

ADA GUIDELINES FROM THE U.S. DEPARTMENT OF JUSTICE ON SHELTERING FOR MASS CARE

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Disability and Special Needs Technical Assistance Conference:
Emergency Preparedness, Response, and Recovery

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Good morning. During the past year, the Civil Rights Division has been issuing a technical assistance series known as the ADA Best Practices Tool Kit for State and Local Governments. In the Tool Kit, we explain how the basic requirements of the ADA apply to different state and local government programs, services, and activities. We also provide checklists to help state and local officials determine if they are in compliance with ADA requirements. Finally, we provide action plans to help governments that are not in full compliance get there.

Our most recent chapter of the Tool Kit deals with a critically important area - emergency management. People with disabilities represent, on average, at least 15% of every community in the United States. Yet, the needs of this significant segment of the population have often been overlooked in preparing for emergencies. One reason for this is a knowledge gap - people in the emergency management field have often not had background or experience dealing with people with a variety of disabilities or have not had much training about disability rights laws.

The Civil Rights Division issued Chapter 7 of the Tool Kit to address this knowledge gap. In the chapter, we discuss how the requirements of the ADA apply to the various aspects of emergency management, from planning and preparedness, to notification, evacuation, and sheltering and, finally, to recovery and remediation. We provide a checklist for evaluating the accessibility of shelters. We also provide a checklist for use in evaluating the ADA compliance of policies and procedures.

Throughout Chapter 7, we identify certain key steps to meeting the needs of people with disabilities in emergencies:

- (1) Emergency planners and managers must have basic working knowledge of the accessibility and nondiscrimination requirements applicable under the ADA;
- (2) Emergency planners and managers must know the demographics of the population of people with disabilities who live in their community and the types of disabilities these people have;
- (3) Emergency planners and managers must involve people with different types of disabilities in

identifying disability-related needs in communication, transportation, accommodations, supportive services, equipment, and supplies that residents and visitors with disabilities will need during an emergency: and

(4) Emergency managers and planners must identify and publicize the resources their community will have available and ready to use when an emergency strikes to meet the needs of residents and visitors with disabilities.

The ADA requirements set out in Chapter 7 of the Tool Kit all flow from basic principles embodied in the ADA. These include:

INCLUSION

People with disabilities have the right to participate in all emergency programs, services, and activities provided by governments, private businesses, and nonprofit organizations. A person may not be refused access or participation simply because of a disability.

Example - Notification: When an emergency is imminent, everyone must be notified and receive the information they need to take responsible, appropriate action.

EQUAL ACCESS

People with disabilities must be able to access and benefit from emergency programs, services, and activities equally with everyone else.

Example - Evacuation: People with disabilities, including people who use wheelchairs and scooters for mobility, must have transportation that can safely get them to the right place, even if they cannot travel independently to pick-up areas. Some people need transportation starting from their home. Others need wheelchair-accessible transportation. In addition, like other members of the public, people with disabilities must be able to evacuate with their families or care giver, and take clothing and other personal items they may need in a shelter with them. People with disabilities may need to be transported with oxygen tanks or other medical equipment, service animals, or adaptive equipment that they need to function independently in addition to the clothing and personal items that everyone else needs.

INTEGRATION

Emergency programs, services, and activities typically must be provided in an integrated setting. To provide emergency shelter in an integrated setting, basic support services must be available, such as assistance in wayfinding, eating, dressing, transferring to or from a wheelchair, toileting, and reminders to take medication. Assistance and social/human services must be provided to all individuals through the same application and review process - not separately or after the fact.

Example - General Population Shelters: People who use wheelchairs may not be required to go to a separate shelter from the general population and may not be sent to a different shelter from family members or other people who provide them with support. Shelters need to house people

with varied disabilities and provide the supportive services they need to function in that setting. If a person with a disability has a medical condition requiring hospitalization, family members and others who provide support may not be involuntarily separated.

SELF-DETERMINATION

Emergency programs, services, and activities must be provided in a manner that results in an optimal level of functional independence for people with disabilities. People with disabilities have the right to participate in programs designed to serve the general public. Individuals with disabilities are the most knowledgeable people to determine their needs - instead of trying to guess or predict what their needs may be, just ask them.

Example - Emergency Planning and Operations: Emergency planners sometimes assume that they know what will be best for people with disabilities and design evacuation, sheltering, and other emergency programs based on those assumptions. But those assumptions are frequently wrong, since even people with the same type of disability have different abilities and needs. People with disabilities have the right to make choices about the options that will best meet their needs. Like everyone else, in order to make informed choices, people with disabilities need accurate information about their options for emergency preparedness, sheltering in place, evacuation, transportation, sheltering, housing, and participation in other emergency programs.

PHYSICAL ACCESS

Emergency programs, services, and activities must be provided at locations that all people can access, including people who use wheelchairs, scooters, and other mobility aids and people with limited stamina. People with disabilities must be able to enter and use emergency facilities. Accessible features include parking, drop-off area, entrance and exit, security screening areas, toilet rooms, bathing facilities, sleeping areas, dining facilities, other areas where programs, services, or activities are provided. If a designated emergency facility is not accessible to people with disabilities, it needs to be made accessible, either through permanent or temporary means, or a different facility needs to be chosen. Reasonable Modifications to Policies, Practices, and Procedures

Rules, policies, practices, and procedures used in emergency programs and emergency facilities may not deny equal access to people with disabilities. Program and facility operators must make reasonable modifications to rules, policies, practices, and procedures to provide equal access to individuals with disabilities.

Example 1 - Emergency Programs and Facilities: Public transportation and other facilities that provide housing or services during an emergency often have a "no pets" policy. Some have mistakenly applied this policy to exclude service animals such as guide dogs for people who are blind, hearing dogs for people who are deaf, service dogs that pull wheelchairs, assist with balance, or retrieve dropped objects, and other animals that provide assistance to people with physical or mental disabilities.

Example 2 - Shelters: If meals are served in shifts, remember that people with disabilities may

take a longer time to eat, and allow them extra time to finish their meal. People with diabetes may need access to food at unscheduled times because of fluctuating blood sugar levels. People with food allergies may require different types of food.

EFFECTIVE COMMUNICATION

People with disabilities must be given the same information that is given to the general population, and they must be notified in an emergency in a way that is understandable to them, and timely. Consider communication formats for those who are blind or have low vision, those who are deaf or hard of hearing, and those with speech, or cognitive disabilities. Auxiliary aids and services must be furnished when necessary to ensure effective communication with people with disabilities. These include sign language interpreters, use of video relay service, teletypewriters (TTYs), pen and paper to facilitate exchange of notes, message boards, written materials in Braille, large print, and people to assist in reading and filling out forms.

People with Disabilities Are Individuals:
No "One Size Fits All"

Individuals with disabilities do not all require the same accommodations and do not all have the same needs. There are many different types of disabilities that affect people in different ways. Emergency planning should consider the needs of people who use mobility aids, people who require portable medical equipment, people who ordinarily rely on personal care attendants, people who use service animals, people who are blind or have low vision, people who are deaf or hard of hearing, people who have a cognitive disability, people with mental illness, and those with other types of disabilities. Individuals with disabilities require different levels and types of supports. Do not assume that a person with a disability needs assistance or that specific types of assistance will be helpful to all people with the same type of disability. The best way to determine if a person with a disability needs assistance, or if assistance is needed, what type to provide, is to ask that individual what he or she needs.

CONCLUSION

The Department of Justice continues to be active in advancing the rights of people with disabilities at the local, state, and national levels. It is the responsibility of each and every one of us to do our part. Thank you.