

Protect the Right to Community-Based Services

Codify in statute what has helped New Yorkers with disabilities live, work, and thrive in their communities for generations.

THE ASK

Enact legislation codifying a clear, enforceable statutory right to receive long-term services and supports in the most integrated setting appropriate to a person's needs — including each individual's right to choose among well-supported settings — so this principle no longer depends on a regulation any administration can reinterpret or repeal.

WHY NOW

A June 2026 U.S. Department of Justice legal opinion concludes that neither the *Olmstead* decision nor the ADA requires states to serve people in the most integrated setting, and that the regulations requiring it exceed the law. It does not change the law by itself — but it lays the groundwork to roll back those protections. Because its own argument is that Congress never clearly guaranteed this right, the clearest answer is for Congress to do so.

KEY MESSAGES

- **Community living works.** It helps people live in their own homes, hold jobs, and take part in their communities — it is what people and families want.
- **The right should belong to the person.** Community-based services as the default, with each individual's right to choose among well-supported options.
- **Certainty matters.** Providers cannot plan, recruit, or build capacity when the legal foundation can be reinterpreted every few years.
- **It is the less costly approach.** Community-based care consistently costs less than institutional care — rolling it back shifts costs onto ERs, hospitals, and jails.

A BIPARTISAN PRIORITY

The ADA was signed by President George H.W. Bush in 1990 with overwhelming bipartisan support. Both parties share values better reflected in community-based services: family choice, self-determination, fiscal responsibility, and the rule of law over administrative discretion.

WHAT WE'RE ASKING YOU TO DO

- 1 Support and co-sponsor legislation codifying this right, with individual choice among supported settings.
- 2 Press for a bill through your committee and leadership if none is pending.
- 3 Defend current protections — oppose rescission of the integration regulations and urge the government to defend them in court.
- 4 Visit our programs to see firsthand what community-based services mean for your constituents.