

April 12, 2016

**Memorandum of Support**  
*A.9479 (Weprin) and S.7247 (Seward)*

The New York Association on Independent Living (NYAIL) is a statewide, not-for-profit membership association created by and composed of Independent Living Centers across New York State. ILCs are unique disability-led, cross-disability, locally administered not-for-profit organizations, providing advocacy and supports to assist over 90,000 people with disabilities of all ages a year to live independently and fully integrated in their communities. **NYAIL strongly supports A. 9479/S.7247, an act to amend the executive law, in relation to establishing the Office of Community Living.**

The disability rights community has long advocated that New York must better align state services in a way that breaks down silos and makes services most responsive to people's needs. The existing system does not provide this, particularly with respect to people with physical disabilities who lack a state agency advocating for their needs. Last year's budget (2015-16 SFY) called for a stakeholder process, under the leadership of the Director of the Office for the Aging (NYSOFA), to discuss the creation of a new Office on Community Living (OCL), with a focus on furthering the Governor's *Olmstead* Plan and strengthening the No Wrong Door approach to service delivery. While the stakeholder process did result in a report which identified a number of gaps in existing services and areas for improvement in coordination of service delivery, no next steps relating to the creation of an OCL were proposed. Unfortunately, the process lacked a concrete proposed model and caused many stakeholders to fear it was merely another attempt to eliminate NYSOFA. New York must not stall the creation of a state Office of Community Living any longer. If the state has determined the expanded focus doesn't make sense for the State Office of Aging, the alternative is not to do nothing. ***That is completely unacceptable.*** A.9479/S.7247 creates an Office of Community Living with disability and *Olmstead* as the focus, while keeping NYSOFA fully independent and intact.

New York State can no longer ignore the fact that people with physical disabilities do not have a voice in State government. Former Governor Mario Cuomo established a State Office of Advocate for the Disabled in 1983 through Executive Order No. 26. The Office, then located within the Commission on Quality Care (CQC), was intended to serve as the State advocate on behalf of people with disabilities, tasked with advising and assisting the Governor in developing policies designed to help meet the needs of people with disabilities and serving as the State's coordinator for the implementation of Section 504 of the Federal Rehabilitation Act of 1973 (now the Americans with Disabilities Act and *Olmstead*). Though this office was maintained by Governor Andrew Cuomo through the continuation of the establishing Executive Order, the office has since dissolved with the

Commission on Quality Care. The Justice Center, which succeeded the CQC, has reorganized itself without any advocacy functions for people with disabilities. A new home for advocacy must be established.

The creation of an Office on Community Living, as proposed in A.9479/S.7247, would provide a focal point within state government to address the community integration needs of people with disabilities. The state's network of Independent Living Centers provide a strong foundation for such an agency given our statutorily-established focus on community integration for all. ILCs have been historically housed in the State Education Department (SED). However, their focus is on education and employment while ILCs focus on all aspects of community living and Olmstead implementation. As a result, SED no longer makes sense as the host State agency for independent living. Other State programs currently housed in other State agencies also make more sense to be located in the new disability focused agency. Those programs include the Access to Home, from the Division of Homes and Community Renewal; the Technology-Related Assistance for Individuals with Disabilities (TRAID), Adult Home Advocacy and Information and Referral programs from the Justice Center; and coordination of the Most Integrated Setting Coordinating Council (MISCC) currently under the auspices of the Office for Persons with Developmental Disabilities (OPWDD) – are all essential to ensure people with disabilities independence.

**NYAIL urges prompt passage of A.9479/S.7247.**

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