The Ability Center

HB 585 Interested Party Testimony
House Community Revitalization Committee
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Chairman Click, Vice Chair Mullins, Ranking Member Brewer, and members of the House Community Revitalization Committee, thank you for the opportunity to provide Interested Party Testimony on HB585. My name is Katie Hunt Thomas, and I am the Disability Rights Attorney and Director of Advocacy for The Ability Center of Greater Toledo, a Center for Independent Living serving thirteen counties in Northwest Ohio. The mission of The Ability Center is to make our community the most disability friendly in the nation by increasing independence for people with disabilities, discovering true passions, and changing the community's perception of disability.

HB585, as written, would increase the permissible size of housing built with the capital assistance funds allocated to the Ohio Department of Developmental Disabilities without putting any protections in place against the creation of institutional housing models. Oddly, the bill appears to have been drafted to avoid compliance with the Home and Community Based Settings Rule, a rule intended to prevent the development of institutional housing, which was adopted into law both by the federal government and state of Ohio.

While The Ability Center is open to increasing the permissible size of disability housing, any change to the permissible size of housing developments should be limited by the Home and Community Based Settings rule in order to prevent developers from using state DODD funds to create new institutional settings for people with disabilities. To best serve people with disabilities in Ohio, this bill must be amended to ensure that any new developments comply with the state and federal Home and Community Based Settings Rule.

People with disabilities have been fighting for the right to live in the community for decades. The de-institutionalization movement was one of the impetuses for the disability rights movement, which saw people with disabilities organize nation-wide to pass Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, laws that established civil rights for people with disabilities in the United States. Core to those civil rights protections is the "integration mandate," that services provided by state and local governments must be provided in the, "most integrated setting appropriate," to the needs of the individual. The integration mandate was further enforced by the U.S. Supreme Court

in the decision *Olmstead v. L.C.*, where a unanimous Court found that, "unjustified isolation," is discrimination under the Americans with Disabilities Act.

This federal law and policy have affected the landscape of Ohio regarding institutionalization. Ohio has moved away from a policy of institutionalization towards one of home and community-based living for people with disabilities. Slowly, state funding has moved away from creating large, institutional settings where people with disabilities live out their lives with no connection to our community and no access to community employment, activities, and socialization to home and community based settings where people with disabilities can live as independently as possible in the most integrated setting appropriate to their needs.

Unfortunately, the roll back of institutions did not result in corresponding investment in community-based housing for people with disabilities. There is now a crisis in housing, a huge gap in the amount of home and community-based housing available versus the number of people with disabilities in our state. A recent report by Mathematica found that there is not enough accessible housing to meet the needs of most households in which there is at least one member with a disability in Toledo, Ohio. The same report found that there is an estimated gap of 7,845 units of affordable accessible housing and 14,000 market rate accessible housing units. [1]

However, the current housing crisis in housing should move Ohio to invest in more Home and Community Based Housing, not institutional housing, for people with disabilities. Ohio needs more housing, but the housing crisis should not be used to roll back options for people with disabilities to live in community-based settings.

We are not against increasing the size of housing models that can use state capital funds allocated to DODD, but any increase in size must be met by additional protections to ensure that those funds are not used to create institutional housing for people with disabilities. In particular, the HB585 should be amended to require any settings created with DODD funding to comply with the state and federal Home and Community Based Settings Rule.

Thank you.

[1] Noemie Sportiche, Katie Hancock, Sara Croake, Mathematica, "Accessible Housing in Toledo: Needs, Gaps, and Potential Solutions."(April 6, 2026), available at https://abilitycenter.org/advocacy/#reports.