Emergency Management and Preparedness-Inclusion of Persons with Disabilities
Pacific ADA Center
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>> LEWIS KRAUS: Welcome to the Emergency Management and Preparedness inclusion of persons with disabilities Webinar Series. I'm Lewis Kraus from the Pacific ADA Center, your mad rater for this series.

This series of webinars is brought to you by the Pacific ADA Center on behalf of the ADA national network. The ADA National Network is made up of 10 regional centers federally funded to provide training, technical assistance and other information as needed on the Americans with Disabilities Act.

You can reach your regional ADA Center by dialing 1-800-949-4232.

Realtime captioning is provided for this webinar. The caption screen can be accessed by choosing the CC icon in the meeting control toolbar. To toggle that meeting control toolbar on, press the Alt key on your keyboard and then -- press the Alt key on your keyboard and if needed press again to make the control bar stay. We also have sign language interpreters that you can see on your screen.

As always in our sessions, only the speakers will have audio. If you do not have sound capabilities on your computer or prefer to listen by phone, you can dial 1-669-900-9128 or 1-646-558-8656. And use the webinar ID of 845-3662-6656. I do want to remind everyone that this webinar is being recorded and can be accessed on the ADA presentations website in the archives section of Emergency Management next week.

This is the eighth year of this Webinar Series, which shares issues and promising practices in emergency management inclusive of people with disabilities and others with access and functional needs. The series topics cover emergency preparedness and disaster response, recovery and mitigation, as well as accessibility and reasonable accommodation issues under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the ADA, and other relevant laws. Upcoming sessions are available at ADApresentations.org under the Schedule tab in the Emergency Management section. These monthly webinars occur on the second Thursday of the month at 2:30 Eastern, 1:30 Central, 12:30 Mountain and 11:30 Pacific time. By being here you are on the list to receive notices for future webinars in this series. The notices go out two weeks before that webinar and open the webinar to registration.

You can download a copy of today's PowerPoint presentation at the ADApresentations.org web page in the Schedule section of Emergency Management. At the conclusion of today's presentation, there will be an opportunity for everyone to ask questions. You may submit your questions using the chat area within the webinar platform and the speaker and I will address them at the end of the session. Feel free to
submit them as they come to your mind during the presentation. To submit your questions, go ahead and type in the chat area text box as shown on your screen. If you are using keyboards, you can press the Alt and H keys and enter your text in the chat area. If you are listening by phone and not logged into the webinar, you can ask your questions by emailing them to adatech@adapacific.org.

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Today's ADA National Network Learning Session is titled "Managing Service and Emotional Support Animals in Emergencies." In preparation for a disaster or other emergency, emergency management agencies have many things to consider, such as accessibility of emergency messages and accessible evacuation and shelters. Emergency management and shelter professionals must also understand how to work with people who have assistance animals in an emergency. This webinar will explore the issues around assistance animals in an emergency. Topics covered will include a basic overview of definitions and rules around assistance animals, evacuation of assistance animals and the differences between the types of shelters that allow service animals and those that allow emotional support animals. Today's speaker is Jan Garrett. Jan Garrett is a program manager here at the Pacific ADA Center. Jan, I will turn it over to you.

>> JAN GARRETT: Thank you, Lewis. Good day, everyone. So glad you could join us today. So, we will be covering, as Lewis said, information about service and emotional support animals, and other laws. So let's move into the next slide of the presentation.

So Lewis already described about Pacific ADA Center being part of the ADA National Network. This slide has a map of the ADA National Network with the different ten regions on the map. And the presentation, by the way, is fully Alt texted when it is available in the section of ADApresentations, when you can get it next week. So you will be able to tell what the map contains. But this is showing our ten regions. And region 9 is Pacific ADA Center in the green states. This shows the same 800 number that Lewis told you about. 1-800-949-4232, and then the website for the ADA National Network is adata.org. Next slide.

Pacific ADA Center, our center, can be reached, again, at the same 800 number. You can also reach us at adatech@adapacific.org. And we encourage you to explore our website at adapacific.org. It has specific information on emergency preparedness and emergency management. We think you will find the website particularly helpful. Next slide.

The presentation overview for today is really broken down into three sections. How the laws address service animals and emotional support animals generally. What laws and
guidance documents help state or local government agencies recover funding expended on animal care from FEMA after a disaster. And best practices regarding service animals and emotional support animals for emergency managers, handlers with disabilities, and emergency shelter staff. I will say that Pacific ADA Center and I as the presenter today know far more about the laws, including the Americans with Disabilities Act, or ADA, and the Fair Housing Act, that impact service animals and emotional support animals. Those of you who are emergency managers on the call will know more about the laws and guidance documents regarding reimbursement from FEMA after a disaster, although you may learn a few new ones today about animals and pets. And then the best practices is really just a way of being able to talk about what things you might want to consider if you are in the different categories of being an emergency manager, a service animal handler or an emergency shelter staff person. Next slide.

The ADA, as most of you probably know, is a civil rights law. So a violation of the ADA is a violation of someone's civil rights who falls under the definition of disability under the ADA. The ADA has five titles. Title I is employment. Title II covers state and local governments. Title III covers public accommodations and commercial facilities. Title IV covers telecommunications, and Title V has several miscellaneous provisions, including information on enforcement. When talking today, we will mostly be talking about Title II and some about Title III of the ADA, as well as some other laws. Next slide, please.

So, let's talk about some of the basic requirements and basic knowledge you need to have about service animals and emotional support animals. Next slide.

Under the ADA, virtually the same standards and virtually the same language applies when talking about service animals under Title II and Title III of the ADA. So we won't be making distinctions there. Next slide. The way the ADA deals with service animals is really under a modification of policy. So most state or local government and privately owned facilities have "no pet" policies. That means they do not allow animals to come inside of their buildings and programs. But ADA Titles II and III require government and private facilities that are open to the public to allow service animals as a modification of that "no pet" policy. So that is really how the ADA looks at service animals. Next slide, please.

And speaking of service animal access, individuals with disabilities must be allowed to be accompanied by their service animals in all areas of facilities, including in shelters, as this picture is showing of a shelter, where members of the public are allowed to go. So handlers are allowed to be accompanied by service animals in all areas or facilities where members of the public are allowed to go, including for the good services, programs or activities that are available in those facilities.

Next slide, please.

The definition of "service animal" under the ADA and by the department to have justice is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, intellectual, or other mental disability.
Companionship does not constitute work or tasks, and we'll be talking more about companionship in that little bit. So note that this is the U.S. Department of Justice definition of service animal, which you would follow under Titles II and III of the ADA. Next slide.

Miniature horses are also included under Titles II and III of the ADA, and they must be allowed as a reasonable modification if it is reasonable based on their size, and if the horse is individually trained to do a task or work, just like a dog would be. There are several assessment factors to determine if you need to allow a miniature horse, and that is based on the type, size and weight of the horse, the handler's control, so the handler must have control over the miniature horse, whether the miniature horse is house broken, and the safety requirements and size requirements of the facility. Next slide, please.

The work or task of a service animal must be directly related to the handler or the individual's disability. Although the work of the animal needs to be physical... so the animal must do a physical task, but the disability of the handler or the person does not need to be physical. It may be responding to brain-based impairments, as the ADA calls them, like psychiatric disabilities or other mental health disabilities. For example, for people who have distress or anxiety, the animal may be able to tell or discern that distress in someone with a mental health disability. So the disability of the person does not necessarily have to be a physical disability for an animal to assist them. Next slide.

So if you do have a physical disability, some examples, although not an exclusive list, of work or tasks that a service animal can do for people with physical disabilities include navigation for individuals who are blind or low vision, and a lot of people are familiar with guide dogs or guide miniature horses in this context. Alerting deaf or hard of hearing persons to other people and sounds. Those are often called signal dogs. Retrieving items, such as medicine or a phone, and maybe even... you know, something like a water bottle out of a refrigerator, opening doors. Also providing support and assistance with balance and stability, and assistance during a seizure. Next slide, please.

So physical tasks can include chest compressions for CPR or cardiopulmonary resuscitation. These pictures are showing a dog doing chest compressions on the left-hand side on a person and then the one on the right is actually showing the dog lying down on the person but checking for breath sounds to see whether or not the person is breathing again. If the person is not breathing, the dog will continue to do chest compressions. Once the person begins breathing again, the dog will simply wait with the person until help arrives. And often these dogs that are trained to do CPR will bark while they were doing chest compressions to alert people that their handler needs help.
Next slide. So work or tasks that could be dedicated to people with psychological or emotional disabilities, again, these are examples and not an exclusive list. You can prevent or interrupt impulsive or destructive behavior in their handler. They can also help an individual with dissociative identity disorder to remain grounded. That could also be people with anxiety to remain grounded. Again, these are examples. Next slide.

So we talked a little bit about service animals. Now let’s focus for a few moments on emotional support animals. Emotional support animals are not covered by the ADA. And even though they are not covered by the ADA, they can provide valuable support for people with certain types of disabilities. Emotional support animals are often referred to as ESAs, and at various points in this presentation, they will be referred to as an ESA or emotional support animal. ESAs can be almost any type of animal, usually excluding exotic animals like large birds or certain reptiles, but they are not limited to dogs and miniature horses, as service animals are under the ADA. So it’s important to realize that when you know where emotional support animals are allowed. Next slide.

So we talked a little earlier, when I was discussing the definition of service animal, that the U.S. Department of Justice has, that says comfort or companionship is not work or a task. So the definition of service animal says comfort or companionship is not a work or a task, but the provision of emotional support, well-being, comfort or companionship without more does not constitute work or tasks for purposes of the definition, and the ability to soothe is not work. However, if the animal does a task or work in addition to providing comfort or companionship, then that animal could indeed be a service animal, if it does a task that is directly related to the handler’s disability. So you need to look carefully at whether an animal might be an emotional support animal or a service animal or maybe a service animal that also provides emotional support and comfort. Next slide, please. Registrations and vaccinations. Individuals who have service animals and emotional support animals are not exempt from local animal control or public health requirements. In fact, service animals and ESAs or emotional support animals are subject to the same licensing and vaccination rules that apply to all animals. Next slide, please. Let’s get into some other differences between service animals and emotional support animals.

So what proof is required for service animals? People often ask us this. A service animal is not required to wear a special collar, harness, tag, backpack, or anything. A service animal is not required to have papers or a certificate regarding its training. Next slide, please.

But, for emotional support animals, a letter from a licensed medical or rehabilitation professional is required for emotional support animals who may be in housing and in homeless shelters. So long-term homeless shelters. The letter must say what the connection is between the person’s disability and their need for the emotional support animal. This type of letter is not required for a service animal. It is only for emotional
support animals. Next slide. For service animals, whether it's in housing or in public places, in emergency shelters, you can ask two questions. Is this a service animal required because of a disability? If the answer is yes, then what specific tasks or work has the animal been trained to perform? If the first question is the service animal required because of a disability is "no," then you know it's not a service animal. And then the rules of either emotional support animals or pet may apply to that animal.

But if the answer is yes, you can ask what specific tasks or work has the animal been trained to perform. You cannot ask further information about the nature of the handler's disability and you cannot ask to see the task performed. The reason for that is that it may not be time for the animal to perform the task. If it is a seizure sensing dog, for example, the handler may not be having a seizure at that moment, and so the animal could not actually do what it does when the person is actually in the midst of having a seizure. So do not ask any more about the nature of the handler's disability and do not ask to see the animal perform any task, even if the handler has told you what it does.

Next slide. Service animal control. Service animal must be under the control of its handler at all times. And a service animal must be on a harness, leash, or tether, unless the handler is unable, because of their disability, to hold the harness, leash, or tether, or the harness, Lear or tether would interfere with the service animal's safe, effective performance of the work or tasks. Often in seizure sensing dogs, as I used in the last example, holding on to leash or harness might interfere with the animal's ability to perform what it needs to do when the handler is having a seizure. So those animals may not be on a leash, tether or harness.

If one of the above exceptions applies for the leash, tether or harness, the service animal must be otherwise under the handler's control, either voice control, hand signals or some other effective means where it's really clear that the handler has control over the service animal. Next slide.

So the conduct of the service animal is also important. Here I am showing an animal that is bearing its teeth. So a service animal cannot be out of control. It cannot be menacing or extraordinarily barking. It cannot be anything that would cause someone to be afraid. But by its behavior, not simply by its breed. So you can ask someone with a disability to remove a service animal from the premises if the animal is out of control, and if the animal's handler does not take effective action to control it. If the handler controls it right away after being alerted that the animal is out of control, then you should not exclude the animal. It's only if the handler does not bring it under control. Also, part of being under control for a service animal is being house broken. And so if the animal has accidents several different times, then you can maybe conclude that the animal is not house brown. For one accident, maybe you need to let that happen and go by, but consistent accidents where the animal does not do its business outside, then you can conclude the animal is not house broken and it must be house broken to be under control as a service animal. Now, if a service animal is excluded, the handler can return without the animal. Remember, you are excluding the animal, not the handler. The
handler can come back for any goods, services or programs that the handler was there for in the first place. So it's important to know that.

Next slide, please.

So with a legitimate service animal, you should be truly hardly aware that they are present. When they are well-trained, when they are under control, you really shouldn't hardly notice them at all. And I'm showing a picture of a very nice calm dog lying at people's feet that has a handler and it's just lying down and it's being very quiet. And that should be a service animal's typical behavior.

Next slide, please. So, surcharges or fees. A shelter or any other entity for that matter, any state or local government, any private business, any nonprofit that is covered by the ADA, may not charge a deposit, a surcharge, an advanced or unequal cleaning fee, or any other fee to an individual with a disability as a condition to allowing the service animal to accompany the individual. Cleaning should be part of the normal expenses of whatever entity you're talking about. If the service animal actually does damage to furniture or something else that is really significant damage, then you can ask the handler to reimburse you for that damage, but typical cleaning fees should not be something that are charged to anyone with a service animal. They would be considered a surcharge, and that is not allowed under the ADA. Next slide.

When you are interacting with service animals, it's important to remember, service animals are working. They do work or tasks, as we have just learned. So do not pet, feed or speak to a service animal. I know that a lot of people want to come up to people with dogs or with miniature horses. They love animals, they want to speak to them, they want to give the animal a treat. Do not do that. That animal is working. You may be able to ask the handler, is it all right if I put my hand down, allow the animal to smell my hand and then pet the animal. The handler may say it's all right and they may not. So go by what the handler wants you to do. But in general do not speak to, feed, or pet a service animal. Next slide.

The number of animals someone can have. There is technically no limit on the number of service animals a person can use. However, the number does need to be reasonable, and each service animal would need to do a task that the handler can describe. So if you've got, say, someone who says, I have, you know, two or three service animals with me, they would need to be able to describe the task that each of those two or three animals does. Often people who need animals for stability or balance will use two similarly sized animals, so that they can balance in between them while holding on to a harness or a leash of those animals. So it is important to know that you cannot limit the number of animals except you cannot say will you know, you could say, well, 10 service animals might be unreasonable. Again, it depends on the circumstances. It depends on what the person describes to you that the animals can do.
So it's important to know that generally you cannot limit the number of service animals. Next slide.

Dog breeds. This is an issue that comes up frequently. Service animals may not be restricted or excluded based on their breed. The key is the service animal's behavior or conduct. Is the service animal under control? Does the handler have the animal under control? It does not matter if it's a small dog, a big dog, a dog that maybe people preparedness frequently afraid of, like this picture is showing a Doberman. They're allowed to have any breed of dog. And the key is, is the dog behaving appropriately. Next slide, please.

Service animals in training. The ADA does not cover service animals in training. But many state laws do talk about service animals in training. So you should look to your state law, and you should contact your ADA Center in your region if you cannot find your state law, because the ADA Centers all know the laws in their states that apply to people with disabilities and things like service animals. So please feel free to contact your ADA National Network center for information on the state laws that applies to service animals in training. Next slide.

Other animals. Animals other than dogs and miniature horses may be allowed in non-emergency shelters, like homeless shelters, long-term homeless shelters. Because the Fair Housing Act, which is a different law than what we have been talking about, the Fair Housing Act would apply in homeless shelters. And the Fair Housing Act allows emotional support animals in addition to service animals. And under the Fair Housing Act, you would ask basically the same two questions that I covered earlier about the ADA if the animal is a service animal, if it's an emotional support animal, you would need to produce the letter from a medical or rehabilitation professional that I talked about earlier to give to the shelter operator or the housing provider, if they request that letter. Again, emotional support animals can be almost any animal except for really exotic large birds or exotic reptiles, things that would be really difficult to have in a shelter or in housing, but they certainly can be cats, and I have on this slide a picture of a cat. But you must also remember for emergency purposes and in disasters, emotional support animals are not allowed in emergency shelters. Service animals are allowed in emergency shelters. Next slide.

So there are a couple of defenses regarding service animals that really could apply to any entity that is covered by the ADA. The first one is fundamental alteration. If a service animal fundamentally alters the nature of the services, programs, or activities provided, then you may be able to exclude even a service animal. The example that I make here is not really a disaster or emergency example. It is where a service dog may appear at a zoo, but that may disturb other animals, where a dog might be a predator of those animals, or even prey for other animals. So often zoos will ask that people leave their service animals at a special area where they are cared for in a kennel, they are in the shade, they are given water. But they are not allowed in at least parts of the zoo with their handlers. If you take away someone's guide dog, for example, you also have
to be able to offer guide services to that person, because they no longer have their
guide dog to offer those services. So you need to be aware of that. If that happens.

In that shelter, typically you are not going to have a fundamental alteration of the shelter
services when you have a service animal there. Direct threat is another possible
defense regarding service animals. It could cause a direct threat to the health or safety
of others if that threat is really something that is a significant risk that cannot be reduced
or eliminated by another reasonable modification. So it's important to know there are
criteria. You can't just assume that an animal is a direct threat. There are specific
criteria to look to to determine whether or not an animal might be a direct threat.

Next slide. So those are the general rules about service animals and emotional support
animals. Now let's look at the laws and guidelines that apply to service animals,
emotional support animals and pets in a disaster or emergency. Next slide.

So FEMA was established as people in the emergency management field will
undoubtedly know. In 1979, originally under President Jimmy Carter, and in 2003,
FEMA, or the Federal Emergency Management Agency, became part of the U.S.

FEMA has a very specific service animal definition. It is different from the service
animal definition that I told you about earlier that is the Department of Justice's definition
of service animal. The FEMA service animal definition is actually the same as the U.S.
Department of Transportation ADA definition. And that is any guide dog, signal dog, or
other animal, individually trained to provide assistance to an individual with a disability,
including but not limited to guiding individuals with impaired vision, alerting individuals
with impaired hearing to intruders or sounds, providing minimal protection or rescue
work, pulling a wheelchair, or fetching dropped items. So note that this is the definition
that FEMA gives to a service animal. Next slide.

So FEMA and the laws surrounding disasters and emergencies are important to
understand. Again, I know there are a lot of people on this webinar who are emergency
managers, but there are a lot of people who are not as well. And so I wanted to set up
what people in the emergency management field already know. Which is a few laws
that are out there. One of the important things to know is the National Response
Framework. This is a document that establishes a comprehensive national all hazards
approach to emergency response. It identifies the key response principles, rules and
structures that organize a national response. And it describes how communities, tribes,
states, the federal government and private-sector nongovernmental partners apply key
response principles for a coordinated and effective response nationwide.

So everybody working together. Next slide, please. One of the early laws that had to
do with disaster relief that passed in 1988 is the Robert T. Star Ford Disaster Relief and
Emergency Assistance Act, also known as the Stafford Act. This is a federal law
designed to bring an orderly and systematic means of federal disaster, natural disaster assistance for tribal, state and local governments in carrying out their responsibilities to aid citizens. Next slide, please.

After Hurricane Katrina hit the Gulf Coast and New Orleans in 2005, many things about disaster response and the laws surrounding disaster response changed. And significant failures that happened during Katrina led to those changes. And those changes are in unified management of the national response, command and control structures within the federal government, knowledge of tribal, state and local preparedness plans, and regional planning and coordination. So, all of these failures during Katrina led to these changes. Next slide. One of the changes that occurred after Katrina was the passage of the Post-Katrina Emergency Management Reform Act. Also known as PKEMRA. This is an amendment to the Stafford Act that I mentioned earlier, which is why I told you about the Stafford Act. One of the things that PKEMRA does is to designate FEMA as the sole primary federal agency for emergency response. It also directs FEMA to appoint a disability coordinator to ensure that the needs of individuals with disabilities are addressed in emergency preparedness and disaster relief. It allows FEMA to ensure and reimburse pet and service animal rescue and shelter expenses with help from other agencies. And PKEMRA was also passed in 2006. So at this point I do want to also make a point that it is important to realize that we are talking about disaster assistance for people with disabilities who may be handlers of service animals or who may have emotional support animals. So it is important to understand that we are talking about evacuation help for people with disabilities and making sure that they get the help and the shelter services that they need, and then we're also talking about how you would help the animals in addition to the people with disabilities. Because the people are the ones who have rights. The animals do not have rights under any particular law. So that is important to understand in this entire framework of this presentation. Next slide.

So one of the other amendments that came out of the Stafford Act, again in 2006, the same year that PKEMRA passed was the Pets Evacuation and Transportation Standards Act, also known as the PETS Act, of Pets Act. What it does is ensures that state and local emergency preparedness operational plans address the needs of individuals who have household pets, service animals, and ESAs, emotional support animals, following a major disaster or emergency. Next slide, please.

So who uses the PETS Act? It's available to be used by nonprofits and private companies, also known as non-governmental organizations or NGOs, who can provide animal rescue, evacuation and shelter, and those NGOs can enter into memorandum of understanding or MOUs with their state or local governments to provide these services. Then the state or local governments are the ones who would seek reimbursement for providing animal rescue, evacuation and shelter directly, if they're providing those services directly, or through their contracts or MOUs with the NGOs. So it's important to note that only state or local governments can seek reimbursement from FEMA for costs for providing animal rescue, evacuation and shelter, but these state or local governments can contract with nongovernmental organizations to help them provide
those services as long as those NGOs keep track of the expenses, document everything that is necessary for FEMA to provide that reimbursement. Next slide.

So when does the PETS Act become operational? Like most of the things that happen during a disaster, the PETS Act becomes operational when a federal disaster declaration is made. And that is made by the president of the United States.

So this presidential declaration serves as a trigger that provides for reimbursement for allowable, documented services used in the declared disaster event for evacuating, rescuing, sheltering, caring for, pets, emotional support animals, and service animals.

Next slide.

How does the PETS act work? So FEMA developed a disaster assistance policy or a DAP entitled "Eligible Costs Related to Pet Evacuations and Sheltering." And when they say "pet," they basically mean any animal, including pets.

And this is DAP 9523.19. So this DAP provides specific guidelines on expenses that are or are not reimbursable to states that have costs related to animals in a disaster. Remember, those states could have those costs directly or through their memoranda of understanding with NGOs, nongovernmental organizations. Next slide, please.

So the DAP 9523.19 says that eligible costs will include things like rescue sheltering and evacuation support, and it also provides a process for NGOs to seek reimbursement from the government agencies with whom they have these contracts or MOUs. Importantly, the disaster assistance policy also says specifically that service animals will be sheltered with their owners in congregate shelters. So it specifies that service animals should be with their owners or handlers in a shelter that is put out there for emergencies or after disasters. Next slide.

There is also another document called the Comprehensive Preparedness Guide 101 Supplement. And in that guide, FEMA has a household pet and service animal planning checklist. HPSAP checklist. You've got to love the government. There's a lot of acronyms that come out of government. So this is the HPSAP checklist, standing for Household Pet and Service Animal Planning. And it's a guide to the integration of household pet and service animal issues into a government's existing operations plan. So that that state or local government can plan for pet and service animal issues when developing their emergency and disaster operations plans. Next slide.

So, sections of this HPSAP checklist include preparedness, including training, which is always very important, evacuation support. So evacuating the animals and hopefully you're evacuating the people as well. Animal shelter operations, registration and animal
intake and how that is typically to be done in an organized way, animal care. So how do you care for the animals as long as they are in this shelter? Public information and outreach. When you're telling the public about where the animal shelters are, so they might know where to take their animals before they go to a shelter themselves, if the animal is not a service animal. And then also record keeping. And that is really important if you want to be reimbursed for your costs from FEMA after the disaster is over. Next slide.

So that kind of covers the guidelines and laws that cover what would apply to pets and other animals during a disaster. So let's talk a little bit about some best practices for different people. So let's talk about best practices starting with emergency managers.

Consider animals at all stages of a disaster. So just like we were talking about having in your emergency plans, what you're going to do with animals, you need to include service animals, emotional support animals, and pets in your evacuation response and recovery plans. You need to have agreements in place before disasters happen with private nongovernmental organizations. Those could be for-profit companies or nonprofits, who can provide evacuation and shelter assistance for pets, emotional support animals, and service animals if necessary. If the service animals for some reason cannot be with their handler in the shelter. And you need to also consider what documentation is required to get federal reimbursement under the PETS act for all the expenses you incur in dealing with your pets, emotional support animals, service animals that you need to shelter. Next slide.

Again, train your staff and involve your ADA coordinator. Train your staff on the laws that cover service animals, emotional support animals and pets. This training would be a good example of how to train people on that. But you may also want some individualized training, and you can approach us as the Pacific ADA Center or one of the other ADA National Network centers if you're in a different region, to provide that more individualized training if you need that. Ensure that emergency shelter staff, in addition to the emergency management staff at the state or local government receive the same training. That is usually Red Cross, but whoever is operating your shelters, you need to make sure they also receive training on emotional support animals, service animals and what to do. And then make a point to involve the ADA coordinator for your jurisdiction, whether you're a state or local government. Involve the ADA coordinator in your Emergency Operations Plan and in your Emergency Operations Center, if at all possible, during the disaster. The ADA coordinator can be of huge help to you in understanding not only about animals but in how to work with people with disabilities and what the issues are that may arise during this disaster for people with disabilities. So please do work with your ADA coordinator and know who they are, develop a relationship with them, hopefully before the next disaster happens. Next slide. So let's look at some best practices for handlers with disabilities.

If you are a handler of a service animal or an emotional support animal, have an evacuation plan for you and your animals. This might even include your pets.
where you would need to go to seek shelter for yourself and for any of your animals. Of course, if you have a service animal, that service manual can come with you to the emergency shelter, but nowhere the other pet shelters or emotional support animal shelters might be in your community. If you have to seek them out before the emergency. Also, identify separate shelters for emotional support animals and pets, you know, in advance. Next slide.

Evacuation drills. This can be for handlers with disabilities, but it can also include emergency managers and shelter operators may want to really be aware that you would need to include service animals or emotional support animals in any evacuation drills you participate in, including evacuation drills in housing, including in, like, homeless shelters, where you may have an emotional support animal, in workplaces. Although we didn't cover it earlier, but somebody could potentially have a service animal or an emotional support animal in the workplace with them if their employer granted the ability for them to have that as a reasonable accommodation in employment. So know how to evacuate with your service or emotional support animal from your workplace, from your housing, from any shelter you might be in, and from any public building you might be in. So this could really apply to any entity under the ADA and to handlers that have animals. Next slide.

Also, prepare an emergency kit, just like you should have an emergency kit or a go bag for yourself, with your medications and other key things that you need to have with you and take with you if you have to evacuate. You should have a go bag for your animals as well. And that go bag should contain a number of things, but it could include things like food and water for the animal, medication the animal takes, bowls for food and water. And I know they make a lot of collapsible bowls that are easy to carry in a bag. The ID tags and veterinary records, and if you have an emotional support animal, make sure that you have the letter from the doctor or rehabilitation professional as well. Pet shampoo, wipes, small bags, and other items you may need to use to clean up after the animal. A blanket the animal can sleep on and a favorite toy might help reduce the animal's stress. Because animals will be stressed during a disaster just like people will. And you also should have a leash or harness with you, an extra one, in case you need that during the evacuation. Next slide.

So now let's turn to best practices for shelters. We're talking here about emergency shelters. Next slide.

If you need to exclude an animal from a shelter, because there is some reason that the animal is out of control or somehow has lost its definition as a service animal, that can be complex in an emergency or disaster situation. So where can the animal be placed? We talked a few minutes ago about the fact that there are specific shelters set up for animals during a disaster. So as a shelter operator, you need to know where those shelters might be for those animals so that someone can take the animal to that shelter. You may also want to limit exclusion of an animal to times when the animal's behavior truly poses a direct threat to the health or safety of others. And as I explained when I was covering direct threat earlier, this must be based on a substantial risk of actual
harm and not on a potential risk and not on generalizations. So excluding an animal from an emergency shelter where their handler is going to stay can be complex. So make sure you are considering these factors. Next slide, please.

Train your shelter staff. Training is really helpful for everyone. So train the shelter staff on basic rules on service animals and emotional support animals. And, again, the location of animal shelters that could care for emotional support animals and pets, if that is needed. Next slide, please.

Create space for service animals that will be in the shelter with their handlers. Make sure that there are spaces around the cots or areas where people with disabilities will be in the shelter who bring their service animals with them so that they can have their service animals right next to them. If another shelter resident has dog allergies or perhaps even a fear of dogs, try to separate the person with the service animal from anyone with allergies or fear of animals. And hopefully that is possible within the shelter. And everybody can be able to be comfortable within the shelter. Also make sure other shelter residents know this is a working animal and not to pet, feed or talk to the animal unless the handler has given permission.

Next slide, please. You should also have service animal relief areas at shelters. You need to have even small grassy areas that can be used for service animals to relieve themselves that the handlers can take them out to be able to relieve themselves. So it's important to have that right next to the shelter and to know where that service animal relief area is and describe that to the service animal handlers. Next slide. Care and supervision. This is true for emergency shelter staff but also true for any entity covered by the ADA. You are not responsible for the care and supervision of service animals. The handler is responsible for the care and supervision of their service animal. If the handler cannot care for them independently for some reason in the shelter, staff should try to locate family or friends of the handler or perhaps recruit a shelter volunteer, if one is consistently available to take the service animal out for relief, to feed the service animal, to give the service animal water. You need to be able to make sure the service animal is somehow cared for, but you are not responsible for that care. You need to see if you can seek it from others if the handler cannot provide it themselves. Again, emergency pet shelters are set up in a disaster and could care for service and emotional support animals as well as pets if that ends up being necessary. Next slide. And I just prepared some resources for you on a few slides. Pacific ADA Center has an emergency preparedness page on our website I encourage you to explore our entire website but certainly look at this emergency preparedness page, where I have given you the website address. Also the ADA National Network has a service animals in emergency situations specific fact sheet, and you can find the web address for that here. Next slide, please.

I also have given you resources for the U.S. Department of Justice, which is a very helpful document about service animals and goes over many of the same things I
covered in this training. You should also be able to review the post-Katrina Emergency Management Reform act, or PKEMRA, and that is available to be able to review to know what that contains. There is the document called the PETS Act FAQ or frequently asked questions. That’s a very helpful document for knowing more about the PETS Act that I described earlier. And the final resource slide... next slide, please.

This has the FEMA disaster assistance policy 9523.19, which, again, covers eligible costs related to pet evacuation and care during a disaster. And the FEMA comprehensive preparedness guide 101 supplement for household pets and service animal planning checklist. I also have given you a link to that. Next slide, please.

So with that, I thank you for your attention and I look forward to any questions that I have not answered during the presentation. Lewis, I turn it back to you.

>> LEWIS KRAUS: Thank you so much, Jan. That was really great, comprehensive, and, everyone, this is now the time if you have not put your questions into the chat box, to do that. And we can get to that right away, because there were a lot of questions. But as a sign of a great presentation, Jan, many of the questions that got put in there you answered as you went through your slides. But there were a few more. So let's get to them right away.

The first question... is there anything being done or can be done for those individuals that inappropriately, sometimes knowingly, define their animal as a service animal?

>> JAN GARRETT: Well, as I described, you can ask the two questions... is this a service animal required because of a disability? If the answer to that is yes, you can ask... what task or work does the animal perform? The person should be able to answer that question. They shouldn't say, oh, no, I don't have to answer that question. They do indeed have to answer that question. They don't have to answer further questions about their disability if and they don’t have to show the task being performed by the animal. But you really can ask the two questions. If you feel like it's a legitimate work or task that the animal -- that the handler has described, and that the animal is under control, you know, it's behaving itself, it's under the handler's control, then really that is kind of what you can do. There are other state laws that talk about, you know, it is a misdemeanor to misrepresent an animal as a service animal, but you would have to have some pretty solid proof that that misrepresentation is happening. So as long as the animal is under control and they answered the question about the work or task, that's really pretty much the extent of what you can do in investigating whether the animal is legitimate.

>> LEWIS KRAUS: All right. The next question... similar to where you were landing there, can state pass laws requiring documentation for service animals even if federal law states not necessary?

>> JAN GARRETT: For service animals, no. Maybe you know and maybe you don't know, when you're looking at -- you know, I'm hearing an echo. Okay.
When you're looking at laws, state laws can provide a greater level of protection or accessibility for somebody, whether it's somebody with a disability as we're talking about here, but it cannot be more restrictive than the federal law. So if you passed a state law or local ordinance of some kind that said you have to have documentation for service animals, that would actually be less protective of people with service animals than the federal law is, the ADA is, and you may not do that. You can have laws about emotional support animal documentation, but those should also really comply with the Fair Housing Act. So you should look to the Fair Housing Act for how they describe the documentation that is necessary for emotional support animals.

>> LEWIS KRAUS: All right. The next question... If the handler's answer to the first question is yes, what would be the benefit of the company or employee asking that second question of the handler?

>> JAN GARRETT: Well, the benefit is that you know that it's individually trained to perform work or a task for that individual with a disability. And that is part of the service animal definition. So you know that it actually fits the definition of a service animal, if the answer to the first question is yes, and if the handler can describe the task of work in the second question, and if animal is under control. That's how you know it's a service animal and how you know that it fits under that definition.

>> LEWIS KRAUS: Great. Related to that, the next question, do handlers know that we are allowed to ask these questions?

>> JAN GARRETT: Well, not every handler may know. Not every handler is on this training, I'm sorry to say, but many, ma handlers do know this. They are used to the two questions. And mostly if they have a legitimate service animal, they will expect people to ask the two questions and they will know that they have to answer them. So usually, yes, the handler will know. But I wouldn't say that is 100% true. You may need to be able to provide them with, for example, the documentation from the Pacific ADA Center information on service animals or the Department of Justice frequently asks questions on service animals to show them that you are allowed to ask those questions.

>> LEWIS KRAUS: All right, the next question said... we're seeing an increase in handlers using voice or e-collars rather than physical methods. What are you allowed to ask if this occurs if it is an accommodation or personal preference?

>> JAN GARRETT: Well the truth is that if it's under control with the voice or another means, then that is what is required. Typically you would only allow the voice control or maybe hand signals if the person really couldn't manage the tether or leash or harness because of their disability, or if the tether, leash or harness would interfere with what the animal needs to do for its work or task. And so you may not know that, even if you ask the two questions. So the key is that the animal needs to be under the handler's control. If it isn't, then it essentially loses its definition as a service animal and you are
allowed to exclude the animal, and the handler gets to return. In a shelter situation, you want to make sure you know how to shelter the animal if you must exclude it.

>> LEWIS KRAUS: And just to add to that, the two questions are your questions. So that's what you are allowed to ask, what are you allowed to ask, you are allowed to ask those two questions, no matter what the -- how the handler is controlling the animal.

All right, next question. Relationship there any facilities that are exempt from the ADA? I think this is a discussion -- this was brought up when you were describing, you know, how service animals might be handled in facilities that are under the ADA.

>> JAN GARRETT: There are some facilities exempt from the ADA. Not many. There are tribal lands that are in tribal communities that are exempt from the ADA. There are religious institutions that are exempt from the ADA. And there are private clubs that fit a strict definition of a private club, not simply private in that you have to pay a fee for the club. But you must understand that even in the case of a tribal land situation, if it's a casino operated by the tribe and open to the public, if it's a place of public accommodation, the animal gets to come in. It's only on strictly tribal lands that the service animal could be excluded. And then a lot of religious organizations even though they are not covered by the ADA, they may allow service animals simply because they want their parishioners, their congregants, the people that attend that religious institution to feel comfortable and for the animal to be able to be there with them as long as that animal is under control. So, yes, there are entities that are exempt from the ADA, but as I said, not many.

>> LEWIS KRAUS: All right. There are a series of comments about the support animals not being allowed in emergency shelters, and many people sort of responded that even though you said that emotional support animals are not allowed in emergency shelters, some emergency shelters may allow people to bring their pets in with them. So that would still qualify.

>> JAN GARRETT: Yes, if they do allow pets in the emergency shelter, then absolutely an emotional support animal could be allowed. But typically, you know, you would want to be careful with that, and the shelters that do allow pets and emotional support animals do know this, these animals are not trained and they need to be under control. You need to understand that if you're allowing emotional support animals and pets in shelters.

>> LEWIS KRAUS: And so the next question is... there seemed to be some confusion about... so do emergency shelters follow FEMA's definition or the DOJ's?

>> JAN GARRETT: Well, it's a good question. And, you know, I think generally you would need to follow DOJ's except to the extent that for FEMA, in order to get reimbursement, you need to follow their definition of what a service animal is. And so you may need to allow other animals that FEMA says in their definition into a shelter, but, you know, I think this is an area that most emergency managers and maybe ADA
coordinators that are familiar with how emergency shelters operate would be able to answer more than I can. But I would say that emergency shelters typically would fall under the DOJ definition of service animal.

>> LEWIS KRAUS: And let me add the person followed up with a question about what state they were in. Do remember that you can call your regional ADA Center, who will know about each state's requirements, and that may help you. So the 1-800-949-4232 number will help you in those specific questions.

Again, around this definition, the FEMA versus DOJ definition, if FEMA reimburses disaster-related costs, do local entity need to follow the FEMA definition of service animals, or does that definition only apply to FEMA operated shelters and emergency response activities?

>> JAN GARRETT: If this person is talking about a local community-based organization, correct?

>> LEWIS KRAUS: It is unclear, but let's say yes for purposes of this answer.

>> JAN GARRETT: Okay. So what you really need to do is have a memorandum of understanding or a contract with your state or local government. Because they're the ones who are going to be able to get FEMA reimbursement and be able to pass it along to you. So you should make sure that you understand what definition of service animal is being used in that memorandum of understanding with your state or local government so that you can be sure that you're going to get the appropriate reimbursement that is through the state or local government when they apply for reimbursement from FEMA. So make sure that the contract or MOU is clear about what definition is applicable to it.

>> LEWIS KRAUS: Some people were noting that -- this is emergency management specific language. The PAPPG definition of service animals seems to supersede the DAP, and so I'm going to put this link that somebody noted into the chat room so that you can see that in a moment here. There you go, if you ear interested in that. We have so many questions here. I think we're really only going to be able to do one or two more and then we'll have to end. But let's...

Is it okay to post a policy that explicitly states emotional support animals are not allowed in the shelter with their owner?

>> JAN GARRETT: You're talking about an emergency shelter I would assume.

>> LEWIS KRAUS: I'm assuming, yes.

>> JAN GARRETT: Then, yes, you can have a policy and post a policy. Remember, when posting anything, make sure everyone knows about it. Because if you're blind and it's only a policy on a piece of paper posted on a wall, the blind person is not
necessarily going to see that. So, yes, you can have a policy that says only service animals are allowed in emergency shelters.

>> LEWIS KRAUS: I think this will be the last question. Do emergency shelters require documentation for ESAs in an emergency?

>> JAN GARRETT: Again, typically emergency shelters do not allow ESAs. As someone commented earlier, there are some emergency shelters that do allow ESAs and pets, and I don't know whether they require documentation. They may not, if they just allow pets and emotional support animals. But really the documentation for emotional support animals is for housing providers, when someone is in their apartment or other housing, and in homeless shelters, long-term shelters, that's really what the emotional support animal documentation is for. So typically, because emotional support animals are not allowed in most emergency sheltering is wouldn't come up about documentation, because in emergency shelters, service animals, you can only ask the two questions we discussed earlier.

>> LEWIS KRAUS: Thank you. There were so many questions. I'm very sorry we are not able to get to all of them, because we want to be respectful of everyone's time and the ending time of the webinar. If you do have a question or you have a question that didn't get answered here or you think of another question after this, do remember that you can call your regional ADA Center and they will be able to answer questions on service animals, and these are commonly asked questions, so people really will know the answers to this. And you can get them at 1-800-949-4232.

I just want to remind you all that you will receive an email with a link to an online session evaluation. Please complete the evaluation for today's program, as we really value your input and want to make sure that our funder is aware of the value of these presentations. We want to thank Jan today for sharing her time and knowledge with us. And reminder to all who asked, today's session was recorded and it will be available for viewing next week at ADApresentations.org in the Archives section of the emergency management area. Our next emergency management webinar will be held on May 12th and will feature a presentation on obstacles emergency managers face and ways to incorporate them into emergency management plans. We hope you can join us for that. Watch your email two weeks ahead of time for the announcement of the opening of registration.

Thank you again for attending today's session. We appreciate your time. Thank you, again, Jan, for a great presentation, and have a good rest of your day, everybody! Bye-bye!