



February 19, 2015

To: Joint Ways and Means Subcommittee on Human Services

From: Leslie Sutton, Oregon Intellectual and Developmental Disabilities Coalition

Re: HB 5026 The Department of Human Services budget must restore the Fairview Trust and keep the promise of community housing opportunities for Oregonians with intellectual and developmental disabilities.

Co-Chair Nathanson, Co-Chair Bates and Members of the Committee:

The Oregon Intellectual and Developmental Disabilities Coalition (IDD Coalition) is a group of approximately 30 organizations across Oregon that promote quality services, equality and community integration for Oregonians with developmental disabilities and their families.

The IDD Coalition envisions an Oregon where all people are valued and granted equal opportunity to be members of their community. Housing is a fundamental step to creating a life in your community. Unfortunately, the Governor's 2015-17 budget completely removes a valuable housing resource from the Department of Human Services (DHS), Office of Developmental Disabilities Services budget – the Fairview Trust.

The Fairview Trust is a commitment to community housing opportunities for Oregonians with I/DD in Oregon law

The Fairview Trust is a promise to Oregonians with intellectual or developmental disabilities (I/DD) that Oregon will create and maintain community housing opportunities for them. It is also a recognition that access to affordable, accessible housing is a true barrier for people with I/DD to live in their communities. The trust exists to remove these housing barriers.

The Oregon Legislature supported the trust's promise of community housing for people with I/DD by making the trust a special fund held by Department of Treasury. The trust is continuously appropriated to DHS in "perpetuity" for community housing under Oregon law in



ORS 427.330-427.345. The interest earned on the trust has helped a thousand Oregonians with I/DD to live in their communities. It must be restored to help thousands more.

The statutory trust language directs DHS to develop community housing for people with I/DD.¹ There are many ways DHS can use the trust to fulfill this purpose. Historically, the trust was used for home modifications to make a person's home fit their accessibility needs. The Community First Choice Plan (K Plan) currently pays for such modifications. The trust language, however, is broad enough to allow Oregonians with developmental disabilities to use the trust for other housing opportunities. SB 617 creates a task force to examine these possibilities, however, without restoration of the trust, possibilities do not exist.

The trust was created with \$12 million of the proceeds from the sale of the Fairview Training Center. Fairview segregated thousands of people with I/DD away from their communities and families for nearly a century. The Trust was Oregon's effort to bring good out of what had been brutal public policy.

In 2011, the trust loaned \$6 million to the General Fund. At the time, DHS publicized that "the intent is to rebuild the corpus when state finances recover".² In 2013, on the legislative record, a member of the Ways and Means Human Services committee described this as a loan and said the promise was to restore the trust.³ This loan must be repaid to keep the promise of community housing for people with I/DD.

Changes in federal and state policies mean that Oregonians with I/DD need housing support more than ever to be members of their communities

Current trends indicate that without housing options, many people are forced to access out-of-home services at a greater cost when they prefer to live in their own homes. The demand for affordable, community housing for people with I/DD is very high and will continue to climb as Oregon implements the following:

¹ ORS 427.335(1): "the Department of Human Services may...acquire, purchase, receive, hold, exchange, operate, demolish, construct, lease, maintain, repair, replace, improve and equip community housing for the purpose of providing care to individuals with intellectual or other developmental disabilities."

² DHS 2011-2013 Legislatively Approved Budget Summary by DHS Program Area, page 6, July 13, 2011.

³ Oregon State Legislature Ways and Means Hearing, April 18, 2013.



1. The Centers for Medicare and Medicaid Services (CMS) issued regulations governing Home and Community Based settings to require that Oregon serve people in the most integrated settings and maximize opportunities for people to access their communities. The rules allow people to choose where they receive services, including receiving services in non-disability settings, like an apartment. Current affordable, accessible housing options are not adequate to support people who choose to live independently.
2. The Community First Choice (K Plan) offers individualized supports for people at levels that meet the person's needs. This is unprecedented in Oregon and will result in a demand for people to take their supports out of group or foster homes and into more individualized housing arrangements. Providers and adults with developmental disabilities report that this is already happening and finding affordable housing to meet this need is a real barrier.
3. Many adults with IDD and parents of children receiving IDD services now use IDD supports to create a real life in their communities. In a recent Oregon Consortium of Family Networks survey, three out of four families believe their child will live independently as an adult. Independent living cannot happen if Oregon does not account for housing needs.

Keep the promise and fund housing opportunity for people with I/DD

Please keep the promise of community housing for Oregonians with I/DD by doing the following:

1. Restore the Fairview Trust to \$12 million, which includes repaying the 2011 loan;
2. Invest the funds in an interest bearing account (SB 616); and
3. Form a Task Force to develop a strategic plan to move community housing for people with I/DD into the 21st Century (SB 617).

“When I lived at Fairview, I was sad. Next week, I celebrate living 20 years in my own apartment. I am happy. I am glad the trust reminds us that Fairview is gone and the money can help people live on their own like I do.”

Quote from former Fairview Resident, December 18, 2014