

**ACCOMMODATING INDIVIDUALS WITH DISABILITIES  
IN THE PROVISION OF DISASTER MASS CARE, HOUSING, AND HUMAN SERVICES**

**REFERENCE GUIDE**

[Edition xx.0]

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The Reference Guide was originally developed in response to the requirement of H.R. 5441 (PL 109-295), Section 689: Individuals with Disabilities, to develop disability related guidelines for use by those who serve individuals with disabilities in emergency preparedness and disaster relief. This Guide is not intended to satisfy all of the guidance requirements contained in Section 689. Additional guidelines to accommodate individuals with disabilities will be issued in the future.

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## **I. Use Assumptions**

This document focuses on the equal access requirements for people with disabilities that apply to the points-of-service that address human needs, specifically the functions and activities comprising Emergency Support Function 6 (Disaster Mass Care, Housing, and Human Services). It is intended to be used by disaster relief planners and service providers, including: Federal, state, local, and tribal governments, and non-governmental and private sector organizations. The document serves as a concise reference guide that describes existing legal requirements and standards relating to access for people with disabilities. This Guide does not create new standards and obligations, financially or otherwise, nor is it intended to modify any existing legal requirements and standards.

Although this Guide is organized by type of provider, providers must be aware that they may fall into more than one category of provider. For example, a state agency that receives Federal financial assistance must comply with laws that apply to Federal financial assistance recipients as well as to laws that apply to state and local governments. Non-profit organizations that receive Federal financial assistance to provide food, clothing, shelter, or transportation in connection with an emergency must comply with obligations applicable to recipients of such assistance as well as requirements generally applicable to nonprofit organizations that provide services to the public.

This Guide provides brief summaries of the applicable laws. It is not intended to be a comprehensive resource on all possible legal obligations. Users of this technical assistance guide should anticipate the need to uphold these obligations while addressing resource and service limitations. .

## II. Planning Assumptions

Federal civil rights laws summarized in Section VI of this Guide require accessibility and prohibit discrimination against people with disabilities in all aspects of emergency mitigation, planning, response, and recovery. To comply with these laws, people responsible for notification protocols, evacuation and emergency operation plans, shelter identification and operations, emergency medical care facilities and operations, human services, and other emergency response and recovery programs must:

- (1) have sound working knowledge of the accessibility and nondiscrimination requirements applicable under Federal disability rights laws;
- (2) be familiar with the demographics of the population of people with disabilities who live in their community;
- (3) involve people with different types of disabilities in identifying the communication and transportation needs, accommodations, support systems, equipment, services, and supplies that residents and visitors with disabilities will need during an emergency; and
- (4) identify existing and develop new resources within the community that meet the needs of residents and visitors with disabilities during emergencies.

### III. FEMA POLICY

The Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), is committed to serving all individuals equally. This commitment extends to individuals with disabilities. FEMA must provide access to Agency programs and activities equal to the access provided to non-disabled persons.

It is FEMA's policy, in accordance with Sections 501 and 504 of the Rehabilitation Act of 1973, as amended, that no qualified individual with a disability shall be denied participation in, or benefit of, any program conducted by FEMA, including employment (see Title 44, Code of Federal Regulations, Part 16).

It is FEMA's policy in accordance with Section 508 of the Rehabilitation Act of 1973, as amended, to provide comparable access to employees and the general public through the procurement, development, maintenance and use of electronic information technology that conforms to Section 508 Standards issued by the Architectural and Transportation Barriers Compliance Board (i.e., the "Access Board"). This minimum accessibility requirement became effective June 21, 2001.

It is FEMA's policy in accordance with Federal law to ensure that the Civil Rights of all persons receiving services or benefits from agency programs and activities are protected. No person shall, on the grounds of race, color, national origin, sex, religion, nationality, age, disability, limited English proficiency, or economic status, be denied the benefits of, be deprived of participation in, or be discriminated against in any program or activity conducted by or receiving financial assistance from FEMA. In particular, all personnel carrying out Federal major disaster or emergency assistance functions, including the distribution of supplies, the processing of applications, and other relief and assistance activities, shall perform their work in an equitable and impartial manner without discrimination. In accordance with Federal law, FEMA prohibits such discrimination in any programmatic guidelines, procedures, or other directives. All valid complaints of Civil Rights violations will be investigated promptly, and any settlement will be enforced, if necessary, by administrative, legal, or judicial means.

These prohibitions extend to all entities receiving Federal financial assistance from FEMA, including state and local governments, educational institutions, and any organization of any type obtaining benefits through the Infrastructure or Mitigation Programs. All local boards and their participating charitable organizations receiving aid from the Emergency Food and Shelter Program are covered in a like manner.

A complete statement of FEMA's Equal Rights Policy is maintained by the FEMA Office of Equal Rights at <http://www.fema.gov/oer/erp.shtm>.

#### IV. Non-discrimination Principles of the Law

Federal civil laws rights in Section VI of this Guide require equal access for, and prohibit discrimination against, people with disabilities in all aspects of emergency planning, response, and recovery. To comply with Federal law, those involved in emergency management should understand the concepts of accessibility and nondiscrimination and how they apply in emergencies. Following are key nondiscrimination concepts applicable under those Federal laws and examples of how these concepts apply to all phases of emergency management.

- 1) **Self-Determination** – People with disabilities are the most knowledgeable about their own needs.
  - Whenever choices are available, people with disabilities have the right to choose their shelter location, what type of services they require, and who will provide them.
- 2) **No “One Size Fits All”** – People with disabilities do not all require the same assistance and do not all have the same needs.
  - Many different types of disabilities affect people in different ways. Preparations should be made for individuals with a variety of functional needs, including individuals who use mobility aids, require medication or portable medical equipment, use service animals, need information in alternate formats, or rely on a care giver.
- 3) **Equal Opportunity** – People with disabilities must have the same opportunities to benefit from emergency programs, services, and activities as people without disabilities.
  - Emergency recovery services and programs should be designed to provide equivalent choices for people with disabilities as they do for individuals without disabilities. This includes choices relating to short-term housing or other short- and long-term disaster support services.
- 4) **Inclusion** – People with disabilities have the right to participate in and receive the benefits of emergency programs, services, and activities provided by governments, private businesses, and nonprofit organizations.
  - Inclusion of people with various types of disabilities in planning, training, and evaluation of programs and services will ensure that this population is given appropriate consideration during emergencies.
- 5) **Integration** – Emergency programs, services, and activities typically must be provided in an integrated setting.
  - The provision of services such as sheltering, information intake for disaster services, and short-term housing in integrated settings keeps individuals connected to their support system and caregivers and avoids the need for disparate service facilities.
- 6) **Physical Access** – Emergency programs, services, and activities must be provided at locations that all people can access, including people with disabilities.
  - People with disabilities should be able to enter and use emergency facilities and access the programs, services, and activities that are provided. Facilities typically required to be accessible include: parking, drop-off areas, entrances and exits, security screening areas, toilet rooms, bathing facilities, sleeping areas, dining facilities, areas where medical care or human services are provided, and paths of travel to and between these areas.
- 7) **Equal Access** – People with disabilities must be able to access and benefit from emergency programs, services, and activities equal to the general population.
  - Equal access applies to emergency preparedness, notification of emergencies, evacuation, transportation, communication, shelter, distribution of supplies, food, first aid, medical care, housing, and application for and distribution of benefits.
- 8) **Effective Communication** – People with disabilities must be given information comparable in content and detail to that given to the general public, as well as accessible, understandable, and timely.
  - Auxiliary aids and services may be needed to ensure effective communication. These may include pen and paper or sign language interpreters through on-site or video interpreting for individuals who are deaf, deaf-blind, hard of hearing or have speech impairments. Individuals who are blind, deaf-blind, have low vision, or have cognitive disabilities may need large print information or people to assist with reading and filling out forms.
- 9) **Program Modifications** – People with disabilities must have equal access to emergency programs and services, which may entail modifications to rules, policies, practices, and procedures.
  - Service staff may need to change the way questions are asked, provide reader assistance to complete forms, or provide assistance in a more accessible location.

- 10) **No Charge** – People with disabilities may not be charged to cover the costs of measures necessary to ensure equal access and nondiscriminatory treatment.
- Examples of accommodations provided without charge to the individual may include ramps, cots modified to address disability-related needs, a visual alarm, grab bars, additional storage space for medical equipment, lowered counters or shelves, Braille and raised letter signage, a sign language interpreter, a message board, assistance in completing forms, or documents in Braille, large print, or audio recording.

## **V. Providers of Emergency Services and Applicable Laws**

### **Laws Applying to Federal Government**

The following are the primary Federal disability-related laws that apply to activities of Federal Government.

#### **Rehabilitation Act of 1973, as amended**

- Section 501 – Employment
- Section 503 – Federal Contracts
- Section 504 – Programs, Services and Activities
- Section 508 – Electronic and Information Technology

#### **Americans with Disabilities Act of 1990**

- Title I – Employment (provisions cover Congress and Agencies of the Legislative Branch)

#### **Fair Housing Act of 1968, as amended**

**Architectural Barriers Act (ABA) of 1968** – (if using certain Federal construction dollars)

#### **Communications Act of 1934, as amended**

## **Laws Applying to Recipients of Federal Financial Assistance**

The following disability-related laws apply to all types of entities that receive Federal financial assistance, regardless of whether they are a governmental agency, a private organization, or a religious entity. Recipients of Federal financial assistance may also be subject to other laws arising out of their status as state or local agencies, or sub-recipients and grantees of entities that receive Federal dollars, or private entities that provide goods, services, or accommodations to the public. For example, a private organization that receives Federal Community Development Block Grant funds distributed through a state or local agency is considered a recipient of Federal financial assistance.

### **Rehabilitation Act of 1973, as amended**

- Section 504 – Programs, Services, and Activities (if Federal financial assistance is received)

**Architectural Barriers Act of 1968** - (if using certain Federal construction dollars)

## **Laws Applying to State and Local Governments**

The following are the primary Federal disability laws that apply to state and local governments. Receipt of Federal assistance by state and local governments also carries with it the nondiscrimination obligations of Federal law. Additional nondiscrimination requirements issued by state and local governments may also apply.

### **Rehabilitation Act of 1973, as amended**

- Section 504 – Programs, Services, and Activities (if Federal financial assistance is received)

### **Americans with Disabilities Act of 1990**

- Title I – Employment
- Title II – State and Local Government
  - State and Local Government Programs, Services, and Activities
  - Public Transportation

**Architectural Barriers Act of 1968** - (if using certain Federal construction dollars)

**Fair Housing Act of 1968, as amended**

**Individuals with Disabilities Education Act (IDEA) of 1975, as amended**

### **Laws Applying to Tribal Governments**

The following Federal disability laws apply to activities operated by tribal governments only if that activity receives Federal financial assistance.

**Rehabilitation Act 1973, as amended** (if Federal financial assistance is received)

- Section 504 – Programs, Services, and Activities

**Architectural Barriers Act of 1968** - (if using certain Federal construction dollars)

## **Laws Applying to Non-Government and Private Sector Organizations**

The following are the primary Federal disability laws that apply to non-government and private sector organizations. Receipt of Federal assistance by non-government and private sector organizations carries with it additional nondiscrimination obligations of Federal law. State and local nondiscrimination laws may also apply.

### **Rehabilitation Act of 1973, as amended**

- Section 504 – Programs, Services, and Activities (if Federal financial assistance is received)

### **Americans with Disabilities Act of 1990**

- Title I – Employment
- Title III – Public Accommodations, Commercial Facilities, Private Transportation Providers, and Private Testing Entities
- Title IV – Telecommunications

### **Fair Housing Act of 1968, as amended**

**Architectural Barriers Act of 1968** - (if using certain Federal construction dollars)

### **Communications Act of 1934, as amended**

## **Laws Applying to Religious Entities**

The following are the primary Federal disability laws that apply to religious entities. Receipt of Federal assistance by religious entities carries with it the nondiscrimination obligations of Federal law. Additional nondiscrimination requirements issued by state and local governments may also apply.

### **Rehabilitation Act of 1973, as amended**

- Section 504 – Programs, Services, and Activities (if Federal financial assistance is received)

### **Americans with Disabilities Act of 1990\***

- Title I – Employment (for entities with 15 or more employees)

### **Fair Housing Act of 1968, as amended**

### **Architectural Barriers Act of 1968** – (if using certain Federal construction dollars)

\* Americans with Disabilities Act (ADA) coverage: Religious entities are excluded from coverage under Title III ADA. However, private, nonreligious entities that lease space from a religious entity to operate an entity covered by Title III (e.g., a social service establishment, food bank, emergency shelter) must comply with the requirements of Title III. Although the private nonreligious entity is responsible for compliance with Title III requirements, the religious entity remains exempt under Title III of the ADA.

State and local government activities that occur on property owned by religious entities or that are operated through arrangements with religious entities must comply with the requirements of Title II of the ADA. Although the state or local government is responsible for ensuring compliance with Title II requirements, the religious entity remains exempt under Title III of the ADA.

## VI. Federal Laws with Summaries

## Rehabilitation Act of 1973, as amended

Law	Summary	Technical Assistance
<b>Rehabilitation Act of 1973, as amended</b>		
<b>Section 501 – Employment</b>  29 USC § 791(b)  <b>Enforcing Agency:</b> Equal Employment Opportunity Commission	Requires affirmative action and nondiscrimination in employment by Federal agencies of the executive branch.	<i>EEOC: Federal Sector and Employees</i> <a href="http://www.eeoc.gov/Federal/index.html">http://www.eeoc.gov/Federal/index.html</a> <ul style="list-style-type: none"> <li>▪ <i>Job Accommodation Network</i>  <a href="http://www.jan.wvu.edu">http://www.jan.wvu.edu</a></li> </ul>
<b>Section 503 – Federal Contracts</b>  29 USC § 793(a)  <b>Enforcing Agency:</b> Department of Labor	Requires affirmative action and prohibits employment discrimination by Federal government contractors and subcontractors with contracts of more than \$10,000	<i>Employment Law Guide</i> <a href="http://www.dol.gov/compliance/guide/index.htm">http://www.dol.gov/compliance/guide/index.htm</a>
<b>Section 504 – Programs, Services and Activities</b>  29 USC § 794 Over 95 implementing regulations for Federally conducted programs including: FEMA: 44 CFR Part 16  Over 20 implementing regulations for Federally assisted programs including: HHS: 45 CFR Part 84 HUD: 24 CFR Part 8 DoEd: 34 CFR Part 104 DoJ: 28 CFR §§ 42.501 et seq.  <b>Enforcing Agency:</b>	<p>No qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.</p> <p>Imposes nondiscrimination and accessibility requirements on all of the operations of Federal agencies, including any direct services they provide to the public or any programs that they specifically operate. This includes any direct services provided by FEMA and the operations of FEMA itself.</p> <p>Any agency, organization, or person that receives any type of Federal financial assistance is covered by Section 504. Federal financial assistance is defined very broadly. For example, a private nonprofit organization that receives a Federal contract to provide services is covered by Section 504, as is an organization that receives free or subsidized use of Federal property, or is provided staff paid by a Federal agency. Applies to organizations and entities that receive Federal monies distributed through state or local agencies (subrecipients).</p> <p>Each Federal agency has its own set of section 504 regulations that apply to the operation of its own programs. Agencies that provide Federal financial assistance also have section 504 regulations covering entities that receive Federal aid.</p> <p>Section 504 requires that both Federal agencies and</p>	<ul style="list-style-type: none"> <li>▪ <i>Section 504 Notices, Regulations and Supportive Documents.</i>  <a href="http://www.hud.gov/offices/fheo/disabilities/sect504docs.cfm">http://www.hud.gov/offices/fheo/disabilities/sect504docs.cfm</a></li> <li>▪ <i>Accessibility requirements for Buildings.</i>  <a href="http://www.hud.gov/offices/fheo/disabilities/accessibilityR.cfm">http://www.hud.gov/offices/fheo/disabilities/accessibilityR.cfm</a></li> <li>▪ <i>Key Provisions and Regulations Implementing Section 504 of the Rehabilitation Act</i>  <a href="http://www.hud.gov/offices/fheo/disabilities/504keys.cfm">http://www.hud.gov/offices/fheo/disabilities/504keys.cfm</a></li> </ul>

Law	Summary	Technical Assistance
<p>Agency that provides the Federal financial assistance</p>	<p>those receiving Federal assistance ensure that their programs are usable and accessible to persons with disabilities, including making changes to policies, practices, procedures, and structures as a reasonable accommodation for individuals with disabilities unless doing so would require a fundamental alteration of the program or constitute an undue financial and administrative burden.</p> <p>In addition, Section 504 requires effective communication with people who have communication disabilities including hearing, vision, or cognitive disabilities.</p> <p>New construction and altered facilities must also meet affirmative accessibility requirements and comply with the Uniform Federal Accessibility Standards (UFAS)</p> <p>To be protected by Section 504, one must have a disability. An individual with a disability is defined by Section 504 as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Section 504 does not specifically name all of the impairments that are covered.</p>	
<p><b>Section 508 –</b> Electronic and Information Technology</p> <p>29 USC § 794d 36 CFR Parts 1194</p> <p><b>Enforcing Agency:</b> Each Federal agency must have its own internal process in place to incorporate Federal Acquisition Regulation (FAR).</p>	<p>Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government. Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.</p> <p>An accessible information technology system is one that can be operated in a variety of ways and does not rely on a single sense or ability of the user. For example, a system that provides output only in visual format may not be accessible to people with visual impairments and a system that provides output only in audio format may not be accessible to people who are deaf or hard of hearing. Some individuals with disabilities may need accessibility-related software or peripheral devices in order to use systems that comply with Section 508.</p>	<ul style="list-style-type: none"> <li>▪ <i>Access Board:</i> <i>Section 508 Homepage</i> <a href="http://www.access-board.gov/508.htm">http://www.access-board.gov/508.htm</a>.</li> <li>▪ <i>GSA: Section 508 Homepage</i> <a href="http://www.section508.gov">http://www.section508.gov</a></li> </ul>

**Americans with Disabilities Act of 1990**

Law	Summary	Technical Assistance
<p><b>Americans with Disabilities Act of 1990</b></p> <p>42 USC §§ 12101 et seq.</p>	<p>The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, public and private transportation, and telecommunications. It also applies to the United States Congress. To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.</p>	
<p><b>Title I – Employment</b></p> <p>42 USC §§ 12111-12117 29 CFR Parts 1630, 1602</p> <p><b>Enforcing agencies:</b> Equal Employment Opportunity Commission; U.S. Department of Justice (state or local governments)</p>	<p>Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship. Religious entities with 15 or more employees are covered under Title I.</p>	<ul style="list-style-type: none"> <li>▪ Visit <a href="http://www.eeoc.gov">www.eeoc.gov</a> for general information</li> <li>▪ <i>The ADA Questions and Answers</i> <a href="http://www.eeoc.gov/facts/adaqa1.html">http://www.eeoc.gov/facts/adaqa1.html</a></li> <li>▪ <i>Job Accommodation Network</i> <a href="http://www.jan.wvu.edu">http://www.jan.wvu.edu</a></li> </ul>
<p><b>Title II – State and Local Government</b></p> <p>Part A (state and local government programs, services, and activities)</p> <p>42 USC §§ 12131-12134 28 CFR Part 35</p> <p><b>Enforcing Agency:</b> Department of Justice</p>	<p>Title II covers all programs, services, and activities of state and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. emergency programs, public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).</p> <p>All state and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must provide access to programs, services, and activities housed in pre-ADA buildings, and ensure effective communication for people who are deaf or hard-of-hearing, are blind or have low vision, or have speech or other communication disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.</p>	<p>Visit <a href="http://www.ADA.gov">www.ADA.gov</a> or call 1-800-514-0301 (voice) or 1-800-514-0383 (TTY) for resources, including:</p> <ul style="list-style-type: none"> <li>• <i>An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities</i> <a href="http://www.ada.gov/emergencyprep.htm">http://www.ada.gov/emergencyprep.htm</a></li> <li>• <i>ADA Tool Kit for State and Local Governments</i> <a href="http://www.ada.gov/pcatoolkit/toolkitmain.htm">http://www.ada.gov/pcatoolkit/toolkitmain.htm</a></li> <li>• <i>Accessibility of State and Local Government Websites to People with Disabilities</i> <a href="http://www.ada.gov/websites2.htm">http://www.ada.gov/websites2.htm</a></li> <li>• <i>Americans with</i></li> </ul>

Law	Summary	Technical Assistance
		<p><i>Disabilities Act Access for 9-1-1 and Telephone Emergency Services</i>  <a href="http://www.ada.gov/911ta.htm">http://www.ada.gov/911ta.htm</a></p> <ul style="list-style-type: none"> <li>• <i>The Americans with Disabilities Act Title II Technical Assistance Manual Covering State and Local Government Programs and Services</i>  <a href="http://www.ada.gov/taman2.html">http://www.ada.gov/taman2.html</a></li> <li>• <i>The ADA and City Governments: Common Problems</i>  <a href="http://www.ada.gov/comprob.htm">http://www.ada.gov/comprob.htm</a></li> <li>• <i>Cities and Counties: First Steps Toward Solving Common ADA Problems</i>  <a href="http://www.ada.gov/civicommonprobs.htm">http://www.ada.gov/civicommonprobs.htm</a></li> <li>• <i>Common Questions About Title II of the Americans with Disabilities Act</i>  <a href="http://www.usdoj.gov/crt/ada/pubs/t2qa.txt">http://www.usdoj.gov/crt/ada/pubs/t2qa.txt</a></li> <li>• <i>Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement</i>  <a href="http://www.usdoj.gov/crt/ada/q&amp;a_law.htm">http://www.usdoj.gov/crt/ada/q&amp;a_law.htm</a></li> <li>• <i>Common ADA Errors and Omissions in New Construction and Alterations</i>  <a href="http://www.ada.gov/error.htm">http://www.ada.gov/error.htm</a></li> <li>• <i>Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers</i>  <a href="http://www.usdoj.gov/crt/ada/lawenfcomm.htm">http://www.usdoj.gov/crt/ada/lawenfcomm.htm</a></li> <li>• <i>Model Policy for Law Enforcement on Communicating with People Who Are Deaf</i></li> </ul>

Law	Summary	Technical Assistance
		<p>or <i>Hard of Hearing</i>  <a href="http://www.usdoj.gov/crt/ada/lawenfmodpolicy.htm">http://www.usdoj.gov/crt/ada/lawenfmodpolicy.htm</a></p> <ul style="list-style-type: none"> <li>• <i>Americans with Disabilities Act. ADA Guide for Small Towns</i>  <a href="http://www.ada.gov/smalltown.htm">http://www.ada.gov/smalltown.htm</a></li> <li>• <i>Questions and Answers: the ADA and Persons with HIV/AIDS</i>  <a href="http://www.ada.gov/pubs/hivqanda.txt">http://www.ada.gov/pubs/hivqanda.txt</a></li> </ul>
<p><b>Title II — Part B</b> (public transportation)</p> <p>42 USC §§ 12141-12165 49 CFR Parts 37, 38</p> <p><b>Enforcing Agency:</b> Department of Transportation</p>	<p>The transportation provisions of Title II cover public transportation services, such as city buses and public rail transit (e.g. subways, commuter rails, Amtrak). Public transportation authorities may not discriminate against people with disabilities in the provision of their services. They must comply with requirements for accessibility in newly purchased vehicles, make good faith efforts to purchase or lease accessible used buses, remanufacture buses in an accessible manner, and, unless it would result in an undue burden, provide paratransit where they operate fixed-route bus or rail systems. Paratransit is a service in which individuals who are unable to independently use the regular transit system (because of a physical or mental impairment) are picked up and dropped off at their destinations.</p>	<ul style="list-style-type: none"> <li>• <i>Disaster Response and Recovery Resource for Transit Agencies</i>  <a href="http://transit-safety.volpe.dot.gov/Publications/order/single.doc.asp?docid=437">http://transit-safety.volpe.dot.gov/Publications/order/single.doc.asp?docid=437</a></li> <li>• <i>Emergency Management Guidelines</i>  <a href="http://transit-safety.volpe.dot.gov/Emergency/Emerman.asp">http://transit-safety.volpe.dot.gov/Emergency/Emerman.asp</a></li> <li>• <i>National Transportation Library: Accessibility Information</i>  <a href="http://ntl.bts.gov/accessibility.html">http://ntl.bts.gov/accessibility.html</a></li> </ul>
<p><b>Title III</b> (public accommodations, commercial facilities, private transportation services, and private testing entities and services operated by private entities)</p> <p>42 USC §§ 12181-12189 28 CFR Part 36</p> <p><b>Enforcing Agency:</b> Department of Justice</p>	<p>Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.</p> <p>Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must</p>	<p>Visit <a href="http://www.ADA.gov">www.ADA.gov</a> or call 1-800-514-0301 (voice or 1-800-514-0383 (TTY) for resources including:</p> <ul style="list-style-type: none"> <li>• <i>Title III Highlights</i>  <a href="http://www.ada.gov/t3highlight.htm">http://www.ada.gov/t3highlight.htm</a></li> <li>• <i>Americans with Disabilities Act. Title III ADA Technical Assistance Manual Covering Public Accommodations and Commercial Facilities</i>  <a href="http://www.ada.gov/taman3.html">http://www.ada.gov/taman3.html</a></li> <li>• <i>Commonly Asked</i></li> </ul>

Law	Summary	Technical Assistance
	<p>comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people who are deaf or hard-of-hearing, are blind or have low vision, or have speech or other communication disabilities; and other access requirements. Additionally, public accommodations must remove barriers in pre-ADA buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources.</p>	<p><i>Questions About Child Care Centers and the Americans with Disabilities Act</i>  <a href="http://www.ada.gov/childg&amp;a.htm">http://www.ada.gov/childg&amp;a.htm</a></p> <ul style="list-style-type: none"> <li>• <i>ADA Business BRIEF: Service Animals</i>  <a href="http://www.usdoj.gov/crt/ada/svcanimb.htm">http://www.usdoj.gov/crt/ada/svcanimb.htm</a></li> <li>• <i>Commonly Asked Questions about Service Animals</i>  <a href="http://www.ada.gov/publicat.htm#Anchor-Commonly-48213">http://www.ada.gov/publicat.htm#Anchor-Commonly-48213</a></li> <li>• <i>Common ADA Omissions in New Construction and Alterations</i>  <a href="http://www.ada.gov/error.htm">http://www.ada.gov/error.htm</a></li> <li>• <i>Questions and Answers: the ADA and Persons with HIV/AIDS</i>  <a href="http://www.ada.gov/pubs/hivqanda.txt">http://www.ada.gov/pubs/hivqanda.txt</a></li> </ul>
<p><b>Title IV</b>            (telecommunications for hearing and speech-impaired individuals; closed-captioning of public service announcements)</p> <p>47 USC § 225, 611            47 CFR 64.601 et seq.</p> <p><b>Enforcing Agency:</b>            Federal Communications Commission</p>	<p>Telecommunications Relay Services (TRS) shall be available to hearing and speech-impaired individuals to the fullest extent possible and the most efficient manner. There are several different forms of TRS available and all states have intrastate certified TRS programs. Nationwide, state TRS providers can be reached by dialing 7-1-1.</p> <p>Any television public announcement which is produced or funded in whole or in part by the Federal government shall include closed-captioning of the verbal content of such announcement.</p>	<p><i>What You Need to Know about TRS</i>  <a href="http://www.fcc.gov/cgb/dro/trs.html">www.fcc.gov/cgb/dro/trs.html</a></p>

## Fair Housing Act of 1968, as amended

Law	Summary	Technical Assistance
<p><b>Fair Housing Act of 1968, as amended</b></p> <p>42 USC §§ 3601 et seq 24 CFR Parts 100, 103</p> <p>Fair Housing Act Accessibility Guidelines, 56 FR 9472-9515 (3/6/1991)</p> <p><b>Enforcing Agency:</b> Department of Housing and Urban Development</p>	<p>Prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes housing, regardless of type of funding, including privately owned housing, housing that receives Federal financial assistance, and housing owned or operated by state and local governments. Prohibits discrimination in any aspect of selling or renting housing or denial of a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. Prohibits discrimination in the terms, conditions, or privileges of a rental or sale as well as the provision of services or facilities in connection with a dwelling. Other covered activities include, financing, zoning practices, new construction design, and advertising.</p> <p>Under the Fair Housing Act, an individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The Act does not specifically name all of the impairments that are covered.</p> <p>The Act covers all types of housing intended as a short or long-term residence, including the following types that are often used to house persons who are displaced by disasters: shelters that house persons for more than a few days, transitional housing facilities, nursing homes, and manufactured housing.</p> <p>Requires that new multifamily housing (both rental and for sale) with four or more units be designed and built to contain minimum accessibility features for persons with disabilities. This includes accessible public and common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.</p> <p>Requires owners of housing facilities to make reasonable exceptions to their policies and operations to afford people with disabilities equal housing opportunities. The Fair Housing Act further requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, and common use spaces. (The landlord is not required to pay for the changes.)</p>	<ul style="list-style-type: none"> <li>▪ <i>Accessibility Requirements for Buildings</i> <a href="http://www.hud.gov/offices/fheo/disabilities/accessibilityR.cfm">http://www.hud.gov/offices/fheo/disabilities/accessibilityR.cfm</a></li> <li>▪ <i>Fair Housing: It's Your Right</i> <a href="http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm">http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm</a></li> <li>▪ <i>Fair Housing Laws and Presidential Executive Orders</i> <a href="http://www.hud.gov/offices/fheo/FHLaws/">http://www.hud.gov/offices/fheo/FHLaws/</a></li> <li>▪ The Fair Housing Accessibility FIRST website provides comprehensive information regarding compliance with the Fair Housing Act design and construction requirements. <a href="http://www.fairhousingfirst.org/">http://www.fairhousingfirst.org/</a></li> <li>▪ <i>Single Family Homes</i> <a href="http://www.fairhousingfirst.org/faq/singlefamilyhomes.html">http://www.fairhousingfirst.org/faq/singlefamilyhomes.html</a></li> <li>▪ <i>Multifamily Housing</i> <a href="http://www.fairhousingfirst.org/faq/mfhousing.html">http://www.fairhousingfirst.org/faq/mfhousing.html</a></li> <li>▪ <i>Accessibility Requirements for Buildings</i> <a href="http://www.hud.gov/offices/fheo/disabilities/accessibilityR.cfm">http://www.hud.gov/offices/fheo/disabilities/accessibilityR.cfm</a></li> <li>▪</li> </ul>

## Architectural Barriers Act (ABA) of 1968

Law	Summary	Technical Assistance
<p><b>Architectural Barriers Act (ABA) of 1968</b></p> <p>42 USC §§ 4151 et seq 41 CFR Part 102-76 Subpart C 24 CFR Parts 40, 41 39 CFR Part 254</p> <p><b>Enforcing Agency:</b> U.S. Access Board</p>	<p>Requires buildings and facilities that are designed, constructed, or altered with certain Federal dollars, or leased by Federal agencies, to comply with accessibility standards issued by the U.S. Department of Defense, the U.S. Department of Housing and Urban Development, the U.S. General Services Administration, and the U.S. Postal Service. The design and construction standards for the ABA apply to new and altered and leased facilities. These standards for accessibility do not address the activities conducted within ABA covered buildings and facilities. The law covers a wide range of buildings and facilities, including post offices, Social Security offices, prisons and national parks. It also applies to non-government facilities that have received Federal funding, such as certain schools, public housing and mass transit systems.</p>	<ul style="list-style-type: none"> <li>▪ <i>Access Board.</i> <a href="http://www.access-board.gov">http://www.access-board.gov</a></li> <li>▪ <i>Accessibility Standards</i> <a href="http://www.access-board.gov/ada-aba/supplemental.htm">http://www.access-board.gov/ada-aba/supplemental.htm</a></li> <li>▪ <i>Uniform Federal Accessibility Standards (for military facilities and residential structures)</i> <a href="http://www.access-board.gov/ufas/ufas-html/ufas.htm">http://www.access-board.gov/ufas/ufas-html/ufas.htm</a></li> <li>▪ <i>Rights and Obligations under the ABA.</i> <a href="http://www.access-board.gov/about/laws/ABA.htm">http://www.access-board.gov/about/laws/ABA.htm</a></li> </ul>

**Communications Act of 1934, as amended**

Law	Summary	Technical Assistance
<p><b>Communications Act of 1934, as amended</b></p> <p>47 USC § 255 47 C.F.R. Part 6, Part 7</p> <p>47 USC § 613 47 C.F.R. § 79.1 47 C.F.R. § 79.2</p> <p><b>Enforcing Agency:</b> Federal Communications Commission</p>	<p>Section 255 and Section 251(a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, require manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. These amendments ensure that people with disabilities will have access to a broad range of products and services such as telephones, cell phones, pagers, call-waiting, and operator services that were often inaccessible to many users with disabilities.</p> <p><b>Video Programming Accessibility</b> Closed Captioning of Video Programming. The closed caption feature on television screen should be activated at all times. All televisions 13 inches and larger have a built-in decoder chip and captions are usually activated by a remote control function. Generally, as of January 1, 2006, 100% of new English language programming must be closed captioned, subject to certain exceptions.</p> <p>Accessibility of programming providing emergency information. Section 79.2 requires that video programming distributors providing emergency information in the audio portion of programming must provide persons with hearing disabilities with the same access to such information that distributors provide to listeners, either through a method of closed captioning or by using another method of visual presentation. Likewise, emergency information provided in visual format must be presented audibly to be accessible to persons with vision disabilities.</p>	<ul style="list-style-type: none"> <li>▪ <i>Closed Captioning provides accessible broadcast information. FCC Consumer Facts.</i> <a href="http://www.fcc.gov/cgb/consumerfacts/closedcaption.html">http://www.fcc.gov/cgb/consumerfacts/closedcaption.html</a></li> <li>▪ <i>What You Need to Know about TRS (Telecommunications Relay Services)</i> enables a person with a hearing or speech disability to access the telephone system and communicate with persons without such a disability. <a href="http://www.fcc.gov/cgb/dro/trs.html">http://www.fcc.gov/cgb/dro/trs.html</a></li> </ul>

**Individuals with Disabilities Education Act (IDEA) of 1975, as amended**

Law	Summary	Technical Assistance
<p><b>Individuals with Disabilities Education Act (IDEA) of 1975, as amended</b></p> <p>20 U.S.C. §§ 1400 et seq. 34 CFR Part 300</p> <p><b>Enforcing Agency:</b> Department of Education</p>	<p>Requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. IDEA requires public school systems to develop appropriate Individualized Education Programs (IEP's) for each child. The specific special education and related services outlined in each IEP reflect the individualized needs of each student.</p>	<p><i>U.S. Department of Education, Office of Special Education and Rehabilitative Services.</i> <a href="http://www.ed.gov/about/offices/list/osep/index.html">http://www.ed.gov/about/offices/list/osep/index.html</a></p>

## VII. Glossary of Terms

The following definitions have been either taken directly from one or more of the above referenced Federal laws, contain an interpretation of an otherwise undefined term, or establish a unified definition for a term that has multiple definitions in those laws. For the purposes of the Reference Guide, these terms and definitions apply:

**Accessible.** Having the legally required features and/or qualities that ensure entrance, participation and usability of places, programs, services and activities by individuals with a wide variety of disabilities.

**Agency.** A division of government with a specific function offering a particular kind of assistance.

**Closed Captioning.** The display of text coinciding with the audio portion of a television broadcast that allows persons with hearing disabilities to have access to these broadcasts.

**Disability (individual with).** A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

**Emergency.** As identified by the Stafford Act, an emergency is “any occasion or instance for which, in the determination of the President, Federal Assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.”

**Emergency Public Information.** Information that is disseminated primarily in anticipation of, during, or after an emergency that relates to the emergency and provides public safety or other information for the general welfare of the public.

**Emergency Support Function #6.** A grouping of government and private-sector capabilities into an organizational structure to provide the Mass Care, Housing, and Human Services support, resources, and program implementation for state, regional, local, and tribal government and nongovernmental organizational needs.

**Federal.** Of or pertaining to the Federal Government of the United States of America.

**Local Government.** A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law), regional or interstate government entity, or agency or instrumentality of a local government; an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a state or political subdivision of a state.

**Major Disaster.** Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought) or, regardless of cause, any fire, flood, or explosion in any part of the United States that, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

**National.** Of a nationwide character, including the Federal, state, local, and tribal aspects of governance and policy.

**National Response Plan (NRP).** Establishes a comprehensive all-hazards approach to enhance the ability of the United States to manage domestic incidents. The plan incorporates best practices and procedures from incident management disciplines — homeland security, emergency management, law enforcement, firefighting, public works, public health, responder and recovery worker health and safety, emergency medical services, and the private sector — and integrates them into a unified structure. It forms the basis of

how the federal government coordinates with state, local, and tribal governments and the private sector during incidents.

**Paratransit.** The family of transportation services which falls between the single occupant automobile and fixed route transit. Examples of paratransit include taxis, carpools, vanpools, minibuses, jitneys, demand responsive bus services, and specialized bus services for the mobility impaired or transportation disadvantaged.

**Preparedness.** Those activities, programs, and systems that exist before an emergency and that are used to support and enhance response to an emergency or disaster.

**Private Sector.** Organizations and entities that are not part of any governmental structure. Includes for-profit and not-for-profit organizations, formal and informal structures, commerce and industry, private emergency response organizations, and private voluntary organizations.

**Reasonable Accommodation/Reasonable Modification.** In general, an accommodation is any change to the rules, policies, procedures, environment or in the way things are customarily done that enables an individual with a disability to enjoy greater participation. A requested accommodation is unreasonable if it poses an undue financial or administrative burden or a fundamental alteration in the program or service.

**Recipients of Federal Financial Assistance.** All types of entities that receive Federal financial assistance, regardless of whether they are a governmental agency, a private organization, or a religious entity.

**Religious Entity.** A religious organization, including a place of worship.

**Response.** Activities to address the immediate and short-term effects of an emergency or disaster. Response includes immediate actions to save lives, protect property, and meet basic human needs. Based on the requirements of the situation, response assistance will be provided to an affected state under the National Response Plan (NRP) using a partial activation of selected Emergency Support Functions (ESFs) or the full activation of all ESFs to meet the needs of the situation.

**Sign Language Interpreter.** A person who has been trained to use a system of conventional symbols or gestures made with the hands and body to help people who are deaf, are hard-of-hearing, or have speech impairments communicate.

**State Government.** Any state of the United States, or any United States Territory or possession.

**Telecommunications.** The transmission, emission, or reception of voice and/or data through any medium by wire, radio, other electrical electromagnetic or optical means. Telecommunications includes all aspects of transmitting information.

**Telecommunications Relay Service (TRS).** A telephone service that uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals. TRS providers – generally telephone companies – are compensated for the costs of providing TRS from either a state or a federal fund. There is no cost to the user.

**Telecommunications Service Priority (TSP) Program.** The National Security/Emergency Preparedness (NS/EP) TSP program is the regulatory, administrative, and operational program authorizing and providing for priority treatment (i.e. provisioning and restoration) of NS/EP telecommunications services. As such, it establishes the framework for NS/EP telecommunications service vendors to provide, restore, or otherwise act on a priority basis to ensure effective NS/EP telecommunications services.

**Tribal Government.** An Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 USC 479a.

**Undue Hardship.** An excessive difficulty or expense required to provide a reasonable accommodation considering the resources of the facility asked to provide the accommodation and other relevant factors.

**Video Relay Service.** Form of Telecommunications Relay Service that enables people who are deaf, are hard of hearing, or have speech disabilities who use American Sign Language (ASL) to communicate with voice telephone users through video equipment, rather than through typed text.

**Voluntary Agency.** Any chartered or otherwise duly recognized tax-exempt local, state, or national organization or group that has provided or may provide needed services to the states, local governments, or individuals in coping with an emergency or a major disaster.