



Accessibility for Individuals with Disabilities

FEMA is committed to equity and ensuring all people have equal access to FEMA programs and services. FEMA Public Assistance (PA) applicants, who receive federal funding, may be required to comply with the Americans with Disabilities Act (ADA)¹ and other disability rights laws requiring their facilities be readily accessible and usable by individuals with disabilities. In some cases, FEMA may provide funding to assist applicants in making their facilities accessible.

If a “primary function area”² sustained eligible disaster damage, FEMA may provide PA funding for reasonable changes required by an eligible code or standard to increase accessibility to undamaged elements that serve the primary function area and the “path of travel”³ to the primary function area such as an accessible entrance, accessible routes to the primary function area, restroom access, accessible drinking fountains, and other elements. To be eligible for PA funding, the required alterations must have a reasonable and technically supportable relationship to the damaged elements of the facility. As a result, there may be alterations required that are ineligible for PA funding.

Roles and Coordination of Disability Integration, with the Office of Equal Rights and Office of Chief Counsel

Responsibilities of the FEMA Office of Disability Integration and Coordination (ODIC) include ensuring FEMA’s emergency preparedness and disaster relief operations are inclusive of individuals with disabilities by providing guidance, tools, methods and strategies to FEMA leadership and state, local, tribal and territorial (SLTT) partners. The ODIC provides guidance and technical assistance as needed to FEMA components and program offices on the integration of needs of people with disabilities in FEMA programs and services, and on how to design programs and services to be accessible to individuals with disabilities.

The Disability Integration Advisor (DIAD) collaborates with the civil rights advisor and the legal advisor to provide technical advice regarding accessibility issues to Public Assistance (PA) Program Managers (PDMG), state recipients and applicants. The DIAD engages the PA process by attending Exploratory Calls, (EC), Recovery Scoping Meetings (RSM) and reviewing information in Grants Manager (GM). Identifying these accessibility issues as early as possible in the PA process will increase the likelihood of completing appropriate accessibility modifications.

¹ Americans with Disabilities Act of 1990, AS AMENDED with ADA Amendments Act of 2008

² Area where a major activity occurs for which the facility is intended. i.e. dining area of a cafeteria, meeting rooms of a conference center, and public offices providing governmental services to the public. PAPPG, v.4 2020, p. 152

³ Includes a continuous, unobstructed way of pedestrian passage to the primary function area. i.e. interior and exterior approaches such as hallways, doorways, side-walks, streets, parking areas, and public transit drop points.

Accessibility Issues Arise in the PA Process

Category C: Roads and bridges

Pedestrian pathways associated with roads and bridges should be accessible to people with disabilities.

Category E: Public buildings and contents

The “path of travel” to “primary function areas” should be accessible to people with disabilities. Functional areas, such as bathrooms, water fountains, etc. associated with the path of travel should be accessible to people with disabilities.

Category G: Parks, recreational, and other facilities

Facilities associated with parks and recreational facilities should be made accessible to people with disabilities.

Accessibility Laws and Regulations

FEMA has explicitly committed to the concept of “equity.” Goal 1 of FEMA’s 2022-2026 Strategic Plan states, “Instill Equity as a Foundation of Emergency Management.”⁴ The PA Program is obligated to consider equity, particularly as it relates to the population of people with disabilities due to a number of federal laws and regulations including:

The Rehabilitation Act of 1973 (Rehabilitation Act)⁵

Section 504 obligates state and local governments ensure persons with disabilities have equal access to any programs, services, or activities receiving federal financial assistance. (See 29 U.S.C. § 701 et seq.)

The Americans with Disabilities Act of 1990 (ADA)⁶

The ADA is built upon the foundation laid by Section 504 of the Rehabilitation Act. It uses as its model Section 504’s definition of disability and then goes further. While Section 504 applies only to entities receiving federal funds, the ADA covers all state and local governments, including those that do not receive federal funds. The ADA also applies to private businesses that meet the ADA’s definition of “public accommodation” (restaurants, hotels, movie theaters, and doctors’ offices are just a few examples), commercial facilities (such as office buildings, factories, and warehouses), and many private employers.

Architectural Barriers Act (ABA)⁷

The Architectural Barriers Act (ABA) requires buildings and facilities designed, constructed, or altered with Federal funds, or leased by a Federal agency, to comply with Federal standards for physical accessibility. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities. They do not address the *activities* conducted in those buildings and facilities.

⁴2022–2026 FEMA Strategic Plan | FEMA.gov

⁵Rehabilitation Act of 1973

⁶Americans with Disabilities Act of 1990, AS AMENDED with ADA Amendments Act of 2008

⁷Architectural Barriers Act (access-board.gov)

Accessibility Laws and Regulations, cont'd

ADA Accessibility Guidelines (ADAAG)⁸

This ADAAG contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990. These scoping and technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the Department of Justice and the Department of Transportation, under the ADA.

Uniform Federal Accessibility Standards (UFAS)⁹

UFAS sets standards for facility accessibility by people with disabilities for Federal and federally-funded facilities. These standards are to be applied during the design, construction, and alteration of buildings and facilities to the extent required by the Architectural Barriers Act of 1968, as amended.

FEMA Public Assistance Program and Policy Guide, V4¹⁰

In some circumstances, FEMA provides PA funding for accessibility compliance requirements.

FEMA may also provide PA funding for additional SLTT government ADA requirements that meet the eligibility criteria for codes or standards, as described in Chapter 8:III.A. Codes and Standards, Eligibility Criteria.

In addition to the federal laws and guidelines described above, PA projects conducted within FEMA Region II-particularly those in New York State are also obligated to comply with "2020 Building Code of New York State" as appropriate. An important consequence of these building codes is the requirement that religious organizations, i.e. churches, synagogues, mosques, etc. are obligated to make their facilities accessible to people with disabilities in spite of the fact they are NOT required by the federal ADA law. Chapter 11 of these building codes describe accessibility requirements.

Accessibility Resources

Northeast ADA Center (northeastada.org)¹¹

The goal of the Northeast ADA Center is to educate and empower the diverse range of ADA stakeholders throughout New York, New Jersey, Puerto Rico, and the US Virgin Islands to increase their knowledge of the ADA, to support our stakeholders to include people with disabilities in local communities, and to implement the ADA in their own lives, workplaces, businesses, and communities.

U.S. Access Board (access-board.gov)¹²

The Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards.

⁸Adaag 1991 2002 (access-board.gov)

⁹UFAS (1984) (access-board.gov)

¹⁰Public Assistance Program and Policy Guide Version 4 (fema.gov)

¹¹Northeast ADA Center

¹²US Access Board

Accessibility Resources, cont'd

Directory of Centers of Independent Living (<https://www.ilru.org/projects/cil-net/cil-center-and-association-directory>)¹³

CENTER FOR INDEPENDENT LIVING-The term "center for independent living" means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency that is designed and operated within a local community by individuals with disabilities and provides an array of independent living services.

Accessibility Procedures in PA

Public Assistance applicants, who receive federal funds, obligated by the laws and regulations described above are required to make all newly constructed facilities, accessible to and usable by individuals with disabilities. Repairs that might affect the ability of individuals with disabilities to use the facility must also comply with accessibility standards. (ADA, 42 U.S.C. Title 42, Chapter 126) In some circumstances, FEMA provides PA funding for accessibility compliance requirements. (PAPPG, V4)

If the primary function area sustained eligible disaster damage, FEMA may provide PA funding for reasonable changes required by an eligible code or standard to increase accessibility to undamaged elements that serve the primary function area and the path of travel to the primary function area such as an accessible entrance, accessible routes to the primary function area, restroom access, accessible drinking fountains, and other elements. Any area where people carry out one or more of the major activities for which a facility is used is considered to be a "primary function area." For example, offices and other areas where employees work are primary function areas. The dining area of a restaurant, the meeting rooms in a conference center, the waiting room and examination rooms at a doctor's office, the customer service area of a retail shop, and other areas where the public is served are primary function areas. To be eligible for PA funding, the required alterations must have a reasonable and technically supportable relationship to the damaged elements of the facility. (PAPPG, V4 p. 152) Accessibility modifications can be funded by PA up to 20% of the project cost in addition to funding for the primary project. (28 C.F.R 35.151(b))

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¹³ILRU Directory of Centers for Independent Living (CILs) and Associations | Independent Living Research Utilization