

The Latonya Reeves Freedom Act Coalition

Speaker Nancy Pelosi
The Capitol H-232
Washington, DC 20515

Minority Leader Kevin McCarthy
The Capitol H-204
Washington, DC 20515

Majority Leader Chuck Schumer
322 Hart Senate Office Building
Washington, DC 20510

Minority Leader Mitch McConnell
317 Russell Senate Office
Washington, DC 20510

June 22, 2022

Re: #47 Civil and Human Rights Organizations - Support letter for the Latonya Reeves Freedom Act of 2022 (H.R. 6860/S. 3417)

Dear: Speaker Pelosi, Minority Leader McCarthy, Majority Leader Schumer and Minority Leader McConnell,

The #47 undersigned disability, civil and human rights organizations write to tell Congress of our support for [Latonya Reeves Freedom Act of 2022 \(H.R. 6860/S.3417\)](#) introduced by Reps. Yvette Clarke (D-NY) and Steve Cohen (D-TN) and Sen. Michael Bennett (D-CO). We also urge Congress to pass this bill swiftly. This legislation, if passed, would ensure the rights of people with disabilities to live full and independent lives in their communities.

In 1999, the U.S. Supreme Court held in [Olmstead v. Lois Curtis](#) that individuals with disabilities have a qualified right under Title II of the Americans with Disabilities Act of 1990 (ADA) to receive supports and services while living in the community of their choosing. This landmark decision has assured people that they will not be forced into institutions, including psychiatric hospitals and nursing homes.

The Latonya Reeves Freedom Act, named to honor a Coloradan who fled Tennessee to gain the freedom to live in her own home, would protect and expand the civil right of Americans with disabilities to receive long-term services and supports (LTSS) in the setting of their choice.

The legislation will enable individuals with disabilities to live independent lives in their community and would:

- Establish a comprehensive State planning requirement with enforceable and measurable objectives to transition individuals with disabilities out of institutions and into the most integrated setting, if they choose that transition;
- Prevent State governments and insurers from engaging in discriminatory practices, policies, or rules that would prevent an eligible individual ● from receiving community-based LTSS;
- Identify and address disparities in the provision of community-based LTSS; and

- Accelerate State compliance with the integration mandate of the ADA.

The undersigned organizations support the Latonya Reeves Freedom Act's goals of ensuring that millions of Americans with disabilities have access to services they need to live in the community and of removing the institutional bias in critical Federal programs. This bill builds on the Americans with Disabilities Act and the Supreme Court's *Olmstead v. Lois Curtis* decision, and asserts that people with disabilities have a right to live in their own homes and communities and to receive the services and supports they need to do so. For too many years, thousands of people with disabilities have been isolated and segregated in institutional settings, where they lose the opportunity to be full participants in society.

As the Supreme Court observed in *Olmstead v. Lois Curtis*, "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment," and furthermore, institutionalizing people who could live in community settings "perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life."

In March 2021, the [COVID Tracking Project at the Atlantic](#) reported that about 8% of people who live in US long-term-care facilities had died of COVID-19 – nearly 1 in 12. However, in nursing facilities alone, the death toll jumped to nearly 1 in 10. During the early months of the pandemic, research demonstrated that community integration of Disabled individuals reduced the spread and deaths from COVID-19. [Research published in JAMDA](#), the Journal of Post-Acute and Long-Term Care Medicine, compared the infection and death rates of people in Connecticut nursing facilities to those receiving services in the community and demonstrated that people receiving services in the community were 11 times less likely to get infected with COVID-19 and die than their nursing facility counterparts. Although people may assume that the COVID-19 deaths in nursing facilities and other institutions were unavoidable or exacerbated because people in institutions are "sick" and "frail," the research told a different story. (CDR Blog Post: [Institutionalization is a Public Health Crisis](#))

The pandemic exposed a critical liability in our country's ability to effectively manage and mitigate public health emergencies. Promoting community-based alternatives to institutionalization promotes choice, and strengthens the national security and economic well being of the United States.

The Supreme Court's leaked draft decision in the *Dobbs v. Jackson* case overturning *Roe v. Wade* addresses abortion rights and the right to bodily autonomy. The fight for disabled persons freedom includes bodily autonomy as it relates to reproductive rights, but is not limited solely to that aspect of life. When a managed care company or state decides to send disabled and seniors to a facility, their risk of dying prematurely increases dramatically – a reality that existed long before COVID-19 – but was underscored by the thousands of institutional deaths continuing to occur and during this deadly pandemic.

Bodily autonomy means having the civil and human right to decide where one lives and in particular to live in the community. This is the premise of the (ADA) - community integration. Imagine being forced into an institution where you share a room with a stranger, and strangers assist you with your most personal needs. You literally have no right to make decisions about your own body. They decide when they will assist you, what they will do, and even – something as basic as – if you will be given a shower.

The push and advocacy for increased funding of home and community-based services (HCBS) centers the privileged, those who are living at home. And has the sole message of doing the work to guarantee that those living at home remain able to do so for many years. There has been progress in recent years in expanding (HCBS) for individuals with disabilities who live outside of the institutions, many thousands of people ***with disabilities remain in institutional settings*** when they could and should have the opportunity to live, work, and receive services in their own homes and communities. In the fight for Intersectionality, racial justice and to end systems of racism and oppression we must include the fight for the freedom of every disabled person who does not want to be living in an institution.

The Latonya Reeves Freedom Act of 2022 (H.R.6860/S. 3417) would complement the ADA and accelerate the pace of people with disabilities leaving institutions, including by describing with specificity steps that must be taken by states and providers of insurance covering long-term services and supports to achieve community integration.

It is time to defend the right to full citizenship and freedom for people with disabilities. We urge Congress to swiftly pass the Latonya Reeves Freedom Act (H.R. 6860/S.3417) and affirm the civil and human rights of people with disabilities to live independently and be full participants in their communities. Please contact Dara Baldwin, MPA, Director of National Policy, Center for Disability Rights at dara.baldwin@ncdr.us with any questions.

Sincerely

A Little Piece of Light

Access Ready

ADAPT Delaware

AIM Independent Living Center

Association of People Supporting Employment First (APSE)

Autistic Women & Nonbinary Network

Campus Pride

Center for Disability Rights

Center for Economic and Policy Research

Center for LGBTQ Economic Advancement & Research (CLEAR)
Central Wisconsin ADAPT
Colorado Justice Advocacy Network
CommunicationFIRST
CSH
Disability Rights Education & Defense Fund
Family Voices
Family Voices NJ
Family Voices of ND
Justice Strategies
Life Unbolted Inc.
Modern Military Association of America
Mommieactivist and Sons
NAMI Huntington
National Council on Alcoholism and Drug Dependence- Maryland Chapter
National Juvenile Justice Network
National Organization for Women
New Hour Li
Not Dead Yet
People First Wisconsin
Rebuilding Independence My Style
Resource Center for Accessible Living, Inc.
Save IRIS - grassroots disability
Show and Tell
Southeastern Wisconsin ADAPT
Southern Tier ADAPT
SPAN Parent Advocacy Network
State Council for Persons with Disabilities
staten island center for independent living
Survival Coalition of Wisconsin Disability Organizations

The Arc-Dane County

The Freedom Center for Independent Living, Inc.

The Gubbio Project

The Parents' Place of MD

WCJA

William E. Morris Institute for Justice

Wisconsin Board for People with Developmental Disabilities

Women's Prison Association

Cc: Rep. Yvette Clarke
Rep. Stephen Cohen
Sen. Mike Bennett
Rep. Frank Pallone (Chair House Energy and Commerce Committee)
Rep. Cathy McMorris Rodgers (Minority House Energy and Commerce Committee)
Rep. Jerry Nadler (Chair House Judiciary Committee)
Rep. Jim Jordan (Minority House Judiciary Committee)
Sen. Patty Murray (Chair Senate HELP Committee)
Sen. Richard Burr (Minority Senate HELP Committee)
All House Members
All Senate Members
White House Domestic Policy Council