

Testimony of the Office of Protection and Advocacy for Persons with Disabilities
Before
The Committee on Planning and Development

Presented by: James D. McGaughey
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Good afternoon, and thank you for this opportunity to comment on one of the bills on your agenda today, **Raised Bill No. 6596, An Act Concerning Notification Requirements for Halfway Houses.**

This bill would require notification of police and fire chiefs and chief elected officials whenever applications are filed with municipal zoning authorities regarding proposed public or private halfway houses, group homes mental health facilities or authorized community residences. It would also require development and internet posting of an electronic database listing the number of residents and staff, funding sources and the municipality in which such homes and facilities are located.

Our Office has two significant concerns about this proposal:

First, as I am sure the Committee is aware, it is sometimes difficult to site community-based residential programs for people with intellectual and psychiatric disabilities. The overall track record for most such residences is actually quite good, both in terms of their impact on their neighborhoods, and in terms of the opportunities and support they provide to residents. However, despite the availability of a number of studies demonstrating the benefits and generally benign nature of community based residential programs, news that a program is planning to open in a particular location often generates a “not-in-my-backyard” response. Sometimes that opposition is fierce, and the program does not open. Even when it does open, there is often a legacy of ill will.

People with cognitive and mental disabilities have a right to live in communities. To realize that right, some people need the kinds of supports that come with structured residential programs. And to achieve their purpose, those programs must be located in communities – not consigned to industrial parks or other commercial locations. One concern about this bill is that it would create a notification mechanism around which opposition to the location of community residential programs would likely form. Human services agencies have long lists of people waiting for residential supports. We need more of these programs. We do not need to be inviting more opposition to them.

My second concern relates to emergency preparedness and response issues. For the past three years – ever since Hurricane Karina wrecked havoc on the Gulf coast - I have been heavily involved in efforts to ensure that people with disabilities are included in disaster

planning initiatives. I am quite worried that despite laudable efforts by advocates and the Department of Emergency Management and Homeland Security, many municipalities are not well prepared to meet the needs of people with disabilities in a major disaster. I recently attended meetings of the five Regional Emergency Planning Teams that have been set up to coordinate preparedness planning across the State. At each meeting I asked, "If you were me, what would you advocate for?" The overwhelming response from local emergency management directors, fire chiefs, police chiefs, public health officials and emergency medical services directors who comprise those teams is this: "Get the people who will need assistance in an emergency, and the agencies that serve them to tell us where they are and what kind of help they will need."

My response has been that I can see the value of doing that, and that I would work to promote that end, but that I could not advocate for that, and, in any event will get nowhere advancing this idea unless there are strict guarantees that the information disclosed would be used only for emergency response and preparedness planning purposes. The history of rejection and prejudice is too long and too strong for people with disabilities, or the agencies that support them, to trust that information about where they live will not be used against them in local political struggles.

One of my biggest concerns with this bill is that it seems to mix what might arguably be a legitimate public policy goal of ensuring effective emergency planning and response, with an open invitation for opposition to form against the exercise of very right people with disabilities and their supporters are most concerned about protecting – the right to simply choose where in the State of Connecticut they want to live. If we are ever going to get cooperation and support for a "registry" identifying the location and needs of those who will need particular assistance to evacuate or to avail themselves of emergency services, we need to carefully define the purpose for assembling that information, and strictly limit access to it. Enacting legislation that would require notification to fire, police and, at the same time chief elected officials, and then also requiring public disclosure of locations, numbers of residents, funding sources, etc., merely serves to feed suspicion about what the motivations for which that information is being sought.

Thank you for your attention. If there are any questions I will try to answer them.