

## Response to CMS-2296-P

As a provider of residential services to individuals with developmental disabilities, I agree in theory that individuals with disabilities are often-times better served in a community setting. However, it is not a completely cut-and-dried issue. Our organization has several concerns about the proposed rule.

First, it is our understanding that the ultimate goal of CMS is to give individuals personal choice regarding their homes and activities. The “choice” for a number of our residents and their families is a campus home. Family members cite such reasons as security, proximity to friends and specialized activities, closer oversight by senior staff and overall safety as their reasons for desiring their loved ones remain in a campus setting. Our organization continues to work with families to encourage transitions to community homes, but we respect the “choice” of those preferring the campus option. For those choosing to live in a campus home, our organization provides opportunities for individuals to become actively involved in their community through activities, events, volunteerism and participation in local churches and community organizations. Limiting individuals’ choices to only those settings deemed acceptable by current trends would appear contradictory to the overall goal of individual choice.

In addition, identifying suitable community housing for individuals with disabilities is a primary concern when considering the proposed CMS rule. The majority of homes built in the U.S. are not accessible to individuals in wheelchairs, using walkers or having other mobility issues. In some cases, homes can be retrofitted to accommodate an individual’s disability. However, retrofitting can be cost-prohibitive. If CMS threatens the HCBS waivers for individuals in settings built specifically for people with disabilities, it must address the shortage of accessible housing in our nation and provide necessary funding to add accessibility features to existing homes.

Limiting HCBS settings to those “not...designed expressly around an individual’s diagnosis or disability” is contradictory to the program description in HUD’s Section 811 Supportive Housing for Persons with Disabilities Program, a grant used by many service providers to build accessible housing for individuals with disabilities. When an individual with a disability is placed in a community setting, often specific accessibility options are required to make their home functional, safe and comfortable. The Supportive Housing for Persons with Disabilities Program recognizes the difficulty in finding fully-accessible homes within the limits of existing housing. To accommodate the needs of individuals with disabilities, it can be most cost-effective to design and build a home with necessary accessibility features. Through the proposed CMS rule, this would no longer be acceptable and could limit the number of housing options available to individuals with disabilities. Also, community homes built by providers using Supportive Housing funds would apparently no longer qualify as an HCBS setting. This could be financially harmful to providers and would unnecessarily uproot individuals from homes well-suited to their special needs.