ISSUE BRIEF: Disability Integration Act (H.R. 555/S. 117)

Legislative Request

Please cosponsor the bipartisan Disability Integration Act (H.R. 555 in the House and S. 117 in the Senate) to affirm the rights of people with disabilities to have the real choice to live in the community.

☐ **Senate:** Senators may cosponsor by contacting Matt Fuentes with Senator Charles Schumer (D-NY) at matthew_fuentes@schumer.senate.gov 202-224-6542.

☐ **House:** Representatives may cosponsor by contacting Ben Steinhafel with Rep. Jim Sensenbrenner (R-WI) at ben.steinhafel@mail.house.gov or 202-225-5201.

Background and Summary

The Disability Integration Act (DIA) is bipartisan and bicameral legislation, introduced by Senators Charles Schumer (D-NY) and Cory Gardner (R-CO) and Representative Jim Sensenbrenner (R-WI) in the House, to address the fundamental issue that people who need Long Term Services and Supports (LTSS) are forced into institutions and losing their basic civil rights. The legislation seeks to end the institutional bias and provide people with disabilities home and community-based services (HCBS) as an alternative to institutionalization.

The Supreme Court’s 1999 decision in Olmstead v. L.C. put states on notice that unnecessary segregation of individuals with disabilities is a violation of the Americans with Disabilities Act (ADA) of 1990. Unfortunately, many states have failed to implement this integration mandate by failing to provide community-based services to people with disabilities. The Disability Integration Act would assure the full integration of disabled people in the community by:

- clarifying that every individual who is eligible for LTSS has a federally protected right to a real choice in how they receive services and supports;
- assuring that states and other LTSS insurance providers deliver services in a manner that allows disabled individuals to live in the most integrated setting, have maximum control over their services and supports, and lead an independent life;
- articulates the right to live in the community without creating unnecessary or wasteful government programs; States have broad latitude to determine how they will secure that right;
- establishing a comprehensive planning requirement that includes enforceable benchmarks; and
- requiring public entities to address the need for affordable, accessible, integrated housing that is independent of service delivery.

Key Messages
→ **Individuals with disabilities should be able to lead independent lives** – People with disabilities want to live the same kind of lives most other Americans take for granted. They want to get an education, work, find someone to share their lives with and have a family. For individuals who are locked away in institutions, this really isn’t possible.

→ **Forcing individuals with disabilities to live in an institution is unlawful discrimination** – The Americans with Disabilities Act of 1990 made assurances that people with disabilities be allowed to live independently, rather than being forced into an institution. This right was upheld by the U.S. Supreme Court in 1999 in Olmstead v. L.S., which found that the unjustified segregation of people with disabilities is unlawful discrimination. Despite the Supreme Court ruling, few States are fully compliant with Olmstead or the ADA, and most are not providing adequate accommodations for people with disabilities to live independently.

### Answers to Questions about the Disability Integration Act?

1. **Does the Disability Integration Act amend the Americans with Disabilities Act (ADA)?**

   The legislation is structured like the ADA and uses mechanisms comparable to those in the ADA to ensure that all individuals with disabilities have the right to live in the community and lead an independent life, but it does not change the ADA.

2. **What are Long-Term Services and Supports (LTSS)?**

   Many people whose disabilities require long-term services and supports, whether those services and supports are provided in the community or in an institution. In theory, institutions offer secure and safe housing along with trained personnel to help people with activities of daily living. In practice, however, institutions often had an isolating effect, locking disabled people out of society and exposing them to the risk of abuse from caregivers. In contrast, home and community-based services (HCBS) are a form of LTSS that allow people to live independently or semi-independently in the community. Such services include aides and personal assistants who help with medical needs and tasks like attending events, going to school, and engaging with the community.

3. **Does the Disability Integration Act apply to all individuals with disabilities?**

   The legislation requires states to ensure that people with all types of disabilities have a choice to live in the community and lead independent lives. It specifically helps people whose disability or diagnosis affects their eligibility for community-based services and are having trouble getting those services. Currently, states may limit eligibility to community-based services provided under a waiver to people with specific diagnoses, leaving others with only access to institutional placement. The Disability Integration Act makes that discriminatory practice illegal.

### Resources
“States Fail to Fulfill the Community Living Promise of the Americans with Disabilities Act” –

House cosponsors of the Disabilities Integration Act in the 115th Congress –

Senate cosponsors of the Disabilities Integration Act in the 115th Congress –

Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C. –
https://www.ada.gov/olmstead/q&a_olmstead.htm