NACDD NATIONAL ASSOCIATION OF COUNCILS ON DEVELOPMENTAL DISABILITIES

What Is *Olmstead*?

Your Right to Live in the Community

People belong in the community!

What is Olmstead?

- Olmstead v. L.C. is an important U.S. Supreme Court case from 1999.
- The Court said people with disabilities have the right to live and receive services in the community when community living is right for them.
- Olmstead is part of the Americans with Disabilities Act (ADA).
- The ADA is a law that protects the rights of people with disabilities.

What does living in the community mean?

- Living in your own home or with family
- Going to work or school
- Shopping, restaurants, and community activities
- Spending time with friends
- Getting the supports you need

What is the "most integrated setting"?

The ADA says people should receive services in the most integrated setting appropriate.

This means people with disabilities should have opportunities to:

- Be part of their community
- Work or go to school
- Make choices about their daily lives
- Build relationships and take part in activities
- Spend time with people with and without disabilities

Does everyone have to live in the community?

No. People have different needs and choices. Olmstead does not say that every person must live in the same type of home.
It says people should not be placed in institutions when they can appropriately live in the community with the right supports.

Community living is about more than where you live. It is also about belonging!

REMEMBER:
Olmstead is still the law.
The ADA is still the law.
People with disabilities still have rights.

Stronger Together!

Olmstead in 2026
What Changed?

Same Rights. Bright Futures.

The law has not changed, but the federal government's approach has.

What happened in 2026?

The U.S. Department of Justice (DOJ) announced it will no longer use its previous Olmstead guidance when enforcing Title II of the ADA.

- The old guidance explained what Olmstead means.
- It helped states understand their responsibility to provide services in the most integrated setting.
- DOJ says the guidance is not legally binding.
- DOJ will review the guidance and may change or replace it.

Did Olmstead end?

No.

The federal change did NOT:

- Overturn the Olmstead decision.
- Repeal the Americans with Disabilities Act.
- End the right to community living.
- Automatically allow states to place people in institutions.
- Stop people from filing complaints.
- Stop people from going to court.

Why are people concerned?

There may be more uncertainty about:

- What states must do.
- What services should be available.
- How the federal government will enforce these rights.
- How people can challenge unnecessary institutionalization.
- How people will get help from the DOJ.

What does this mean for people?

It may be harder to:

- Understand your rights.
- Get help from the DOJ.
- Challenge unnecessary
- institutional placement.
- Protect community services.
- Stay in your home.
- Know what states must do under the ADA.

REMEMBER:

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The ADA is still the law.
People with disabilities still have rights.

Rights • Choices • Inclusion • Community • Nothing about us without us.

Olmstead and People with IDD

Why Does It Matter?

People with intellectual and developmental disabilities (IDD) may need services and supports to live in the community. Olmstead helps protect their right to do this.

What Can Community Services Help With?

These services are sometimes called Home and Community-Based Services (HCBS). They can include:

- Help with personal care
- Help at home
- Transportation
- Help finding or keeping a job
- Help with daily activities
- Respite for families
- Behavioral supports
- Help making decisions
- Other supports based on what a person needs

Why Are These Services Important?

Without the right supports, a person may be at risk of:

- Losing their home
- Losing important services
- Having to move somewhere they did not choose
- Going to a hospital or institution
- Being separated from family, friends, and community

Olmstead Helps Protect People's Rights

Olmstead is important because people should not have to live in an institution just because the community services they need are not available.

Community Living Includes Choice

People with disabilities should have opportunities to make choices about:

- Where they live
- Who they live with
- Who provides their services
- What they do during the day
- Where they work
- How they spend their time

The Goal

Community living is not just about moving someone out of an institution. It is about a good life in the community.

- Choice
- Relationships
- Work and school
- Healthcare
- Activities
- Support
- Belonging

A Real Community! A Brighter Future!

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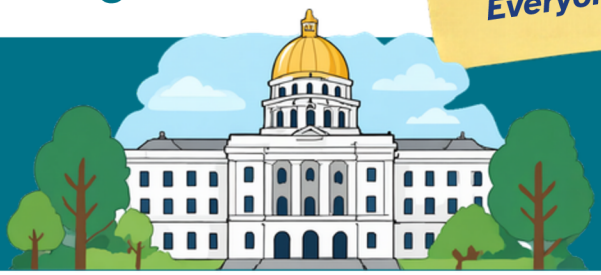
Community Living Makes A Stronger Us!

What Can States Do?

Make Community Living Possible

Strong Communities Include Everyone!

States have an important role in making sure people with disabilities can live in the community. States can take many steps to support choice, independence, and inclusion.



1 Provide Community Services

States can provide strong **Home and Community-Based Services (HCBS)** so people can get the help they need to live in their homes and communities.

- Personal care
- Help at home
- Transportation
- Employment supports
- Respite
- Behavioral supports
- Other services based on a person's needs

2 Prevent Unnecessary Institutionalization

States can help people get the supports they need before they reach a crisis or need to enter a hospital, nursing facility, or other institution.

Support a stronger tomorrow today!

3 Help People Move Into the Community

States can help people who live in institutions move into homes and other community settings when community living is right for them.

People have the right to live in the community, not in an institution, when possible.

4 Build Strong Community Supports

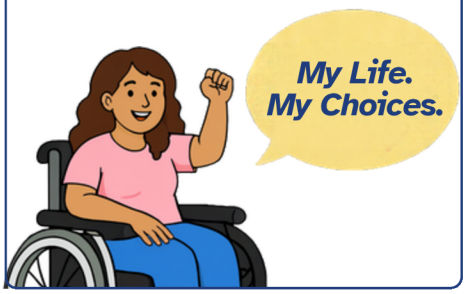
States can invest in the services and infrastructure people need to live, work, learn, and participate in their communities.

- Accessible and affordable housing
- Direct Support Professionals
- Transportation
- Employment services
- Respite and crisis services
- Healthcare
- Assistive technology
- Other community supports

5 Make Sure People Have Real Choices

States should give people meaningful choices about their lives and services.

- Where they live
- Who they live with
- Who provides their services
- What they do during the day
- Where they work
- How they spend their time



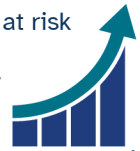
6 Listen to People with Disabilities

People with disabilities should be included when states create policies, design programs, change services, and develop budgets.

"Nothing about us without us."

Track What Is Happening

- State how many people live in institutions
- See how many people live in institutions
- Identify people who may be at risk
- Track progress in helping people move to the community
- Find gaps in services
- Improve services and supports



Data Helps Build Better Communities

REMEMBER:

Community living requires more than a law.

People need the services, supports, workforce, housing, and funding to make it possible. Olmstead is still the law. The ADA is still the law. People with disabilities still have rights.

Inclusive Communities are Stronger Communities!

Know Your Olmstead Rights

What Can I Do?

You have the right to live in the community, make choices, and get the supports you need.

Here are some ways you can speak up, get involved, and find help.

1 Ask Questions

You have the right to ask questions about your services, supports, and choices.

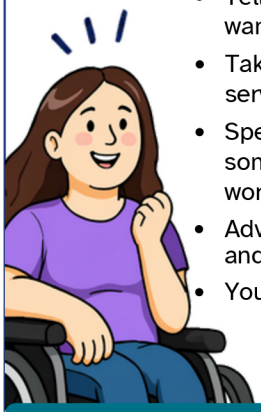
- Can I live in the community?
- What services can help me live where I choose?
- What choices do I have?

- Are there alternatives to an institution?
- What happens if my services are reduced or stopped?
- Who can help me understand my rights?

There are no wrong questions. Your questions matter!

2 Speak Up

Your voice should be part of decisions about your life.



- Tell people what you want and need.
- Take part in your service planning.
- Speak up when something is not working.
- Advocate for yourself and others.
- You can ask for help.

"Nothing about us without us."

3 Families Can Help Too

Families can support and advocate in many ways.

- Learn about Olmstead and the ADA.
- Ask about community services and supports.
- Keep copies of important papers (service plans, letters, notices).
- Help the person communicate their own choices.
- Speak up when services are reduced or denied.
- Work with providers and state agencies.
- Contact an advocacy organization when you need help.

Families are important partners in the journey to community living.

4 Keep Records

It is helpful to save important information.

- Letters
- Emails
- Service plans
- Assessments
- Notices about service changes
- Denials
- Information about waiting lists
- Notes from meetings

Good records can help you advocate for yourself and show what services you need.

5 Ask for Help

You do not have to do this alone.

- Your state's disability rights organization
- What state's Protection and Advocacy organization
- An attorney
- Another trusted advocacy organization
- You can also find resources online or in your community.

There are people and organizations that can help.

6 Remember

- Olmstead is still the law.
- The ADA is still the law.
- People with disabilities still have rights.

Key Words

Olmstead – A Supreme Court decision about the rights of people with disabilities to live in the community.
ADA – Americans with Disabilities Act.
HCBS – Home and Community-Based Services.
Institution – A place where many people live and receive services, often with fewer choices.
Community integration – Being part of your community.
Person-centered planning – Planning based on your needs, goals, and choices.

Remember:
Community living should be a real choice — not just a promise.

Inclusive Communities Create Brighter Futures!