



## AN INTRODUCTION:

The Colorado Developmental Disabilities Council (CDDC) examines a wide range of views, inviting rich discussion and debate that helps people with I/DD and their families navigate and understand the world of systems that define supports and services. CDDC advocates shifting to self-directed lives whereby those services and supports are defined and selected by the individual with I/DD. CDDC believes that a person's home is their sanctuary where there is:

- Control over where and with whom one lives;
- Control over the services one receives; and
- Control over the routines of daily life

CDDC believes that segregation creates isolated, unnatural living that is inappropriate and unnecessary, and consumes a disproportionate amount of scarce public resources. In addition, we believe that calling out segregation is an integral part of our work, but not all of it. As we get rid of things that are harmful, we need to simultaneously build things that are not harmful by addressing the major barriers to community living including:

- Long waiting lists for underfunded affordable housing programs;
- Medicaid not allowing funds to go towards rent or other typical housing-related costs;
- Being priced out of rental markets across Colorado (Social Security and Supplemental Security Income benefits are far lower than typical rents and are the main sources of income for many people with I/DD); and
- Crisis-level lack of well-trained Direct Support Professionals

These barriers make it difficult for people with I/DD to live in the community, placing people at high risk of unnecessary segregation.

## THE ISSUE:

Securing housing for people with disabilities has been a long term concern. Periodically, local attention and concerted efforts around this crisis have increased, as is currently the case.

**“The top theme across all groups was housing as a basic need that supersedes all others.”**

***Boulder County  
Community Needs  
Assessment: Systems,  
Services and Supports  
for People with  
Intellectual and  
Developmental  
Disabilities (2018)***

The affordability and availability of Colorado housing creates significant barriers to people with disabilities. *Priced Out: The Housing Crisis for People with Disabilities*, provides a sobering analysis of the cost of housing in relation to current SSI payments: “In 2021 in Colorado, a person with a disability received SSI benefits equal to \$832.00 per month. Statewide, this income was equal to 15.8% of the area median income. A person with a disability receiving SSI would have to pay 125% of their monthly income to rent an efficiency unit and 139% of their monthly income for a one-bedroom unit. Within Colorado's federally defined housing market areas the cost of a one-bedroom rental unit ranged from a low of 76% of SSI payments in the Pueblo housing market area to a high of 172% in the Boulder housing market area.”<sup>1</sup>

### **SOME BACKGROUND:**

In reaching their *Olmstead* Case conclusion and integration mandate the Supreme Court, in 1999, relied on Congress’ findings in enacting the Americans with Disabilities Act that “historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem.”<sup>2</sup>

**According to federal Housing and Urban Development regulation, housing discrimination is illegal and federally funded housing must enable individuals with disabilities to have the same housing opportunities as everyone else.**<sup>3</sup> Such housing enables individuals with disabilities to live independently with appropriate supports, with individuals without disabilities and without restrictive rules that limit their activities or impede their ability to interact with individuals without disabilities. Examples of integrated settings include:

- Home ownership;
- Typical apartments providing permanent housing with supports available as needed;
- Tenant-based rental assistance that enables individuals with disabilities to lease housing in integrated developments; and
- Apartments for individuals with various disabilities scattered throughout public and multifamily housing developments.<sup>4</sup>

***“Affordable housing”  
(the most mentioned  
“big issue”)  
Needs Assessment for  
Residents with  
Intellectual and  
Developmental  
Disabilities for the City  
and County of Denver  
(2018)***

The U.S. Department of Justice (DOJ) describes the following additional characteristics of integrated settings as:

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<sup>1</sup> *Priced Out: The Housing Crisis for People with Disabilities* (2022). Accessed May 3, 2022 at:

<https://www.tacinc.org/resources/priced-out/>

<sup>2</sup> *Olmstead*, 527 U.S. at 600 (quoting 42 U.S.C. § 12101(a)(2) and citing 42 U.S.C. § 12101(a)(5)).

<sup>3</sup> See 24 C.F.R § 8.4(b)(1)(iv). See: <https://www.law.cornell.edu/cfr/text/24/8.4>

<sup>4</sup> United States Department of Housing and Urban Development, Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*, p. 7 (2013). Accessed April 14, 2022 at: <https://www.hud.gov/sites/documents/OLMSTEGUIDNC060413.PDF>

- Those that provide individuals with disabilities opportunities to live, work, and receive services in the greater community, like individuals without disabilities are located in mainstream society;
- Offer access to community activities and opportunities at times, frequencies and with persons of an individual’s choosing;
- Afford individuals choice in their daily life activities; and
- Provide individuals with disabilities the opportunity to interact with non-disabled persons to the fullest extent possible.<sup>5</sup>

**By contrast, segregated settings are occupied exclusively or primarily by individuals with disabilities.**

Segregated settings sometimes have qualities of an institutional nature, including, but not limited to:

- Regimentation in daily activities,
- Lack of privacy or autonomy,
- Policies limiting visitors,
- Limits on individuals’ ability to engage freely in community activities and manage their own activities of daily living, or
- Daytime activities primarily with other individuals with disabilities.<sup>6</sup>

These kinds of characteristics and outcomes associated with segregated settings represent the potential risks of “planned” or “intentional communities” for people with developmental disabilities. These planned communities, by their congregate nature, can fall short of providing “individuals with disabilities the opportunity to interact with non-disabled persons to the fullest extent possible,” and assuring people “receive services in the greater community, like individuals without disabilities,” consistent with DOJ guidance.

***“Across the entire state number one issue was housing.”  
Colorado Cross Disability Coalition  
2018 Listening Tour Report***

**A WAY FORWARD:**

When evaluating the characteristics of housing it is useful to consider John O’Brien’s Five Accomplishments for a Valued Life.<sup>7</sup> These have been used for the past four decades to determine whether service paradigms support the rights of people with disabilities.

**Community Presence:** The right to take part in community life and to live and spend leisure time with other members of the community.

**Relationships:** The right to experience valued relationships with non-disabled people, with facilitation when necessary.

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<sup>5</sup> U.S. Department of Justice (2020). 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.* Accessed 4.14.22 at: [https://www.ada.gov/olmstead/q&a\\_olmstead.htm](https://www.ada.gov/olmstead/q&a_olmstead.htm)

<sup>6</sup> Ibid.

<sup>7</sup> Accessed May 6, 2022 from: <https://optionsforsupportedliving.org/blog/john-obriens-five-service-accomplishments>

**Choice:** The right to make informed choices, both large and small, in one’s life, including where to live and with whom to live.

**Competence:** The right to learn new skills and participate in meaningful activities with whatever assistance is required.

**Respect:** The right to be valued and not treated as a second-class citizen.

**OUR POSITION ON HOUSING:**

**It is the position of the Colorado Developmental Disabilities Council’s that best practice in accomplishing integrated housing outcomes for people with developmental disabilities, which assures supports necessary for safety and a good life, within typical community housing settings and control over what supports are provided and who provides them.<sup>8</sup>**

**It is also the position of the Colorado Developmental Disabilities Council that the crisis in housing for people with developmental disabilities demands action and that public housing authorities and private community development entities work together with disability advocates to increase accessible, affordable and supportive housing.**

**Finally, it is the position of the Colorado Developmental Disabilities Council that the creation of affordable housing should not go forward with a reliance on models of housing which, by their nature, are inconsistent with the rights of people with disabilities and the promise of the Americans with Disabilities Act of 1990, it’s Integration Mandate and the Supreme Court’s Olmstead Ruling of 1999.**

**“Housing” (the third ranked priority identified by the Colorado Developmental Disabilities Council Five Year Plan Survey, 2021)  
Colorado Developmental Disabilities Council External Evaluation**

**ADDENDUM: Current local affordable housing examples**

Atlantis Apartments

201 S. Cherokee, Denver

<https://www.theatlantisapartments.com>

Set aside for people with disabilities : 15 of 60 units (25%)

Laradon’s The Stella

5190 N. Broadway, Denver

<https://www.thedenverchannel.com/news/local-news/new-affordable-housing-apartment-complex-opens-in-globeville>

Set aside for people with disabilities: 16 of 131 units (12%)

30 PRL’s Independent Living Program

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<sup>8</sup> Crane, D., Ne’eman, A. (2014). Integrated Housing for People with Intellectual and Developmental Disabilities: Know the Facts. Accessed May 6, 2022 at:

<https://autisticadvocacy.org/wp-content/uploads/2014/09/Integrated-Housing-Fact-Sheet.pdf>

3075 Pearl Parkway, Boulder

<https://boulderhousing.org/30prl-independent-living-program>

Set aside for people with disabilities: 20 of 120 units (17%)

#### **FOOTNOTE REFERENCES FOR TEXT BOXES:**

**“The top theme across all groups was housing as a basic need that supersedes all others.”**

*Boulder County Community Needs Assessment: Systems, Services and Supports for People with Intellectual and Developmental Disabilities (2018)*<sup>9</sup>

**“Affordable housing”** (the most mentioned “big issue”)

*Needs Assessment for Residents with Intellectual and Developmental Disabilities*<sup>10</sup> for the City and County of Denver.<sup>10</sup>

**“Across the entire state the number one issue was housing.”**

*Colorado Cross Disability Coalition 2018 Listening Tour Report*<sup>11</sup>

**“Housing”** (the third ranked priority identified by the Colorado Developmental Disabilities Council Five Year Plan Survey, 2021)

*Colorado Developmental Disabilities Council External Evaluation*<sup>12</sup>

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<sup>9</sup> Murillo, E. & Meinhold, L. (2018). Boulder county community needs assessment: Systems, services and supports for people with intellectual and developmental disabilities. Boulder County Housing and Human Services, Omni Institute, Keystone Policy Center.

<sup>10</sup> Health Management Associates (2018). Needs assessment for residents with intellectual and developmental disabilities. City and County of Denver Department of Human Services.

<sup>11</sup> Colorado Cross Disability Coalition 2018 Listening Tour Report (2018). Accessed April 29, 2022 at: <https://www.ccdconline.org/2018/12/31/listening-tour-report/>

<sup>12</sup> Tanis, S. (2021). External Evaluation. Presentation to the Colorado Developmental Disabilities Council on March 3, 2021. University of Colorado, Anschutz Campus.