



Q&A from Legal Training for Emergency Management Planning Professionals

Q1: What are some of the issues with compliance that you have seen in past disasters?

A1: Lack of:

- Accessible early warnings and notifications;
- Equally effective communication throughout the disaster process (ASL, Video Relay Interpreting);
- Accessible transportation;
- Structural and physical access at shelters;
- Materials in accessible alternative formats (Braille, large print, etc);
- Personal assistant services at shelters;

Additionally:

- Separation of families;
- Not allowing people with certain disabilities or medical needs (such as a person using oxygen) into shelters;
- Referring people with disabilities to institutions (such as nursing facilities) and other congregate settings.

Accessible Parking / Proving Disability:

Q2: I have found that the police will sometimes ask you for identification to prove that the accessible parking permit is yours and that you are not using someone else's?

A2: Accessible parking requirements are governed by each state. At some places in Connecticut, for example the Legislative Office Building (LOB), police may ask for identification. However, in the context of a disaster or emergency it is very unlikely and should not occur.

Q3: How are persons with disabilities proving they have one, as an example with the accessible parking permit. An officer asks for proof that they are indeed disabled does the individual have a handicap designation on their id? How is it proven?

A3: When someone applies for the parking placard that is when an individual demonstrates that they have a disability. If an officer asks to prove the parking placard, the name on the placard must match the name on the ID that the placard belongs to. [Disability parking permits must be applied for in the name of the disabled person](#) or by the parent or guardian of the disabled person. The permit is for the [exclusive use of the disabled person and may be used in any vehicle in which the disabled person is riding](#).

For further information, contact [Disability Rights Connecticut](#) at 860-297-4300.

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Service Animals:

Q4: Are service animals allowed to accompany patients in an ambulance during transports to emergency rooms during disasters?

A4: According to the [Department of Justice, Civil Rights Division, Disability Rights Section](#): “Generally, yes. However, if the space in the ambulance is crowded and the dog's presence would interfere with the emergency medical staff's ability to treat the patient, staff should make other arrangements to have the dog transported to the hospital.”

Q5: Is there a definition or specific animals that are considered service animals?

A5: [A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.](#)

“In addition to the provisions about service dogs, the Department [of Justice's] ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities.” [U.S. Department of Justice](#)

Additional Resource: National ADA Network “[I heard that miniature horses are considered to be service animals by the ADA. Is this true?](#)”

Q6: What is used to show proof the animal is a service animal?

A6: Proof is never required. “Staff cannot ask about the person's disability, require medical documentation, or ask that the dog demonstrate its ability to perform the work or task. **Nor can they require documentation, such as proof that the dog has been certified, trained, or licensed as a service dog**” ([28 CFR § 35.136, 28 CFR § 36.302](#)).

Q7: So, emotional support animals are not a valid concern for emergency shelters?

A7: Emotional support animals do not have the same right as service animals and are not required to be allowed into shelters, but planners or shelter managers may choose to allow emotional support animals into shelters.

Resource: National ADA Network “[Service Animals and Emotional Support Animals](#)”

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Q8: Can you bring a service animal to a shelter?

A8: Yes. According to the Federal Emergency Management Agency (FEMA) [Developing and Maintaining Emergency Operations Plans](#) (pg 5) "People with disabilities have certain rights under federal law and may have similar or additional rights under state and local laws. Federal and many state and local laws also afford certain rights and protections for service animals, which must be considered in emergency operations planning (e.g., transportation needs, mass care and sheltering operations, feeding resources, reunification services)."

Shelters:

Q9: Do all local municipalities need to provide a shelter or can they refer to a regional shelter?

A9: All municipalities need to have an emergency operations **plan** for all-hazards. Including priorities and planning for warning, emergency public information, evacuation, shelter, security, emergency medical care, and tactical communications. Each disaster or emergency will have its own response and this does not necessarily mean every municipality needs to provide a shelter, but they may depending on the size of the municipality and the size of the event.

According to the FEMA's [Developing and Maintaining Emergency Operations Plans](#) (pg 29) "In the nation's system of emergency management, the local government acts first to address the public's emergency needs. Depending on the nature and size of the emergency, state, local, tribal, territorial, insular areas and federal assistance may be provided to support local response operations. Local EOPs focus on the emergency measures that are important for protecting the public. At a minimum, these measures include priorities such as warning, emergency public information, evacuation, shelter, security, emergency medical care and tactical communications."

Q10: How do you suggest informing others that just because an emergency shelter location is a public school, that it meets ADA requirements? In my experience, they typically do not meet ADA requirements.

A10: As part of the planning process, planners need to develop an understanding of the access of all buildings that will be shelters, including public schools. Never assume a school or any facility is accessible.

Lack of planning consequence: [Brooklyn Center for Independence of the Disabled v. City of New York](#) "found the City liable for failing to provide meaningful access to people with disabilities to its emergency preparedness programs and services."

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