



ATRA in Action: Advocacy and Legislative Update

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DEPARTMENT OF JUSTICE MEMO TELLS STATES THAT THERE IS NO MANDATE FOR HOME AND COMMUNITY BASED SERVICES FOR PEOPLE WITH DISABILITIES AND OLDER ADULTS

[Washington, DC, June 2026) – The U.S. Department of Justice has issued a memo to states informing them that there is no legal requirement to provide home and community based services (rather than institutionalization care) for people with disabilities and older adults.

What is the issue? In the memo issued June 18, 2026, the Office of Legal Counsel in the Department of Justice (DOJ) reinterprets national disability law indicating that neither the Olmstead “integration mandate,” Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act (ADA) create a requirement that states provide home and community-based services (HCBS) rather than placing people with disabilities and older adults into institutional care.

Link to the DOJ “Application of the Rehabilitation Act and Americans with Disabilities Act to Certain Government Services” Memo: <https://www.justice.gov/olc/media/1446701/dl>

What does this mean? This memo provides a new interpretation that is different than what the federal government has required for over 25 years. The government has required public entities to provide services to people with disabilities in the most integrated setting possible that is appropriate and reasonable. In the memo, the DOJ states that federal law prohibits discrimination due to disability but that the law does not guarantee the individuals with disabilities and older adults can choose home and community-based services over institutional care if HCBS is not available. States do not need to create or expand HCBS, according to the memo, despite 25+ years of practice and precedent. While this is not a law, regulation or court decision, it is legal guidance to the states from the DOJ that can impact services, programs, discrimination investigation, and potentially placement in institutional settings.

Disability groups and disability rights organizations are concerned about the potential consequences of this DOJ memo. Concerns include weaker federal enforcement of community integration rights, increased use on institutional care versus HCBS, and justification to decrease funding to HCBS/Medicaid waivers which includes access to Recreational Therapy services in many states.

What can/should I do? Many Congress members are already speaking out against the DOJ memo. However, it is still important that your federal senators and house members hear from you. Contact your state and federal legislators through email and phone calls to express concerns about this revised interpretation and the potential impact on people with disabilities and HCBS. A sample email is provided on the next page of this alert. To find your legislators go to: <https://www.atra-online.com/advocacy> or [How to Find Your Legislator](#) (state or federal).

What's next? ATRA is monitoring the political and legislative environment. We are working with coalition partners to advocate for HCBS for older adults, and people with disabilities or chronic conditions. We will reach out to key federal legislators and Congressional committees to express our concerns, share the negative impact, and advocate for people with disabilities.

Sample Email

Dear Representative/Senator **Last Name**,

As your constituent, I am writing to express my concern regarding the Department of Justice's June 18, 2026 memo. This memo narrows the federal government's interpretation of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Supreme Court's *Olmstead v. L.C.* decision regarding home and community-based services (HCBS).

For more than 25 years, the integration principles established by *Olmstead* have helped ensure that people with disabilities have the opportunity to live, work, learn, and participate in their communities rather than being unnecessarily institutionalized. Although the DOJ memorandum does not change federal law or overturn *Olmstead*, it signals a dramatic shift in how the federal government may enforce these important civil rights protections.

Access to home and community-based services is more than a healthcare issue; it is a civil rights issue. HCBS allows people with disabilities and older adults to remain with their families, maintain employment, participate in their communities, and live with dignity and independence. Weakening federal enforcement of community integration protections places these at risk and reduces accountability for providing services in the most integrated setting that is reasonably appropriate.

I respectfully ask that you

- Publicly affirm Congress's commitment to the civil rights established under the ADA, Section 504, and the *Olmstead* decision.
- Conduct congressional oversight of the Department of Justice's revised interpretation and its potential impact on people with disabilities.
- Support legislation and appropriations that strengthen access to home and community-based services and protect individuals from unnecessary institutionalization.
- Work with disability organizations, self-advocates, families, and providers to ensure that federal policy continues to promote community living and full inclusion.

People with disabilities deserve the opportunity to live where they choose, participate fully in their communities, and receive the support needed in the least restrictive environment. Please defend these fundamental civil rights and ensure that community inclusion is not weakened.

Thank you for your time and commitment to protecting the rights of all Americans. I appreciate your consideration of this important issue and look forward to learning how you will support people with disabilities.

Sincerely,

[Your Name]

[Your Address]

[City, State ZIP]

[Email Address]

[Phone Number]