

## Support the Civil Rights of People with Disabilities

### BACKGROUND

Over one quarter-century after the signing of the Americans with Disabilities Act (ADA), **unwanted institutionalization remains a serious problem for people with disabilities.**<sup>1</sup> The civil right of people with disabilities to live in the community is imperiled by the lack of community based Long Term Services and Supports (LTSS). With people with disabilities being forced to reside in disability-specific settings, people with disabilities are denied civil rights. The **Disability Integration Act (DIA) - S.910/H.R. 2472** addresses this serious problem by specifying in Federal Statute that people with disabilities have a federally protected right to a real choice in how and where they receive such services. DIA supports the civil right of people with disabilities to live in the community in the following ways:

- Specifying in both general and specific terms that discrimination which has the effect of denying people with disabilities a **real choice** in how they receive services and supports is against the law;
- assuring that states and LTSS insurance providers deliver services and supports in a manner that **allows individuals with disabilities to live in the most integrated setting, have maximum control over their services and supports, and lead an independent life;**
- establishing a comprehensive planning requirement that includes **enforceable benchmarks;**
- requiring public entities to address the need for **affordable, accessible, integrated housing that is independent of service delivery;** and
- establishing **stronger, targeted enforcement** mechanisms.

*DIA's definition of discrimination is modeled on Title III of the ADA:*

**"No public entity or LTSS insurance provider shall deny an individual with a disability who is eligible for institutional placement or otherwise discriminate against that individual in the provision of community-based long-term services and supports that enable the individual to live in the community and lead an independent life."**

- DIA requires that regulations from Department of Justice and Department of Health and Human Services be released within one year after the legislation is signed into law. It then requires that all public entities and LTSS insurance providers complete a self-evaluation within six months after the regulations are released.
- Within one year of the regulations being released, state and local governments must submit a transition plan to address the issues identified in the self-evaluation and achieve the purpose of this legislation. Every plan must address these issues as soon as practicable, but public entities have up to 10 years to complete the plan. The legislation also creates new targeted enforcement mechanisms to ensure timely development and implementation of these transition plans.
- This bill prohibits states or local governments that provide institutional placements for individuals with disabilities who need long-term assistance with daily living activities or health-related tasks, and prohibits insurance providers that fund such long-term services, from denying community-based services that would enable such individuals, as an alternative to institutionalization, to live in the community and lead an independent life.
- DIA will ensure that people with spinal cord injuries and other conditions are able to exercise real choice in where they wish to receive attendant services, assistance with health-related tasks or other services that enable a person with a disability to live in the community and lead an independent life.

### REQUEST TO POLICYMAKERS

**Co-sponsor S. 910/H.R. 2472 Disability Integration Act which creates the right of all people with disabilities to live in the community and supports the integration, equality, and civil rights of people with disabilities.** Sponsor: Sen. Charles Schumer (D-NY). Original co-sponsors: Sen. Robert Casey (D-PA), Sen. Elizabeth Warren (D-MA).

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<sup>1</sup> See the Senate HELP Committee Report, "Separate and Unequal: States Fail to Fulfill the Community Living Promise of the Americans with Disabilities Act." (2013)