THE PARTNERSHIP
FOR INCLUSIVE DISASTER STRATEGIES

Inclusive Emergency Management Crash Course Part 2:

What DSIL Needs to Know to Advocate at Emergency Management Tables

www.disasterstrategies.org

Accessibility for this Presentation

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"

- If the chat is not accessible to you, please submit your questions to priya@disasterstrategies.org.

Accessibility for this Presentation

Friendly reminders:

- Please identify yourself before speaking.

  - Ex. "This is Priya, and..."

- Please avoid speaking while others are speaking.

- Please <u>keep yourself on mute</u> when not talking.

- Please avoid using acronyms.

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

Ground Rules

- Maintain confidentiality

- Ask questions

- Have fun!!!

Goals for Training Parts 1 and 2

Building your confidence in understanding how to:

- Utilize disaster-related terms and concepts;

- Navigate emergency management and federal disaster process;

- Advocate for disability rights to local, county, tribal, state, federal emergency management officials; and

- Maintain or secure your seat at Emergency Management tables.

Civil Rights Obligations

Nondiscrimination During Disasters

"The U.S. Department of Homeland Security (DHS) reminds its recipients... of their obligations to ensure that individuals and communities affected by disasters do not face unlawful discrimination in the provision of federally assisted services to disaster survivors."

- U.S. Department of Homeland Security (DHS)

Civil Rights Laws and Court Decisions

Rehabilitation Act of 1973 (Rehab Act)

29 U.S.C. § 701 et seq.

Section 504

Creates the obligation not to discriminate against people with disabilities for recipients and subrecipients of federal funds.

Civil Rights Laws and Court Decisions

Americans with Disabilities Act (ADA)
42 U.S. C. § 12102 et seq.

Protects the rights of people with disabilities
including during disasters

Civil Rights Laws and Court Decisions

Olmstead Decision (1999)

Olmstead v. L. C., 527 U.S. 581

Supreme Court decision that stated that people with disabilities must receive services in the most integrated setting appropriate to their needs.

Civil Rights Laws and Court Decisions

**21st Century Communications
and Video Accessibility Act (CVAA)**
Public Law 111–260

Updates federal communications law to increase the access of persons with disabilities to modern communications.

Civil Rights Laws and Court Decisions

Individuals with Disabilities Education Act (IDEA)
20 U.S.C. § 1400 (2004)

Requires a free and appropriate public education for children with disabilities between 3 and 21.

Civil Rights Laws and Court Decisions

Other Laws:

- Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)

- Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA)

- Integrated Public Alerts and Warnings Systems Act (IPAWS)

- Fair Housing Amendments Act

Civil Rights of people with disabilities are NEVER suspended, including during disasters!

Protected Area

On October 27, 2021, DHS Secretary Mayorkas issued a new policy to Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP):

> "To the fullest extent possible, we should not take an enforcement action in or near a location that would restrain people's access to essential services or engagement in essential activities. Such a location is referred to as a 'protected area'."

Protected Area

A place where disaster or emergency response and relief is being provided, such as:

- Along evacuation routes;

- Where shelter or emergency supplies, food, or water are distributed; and

- Registration for disaster-related assistance or family reunification is underway."

Questions?

Equal Access to Emergency and Disaster-Related Programs and Services

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

Emergency and Disaster-Related Programs and Services

Programs and services must be accessible, including:

- Planning meetings
- Early emergency alerts
- Transportation
- Shelters
- Disaster Recovery Centers (DRC)
- Exercises

Emergency and Disaster-Related Programs and Services

Programs and services must provide equally effective communication, including using:

- Sign-language, including tactile, interpreters

- Video Relay Interpreting (VRI)

- Electronic material that is accessible

- Large Print

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

Equal Access to Disaster-Related Programs and Services

Evacuation:

- Building evacuation

- Geographic area evacuation

Shelters must not discriminate based on disability

Equal Access to Disaster-Related Programs and Services

This includes:

- Physical accessibility
  - Includes ADA-compliant path of travel, toilets, shower, cots, registration, and all spaces

- Equally effective communication
  - Video/on-site interpreters, print materials in multiple formats, signage alternatives, announcements, etc.

Equal Access to Disaster-Related Programs and Services

This includes:

- Reasonable modifications to policies and practices could include:
  - Providing quiet areas
  - Admitting service animals
  - Allowing and/or providing personal assistance services
  - Providing dietary accommodations
  - Plain language and pictograms

Disaster-related programs and services must be provided in the most integrated setting most appropriate to the needs of the person with a disability

Special Needs Registries & Shelters

Disclaimers and clarifications

- The Partnership does not support the concept 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 Registry

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

- 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.

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

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."

Florida Special Needs Registries & Shelters

Main purpose of special needs registry and shelters

- Access to transportation to shelter

- Guaranteed power

- Special needs shelters can provide additional medical services that general population shelters may not have

Special Needs Registries and Shelters

- Promote segregated services

- Contradict the *Olmstead* integration mandate

- Increase institutionalization

- **Provide an advocacy opportunity**

Registries are...

- Costly

- Not always used in disasters, nationwide

- Based on the assumption that disabled people are always at home

Registries create false expectations.

Questions?

Institutionalization During and After Disasters

Institutional Bias

The unconscious or conscious belief that people with disabilities belong or are better off in institutions, such as nursing facilities.

Ageism is often, but not always, a factor.

Institutionalization During and After Disasters

Examples of institutional bias:

- Certain waivers

- Use of civil commitment under the

Institutionalization During and After Disasters

Examples of waivers with an institutional bias.

- In recent disasters, Centers for Medicare and Medicaid (CMS) issued blanket 1135 waivers so that a 3-day hospital stay is no longer required before a person is transferred to a long-term care facility.

  - Nursing facility pre-admission screening and minimum data set (MDS) are waived.

Institutionalization During and After Disasters

Under 1135 waivers, people can be placed in nursing facilities from:

- Their homes if they call 911 because they don't have a personal assistant

- Shelters, including special needs shelters

- Emergency rooms / departments

- Hospital rooms if it will benefit another patient

Institutionalization During and After Disasters

Consequences of institutionalization:

- People lose their independence

- People get lost

- People get sick

- People lose their social networks, jobs, and homes

- People die

The Charity Model in Disasters

Charity Model

The charity model in disaster response is the traditional approach of providing aid to disaster-affected communities primarily through donations, relief supplies, nonprofits, and emergency services.

The charity model often leaves out people with disabilities.

Charity in Disasters

Organizations that respond in times of disasters:

VOAD: Voluntary Organizations Active in Disasters

COAD: Community Organizations Active in Disasters

They are coalitions of organizations that respond to disasters. Their goal is to facilitate cooperation, communication, coordination, and collaboration.

- Florida VOAD

- Volusia COAD

Charity in Disasters

Disability-related needs are left to volunteers:

Durable medical equipment, consumable medical supplies, and other disaster resources are referred for donations and charitable solutions.

We should not have to rely on charity to maintain our health and independence

Recovery

Individual and Household Disaster Recovery

Includes:

- Temporary and permanent housing

- The household's recovery

- Resuming daily routine (work, school, transportation, childcare, groceries, health maintenance, etc.)

Community Recovery

Includes:

- Rebuilding the community
  - Universal Design
- Transportation
- Housing
- Education

- Jobs
- Childcare
- Mitigation
- Disaster Resilience

Having a Seat at the Emergency Management Table

- Stay involved in the planning stage

  - Exercises

  - Comprehensive Emergency Management Plan

- Maintain your seat at local county and state emergency operations centers (EOCs)

Having a Seat at the Emergency Management Table

You're doing this, keep doing it!

- Invite yourselves AND build the table

- Embed yourselves

- Maintain and nurture relationships

- Invite Emergency Management staff to your events

Remember:
Nothing About Us Without Us!

Questions?

Training Schedule

✓ 9/6 & 9/8 - Inclusive Emergency Management Crash Course

➤ <u>9/27 - Disability Rights in Disasters</u>

➤ 10/18 - Personal Disaster Prep for Disabled People

➤ 11/8 - Dangers of False Expectations

➤ 11/29 - Addressing Institutionalized Racism in Emergency Management

➤ 12/7 - Disability Bias in Emergency Management

➤ 1/10/24 - Developing a Continuity of Operations Plan (COOP)

Thank you!

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Resources

- Federal Emergency Management Agency (FEMA)

  - Individual Assistance

  - Federal Disaster Declarations

  - Office of Disability Integration and Coordination

- FEMA Region 4 Disability Integration Specialist: Vacant

  - Contact Mary Hudak: fema-r4-external-affairs@fema.dhs.gov

Resources

- [FL Division of Emergency Management](#)

- [FL DEM Access and Functional Needs Planning](#)

- [FL Department of Health Access and Functional Needs Resources](#)

- [FL VOAD](#)

- [Red Cross of Central Florida](#)

- [211](#) / [United Way](#)

- [311](#)

Resources

- [Southeast ADA Center](#)

- [Preserving Our Freedom: Ending Institutionalization of People with Disabilities During and after Disasters (NCD)](#)

- [Disability & Disaster Hotline](#)

- [Redirecting Emergency Registries: Community Driven Solutions](#)

- [Accessible Points of Distribution (PODs) Reminders](#)

- [How to File Civil Rights Complaint](#)

Acronyms

- AFN: Access and Functional Needs

- CMS: Centers for Medicare and Medicaid

- CMS: Consumable Medical Supplies

- COAD: Community Organizations Active in Disasters

- DME: Durable Medical Equipment

- ESF: Emergency Support Function

- FEMA: Federal Emergency Management Agency

Acronyms

- IA: FEMA Individual Assistance

- PA: FEMA Public Assistance

- NIMS: National Incident Management System

- TSA: Transitional Sheltering Assistance

- VALS: Voluntary Agency Liaison Specialists

- VOAD: Voluntary Organizations Active in Disasters