



**December 16, 2022**

The Honorable Maxine Waters, Chair  
The Honorable Patrick McHenry, Ranking Member  
U.S. House Committee on Financial Services  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Sherrod Brown, Chair  
The Honorable Patrick Toomey, Ranking Member  
U.S. Senate Committee on Banking, Housing, and Urban Affairs  
U.S. Senate  
Washington, DC 20510

**To Chair Waters, Ranking Member McHenry, Chair Brown and Ranking Member Toomey:**

The Housing and Rights Task Forces of the Consortium for Constituents with Disabilities (CCD) write this letter urging Congress to prevent forced removal and institutionalization of people with disabilities as a solution to failures in social safety net programs. In November, New York City Mayor Eric Adams, announced a [directive](#) to “[A]uthorize the removal of a person who appears to be mentally ill and displays an inability to meet basic living needs, even when no recent dangerous act has been observed.” The mayor’s plan to improve New York City relies on armed law enforcement to simply remove unsheltered and disabled bodies from public spaces and public view. The authorized removal of people from New York City streets, or from any communities, neither meets the needs of those unsheltered individuals nor does it create safer communities overall. New York City is not alone, other states and localities across the US have introduced similar policies and we call on Congress to legislate and fund proven solutions that uphold the dignity, freedom, and rights of disabled people and those most threatened by such policies.



It is imperative that Congress acts to fulfill the mission of the Americans with Disabilities Act by fully ensuring community integration for people with disabilities. Congress has the power and responsibility to help alleviate the social safety net crisis in New York City and other cities by fully funding public housing that is accessible, integrated, affordable, including permanent supportive housing

Unfortunately, the solution underway in New York City is rooted in the past segregation and forced removal of disabled bodies from public spaces. Historically, both children and adults were warehoused in Institutions that created an isolated, unnatural way of life that was inappropriate and unnecessary, while consuming a disproportionate share of limited public resources. During the 1970s, dozens of lawsuits were filed regarding the abusive conditions in the nation's institutions, prompted in part by media exposés showing how existing institutions subjected people to abuse and neglect.

As the movement to deinstitutionalize people with disabilities took hold in the 1970s, states and localities began to enact discriminatory practices to prevent people with disabilities from living in the community. In 1988, the Fair Housing Act was amended to include protections for people with disabilities attempting to integrate into community housing. In 1999, the Supreme Court Supreme Court decision, *Olmstead v. L.C.*, 527 U.S. 581 (1999), held that the unnecessary institutionalization of people with disabilities is discrimination under the Americans with Disabilities Act. However, implementation of this mandate has faced significant challenges across the country. The unnecessary institutionalization of disabled people is still prevalent and discriminatory. In fact, New York state entered into a settlement agreement in 2013 (*U.S. v. New York – 13-cv-4165 – (E.D.N.Y. 2013)*) with the U.S. government and private plaintiffs due to the state's failure to ensure that people with mental illness had an opportunity to live in the community, rather than institutions, and to receive services within the community.<sup>1</sup>

Today, access to affordable and accessible housing in the community remains one of the biggest barriers to disabled people seeking to live independent lives. In fact, the lack of housing, coupled with a lack of funding for supportive services, is arguably the

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<sup>1</sup> Dept. of Justice, Office of Public Affairs, *Justice News: Justice Department Obtains Comprehensive Agreement to Ensure New York City Adult Home Residents with Mental Illness Are Afforded Opportunities to Live in the Community* (July 23, 2013) (Updated Aug. 6, 2015), <https://www.justice.gov/opa/pr/justice-department-obtains-comprehensive-agreement-ensure-new-york-city-adult-home-residents>



biggest driver of homelessness and treatable mental illness in the population targeted by the New York City directive. Approximately 4.8 million adults with disabilities who are between the ages of 18 and 64 received income from the Supplemental Security Income (SSI) program in 2016.<sup>2</sup> Nationally, the average rent for a modest one-bedroom rental unit was \$861, equal to 113% of the national average monthly income of a one-person SSI household. This finding confirms that in 2016 it was virtually impossible for a single adult receiving SSI to obtain decent and safe housing in their community without some type of rental assistance.<sup>3</sup>

Furthermore, the New York City directive to over-utilize armed law enforcement as a solution to social safety net failures will continue to expose Black and Brown people, and other people of color with disabilities, to disproportionate police violence and compound the injustice they already experience as the result of a lack of access to affordable and accessible housing, and community based mental health and supportive services.

The Co-Chairs of the Housing and Rights Task Forces of CCD encourage Congress to act to prevent more cities from undertaking similar directives. Cities need federal legislation and funding that:

1. Develops accessible and affordable housing models for people with disabilities;
2. in integrated settings; with,
3. access to community-based mental health and supportive services; and,
4. funds mental health and peer support professionals, and mobile crisis units to provide first responder services.<sup>4</sup>

Finally, we are disappointed that the Inflation Reduction Act omitted such provisions, and call upon Congress for a swift remedy.

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<sup>2</sup> <https://thearc.org/policy-advocacy/housing/>

<sup>3</sup> (<https://www.tacinc.org/wp-content/uploads/2020/04/priced-out-in-2016.pdf>)

<sup>4</sup> For evidenced based solutions in non-law enforcement based crisis response models, see this report from the Vera Institute of Justice <https://www.vera.org/civilian-crisis-response-toolkit>.



Sincerely,

CCD Housing and Rights Task Force Co-Chairs

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*CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society, free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination and religious intolerance. The Housing Taskforce of CCD focuses on ensuring accessible, affordable, equitable housing is available for all people with disabilities in communities of their own choosing. The Rights Taskforce advocates on a wide variety of matters involving the human and civil rights of individuals with disabilities through an equity lens. The Task Force's vision is driven by a commitment to diversity, equity, inclusion, and social justice, as well as the four key goals for people with disabilities set forth in the Americans with Disabilities Act (ADA): equality of opportunity, full participation, independent living, and economic self-sufficiency.*