neighborhood in Nation for 50+* (April 2015).

³ Teresa A. Keenan, Ph.D., *Home and Community Preferences of the 45+ Population* (2010), 4.

⁴ According to one study, ninety percent of people fifty or older say it is very to extremely important that they be able to remain in their homes as they age. New York City Comptroller, Scott Stringer, *Aging With Dignity: A Blueprint for Serving NYC’s Growing Senior Population* (March 2017).

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fostering financial savings for both individuals and government programs like Medicaid and Medicare.⁵

Over 20 percent of the City's elderly are poor.⁶ These senior citizens struggle to pay for basic necessities such as rent and food as well as the increased costs associated with being elderly such as medicine, transportation, and caregiving costs. One-third of senior households have no money left over or are in debt after meeting essential expenses each month.⁷

A combination of factors, including demographic shifts and increased life expectancy, are projected to result in a substantial increase of the national senior population from 13 percent to 20 percent by 2040.⁸ New York City's demographics reflect this national trend with the number of persons aged 65 and over projected to rise by 40.7 percent from 2010 to 2040 (from 1 million in 2010 to 1.41 million).⁹ The "growth in the population over 65 will bring changes to local communities across the five boroughs and will put new, dynamic pressures on City government that can only be managed with long-range strategic planning, commitment, and resources."¹⁰ Age-friendly policies that support aging in place will aid the City in addressing these increased challenges.

⁵ According to one study, ninety percent of people fifty or older say it is very to extremely important that they be able to remain in their homes as they age. New York City Comptroller, Scott Stringer, *Aging With Dignity: A Blueprint for Serving NYC's Growing Senior Population* (March 2017).

⁶ The Mayor's Office for Economic Opportunity's Data Tool. Poverty is determined based on pre-tax cash (the income measure used in the official federal poverty measure), and includes the effect of income and payroll taxes, and the value of in-kind nutritional and housing assistance. Non-discretionary spending for commuting to work, childcare, and out-of-pocket medical care are accounted for as deductions from income.
<http://www1.nyc.gov/site/opportunity/poverty-in-nyc/data-tool.page>

⁷ National Council on Aging, *Economic Security for Seniors Facts* (citing Institute on Assets and Social Policy)

⁸ Levitt, Rachele, *Aging in Place: Facilitating Choice and Independence*, December 2013 (citing Adele M. Hayutin, Miranda Dietz, and Lillian Mitchell. 2010. *New Realities of an Older America*, Stanford Center on Longevity, 4–5.)

⁹ The City of New York and the Department of City Planning, *New York Population Projections by Age/Sex and Borough, 2010 to 2040*. (December 2013) <http://on.nyc.gov/2cLgUAz>

¹⁰ New York City Comptroller, Scott Stringer, *Aging with Dignity: A Blueprint for Serving NYC's Growing Senior Population* (March 2017) p.7

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NEW YORK HAS SET A PRECEDENT AS AN AGE-FRIENDLY CITY

New York City was one of the first urban centers to formally adopt policies that actively promote aging in place.¹¹ These policies steer resources to communities that have existing senior populations such as Naturally Occurring Retirement Communities (NORCs). For NORCs, the City and the State provide funds to support age-integrated living environments that permit seniors to age in place with the support of family and existing community.¹²

The de Blasio Administration has confirmed its support for age-friendly and aging in place policies. In 2015, the City launched *Age-friendly NYC*, an initiative of [OneNYC](#), as a strategic plan for growth, sustainability, resilience, and equity. The New York City Action Plan which implements *Age-friendly NYC* established four focus areas: housing, community and civic participation, public spaces and transportation, and health and social services. The focus on housing specifies:

New York City is committed to helping older adults lead healthy, empowered, and independent lives. One key way to support this goal is to enable healthy aging in place so older adults can remain in their own homes as long as they are willing and able to do so. A safe home environment, free of hazards that cause falls, helps older adults to remain independent in their homes and active in their communities.

- OneNYC 2016 Progress Report¹³

The OneNYC report further discusses the important role of City agencies in supporting age-friendly policies and describes the New York City Department for the Aging's (DFTA) and New York City Department of Health and Mental Hygiene's (DOHMH) role as co-leads of the New York City Falls Prevention Coalition that works on many fronts to prevent falls among older adults.¹⁴ Thus, the City acknowledges the key role that City agencies play to ensure that age-friendly policies are adopted.

¹¹ New York City Comptroller, Scott Stringer, *Aging With Dignity: A Blueprint for Serving NYC's Growing Senior Population* (March 2017).

¹² Vera Prosper, *Livable New York Resource Manual: Naturally Occurring Retirement Community (NORC) Services Program* (2015).

¹³ OneNYC 2016 Progress Report. <http://on.nyc.gov/24SYwM1>

¹⁴ OneNYC 2016 Progress Report. <http://on.nyc.gov/24SYwM1>

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In 2015, Mayor de Blasio re-seated the Age-Friendly NYC Commission that works to help change the culture of New York City to make it more inclusive of older adults. Originally created and seated by Mayor Bloomberg in 2010, “the Commission is comprised of civic leaders from across sectors and disciplines working to develop the overall strategy for age-friendly policies inclusive of both the public and private sectors. The Commission has helped New York City become a global leader in the age-friendly cities movement through an array of innovative projects, many of which have been replicated or adapted in other parts of the world.”¹⁵

The Commission’s Housing Working Group advances “strategies that facilitate older people’s access to safe and affordable housing as well as focusing on improving housing safety, security, services, and supports.”¹⁶ However, some of NYCHA’s policies are inconsistent with New York’s emphasis on being an age-friendly city.

¹⁵ New York Academy of Medicine (NYAM). <https://nyam.org/age-friendly-nyc/our-work/commission/>

¹⁶ New York Academy of Medicine (NYAM). <https://nyam.org/age-friendly-nyc/our-work/current-priorities/housing/>

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The Aponte Story

Victoria Aponte was an 87-year-old woman suffering from dementia. This illness severely impacted her ability to make decisions, to take care of her health (she often forgot to take vital medications), to take care of her finances, and to remain safe (she often wandered alone and lost her wits). She lived in her Bronx NYCHA apartment from 1992 up until her death in 2010.

Victoria's son, Jonas, moved into his mother's NYCHA apartment to care for her while she deteriorated from this debilitating illness. Despite Jonas' multiple attempts, NYCHA refused to provide any accommodations. First, NYCHA refused to grant Jonas permanent permission to join her household on the grounds that the apartment would become "overcrowded," and then rejected a permanent permission application stating they did not believe Victoria's signature was genuine.

NYCHA did not engage in any inquiry or interactive process to determine an appropriate accommodation for Victoria, which might have included sending an employee to her apartment to assist in completing and signing the necessary forms, referring her case to NYCHA's own social services department, or granting Jonas permanent permission to reside with his mother in a larger apartment to which the family could have been transferred.

NYCHA's practice and policy of requiring tenants with disabilities like Victoria to live indefinitely in overcrowded conditions without the possibility of a transfer violates the reasonable accommodation provisions of the Fair Housing Act and local New York laws by denying tenants with disabilities an equal opportunity to use and enjoy their apartments.

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NYCHA'S FAILURE TO PROMOTE AGING IN PLACE IS OUT OF LINE WITH THE CITY'S POLICIES AND PLAN

Victoria's request to NYCHA to have Jonas live with her was a request for a reasonable accommodation. NYCHA's failure to treat it as such reflects that its policies work against permitting seniors to age in place with existing resources. Given the lack of affordable housing in New York City, and the vulnerability of older adults with limited incomes, NYCHA's policies should encourage family members to provide care for elderly and infirm parents and relatives. NYCHA's failure to adopt age-friendly policies shifts the burden to tenants to find alternative housing at such a vulnerable stage in their lives. Yet too often, other affordable housing may not be available to these seniors so some may have no alternative housing option and even end up in the shelter system.

Aging in place offers several benefits, such as proximity to essential services, convenient access to transportation, and existing medical care.¹⁷ Furthermore, aging in place policies support both formal and informal caregiving arrangements that can work to avert institutionalization. Taking advantage of these existing networks can result in financial savings for both individuals and government programs through less Medicaid and Medicare usage.¹⁸

The lack of affordable housing is a significant barrier to implementing policies for aging in place.¹⁹ This is particularly true in New York City where housing costs have been escalating for decades.²⁰ The U.S. Department of Housing and Urban Development (HUD) Supportive Housing for the Elderly program (known as Section 202 housing) provides assistance to localities to develop affordable housing for seniors. However, funds that are specifically designated for senior housing are grossly insufficient to meet

¹⁷ New York City Department for the Aging, *Aging in Place Guide for Building Owners, Recommended Age-Friendly Residential Building* (2016).

¹⁸ *Id.* p.7.

¹⁹ Levitt, Rachele, *Aging in Place: Facilitating Choice and Independence* (December 2013)

²⁰ New York City Comptroller, John C. Liu., *Senior Housing in New York City: The Coming Crisis* (May 2013) <http://on.nyc.gov/2uSisI7>

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growing demands.²¹ In New York City alone, it is estimated that over 200,000 seniors are on a wait list for Section 202 housing.²²

NYCHA plays an important role in bridging the affordable housing gap for the 1.1 million seniors living in the City. Nearly 600,000 New Yorkers reside in NYCHA's 326 developments.²³ Forty-one of NYCHA's developments are exclusively for seniors, and there are 15 buildings exclusively for seniors within the other developments. According to NYCHA, more than one-third of NYCHA households are headed by someone 62 or older.²⁴ As New York City's population continues to age, it is critical that NYCHA adopt policies that permit seniors to age in place with dignity.

RECOMMENDATIONS

1. NYCHA must consider additional residents to tenant households as reasonable accommodations within the framework of the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA).

NYCHA's reasonable accommodation policy²⁵ states that NYCHA will:

[p]rovide reasonable accommodation in housing for qualified residents, applicants, and Section 8 voucher holders with disabilities where such accommodation is needed to provide an equal opportunity to participate in NYCHA's programs, services, or activities.

However, NYCHA does not include approval of additional tenants within the framework of NYCHA's reasonable accommodations procedures.²⁶ The policy lists 17 examples of accommodations that are commonly made for tenants with disabilities; although the procedures state that this list is not exhaustive, it is still telling that additional tenants are not included.

²¹ U.S. Department of Housing and Urban Development, *Section 202 Supportive Housing for the Elderly: Program Status and Performance Measurement*, (June 2008).

²² AFFORDABLE SENIOR HOUSING CRISIS! 111,000 LOW INCOME OLDER ADULTS LANGUISHING ON WAITING LISTS FOR SENIOR HOUSING AN AVERAGE OF 7 YEARS <http://www.liveon-ny.org/news/2016/3/11/alert> (March 1, 2016)

²³ New York City Housing Authority, *Facts about NYCHA* (2016).

²⁴ *Id.*

²⁵ <http://on.nyc.gov/2uu1Y0B>

²⁶ <http://on.nyc.gov/2uqWjdn>

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Conversely, NYCHA's procedures governing additional residents to tenant households make no reference to accommodations for the disabled. As such, NYCHA must include approval of additional tenants in its policies and update all of its pertinent procedures, as well as ensure that its employees are informed about these updates and adequately trained to work with seniors and residents with disabilities.

2. Given its role as housing provider to a significant aging and income-limited population, NYCHA should act as a policy leader in the area of aging in place instead of denying reasonable accommodation requests that would permit seniors to age in place with relative caregivers. **NYCHA should review all of its policies and procedures to ensure not only that it is consistent with the *Age-friendly NYC*, but also to determine opportunities to further improve upon its programs and services for older New Yorkers.**

For questions about the content of this report, please contact the author:

Bich Ha Pham, bpham@pubadvocate.nyc.gov, 212-669-2176

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