

# **BROOKLYN CENTER FOR INDEPENDENCE OF THE DISABLED (BCID), ET AL. V. MAYOR BLOOMBERG, ET AL.**

New Yorkers with Disabilities Neglected In City's Emergency Planning

Status: Active

This federal class action lawsuit was filed in September of 2011. More than a decade after 9/11, New Yorkers with disabilities continued to face disproportionate risks of catastrophic harm and death during disasters - as Hurricanes Irene had shown, and as Sandy soon demonstrated. The class of 900,000 New York residents with disabilities included people with vision, hearing, mobility, and mental disabilities.

On November 7, 2013, the Court ruled that New York City discriminated against people with disabilities in its failure to plan for their needs in large scale disasters such as Hurricane Sandy. This was a major victory for hundreds of thousands of children, women, men, and seniors with disabilities, and will likely have national implications.

In May of 2013, the U.S. Attorney for the Southern District of New York, on behalf of the United States Department of Justice (DOJ), filed a statement of interest that supported Plaintiffs' position in the case. The DOJ's statement of interest held that: "Unfortunately, despite the obvious importance of accounting for the unique needs of individuals with disabilities in planning for emergencies, New York City's emergency plans, like many state and local emergency plans throughout the nation, fail to do so.....Plaintiffs presented significant evidence at trial in support of their claim that the City's emergency plans, in many areas, exclude individuals with disabilities from benefitting equally from the City's services, and fail to comply with the [ADA's] regulations."

Despite the lessons of 9/11 and an increasing number of weather emergencies, New York City refused to address its deficient emergency planning. Its carelessness endangered the health and safety of seniors, children, women, and men with disabilities in Hurricanes Irene and Sandy.

The case went to trial in March 2013 - the first of its kind in the country. The trial demonstrated that disabled and elderly New Yorkers suffered needlessly in recent hurricanes because of the City's lack of planning for their needs. People with disabilities impacted by Sandy reported a lack of evacuation, wheelchair accessible emergency shelters, and power outages, which left them stranded in their homes and without vital medical equipment and prescription medications. Such events showed that New York City lacked an adequate emergency plan that accounted for the needs of people with disabilities during an emergency.

On September 30, 2014, the parties announced a comprehensive settlement agreement to remedy the deficiencies found by Judge Furman in his decision. The agreement provides for sweeping

improvements to the City's emergency preparedness programs and services, including all major emergency planning areas such as High Rise Evacuation, Sheltering, Transportation, and Canvassing. This agreement will impact the lives and safety of nearly 900,000 New Yorkers with disabilities.

Highlights of the agreement include:

-The City will hire a **Disability and Access and Functional Needs Coordinator** who will be the lead City employee responsible for overseeing that the City's emergency plans meet the needs of people with disabilities and comply with state and federal law.

- A **Disability Community Advisory Panel** will be established so that the City can gather expertise and feedback from the disability community on a regular basis regarding the City's current and future emergency plans and proposed revisions to plans relating to people with disabilities.

- By the end of September 2017, the City will have a **minimum of 60 physically and programmatically accessible emergency shelters** (separate from the 8 Special Medical Needs Facilities currently maintained by the City). The minimum of 60 accessible facilities will be distributed throughout all five boroughs and will be able to shelter approximately 120,000 people with disabilities.

- The City will create a **Post-Emergency Canvassing Operation (PECO)** that will rapidly survey households after a disaster to assess and identify the critical needs of people with disabilities. During a canvassing operation, canvassers will go door-to-door carrying a mobile survey tool to send resource requests to a central data center. Resources include items such as food, water, electricity, medical care, and medical equipment. PECO will be fully operational by August 2017.

-The City will **work with the Metropolitan Transit Authority, Taxi and Limousine Commission, and New York City Housing Authority to collaboratively develop accessible transportation plans** for pre-storm or forewarned evacuations. The City will also develop **plans for the effective deployment of accessible vehicles** during emergencies. Transportation plans will be in place by August 2017.

-A **NYC/ADA High Rise Building Evacuation Task Force** will be assembled and consist of representatives from City agencies and disability organizations, as well as subject matter experts in the field of high rise evacuation for people with disabilities. At the end of a one year period, the Task Force will develop a Work Plan to remedy the deficiencies in the City's high rise evacuation planning identified by the Court. The Work Plan will be implemented during the following three years.

