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## Calendar notes

### SPECIAL EVENTS

**ACPP Poverty & Policy Conference** Tu Feb 15, 8:15-3:15, Norton Center, Birmingham-Southern College. Register by Fri Feb 4 – No registrations at the door! Visit [www.arisecitizens.org](http://www.arisecitizens.org) for details.

**Arise Lobby Day** Th Mar 10, State House, Montgomery.

### ISSUE PREVIEWS

**Huntsville** 9:30 am Sun Jan 9, Unitarian-Universalist Church.

**Birmingham** 10:30 am Sat Jan 15, Women as Strength Program, GBM office.

**Anniston** 7:30 am Tu Jan 25, COUL, Jack's Restaurant Corporate Office, 121 E. 19th St., rear conference room.

**Birmingham** 12 noon Mon Feb 7, Unitarian-Universalist Church.

## Farewell, Jamie!

Jamie Keith, our first Director of Development, has moved on after three years with Arise. Jamie moved us from "occasional" to "regular," from "informal" to "systematic," and from "back-burner" to "important and creative" fundraising. If you have received timely thank-you letters, it's because of Jamie. She takes her sunny disposition and can-do spirit to the Boys & Girls Clubs of Montgomery. We'll miss her.

# Report

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Vol. 7, No. 8

December 13, 2004

## Survey highlights Alabama gap

# 48 states offer tenant protections

*By Ron Gilbert, policy analyst*

For more than a decade, Arise has attempted to win passage of legislation that would define rights and responsibilities for tenants and landlords. At each step along the way, the Alabama Association of Realtors has objected to our proposed legislation, frequently presenting the Arise proposals as far-reaching and inconsistent with sound business practices. We now have a new tool that demonstrates that the protections Arise has pursued on behalf of Alabama tenants are consistent with those provided in other states.

**The Alabama Appleseed Center for Law and Justice**, a statewide legal advocacy organization, has released a study of laws in all 50 states dealing with landlord-tenant issues. The study, prepared by the Atlanta law firm of Kilpatrick Stockton, summarizes the laws in each state governing nine residential landlord and tenant issues – including building conditions, security deposits and lease defaults.

**The study confirms that only Alabama and Arkansas have failed to enact legislation** that offers specific protections to tenants while defining the responsibilities for both parties.

**One point of contention between the Arise position and that of the Realtors** has been the common-law rule requiring that a tenant must pay the rent as agreed, regardless of whether the landlord complies with his or her obligations. This

"independent covenant" rules out any possibility for a tenant to make repairs and deduct costs from the rent. Only 17 states have laws specifically addressing this issue, but of those states all but two include provisions that a tenant's obligation to pay rent is *not* an independent

*[Turn to Page 2]*

## Long-term care coalition explores service options

*By Mary Weidler, policy analyst*

**Last summer, advocates for the disabilities and elderly communities began organizing** a long-term care coalition to address the need for a wider range of care options. Meeting monthly in person or by conference call, the group has drafted a mission statement that urges Alabama policy makers to

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## Action: Legislative checklist

The 2005 regular session opens on February 1. Make sure you:

- Sign up to lobby with Melissa – [mvo@lakemartin.net](mailto:mvo@lakemartin.net) or leave message at (256) 825-6939
- Plan to attend Arise Lobby Day, Thursday, March 10
- Sign up for our e-mail listserv at [www.alarise.org](http://www.alarise.org)
- Contact your legislators to tell them you and Arise will be watching for a productive session!

## A few words from Kimble —

**“You can’t create a movement, but you can be ready when it comes.”** That’s a lesson I learned at my first organizing training week. I’m not sure the founders of the abolitionist movement would agree, but still, it describes the civil rights, feminist and anti-war movements of the ’50s and ’60s. I think it’s also true for a group like Arise. We can bang the drum, we can join allies, but when people all around us say the time isn’t right for tax reform, we probably can’t make it happen.

**We decided to pursue two strategies for tax reform** – one short-term and one long-term – after we lost the 2003 vote. The short-term strategy was legislative: to ward off cuts to programs that benefit low-income people. I was pleased last February when Finance Director Drayton Nabers told the Episcopal Convention that the governor wanted to protect Medicaid, ALL Kids and child care from cuts – exactly what we were pushing! Sure enough, those programs got protection. We said Medicaid couldn’t handle cuts; it needed new revenue. In the end, it got new tobacco tax revenue and a nursing home bed tax.

**Our long-term strategy is to build “tax literacy” among the public.** Our tax primer – a 50-page “Alabama Tax and Budget Handbook” – is almost finished. It’s a collaboration between VOICES for Alabama’s Children, Arise, and Birmingham activists. In an easy-to-read format with lots of graphs and cartoons, it explains what the state does for Alabamians, how state budgets work, and how the major taxes work. Each tax is compared to other states, and we give ideas for improvement. As the text nears completion, we’re starting to envision how we can use the handbook across the state. I think you’ll find it helpful.

With peace,

## Landlord/tenant

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covenant. Twenty-one states allow a tenant to deduct repair costs if the landlord fails to make timely repairs required by the lease or by statute.

### Among other findings of the study:

- 39 states have enacted legislation that requires landlords to meet minimal housing standards. 27 require that all utilities and major systems be in good and safe working order.
- 48 states have enacted legislation governing security deposits, either by limiting the amount of deposits or specifying the time frame for return of deposits, or both.
- 45 states provide for the recovery of actual damages sustained by a tenant due to the landlord’s failure to meet obligations, and 35 allow the tenant to seek punitive damages.
- 35 states have adopted provisions that prohibit the landlord from retaliating against a tenant who com-

plains to a governmental agency regarding housing violations.

- 33 states have enacted statutes that address the time in which a landlord must make repairs affecting health or safety.
- 32 states have adopted legislation that invalidates provisions in residential leases that prohibit tenants from suing the landlord for negligence, breach of duties to the tenant or intentional bad acts.

**The Appleseed study clearly reflects** that the provisions Arise has pursued for tenants are not fringe issues but are rights that they would enjoy in most other states. Arise is committed to continuing our efforts at insuring that Alabama tenants have safe and secure housing. We will again propose legislation in the next regular session to address these deficiencies in state law.

**To obtain a copy of the study, *Residential Tenant and Landlord Law: A Fifty-State Survey of Selected Issues***, e-mail your request to [kgoldman@appleseeds.net](mailto:kgoldman@appleseeds.net).

## Long-term care

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offer a wider range of alternatives to institutional care. In October, representatives of the Birmingham, Montgomery and Mobile independent living centers and Alabama Arise met with Medicaid Commissioner Carol Herrmann to begin a dialogue about expanding community-based options for disabled and elderly Medicaid recipients. The coalition also discussed innovative programs operating in other states, along with new ideas proposed in Congress.

**There are now 14 groups in the coalition**, including AARP, ARC of Alabama, two Jefferson County organizations concerned with aging issues, the Alabama Department of Rehabilitation Services, Alacare Home Health and Hospice, the Governor’s Office on Disability, the Alabama Disabilities Advocacy Program and United Cerebral Palsy of Greater Birmingham.

**Coalition members plan future meetings with other policy makers** to discuss ways current programs can be expanded or modified to meet the needs of the communities represented by coalition members. For more information about the coalition’s meetings, contact Arise board member Judy Roy at (205) 251-2223, or [bhamilc@bellsouth.net](mailto:bhamilc@bellsouth.net).

## Thank you, legislators!

Arise appreciates your votes in the Special Session to require state employees’ and teachers’ insurance boards to lower health insurance premiums for employees with family incomes at or below 200% of poverty. The new law sets up a sliding scale that will reduce the cost of insurance by 10% to 50%, depending upon the family’s income. Arise hopes many entry-level state workers and school support staff will benefit from this policy aimed at protecting them from unaffordable health insurance premiums.

## **Domestic spending feels pinch of deficit and defense costs**

*By Ron Gilbert, policy analyst*

**Congress finally approved the Fiscal Year 2005 budget on November 20, 2004.** The huge spending bill provides \$388 billion in discretionary funding for 13 governmental departments and dozens of domestic agencies. While various interest groups are continuing their analysis of the 3,000-page document to determine how specific programs fared, it's clear that domestic spending has been hit by the soaring budget deficits and the rising costs of war and counter-terrorism activities.

**The bill met the spending targets agreed to by the President and Congressional leaders** and reflects no increase in overall discretionary spending. Increases in some programs were offset by reductions in others and by the imposition of a 0.8 percent across-the-board cut in all non-defense discretionary spending.

**The call by Arise and similar groups across the nation** to protect the Section 8 housing program not only helped prevent threatened cuts – the voucher program received an increase of approximately 5 percent. But protection had its price. Virtually every other federal housing program saw its funding reduced.

**For a summary of the spending bill,** visit <http://appropriations.house.gov>.

## **Scrooge in Alabama—State shrinks subsidized child-care program**

*By Mary Weidler, policy analyst*

**Over the last two years, Alabama's child care program for low-income working families has reduced its rolls** by nearly 15,000 children. Ironically, just as the program is finally receiving the maximum available federal dollars, the number of children served has dropped to 27,256 from a high of 41,947 in late 2002.

**The Department of Human Resources (DHR) expanded the program from 2000** through the end of Fiscal Year '02 by using surplus TANF (Temporary Assistance to Needy Families) funds. The surplus was available because welfare rolls dropped by half when the state instituted welfare reform policies. Alabama's welfare block grant has not been increased, and there is no longer a large surplus to help the child care program. To its credit, the state increased its share of funding to match the federal dollars available, but at the bottom line, total funding fell.

**Alabama's state plan for child care says that reimbursement rates will be established at the 75<sup>th</sup> percentile** of market rate for center-based care and \$35 per week for relative care and in-home care providers. State law requires an annual market rate survey, but it has been over three years since DHR conducted one. Nor have the rates been raised for three years. Because of increased provider costs, current reimbursement rates average around the 45<sup>th</sup> percentile statewide. The fact that licensed providers still manage to take subsidized children is testimony to their concern for their communities and working families.

**Further problems lie ahead.** DHR implemented new child/staff ratios on September 1, 2004, but did not increase provider reimbursement rates to help defray the costs of higher staffing requirements. Provider costs, especially for infant care, increased sharply. The impact of these new ratios on day care businesses is not yet

clear. FOCAL (Federation of Child Care Centers of Alabama), an Arise member group, is aware of Birmingham centers that have closed because of budget stress from the new standards. Other sources mentioned center closings but emphasized that almost the same number of new child care centers opened.

**It is incumbent upon DHR to place a high priority on monitoring the effect of the new ratios** on providers and on the families that the subsidized program has traditionally served. Lower child-teacher ratios are beneficial, but the state must bear its share of the cost. Otherwise, day care operators will be forced out of business, and families will have no choice but to use cheaper, unlicensed – and thus unregulated – care.

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## **Transit advocates seek first-hand stories of need**

**What does the lack of adequate public transportation really mean for Alabamians?** The Transportation Planning Project, a statewide network of advocacy groups, is collecting personal testimony from potential transit consumers. The network, which includes the National Multiple Sclerosis Society of Alabama and the League of Women Voters of Alabama, plans to compile a scrapbook of stories entitled "Transportation Issues in Alabama."

**If inadequate transit has ever caused you or someone you know** to miss an appointment, be late for work or a class, postpone grocery shopping or lose other opportunities, share your story by contacting Jon Broadway at (334) 244-3972; e-mail [jbroadway@ice.aum.edu](mailto:jbroadway@ice.aum.edu)

**Thanks to all who helped gather signatures** on the Jubilee Transit Amendment petition on Election Day! We're currently at 2,240 supporters, and petitions are still coming in by mail. The drive will continue throughout the year, as the 50th anniversary of the Montgomery Bus Boycott approaches in December.

# We appreciate our contributors!

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## New guide gives education debate a boost

By Jim Carnes, publications director

Advocates for Alabama's children are welcoming a major new resource in the fight for better public schools and school funding. The *Alabama Education Policy Primer: A Guide to Understanding K-12 Schools* is a joint project of the A+ Education Foundation and the Peabody Center for Education Policy at Vanderbilt University.

Policy makers, educators, parents and taxpayers will find in the handbook not only the "nuts and bolts" of state education policy, but also a clear account of how Alabama's schools – and school revenues – compare from system to system and across the nation. The research-based guide provides a comprehensive look

at curriculum standards, student performance and school accountability, along with proposals for addressing deep-rooted political and economic barriers to effective education.

Of particular interest to Arise members are sections on the achievement gaps between racial and socioeconomic groups, inadequacy and inequity in school funding, and the impact of the No Child Left Behind Act on Alabama schools. To download the guide for free, visit [www.aplusala.org/primer](http://www.aplusala.org/primer). Hard copies in sturdy three-ring binders (\$24.95 each, including postage) can be purchased by check payable to A+ Education Foundation, P.O. Box 4433, Montgomery, AL 36103. Contact [jennifer@aplusala.org](mailto:jennifer@aplusala.org) or call (334) 279-1886 for more information.

## State agencies set budget hearing dates

Directors of state agencies have already started the annual budget process by charting their program needs and plans. Watch the papers for coverage of the next step – legislative hearings. Here's the schedule for meetings of special interest to Arise:

### Thur., Jan. 6, Capitol Auditorium

9:00 am – Condition of the State; Education and General Fund estimates, Joyce Bigbee, Legislative Fiscal Office  
10:30 am – Condition of the State; Education and General Fund Estimates, Jim Main, Finance Director

### Mon., Jan. 10, House Chamber, Alabama State House

1:00 – Chair's comments  
1:15 – State Board of Education  
1:30 – State Department of Education

### Wed., Jan. 12, House Chamber

11:15 a.m. – Dept. of Children's Affairs  
1:15 – Dept. of Mental Health, followed by Dept. of Public Health/CHIP, followed by Dept. of Human Resources

### Wed., Jan. 19, House Chamber

9:30 am – Medicaid Agency

For a complete listing of agency budget hearings, visit [www.lfo.state.al.us](http://www.lfo.state.al.us) and click on "Calendar."

## Medicaid '06 funding needs

As of this writing, Medicaid will be seeking \$126.8 million in new revenue from the General Fund for Fiscal Year 2006. Medical care cost inflation and a decrease of 1.42 percent in our federal match account for nearly \$100 million of the increased need. A federal restriction on inter-governmental transfers, increased Medicare premiums for "dual eligibles," and a 53rd week payment to providers make up the remainder.

The number of individuals eligible for Medicaid in Alabama continues to rise. For Fiscal Year 2005, the projection is 973,000 people, up from 935,000 in '04.