

Draft CO Supportive Housing Olmstead Planning Bill

1. Legislative Declaration:

A. Thousand of Coloradans are subject to unnecessary institutionalization or risk of institutionalization in nursing homes, mental health institutes, jails, prisons and homelessness due to lack of housing and or necessary services;

B. THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990"

(ADA), 42 U.S.C. 12101 ET SEQ., AS AMENDED, US Supreme Court's decision in Olmstead v. LC (1999) holding that unnecessary institutionalization of people with disabilities amounts to discrimination under Title II of the ADA indicate the need for comprehensive planning to address the needs of individuals with disabilities to live in the community;

C. It is in the best interest of the State of Colorado and Coloradans with Disabilities for the State to provide specific measurable goals and reasonable plans to bring housing and services to scale to meet the need to prevent unnecessary institutionalization of Coloradans with disabilities as well as great risk of institutionalization inherent in homelessness.

2. **Target Populations:** Adults and youth with disabilities who are institutionalized or at great risk of institutionalization as the result of homelessness or other factors.

A. Adults with physical disabilities who are institutionalized, homeless or otherwise at risk of institutionalization;

B. Adults with psychiatric disabilities who are institutionalized, homeless or otherwise at risk of institutionalization;

- C. Adults with developmental disabilities who are institutionalized, homeless or otherwise at risk of institutionalization.
- D. Adults with brain injuries who are institutionalized, homeless or otherwise at risk of institutionalization;
- E. Adults or Youth with disabilities who are Homeless;
- F. Adults or Youth with substance use issues that are leading to institutionalization or putting them at risk of institutionalization;
- G. Adults with disabilities who are institutionalized in jails or prisons in the Criminal Justice System or at risk of becoming institutionalized in jails and prisons.
- H. Youth with disabilities who are institutionalized in Department of Youth Corrections approved facilities or at risk of becoming institutionalized in such facilities.

3. **Targeted Institutions** for Olmstead Planning include but are not limited to:

- Department of Youth Corrections (DYC) facilities
- Homeless Shelters
- Jails
- Juvenile Treatment Facilities
- Mental Health Institutes
- Nursing Homes
- Prisons
- Regional Centers for Individuals with Developmental Disabilities

4. **Topic Areas** include but are not limited to:

- A. **Housing including Non-Medicaid Scattered Site Supportive Housing as well as Medicaid certified Alternative Care Facilities (Assisted Living Residences)**

- a. Measurable Numeric Goals
 - b. Reasonable Time Frames
 - c. Yearly Reports and Proposals to the Legislature to Fund the Plan
- B. Medicaid Supportive Services**
- a. Measurable Numeric Goals
 - b. Reasonable Time Frames
 - c. Yearly Reports and Proposals to the Legislature to Fund the Plan
- C. Establishment of Waiting Lists for Housing & Medicaid Supportive Services Moving @ a Reasonable Pace**
- a. Measurable Numeric Goals
 - b. Reasonable Time Frames
 - c. Yearly Reports and Proposals to the Legislature to Fund the Plan

5. **Improved Data Collection**

Within each of the Topic Areas of the Olmstead Plan, the State is to implement best practice data collection and analysis of data in order to establish baselines against which progress can be measured, to measure outcomes, and to make plans to bring housing, wrap-around services, and waiting lists moving at a reasonable pace to scale to meet the need.

6. **Yearly Reports & Proposals to the Legislature**

Reasonable plans to bring to scale to meet the housing and service needs of Coloradans in the topic areas referenced in the Statute shall be submitted to the Legislature on or before July 1, 2025. Revised Reasonable plans to bring to scale to meet the housing and service needs of Coloradans with disabilities in the topic areas referenced in the Statute shall be submitted on or before July 1 of each year thereafter.

7. **Stakeholders involved in ongoing “Olmstead Planning” shall include, but not be limited to:**

- Racially and ethnically diverse individuals with physical disabilities, their family members, advocates and service providers;
- Racially and ethnically diverse individuals with psychiatric disabilities, their family members, advocates and service providers;
- Racially and ethnically diverse individuals with brain injuries, their family members, advocates and service providers;
- Racially and ethnically diverse individuals with developmental disabilities, their family members, advocates and service providers;
- Racially and ethnically diverse individuals with substance use issues, their family members, advocates and service providers;
- Racially and ethnically diverse individuals with disabilities with a history in the criminal justice system, their family members, advocates and service providers.
- Racially and ethnically diverse individuals with disabilities who are homeless, their family members, advocates and homeless service providers.
- Racially and ethnically diverse parents of youth with disabilities involved with the Department of Youth Corrections, advocates and service providers.

- Law enforcement
- Municipal and County representation
- Neighborhoods and businesses impacted by homelessness as a result inadequate housing and
or services for people with disabilities.

At Least 1/5 of representation on Stakeholder Groups for Olmstead Supportive Housing should include individuals with disabilities who are currently institutionalized or homeless.

