

SEVERELY DISABLED DEFINED

Some CDBG grant recipients serve disabled persons. HUD "presumes" that severely disabled adults are lower income, and therefore agencies who serve this population do not have to document income status. But we have found that there is sometimes a misunderstanding of what constitutes "severely disabled." The Americans with Disabilities Act of 1990 (ADA) defines disability as a substantial limitation in a major life activity. This includes:

- 1) Using a wheelchair, a cane, crutches or a walker;
- 2) Difficulty performing one or more functional activities (seeing, hearing, speaking, lifting/carrying, using stairs, walking or grasping small objects);
- 3) Difficulty with one or more activities of daily living (getting in or out of bed or a chair, bathing, dressing, eating, toileting, getting around inside the home);
- 4) Difficulty with one or more instrumental activities of daily living (preparing meals, doing light housework, keeping track of money and bills, going outside the home, taking prescription medicines in the right amount at the right time and using the telephone);
- 5) One or more specified conditions (a learning disability, mental retardation or other developmental disability, Alzheimer's disease, or some other type of mental or emotional condition);
- 6) Other mental or emotional conditions that seriously interfere with everyday activities (frequently depressed or anxious, trouble getting along with others, trouble concentrating or trouble coping with day-to-day stress);
- 7) A condition that limits the ability to work around the house;
- 8) If age 16 to 67, a condition that makes it difficult to work at a job or business; or
- 9) Receives federal benefits based on an inability to work.

According to HUD's definition, persons are considered to have a severe disability if they meet criteria 1, 6 or 9, or have Alzheimer's disease, or mental retardation or another developmental disability; or are unable to perform or need help to perform one or more of the activities in criteria 2, 3, 4, 7 or 8.

Agencies serving a disabled population must retain, in the client file, substantiation of the client's diagnosis of a severe disability which may include a letter from their doctor, or proof of receiving federal or City benefits based on disability. If the program is categorized as meeting low/moderate via presumed beneficiary status then the client files do not have to be documented; only documentation showing that the activity is designed to be used exclusively by a segment of the population presumed by HUD to be low/moderate income persons such as a program or agency mission statement is needed.