

## New HUD Olmstead Guidance Step in Right Direction

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Washington -- June 5, 2013 -- The U.S. Department of Housing and Urban Development (HUD) has issued new guidance on how the U.S. Supreme Court's ruling in the *Olmstead* case applies to HUD's programs and activities. The guidance makes clear that HUD and entities that receive financial assistance from HUD must provide housing for people with disabilities in the most integrated setting appropriate to their needs. Integrated settings, according to the guidance, are "those that provide individuals with disabilities opportunities to live, work, and receive services in the greater community, like individuals without disabilities."

Examples of integrated settings include scattered-site apartments providing supportive housing, rental subsidies that enable individuals with disabilities to obtain housing on the open market, and apartments for individuals with disabilities scattered throughout housing developments. "By contrast," the guidance states, "segregated settings are occupied exclusively or primarily by individuals with disabilities."

The guidance is intended to better educate state and local housing agencies, housing developers, and housing providers on their obligations under the "integration mandate" of the Americans with Disabilities Act (ADA). To make real the promise of the ADA, the guidance instructs, "additional integrated housing options scattered throughout the community" are needed.

In issuing the guidance, HUD Secretary Shaun Donovan recognized that 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." He affirmed that "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."

"We are encouraged by the issuance of this guidance and its important recognition that HUD-subsidized housing must afford people with disabilities the chance to live in the most integrated setting," said Jennifer Mathis, director of programs for the Judge David L. Bazelon Center for Mental Health Law. "The vast majority of people with disabilities want to live in ordinary housing. We hope this guidance will spark development across the country of mainstream housing for people with disabilities."

The [HUD guidance can be found here](#).