

NEVADA GOVERNOR'S COUNCIL ON DEVELOPMENTAL DISABILITIES

MISSION STATEMENT: *The Nevada Governor's Council on Developmental Disabilities engages in advocacy, systems change, and capacity building activities for people with developmental disabilities and their families in order to promote equal opportunity, self-determination, and community inclusion.*

September 25, 2015

COMMENTS REGARDING BETTY'S VILLAGE PROPOSAL

The Nevada Governor's Council on Developmental Disabilities (NGCDD) was established in 1971 and is established in the state of Nevada through the federal "Developmental Disabilities Assistance and Bill of Rights Act of 2000" (DD Act). Congress recognized the need for, and value of strengthening State efforts to coordinate and integrate services for individuals with developmental disabilities. As a result, Congress established and authorized funding for State Developmental Disabilities Councils (DD Councils) in each state. The purpose of DD Councils was, and continues to be, to advise Governors and State agencies on the use of available and potential resources to meet the needs of individuals with developmental disabilities. Councils undertake a wide range of advocacy, capacity building, and systemic change activities to promote equal opportunity, self-determination and community inclusion for individuals with developmental disabilities.

The NGCDD is opposed to the proposal submitted to DHCFP by Opportunity Village for a living site exclusively developed for persons with developmental disabilities "Betty's Village". The justification for NGCDD's opposition to this proposed living site is outlined below:

- **NGCDD Position Statements:**
This segregated living site which is located adjacent to Opportunity Village Sheltered Workshop and is located in a more isolated area of Las Vegas; is in direct conflict to the NGCDD position statements on housing, employment and community supports by disabling residents to *participate "fully" in the greater community by being based in a disability only community.* These position statements can be viewed at www.nevadaddcouncil.org.
- **Home and Community Based Waiver Services (HCBS):**
Centers for Medicare and Medicaid Services (CMS) issued a final ruling in January 2014 stating that the setting in which the person receives services "is integrated in and supports *full* access of individuals receiving Medicaid HCBS *to the greater community*, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, *to the same degree of access as individuals not receiving Medicaid HCBS.*"

- **Olmstead: Community Integration for Everyone:**
In 2009, the Civil Rights Division of the United States Department of Justice (DOJ) launched an aggressive effort to enforce the Supreme Court's decision in *Olmstead v. L.C.*, a ruling that requires states to eliminate unnecessary segregation of persons with disabilities and to ensure that persons with disabilities receive services in the most integrated setting appropriate to their needs. President Obama issued a proclamation launching the "Year of Community Living," and has directed the Administration to redouble enforcement efforts.
(Information from ADA.gov- Information and Technical Assistance on the Americans with Disabilities Act)
- **Fair Housing for People with Disabilities:**
One of the elements to Fair Housing for people with disabilities is integration- Integration is about the accessibility of the home's interior; *its proximity to other, non-disability housing*; the accessibility of external components of a community: sidewalks, mailboxes, transportation, common areas, shopping, recreation, worship and employment; and the support services that some people with disabilities require in order to live in the community.
(Information from Shut Out, Priced Out and Segregated: The Need for Fair Housing for People with Disabilities)
- **Nevada Disability Advocacy & Law Center (NDALC) Submitted Comments:**
NDALC submitted comments to DHCFP regarding Betty's Village Proposal on September 18, 2015 and the concerns in these comments mirror the concerns of the NGCDD.

The utilization of public funds provided through DHCFP for a segregated living site should be of concern to the Governor and Constituents of the State of Nevada as it may constitute non-compliance of Olmstead, Fair Housing and CMS Final Rule.

Nevada Governor's Council on Developmental Disabilities would encourage DHCFP and CMS to utilize their process of heightened scrutiny and look more closely at the concerns raised by NDALC and the implications of non-compliance of Olmstead and Fair Housing before providing public HCBS funds to a setting that appears to be institutional or isolating.

Thank you for receiving our comment and please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Sherry Manning, Executive Director

Nevada Governor's Council on Developmental Disabilities