Access Living Federal Candidates Questionnaire – Disability Policy Issues

Disability voters are an important voting block. In Chicago, there are over 300,000 people with disabilities, with countless friends and families who also consider themselves disability voters. Furthermore, about one in six voters, or 16.4% of the voting electorate nationwide is a person with a disability, according to the American Association of People with Disabilities.

Candidates nationwide have learned that people with disabilities have a historical interest in policymaking that impacts our lives. The following **10 questions** aim to address major policy areas of concern of disabled voters in the Chicagoland area.

Candidate Name: Howard Rosenblum

Party: Democratic

District: Illinois' 9th District

Disability and Civil Rights:

Context for Question

Over the last fifty years, people with disabilities and our allies have worked tirelessly to create and enforce a critical set of disability rights laws, such as the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, and much more. In the past several months, both administrative and legal action have made it clear that federal disability rights and enforcement are at tremendous risk. This is evidenced by the recent dismantling of federal entities tasked with enforcing disability laws, notably the Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services (OSERS) within the Department of Education.

Question

What would you do to ensure that current federal disability rights laws and regulations are protected, not dismantled?

Answer

Federal disability rights laws (such as the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, and many others) must be protected from any Congressional attempts to weaken them through amendment. Among those are bills like the "ADA 30 Days to Comply Act" bill proposed by Representatives Lawler and Correa in the last congressional session and again this year. If elected, as a Representative that happens to have a disability and has litigated in this area, I would lead the charge to push for narrow legislative fixes to strengthen these laws and avoid opening them up to changes that weaken our rights. The Supreme Court has made it more difficult for people with disabilities to pursue legal remedies under these federal laws through some of its decisions such as Stanley v. City of Sanford, Cummings v. Premier Rehab Keller, Buckhannon Board & Care Home v. West Virginia Dept of Health and Human Services, and Barnes v. Gorman. New legislation is needed to correct these flawed decisions, but any effort to craft such legislation must be carefully considered and strategized to block any adverse changes.

With respect to regulations, the Trump administration has attempted to rescind Section 504 regulations such as through the efforts of the Department of Energy to change its rules and bypassing proper notice of rulemaking. It is important for Congressional legislators to engage with our constituents to pushback against all such efforts to change regulations that harm people with disabilities. In addition, legislators can and should challenge all regulations that are contrary to the letter and spirit of federal disability rights laws.

In addition, the Trump administration has ignored the mandate of the Rehabilitation Act with respect to the rights of immigrants with disabilities particularly with respect to ICE operations and the change in "public charge" assessments. As a Representative, I will conduct hearings of all government officials who have violated federal laws and hold them accountable for these acts of discrimination against people with disabilities.

Question

Between now and 2028, what is your vision for rebuilding the federal administrative infrastructure that has been gutted in this year's reductions in force (RIFs)?

Answer

Under the separation of powers and the checks and balances crafted pursuant to the Constitution, Congress has the power of the purse to fund specific agencies and programs while the Executive Branch is supposed to implement and execute laws and appropriations accordingly. At present, Congress has sold out its power to check the President and has been allowing the President to plan the termination of 300,000 federal employees. A large number of these employees have been from the various agencies' offices of civil rights as well as divisions that focus on the needs of people with disabilities such as the Office of Special Education and Rehabilitation Services (OSERS). Consequently, there is no federal enforcement of numerous disability rights laws such as the Americans with Disabilities Act, the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act.

To reverse such devastation and restore this country to one that upholds the principles of disability rights, it is critical that Democrats win back either the House or the Senate (or both) to bring our government back to one of active checks and balances. Congress could compel the agencies to spend funds as was originally appropriated as well as compel them to have appropriate staffing to enforce the laws that they are duty bound to uphold. As part of this effort, Congress must direct all offices of civil rights to be restored to their appropriated funding and staffing.

Education:

Context for Question

The Individuals with Disabilities Education Act (IDEA) is the federal law the governs special education in the United States. This is the law that ensures that ALL students have the right to a "free and appropriate public education." When the IDEA was passed, the federal government committed to covering 40% of state special education costs. As it currently stands, IDEA is only covering 10% of costs. This shortfall leaves local communities on the hook to make ends meet. teachers and therapists stretched thin, and worse outcomes for students.

Question

What steps would you take to ensure IDEA/Special Education is properly funded going forward?

Answer

As a person who directly benefited from the IDEA as a student and as a lawyer who has represented families in special education cases, I am all too aware of the critical importance of this law and the need to properly fund it. I would correct this 50 year oversight by supporting passage of a federal bill such as IDEA Full Funding Act, which has been introduced and re-introduced by a bipartisan group of legislators led by Representative Jared Huffman. I would work to mobilize families with children who receive special education services to reach out to their elected representatives in Congress and urge them to vote for this much needed law to bring federal funding up to 40% of the average per pupil expenditure for special education. It is essential that we bring into public view the stories of families that have children in need of special education services, and how the federal government has failed them and state governments and school districts by not delivering on the funding that was promised for the last five decades.

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Health Care:

Context for Question

When we surveyed disabled Chicagoans about their federal policy concerns, access to healthcare was the number one issue for an overwhelming number of respondents.

Medicaid is integral to the independence of people with disabilities because of home and community-based services (HCBS). H.R.1 will implement drastic cuts to Medicare and Medicaid, leaving many disabled folks without access to health coverage. HCBS is particularly at risk of cuts should their federal funding be lost, because HCBS is not mandatory. Without Medicaid HCBS, many people with disabilities will be forced to leave their communities and live in institutions.

Question

What will you do to protect Illinoisans' access to health care, especially people with disabilities?

Answer

H.R. 1 is a disastrous act of legislation that directly attacks the wellbeing of people with disabilities across the country. Although the law purports to exempt people with disabilities who have either Medicaid from having to meet work/school/volunteer requirements, the reality is that every person, including those with disabilities now must deal with more frequent and stringent reporting requirements. Historically, any additional or more frequent reporting requirements often lead to people, especially those who are marginalized or underserved, to be confused and miss deadlines which lead to loss of health coverage. Those on Medicare may have difficulty covering prescriptions due to cuts to the Low Income Subsidy program. Moreover, individuals, including those with disabilities, who obtain health coverage through the Affordable Care Act Marketplace rely on federal subsidies to be able to afford health coverage, and H.R. 1 has cut those subsidies. The Trump administration and Republicans in Congress have refused to restore such subsidies even in the face of health coverage premiums skyrocketing.

The impact of cuts to subsidies for coverage through the Affordable Care Act Marketplace are happening now, but the changes to Medicaid will start in 2027. As a result, the 2026 election is critically important. If Democrats can secure control of one or both legislative chambers by running on a healthcare platform, Congress can, especially through bipartisan efforts, reverse the harm of H.R. 1. As an elected Representative, I would highlight the real life stories of people with disabilities across the country that are losing or at risk of losing their health care coverage and the dangerous impact such loss would have on their lives to drive home the need for legislation to undo H.R. 1. It is important to emphasize the narrative that health insurance coverage helps ensure that people with disabilities are able to lead independent and productive lives that contribute to society.

To safeguard access to health care for Illinoisians, including those with disabilities, I encourage and support state government efforts to ensure all affected individuals are able to meet their reporting requirements and have appropriate subsidies to cover any increase in costs to continue their health coverage. Further, I would work to pass legislation that retroactively compensates Illinois and other states that provide coverage, support, and subsidies to people to continue receiving their health coverage. In Illinois, thousands of people with disabilities remain institutionalized in state-operated developmental centers or nursing facilities, even though most could live safely and independently with proper support. Illinois operates several HCBS waivers, such as the Persons with Disabilities Waiver, to help individuals receive care at home rather than in institutions. Expanding access to these programs is vital because community living promotes autonomy, dignity, and inclusion. It is also more cost-effective than institutional care and aligns with the Olmstead v. L.C. decision, which affirms the right to live in the most integrated setting possible.

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Question

What is your plan to reduce the number of people with disabilities on waitlists for home and community-based services (HCBS) while ensuring services are high quality? Do you support making HCBS a mandatory Medicaid service*?*

Answer

High quality Home and Community Based Services (HCBS) are critical for many individuals including those with disabilities to continue living at home and maintaining as much independence as possible. Waitlists for such services need to be eradicated, given that as many as 700,000 people across the country are on them and they deserve to gain immediate access to HCBS. There should be no funding or capacity limit on HCBS services, and every person who meets the qualification for services especially through Section 1915(c) waivers should receive it. To achieve this, I would work to pass federal legislation to recognize HCBS as mandatory State Plan benefits just like they do for nursing facility care and thereby require every state to offer them to all eligible enrollees.

Any such legislation must do more than that, and must make appropriations to create a training program to increase HCBS service providers. Unfortunately, there are not enough caregivers or other service providers to make HCBS available to every person on the waitlist. The federal government and state governments should fully invest in expanding and improving training programs and professional development courses to expand, improve, and retain the number of caregivers and service providers. To ensure that services are high quality, there must be: an increase in the level of pay for these caregivers and service providers, additional support for these service providers to reduce the high level of burnout they currently experience; and expanded coordination and monitoring of such HCBS Services.

We have seen a rash of laws across Illinois and the country that criminalize homelessness. Homelessness is an issue that disproportionately impacts people with disabilities. People with serious mental illness are more likely to end up homeless and not having a house leads to all kinds of health problems. Some ordinances even go as far as penalizing people sleeping in their own cars.

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Question

What will you do to protect people living with mental illness who are also unhoused?

Answer

The increase in unhoused people with mental illness is directly attributable to massive cuts in mental health services and the lack of housing options. As an attorney that has focused my entire career on the rights of people with disabilities, I will advocate for legislation that establishes a federal mandate to provide housing without preconditions for unhoused people including those living with mental illness. In addition, the legislation should require the funded provision of social worker and case management services, mental health services, addiction recovery services, and other services that have demonstrated success in ensuring that such individuals get the care they need. Such services should be part of a universal health care system for all and would greatly reduce the stigma of mental illness and increase access to the mental health services needed. Studies have repeatedly shown that the increase of such services leads to significant reduction in homelessness, addiction, and crime. Consequently, increasing funding for housing and mental health services will result in savings and improved livelihoods for everyone.

Transportation:

Context for Question

Systemic underfunding of transit systems, particularly on the operations side, has left the Chicagoland transit system in funding peril. Many disabled people cannot drive and rely on both mainline transit and paratransit systems to be independent and participate in society. Because the availability of paratransit is tied to the availability of mainline transit, fixed route funding cuts directly impact ADA paratransit service as well. Unfortunately, despite the high need for paratransit, it remains insufficiently funded and frequently overlooked, rather than considered a vital part of the transit system overall.

Question

Would you support a more equitable funding system that better funds accessible transit, including paratransit specifically? And, if so, what do you think that system should look like?

Answer

Accessible transit requires that the mainline transit be as accessible as possible in all ways including physical, auditory, and visual access as well as the provision of available and reliable paratransit to serve those who are unable to access mainline transit from where they might be or where they might need to go. Although there is federal funding to support accessible transit including paratransit particularly through Section 5310 funding from the Federal Transit Administration, it is not sufficient to ensure full funding of paratransit on a long term basis. In 2023, there was $19.2 million in 5310 funding to Illinois' RTA with $5.5 million of it going to purchase paratransit vehicles. Even with this extra funding, there is an estimated $770 million budget gap for transit in Northeastern Illinois and that includes paratransit. One of the causes of the funding shortfall is that Illinois state law requires a high farebox recovery ratio of 50% for mainstream transit and 10% for paratransit. The cost of paratransit is typically $40 per person while the fare cost is $3.25, which means that there needs to be consistent subsidization of paratransit in the long term. There needs to be a collaboration between the federal and Illinois governments to find ways to fully fund the entire cost of paratransit services in Illinois. As a Representative, I would work with the Federal Transit Administration and the Illinois legislature to develop a long range budget plan that would ensure the complete support of paratransit services and avoid any interruption in services.

Economic Justice:

Context for Question

Supplemental Security Income, also known as SSI, serves as a critical safety net to provide some level of income for many people with disabilities. However, the process to obtain benefits can stretch over two years. Recipients of SSI only receive an average of $700 / month, and outdated asset limits of $2,000 per person and $3,000 per couple trap people with disabilities in a vicious cycle of poverty.

Question

What concrete steps would you take to modernize and reform the SSI program so that it benefits and uplifts people with disabilities?

Answer

The Trump administration has significantly cut staffing and program services at the Social Security Administration (SSA). As a result, many people who are on or are waiting to receive SSI are having difficulty reaching SSA officials to discuss their benefits or other services. Call times to reach SSA officials and receive services have long been notorious but are now even worse with these recent cuts. The information shared by the SSA about its SSI programs and benefits are typically complicated and confusing for most people to understand and follow, leading to overpayments and underpayments for many beneficiaries. The SSI program needs to be simplified and streamlined to make it easier for individuals to apply for and qualify for benefits in an expedited manner. There must be efforts to reform the SSI process through a simplified application process that allows applicants with disabilities to submit minimally invasive information necessary to qualify with quick approval turnaround times based on the necessary qualifications being met on these applications. Should there be any issues or question about any factor that prevents quick approval, then there should be an expedited process to refer the case to SSA agents that can identify what additional information is needed and connect with applicants to resolve such concerns. Moreover, the SSI program should have computerized calculations that anticipate and prevent overpayment and underpayment issues. In essence, there must be a fully funded overhaul of the SSI application and maintenance program along with full training of SSA officials to operate the new program and stay in contact with SSI applicants and recipients. In addition, I would work to change financial requirements for SSI applicants to allow them to have more than $2000 per person in assets and more than the current limit on monthly income. These amounts unfairly impose a level of poverty on people with disabilities who often are not given a fair chance to work and earn a sustainable wage due to discriminatory attitudes and other barriers preventing them from seeking jobs.

Context for Question

SNAP is a critical lifeline for millions of Americans and is especially important for people with disabilities. However, H.R. 1 will force millions of Americans off critical SNAP benefits, as well as create excessive bureaucratic red tape for people with disabilities. Regardless, the SNAP program in many ways does not account for the unique needs of people with disabilities, particularly with the program’s restriction on purchasing ready-made / hot meals.

Question

What concrete steps would you take to protect SNAP benefits AND modernize food access programs to be more accessible to the disability community?

Answer

The recent congressional shutdown cut off many government services and programs including SNAP benefits. However, some programs continue uninterrupted such as monthly payments for SSI and SSDI beneficiaries as those from dedicated trust funds, not annual budgets. Given how essential SNAP benefits are to survival for so many people in the richest country in the world, the funding for such benefits should be placed in trust funds as well rather than risking it on annual budgets. Consequently, I would advocate to pass legislation that sets up trust funds that permanently supports SNAP benefits.

With respect to modernizing food access programs to be more accessible to people with disabilities, there are several measures that can be taken. SSI recipients should be automatically enrolled into SNAP programs by federally mandating that states adopt the Combined Application Process. In addition, states should be mandated to eliminate asset tests for individuals with disabilities to qualify to receive access to food support programs given the higher costs they have with medical and physical needs. SNAP certification periods should be extended to two years for individuals with permanent disabilities and seniors to prevent their being removed from the program for failure to complete paperwork. SNAP benefits should also be allowed to purchase meals rather than forcing them to be able to cook, which may be difficult or impossible for some people with disabilities. All of these changes necessitates a full overhaul of the standards and rules for SNAP benefit qualification and usage at the federal level that makes it easier for all individuals with disabilities to receive access to food in all states.

Immigration:

Context for Question

While federal disability rights laws apply to people with disabilities regardless of citizenship status, there are significant unaddressed enforcement gaps in protecting immigrants with disabilities. According to an April 2024 Congressional Research Service report on medical care in immigrant detention facilities, significant gaps remain in ensuring adequate treatment and accommodations for detained individuals with disabilities. ⍰

Question

How would you work to hold federal agencies accountable for protecting the rights and dignity of immigrants with disabilities in detention and during the immigration process?

Answer

While immigrant detention facilities have long neglected the rights and needs of detained individuals with disabilities, the Trump administration has militarized federal agencies such as ICE to arrest and detain immigrants without regard to their constitutional rights. Such militarized practices include ICE officers disregarding immigrants' and citizens' Fourth Amendment rights against unreasonable search and seizures and Fifth Amendment rights to due process and humane conditions of detention. In the past year, there have been several well publicized arrests and detention of people with disabilities by ICE without access to accommodations or services they are entitled to under Section 504 of the Rehabilitation Act including but not limited to: 1) a Deaf Mongolian asylum seeker who was detained in California for four months without access to an interpreter; 2) Rodney Taylor, a double amputee, who was detained in Georgia for three months without the care and resources needed for his prosthetic legs to fit comfortably; 3) Javier Diaz Santana, a Deaf DACA recipient who was detained in El Paso, Texas and denied any way to communicate in sign language with his attorney or family for weeks; and 4) a 15 year old boy with speech and hearing disabilities in Los Angeles who was separated from his family and detained without any justification or accommodation. There are only the ones that have received publicity, and there are undoubtedly many more people with disabilities who have been arrested or detained without accessibility services to accommodate them.

As a lawyer who has worked 33 years on disability rights issues, I am offended and incensed by the actions of ICE officers that totally disregard the rights of so many immigrants and citizens including those who have accessibility needs. As an elected

Representative, I would conduct hearings of ICE officers as well as DHS officials to investigate whether they should themselves be arrested and detained for violating the Constitution as well as federal disability rights laws. Congress has a duty to compel DHS to follow their oath to uphold the Constitution, and to remove the DHS Secretary and other officials from their positions through impeachment procedures. Moreover, Congress can and should cut off any funding to DHS and ICE as long as they continue to profile immigrants based on their race without appropriate warrants and due process of law.