

10TH ANNIVERSARY EVENT



ADVOCACY DAY FOR ACCESS & INDEPENDENCE

on the north steps of the SC Statehouse

TUESDAY, APRIL 16,
FROM 10 AM TO 12 PM

#BARRIERFREESC

Brought to you by the South Carolina Access & Independence Network, representing over 50 community-based organizations dedicated to disability rights and justice

www.unlockingbarriers-sc.org

According to the Centers for Disease Control, 1.3 million people in South Carolina have a disability.

That is roughly 1 in 3 citizens of our state!

A recent South Carolina Statewide Independent Living Council needs assessment of people with disabilities who live in our state found that barriers to community living were their top priority.

These barriers prevent people with disabilities from fully participating in the communities in which we live. There are keys to unlocking each of these barriers.

As South Carolina's lawmakers, you hold the keys to unlocking these barriers to independence and true inclusion of people with disabilities in community living.

"I do not feel as though I have equal access. I feel like I am forced to rely on others to meet needs that I know I could meet if our state's infrastructure were better and people were not so uninformed about disability."

-A Disabled South Carolinian



The state must prioritize access to community living for people with disabilities:

People with disabilities want to be in the community. We have the right to participate fully in our communities alongside our nondisabled peers, family, friends, and colleagues. To live independently in the community, we need access to employment, transportation, and housing, and we need our state agencies in federal compliance.

There are several fundamental pillars that establish the foundation for community living for people with disabilities. These pillars include **Employment, Home and Community-Based Services, Transportation, Housing, and Americans with Disabilities (ADA) compliance**. Unfortunately, many barriers prevent people with disabilities from accessing community living, resulting in an unstable foundation for disabled individuals living in our state. This makes community living an unfeasible reality for them. However, these barriers can be surmounted. **As South Carolina's lawmakers, you can unlock the barriers disabled South Carolinians.**

Employment is crucial for achieving self-sufficiency and a good quality of life in South Carolina. Jobs provide people with disabilities the means to pay bills, put food on the table, and secure housing and reliable transportation. Without access to transportation, people with disabilities face social isolation and are unable to engage in employment, social activities, and other civic responsibilities. This lack of access to employment and transportation often leads to institutionalization or homelessness, which is far more expensive for the state and taxpayers than funding opportunities for community living. South Carolina faces systemic challenges due to a lack of infrastructure that caters to accessibility for all citizens. This problem stems from non-compliance with the Americans with Disabilities Act (ADA) and the shortage of qualified ADA Coordinators across state agencies. **The enforcement of ADA standards to protect the rights of people with disabilities is critical to ensuring they have the opportunity to live integrated lives within their community.**

Unlocking the barriers to employment faced by individuals with disabilities is possible with the right solutions. The first key is to ensure that lawmakers follow through on their commitment to the Employment First Initiative Act, which was passed and signed in 2022. This act advocates for the inclusion of individuals with disabilities in competitive, integrated employment and community life. Employment should be the primary choice for individuals with disabilities, providing them with the opportunity to access the workforce. To achieve this, the state must appoint the South Carolina Employment First Commission, outlined in the law, to start developing South Carolina as a model employer for people with disabilities.

Additionally, lawmakers must develop a comprehensive transportation plan that enables local governments to access the resources to fund Public Transit Authorities and mobility management programs, particularly in rural communities. Additionally, the state must prioritize protecting housing rights and initiate programs to develop affordable and accessible housing. Finally, the state must take responsibility for ensuring that state agencies adhere to federal compliance with the Americans with Disabilities Act (ADA) and the 1999 US Supreme Court Olmstead Decision. So many times, people with disabilities are forced out of state or in in-state institutions, which not only violates disability rights laws but strips people away from their families by putting them in institutions or out-of-state placements and destroys a person's ability to be active participants in the community. **The state must act immediately to respect the lives of over 50,000 people living in institutions.**

Disabled people want to work!

 **EMPLOYMENT BARRIERS:** People with disabilities are 2x more likely to experience job loss and unemployment than those without disabilities. South Carolina ranks #9 for having the highest unemployment rates for people with disabilities in the nation.

The state has created laws to make efforts and now must put in the work to implement Employment First:

While South Carolina has become the leader in the country for disabled employment, like becoming the 13th state to end subminimum wage, we still have a lot of work to do to improve employment. Only 35.8% of people with disabilities in South Carolina are employed, while 75.3% of people without disabilities in South Carolina are employed (*2023 Annual Disability Statistics Compendium*). People with disabilities face barriers to employment because of compounding issues, including lack of state hiring incentives, transportation, affordable, accessible housing, and overall discrimination against our ability to contribute meaningfully to the workforce. Without employment, we cannot afford housing and dependable transportation, items needed to secure and retain employment. **Without access to employment, we lack the opportunity to experience community living.**

 **UNLOCKING THE BARRIER: Lawmakers must pass S. 862 to fulfill the promises made in the Employment First Initiative Act of 2022!**


According to the US Department of Labor, "Employment First is a national systems-change framework centered on the premise that all individuals, including those individuals with the most significant disabilities, are capable of full participation in Competitive Integrated Employment (CIE) and community life." **Lawmakers have promised disabled South Carolinians to implement Employment First practices in our state. It's time to follow through.**

1. **The Governor must appoint members to the Employment First Oversight Commission as outlined in the act (Section 41-5-110):** The nine-member Commission will coordinate efforts to develop evidence-based practices to ensure state programs, policies, procedures, and funding support employment for people with disabilities.
2. **Lawmakers can help improve employment opportunities for people with disabilities by supporting S.862.** There is currently a childcare crisis in South Carolina due to a shortage of workers. Although a law was passed to establish the SC High School Employability Credential, individuals must still have a high school diploma or GED to work in a childcare setting in South Carolina. Unfortunately, this requirement limits the hiring pool and unfairly discriminates against qualified disabled workers who have obtained the SC High School Employability Credential or the HS Certificate of Attendance. The SC Department of Social Services supports S.862 and acknowledges that disabled workers with these credentials are just as qualified as their non-disabled peers. Even though the General Assembly passed a law that created the SC High School Employability Credential in 2017, supporting S.862 would be an important step forward in ensuring that past efforts to improve employment opportunities for South Carolinians with disabilities are being implemented.

Supporting Data & References on the Issue of Employment:

Studies show employers hiring people with disabilities have less turnover. People with disabilities hold jobs for longer and perform equally to their peers. Learn more about these benefits and more for employers by visiting www.hiremes.org/employers.

Transportation is key to community living!

 **TRANSPORTATION BARRIERS:** People with disabilities are twice as likely to lack dependable transportation. There is a severe lack of public transportation in rural communities.

"I have been blind for 20 years. [there is a] lack of public transportation... I have not tried to find a job because I know that I do not have any dependable transportation to get me to and from a job, and I do not want to be the type of employee that is not dependable. Lack of transportation is one [of our] biggest issues... [we can't] access

*to jobs that pay well and being able to afford to live in the towns where the good jobs are.”
- A Disabled South Carolinian*

Transportation is key to independence and community living. Lack of transportation makes it difficult to:

- Find and keep jobs for economic independence
- Take care of health needs early to avoid unnecessary expense
- Build friendships, relationships, and family connections
- Take part in community activities and the local economy

According to SCDOT, 27 public transit authorities exist across South Carolina, but these authorities do not provide the services that many rural communities need.

*“The main frustration I have is on the county level. My county does not provide assistance to those who live in rural areas with no transportation to town. I live 10 miles from town... What am I supposed to do when my disability prevents me from driving?”
- A Disabled South Carolinian*

UNLOCKING THE BARRIER: Lawmakers must develop a statewide transportation plan that helps local governments use available resources to fund Public Transit Authorities and mobility management programs.

Light industrial and warehousing facilities are often located beyond county transit's reach. Without transportation, people who have disabilities that prevent them from driving do not have a way to travel to fill the many vacant positions.

1. **Lawmakers should develop incentives and funding for communities willing to provide transit in rural areas when establishing or expanding fixed route systems.**
2. **Additionally, funding for transportation must be included in state-funded Medicaid programs and waivers supporting employment for people with disabilities.**

A statewide transportation plan should include a budget that prioritizes objectives and coordinates centralized resources to guide transit systems. **Coordination and prioritization using proper management can connect governments with the federal dollars available to support transportation authorities, alleviating state costs.**

Supporting Data & References on the Issue of Transportation:

Studies have shown that states that use their public transportation plans see benefits, including increased job creation, economic growth, and decreased out-of-pocket spending for riders. **For every \$1 invested in public transportation, \$4 is returned to the local economy,** according to the American Public Transportation Association.

Housing is critical to community living!

HOUSING BARRIERS: Lack of affordable, accessible housing risks disabled people losing independence, being forced into institutions, or becoming homeless.

*“I was forced to move into a camper because I cannot afford rent. The county says it's illegal to live in a camper. I cannot get help because I get too much SSDI, and my camper is considered a resource. What am I supposed to do – sell my home and live in the street?”
- A Disabled South Carolinian*

- According to the Disability Statistics Compendium, people with disabilities in South Carolina experience a poverty rate of over 25%. **People with disabilities in SC face significant barriers to housing due to a lack of affordable, safe, and accessible housing.** According to the Center on Budget and Policy Priorities, 23% of the 10.4 million people using federal rental assistance have a disability.
- **South Carolina has not prioritized community living and continues to force people to live in institutions even though institutionalization has been proven to have significantly higher costs to taxpayers.** These failures by the state have resulted in a lack of support and services that would enable individuals with disabilities to live in the community.

- **South Carolina has the most fragmented health and human services agency structure in the country**, according to the Boston Consulting Group’s analysis, and it “is the only state where health and human services-related departments are independent of one another without common oversight by the governor. This has led to a lack of cohesive statewide strategy for populations, gaps in available care, and challenges for constituents to navigate the system.”

UNLOCKING THE BARRIER: South Carolina must create initiatives to develop affordable and accessible housing and prioritize community living!

1. **Lawmakers should develop tax credits or incentives for building affordable housing using the universal design concept.** Universal design creates usable housing, lessening the need for home modifications, meaning **people with or without disabilities can use it without adapting.** Universal Design also limits people with disabilities from waiting longer to find accessible housing.
2. **Lawmakers must immediately pass S.915** to develop a cohesive, coordinated, and comprehensive State Health Services Plan for public health services provided by the component departments housed within the office to ensure the maximum level of coordination among several departments. Currently, disability programs and services are fragmented, inconsistent, and difficult to navigate.
3. **South Carolina lawmakers must immediately re-prioritize funding for home and community-based services (HCBS)** to prevent individuals from getting stuck in institutional or out-of-state placements that are costly to the state. SC is in a true crisis, resulting in increased legal risks for the state, but most importantly, destroying the lives of disabled people and allowing disabled people to be abused and neglected. **In 2023, South Carolina had 41,078 people waiting for HCBS waivers** (Kaiser Family Foundation, 2023).

Supporting Data & References on the Issue of Housing:

- According to the Technical Assistance Collaborative’s 2022 analysis of the federally defined housing market in South Carolina, a person receiving a monthly SSI benefit of \$841 would have to pay a large portion of their SSI to rent a one-bedroom unit. **This cost ranges from spending 76% of their SSI in Clarendon County to spending 161% of their SSI in Charleston-North Charleston.**
- The Olmstead decision in 1999 established the South Carolina Home and Community-Based Services Task Force. This task force produced a comprehensive report in 2001 outlining recommendations for supporting people with disabilities living in the most integrated settings. However, this report never transitioned into an Olmstead Plan. South Carolina risks continued non-compliance with no Olmstead Plan. See additional supporting data on our final page.
- Per The Kaiser Commission on Medicaid and the Uninsured, In 2015, the median annual cost for nursing facility care was \$91,250. In 2015, the median cost for one year of HCBS was almost \$45,800. These numbers prove **nursing home care costs are twice that of the cost of prioritizing community living for people with disabilities.**

Protecting the rights of people with disabilities is critical to ensure our access to Community Living!

COMPLIANCE BARRIERS: State agencies lack federal compliance by not having qualified ADA Coordinators or an Olmstead Plan.

“No accountability by leaders that oversee the programs. The agencies that administer the programs literally do nothing to help so the program participants can have successful outcomes. Concerns are not addressed.”
-A Disabled South Carolinian

The Americans with Disabilities Act (ADA) became law nearly 34 years ago. When it passed in 1990, the ADA recognized that discrimination against people with disabilities persists in critical areas, including access to public services. Title II of the ADA regulations requires government agencies with 50 or more employees to designate an ADA Coordinator. Coordinators must be knowledgeable about how the ADA applies to the agency’s programs and coordinate efforts to comply with the ADA, including investigating any complaints.

Additionally, due to the 1999 case of Olmstead vs. L.C., the U.S. Supreme Court ruled that people with disabilities have the right to live in the least restrictive environment, allowing the greatest amount of independence. States were then mandated to produce plans that should show how the state will provide services to individuals with disabilities living in the community so they are not forced into institutions. A quarter century later, South Carolina still needs to develop an Olmstead Plan and continues to force people to live in institutions. Currently, 56,753 people are living in institutional settings in SC.

South Carolina continues to neglect its legal requirements, resulting in discrimination against adults and children with disabilities. South Carolina is allowing harm and ignoring the rights of over 1.3 million of its people.

UNLOCKING THE BARRIER: Support S.915, creating a disability-focused department led by a Director of Community Living Integration.

ADA Coordinators provide educational and technical support for State agencies so that programs, services, and activities offered by the State are accessible and usable by everyone. **S.915, or the “Public Health/Agency Restructuring Bill,” contains an amendment that would create community integration goals, provide oversight, implement an advisory committee that includes people with disabilities, and select a state ADA Coordinator** in accordance with the ADA and 1999 Olmstead Decision.

South Carolina is mandated to protect the rights of people with disabilities to ensure equitable access to all aspects of public life. **The state must assume leadership by prioritizing such a disability-focused department** to ensure all state agencies comply with the ADA, promote integration and accountability, and protect the civil rights of the 1.3 million South Carolinians with disabilities.

Supporting Data and Stories of Success Surrounding ADA Coordinators & Olmstead Compliance:

In Georgia, the State ADA Coordinator’s office assists state agencies with technical support and assistance necessary to implement ADA requirements and supports state agencies in updating, strengthening, and enhancing the scope of self-evaluation and transition plans that ensure compliance with the ADA mandate: <https://ada.georgia.gov/>

The United States Department of Justice Civil Rights Division is investigating SC to determine if adults with mental illness are being subjected to unnecessary institutionalization due to South Carolina’s failure to provide integrated community-based mental health services- 2023 report from Disability Rights SC and The SC Institute of Medicine and Public Health: <https://www.disabilityrightssc.org/wp-content/uploads/2023/02/DRSC-2023-Olmstead-Report-a.pdf>

“Until perceptions and expectations of people with disabilities change, SC will continue to remain significantly behind in terms of disability awareness and quality of life for people with disabilities.”

-A Disabled South Carolinian, 2022 SC Statewide Independent Living Needs Assessment



Venn diagram represents the interconnectedness of employment, transportation, housing, and ADA coordinators to create inclusive community living for people with disabilities.