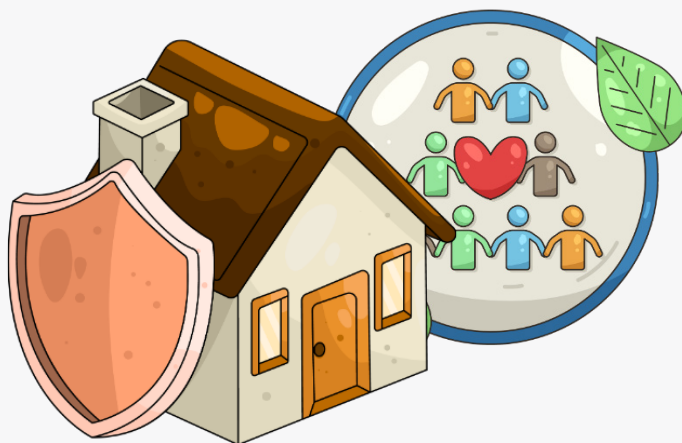


# **Your Rights** **Living in the Community**



Understanding your rights to live in the  
least restrictive setting.

# **Your Rights Living in the Community**

*Understanding your rights to live in the least  
restrictive setting.*



## **Disability Rights Vermont**

Vermont's Protection and Advocacy System

*This guide provides general information and is  
not legal advice. Individual situations may vary.*

## **What is the Least Restrictive Setting?**

People with disabilities have the right to live and receive services in the community, rather than in a more restrictive setting, when community living can meet their needs.

In general, this means people should have opportunities to live, work, and participate in their communities alongside others whenever possible.

The least restrictive setting is not the same for everyone. The right setting depends on a person's individual needs, preferences, and available supports.

### **Community living might include:**

- ✓ Living in your own apartment or home
- ✓ Living with family members
- ✓ Living with roommates
- ✓ Living in supported housing
- ✓ Receiving services at home or in the community

 **Important:** Needing support does not automatically mean someone must live in a facility.

## Why Community Living Matters

Community living is about more than where someone lives. It is about having opportunities to make choices, build relationships, and participate in everyday life.

Community living can help people:

- ✓ Stay connected to family and friends
- ✓ Attend school, work, volunteer, and participate in community activities
- ✓ Make decisions about daily routines and personal goals
- ✓ Access services while remaining part of their community
- ✓ Build independence and self-determination
- ✓ Participate in activities that are important to them

Community living can help people remain connected to the people, places, and activities that matter most in their lives.

 **Important:** Community living does not mean living without support.

## **Could This Apply to Me?**

You may want to learn more about your rights if:

- ✓ You want to live in the community but have been told a facility is your only option.
- ✓ You are living in a facility and would prefer to live in the community.
- ✓ You need supports or services to remain in your home.
- ✓ You are at risk of losing community-based services.
- ✓ You believe you are being unnecessarily separated from your community because of a disability.
- ✓ You are concerned about being moved to a more restrictive setting.
- ✓ You have been denied access to independent housing.

Every situation is different. Not everyone who lives in a facility is being denied their rights. However, people should have opportunities to explore community-based options whenever appropriate.

## Supports That Help People Live in the Community

Many people can remain in their homes and communities because services and supports are available.

Examples may include:

- ◆ Developmental Disabilities Services (DDS)
- ◆ Personal care attendants
- ◆ Shared living services
- ◆ In-home supports
- ◆ Transportation services
- ◆ Case management services
- ◆ Communication supports
- ◆ Community-based mental health services
- ◆ Live-in caregivers or support providers
- ◆ Assistive technology and adaptive equipment

The services available will vary depending on a person's needs and eligibility.



**Tip:** A local **Community Action Agency** may be able to help with housing resources, benefits, energy assistance, and other supports that help people remain in their homes and communities.

## Housing & Community Supports

Many people with disabilities live successfully in their own homes, apartments, or other community settings while receiving the services and supports they need.

Housing and support needs are different for every person. Some people choose to live independently, while others prefer or need more structured settings. Understanding the available options can help people make informed decisions about where they live and receive services.

A variety of housing and support options may be available depending on a person's circumstances and eligibility. People with disabilities may also be eligible for housing assistance programs, including Section 8 housing vouchers and other affordable housing programs.

**? Did You Know:** People with developmental disabilities and other disabilities can be eligible for Section 8 and other housing assistance programs. Having a disability or needing daily support does not automatically mean someone must live in a group home or facility.

## Understanding Olmstead

In 1999, the US Supreme Court decided a case called ***Olmstead v. L.C.*** The Court recognized that unnecessarily separating people with disabilities from their communities can be a form of discrimination.

Because of this decision, public agencies are generally expected to provide services in community settings when appropriate supports are available.

### What Does This Mean for Me?

People with disabilities should have opportunities to:

- ✓ Live in their communities
- ✓ Receive services in less restrictive settings when appropriate
- ✓ Stay connected to family, friends, and community life
- ✓ Explore community-based options before moving to a more restrictive setting

💡 Remember: The right setting is different for every person. The goal is to ensure people have opportunities to receive services in the community whenever appropriate.

## **What Can I Do If I'm Concerned?**

If you believe you are at risk of institutionalization or are not being given opportunities to live in the community, self-advocacy can be an important tool.

### **Start by Asking Questions**

- ◆ What community-based options are available?
- ◆ What supports would help me remain in my home or community?
- ◆ Are there housing programs I may qualify for?
- ◆ What services are available through my provider or agency?
- ◆ Can I receive this decision in writing?

### **Share Your Goals**

Be clear about what you want. Examples include:

- ◆ "I would like to remain in my apartment."
- ◆ "I want to explore community-based options."
- ◆ "I would like more information before making a decision."

### **Ask for Help**

Advocates, service coordinators, family members, support providers, and community organizations may be able to help you understand your options.

## Helpful Resources

### **Vermont Human Rights Commission (HRC)**

 1-800-416-2010

 <https://hrc.vermont.gov/>

Information about disability discrimination and civil rights protections.

### **Vermont Center for Independent Living (VCIL)**

 1-800-639-1222

Information, advocacy, and independent living services for people with disabilities.

### **Vermont Community Action Partnership (VCAP)**

 <https://vermontcap.org/find-help>

Connects Vermonters with local housing, benefits, energy assistance, and other community resources.

### **Vermont 2-1-1**

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Information and referrals for housing, benefits, community services, and local support programs.

### **Vermont Long-Term Care Ombudsman**

 1-800-889-2047

Provides information and advocacy for residents of nursing homes, residential care homes, and assisted living residences.

## **About Disability Rights Vermont**

Disability Rights Vermont (DRVT) is Vermont's designated Protection and Advocacy (P&A) system. Established under federal law, Protection and Advocacy systems were created by Congress to protect the rights of people with disabilities and address abuse, neglect, discrimination, and other rights violations.

DRVT is a private, independent, nonpartisan, nonprofit organization authorized to advocate for and protect the legal and civil rights of Vermonters with disabilities.

### **Acknowledgment of Support**

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*"The views expressed herein do not necessarily represent those of the Vermont Bar Foundation."*

## Need More Help?

If you believe you are at risk of institutionalization, are being denied opportunities to live in the community, or have questions about your rights, help may be available.

### **Disability Rights Vermont**

Vermont's Protection & Advocacy System

89 Main Street, Suite 301

Montpelier, VT 05602

 1-800-834-7890

<https://www.disabilityrightsvt.org>

[info@disabilityrightsvt.org](mailto:info@disabilityrightsvt.org)

### **Disability Law Project**

Vermont Legal Aid

 1-800-889-2047

### **Vermont Developmental Disabilities Council**

 1-802-828-1310

[VTDDC@Vermont.gov](mailto:VTDDC@Vermont.gov)

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