House Bill 585, Interested Party Testimony
House Revitalization Committee
Jennifer Kucera, Chair of the Ohio Olmstead Task Force
May 19, 2026

Chair Click, Vice Chair Mullins, Ranking Member Brewer, and members of the House Revitalization Committee, thank you for the opportunity to provide interested party testimony on House Bill 585.

My name is Jennifer Kucera, and I am here representing the Ohio Olmstead Task Force (OOTF). First, we want to acknowledge and commend the General Assembly for recognizing Ohio's urgent shortage of accessible, community-based housing for people with developmental disabilities—and, frankly, for people with all types of disabilities. We support the intention behind HB 585 to expand housing options and appreciate the willingness to review current rules that may be limiting new development.

We believe strongly that individuals with disabilities deserve real choice and freedom in where and how they live. Ohio's policy of deinstitutionalization reflects that principle, but we know the reality on the ground has not always matched that vision. People with disabilities continue to face a lack of truly integrated, community-based housing, and the shortage is severe.

While we support efforts to increase the availability of housing, we have significant concerns about the specific language in HB 585 regarding the use of community capital assistance funds. As currently written, the bill removes critical safeguards on the size of developments and excludes reference to the federal Home and Community-Based Services (HCBS) Settings Rule. Without these protections, there is a real risk that Ohio could inadvertently incentivize the creation of larger, institutional-style settings—resulting in the very segregation and isolation we have worked so hard to move away from.

On May 18, 2026, OOTF sent a letter to the bill's sponsors, to Chairman Click, and to the Department of Developmental Disabilities Housing Workgroup, outlining our recommended language and proposed amendments. I have attached that letter for your review.

To summarize our concerns and suggestions:

When standards for development size are relaxed, there must be clear, written protections to ensure compliance with the HCBS Settings Rule (O.A.C. 5160-44-01, 42 CFR 441.530). Without this, we risk a return to institutional models—which run counter to both best practices in disability policy and the integration mandate set forth in Olmstead v. L.C.

People with disabilities have a long history of being steered into settings that keep them separate from the broader community, limiting their independence and quality of life. The capital assistance funds addressed in this bill are intended to provide alternatives to institutionalization, and they should be used to create housing that is integrated, supportive, and community-based.

If HB 585 moves forward without additional guardrails, we are concerned it could result in:

- System-controlled housing instead of truly independent options
- Reduced tenant choice and diminished control over living arrangements
- Blurred roles between service providers and landlords
- More congregate and disability-specific housing models

To address these risks, we respectfully recommend the following amendments:

1. **Integrate the HCBS Settings Rule:** Require that all housing developed with these funds complies with Ohio's and federal HCBS Settings Rules.
2. **Include a "Deconcentration" Clause:** Capital funds should not be used to build developments where more than 20-25% of the units are set aside for individuals with disabilities, and projects should not exceed four units if doing so would create a segregated facility.
3. **Proximity Standards:** Ensure these developments are sited in mixed-income, residential, or mixed-use neighborhoods, with access to public transportation and community amenities—not in isolated or segregated locations.
4. **No Mandatory Services Requirement:** Make clear that residents are not required to receive services from a specific provider as a condition of living in these homes.
5. **Strengthen Meaningful Choice:** Individuals should have at least two genuine options for where and with whom they live.
6. **Tenant Rights Protections:** All residents should have leases with full tenant rights under state and local law, ensuring these are homes, not program settings.
7. **"Invisible" Housing Standard:** Housing built or acquired with these funds should resemble standard market-rate housing and use Universal Design, so people with and without disabilities can live together.

We are not here today to oppose HB 585 outright. We support its goals, but urge you to include these safeguards to ensure that new housing development truly delivers on the promise of community integration and choice.

Thank you for your time and attention to this important issue. We look forward to working with you to create more meaningful, community-based housing opportunities for Ohioans with disabilities.

About OOTF:

The Ohio Olmstead Task Force (OOTF) is a statewide grassroots coalition of Ohioans with disabilities of all ages, family members, advocates and organizations advocating for the right to live, work and participate in their communities. Formed in 2002, OOTF supports the Supreme Court decision that held that unnecessary institutionalization is discrimination against people with disabilities.

Sincerely,

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May 15, 2026

Dear Sponsors,

Thank you for agreeing to meet with us and discuss our concerns with HB 585, which seeks to increase the permittable size of housing developments under DODD rules for capital assistance funds.

We recognize and agree that Ohio is facing a significant housing shortage for people with developmental disabilities, and we support new housing development. We also understand that relaxing some rules may be necessary to increase the development of new community-based, accessible, supportive housing.

However, the language in HB 585 regarding community capital assistance funds raises serious concerns. Removing safeguards on the size of housing developments and excluding the federal settings rule without including additional safeguards risks the development of institutional settings. We are asking you to amend the current bill to include some of those safeguards, which we have enumerated below.

Our Concerns: Relaxing standards on housing size without the protections of the HCBS Settings Rule incentivizes developers to create institutional housing

People with disabilities have long had to push back against being routed into institutional settings that segregate and isolate people with disabilities from the greater community and limit their opportunities for a high quality of life. While the state of Ohio has adopted a policy of deinstitutionalization, there has not been a corresponding investment in home and community based settings. While housing choice is a core principal in disability policy, years of disinvestment have led to a lack of housing choices for people with disabilities in Ohio. The capital assistance funds affected by this bill are intended to invest in home and community based alternatives to institutionalization, and thus, should be protected.

By relaxing current standards, HB 585 risks:

- Creating system-controlled housing rather than truly independent housing
- Limiting tenant choice and control over living arrangements
- Blurring the line between service providers and landlords
- Permitting congregate and disability-specific housing models

This approach conflicts with best practices in disability policy and the integration mandate established in Olmstead v. L.C., as well as the requirements of the HCBS Settings Rule, both of which emphasize that people with disabilities have the right to live in the most integrated setting appropriate.

Our Proposed Amendments: Ensure that Capital Assistance Funds are being used to create integrated, home and community based housing

Ohio should be investing in housing solutions that expand independence, such as rental assistance, partnerships with private landlords, mandating accessibility in all new housing developments both market rate and subsidized, small supportive models such as scattered site housing and group homes, and models that give individuals direct control over their housing choices.

For this rule, we recommend the following proposed amendments:

- **Integrate the HCBS Settings Rule:** (D) All housing developed in accordance with Section (B) of this section shall comply with the Home and Community Based Settings Rule found in O.A.C. 5160-44-01, 42 CFR 441.530.
- **"Deconcentration" Clause:** Capital funds cannot be used to acquire or construct a building larger than four units if the development would concentrate a number of individuals with disabilities that exceeds no more than 20-25% of total units in a single development, ensuring it is not a "segregated facility".
- **Proximity Standards:** Sites must be located in mixed-income, residential, or mixed-use areas, with reasonable access to public transportation, community amenities, and services, rather than isolated areas.
- **"No Mandatory Services" Requirement:** Explicitly state that housing developed with these funds cannot be contingent upon the resident receiving services from a specific provider, ensuring the home is independent of the service system.
- **Meaningful Choice Language:** Strengthen the bill's current provision regarding participation in selection. The language should mandate that individuals are given at least two different options regarding where and with whom they live.

- **Tenant Rights:** Mandate that all residents must have a lease with full tenant rights under state and local law, ensuring it is not a "program setting" or facility.

- **"Invisible" Housing Requirement:** Require that all newly constructed or acquired housing must look and function like standard market-rate housing, adhering to Universal Design principles to allow individuals with and without disabilities to live together.

Thank you again for engaging with us on this issue, and we look forward to working with you to ensure that we are all accomplishing our goal of creating more home and community based housing options for people with disabilities.

Sincerely,

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