



South Dakota Emergency Management Disability Awareness Training

Proper planning, preparedness, response, and recovery and your legal obligations

October 5 & 6, 2022 9:00am-5:00pm CST [Click Here to Register](#)

Place: Pennington County Emergency Management EOC

130 Kansas City Street, Suite 130 Rapid City, SD 57701

October 6, 2022 1:00pm-5:00pm CST [Click Here to Register](#)

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This program will provide you with the information necessary to address the need areas of persons with disabilities and access and functional needs as it relates to both legal obligations, as defined by the Americans with Disabilities Act (and other related laws), and moral intentions to serve the whole community. Content includes FEMA Access and Functional Needs guidance and lessons learned from lawsuits and citations levied against municipal EMOs

“Unfortunately, despite the obvious importance of accounting for the unique needs of individuals with disabilities in planning emergencies, New York City’s emergency plans, **like many state and local emergency plans throughout the nation**, fail to do so.” *Judge statement in ruling on NYC lawsuit – Brooklyn Center for Independence vs Bloomberg*

Litigation re: planning for People with Disabilities and Access and Functional Needs – Issues across Lawsuits:

- Building Evacuation
- Accessible Transportation
- Shelters and Evacuation Centers
- Power Outages
- Communications
- Recovery

One of the most important roles of local government is to protect their citizenry from harm, including helping people prepare for and respond to emergencies. Making local government emergency preparedness and response programs accessible to people with disabilities is a critical part of this responsibility. Making these programs accessible is also required by the Americans with Disabilities Act (ADA) of 1990 – *US DOJ Civil Rights Division, Disability Rights section*

Federal law mandates that emergency planning, preparedness, response and recovery must include appropriate and accurate content that address people with disabilities and access and functional needs. This is explicitly built into the ADA and expanded upon in the Post-Katrina Act.

US DOJ, in its agreements with municipalities through Project Civic Access, have levied citations specific to Emergency Management and its Policies and Procedures. Here is one municipality's agreement with US DOJ

- The County's Emergency Operation Plan must comply with the ADA
 - a. EOP's will include procedures to solicit, receive, and use input from people with a variety of disabilities.
 - b. Community evacuation plans to enable people who have mobility disabilities, are blind or have low vision, are deaf or hard of hearing, have cognitive disabilities, mental illness to safely self-evacuate or be evacuated by others.
 - c. emergency warning system effective for the deaf/heard of hearing
 - d. emergency shelters have a back-up generator and a way to keep medications refrigerated (such as a refrigerator or a cooler with ice). Access to back-up power and refrigeration at such shelters will be made available to people whose disabilities require access to electricity and refrigeration,
 - e. procedures ensuring that people who use service animals are not separated from their service animals when sheltering during an emergency. The procedures will not segregate people who use service animals from others but may take into account the potential presence of people who, for safety or health reasons, should not be in contact with certain types of animals.
 - f. plans for providing equivalent opportunities for accessible post-emergency temporary housing to people with disabilities. The County will ensure that information it makes available regarding temporary housing includes information on accessible housing (such as accessible hotel rooms within the community or in nearby communities) that could be used if people with disabilities cannot immediately return home after a disaster if, for instance, necessary accessible features such as ramps or electrical systems have been compromised.

"My experience tells me if we wait and plan for people with disabilities after we write the basic plan, we fail." Craig Fugate, FEMA Administrator - Washington, DC August 4, 2009 – testifying before the Senate Ad hoc committee on Disaster Recovery



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