

Draft Generic Olmstead Demand Letter to a State

February 10, 2022 [Date]

State of _____

- Governor's Office

As Appropriate:

- Medicaid State Agency
- State Housing Department, Division, or Office, etc.
- Department of Human Services
- Department of Labor
- Department of Transportation
- Department of Education
- Department of Corrections
- Other Appropriate State Governmental Departments or Offices

Re: Olmstead Demand for Supportive & Accessible Housing

- Supportive Housing
- Accessible Housing
- Assertive Community Treatment (and/or equally effective provision of intensive services)

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- Peer Services
- Etc.

STATE IS IN VIOLATION of TITLE II of the Americans with Disabilities Act and Olmstead

- Provision of ____ [e.g. Supportive & Accessible] _____
 - Is substantially insufficient to meet the needs of people with disabilities in the State.
 - The State does not have a Comprehensive and Effectively Working Olmstead Plan to bring ____ [e.g. Supportive & Accessible Housing] to scale.

DEMAND

- Establish Olmstead Stakeholder Group by ____ [DATE] _____ to develop and implement a Comprehensive and Effectively Working Olmstead Plan to bring __ [e.g. Supportive Housing] to scale to meet the needs of people with disabilities in the state who are:
 - Institutionalized, or
 - At great risk of institutionalization [such as is inherent in homelessness]

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- Such Stakeholder Group and or Sub-Groups should have 1/4 to 1/5 membership of people with relevant disabilities and lived experience.

TARGET POPULATIONS

People with Disabilities who are Institutionalized or at Great Risk of Institutionalization who:

- Desire to Live in the Community
- Could Live in the Community with the provision of [Supportive and/or Accessible Housing]

INSTITUTIONS & Great Risk of INSTITUTIONALIZATION ADDRESSED

- Nursing Homes
- Mental Health Institutes
- Jails and Prisons [addressed to those being released from Jails & Prisons]
- Institutions designed for people with Developmental Disabilities
- Etc.

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ON-GOING PROCESSES

- **If the State believes that it cannot bring Supportive Housing to Scale for People with Disabilities within 1 year from now ---**
 - **The State needs to institute on-going inclusive Olmstead Planning Efforts to bring Supportive Housing to scale within 10 years for with people with disabilities who are Institutionalized or At Great Risk of Institutionalization.**

- **In the alternative, notice of intent to file a Declaratory Judgment Action seeking a Court to Declare a State's failure to provide SUFFICIENT DISABILITY HOUSING without an adequate plan to bring HOUSING to SCALE as a violation of TITLE II of the AMERICANS with DISABILITIES ACT and OLMSTEAD.**

- **Further, notice of intent to seek a Declaratory Judgment that State's failure to provide Inclusive Olmstead Decision-making Process violates Title II of the Americans with Disabilities Act and Olmstead.**