HOUSING & COMMUNITY LIVING

NDSC POSITION

Housing is more than shelter. It is the foundation for belonging, connection, and a self-directed life. For people with Down syndrome and other intellectual and developmental disabilities, access to affordable, community-based housing with the right supports is essential to exercising choice, autonomy, and full participation in society.

Too often, housing options are limited, segregated, or driven by availability rather than individual preference. Long waitlists, funding gaps, and system fragmentation restrict meaningful choice and can leave individuals and families navigating crisis instead of planning for the future.

NDSC believes independence is not defined by doing everything alone. Independence is defined by having control over one's life, making informed choices, and directing the supports needed to live in a way that reflects personal goals and values. NDSC supports policies that expand access to affordable, accessible, and integrated housing and ensure people with Down syndrome have meaningful choice in where, how, and with whom they live.

POLICY PRIORITIES

NDSC supports policies that affirm the right of individuals with Down syndrome and other disabilities to choose where, how, and with whom they live, with control over their daily lives and routines. NDSC opposes policies and practices that unnecessarily segregate people with disabilities, restrict housing choice, or condition housing on participation in a particular service model.

NDSC's highest housing priorities are to:

- Expand affordable, accessible, and integrated housing options in typical community settings through increased investment in housing assistance, including rental

- subsidies, development incentives, HUD Section 811, Housing Choice Vouchers, and Mainstream Vouchers;
- Affirm the right to individual choice and self-determination in where, how, and with whom people live, including the ability to live alone, with family, with roommates, or in other arrangements of their choosing, with control over daily routines and supports;
- Protect and enforce disability civil rights and fair housing protections, including the Fair Housing Act, Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Supreme Court's Olmstead decision, to eliminate discriminatory practices and prevent unnecessary segregation and institutionalization;
- Ensure housing is not contingent on accepting specific service providers or models, preserving true choice and separation of housing and services, including the ability to change providers without unnecessarily jeopardizing housing; and
- Strengthen coordination between housing systems and Medicaid Home and Community-Based Services (HCBS) to ensure individuals can access both housing and the flexible, individualized supports needed to sustain community living.

Additional Priorities

Housing Affordability, Accessibility, and Choice

- Reduce waiting lists and increase funding for housing assistance, including rental subsidies and development incentives;
- Expand housing opportunities for people with disabilities who rely on Supplemental Security Income (SSI) and other limited income sources, recognizing that benefits are often insufficient to cover housing costs;
- Promote housing options that reflect individual choice, including living alone, with family members, with roommates, or in other arrangements chosen by the individual;
- Encourage innovative housing models that expand choice without recreating segregation, while ensuring appropriate tenant protections and individual rights; and
- Protect the ability of individuals to move, change roommates, or change service providers without unnecessarily losing housing assistance or essential supports, including through greater portability of housing subsidies and community-based services.

Individual Rights and Self-Determination

- Promote person-centered planning that reflects individual goals, preferences, and cultural context, including access to supported decision-making;
- Define independence as autonomy, self-direction, and decision-making authority, supported as needed, rather than the absence of support;
- Protect the right to take reasonable risks as part of living a self-directed life, while ensuring health and safety;

- Protect privacy, dignity, autonomy, and the right to make everyday decisions, including choices about visitors, schedules, roommates, and personal relationships;
- Protect the rights of individuals living in provider-owned or provider-controlled residential settings, including legally enforceable residency agreements, privacy and security in their homes, access to visitors, freedom from unnecessary restrictions, and meaningful control over daily routines; and
- Eliminate discriminatory practices in housing and strengthen enforcement of fair housing protections, reasonable accommodations, and tenant rights.

Housing Stability and Community Supports

- Strengthen coordination between housing systems and support services, including Medicaid HCBS, so individuals can access the supports needed to maintain stable community living;
- Support education, transition planning, and skill-building that prepare individuals for community living on their own terms, including planning for adulthood, aging family caregivers, and changing support needs;
- Expand access to crisis prevention, emergency housing assistance, and other supports to prevent homelessness, unnecessary institutionalization, and housing instability;
- Invest in transportation and community infrastructure that enables full participation beyond the home, including employment, education, recreation, and community life; and
- Ensure housing policies and services support meaningful choice, flexibility, and community inclusion rather than limiting individuals to available service models or predetermined living arrangements.

BACKGROUND AND LEGAL FOUNDATION

The right to live in the community is grounded in disability civil rights and federal housing policy. The Fair Housing Act prohibits discrimination in housing and ensures equal opportunity, including reasonable accommodations, for people with disabilities. The Americans with Disabilities Act (ADA) prohibits disability discrimination in public services and accommodations, including government housing programs and community life. Section 504 of the Rehabilitation Act prohibits disability discrimination in federally funded programs, including housing.

The Supreme Court's landmark *Olmstead v. L.C.* decision affirmed that unnecessary segregation of people with disabilities constitutes discrimination under the ADA and requires services to be provided in the most integrated setting appropriate, consistent with the Court's requirements. The Medicaid HCBS Settings Rule further requires that community-based services support full access to the broader community, individual choice,

and autonomy, including protections for people living in provider-owned or provider-controlled residential settings.

Despite these protections, significant barriers remain. A shortage of affordable, accessible housing options, disconnection between housing systems and support services such as Medicaid HCBS, and policies that unintentionally limit choice by tying housing to service models continue to restrict community living opportunities. Persistent stigma also underestimates the ability of people with disabilities to live in typical community settings.

Federal housing programs, including HUD Section 811, Housing Choice Vouchers, and Mainstream Vouchers, provide important assistance, but funding limitations and long waiting lists leave many people with disabilities without affordable housing options. For individuals who rely on SSI, the cost of housing can be particularly prohibitive.

Without intentional policy alignment, individuals may face unnecessary institutionalization, isolation, or housing instability. Stable, community-based housing with flexible supports can contribute to better health outcomes, stronger community connections, and more effective use of public resources.

For people with Down syndrome, housing is inseparable from self-determination. Where and how someone lives shapes daily routines, relationships, safety, and opportunity. Some individuals choose to live with family members, while others want to live independently or with roommates. All should have meaningful choices, with access to the supports they need as their preferences and circumstances change.

NDSC believes that community living must be defined by inclusion, dignity, and opportunity. Every person deserves not only a place to live, but the ability to shape a life in the community, on their own terms.

Key Authorities

- Fair Housing Act of 1968, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601–3619 (prohibiting housing discrimination based on disability and requiring reasonable accommodations)
- Rehabilitation Act of 1973, § 504, 29 U.S.C. § 794 (prohibiting disability discrimination in federally funded programs and activities)
- Housing and Community Development Act of 1974, Pub. L. No. 93-383 (establishing the Section 8 housing assistance framework, including Housing Choice Vouchers)
- Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (1990)
- Cranston-Gonzalez National Affordable Housing Act of 1990, § 811, 42 U.S.C. § 8013 (establishing supportive housing assistance for people with disabilities)

- Olmstead v. L.C., 527 U.S. 581 (1999)
- Frank Melville Supportive Housing Investment Act of 2010, Pub. L. No. 111-374 (modernizing the Section 811 program and expanding integrated housing opportunities)
- Medicaid HCBS Settings Rule, 79 Fed. Reg. 2948 (2014), codified in relevant part at 42 C.F.R. § 441.301(c)(4) (community integration, individual choice, autonomy, and residential rights)
- 42 C.F.R. § 441.301(c)(4)(vi) (additional protections for individuals in provider-owned or provider-controlled residential settings, including legally enforceable residency protections, privacy, visitors, choice of roommates, and control over daily schedules)
- Fair Housing Act reasonable accommodation requirements, 24 C.F.R. § 100.204