

# Universal Accessibility, Emergency Preparedness and Disaster Response

Gaps, Opportunities and Imperatives  
for the Whole Community

**Paul Timmons, Marcie Roth & Melissa Marshall, Esq.**  
Partnership for Inclusive Disaster Strategies  
Portlight Inclusive Disaster Strategies  
This Session will begin at 2 PM ET



## About Your Hosts...

- TransCen, Inc.
  - Mission Statement: Improving lives of people with disabilities through meaningful work and community inclusion
- Mid-Atlantic ADA Center, a project of TransCen, Inc.
  - Funded by National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), Administration for Community Living, U.S. Department of Health and Human Services



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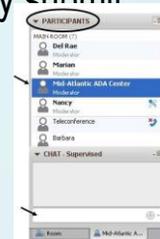
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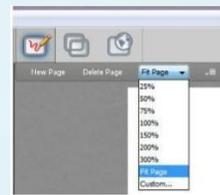
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- Requests for certificate of participation must be received no later than **12 pm EDT on Friday August, 25th.**

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# **Universal Accessibility, Emergency Preparedness and Disaster Response**

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for the Whole Community**

**Paul Timmons, Marcie Roth & Melissa  
Marshall, Esq.**

**Partnership for Inclusive Disaster Strategies  
Portlight Inclusive Disaster Strategies**



# Portlight Inclusive Disaster Strategies and the Partnership for Inclusive Disaster Strategies

Portlight Strategies' and the Partnership for Inclusive Disaster Strategies share a mission to provide advocacy, community engagement, disaster services in support of disability community leaders, and to foster universally designed and inclusive emergency planning, disaster response, relief, recovery and mitigation for disaster survivors with all types of access and functional needs .

## Portlight Inclusive Disaster Strategies and the Partnership for Inclusive Disaster Strategies

Our core values of equal access, inclusion and independence continually guide our work, modeling inclusion of each individual as a whole person, rather than their perceived “special” needs. We are working towards a future where planning, alerts, evacuation, shelter, health maintenance and recovery are accessible to all, led by the active involvement of people with disabilities and fully informed by the community as a whole.

## Partnership for Inclusive Disaster Strategies

The priorities of the Partnership for Inclusive Disaster Strategies (the Partnership) include

- Community engagement and organizing
  - Advocacy and public policy leadership
  - Training and education
  - Technical assistance
- before, during and after disasters.

# Portlight Inclusive Disaster Strategies

The priority focus of Portlight Strategies is:

- Disaster response
- Disaster relief

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Danger Opportunity

**JOHN F. KENNEDY**

"WHEN WRITTEN IN CHINESE, THE WORD "CRISIS" IS COMPOSED OF TWO CHARACTERS-ONE REPRESENTS DANGER, AND THE OTHER REPRESENTS OPPORTUNITY."

## Disaster Hotline

The Hotline was established by Portlight and the Partnership for Inclusive Disaster Strategies.

We are partnering with Trach Mommas of Louisiana and volunteer disability experts who are staffing the hotline, providing information, referral and technical assistance for disaster survivors and service providers.

This includes providing distribution of equipment and supplies in collaboration with The Pass It On Center and Protect Texas Fragile Kids

## Disaster Hotline

- Launched on August 26, 2017 in response to Hurricane Harvey
- The Hotline has responded to over 3000 calls from survivors of Hurricanes Harvey, Irma and Maria and the CA wildfires
- The Hotline is like a plane that was “built as we were flying it”
- Calls are referred to the Hotline from FEMA, 211, 311, Red Cross, media, donors and other organizations and individuals

## Hotline Disaster Survivor Resources

- Information and Referral
- Technical Assistance
- Disability – Related Equipment
  - Durable Medical Equipment (DME)
  - Consumable Medical Supplies

## Hotline Callers Needs

- Rescue and rescue verification
- Food and water
- Health maintenance
- Medical care
- Housing
- Transportation
- Disaster services
- Navigating complex recovery programs
- Replacement of damaged or destroyed
  - mobility devices,
  - assistive technology,
  - Disability and medical supplies
- Support to remain in the most integrated setting
- Support in getting students with disabilities back to school with supports in place

## Hotline Callers

- Physical/ Mobility Disabilities
- Deaf/Hard of Hearing
- Blind/ Low Vision
- Mental Health Conditions
- Dementia
- Cognitive Disabilities
- Intellectual Disabilities
- Autism Spectrum
- Learning Disabilities
- Chronic Health Conditions
- Older adults
- Families with children
- Individuals with limited English proficiency

## Hotline Callers

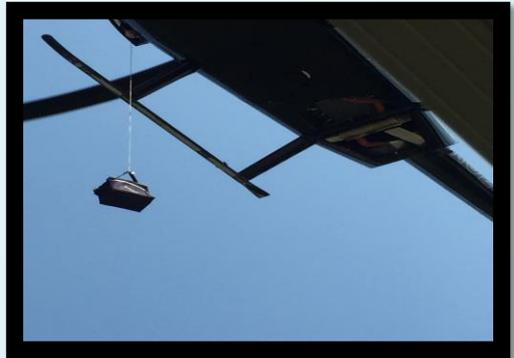
Poverty underlies many hotline calls, particularly more recent calls.

This includes people with disabilities who:

- Experienced homelessness before the disaster
- Lost their savings due to evacuation costs
- Do not have funds for security deposits
- Are having difficulty obtaining accommodations to appeal service denials

## Hotline Continues to Receive Calls

- Harvey
- Irma
- Maria
- Wildfires



**Disaster Response**  
August, 2017





## Disaster Response

September, 2017



# Disaster Response

October, 2017



# Disaster Response

Portlight in Puerto Rico, October 2017

<https://www.facebook.com/rootedinrights/videos/1530404470381837/>

# Public Policy



## Legislative Recommendations

1. Disaster relief fund for Independent Living Centers and other consumer-controlled community disability and aging organizations -1 billion dollars over five years
2. Establish a National Center for Excellence in Inclusive Disability and Aging Emergency Management.
3. Directives and resources to the US Department of Justice to monitor and enforce the use of disaster funds to ensure civil rights compliance.
4. Department of Homeland Security grant funds for qualified and experienced statewide Access and Functional Needs Coordinators for all states and territories.
5. Establish an American Independence Corps, similar to FEMA Corps, to carry out planning and preparation activities in each State and Territory.
6. Exempt the cost of disability related repairs and replacement from the FEMA grant ceiling.
7. Direct FEMA and the Administration on Community Living to lead a coordinated, disability led government, non-government and private effort aimed at achieving on-going planning, preparation, and implementation of these recommendations.

# Public Policy



# Global Disability Inclusive Disaster Risk Reduction

Children and adults with disabilities are 2-4 times more likely to be injured or die in a disaster due to a lack of planning, accessibility and accommodation, most are not due to diagnostic labels or medical conditions.”

-United Nations Sendai Framework for Disaster Risk Reduction - 2015-2030

## Sendai Framework

Recognizes that not only are persons with disabilities disproportionately affected by disasters, but – crucially – that their knowledge and leadership skills are essential for building resilient, inclusive and equitable societies.

## Inclusive Disaster Risk Reduction

“Disaster risk reduction practices need to be multi-hazard and multisectoral, inclusive and accessible in order to be efficient and effective. While recognizing their leading, regulatory and coordination role, Governments should engage with relevant stakeholders, including women, children and youth, persons with disabilities, poor people, migrants, indigenous peoples, volunteers, the community of practitioners and older persons in the design and implementation of policies, plans and standards.”

-United Nations Sendai Framework for Disaster Risk Reduction - 2015-2030

## Federal Laws

- Civil Rights Act of 1964
- Architectural Barriers Act of 1968
- Rehabilitation Act of 1973
- Individuals with Disabilities Education Act (EHA) of 1975
- Stafford Act of 1988
- Fair Housing Act Amendments of 1988
- Americans with Disabilities Act of 1990
- Telecommunications Act of 1996
- Pandemic and All Hazards Preparedness Act of 2006
- Post Katrina Emergency Management Reform Act of 2006
- Twenty-first Century Communications and Video Accessibility Act of 2010

## Federal Law

- The Rehabilitation Act of 1973 protects the civil rights of persons with disabilities. It prohibits discrimination on the basis of disability by the federal government, federal contractors, and by recipients of federal financial assistance.
- Any recipient or sub-recipient of federal funds is required to make their programs accessible to individuals with disabilities. Its protections apply to ALL programs and businesses that receive ANY federal funds.
- This applies to all elements of physical/architectural, programmatic and effective communication accessibility in all services and activities conducted by or funded by the federal government.

# Emergency Preparedness Rule

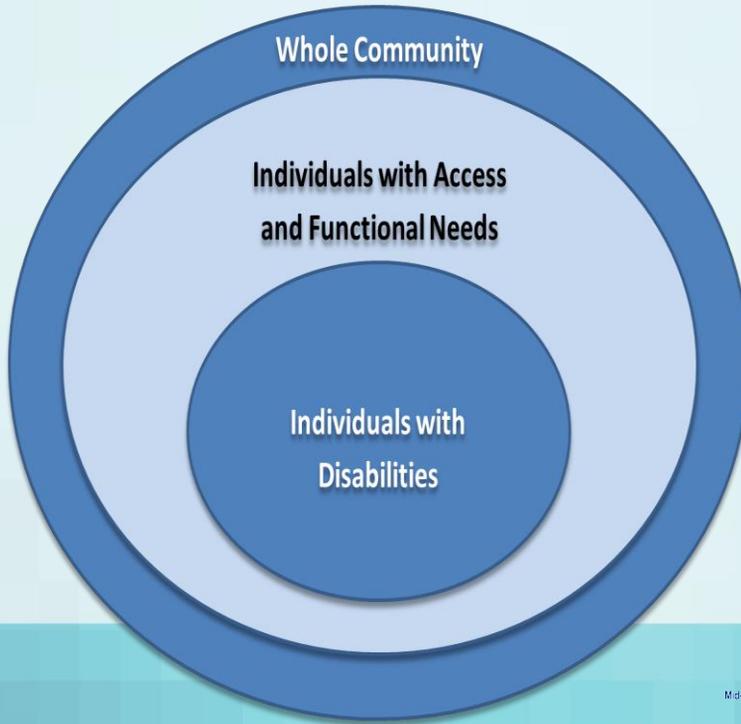
## Purpose:

To establish national emergency preparedness requirements to ensure adequate planning for both natural and man-made disasters, and coordination with federal, state, tribal, regional and local emergency preparedness systems.

## Emergency Preparedness Rule

- In September 2016 the Centers for Medicare and Medicaid Services (CMS) published new federal regulations that went into effect in November 2016.
- The updated emergency preparedness rule applies to 17 provider and supplier sectors of the US health care system participating in Medicare and Medicaid and is a condition of participation and a condition of coverage.
- All applicable requirements of this rule must be implemented by November 15, 2017.
- Failure to comply may result in citation for non-compliance and loss of Medicare or Medicaid reimbursement.

# Whole Community



## Access and Functional Needs

- Children and adults with physical, mobility, sensory, intellectual, developmental, cognitive, or mental disabilities
- Older adults
- People with chronic or temporary health conditions
- Women in the late stages of pregnancy
- People with limited English proficiency, low literacy or additional communication needs
- People with very low incomes
- People without access to transportation
- People experiencing homelessness
- Others

## National Preparedness Goal – July 2014

“By providing the necessary knowledge and skills, we seek to enable the whole community to contribute to and benefit from national preparedness. Whole community contributors include children; older adults; individuals with disabilities and others with access and functional needs; those from religious, racial, and ethnically diverse backgrounds; people with limited English proficiency; and owners of animals including household pets and service animals.”

## National Preparedness Goal – July 2014

“Given the scope and magnitude of a catastrophic incident, waivers, exceptions, and exemptions to policy, regulations, and laws may be available in order to save and sustain life, and to protect property and the environment. However, any such waivers, exceptions, and exemptions must be consistent with laws that preserve human and civil rights and protect individuals with disabilities and others with access and functional needs...”

## National Preparedness Frameworks – July 2014

“All activities in support of the National Preparedness Goal... must be consistent with all pertinent statutes and policies, particularly those involving privacy and civil and human rights, such as the Americans with Disabilities Act of 1990, Rehabilitation Act of 1973, and Civil Rights Act of 1964.”

## National Disaster Recovery Framework

- Involve community, cultural and disability organizations, such as independent living organizations, protection and advocacy agencies and disability agencies in recovery planning efforts and all recovery committee types.
- Integrate disability and access and functional needs considerations into housing, economic and workplace development, health care, child care, transportation and infrastructure strategies

## National Disaster Recovery Framework

The nonprofit sector plays a vital role in the recovery of impacted communities. This includes voluntary, faith-based and community organizations, charities, foundations and philanthropic groups as well as professional associations and academic institutions.

The formidable value of the work of these stakeholders resides in community recovery planning, case management services, volunteer coordination, behavioral health and psychological and emotional support, technical and financial support, housing repair and **construction that meets accessibility/universal design standards**, and project implementation.

## Community Resilience

Resilience is the ability to anticipate risk, limit impact, and bounce back rapidly through survival, adaptability, evolution, and growth in the face of turbulent change.

## Community Resilience

Only achievable with a full  
commitment to universal design  
for equal access and whole  
community inclusion

## Universal Design

“The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

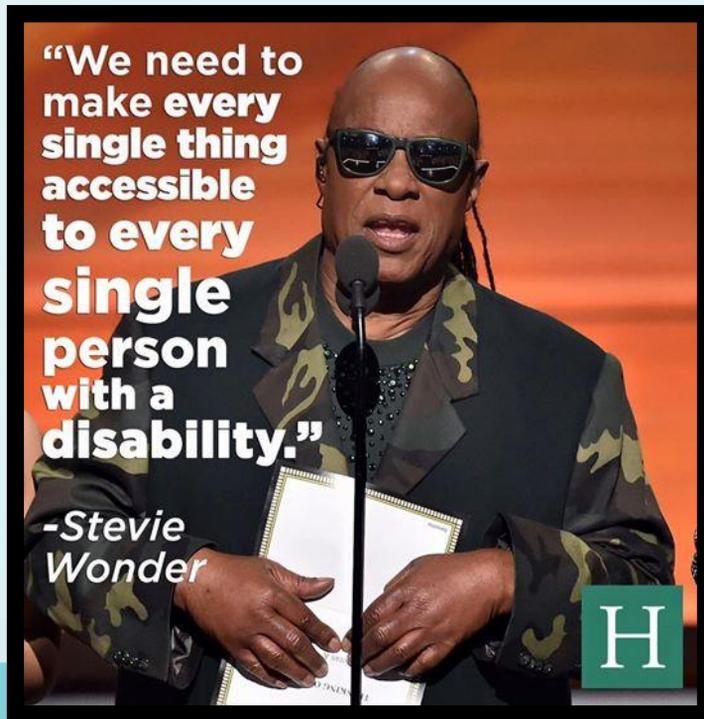
The intent of universal design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost. Universal design benefits people of all ages and abilities

-The Center for Universal Design at North Carolina State University

## Major Gaps In Disability Inclusive Emergency Preparedness and Disaster Response, Recovery and Mitigation

- Absence of disaggregated data
- Inadequate indicators for assessing the implementation of equal rights and non-discrimination laws and regulations
- Presence of environmental, communication and institutional barriers
- Persons with disabilities are two to four times more likely to be injured or die in a disaster.
- Similar gaps for all disproportionately impacted individuals, families and communities.

# Universal Accessibility



## FEMA and Universal Accessibility

- **Release date:** October 2, 2017
- **ORLANDO, Fla.** – FEMA is committed to assisting survivors affected by Hurricane Irma throughout the recovery process. FEMA encourages you to make your requests known and get the support you need.
- To date, more than 2.1 million registrations have been received.
- FEMA works with private and nonprofit sectors to facilitate your access to facilities, programs and information. These collaborations occur in conjunction with local, tribal, state and federal governmental partners.
- **Universal accessibility is a priority**

## Making accommodations is reactive, whereas universal design is proactive



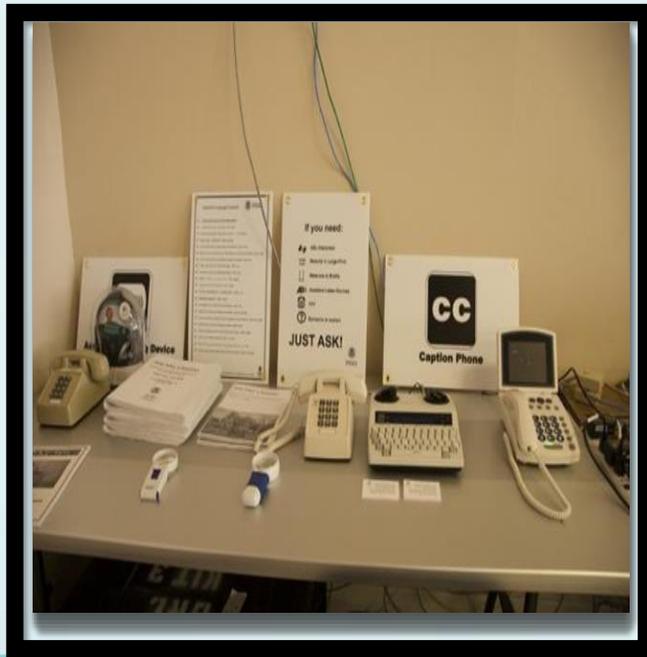
# Opportunities

- Universal Design
- Equal Access
- Physical Access
- Program Access
- Effective Communication Access
- Reasonable Accommodation
- Modification
- Whole Community Engagement

## Opportunities

- Individual, Family, Neighborhood and Community Preparedness
- Training
- Exercises
- Notice, Alerts & Warning
- First Response
- Actionable Instructions
- Protective Measures
- Search and Rescue
- Building Evacuation
- Geographic Evacuation
- Health Maintenance
- Medical Care
- Sheltering in Place
- Mass Care
- Transportation
- Temporary Housing
- Recovery
- Mitigation

# Effective Communication Access



# ATTENTION!

## REPORTERS AND PHOTO JOURNALISTS SPECIAL NOTICE!

Media outlets are required by federal legislation and FCC regulation to include the American Sign Language (ASL) interpreter in their emergency broadcast of press conferences.

Media outlets **MUST** ensure the ASL interpreter is visible on screen at all times during coverage of press conferences.

To ensure that press conferences held by VDEM and the Virginia Governor's Office during a disaster event comply with federal anti-discrimination laws, VDEM provides a qualified ASL interpreter for all press conferences.

## What are TV Stations Required to Do?

- ➔ Make sure the ASL interpreter is visible at all times in the broadcast next to the emergency official.
- ➔ Use a Medium 2 Shot of the public official and the sign language interpreter in the video frame at all times.
- ➔ If your station shows any other graphics or video feed during the press conference, the video with the interpreter must remain visible on the screen at all times.
- ➔ Ensure that all captioning and interpreting services are clearly visible and not distorted on all re-broadcasts and Internet broadcasts of the same production.
- ➔ Embed subtitles and sign language interpreters into a single video so captions or interpreter cannot be cutout in re-broadcasts or Internet streaming. Or, provide XML files (Flash videos) or VTT (HTML5 videos) with the caption file copied.

**VDEM will monitor all broadcasts to ensure the ASL interpreter's face, body, arms, and hands are visible on the television screen at all times during an emergency press conference. If you have any questions about these requirements, please see the VDEM External Affairs Staff.**

## Promising and Good Practices

- Universal accessibility is “baked in” to all aspects of preparedness, response and recovery, not an afterthought or annex
- People with disabilities are “at the table” and their role is real, not tokenized
- Qualified people with disabilities serve in leadership roles

## Homeland Security Grant Program Supplemental Resources: People with Disabilities in Disaster Guidance

Examples of Allowable Use of Funds:

- Inclusive meeting practices
- Producing materials and tools
- General population shelter planning, training, equipment and supplies
- Accessible alert, warning and notification systems
- Gap analysis
- Resource tracking
- Cross training
- Analysis and evaluation of potential shelter locations
- Planners
- Neighborhood leadership development

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## Paying for Accessibility and Inclusion

FEMA spent approximately \$10.1 Billion on Grants in 2016

- DISASTER GRANTS: (\$7.53 Billion)
- NON-DISASTER GRANTS: \$2.531 Billion
  - Public Assistance is the largest (by far) (\$5.91 Billion)
  - Hazard Mitigation is second (\$1.15 Billion)

# Paying for Accessibility and Inclusion

## Trends:

Over the decade ending in 2015, FEMA provided grants in 12 distinct mission categories

### Average Annual Award

- Recovery (Organizational / Government Assistance): \$4.8 Billion
- Preparedness (Homeland Security): \$2.3 Billion
- Recovery (Individual Assistance): \$1.4 Billion
- Mitigation (Hazards): \$1 Billion
- Fire Preparedness: \$700 Million
- All other spending: \$102 Million

## Paying for Accessibility and Inclusion

Available Funding for the FY 2017 Homeland Security  
Grant Program:

\$1,037,000,000

## How We Can Help

- Assessment of current emergency plans for compliance and accessibility
- Gap analysis
- Strategic Action Planning
- Whole Community Engagement
- Testing and Exercises
- Training on compliance and implementation throughout preparedness, response, relief, recovery and mitigation
- Consultation on achieving and maintaining equal access, universal accessibility and full inclusion throughout emergency preparedness, disaster response, relief, recovery and mitigation

# **The Partnership for Inclusive Disaster Strategies**

[www.disasterstrategies.org](http://www.disasterstrategies.org)

# **Portlight Inclusive Disaster Strategies**

[www.portlight.org](http://www.portlight.org)

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# Thank You!

## Mid-Atlantic ADA Center

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Telephone: **301-217-0124**

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