



UNITED STATES DEPARTMENT OF JUSTICE
SETTLEMENT AGREEMENT
WITH THE STATE OF COLORADO



FACT SHEET

The U.S. Department of Justice (DOJ) announced on October 31, 2024, that it has entered into a settlement agreement with the State of Colorado (State) to resolve litigation alleging a violation of Title II of the Americans with Disabilities Act (ADA) and the Supreme Court’s decision in *Olmstead v. L.C.* Title II of the ADA, which require that states administer their services for people with disabilities in the most integrated (community-based) setting appropriate to their needs. To help thousands of Coloradans with physical disabilities, including older adults, move to and remain in their communities, the State has made robust commitments to:

Provide nursing facility residents with meaningful information about community-based services and housing assistance

- Colorado will provide group and individual “in-reach counseling” to nursing facility residents with physical disabilities. In-reach is the process of actively engaging with a resident and providing full and accurate information about community-based services.
- Residents who express interest in moving to the community will receive services to help coordinate their transition from the facility to housing in the community.

Ensure prompt transitions for nursing facility residents who are able to and want to move back to the community

- Two thousand nursing facility residents will transition to the community, with needed community-based services in place, by October 31, 2028.
- Colorado will reduce barriers so that transitions can occur on time. Transitions that take longer than 120 days will be escalated to a problem-solving team.
- In the third year of the agreement, an independent monitor will determine how many nursing facility residents remain unnecessarily living in nursing facilities and are not on track to move despite their ability and interest in doing so. If more than 450 such nursing facility residents remain, then the parties will negotiate a remedy for the remaining population. If fewer than 450 such residents remain, then the State’s obligations to move a certain number of people to the community will be waived.

Help people avoid unnecessary nursing facility admission and move back home promptly after brief, rehabilitative stays

- Colorado will proactively identify people with physical disabilities who are at risk of nursing facility admission.
- The State will ensure that care coordinators and case managers promptly reach out to people identified as facing a risk of nursing facility admission. These providers will arrange for any services in the community, including housing services, that people need to avoid, or be “diverted from,” unnecessary and unwanted admission to a nursing facility.
- For people who enter a nursing facility despite their desire to stay in the safe, appropriate housing that they had before their admission, the State will, within 30 days, “rapidly



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reintegrate” them back home so they can keep the housing and informal support networks that are essential to community living. People with unstable housing will receive an expedited referral to transition coordination services, including housing services, to facilitate their transition back to the community.

Administer community-based services to enable people with physical disabilities to live in the community

- Colorado will administer community-based services with the flexibility to address fluctuations in a person’s service needs and provider availability.
- Colorado will ensure State-funded housing vouchers are available to nursing facility residents transitioning to the community *and* to individuals at risk of unnecessary nursing facility admissions in part because of unstable housing.
- To enable people to successfully live in the community, the State will also:
 - develop policies to provide immediate temporary Medicaid coverage for community-based services that will help people avoid unnecessary nursing facility admissions while their Medicaid applications are being processed;
 - increase opportunities for people with disabilities to “self-direct” their own community-based services by hiring and supervising their caregivers;
 - promote nursing facility residents’ access to mentorship and support from other people with disabilities (“peer mentorship services”) and provide support to family caregivers;
 - expand and improve services that help people find and keep affordable, accessible housing in the community;
 - change requirements for certain grant-funded affordable housing developments so that they include more units that are accessible to people with physical disabilities; and
 - collaborate with the Colorado Housing and Finance Authority, local public housing authorities, and other State, regional, and local entities, to implement the agreement.

Judicial oversight, independent monitoring, and technical assistance

- The parties have asked the federal district court to retain jurisdiction to enforce the agreement. If Colorado does not comply with the agreement, DOJ may seek court enforcement following a dispute resolution process.
- An independent monitor will review and report on Colorado’s implementation of the agreement and provide the State with technical assistance.

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