

## DISABILITY AND HOUSING

*In this issue we get an inside perspective on a local shelter, explore universal design, and review the laws that protect the rights of people with disabilities and their service animals. This issue also includes a featured section where we dive into the topic of divisive concepts and the role intersectionality plays in our fight for disability rights.*

*We want to hear from you. Please share your ideas for future themes, or your suggestions of how we can increase accessibility, by emailing [mail@drcnh.org](mailto:mail@drcnh.org).*

## Special

Issue Spotlight

**DISABILITY  
AND DIVISIVE  
CONCEPTS**

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## Taking Shelter The Ins and Outs of Survival *By Winter Trabex*

My journey from stable housing, to homelessness, and back to stable housing has been a difficult one. I have experienced eviction, the shelter system, being on the street, living in an RV, staying with a friend, and finally moving into my current stable housing situation.



I'm transgender and disabled. I have anxiety/depression, autism, and chronic fatigue syndrome (CFS). During multiple stays in a Manchester shelter, I found staff incredibly supportive of my gender identity. However, the shelter system, which offers many services and assistance for those with substance use disorders, does not serve disabled individuals in a consistent manner. At times, shelter staff does not honor medical notes from providers and does not adequately accommodate people with disabilities.

In the shelter where I stayed, most of the beds were on the second floor, accessed by a long stairwell on either side of the building. People with mobility issues relied on a mechanical lift to get up the stairs. During my time at the shelter, the lift was sometimes broken and took months to repair. People with mobility issues had to crawl or be carried up the stairs. There was a period where a woman with a disability was sleeping on a cot in the shelter's dining area because she couldn't access the bunk room.

Due to my CFS, I require a lot of sleep just to get through the day. I often wear noise-canceling headphones meant for gun ranges in order sleep. If I don't get the required sleep, my chronic fatigue results in difficulty concentrating, emotional meltdowns, and other cognitive declines.

*(continued on page 2)*

## Taking Shelter *(continued from page 1)*

Shelters have set schedules. The one that I stayed at had a 7pm curfew and required residents to wake up at 6am with a reveille-style alarm. Rather than accommodating my chronic fatigue, management at the shelter forced me to comply with its rigid sleep schedule for most of my stay there – something that is inconsistent with medical recommendations.

I requested extended sleeping times, or the ability to sleep and be awake when I wanted, only to be denied. It is generally understood that the non-profit company which owns the shelter is concerned that if it makes an exception for one person, it must make an exception for everyone. This operational mind-set means that needs go unmet, while conditions become worse for people with disabilities.

***Chronic Fatigue Syndrome (CFS) results in difficulty concentrating, emotional meltdowns, and other cognitive declines.***

By my third time through the shelter program, I was exhausted, worn down, and passing my days trying to stay awake rather than falling asleep wherever I could find space – and I wasn't alone. Many residents in the shelter program experience sleep deprivation because of the inflexible sleeping schedule. Sleep deprivation has many deleterious effects on the human body and on a person's mental state, including decreased energy and mental functioning. This only compounds problems for those who already experience health challenges because of substance use disorders or their disability.

People who struggle in this way often spend their days asleep in a park or slumped over the tables in the shelter's cafeteria. They then become less effective finding work, accessing services, and finding stable housing.

Some residents in the shelter have been there for years, just going through each day trying to survive. While their individual challenges are not always the same, it's clear to me - despite my own success at finding housing - that by failing to accommodate disabilities, the shelter fails the very population it seeks to serve.

If the shelter wants to see better results with the residents who seek its services, they could begin by ensuring a universally accessible facility, honoring doctors' notes, working with residents to accommodate their disabilities, and connecting disabled people to the community-based system of support provided by our state's area agencies and other non-profits.

Failing this, these issues will continue to persist to the detriment of residents, staff, and the organization itself.



*Winter Trabex is a freelance writer from Manchester and regular contributor to Community Voices.*

# Recommendations for a More Inclusive Shelter System

## Physical accessibility

- Ensure that all public areas of shelters (e.g., entrance, kitchen, bathrooms, common and sleeping areas) are accessible to participants with disabilities including vision impairments, deaf and hard of hearing, physical and mental health disabilities, severe allergies and chemical sensitivities, and developmental disabilities.
- Broken stair lifts/elevators should be fixed as soon as possible so as to minimize disruption. Alternative accommodations should be made available during times when the primary shelter is inaccessible.
- Provide lockers in an accessible area and equip participant with personal locks to secure their property.

## Programmatic accessibility

- Staff should be trained on how to interact with people with disabilities in a respectful and inclusive way.
  - Actively engage with participants who have disabilities to identify and offer opportunities that engage them with the services and supports that will facilitate their recovery and long-term stability.
  - Ensure all programs, services, and activities offered by the shelter occur in accessible areas and are welcoming to people with disabilities.
- As appropriate, connect participants with disabilities with:
    - [Area agency services](#)
    - [Vocational rehabilitation](#)
    - [Service Link](#)
    - [Granite State Independent Living](#)
    - [Community Mental Health Centers](#)

## Clear processes for requesting reasonable accommodations and/or medical exemptions

- Have a written policy in place about accessibility and the need for reasonable accommodations and train all staff on those policies.
- Make available a streamlined process for participants to request reasonable accommodations relating to their disability – accommodations which might include access to sleeping areas during off-hours or access to designated quiet spaces.
- Designate a trained staff member to assist participants with the process if needed.

## Dry shelter options

- Drug, chemical, and alcohol-free shelter options should be made available to participants who request them.

# Know Your Housing Rights



In both private and public housing, federal and state laws protect the rights of people with disabilities. Those laws apply to a variety of housing providers including landlords, property managers, homeowners' associations, and condo boards.

**Prohibited: Discrimination against people with disabilities is against the law.**

It is unlawful for a housing provider to refuse to rent or sell to a person simply because of a disability. A housing provider may not impose different application or qualification criteria, rental fees or sales prices, or rental/sales terms or conditions than those required of, or provided to, persons who are not disabled. It is also unlawful for a housing provider to ask questions that would require a person to disclose that they have a disability.

*Example:* A housing provider may not refuse to rent to an otherwise qualified individual with a mental disability because they are uncomfortable with the individual's disability. Such an act would violate both federal and state fair housing laws because it denies a person housing solely based on their disability.

**Required: Housing providers must make reasonable accommodations for people with disabilities.** A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. A housing provider should do everything they can to assist, but they are not required to make changes that would fundamentally alter the program or cost more money than the housing provider can afford. Reasonable accommodations may be requested at all stages of the housing process including application, tenancy, or to prevent eviction.

*Example:* A reasonable accommodation for a tenant with a mobility impairment would be for the landlord to provide a reserved parking space in front of the entrance to the unit, even though all other parking provided by the landlord is unreserved.

*Example:* A fundamental alteration to a program would be asking that the landlord provide a service they don't provide like plowing or reserved parking when no parking spots are provided at all (reserved or otherwise).

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**Required: Housing providers must allow a person with a disability to make reasonable modifications.**

A reasonable modification is a structural modification that is made to allow people with disabilities the full enjoyment of the housing and related facilities.

Reasonable modifications are usually made at the expense of the person with a disability. There are resources available to help fund building modifications. Additionally, if you live in federally assisted housing the housing provider may be required to pay for the modification if it does not amount to an undue financial or administrative burden.

**Exceptions to state and federal law**

Some housing is exempted from housing discrimination law.

- Buildings with no more than three or four units – if the owner lives in one of the units.\*
- Single family housing that is sold or rented by the owner if the owner does not own more than one such single family home and if the owner does not go through a rental agent.
- Limited exemptions for religious organizations, private clubs, and nonprofit organizations.

## Resources

- If you feel that your rights, or the rights of someone you know, are being violated based on a disability, you can contact Disability Rights Center-NH at 1-800-228-0432 or the Fair Housing Project at NH Legal Assistance at 1-800-921-1115 for free or low-cost legal assistance.
- For more information on your rights to fair housing, including how to file a complaint and the applicable filing deadlines, you can contact the NH Commission for Human Rights at 603-271-2767, US Department of Housing and Urban Development, Fair Housing Hub, Boston at 1-800-827-5005.

\*State and federal law differ on this point.  
Please consult an attorney for more information.

# Are Institutions a Thing of the Past?

## Consider Institutional Qualities

By Kelly Nye-Lengerman

Throughout history, people with intellectual and developmental (ID/DD) and other disabilities living in institutions may have experienced abuse, exploitation, and isolation. In order to prevent these transgressions in the future, we must continue to insist individuals living with ID/DD have choice, input, and control over their lives, including where and how they live.



*New Hampshire's Laconia State School closed its doors in 1991 as a result of the Garrity vs. Gallen ruling.*

Over the past 50 years, the number of individuals residing in institutions has declined dramatically because of deinstitutionalization, which is a policy process of moving individuals who live in state-run institutions into community-based settings for housing and support. Central to the movement of deinstitutionalization is the belief that people with IDD must be able to have choice and control in their lives. Deinstitutionalization resulted in the closures of hundreds of state institutions around the U.S., including New Hampshire's own Laconia State School in 1991.

Recent deinstitutionalization efforts prioritize choice for the individual not only in where they live but with whom and how their day is structured. These efforts also consider whether people have access to their community and individualized community-based supports, adequate privacy, the ability to express preferred lifestyles, and the ability to eat, sleep, and bathe free from abuse, neglect, and harm.



Although the state-run institutions of the “old days” are considered by many to be a thing of the past, many settings and housing options for individuals with IDD have institutional-like qualities are characteristics of an environment that makes it feel like an institution.

**An institutional quality in a residential setting (like intermediate care facilities, group homes, and other congregate living situations) can include:**

- Lack of choice in where one lives (town, setting, distance, etc.) and with whom (family, friends, roommates, alone)
- Lack of input or opportunity to select the paid professionals in their lives, or the provider that employs their direct support professionals
- Inadequate size or capacity of the setting
- Inflexible schedules for routines like eating, bathing, sleeping, and socializing
- Inflexible schedules based upon the needs of others that may restrict individual choices or opportunities
- Restrictions on participating in meal planning, grocery shopping, home maintenance, etc.
- Restrictions on access to the community (i.e., social groups, transportation, and curfew)
- Restrictions on certain parts of their home or access to food
- Restrictions on personal privacy or visitors
- “House rules” not agreed upon by all housemates, or not reviewed regularly
- Unsolicited input or restrictions on lifestyle choices or preferences from paid supports (i.e., friends, sexuality, spirituality, and music)

As we individually and collectively work together to build stronger housing infrastructure in our state, we must address – not ignore – institutional qualities that still exist in some housing options.

Home and community-based services (HCBS) and self-directed supports are two new frontiers for delivering quality, community-based, individualized supports, while reducing the dependence on institutional and segregated settings. HCBS services are funded through the Centers for Medicare and Medicaid (CMS). CMS provides guidance and expectations for states and provider agencies to deliver the most integrated community-based supports possible. This prioritizes community, based on individualized needs and preferences of the person. The continued growth and expansion of HCBS is a tremendous opportunity for our state. Our state’s collective and evolving efforts should continue to protect and expand individual choice and control, while avoiding institutional qualities and supporting authentic community inclusion and choice for people with IDD in New Hampshire.

*Kelly Nye-Lengerman is the Director of the Institute on Disability at the University of New Hampshire.*

**References are available online.**



# A Little Help from Your Friends

## Service and Emotional Support Animals in Housing *By DRC-NH staff*

Federal and state nondiscrimination laws protect the rights of people with disabilities to have service animals and emotional support animals in their apartments, even when the housing provider has a policy that does not allow pets (or a certain type of animal such as a dog). Service animals are individually trained to perform a task directly related to the person's disability. Emotional support animals do not require specific training, and their mere presence can have a therapeutic effect for the person with a disability.

Under the law, service and emotional support animals are assistance animals and are not considered pets. In most situations, the housing provider must allow you to have an assistance animal if:

- You are a person with a disability. This means you have a medical condition that creates a substantial limitation to a major life activity, such as communication, walking, seeing, hearing, or emotional/social functioning.
- You need the animal to ease the symptoms of your disability or to provide a service to you. There must be a relationship between your ability to function and the assistance your animal provides for you. The animal must be necessary to perform a service or task for you to be able to use and enjoy your home.

Not everyone with a disability is entitled to have an animal living with them. You need to be able to prove that you have a disability, and that the accommodation is necessary. When you ask for a reasonable accommodation to an existing policy, you may need to provide documentation from a medical professional to support your request. Some housing is exempt from the law.

*Example:* A landlord would not be required to provide pet sitting or cleanup after an animal if the landlord does not provide these services to other tenants. However, existing regulations specifically state that simply allowing an assistance animal does NOT constitute an undue burden.



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### **What if my animal causes a problem?**

You are responsible for your animal including cleaning up after it and making sure it is not a nuisance to other tenants. If your animal causes damage, you may be responsible for the costs of cleaning or repair. If your animal is disruptive to other tenants or residents, or is a direct threat to anyone, the housing provider may be justified in refusing to allow the assistance animal to stay, or in taking steps to evict you.

### **Can the housing provider require an additional deposit?**

No. The landlord cannot require you to pay an additional deposit as a condition to allowing you to have the animal, even if deposits are normally required for pets.

### **Can the housing provider refuse to allow me to have a particular breed or size of dog?**

No. Pet rules do not apply to assistance animals. Therefore, housing providers are not allowed to place limits on breed types or size.

### **How do I request an accommodation to the landlord's 'no pet' rule?**

- Make a written request to the housing provider for a reasonable accommodation. The request should state that you have a disability and explain that the requested accommodation is necessary to ease your symptoms or to provide you with a service to enable you to use and enjoy your dwelling.
- Be prepared to provide a letter from your doctor, psychiatrist, social worker, or other health professional verifying that you are a person with a disability and your need for the assistance animal, if not obvious.
- You do not have to disclose your actual diagnosis or medical history.
- You do not have to provide proof of your animal's training or certification.



## **Know Your Housing Rights**

- People with disabilities can look to both state and federal law to protect their right to have a service or emotional support animal in their rental unit.
- RSA 354-A is New Hampshire's Fair Housing law and is enforced by the New Hampshire Commission for Human Rights.
- The Fair Housing Act (FHA) is a federal law enforced by the U.S. Department of Housing and Urban Development.

\*State and federal law differ on this point. Please consult an attorney for more information.

# A Place to Call Your Own

## Housing for People with Intellectual or Developmental Disabilities

By Sheryl A Larson, Ph.D.

Everyone needs a safe place to live that they can afford. People with intellectual or developmental disabilities (IDD) are no exception. The University of Minnesota's Residential Information Systems Project (RISP) has collected and shared information about the places people with IDD live since 1977. This article highlights key findings from the most recent RISP report (<https://risp.umn.edu/>).

There are an estimated 7.43 million people with IDD in the United States, including 27,000 in NH. Most live with a family member throughout their lives. About half (46%) of adults with IDD receive publicly funded supports through state IDD agencies. Among people who get supports, about 59% live with a family member, 11% live in a home they own or lease, 5% live with a host or foster family, and 16% live in a group home shared by six or fewer people. The remaining 9% live in a facility shared by 7 or more people with IDD, or they live in nursing homes or in other institutions.

In the 1960s and 1970s, people with IDD who needed a place to live other than with family members lived in institutions. By 1967, 194,650 people with IDD lived in state-run IDD institutions, often with hundreds of other people. Almost half of those people were children. Most institutions were away from big cities and family support and offered very basic care. They were miserable places to live, which is why families and advocates asked Congress to make things better.

At first, the government tried to fix the institutions. However, by 1981, it was clear that a different approach was needed. People with IDD could not get paid supports while living with a family member, even if it was less expensive than living in an institution. To address this, Congress passed an amendment to the Social Security Act to provide Medicaid funds to support people with disabilities to live with family members or in other community homes. By 2018, 1.3 million people with IDD were getting publicly funded supports.

In 1987, nine out of every ten people with IDD getting Medicaid-funded supports lived in institutions. By 2018, nine out of ten people getting these supports were living in community homes. However, Medicaid funds for ongoing supports were, and continue to be, limited. Overall, 2.5 people with IDD per 1,000 of the population get Medicaid-funded supports. In 2018, for every five people getting supports, another person was on a waiting list. To increase these challenges, there are wide disparities by state on how many people with IDD get funded supports.

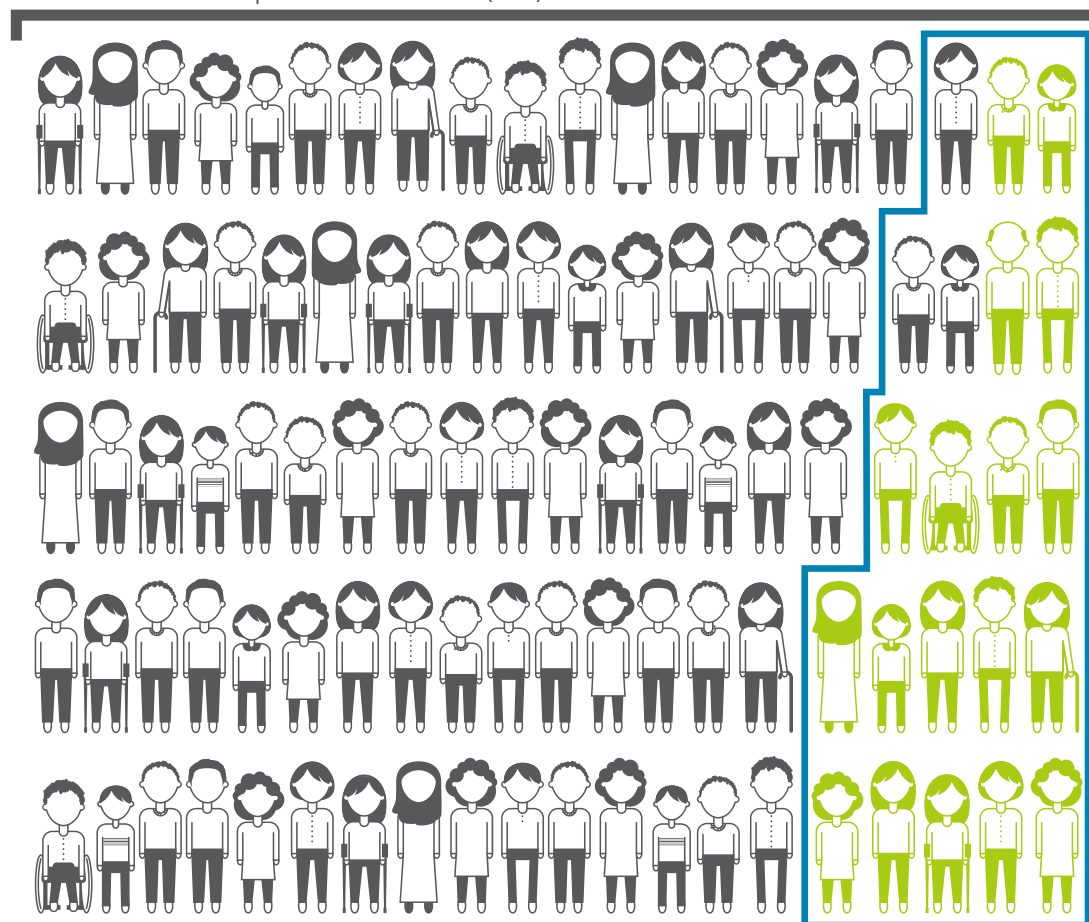
***Everyone deserves a safe place to live that they can afford, and people with IDD are no exception.***

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Although some state-run IDD institutions still operate, 17 states including New Hampshire have closed all large state-operated IDD institutions. While this is progress, many people with IDD struggle to find housing they can afford. Even though there are many group homes, some adults prefer to live on their own or with a roommate. It is especially hard for those who use wheelchairs and other mobility devices to find accessible housing. Government programs that provide housing assistance, such as the Section 8 Voucher Program, often have long waitlists. New Hampshire law allows landlords to refuse to rent to tenants with Section 8 vouchers. Everyone deserves a safe place to live that they can afford, and people with IDD are no exception.

*Sheryl A Larson, Ph.D., works at the University of Minnesota's Institute on Community Integration.*

**7.43 million** people in the United States had Intellectual or Developmental Disabilities (IDD) in 2018



**21%** 1.55 million people with IDD were known to or served by state IDD agencies

**18%** 1.31 million people with IDD received long-term supports or services through state IDD agencies

References and additional resources available online.



## Prohibiting Discrimination Against Voucher Holders

*By Lindsay Lincoln, Esq.*

“We don’t take Section 8.” This is the devastating and all too common response many voucher holders in New Hampshire receive from landlords and property managers while searching for a place to live. Unfortunately, it is legal.

The Housing Choice Voucher (HCV) Program, also known as the Section 8 Voucher Program, is the largest federal housing program providing subsidies to low-income individuals. Local housing authorities receive federal funds from the Department of Housing and Urban Development (HUD) to administer the HCV Program. Participants in the program receive vouchers that they use to find housing in the private market that they otherwise could not afford, and they are responsible for paying approximately 30% of their household income toward rent.

If a landlord agrees to accept a tenant with a voucher, the housing authority administering the voucher enters into a contract with the landlord and makes monthly payments directly to them for the remaining portion of the rent up to the “payment standard.” The payment standard is a set, fair market rent based on the location of the unit and the number of bedrooms.

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To ensure that the housing rented to voucher holders is safe and sanitary, housing authorities conduct inspections of the units before entering into a contract with the landlord. These inspections verify that the rental units meet HUD's housing quality standards (HQS).

As the name implies, the program is meant to allow participants flexibility and choice in where they live. However, in New Hampshire, landlords can legally refuse to accept tenants who participate in the HCV Program. Tenants who cannot find a landlord who will accept their voucher within the timeframe set by HUD and local housing authorities will lose their voucher. This loss is particularly devastating because most applicants for vouchers wait at least five years to receive one.

Fair housing laws in the state currently do not prohibit landlords from having a blanket policy of refusing to accept tenants with vouchers. A bill that would have made this form of discrimination illegal, recently failed to pass.

Prohibiting discrimination against voucher holders is critical for low-income Granite Staters, particularly older adults and individuals with disabilities. New Hampshire Housing Finance Authority (NHHFA) administers the largest HCV Program in the state. Roughly two thirds of participants in the program are individuals with disabilities.

New Hampshire Legal Assistance (NHLA) surveyed the housing agencies in the state to determine how many voucher holders were not able to use their vouchers in 2021 and, thus, had their vouchers expire. Nine housing authorities sent us data which showed that 1,581 vouchers were issued in 2021 and 294 vouchers expired. Nearly 300 households in the state lost their golden ticket: the chance to rent safe and affordable housing. Such a result is unacceptable, especially in a state with rising rents and a less than one percent vacancy rate.

Voucher holders should not be prevented from accessing housing merely because they need help affording market rate rent. Payments from housing authorities for the subsidized portion of the rent are guaranteed and consistent. Indeed, voucher holders are less likely to miss rental payments if their income fluctuates because housing authorities will reduce the portion of rent for which the tenant is responsible. At the same time, a corresponding increase in the portion paid by the housing authority will occur based on those reductions in income.



*Lindsay Lincoln, Esq. is the NHLA Fair Housing Project Co-Director.*

## Accessibility Opens Doors

By Kathy Bates

Accessibility has allowed me to be an independent spirit. I've always believed that there is dignity in risk, but accessibility can give you a safe place to try new things. Because my adult life has included accessible living spaces, I'm not afraid to try most things at least once. (That said, it's not a good idea to clean the toilet without your seat belt on.)

I didn't grow up in an accessible home. So, it's fair to say I didn't know what I was capable of until I moved into an accessible double-wide trailer in college. Like all typical college students, I learned to cook for myself. My specialty was Ramen noodles; I can cook better than that these days. Doing simple things for myself still brings me joy, such as doing my own dishes and getting myself a snack when I'm hungry.

The house that I live in now is open, and I have lots of room to move around. The kitchen, dining area, and living room are all one large space. In my kitchen, I can be a culinary genius. I always have a prep cook – or personal care attendant – working beside me. Some of my specialties are salmon and asparagus, guacamole, omelets, and lemon blueberry muffins. My burners were built right into the countertop, without any cabinets in the way, so I can drive right up and cook. My oven unit is built into a cabinet. I also have a cabinet that I can reach with a built-in “lazy Kathy” where I keep all my snack foods so I'll never starve. My bathroom is completely accessible with a roll-in shower and a heat lamp in the ceiling. All these features allow me to live as independently as I can. The accessibility not only makes it easier for me, but it also makes it easier for the people who support me.



*Kathy can often be found outside working in her raised garden beds and otherwise enjoying her plants.*

It's not like I always host a bunch of people, especially with COVID, but when I have visitors – with or without disabilities – I know they'll be comfortable. During the last presidential election, I invited my local legislators, senator David Watters and Representative Peter B. Schmidt, to my house for a legislative coffee to talk about issues specific to the disability community. Since my house is accessible, adults and families with children who live with disabilities could come to participate in this get-together. We discussed everything from direct support workforce shortages to managed care and accessible playgrounds. My friends and I really appreciated the opportunity to meet with our legislators in such a relaxed way. My legislators could also see why accessible housing is so vital to people who live with disabilities, and understood how important it is to advocate for truly inclusive communities.

One of my favorite things about living on my street is that there aren't power lines to interrupt my view of the sky because they are buried

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underground. The sunsets and stars are amazing. In the spring, summer, and fall my neighbors are always out walking with their dogs and I'm usually outside working in my raised bed gardens – I have a slight obsession with plants. I have several planters near my ramp for flowers because I want it to look nice when people are entering my house. My flowers need to be bright and cheery like they belong on the cover of *Better Homes and Gardens*. Plus, it's always a wonderful way to chat with my neighbors. They come over to see how things are growing and we share gardening advice.

When I was asked to write this article, I felt a little uncomfortable because most people can't afford to buy or build a house to meet their accessibility needs. Disability touches all of us at some point, which makes the need for more accessible housing undeniable. All new housing construction should be at least minimally accessible with ground-level entrances, wider doorways, and larger bathrooms to accommodate someone who uses a wheelchair. More specific modifications could be left up to the homeowner. Right now, there is simply no choice! And that is the whole problem, isn't it? It's not uncommon when looking for accessible housing to be stuck on a waiting list for several years, which forces too many people with disabilities to put their lives on hold.

Thirty years after the passing of the Americans with Disabilities Act, we can do better. Everyone deserves a place they can call home.



*Kathy's living room, dining room, and kitchen were designed to be open and easy to navigate. Her doorknobs have accessible technology attachments to make it easier for Kathy to open and close them without support.*



*Kathy enjoys cooking on her accessibly-designed stove.*

**Find a Universal Design  
Resource List online.**



# ABLE NH

"I am so proud of the young man Oliver has become and want more than anything for him to continue to flourish, be happy, and set goals for himself. But I am so concerned that the systems at play – the lack of adequate housing and support– may prevent the life he and I both hope to achieve and deserve."

—Susan Zimmermann, Oliver's mother



"I live in Dover, New Hampshire with my mother. I work 30 hours a week and volunteer for several non-profit organizations. I'm

a citizen who contributes to my community and I live an ordinary life in most ways. Except one: I'm a thirty-year old employed woman with different abilities who is, basically, expected to live with my mother, forever, because there is no affordable housing for me in my local community. My mom won't always be around to house me. I don't need much support but I do need a little support. The truth is everyone needs a little support. Most Americans have debt which means most people could use a little support managing their finances, right?"

—Katie Phillips

## Housing Insecurity Makes an Impact

In 1991, New Hampshire was the first state in the nation to close its inhumane institution for people with disabilities promising a better quality of life for individuals with intellectual and developmental disabilities and their families. In recent years, failure to create integrated, universally designed, affordable housing has left families across the disability community lying awake at night wondering, "what will happen to my loved one when I die?"

ABLE NH has acted by forming a housing task force. Its informal housing survey of 365 people yielded startling statistics from respondents:

- Approximately 70% of people with disabilities and family caretakers reported a need for access to appropriately supportive, accessible, affordable housing.
- Approximately 70% of people with disabilities and family caretakers stated that they are (or their loved one is) presently at risk of homelessness.

We know New Hampshire has a housing crisis. Within this housing crisis, the disability community has a heightened risk of housing insecurity and homelessness. New Hampshire Housing Finance Authority has already changed their Qualified Allocation Plan based on ABLE's work, but there's so much more to do. Get involved in housing advocacy. To connect: [LisaB@AbleNH.org](mailto:LisaB@AbleNH.org) or 603-878-0459.

"In the North Country, the housing shortage is so severe. We all know that the area agencies can't find housing, families can't find housing, no one can find housing. When there is an availability, we also know that landlords are going to choose the person who doesn't look like they need any supports."

—Danielle Oakes





## DISABILITY AND DIVISIVE CONCEPTS

### The Banned Concepts Statute: A Significant Threat to the Disability Rights Movement

Recently, Disability Rights Center-NH joined a diverse group of educators, advocacy groups, and law firms in filing a federal lawsuit challenging the ‘Banned Concepts’ law, a new state law which we believe will discourage our public school teachers from honest conversations about race, gender, sexual orientation, gender identity, and disability in the classroom. This law also applies to other public employees.

Touted by supporters as an anti-discrimination bill, the law harms those it claims to protect, including students and others with disabilities. By discouraging open and honest discourse of difficult topics related to disability, this law poses a significant threat to the disability rights movement.

Many people without disabilities are not even aware of the discrimination and barriers people with disabilities face every day. Breaking down these barriers, both physical and societal, has required – and continues to require – open discussion about difficult subjects by people of all ages, especially by young people in educational settings.

Due to its vagueness, the ‘Banned Concepts’ law may impact discussions and considerations required by state and federal law that entitle people with disabilities to receive reasonable accommodations or modifications to ensure that they are treated equitably in society.

The vague and overbroad language puts educators at risk of losing their livelihoods if they teach about historical events, like the horrors that led to the closure of the Laconia State School, even if they do so to critique this history. School children and public employees should not only be learning about the cruel and inhumane history of discrimination that led to laws like the Americans with Disabilities Act, but also how discrimination continues today. The law may even require teachers to censor conversations by students with disabilities themselves about these issues and the ableism they face. Only through these discussions will areas of conscious and unconscious bias against people with disabilities be identified and addressed.

Necessary classroom discussions about disability, mental illness, ableism, inclusion, and other related topics will not occur if teachers fear that they will face discipline as a result. The chilling effect of this law not only threatens continued progress towards an inclusive society, it also jeopardizes the progress we have already made.

[Download PDF of Complaint Here](#)

[View Press Release Here](#)

## DIVISIVE CONCEPTS

# The Truth will Build a Better Future

By Deborah Opramalla

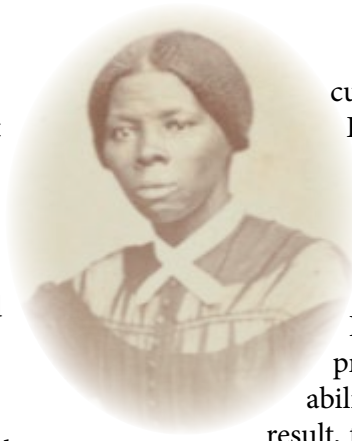
Historical opinions change, historical facts do not. Many of us learned about Harriet Tubman in school. We were taught that she was an enslaved woman on a plantation in Maryland. She successfully freed herself from her masters by using the Underground Railroad to get to Pennsylvania. Tubman then returned to Maryland to rescue other members of her family. Over the next 15 years, Tubman used the Underground Railroad to help conduct over 300 people to freedom in the North Canadian territory.

Harriet Tubman was also the first woman to lead an armed expedition during the Civil War. She guided 300 free African soldiers on three separate gun boats to liberate more than 700 enslaved Africans in South Carolina in what became known as the Combahee River Raid.

What many are not taught is that this courageous woman experienced a disability – a seizure disorder brought about by a severe blow to the head when she was 12 years old.

Last year, the “divisive concepts bill” was passed into law. This vaguely written law has prohibited schools and public entities from teaching that one race, gender, mental or physical disability is inherently superior or inferior to people of another race, gender, disability, etc. It bans the teaching that a person is “inherently racist, sexist, or oppressive consciously or unconsciously.” The NH Department of Education (DOE) Commissioner has created a link on the DOE website inviting people to report teachers they think have violated the law. This action has caused fear among educators who previously taught historical facts. Teachers can be reported by parents and can lose their jobs and education credentials.

American history is complex. It is a collective of diverse achievements and innovations from a wide range of



cultures and perspectives including those of Blacks, Indigenous people, and people of color. American history also contains the cruelties and mistakes we should never repeat.

I was raised surrounded by books and opportunities. Through this exposure I learned about great people – past and present – of different races, cultures, and abilities that represent American history. As a result, this Black child saw faces who looked like me, as well as faces who didn't. People becoming who they wanted to be. My parents often said you can be and do anything you choose to be. This mantra, along with my education, taught me to embrace equity, inclusion, and facts.

As I raised my children, I began looking at their textbooks. I realized important historical facts were omitted or not fully covered. The textbooks covered primarily white men and a few women. My children studied New Hampshire history, yet never learned that New Hampshire was a slave state with Portsmouth as its busy slave port. During Black History month they learned a watered-down version of the teachings of Dr. Reverend Martin Luther King, along with a few others. People who experienced a disability were rarely mentioned at all.

As parents, some of whom have Individualized Education Programs (IEPs), we cry out for inclusion and equity in education. To achieve this equity, we must allow educators to teach historical fact.

We must stop assuming our children are too fragile, or will feel uncomfortable, or will be told that they are racist if we discuss inclusion and equity. Instead, we must help students of all races, gender, and abilities to understand that healing from the past, and having an honest, equitable education, allows them to embrace America's mistakes. They need to believe that they, too, can become the next Harriet Tubman.

*Deborah Opramalla is a court-appointed Educational Surrogate Parent who assures that children in foster care experiencing a disability have an appropriate Individualized Education Plan. She is a former oncologist who studied medicine at the University of Colorado at Denver.*

# First Steps in Advocacy

By Imani Barbarin

Standing at the front of my fourth-grade classroom, the speech I had practiced with my parents was liable to fly out of my head at any second. Each year, since I was old enough to stand on my own and do so, I made a speech to my class about my disability. It was an easy way to decrease the sheer number of questions I was peppered with each day by other students – but it also made it easier to justify to my teachers why I would need the various accommodations my parents and I would request each year.

I was always a kid who loved school. On my first day of kindergarten, I remember waking up at 5am to excitedly inform my parents they were running late. For disabled kids, school means so much to us. It is the place where we are finally among peers, where we get to grow and learn with our classmates, and it is the first place where we receive accommodations. Within my household, my parents also made sure that school was the first place where I learned to advocate for myself.

From an early age, my parents taught me that I would have to work much more diligently than those around me just to survive; more so to thrive. As a Black disabled girl, I would need to prove myself to everyone around me and take up the space entitled to me no matter the insistence from others that I was “too much” to have around. I was to always know how to advocate for myself even to those who had authority over me – that included my teachers. For most of my educational career, I sat alongside my mother in IEP and 504 plan meetings. She was my backup; I was not hers. At each opportunity, my needs and voice were to be centered.

I was fortunate. My schools were, for the most part, supportive of this, but every so often a teacher would center their own discomfort over my desire to be included. In middle school, a teacher would not let me participate in home economics because my crutches made me a “type of dirty that could never get clean.”

When it comes to being black and disabled, racism and ableism are so intricately intertwined that in the moment you cannot tell which is which. For many Black families, the denial of disability within themselves, their children, or their family members is an act of survival. One of two scenarios emerges in this situation: either they have no choice but to address the disability and dive headfirst into staunch advocacy and preparation to live in an ableist and racist society; or they must work around the disability, forgoing official diagnoses and supports in order to escape the stigma. Many choose the latter.

Teachers are so much more than educators. Often, they are the first people to recognize disabilities in children and offer support to families. Still, it is important to evaluate the ways in which race may inform how families address their student’s diagnoses.

*(continued on page 21)*



## Let's Talk Progress *By Dr. LaMondre Pough*

I am LaMondre Pough, the CEO of Billion Strong, a global identity movement by people with disabilities. I was diagnosed with Spinal Muscular Atrophy (SMA), a rare neurological disorder, when I was 18 months old. As a result of SMA, I am a full-time wheelchair user, and I require assistance with all my activities of daily living: feeding, bathing, dressing, toileting, things like that. I noticed that people would stare at me when I was growing up. And when kids would point at me and ask questions, typically their parents would reprimand them and say, "Don't point at him and don't you dare look at him." I thought they were pointing and staring because I was also cursed with incredibly good looks. I later discovered they were pointing, staring, and asking questions because I was different, and they had never encountered someone like me.

While being well-intentioned in their pursuit to teach children not to be rude, I believe these parents created a far worse outcome. By stifling their child's curiosity, they instantly established a taboo about people like me. They were inadvertently saying to that child there is something so wrong with people like me that they can't acknowledge the difference, talk about the difference, or even look at that person because of the difference.

There are around 1.3 to 1.6 billion people on this planet with some form of disability. In the US, one in four adults has some type of disability. And these numbers, while they're huge, are grossly underreported because many refuse to identify as having a disability. Why? Usually, it's because of the stigma associated with being labeled as disabled. This stigma is rooted in ableism.

According to Access Living, ableism is discrimination and social prejudice against people with disabilities based on the belief that typical abilities are superior. At its heart, ableism is rooted in the assumption that disabled people require 'fixing.' Ableism defines people by their disability. Like racism and sexism, ableism classifies entire groups of people as 'less than' and includes harmful stereotypes, misconceptions, and generalizations of people with disabilities.



### Resources:

*Ableism 101: What it is, what it looks like, and what we can do to fix it* by Ashley Eisenmenger  
[accessliving.org/newsroom/blog/ableism-101](https://accessliving.org/newsroom/blog/ableism-101)



I am a diversity, equity, and inclusion practitioner who understands that there must be real conversations about our differences to create a more equitable and inclusive world. To pretend that we are all the same, or to ignore our unique characteristics, is to suppress innovation and, ultimately, progress.

As a Black man raised in the South with a disability, I have been both covertly and overtly asked to suppress certain portions of my identity and assimilate if I want to get ahead. I cannot leave any part of who I am at home. The truth is that when I show up, all of me shows up. All my experiences shape my perspectives, and it brings tremendous value. We should never be asked to leave who we are at home to get ahead in life or make others comfortable. We must have open dialogue grounded in truth to foster an understanding that progresses within this human experience. It is our differences that make us stronger.



*LaMondre Pough is the CEO of Billion Strong, an identity and empowerment organization designed to bring the billions of voices of persons with disabilities together.*

## First Steps in Advocacy *(continued from page 19)*

Teachers have the potential to be either the first line of support to a family or the very first person outside of their personal circle that stigmatizes it, thus setting the tone for years to come.

Standing in front of the classroom that day in fourth grade certainly wasn't the most comfortable moment in my life, but it set the tone needed for a life of self-advocacy. Now, teachers can release the families they work with from the burden and stigma of talking about how disability impacts them. Knowing the effect that the pandemic has had on both educators and families, this can feel

like yet another thing shoved onto the plates of both, but understanding the nuances necessary to instill confidence and self-worth into a Black disabled child can develop lifelong advocates in a society intent on rendering us invisible.

*Imani Barbarin is a disability rights and inclusion advocate who uses social media to leverage the collective voice of the disability community to enact change. She holds a Master's in Global Communication from the American University of Paris and writes the blog [crutchesandspice.com](https://crutchesandspice.com).*

## New Hampshire's 'Divisive Concepts' Law and the Big Chill *By John Greabe*



Much critical commentary on the so-called “divisive concepts” provisions in this year’s budget legislation – the label comes from language in an earlier version of the bill – has focused on their content- and viewpoint-based

restraints on speech. These speech restrictions prohibit state public employers, including public K-12 school teachers, from (among other things) instructing that persons are “inherently superior or inferior to [others],” “inherently racist or sexist,” “should be discriminated against,” or “should not attempt to treat others equally” because of their “age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin.”

Criticism of these speech restrictions is deserved. The restrictions are, at the very least, antithetical to our “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open.” (*New York Times v. Sullivan*, U.S. Supreme Court, 1964). To take one of many possible examples, the question of whether affirmative action should be constitutional in the racial context might well return to the Supreme Court next term in *Students for Fair Admissions v. Harvard College*, a case that is pending on its docket. The case involves whether Harvard is unlawfully discriminating against Asian American applicants in how it conducts its admissions processes. What a wonderful contemporary issue to discuss and debate in a high school civics class, right?

The divisive concepts law flouts this tradition of providing public servants with room to breathe as they make judgment calls in fluid and challenging circumstances, as teachers often do. The law puts a target on the backs of teachers and declares open season. Frankly, it is difficult to conclude anything other than that chill is the goal – especially when one considers that earlier versions of the bill quite openly sought to prohibit many classroom discussions of the effects of racism and sexism. The clear

message to teachers is “discuss discrimination in its various forms at your professional peril.”

We all should see the likely consequences of the divisive concepts law’s remedial provisions. Districts, schools, and teachers wishing to sidestep trouble will give wide berth to controversial topics such as the legacy of slavery, contemporary racism, sexism, religious bigotry, and other forms of discrimination, notwithstanding assurances that the discussion of such topics is perfectly permissible, as it surely is. The problem is chill. Discussions of such controversial topics could lead to misunderstandings – a daily occurrence in classrooms across the state – especially by listeners motivated to find statutory violations. This in turn could ground charges of statutory violations brought by merely “aggrieved” (rather than “injured”) persons. As a result, many such discussions likely will not happen.

New Hampshire’s new divisive concepts law is very likely to chill important conversations from taking place in the state’s classrooms. The law should be repealed.

*John Greabe is a law school professor, a former high school teacher, and the director of the Warren B. Rudman Center for Justice, Leadership and Public Service at the University of New Hampshire Franklin Pierce School of Law. He lives in Hopkinton.*

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The above abstract is from John Greabe, “New Hampshire’s ‘divisive concepts’ law and the big chill,” *Commentary*, Aug 10, 2021” available at <https://newhampshirebulletin.com/2021/08/10/commentary-new-hampshires-divisive-concepts-law-andthe-big-chill/>. Follow this and additional works at: [https://scholars.unh.edu/law\\_facpub](https://scholars.unh.edu/law_facpub), Part of the Civil Rights and Discrimination Commons, Constitutional Law Commons, Education Law Commons, First Amendment Commons, and the Law and Race Commons.



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Disability Rights Center-NH will receive \$50,000 to develop a statewide Supported Decision-Making initiative to provide education, training, and technical assistance related to supported decision-making as an alternative to guardianship.

### **Harbor Care**

Harbor Care of Nashua, NH will receive \$20,000 to provide critical services to help their community combat COVID-19 by delivering vaccinations at home to at-risk individuals.

For information on our community, personal education and leadership, and employment grants, check out our website or contact Vanessa Blais at [Vanessa.A.Blais@DDC.NH.gov](mailto:Vanessa.A.Blais@DDC.NH.gov).



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The Disability Rights Center is dedicated to eliminating barriers to the full and equal enjoyment of civil and other legal rights for people with disabilities.

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64 North Main Street, Suite 2

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