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HUD No. 13-086
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For Release
Tuesday
June 4, 2013

HUD ISSUES NEW GUIDANCE TO ENCOURAGE PARTICIPATION IN STATE EFFORTS TO ASSIST INDIVIDUALS MOVING OUT OF INSTITUTIONS AND INTO HOUSING

WASHINGTON - The U.S. Department of Housing and Urban Development (HUD) today issued new guidance to HUD-assisted housing providers on how they can support state and local *Olmstead* efforts to increase the integrated housing opportunities for individuals with disabilities who are transitioning from, or at serious risk of entering, institutions and other restrictive, segregated settings. [Read HUD's new guidance.](#)

Olmstead refers to the 1999 Supreme Court landmark decision, *Olmstead v. L.C.*, which affirmed that the unjustified segregation of individuals with disabilities is an illegal form of discrimination. Following the *Olmstead* decision, many states are working hard to assist individuals living in institutions and other segregated settings to move to integrated, community-based settings where they can receive the health care and long-term services and supports they need. Many of these efforts, though, are confounded by a lack of integrated and affordable housing options for persons with disabilities.

HUD's new guidance encourages public housing agencies and other HUD-assisted housing providers to consider the housing needs of their individual communities and their state and to partner with state and local governments to provide additional community-based, integrated housing opportunities. HUD's guidance is consistent with efforts across federal agencies and in many states to provide appropriate health care and related supportive services for individuals with disabilities in the most integrated setting appropriate to their needs.

"There is a tremendous need for affordable housing where individuals with disabilities are able to live and be part of the very fabric of their communities," said HUD Secretary Shaun Donovan. "HUD is committed to offering housing options that enable individuals with disabilities to live in the most integrated settings possible and to fully participate in community life."

The guidance announced today affirms HUD's commitment that individuals with disabilities, like all persons, should have meaningful choice and self-determination in housing and in the health care and related support services they receive. For this reason, HUD is exploring how it can fund additional integrated housing units scattered throughout communities and provide a greater range of meaningful housing choices for individuals with disabilities. HUD is also exploring how existing HUD-assisted housing can provide individuals with disabilities increased opportunities to exercise autonomy, independence, and self-determination in living arrangements that have the comforts and qualities of home.

While HUD's guidance will be helpful to individuals with disabilities and anyone engaged in the funding, development or operation of housing, the scope of this guidance is limited to HUD funding and programs. Recipients of HUD funds include, but are not limited, to: states, units of local government; public housing agencies; and developers of multifamily properties. Recipients do not include the individual beneficiaries of HUD-funded programs and activities.

Background

Individuals with disabilities have historically faced discrimination that limits their opportunity to live independently in the community and requires them to live in institutions and other segregated settings where they are generally denied many of the most basic freedoms that individuals without disabilities take for granted. The Supreme Court's decision in *Olmstead* acknowledged that segregating individuals with disabilities in institutional settings deprives them of the opportunity to participate in their communities, interact with individuals who do not have disabilities, and make their own day-to-day choices; it also recognized that unnecessary institutionalization stigmatizes people with disabilities, reinforcing misperceptions about their capacities and negative stereotypes. Thus, the promise of *Olmstead* is that people with disabilities be given meaningful opportunities to live, work, and receive services in integrated settings.

The *Olmstead* decision—and subsequent voluntary *Olmstead* planning and implementation, litigation by groups representing individuals with disabilities, and Department of Health and Human Services and Department of Justice enforcement efforts—is creating a dramatic shift in the way services are delivered to individuals with disabilities. Historically, state health and long-term care systems have been heavily weighted toward using institutions, hospitals,

nursing homes, adult care facilities, and other restrictive, segregated settings to provide long-term services and supports for individuals with disabilities. Today, due to *Olmstead* enforcement and voluntary compliance efforts, states are "rebalancing" health care delivery systems by shifting away from an overreliance on providing long-term services and supports to individuals with disabilities in institutions and moving towards a greater reliance on home- and community-based services. For many states, efforts to comply with *Olmstead* by moving people out of institutions and into the community are severely challenged by a lack of integrated housing options for individuals with disabilities.

HUD has made significant progress towards providing integrated housing opportunities for individuals with disabilities. For example, HUD's new Section 811 Project Rental Assistance Demonstration program supports integrated housing for qualified individuals with disabilities. In response to the need for housing tied to rebalancing initiatives, HUD also carved out funding from a 2009 Congressional Appropriation for housing choice vouchers to aid non-elderly persons with disabilities as they transition from an institution to the community. In addition, HUD's various rental assistance programs, and homeless assistance programs also have the potential to provide integrated housing opportunities for low-income and very-low income persons with disabilities.

Donovan added: "HUD will continue to work with the Department of Justice, the Department of Health and Human Services, Congress, our grantees, and disability rights organizations to ensure that HUD programs provide meaningful access to integrated housing opportunities for the individuals with disabilities we serve."

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HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business. More information about HUD and its programs is available on the Internet at www.hud.gov and <http://espanol.hud.gov>. You can also follow HUD on twitter @HUDgov, on facebook at www.facebook.com/HUD, or sign up for news alerts on HUD's News Listserv.

Content Archived: June 21, 2017



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