



DEPARTMENT OF JUSTICE

Clarification on Department of Justice Guidance Titled, “Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*”

AGENCY: Civil Rights Division, Department of Justice.

ACTION: Notice; clarification.

SUMMARY: The Department of Justice (the Department) is issuing this document to clarify that the guidance issued by the Department on June 22, 2011, and last updated February 28, 2020, titled “Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*” (*Olmstead* Guidance), and similar guidance documents are not enforceable. In addition, the Department plans to revisit the *Olmstead* Guidance in light of the Supreme Court’s decision in *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024), to assess whether the *Olmstead* Guidance is consistent with the single best meaning of the relevant statutory text. The Department will not rely upon the *Olmstead* Guidance in its enforcement of Title II of the Americans with Disabilities Act (ADA).

FOR FURTHER INFORMATION CONTACT: Luis E. Perez, Director, Disability Rights Section, Civil Rights Division, 202-320-6683.

SUPPLEMENTARY INFORMATION:

On June 22, 2011, the Department issued a guidance document titled, “Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*”¹ The *Olmstead* Guidance states, “To assist individuals in understanding their rights under Title II of the ADA and its integration mandate,

¹ U.S. Dep’t of Just., *Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C.*, ADA.gov (last updated Feb. 28, 2020), <https://www.ada.gov/resources/olmstead-mandate-statement/> [<https://perma.cc/65V6-QGXW>].

and to assist state and local governments in complying with the ADA, the Department of Justice has created this technical assistance guide.” It provides eighteen questions and answers regarding enforcement of the Supreme Court’s decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999).

The *Olmstead* Guidance concludes: “Guidance documents posted to this website are not intended to be a final agency action, have no legally binding effect, and have no force or effect of law. The documents may be rescinded or modified in the Department’s complete discretion, in accordance with applicable laws. The Department’s guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.”² This is consistent with Supreme Court jurisprudence, which has held that guidance documents “do not have the force and effect of law.” *Perez v. Mortgage Bankers Ass’n*, 575 U.S. 92, 97 (2015) (quoting *Shalala v. Guernsey Mem’l Hosp.*, 514 U.S. 87, 99 (1995)). Despite the non-enforceable nature of the *Olmstead* Guidance, numerous courts have treated the *Olmstead* Guidance as authoritative. See *Davis v. Shah*, 821 F.3d 231, 263 (2d Cir. 2016); *Pashby v. Delia*, 709 F.3d 307, 322 (4th Cir. 2013); *Waskul v. Washtenaw Cnty. Cmty. Mental Health*, 979 F.3d 426, 460–61 (6th Cir. 2020); *Steimel v. Wernert*, 823 F.3d 902, 914 (7th Cir. 2016); but see *United States v. Mississippi*, 82 F.4th 387, 393–94 (5th Cir. 2023). The Department is concerned about confusion over the non-enforceable nature of the *Olmstead* Guidance and issues this clarification that the *Olmstead* Guidance is not enforceable.

Further, the *Olmstead* Guidance was issued prior to the Supreme Court’s decision in *Loper Bright*, 603 U.S. at 400, which held that agency interpretations must be consistent with the “single, best meaning” of the statute authorizing them. For these reasons, the Department plans to revisit the *Olmstead* Guidance in light of *Loper Bright* to determine whether the *Olmstead*

² See also U.S. Dep’t of Just., Just. Manual § 1-19.000 (last updated Apr. 2022), <https://www.justice.gov/jm/1-19000-limitation-issuance-guidance-documents-1> [<https://perma.cc/E35H-F7FF>].

Guidance is consistent with the “single, best meaning” of the ADA. The Department will not rely upon the *Olmstead* Guidance in its enforcement of Title II of the ADA.

Dated: July 13, 2026.

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