



We have the legal right of way.

March 24, 2020

Re: Ensuring Access for People with Disabilities during the COVID-19 Pandemic

Members of the Ohio General Assembly:

Disability Rights Ohio (DRO) requests that you consider the impact on people with disabilities in Ohio when considering legislative action to respond to the COVID-19 crisis so that Ohioans with disabilities maintain access to their community including voting, housing, education, health care and support services.

DRO is the state's designated and federally authorized protection and advocacy system with the mission to advocate for the human, legal, and civil rights of people with disabilities. Like all Ohioans, COVID-19 is impacting the daily life of people with disabilities by causing strains on an already fragile system of care and further limiting access to services and supports. As the General Assembly works on addressing these issues it is important to understand the impact COVID-19 is having on people with disabilities. This letter will address four (4) issues the General Assembly should consider:

I. VOTING

Participation in the political process is crucial to full participation in society and a central value of people with disabilities. As the General Assembly contemplates either establishing a vote-by-mail process or moving the date of the primary election, the rights of people with disabilities must be upheld. The Americans with Disabilities Act (ADA) which prohibits discrimination and seeks to ensure full access by removing barriers to voting.¹ As you take up these considerations it is necessary to ensure voting is accessible by:

- 1) Ensuring polling locations, especially if they are moved, are physically accessible, provide accessible equipment, and poll workers understand how to effectively communicate with voters with disabilities; and
- 2) Expanding access and information regarding vote-by-mail or absentee ballots. Ohio currently has a system that maintains privacy and is accessible to those with visual impairments known as a remote absentee ballot marking tool. Expanding these systems and ensuring fair access will be critically needed if polling locations remain closed.

II. HOUSING

Access to affordable accessible housing in the state for people with disabilities is a critical issue. Only 37% of housing units can be entered without climbing steps or stairs, meaning a vast majority of housing units are inaccessible. Further, housing issues impact people with disabilities at a rate of 46.3% with the

¹DRO has included a copy of an amicus brief filed in the Supreme Court of Ohio addressing the impact on people with disabilities with respect to Ohio's primary election.

disparity being most severe among individuals with cognitive disabilities.² As the COVID-19 Pandemic continues people with disabilities may become unemployed and unable to pay rent, utilities, or both. Therefore, the General Assembly should consider:

- 1) Staying eviction filings for not paying rent; and
- 2) Prohibiting utility companies from disconnecting electric, water, and heat.

III. EDUCATION

As schools have shifted to online classes the General Assembly should consider the impacts this will have on students with disabilities and their ability to access this instruction in as meaningful a fashion as their peers. The Individuals with Disabilities Education Act (IDEA) requires schools to provide a free appropriate public education that meets the individualized needs of each student. This will require school districts to consider how each child learns and be creative in ensuring students with disabilities have access to the curriculum during this unique time.

Ensuring access to education services and other supports identified by each child's Individualized Education Program (IEP) is critical as schools' transition into providing services in new settings. The Ohio Department of Education has begun the process of guiding schools through this time and providing guidance on how to serve students with disabilities. But additional support for schools to ensure that they can provide needed educational services to students with disabilities will likely be needed during this time, and as schools resume when this crisis is over.

IV. ACCESS TO CARE

Access to care, during the COVID-19 outbreak, is essential for people with disabilities. Any actions taken should ensure continuity of services and access to healthcare and long-term care supports, including home and community-based services. Even as the administration may need to consider budget cuts during this challenging time, funding for services for people with disabilities should be maintained or even increased.

Disability Rights Ohio appreciates the opportunity to discuss issues impacting people with disabilities throughout the COVID-19 outbreak. As the General Assembly begins to take action to address this crisis, it is necessary to consider the impact these decisions have on people with disabilities. If you have any questions or wish to discuss the issue further feel free to reach out to me or Jordan Ballinger, Policy Analyst at jballinger@disabilityrightsohio.org or (614) 466-7265 x135.

Sincerely,



Kerstin Sjoberg
Executive Director

² Ohio Housing Finance Agency. The Ohio Housing Needs Assessment. 2019. A "housing problem" indicates a household where housing exceeds 30% of income, housing has incomplete kitchen or plumbing, or more than one occupant per room. <https://ohiohome.org/news/documents/2019-HousingNeedsAssessment.pdf>