

# **Living Independently and in the Community: Implementation Lessons from the United States—Quick Reference Guide**

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This paper provides examples of the implementation of U.S. disability policy pertaining to independent living. A more detailed description is provided in the attached policy paper.

## **Best Practices**

The primary aim of the independent living movement is for people with disabilities to achieve the capacity to live in their homes and communities in accordance with their own wishes, and therefore “independently.” U.S. advocacy groups have focused on various “consumer driven supports,” which help facilitate living in the community. Some of these supports include, among other things, peer counseling, advocacy services, accessible transportation, training in independent living skills, wheelchair repair, housing referrals, and personal assistant referrals.

## **Legislation & Federal Initiatives**

Under the Americans with Disabilities Act (ADA), public entities cannot discriminate against individuals with disabilities in the services they provide. In 1999, the U.S. Supreme Court, in *Olmstead v. L.C.*, determined that the unjustified institutionalization of people with disabilities is a form of discrimination under the ADA.<sup>1</sup>

Following the *Olmstead* decision, President George W. Bush asked federal agencies to promote community living for people by: (i) providing coordinated technical assistance to states through federal grants, information, and training; (ii) identifying specific barriers in federal law, regulations, policies and practices that inhibit community integration; and (iii) enforcing the rights of people with disabilities. Federal agencies replied in various ways. The Department of Health and Human Services (DHHS), for example, issued guidance on developing state plans that would focus on placing individuals in integrated environments and establishing a waiting list to move people into community-based settings. DHHS has also provided federal grants in order to assist states in creating programs that support community living.

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<sup>1</sup> 527 U.S. 581 (1999).

Also, in response to *Olmstead*, President Bush launched the “New Freedom Initiative,” a national plan to remove existing barriers to community living. Some of the proposals in the initiative are to increase access to assistive technology, expand educational opportunities, increase the ability of people with disabilities to integrate into employment, and promote increased access to daily community living.

### **Barriers**

Although the federal government has responded to the *Olmstead* decision, the National Council on Disability has found that obstacles still exist for individuals to live independently. Such barriers include lack of: affordable or accessible housing; qualified support staff; affordable and accessible transportation; adequate medical or dental care; jobs and job training; and residential and day services.