



Presentation to Framingham
Board of Selectmen
August 16, 2005

Outline

- Our Mission
- Who We Serve
- Who We Are, and Where We Came From
- Where We Are
- How We Site Group Homes
- Property Values and Group Homes
- Laws and Court Decisions
- Economic Impact
- Future Plans in Framingham

Our Mission

Advocates' mission is to assist people with disabilities or other individual challenges to overcome personal obstacles and societal barriers to obtaining homes, meaningful work, satisfying relationships and to living the fullest possible lives, while inspiring our communities to create opportunities for contribution and participation by all.

Who We Serve Karen

- Karen has a developmental disability. She came to an Advocates' group home when she was 22 years old. She had been in restraints in a residential school because she was punching her face hundreds of times per day. She was in danger of losing her eyesight. Karen now works in a local restaurant and rarely hurts herself. She still lives in a group home, but hopes for her own apartment someday.

Who We Serve Bob

- Bob was fine until at age 2 he was bitten by a mosquito carrying eastern equine encephalitis. From then on developmental milestones were not achieved. He was often taunted while growing up and he often responded by fighting back. He had been many years in a state hospital, when he came to Advocates in 1981. Bob still lives in a group home, but now works odd jobs, and resists responding, when he is still taunted, as he walks about town in Framingham.

Who We serve Jay

- Jay is a 40 year old man who has received residential services from Advocates for the past ten years. Jay was 19 when he began to experience difficulty and had several psychiatric hospitalizations. He was confused, distracted and believed people were trying to hurt him. After several years in a State Hospital he came to an Advocates' group home in Framingham. He worked hard at the group home and finally went back to part time work. After several years he moved into an apartment near route nine. He is now living on his own. Advocates staff come to his apartment several times each week. Jay has not been hospitalized in many years. He still works part time but now is taking classes at the local community college.

Disabilities

- Under the Americans with Disabilities Act, a person with a disability is defined as:
 1. "An individual w/a physical or mental impairment that substantially limits one or more major life activities," or
 2. "An individual w/a record of a substantially limiting impairment," or
 3. "An individual who is perceived to have such an impairment."
- Psychiatric Disabilities
- Developmental Disabilities
 - Autism
 - Prader-Willi Syndrome
- Physical Disabilities

Exceptions to Definition of Disability/Handicap

- Although there are exceptions to this definition, including those "whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others" (42 U.S.C. 3604(f)(9)), and people afflicted with the "current, illegal use of or addiction to a controlled substance" (42 U.S.C. § 3602(h)), [handicap does include people who take drugs legally, or people who were once, but no longer are, illegal drug users. United States v. Southern Management Corp., 955 F.2d 914, 919-23 \(4th Cir. 1992\).](#)
- <http://www.oxfordhouse.org/fairhouse.html>

Psychiatric Disabilities Definition from MA DMH

- Severe and persistent mental illness is a disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, and that results in an inability to meet the ordinary demands of life. ...must persistently and substantially interfere with or limit role functioning in one or more major life activities and be expected to do so in the succeeding year.

Psychiatric Disabilities President's Freedom Commission

- **We envision a future when everyone with a mental illness will recover, a future when mental illnesses can be prevented or cured, a future when mental illnesses are detected early, and a future when everyone with a mental illness at any stage of life has access to effective treatment and supports - essentials for living, working, learning, and participating fully in the community.**

Psychiatric Disabilities

- Prevalence studies suggest that with 66,000 residents there are about 660 people (1%) with serious and persistent mental illness (SPMI) living in Framingham
- Advocates residentially serves 126 people with SPMI in Framingham
- There are 6,000 people with SPMI receiving residential services in Massachusetts from DMH

Psychiatric Disabilities Models of Residential Support

- Institutions 1860-1970
- Large Group Homes 1970's
- Small Group Homes 1980's
- Supported Housing with Respite 1990's
- Clustered Supported Housing 2000's

Developmental Disabilities

- According to the Developmental Disabilities Act (Pub. L. 106-402), the term developmental disability means a severe, chronic disability that:
 1. is attributable to a mental or physical impairment or a combination of those impairments;
 2. occurs before the individual reaches age 22;
 3. is likely to continue indefinitely;
 4. results in substantial functional limitations in three or more of the following areas of major life activity: (i) self care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and
 5. reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

Developmental Disabilities

- Prevalence statistics suggest that with 66,000 residents there are about 1,300 (2%) people in Framingham with significant developmental disabilities
- Advocates residentially serves 73 people with developmental disabilities who live in Framingham
- There are 10,000 people with developmental disabilities receiving residential services in Massachusetts through DMR

Developmental Disabilities Models of Residential Support

- Institutions (State Schools) 1900-1970
- Large Group Homes 1970's
- Small Group Homes with 3-5 individuals 1980's
- Individual Support 1990's
- Shared Living 2000's

Societal Barriers for People with Disabilities: From Stairs to Stigma

- Architectural
- Fear of Dangerousness (Media Portrayals)
- Intolerance of Difference
- Disbelief in Potential
- Lack of Knowledge or Understanding
- Fear of property value loss
- Focus on Disabilities rather than Abilities
- Poverty

President Bush's New Freedom Commission on Stigma

- Stigma refers to a cluster of negative attitudes and beliefs that motivate the general public to fear, reject, avoid, and discriminate against people with mental illnesses. Stigma is widespread in the United States and other Western nations. Stigma leads others to avoid living, socializing, or working with, renting to, or employing people with mental disorders—especially severe disorders, such as schizophrenia. It leads to low self-esteem, isolation, and hopelessness... Responding to stigma, people with mental health problems internalize public attitudes and become so embarrassed or ashamed that they... fail to seek treatment.

History of Advocates

- Founded in Framingham in 1975 by Betty Funk and Barbara Gray among others
- Founded to Bring Federal and State Dollars to Address Community Need
- Founded as Mental Health Residential Provider but has expanded to help people with many disabilities
- First Group Home on Frederick Street in 1978

Organizational History

- 1982 Acquired program at Natick Village for people with cerebral palsy and developmental disabilities
- 1983 Acquired apartment and group residences in Marlborough for people recovering from mental illness
- 1991 Merged with Together, Inc. of Marlborough, a MH and SA clinic provider
- 1999 Merged with Alternative Home of Newton, MH Residential Provider
- 2002 Acquired Metrowest Human Services from Hospital; formerly SMARC programs
- 2004 Acquired Deaf Services residence from Catholic Charities
- 2005 Acquired Deaf Services from SSMH

Organizational Context

- Advocates is one of about 250 providers funded by the Massachusetts Department of Mental Retardation
- Advocates is one of about 200 providers funded by the Massachusetts Department of Mental Health
- About 600 organizations provide human services in Massachusetts
- Advocates is one of the top 15 in terms of revenues, staff, and geographic breadth

Other Towns with Advocates Residential Services

- | | |
|-----------------|---------------|
| • Ashland | • Newton |
| • Sudbury | • Waltham |
| • Dedham | • Maynard |
| • Norwood | • Millville |
| • Walpole | • Marlborough |
| • West Boylston | • Randolph |
| • Natick | • Quincy |
| • Braintree | • Bellingham |
| • Franklin | • Hopkinton |
| • Blackstone | • Acton |
| • Northborough | • Millis |

Distribution of Residential Services

- | | |
|---|--|
| • Framingham population is 66,243 | • Massachusetts has population of 6.3 million |
| • Advocates serves 196 people in residential programs | • There are 16,000 people receiving residential services through DMH & DMR |
| • 2.96 people per 1000 residents | • 2.54 people per 1000 residents |

Distribution of Residential Services

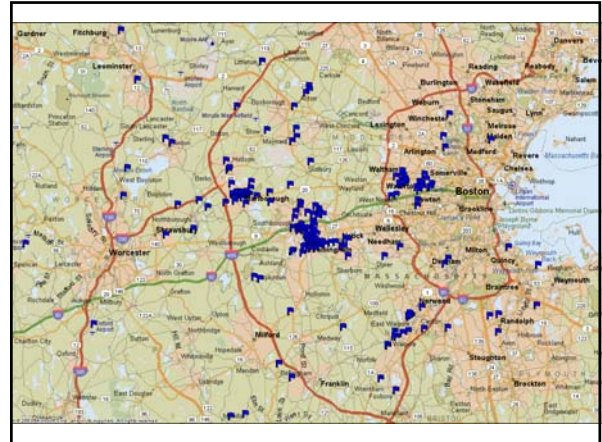
- Advocates was founded in Framingham; Framingham was original assigned area; it remains our headquarters
- Other providers have base in other cities/towns; generally those with larger populations
- About 1/3rd of our residential programs are in Framingham; one of three clinics
- In Framingham we operate the residential programs of two other organizations

Distribution of Residential Services

- | | |
|---|--|
| • Framingham population is 66,243 | • Natick population is 32,170 |
| • Advocates serves 196 people in residential programs | • Advocates serves 68 people in residential programs |
| • 2.96 people per 1000 residents | • 2.11 people per 1000 residents |

Distribution of Residential Services

- Framingham population is 66,243
- Advocates serves 196 people in residential programs
- 2.96 people per 1000 residents
- Marlborough population is 37,980
- Advocates serves 82 people on residential programs
- 2.16 people per 1000 residents

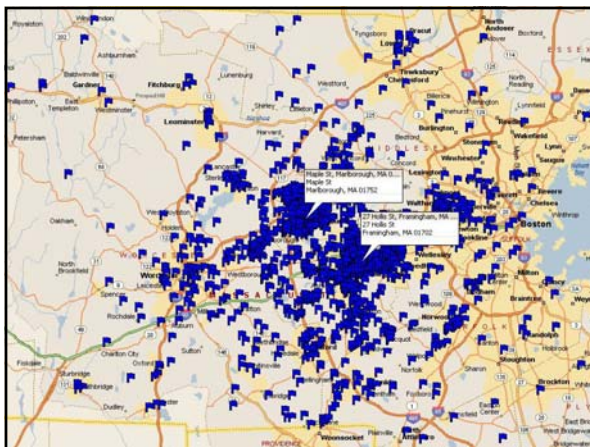


Counseling Services

- Advocates provides Mental Health and Substance Abuse Counseling in Framingham, Marlboro and Waltham
- Advocates operates a 24/7 Psychiatric Emergency Service based in Framingham and serving 14 towns
- Advocates operates a Jail Diversion Program for people with disabilities with the Framingham Police Department
- Advocates sees all of those in Framingham Union Hospital ER seeking psychiatric service

Day Supports and Advocacy

- Day Habilitation in Ashland serving 141 people
- Employment Services in Ashland serving 74 people
- Advocacy Services
 - Housing searches
 - Entitlement assistance
 - Benefits assistance



Siting Group Homes

- Funding, State Priority List, Compatibility and Area of Meaningful Tie
- 70% direct care staffing; 11-13% occupancy; balance food, supplies, transportation
- We spend about 11% of our revenue on administrative costs
- Lease or Buy depends upon short and long term economics
- "Where" depends upon economics and client choice and funder wishes

Drivers of Client and Funder Choice

- Meaningful connection to area
- Transportation
- Access to services
- Quiet neighborhood with low crime rate
- Affordability
- Nearby stores and employment opportunities

Siting Group Homes in the Neighborhood

- Our goal is to be good neighbors
- Neighbors are generally angry and fearful until neighbors meet residents as neighbors
- After binding agreement signed and before moving in, Advocates holds open house in home to provide 24/7 phone numbers and information about Advocates and program, but little about individuals
- Sometimes residents hold open house; it's their choice
- Due to the well researched lack of harm to property values or person, Privacy Laws prevail over the Public's Right to Know in these instances
- Federal Fair Housing Act Prohibits mandatory notification

Congressional Intent and Group Homes

- Congress understood that one of the central problems for the establishment of group homes is baseless hostility on the part of neighbors and even local governments themselves. It manifestly intended, therefore, to preempt state and local laws which effectuated or perpetuated housing discrimination. The House Judiciary Committee said that... the FHAA, like Section 504 of the Rehabilitation Act of 1973, as amended, is a clear pronouncement of a national commitment to end the unnecessary exclusion of persons with handicaps from the American mainstream. It repudiates the use of stereotypes and ignorance, and mandates that persons with handicaps be considered as individuals. Generalized perceptions about disabilities and unfounded speculations about threats to safety are specifically rejected as grounds to justify exclusion. . . .
- <http://www.oxfordhouse.org/fairhouse.html>

Property Values

- http://www.1000fof.org/PUBS/NIMBYHAN_DBOOK/Appendix%205.PDF
- <http://www.habitat.org/how/propertyvalues.aspx>
- <http://www.gbchrb.org/grphomes.htm>

Monitoring in Residential Programs

- Annual Financial Audits
- Annual Licensing Inspections by DMH and DMR
- Monthly Visits by DMH Case Managers and DMR Service Coordinators
- Annual Visits by Family and Citizen Monitoring Committees
- Regular Visits by Family Members and Friends
- Regular Inspections by Administration
- Annual Visits by Human Rights Committee
- Outcome Measurements; Satisfaction Measurements; Quality Measurements

Ongoing Neighborhood Concerns

- Once neighbors meet as neighbors, neighborhood concerns generally fade quickly
- We track all concerns, complaints and comments, as well as our response to those concerns
- As CEO I receive information about any and all neighbor concerns about any residential program

Laws and Court Decisions

- Americans With Disabilities Act
- Section 504 of the Rehabilitation Act of 1973, as amended
- Federal Fair Housing Act
- Olmstead Decision
- Chapter 40A

Americans with Disabilities Act

- The Americans with Disabilities Act gave civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guaranteed equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

Americans with Disabilities Act

- Barriers to employment, transportation, public accommodations, public services, and telecommunications have imposed staggering economic and social costs on American society and have undermined our well-intentioned efforts to educate, rehabilitate, and employ individuals with disabilities. By breaking down these barriers, the Americans with Disabilities Act (ADA) will enable society to benefit from the skills and talents of individuals with disabilities, will allow us all to gain from their increased purchasing power and ability to use it, and will lead to fuller, more productive lives for all Americans.

Section 504, Rehabilitation Act of 1973, as amended

- No otherwise qualified individual with a disability in the United States, as defined in section 706 (20) of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...[including] (1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government ...

Federal Fair Housing Act

- http://www.usdoj.gov/crt/housing/final8_1.htm
- Joint Statement By Department of Justice and Department of Housing and Urban Development regarding Federal Fair Housing Act and Legal Requirements Pertaining to Group Homes

Federal Fair Housing on Licensing or Hearing Requirements

- A federal court in Maryland has ruled that group homes for persons with disabilities may not be subjected to licensing or hearing requirements different from those imposed on similar dwelling units for non-disabled persons. (Potomac Group Home Corp. v. Montgomery County, Civil No. H-92-1192 [D. Md. June 14, 1993])

Federal Fair Housing on Neighborhood Notification

- The court found that "such notices have consistently provoked negative reactions from neighbors of the proposed group homes" and ruled that "no rational basis of legitimate governmental interest supports the neighbor notification requirement." In respect to the hearing requirement and the practice of holding hearings only after opposition had formed, the court ruled, "This particular procedural step, which is based on illegal prejudices of the community, causes great harm to plaintiffs because of resulting delays and burdensome costs."
- <http://www.oxfordhouse.org/fairhouse.html>

Federal Fair Housing on Reasonable Accommodation

- The Act requires localities to make such accommodation by amendment to or variance of local ordinances and policies when they stand in the way of the location and operation of group homes. An accommodation is reasonable unless it requires a "fundamental alteration in the nature of a program or imposes undue financial and administrative burdens." Southeastern Community College v. Davis, 442 U.S. 397, 410-412 (1979) (interpreting § 504 of the Rehabilitation Act). Mere adherence to existing zoning requirements and land use policies is generally insufficient to protect the locality, if those requirements and policies contravene the Act.
- <http://www.oxfordhouse.org/fairhouse.html>

Federal Fair Housing and Dispersal Requirements

- **Dispersal requirements.** A number of localities have imposed requirements that group homes be geographically dispersed in an effort to deinstitutionalize target populations. Dispersal rules do not generally survive. In Larkin v. State of Michigan, 883 F. Supp. 172, 177 (E.D. Mich. 1994) a state statutory scheme precluded issuance of a license if it would "substantially contribute to an excessive concentration" of such facilities, and required notification be given to the City Council to review the number of existing and proposed facilities within 1500 feet of a proposed facility and to its neighbors. The City argued that its dispersal requirement prevented formation of "ghettos" and normalized the environment. The Court found no rational legal basis for these provision, and held that they were facially discriminatory, since "the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect."
- <http://www.oxfordhouse.org/fairhouse.html>

Olmstead v. L. C. decision Supreme Court

- In July 1999, the Supreme Court issued the Olmstead v. L. C. decision. The Court's decision in that case clearly challenges Federal, state, and local governments to develop more opportunities for individuals with disabilities through more accessible systems of cost-effective community-based services.
- The Olmstead decision interpreted Title II of the Americans with Disabilities Act (ADA) and its implementing regulation, requiring States to administer their services, programs, and activities "in the most integrated setting appropriate to the needs of qualified individuals with disabilities."

Olmstead Decision

- In a 6-3 opinion written by Justice Ruth Bader Ginsburg, the court affirmed a ruling by the United States Court of Appeals for the Eleventh Circuit, saying that "unjustified isolation of individuals with disabilities is properly regarded as discrimination based on disability."

Chapter 40A

- Group homes provoke anger and fear in neighborhoods across America, as people needlessly fear a loss in property values and personal danger
- Providers and people with disabilities have relied upon Chapter 40A in Massachusetts to gain housing and services
- In most states Federal Law has been final arbiter.

Economic Impact

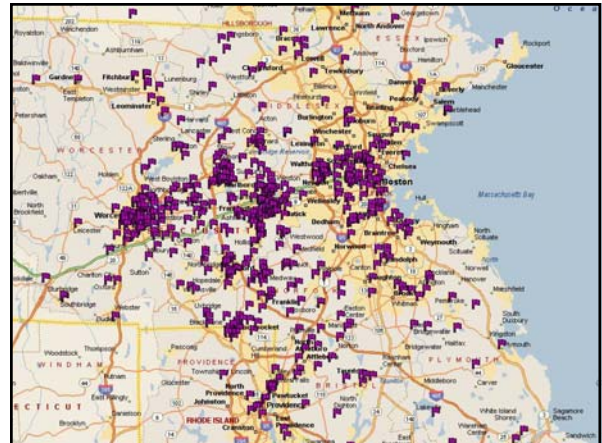
- Property Taxes
- Employment and Purchasing
- Capital Investment
- Use of Town Services

Property Taxes

- Advocates owns 13 of the 793 tax exempt properties in Framingham (1.6%)
- Advocates leases 21 properties in Framingham, and therefore pays property taxes through landlord
- Corporate offices are located in Framingham and are now leased

Employment and Purchasing

- Advocates employs 800 people and is within the top 100 of 38,000 Metrowest Employers
- Advocates Headquarters is in Framingham
- Advocates employs 280 people in Framingham spending \$9 Million on their wages
- Additionally Advocates Corporately spends \$1.3 Million in Framingham Businesses



Capital Investment Renovating Framingham Properties

- Previous Investment: \$963,000
- Ongoing Investment: \$750,000
- Pending Investment: Vernon Street for \$1.2 million

Known Future Plans in Framingham

- Renovate or sell Beaumont Bldg
- Combine Respite with Clinic and 24/7 emergency team (time sensitive)
- Closing Vernon Street Respite
- Renovate 20 Vernon Street
- Renovate Clark Street (have \$500K grant)
- Renovating house on Warren Road

Summary of Advocates Currently

- Over 6000 people served annually
- 800 people in residential, day and employment services
- 800 staff
- \$40 Million Annual Revenues
- Massachusetts Provider Rooted in Communities Served
- Highest Possible Certifications

Questions, Comments, Criticisms and Problems