

New York ADA Settlement Fact Sheet

The United States, private plaintiffs, on behalf of themselves and all others similarly situated, and the State of New York, have reached a Settlement Agreement that has been filed with the U.S. District Court for the Eastern District of New York for the court's approval. Under the Agreement, the State of New York will provide individuals with mental illness in adult homes the opportunity to live in the most integrated setting appropriate to their needs, as required by title II of the Americans with Disabilities Act (ADA), as interpreted by the United States Supreme Court in *Olmstead v. L.C.*, and Section 504 of the Rehabilitation Act. Before reaching this Agreement, the parties litigated these issues in *DAI v. Paterson*, in the District Court and the U.S. Court of Appeals for the Second Circuit.

• Overview

- The Agreement will transform New York's mental health system to ensure that individuals with mental illness who reside in 23 large, privately owned institutional settings known as adult homes in New York City are provided the opportunity to receive the community-based services and housing that will enable them to live, work, and participate fully in community life.
- The Agreement provides community-based, scattered-site supported housing to all people with mental illness who are unnecessarily segregated in these adult homes and who wish to live in supported housing. Supported housing is scattered-site apartments for which the State provides rental assistance and housing-related support services. Residents will have access to flexible services to support them as needed and desired. The State will create at least 2,000 supported housing units and will continue to create additional units to ensure that all eligible adult home residents who want to move to supported housing have the opportunity to do so.
- Every adult home resident who moves to supported housing will also get the community-based mental health services he or she needs to succeed in supported housing, including Assertive Community Treatment (ACT) teams, crisis services, personal care assistance, assistance with taking medication, and care coordination. The State will also implement a person-centered planning process to help people transition into the community.

• Relief in Settlement Agreement

- Target Population
 - The Agreement provides relief to individuals with mental illness residing in 23 adult homes in New York City that have 120 or more beds and in which at least 25% or more of the resident population has a mental illness. There are approximately 4000 individuals with mental illness in these adult homes.
- Community-Based Supported Housing
 - New York will provide supported housing to all individuals with mental illness who are unnecessarily segregated in these adult homes, enabling them to transition from adult homes to the community. Over five years, at least 2,000 people -- and potentially more than 4,000 people -- will benefit from the newly created supported housing units. Supported housing affords individuals choice in their

daily lives and enables them to interact with individuals without disabilities to the fullest extent possible.

- Community-Based Mental Health Services
 - The Agreement will ensure that individuals with mental illness receive the array of services they need to successfully transition to, and remain in, community-based settings. These services include ACT, mental health clinic services, personal care services, home health services, care coordination, and crisis services.
- Person-Centered Planning
 - New York will implement procedures for transition planning that ensure that adult home residents with mental illness are fully informed about supported housing, and have opportunities to visit apartments and speak with peers who live in supported housing.
 - Adult home residents will be provided information regularly about the benefits of supported housing.
 - The planning process will identify the housing that is the most integrated setting appropriate for the individual and the services that will support the individual in the community.
- **Accountability**
 - The Agreement will be monitored by an independent reviewer who will report to the United States and the private plaintiffs on New York's compliance.
 - The State is required to provide to the independent reviewer and the parties quarterly reports that track the State's progress.
 - The Agreement is court-enforceable.