



**THE PARTNERSHIP**  
FOR INCLUSIVE DISASTER STRATEGIES

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# Disability Rights in Disasters for CIL of Gulf Coast

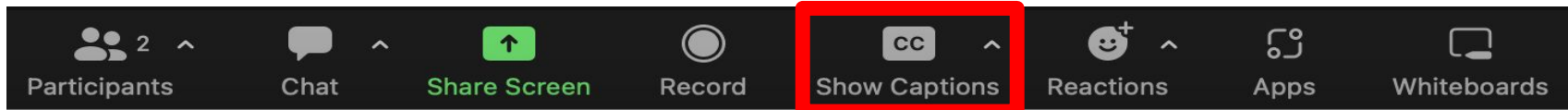
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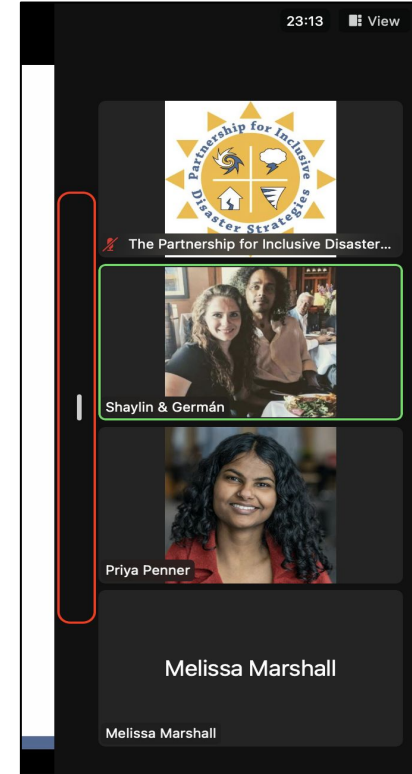
# Accessibility for this Presentation

- This training is recorded. An archived recording of the presentation will be available.
- You will also receive an accessible slide deck of the presentation used today.
- To access the AI captions:
  - Click the button at the bottom of the screen with the “CC” icon to start captions.



# Accessibility for this Presentation

- The ASL interpreters are already spotlighted.
- To adjust the size of the slides and speakers/interpreters in Zoom:
  - Drag the divider, inside in the red vertical rectangle in the screenshot to the right, that separates the speakers/interpreters from the slides.



# Reminders for this Presentation

If the chat is not accessible to you, please email your questions to [info@disasterstrategies.org](mailto:info@disasterstrategies.org).

## To Participate:

- Asking/responding to questions via Zoom:
  - Use the “raise your hand” button, type in chat, or unmute and talk at appropriate times.
- For technical assistance or to alert us to an issue, type in chat/raise hand.
  - Ex. “Slow down, please.”

# Reminders for this Presentation

## Friendly reminders:

- Please identify yourself before speaking.
  - Ex. “This is Shaylin, and...”
- Please avoid speaking while others are speaking.
- Please keep yourself on mute when not talking.
- Please define any acronyms you use.

# **Welcome and About Us**

# Who We Are: The Partnership

**The Partnership for Inclusive Disaster Strategies** is the only U.S. disability-led organization with a focused mission on equity for people with disabilities and people with access and functional needs throughout all planning, programs, services and procedures before, during and after disasters and emergencies.

## Your Disability & Disaster Hub



# Agreements and Goals



# Group Agreements

- Maintain confidentiality
- Ask questions
- Have fun!

# Today's Goals

## **Building your confidence in understanding:**

- People with disabilities have rights in disasters;
- What are some of those rights; and
- How to advocate for your rights.

# What You Can/Cannot Expect From This Training

## You won't:

- Become an expert on disability rights in disasters

## You will:

- Have an idea of what are some of your rights in disasters
- Know where to get answers to questions about your rights
- Have an opportunity to practice advocating for your rights

# Who is Here Today?

- Who are CIL staff?
- Who are consumers?

# **Disability Rights Laws**

# Question for You

How informed do you feel about the rights of disabled people throughout disasters in Florida and the U.S.?

1. Very informed
2. Kinda informed
3. Not informed

# Another Question for You

What is your biggest question about disability rights?

- How can we reach Deaf clients when no internet?
- When evacuated can you bring your pets?
- If no power had to evacuate to hotel/somewhere else and can't find where to go, what do you do?
- Why does it take FEMA so long to help disabled people?
- How is everyone under the sun able to discriminate against disabilities & get away with it, resources & mental health system & nobody does anything about it?

**Disability Rights are  
Civil Rights**



# What are Civil Rights?

## Disability Rights are Civil Rights

“Civil Rights are personal rights guaranteed and protected by the U.S. Constitution and federal laws enacted by Congress, such as the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990. Civil rights include protection from unlawful discrimination.”

**Civil rights of people with  
disabilities are never  
suspended, including  
during disasters!**

# Why It Is Important to Understand Our Rights

- We can't protect our rights if we don't know them.
- Others misunderstand or ignore our rights decades after the signing of the ADA and 50 years after the signing of the Rehabilitation Act.
- Disability rights will not solve everything, but knowing something about them can help you stay independent.

# Disproportionate Impact

“People with disabilities are 2-to-4 times more likely to die or be injured in a disaster than non-disabled people.”

- [United Nations](#)

“During Hurricane Katrina, Black people were 1.7 to 4 times more likely to die than white people.”

- [“Disparity in disaster preparedness between racial/ethnic groups”](#)

# Realities

Disasters in Florida and globally are increasing in numbers and severity. Knowing your rights in disasters can help keep you alive, out of nursing facilities, and independent in the community.

- It isn't "fair" that disabled people have to learn about, educate on, and enforce disability rights law, but we do.

# Disability Rights Brainstorm

What do we mean by disability rights and what some of those rights are in disasters?

## **Rights We Have:**

- Right to equal access in shelters
- Right to access to services/programs like Red Cross
- Right to accessible transportation

## **Not Rights Yet:**

# Laws that Protect People with Disabilities

Some laws protect disabled people during disasters and everyday:

- The Rehabilitation Act, Section 504
- The Americans with Disabilities Act

# Definition of Disability



# Disability Definition Brainstorm

Who is considered a person with a disability under the ADA?

## **Considered a disability:**

- Deaf and DeafBlind
- Hard of Hearing
- Mobility impairments
- Learning disabilities
- Mental health disabilities
- Intellectual disabilities

## **Not considered a disability:**

# Who has a disability?

Under the **ADA** and **section 504**, you have a disability if you:

- Are substantially limited in one or more major life activities,
- Have a history or record of such an impairment, or
- Are regarded by others as having such an impairment.

**Even if you don't identify as a person with a disability, you may have protections under the ADA/504.**

# Substantially Limits

**Substantially Limits** does not mean a severe condition, but it does mean a condition that creates an impairment when compared to most people. Determining whether a condition is substantially limiting must be done on a case-by-case basis.

**Example:** A mild allergy to pollen is not a substantially limiting condition.

# Major Life Activities

Under the ADA Amendment Acts of 2008, major life activities include:

- Caring for oneself
- Walking
- Reading
- Performing manual tasks
- Standing
- Concentrating
- Seeing
- Lifting
- Thinking
- Hearing
- Bending
- Communicating
- Eating
- Speaking
- Working
- Sleeping
- Breathing
- Major bodily functions
- Learning

# Major Life Activities

The ADA Amendment Acts of 2008, clarified that major life activities include major bodily functions including:

- Functions of the immune system;
- Normal cell growth; and,
- Digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

# Questions for You

Under the ADA/Section 504, do people have a disability if they:

- have asthma?
- have chronic fatigue?
- are Deaf?

# Reflections

Consider reflecting on these questions after this training.

- Do you have a disability under the ADA/504?
- Who are the people in your life with disabilities?
- Do you think that they identify as people with disabilities?

**Questions?**



# **Section 504 of the Rehabilitation Act**

# Section 504

Section 504 of the Rehabilitation Act applies to any agency/organization that gets money from the federal government, such as:

- State agencies
- Local government agencies (i.e., cities, towns, counties)
- Businesses
- Nonprofits or other organizations

# Section 504

- If an organization, business, or agency gets federal money, it cannot discriminate against people with disabilities.
- Programs and services must be accessible to people with disabilities.
- Section 504 obligations are nearly identical to Title II of the ADA.

# **Americans with Disabilities Act**

# Americans with Disabilities Act

Sections of the ADA:

- **Title I:** Employment
- **Title II: State and Local Government Entities**
- **Title III: Places of Public Accommodation**
- **Title IV:** Telecommunications
- **Title V:** Miscellaneous

**Today, we are just discussing Tiles II and III.**

# Americans with Disabilities Act

The ADA:

- Was passed in 1990
- Protects the civil rights of people with disabilities even when there is no federal government money involved

# Comparison: Section 504 and ADA

## Section 504:

- Federally funded agencies, programs, and activities can't discriminate against people with disabilities.

## ADA:

- **Federal money does not have to be spent** to trigger ADA.
- Title II (state and local government, including public schools) provides the same protections as section 504.

# Goals of the ADA and Rehab Act (504)

The goal of the ADA and Section 504 of the Rehab Act is to create a level playing field for people with disabilities through:

- Integration
- Full participation
- Equal opportunity



# What the ADA is Not

The ADA is not:

- A benefits program
  - People with disabilities don't get money from the ADA.
  - People with disabilities do not have to register to be protected under the ADA.
- A government agency
- An affirmative action law

**Questions?**

# **Rights in Disasters**

**Disaster-related  
programs and services  
must not discriminate  
against people with  
disabilities!**

# Programs and Services Brainstorm

What emergency and disaster-related programs can you list?

- Shelters
- Lee County Emergency Management Office
- FEMA
- Access to services
- First responders and fire department
- Law enforcement
- Volunteer CERT teams

# Emergency and Disaster-Related Programs and Services

Programs and services include:

- Planning meetings
- Early emergency alerts
- Transportation
- Shelters
- Disaster Recovery Centers (DRCs)
- Exercises and drills

# Equal Access to Disaster-Related Programs and Services

## Notification:

- Notifications **should** be interpreted into ASL and **must** be live captioned.
- Alternatives to door knocks must be used.
- Maps must be accessible.

# Emergency and Disaster-Related Programs and Services

Disaster shelters, Disaster Recovery Centers, and points of distribution must be accessible to people with disabilities.

There must be ADA compliant:

- Paths of travel
- Entrances and exits
- Registration
- Sleeping areas
- Eating areas
- Restrooms, including showers



# Emergency and Disaster-Related Programs and Services

Programs and services must provide equally effective communication.

This includes providing:

- Sign language interpreters, including for DeafBlind people
- Video Relay Interpreting (VRI)
- Accessible electronic material
- Large print

# Equal Access to Disaster-Related Programs and Services

Programs and services must make reasonable modifications to policies and practices. This includes:

- Providing quiet areas
- Admitting service animals
- Allowing and/or providing personal assistance services
- Providing dietary accommodations

# Nondiscrimination During Disasters

It is discrimination to:

- Charge for accommodations or modifications.
- Have eligibility criteria that screen out disabled people, e.g. you can't use a shelter if you use injectable meds.
- Otherwise not provide equal access to disaster-related programs and services.

# Scenario 1

You are Deaf and checking into a disaster shelter. Shelter staff indicate that you will have to communicate using notes. They ask the person with you if they can interpret.

**What should you do?**

**Is it required that there be sign language interpreters/video remote interpreting?**

## Scenario 2

You are told that you cannot check into a disaster shelter with your service dog because the shelter does not allow pets.

**What should you do?**

**Who should you contact?**

## Scenario 3

You have celiac disease, which causes you to get very ill when you eat food that contains gluten. You are told that there is no gluten-free food available in the shelter where are staying.

**What should you do?**

**Questions?**

# **“Special Needs” Registries and Shelters**



# Special Needs Registries and Shelters

Disclaimers and clarifications:

- The Partnership does not support the idea of “special” registries for disabled people in disasters.
- The Partnership does not support the outdated term “special needs.”
- Florida has a law that requires special needs registries.
  - Florida is the only state that mandates a “special” registry for disabled people in disasters.

# Florida Special Needs Registries and Shelters

Main purpose of special needs registry and shelters include:

- Access to transportation to shelter
- Guaranteed power
- Special needs shelters can provide additional medical services that general population shelters may not have

# Florida Special Needs Registry

In Florida, to get access to a “special needs shelter,” people should be registered on the [Florida Special Needs Registry](#).

Completing the Florida Special Needs Registry does not mean you will automatically qualify for a special needs shelter.

People with disabilities are encouraged to register before an event to try to ensure transportation, but if a disabled person shows up at a special needs shelter they shouldn't be turned away and the individual should be added to the registry on the spot.

# Florida Special Needs Registry

“... During an emergency, the government and other agencies may not be able to meet your needs. You should be prepared to take care of yourself and loved ones for a minimum of 72 hours. Those individuals with a special need are encouraged to identify an emergency support network and to build a disaster supply kit.

**Registering on this website is not a guarantee that emergency officials will be able to assist you in an emergency.”**

# Florida Special Needs Shelters

## Eligibility for Special Needs Shelters

- “People with special medical needs
- People whose care exceeds the basic first aid provided at general population shelters
- People with impairments or disabilities who are medically stable and do not require medical care
- People with disabilities are not required to go to a Special Needs Shelter. Some people with disabilities can be safely accommodated in a general population shelter.”

# Special Needs Registries and Shelters

- Promote segregated services
- Contradict ADA integration requirements
- Increase institutionalization

# Registries are...

- Costly
- Not always used in disasters, nationwide
- Based on the assumption that disabled people are always at home

**Registries create false expectations.**

## Scenario 4

You have been evacuated from your home because it was damaged from a hurricane. Your local shelter tells you to go to a “special needs” shelter. You want to stay at the local shelter with your family.

**What do you do?**

**Who do you contact?**



## Scenario 5

You live independently at home. You use a ventilator while sleeping. You have registered for the special needs shelter. When you try to check into the shelter they tell you that you are too “medically involved” and that you should temporarily go to an assisted living facility.

**What should you do?**

**Who do you contact?**

**Questions?**

# **Institutionalization During and After Disasters**

# Brainstorm

Why are institutions bad for people with disabilities?

Isolation

Lack of proper healthcare

Fall through the cracks

Hospitalization / further institutionalization

Victimization

# Why Institutions Are Bad for People with Disabilities

People in institutions:

- Lose independence
- Lose jobs
- Lose homes
- Lose community connections, social networks
- Get sick
- Die earlier

# Institutionalization During and After Disasters

People can be institutionalized:

- Under 1135 waivers from:
  - Their homes if they call 911 because they don't have a personal assistant
  - Emergency rooms / departments
  - Hospital rooms if it will benefit another patient
- By civil commitment under the Baker Act
- From shelters

**People with disabilities  
have the right to services  
in the most integrated  
setting appropriate to their  
needs.**

- **Olmstead Supreme Court decision**

## Scenario 6

You have quadriplegia and use a power wheelchair for mobility. You need a personal assistant to assist you in transferring and you need an accessible cot. You are told that you can sleep in your chair or go to a nursing facility.

**What should you do?**

**Who do you contact?**



# Scenario 7

You are told by local authorities that they will “Baker Act” you if you do not evacuate due to a hurricane. You feel that if you go to a shelter you will also be committed because your behavior in stressful situations may make others feel uncomfortable.

**What do you?**

**Who do you contact?**

# **Disability Rights During Disasters Review**

# Disability Rights in Disasters: Review

Whenever disaster-related programs and services are provided to the general public, they must be accessible to and inclusive of people with disabilities.

- Shelters cannot deny you entry because you're disabled.
- You have the right to physically accessible and otherwise ADA compliant shelters.
- You have the right to equally effective communication.
  - Examples: sign language interpreters, large print, Braille

# Disability Rights in Disasters: Review

- You have the right to request reasonable modifications of policies or practices.
- You have the right to bring your service animal with you in a shelter, disaster recovery center, or other public places providing disaster-related programs and services.
- You have the right not to go into a facility if you don't want.

**Disability rights are NEVER suspended in disasters!**

# Tips to Stay Out of a Special Needs Shelter During a Disaster

- Know your rights. You have the right not to go into a special needs shelter if you don't want.
- If you go to a special needs shelter, don't separate from loved ones.
- Keep a contact list of friends, family, neighbors, and advocates with you.
- Have a plan for non-institutional places you can evacuate to in a disaster.

**Questions?**

# Resources

- [Center for Independent Gulf Coast](#)
- [Disability Rights Florida](#)
- [Southeast ADA Center](#)
- [American Red Cross South Florida Region](#)
- [211 Helpline](#)
- [FL Division of Emergency Management \(DEM\)](#)
- [FL DEM Access and Functional Needs Planning](#)
- [FL Voluntary Organizations Active in Disasters \(VOAD\)](#)

# Resources

- [Disability Rights and Immigrant Rights in Disasters](#)
- [How to File Civil Rights Complaint](#)
- [Redirecting Emergency Registries: Community Driven Solutions](#)
- [Preserving Our Freedom: Ending Institutionalization of People with Disabilities During and after Disasters \(NCD\)](#)
- [Disability & Disaster Hotline](#)



# Questions for You

- What is the most important thing you learned today?
- What are some other facts you have learned in this training?
- How can you now better support yourself or consumers throughout disasters?

# Next Trainings

- 5/23 at 1pm ET - Personal Disaster Preparedness
- 5/30 at 1pm ET - FEMA Individual Assistance (IA) Reforms





**THE PARTNERSHIP**  
FOR INCLUSIVE DISASTER STRATEGIES

# Thank you!

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