[Date]

Administrator Deanne Criswell

Federal Emergency Management Agency

500 C Street, SW.

Washington, DC 20472

Re: 44 CFR Part 206 [Docket ID FEMA–2023–0005] RIN 1660–AB09

Comments on Update of FEMA's Public Assistance Regulations

**Dear Administrator Criswell,**

[Name of organization] appreciates the opportunity to submit comments on the proposed rule to update FEMA’s Public Assistance regulations.

[About the organization]

Thank you for expanding the list of “eligible Private Nonprofit (PNP) facility” for FEMA Public Assistance reimbursement. However, the current definition of an “eligible Private Nonprofit (PNP) facility” is not broad enough. It does not encompass private nonprofit organizations that are vital in providing services to people with disabilities and older adults. Organizations that should be included as PNPs that may receive FEMA Public Assistance reimbursement are Centers for Independent Living, as well as Protection and Advocacy Systems, Councils on Developmental Disabilities, University Centers for Excellence in Developmental Disability, Assistive Technology programs, ADA Centers, Aging and Disability Resource Centers, and Area Agencies on Aging. All of these disability/older adult focused organizations have assisted people with disabilities in disaster preparedness, response, and recovery. This assistance has included force multiplying and amplifying critical information, conducting virtual and door-to-door wellness checks, providing and arranging for personal assistance services, coordinating and providing accessible transportation, replacing durable medical equipment and other disability supplies, and acting as community hubs for charging and distribution centers, along other emergency protective measures. (Eligible emergency protective measures under Public Assistance Programs and Policy Guidelines ([PAPPG](https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf): pg. 110-111).

Centers for Independent Living (CILs) are particularly well situated to be recognized as eligible PNPs for reimbursement of emergency protective measures provided to people with disabilities and others with access and functional needs throughout disasters. The Administration for Community Living defines [Centers for Independent Living](https://acl.gov/programs/aging-and-disability-networks/centers-independent-living#:~:text=Centers%20for%20Independent%20Living%20(CILs,array%20of%20independent%20living%20services.) (CILs) “as consumer-controlled, community-based, cross-disability, nonresidential private non-profit agency that are designed and operated within a local community by individuals with disabilities, and provides an array of independent living services.”

[**There are more than 400**](https://ncil.org/about/aboutil/) **Centers for Independent Living** **across the country**, which are consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies that provide Independent Living (IL) services.

At a minimum, CILs are required to provide the following IL core services:

* Information and referral;
* Skills training;
* Peer support;
* Individual and systems advocacy; and
* Transition from nursing facilities and other institutions to the community, diversion from being institutionalized, and facilitate transition of youth to postsecondary life.

“[CILs also may provide](https://acl.gov/programs/aging-and-disability-networks/centers-independent-living#:~:text=Centers%20also%20may,continue%20in%20employment), among other services: psychological counseling, assistance in securing housing or shelter, personal assistance services, transportation referral and assistance, physical therapy, mobility training, rehabilitation technology, recreation, and other services necessary to improve the ability of individuals with significant disabilities to function independently in the family or community and/or to continue in employment.”

“[Each state and U.S. territory](https://acl.gov/programs/aging-and-disability-networks/statewide-independent-living-councils) is required to maintain a Statewide Independent Living Council (SILC). The SILC and the Centers for Independent Living (CILs) within the state develop a State Plan for Independent Living (SPIL). The SPIL is a document required by law that indicates how the Independent Living (IL) Network is going to improve independent living services for individuals with disabilities over the next three years. It identifies the needs and priorities of consumers, providers, and other stakeholders and sets forth goals and objectives to respond to them.”

Many states and territories include emergency preparedness, response, and recovery as part of their SPIL. The SPIL goals serve as a guiding framework for CILs to provide a unique role in their local communities. However, activities that extend beyond the federally funded core services often remain unfunded, including critical emergency preparedness, response, and recovery efforts.

Goals under the SPIL often cover a variety of aspects of emergency management, and can include:

* “Disaster Preparedness/Response/Recovery Resulting in Systemic Change. People with disabilities will have equal access to the community resources as a result of, but not limited to, disasters, natural (Example: hurricane or pandemic), human-made (Example: terrorism, civil unrest, or a mass shooting), or technological (Example: chemical spills, power outages, or mass cybersecurity breach)” - Florida State Plan for Independent Living
* "During times of emergency, Centers work collaboratively to assist people with disabilities to coordinate services with local community partners" - Texas State Plan for Independent Living
* “AZSILC engages in environmental justice education, outreach, and advocacy related to existing or emerging environmental impacts on the disability community, such as: climate change, air pollution, toxic exposure, extreme heat, epidemics and pandemics, and public safety threats.” - Arizona State Plan for Independent Living

Having disaster/emergency related goals in the SPILs encourages CILs to support consumers prepare for, respond to, and recover from disasters and emergencies.

In past disasters, CILs and other disability and aging organizations have helped people with disabilities during disaster response, for example:

* Transporting and pre-positioning equipment and other resources for response;
* Distributing supplies and commodities;
* Medical care and transport;
* Evacuation and sheltering,
* Search and rescue to locate people with disabilities survivors, household pets, and service animals requiring assistance;
* Use or lease of temporary generators for facilities that provide essential community services; and
* Dissemination of accessible information to the public to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns.

All of these are listed as eligible emergency protective measures under Public Assistance Programs and Policy Guidelines ([PAPPG](https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf): pg. 110-111).

In disasters [Your CIL/org] has [list things you have done or would do to help people with disabilities in response to disasters]:

In addition to offering the services listed above and more to disabled disaster survivors, CILs have specific expertise. CILs know how to provide services in ways that are compliant with ADA and section 504 obligations. This means they are located in a physically compliant venue, and know how to procure auxiliary aids and services such as sign language interpreters and material in accessible format, along with being familiar with the legal rights of people with disabilities during disasters. It also means CILs have deep familiarity with the local disability community and may be able to assist with locating disabled community members and because they have a relationship with individuals, they better understand their needs. Because they are trusted sources, the disability community may be more inclined to visit CILs whether it be virtually or physically, and to give credence to instructions and information provided by CILs.

This can also be said for Protection and Advocacy Systems, Councils on Developmental Disabilities, University Centers for Excellence in Developmental Disability, Assistive Technology programs, ADA Centers, Aging and Disability Resource Centers and the Area Agencies on Aging serve a similar purpose for older adults.

Explicitly recognizing that CILs and other disability and aging focused organizations are eligible private nonprofit for Public Assistance will support the resiliency of disability and aging communities. Whole community recovery cannot be achieved until everyone including people with disabilities and older adults can recover. CILs and other disability and aging nonprofits that are compensated for their services can provide the bridge to disability community recovery, and thus whole community recovery.

Thank you for considering our comments and recommendations, which aim to ensure that FEMA's Public Assistance regulations fully include and support organizations vital to people with disabilities and older adults.

[Org Representative Name and Title]