



September 23, 2022

Susan Dewey, Chief Executive Officer
Virginia Housing
601 S. Belvidere Street
Richmond, VA 23220
RE: Vanguard Landing

Via electronic mail to: Susan.Dewey@VirginiaHousing.com

Dear Ms. Dewey,

The Virginia Board for People with Disabilities (the Board) and the disABILITY Law Center of Virginia (dlcV), two agencies authorized by the federal Developmental Disabilities Assistance and Bill of Rights Act, oppose the use of Virginia Housing funds to support the development of Vanguard Landing, a proposed segregated community for people with intellectual and developmental disabilities. Recently, we learned that Vanguard Landing has applied for a \$26 million loan from your organization. Virginia Housing is a key partner with the Commonwealth in improving integrated, community-based options for people with disabilities. Decisions about development, funding and zoning must reinforce the Commonwealth's commitment to true integration and inclusion.

As a large, secluded community, Vanguard Landing emulates the cottage environment of our state operated training centers. 185 people with intellectual disabilities will ultimately be segregated within its confines at a time when the Commonwealth has closed all but one of the training centers, which were found by the Department of Justice to violate *the integration mandate* of the Americans with Disabilities Act. However well-intentioned, disability-specific campus settings, like the one proposed by Vanguard Landing, are simply next-generation models of segregated services.

While Vanguard Landing promotes Medicaid home and community-based services (HCBS) waivers as a source of funding for potential residents, the approval of VanGuard Landing as meeting the Centers for Medicaid and Medicare Services HCBS settings rule is questionable. In contrast, Medicaid HCBS funds are reserved only for settings where the individual has the same access to work, shop, socialize, volunteer and receive services in the broader community of people with and without disabilities.¹

¹ CMS' *Exploratory Questions to Assist States in Assessment of Residential Settings*. Accessed at <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/exploratory-questions-re-settings-characteristics.pdf>

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By encouraging (or potentially mandating) residents to receive residential, day services, social and recreational activities, and other long-term services and supports all within one confined campus, people with disabilities will be insulated from the broader community. Critically, Vanguard Landing cannot overcome isolation and segregation by allowing selected persons without disabilities to come on to the campus. Known as “reverse-integration,” bringing individuals without disabilities from the broader community onto campus does not meet the integration requirement for HCBS funding. These efforts will not be sufficient to meet the strict integration requirements established by both the Medicaid rules and the integration mandate of the Americans with Disabilities Act.

Increased segregation of people with disabilities, through the creation of isolating settings like Vanguard Landing, is contrary to the progress made by both the Commonwealth and the nation. We share the view of The Arc of Virginia [and other advocates] that state funding partners should not support this initiative, which contradicts state and federal policy to promote full integration and inclusion for people with disabilities.

Sincerely,



Teri Morgan, Executive Director
Virginia Board for People with Disabilities



Colleen Miller, Director
disAbility Law Center of Virginia

cc: Dale Wittie, Director, Rental Housing Development, Virginia Housing
JD Bondurant, Director of Tax Credit Programs, Virginia Housing
Bennett Atwill, Business Development & Operations Manager, Virginia Housing
Bryan Hom, Director, DHCD
Todd Weinstein, Chief Deputy, DHCD
Heather Norton, Assistant Commissioner, Developmental Services, DBHDS
Nelson Smith, Commissioner, DBHDS
Ruth Hill, Director of Housing and Neighborhood Preservation, City of VB
Carrie S. Schmidt, Field Office Director, US Department of Housing and Urban Development
Niki Zimmerman, VBPD Vice Chair