



State of California
Office of the Attorney General

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ATTORNEY GENERAL

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To: City Attorneys, Mayors, City Managers, County Counsel, County Executives, and
County Administrative Officers

RE: Emergency Planning, Response, and Recovery for People with Disabilities

Dear Colleagues:

As the Attorney General of the State of California, I have a strong interest in ensuring compliance with state and federal disability access laws and regulations so that people with disabilities have equal access to emergency planning, response, and recovery. Californians, including those with disabilities, across the State live in areas that are at high risk of wildfires, earthquakes, and epidemics, among other disasters. The hazards caused by such emergencies can have lasting effects on people, their property, and their surroundings. These hazards can be particularly acute for people with disabilities with respect to preparing for, experiencing, and recovering from an emergency. Federal and state laws require that people with disabilities have meaningful access to government programs, including emergency planning, emergency response, and emergency recovery (emergency preparedness). The Office of the Attorney General continues to receive complaints that the needs of Californians with disabilities are being ignored in all aspects of emergency planning and implementation of emergency plans, including physical accessibility, effective communication, transportation access, service animals, and involvement in training and planning for emergencies. I encourage you to join us in our effort to ensure that all jurisdictions comply with disability access laws in the preparation for, response to, and recovery from emergencies.

I. Governing Laws

Under federal and state laws and case law precedent, every local government must have an emergency plan or set of plans that, at minimum, include plans to notify, evacuate, transport, shelter, and reintegrate people with disabilities during and after an emergency. Just as emergency planning for people without disabilities should occur in advance (e.g., pre-designate possible emergency shelters, have an emergency alert system in place), so too must emergency planning

for people with disabilities. As advance planning occurs in all areas of emergency preparedness, people with disabilities must be included, as is discussed below.

A. Title II of the Americans with Disabilities Act

In emergency planning, response, and recovery, State and local entities must comply with Title II of the Americans with Disabilities Act (“Title II of the ADA”) and its regulations. (42 U.S.C. § 12101.) Title II of the ADA guarantees meaningful access to government-provided services, programs, and activities. (*Crowder v. Kitigawa* (9th Cir. 1996) 81 F.3d 1480, 1483-84.) Any services, programs, and activities that place a disproportionate burden on people with disabilities as compared to others prohibit meaningful access to those services, programs, and activities. Public entities must make reasonable modifications to policies to ensure meaningful access for people with disabilities to the benefits and services of the public entity.¹ (*Mark H. v. Lemahieu* (9th Cir. 2008) 513 F.3d 922, 937.) However, public entities are not required to make reasonable modifications that fundamentally alter a program, service, or activity nor are they required to undergo undue financial and administrative burdens to comply with Title II of the ADA. (28 C.F.R. §§ 35.130(b)(7), 35.150(a)(3), 35.164.)

People with disabilities do not need to request reasonable modifications on an *ad hoc* basis and at the time of an emergency; rather, public entities must affirmatively anticipate the needs of their residents before an emergency. (*Communities Actively Living Independent and Free v. City of Los Angeles* (C.D.Cal. Feb. 10, 2011) 2011 WL 4595993, pp. *13-14 (Order Granting Plaintiffs’ Motion for Summary Adjudication) (“*CALIF Order*”); *Cal. Foundation for Independent Living Centers v. County of Sacramento* (E.D.Cal. 2015) 142 F. Supp 3d 1035, 1063 (Order on Summary Judgment); see also *Brooklyn Center for Independence of the Disabled v. Bloomberg* (S.D.N.Y. 2013) 980 F.Supp.2d 588, 644 (Opinion and Order) (“*BCID Order*”).)

Title II of the ADA further requires effective communication with people with disabilities. (28 C.F.R. §§ 35.160-35.164.) State and local governments must ensure that communications with people with disabilities are as effective as communications with others. (28 C.F.R. § 35.160(a)(1).) Among other things, public entities are required to “furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities . . . an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity,” including emergency preparedness. (28 C.F.R. § 35.160(b)(1).)

Ensuring meaningful access requires compliance with accessible architectural design. Title II of the ADA also sets forth architectural requirements for physical accessibility of

¹ Reasonable modifications are sometimes called reasonable accommodations. (*McGary v. Portland* (9th Cir. 2004) 386 F.3d 1259, 1266, n. 3.)

buildings and facilities that depend on when the structure was built or renovated. (28 C.F.R. § 35.151.) Existing buildings and facilities must be made accessible unless it can be shown that removing a barrier is “not readily achievable” or accommodations cannot be provided through other means. (See 42 U.S.C. § 12182(b)(2)(iv) & (v).) The altered areas of altered buildings and facilities must be readily accessible to people with disabilities. Newly constructed buildings and facilities must adhere to the federal Standards for Accessible Design from the start and in their entirety. Thus, local entities must assess buildings that are pre-designated as emergency shelters in their jurisdiction to determine the accessibility required and make modifications to comply with relevant requirements. In addition, during an emergency, if a program, service, or activity must be moved from a damaged facility to an alternate facility, Title II of the ADA requires that the alternate facility be accessible to people with disabilities, in accordance with whether the facility is existing, altered, or new. (28 C.F.R. §§ 35.149-35.151.) As such, a local entity should have additional buildings in their jurisdiction that comply with architectural access design to allow the relocation of emergency shelters. Physical accessibility requires compliance with federal Standards of Accessible Design. The U.S. Department of Justice adopted the first ADA Standards for Accessible Design, on July 26, 1991, known as the “1991 ADA Standards” (available at <https://www.ada.gov/law-and-regs/design-standards/1991-design-standards>) and adopted revised ADA Standards on September 15, 2010, known as the “2010 ADA Standards” (available at <https://www.ada.gov/law-and-regs/design-standards/2010-stds>) (collectively the 1991 and 2010 Standards are referred to as the “ADA Standards”). Knowing the ADA Standards for buildings and facilities is important in determining if a government entity’s building or facility complies with Title II of the ADA. These are specific standards and not modifications that can be made *ad hoc* during an emergency. For example, public entities must install ramps that are no more than 1:12 slope and not less than 36 inches wide. A piece of plywood over a step does not comply with these specifications and may render a building inaccessible.

Public entities often rely on non-governmental organizations and non-profit entities during an emergency. Public entities remain liable for discrimination perpetuated by contracted private entities. The regulations for Title II of the ADA prohibit disability discrimination “directly or through contractual, licensing or other arrangements.” (28 C.F.R. § 35.130(b)(1); 28 C.F.R. § 42.503(b)(1).) The mandates of Title II of the ADA thus attach to private entities that are providing government services as third-party contractors, although the government entity remains ultimately responsible.² (28 C.F.R. § 35.130(b)(1) [regulation held invalid as to associational claims by *Todd v. Carstarphen* (N.D. Ga. 2017) 236 F.Supp. 3d 1311, 1338-1340].) A public entity should work closely with any entities with which they contract for emergency preparedness services and communicate the legal obligations with respect to ensuring meaningful access for people with disabilities. For example, if a local entity contracts with a non-governmental organization to provide information regarding recovery resources, that

² Private entities are also separately subject to Title III of the ADA to the extent that they are public accommodations. (See 42 U.S.C. § 12182.)

organization may need to make its services and programs accessible. If the organization has a physical location, that location may need to be architecturally accessible. If the organization communicates with victims of the emergency in assisting them, the organization may need to have available auxiliary aids (e.g., American Sign Language interpreters) to assist with communications and alternate formats for written materials (e.g., large print, electronic). If the non-governmental organization does not meet these standards, as a contractor with the public entity, the public entity would be liable for violations of Title II of the ADA.

B. Other Applicable Federal Laws and Guidance

Section 504 of the Rehabilitation Act of 1973 prohibits recipients of federal funding from excluding people with disabilities from, denying them the benefits of, or subjecting them to discrimination under any programs or activities. (29 U.S.C. § 794.) Due to the similarities between the statutes, the Ninth Circuit has held that in most circumstances “there is no significant difference in the analysis of rights and obligations created by” the ADA and Section 504. (*Vinson v. Thomas* (9th Cir. 2002) 288 F.3d 1145, 1152, n.7; and see *Lane v. Lake County Housing Commission* (N.D. Cal. 2024) 724 F.Supp.3d 1026, 1048.)

In addition to the ADA and Section 504, numerous other state and federal laws govern the rights of people with disabilities with respect to emergency planning, including the following laws and regulations:

- Federal Communications Commission regulations for closed captioning ensure that viewers who are deaf and hard of hearing have full access to programming. (See 47 C.F.R. § 79.1.) Although the rules focus on traditional television broadcast stations, they include internet-based streaming services. (47 C.F.R. § 79.4(a)(5), (b).) Consequently, during an emergency, any audio on a public entity’s website may need to be captioned.
- The 21st Century Communications and Video Accessibility Act (CVAA).
- The Post-Katrina Emergency Management Reform Act (PKEMRA).
- The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended.
- The Communications Act of 1973, as amended.
- Individuals With Disabilities in Emergency Preparedness (Executive Order No. 13347, 69 Fed. Reg. 44573, July 22, 2004).
- Public Alert and Warning System (Executive Order No. 13407, 71 Fed. Reg. 36975, July 3, 2006).

Several federal courts have affirmed the legal obligation of public entities to include people with disabilities in emergency planning, response, and recovery. For example, the *CALIF Order, supra*, 2011 WL 4595993, was a district court-issued summary judgment order regarding the applicability of the ADA to a local jurisdiction’s emergency preparedness program. The court found that the city provided a government program—its emergency preparedness program—and it was covered by the ADA. The result was a settlement agreement that included the development of a comprehensive emergency preparedness plan to comply with the court’s order. (*Communities Actively Living Independent and Free v. City of Los Angeles* (C.D.Cal. Apr. 15, 2013) No. 09-cv-0287, Doc. 230, Ex. A (Proposed Class Settlement Agreement) (“*CALIF Settlement*”); and see Doc. 254 (Order Approving Class Settlement).) Similarly, another district court issued a lengthy opinion and order after a trial, finding New York City liable for failing to incorporate the needs of people with disabilities into its emergency preparedness program, which similarly resulted in the development of an emergency preparedness plan that addresses the different needs of people with disabilities. (*BCID Order, supra*, 980 F.Supp.2d 588.)³ And another district court found that a county airport failed to adequately address the needs of people with mobility disabilities in its airport evacuation plans. (*Cal. Foundation for Independent Living Centers, supra*, 142 F. Supp. 3d 1035.)

C. Applicable California Laws

Public entities must also comply with California law:

- Government Code Section 11135, prohibiting recipients of state funding from denying full and equal access to or discriminating against people with disabilities. In 2024, the state adopted new regulations regarding prohibited forms of discrimination. Some regulations may be applicable to emergency planning. For instance, it is discrimination to utilize criteria or methods of administration “create, increase, reinforce, or perpetuate discrimination or segregation based on membership in a protected class.” (See Cal. Code Regs., tit. 2, §14026, subd. (a)(9)(D).)
- The California Emergency Services Act, enumerating core authorities for emergency management following a formal proclamation of emergency, and the Standard Emergency Management System regulations implement that Act. (Gov. Code §§ 8550-8668; Cal. Code Regs, tit. 2, §§ 2400-2450.)

³ The settlement in *BCID* consisted of six memoranda of understanding that include sheltering, post-emergency canvassing, transportation, communication, power usage and outages, the hiring of an access coordinator and creation of an access panel, and the creation of a high-rise building task force. (*Brooklyn Center for Independence of the Disabled v. Bloomberg* (S.D. N.Y Sep. 30, 2014) No. 11-cv-06690, Doc. 198 (“*BCID Settlement*”), Exs. B, C, D, E, F, and G; approved by Doc. 202.)

- The Education Code, requiring public school districts to develop and implement Comprehensive School Safety Plans that include disaster procedures and adaptations for children with disabilities. (Ed. Code, §§ 32280-32288.)
- The Building and Standards Code sets forth physical access regulations for California buildings. (Cal. Code Regs., tit. 24.)
- The Government Code mandates that 911 public safety answering points must have a telecommunications device capable of servicing the needs of people with hearing disabilities. (Gov. Code, § 53112, subd. (c).) It further encourages counties that provide emergency services to provide teletype equipment at a central location to relay requests for emergency services. (Gov. Code, § 23025.)

II. Emergency Preparedness and Resources

A. Emergency Preparedness Considerations

The first step in emergency preparedness is planning during non-emergency times. *Ad hoc* accommodations, those that are requested and provided during an actual emergency, “are both legally inadequate and practically unrealistic.” (*CALIF Order, supra*, 2011 WL 4595993, p. *14.) Although not an exhaustive list, planning considerations include communication needs, evacuation planning, shelter planning, and reintegration planning.

Communication Considerations

Under Title II of the ADA, government entities must address the communication needs of the whole community, including people with sensory disabilities (e.g., deaf, hard of hearing, blind, low vision, deaf-blind, and speech disabilities), as well as people with intellectual or developmental disabilities. Government entities must communicate with everyone in ways that are easy to access and understand and must also use communication methods that reach everyone in the community. Public response to any emergency is based on understanding of the situation; people’s knowledge of what actions they should take or refrain from during an emergency increases their chances of survival and quick recovery.

But many emergency warning systems are not accessible for people with disabilities. For example, people who are deaf or hard of hearing cannot hear radio, television, or sirens. Those who are blind or have low vision cannot see visual cues, such as flashing lights, or read notifications on inaccessible websites. (See, e.g., *CALIF Order, supra*, 2011 WL 4595993, p. *13 [finding that the city violated the ADA and Section 504 in part because “the [c]ity’s emergency preparedness program [did] not include provisions to notify people with auditory impairments or cognitive disabilities of an emergency”].) Also, a local entity must communicate its plans for assistance to persons with disabilities. For instance, if people with mobility

disabilities are instructed to congregate in an area of refuge, there must be a plan to communicate what to do next. (See *Cal. Foundation for Independent Living Centers*, *supra*, 142 F.3d at pp. 1063-1064 [because a county failed to communicate the locations of accessible emergency exits, stair chairs, and other emergency evacuation devices to people with mobility disabilities, the county's plans disproportionately burden[ed] people with disabilities].)

Local entities may need to survey the communication systems with the public that they rely on to ensure that these are accessible to people with disabilities. Accommodating those needs may require, for instance, the use of door knock notifications as opposed to only cell phone alerts. If local entities rely on websites to update residents during an emergency, people with disabilities who require accessible websites (e.g., those with vision disabilities) do not have to request an accessible website during the emergency. Rather, the local entity must proactively determine what accommodations will be needed during an emergency to ensure meaningful access and then implement those accommodations in advance of the emergency and without request from people with disabilities on an *ad hoc* basis at the time of an emergency.

Some notification considerations include:

- Engaging the public through a task force or similar entity to obtain community input into the emergency plan as it pertains to people with disabilities. Successful models of such public input ensure a combination of government and non-government agencies and significant opportunities for people with disabilities to participate directly.⁴
- Public education during non-emergency times, such as outreach events, media advertisements, and advertisements in local transit.⁵
- Planning for the use of both visual and audible alerts (e.g., personal/door-to-door notifications). For example, establishing multiple and redundant electronic alert methods like telephone calls, auto-dialed TTY (teletypewriter) messages, text messages, e-mails, and accessible social media and websites.⁶
- Making arrangements in advance for qualified sign language interpreters, computer-assisted real-time transcription (CART), and open captioning for announcements on television and the internet. This should include ensuring that emergency broadcast text will not conflict with the location of closed captioning.⁷

⁴ *BCID Settlement*, *supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-7, Ex. F, pp. 5-7.

⁵ *CALIF Settlement*, *supra*, C.D.Cal. No. 09-cv-00287, Doc. 230-1, pp. 55-57, § 2.2; *BCID Settlement*, *supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-2, Ex. A, p. 4, § II.A.5.

⁶ *CALIF Settlement*, *supra*, C.D.Cal. No. 09-cv-00287, Doc. 230-1, pp. 61-66, § 3.2.1.

⁷ *BCID Settlement*, *supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-2, Ex. A, p. 6, § IV.B.5.

- Pre-drafting plain language descriptions and instructions for common needs like directions to nearby shelters. To the extent possible, local entities may want to create a model evacuation notice using plain language and explicit directions that can be filled in during an emergency. Avoid jargon, acronyms, and truncated or abbreviated text.⁸
- Training government staff such as first responders on disability literacy, communicating with individuals with sensory and intellectual or developmental disabilities, the proper operation of wheelchair lifts, and the proper handling of durable medical equipment.⁹

Evacuation Considerations

Local government entities need to establish procedures to ensure that people with disabilities can evacuate the area of an emergency in a variety of conditions, with assistance when it is needed. People with disabilities who need assistance in evacuation include those with mobility disabilities, those with vision disabilities (who can no longer use traditional orientation and navigation methods), and those with hearing disabilities (who cannot communicate their need to be evacuated). For people with disabilities, emergency evacuation procedures must account for durable medical equipment and service animals. (See, e.g., *CALIF Order, supra*, 2011 WL 4595993, p. *13 [city violated the ADA and Section 504 in part because “the City’s emergency preparedness program [did] not include provisions to . . . evacuate [or] transport” people with disabilities during an emergency”]; *Cal. Foundation for Independent Living Centers, supra*, 142 F. Supp 3d at pp. 1062-1063 [county’s airport for an evacuation plan could not be accessed by people using wheelchairs; *BCID Order, supra*, 980 F.Supp.2d at p. 643 [city’s “plans assume[d] that people [would] be able to exit their buildings unassisted and that they [would] evacuate using public transit” in violation of the ADA and Section 504].)

Some evacuation planning considerations include:

- Identifying accessible transportation needs in the agency’s jurisdiction by engaging with people with disabilities and organizations that serve them.¹⁰
- Identifying available accessible transportation options in both the public and private sector vehicle fleets. To the extent that private vehicles will be utilized, local governments should enter into memoranda of understanding that identify clear activation procedures.¹¹

⁸ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-5, Ex. D, p. 2, §§ I.A.1-3.

⁹ See *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-2, Ex. A, p. 7, § V.B.4.

¹⁰ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-4, Ex. C, pp. 1-3.

¹¹ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-4, Ex. C, pp. 1-3.

- Coordination and prioritization of accessible transportation resources to areas of concentrated need.¹²
- Identifying and evacuation planning for people with disabilities in high-rise buildings who may not have elevator access during an emergency.¹³
- Planning to address power outages and power usage needs of people with disabilities.¹⁴
- Partnerships with disability-related non-governmental organizations that provide services to people with disabilities that can know their location and circumstances (e.g., Centers for Independent Living).¹⁵

Emergency Shelters

Many emergencies require mass relocation to emergency shelters. Relocation and sheltering must afford people with disabilities equal access to the benefits of these programs—like safety, food, and medical care—as those without disabilities. (See, e.g., *CALIF Order, supra*, 2011 WL 4595993, p. *13 [finding that “the City’s emergency preparedness program [did] not include provisions to . . . temporarily house individuals with disabilities during or immediately following an emergency or disaster despite the fact that such individuals have special needs and may require reasonable accommodations during an emergency or disaster”]; *Cal. Foundation for Independent Living Centers, Supra*, 142 F. Supp 3d at p. 1064 [the county failed to make plans “to ensure people who depend on durable medical equipment will be reunited with their equipment, and [] made no plans to provide appropriate substitutes or accommodations for a person away from the Airport and without his or her equipment”]; *BCID Order, supra*, 980 F.Supp.2d at 646 [finding “that, due to both architectural barriers and programmatic failures, the City’s plans deprive[d] people with disabilities of meaningful access to its shelter system,” including that the City did not know which of its shelters and evacuation centers were accessible].)

A local entity may offer a mass care and shelter program, intended for all and not obviously discriminatory; however, without ensuring, among other things, physical access to the shelter, people with disabilities may be disproportionately burdened and denied meaningful access. In the instance of emergency shelters, such accommodations may include the addition of ramps or accessible bathrooms to buildings that will be used as emergency shelters to ensure compliance with legally required accessible architectural design or the selection of shelter

¹² *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-4, Ex. C, p. 2, § I.B.1.

¹³ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-8, Ex. G, pp. 1-6.

¹⁴ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-6, Ex. E.

¹⁵ *CALIF Settlement, supra*, C.D.Cal. No. 09-cv-00287, Doc. 230-1, pp. 49-50, § 2.1.4; *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-4, Ex. C, p. 2, § I.B.2.

locations that are accessible. Because accommodations that require architectural modification require time and resources, these should be prepared for in advance of an emergency to meet the requirements of Title II of the ADA when an emergency occurs.

Some sheltering planning considerations include:

- Determining the location, capacity, and availability of physically accessible sheltering options, including analysis of whether modifications should be made to existing facilities.¹⁶
- Ensuring that shelters have procedures in place for effective communication.¹⁷
- Procedures for quick access to assistive technology, durable medical equipment, power charging stations, common medications (including for people with mental health disabilities) and/or consumable medical supplies like syringes and safe disposal locations that are likely to be requested during an emergency.¹⁸
- Dedicated access to disability—and medically—related power supply and charging stations for things like oxygen and electric wheelchairs.¹⁹
- Refrigerated storage space for perishable medications.²⁰
- Training in advance for staff and volunteers to help people with disabilities with daily living activities like transferring someone to and from a wheelchair and understanding the rights to service animals and emotional support animals.²¹
- Identifying private spaces for people with mental health disabilities who may need a quiet space or people who may otherwise need to attend to personal, disability-related matters.²²
- Entering into memoranda of understanding with private entities that operate shelters to ensure accessibility.²³
- U.S. Department of Justice Technical Assistance documents: “The ADA and Emergency Shelters: Access for All in Emergencies and Disasters” Addendum 2 at www.ada.gov/pcatoolkit/chap7shelterprog.htm and Addendum 3 “ADA

¹⁶ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-2, Ex. A, p. 4, §§ II.C and III.

¹⁷ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-2, Ex. A, p. 5, § IV.B.5.

¹⁸ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-2, Ex. A, p. 5, §§ IV.B.3 and 5.

¹⁹ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-2, Ex. A, p. 5, §§ IV.B.1-2.

²⁰ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-2, Ex. A, pp. 5, § IV.B.1.

²¹ *BCID Settlement, supra*, S.D.N.Y. No. 11-cv-06690, Doc. 198-2, Ex. A, pp. 5-6, §§ IV.B.6-7.

²² *CALIF Settlement, supra*, C.D.Cal. No. 09-cv-00287, Doc. 230-1, p. 80, Shelter Layout.

²³ *CALIF Settlement, supra*, C.D.Cal. No. 09-cv-00287, Doc. 230-1, p. 86, § 3.5.4.

Checklist for Emergency Shelters”
at www.ada.gov/pcatoolkit/chap7shelterchk.htm.

Reintegration into the Community

Emergency plans should include plans for reintegrating displaced populations to their communities. (See, e.g., *Cal. Foundation for Independent Living Centers, supra*, 142 F. Supp 3d at p. 1064 [finding that the county violated the ADA and Section 504 when its airport emergency plan “planned to recover and return the general public to the airport, but had not planned specifically for recovering and returning people with mobility disabilities”].) In addition to personal losses and injuries, people with disabilities might lose connections with personal care providers, service animals, case managers, medical care, and other people in their support network during and after an emergency.

Some reintegration planning considerations include:

- Planning with public and private social service providers to increase continuity of care where possible and enable smooth transitions of care when continuity is not possible.²⁴
- Ensuring that effective communications are available for alternate care (e.g., large print, captioning).²⁵
- Offering crisis counseling services with auxiliary aids and services in accessible locations so they are accessible to people with disabilities.²⁶
- Training both key personnel and front-line staff and volunteers about the availability of reintegration services.
- Entering into memoranda of understanding with hotels and motels to hold their accessible rooms as temporary lodging or housing.
- Ensuring all repair and rebuilding efforts are accessible including compliance with the ADA Standards for Accessible Design.

To the extent that all or part of a municipality’s emergency plan is delegated to agencies of the municipality, the municipality must ensure that those agencies in fact develop plans. (See, e.g., *CALIF Order, supra*, 2011 WL 4595993, p. *13 [finding that the city violated the ADA and Section 504 in part because there was “no evidence in the record that the individual departments

²⁴ *CALIF Settlement, supra*, C.D.Cal. No. 09-cv-00287, Doc. 230-1, p. 86, § 3.5.4.

²⁵ *CALIF Settlement, supra*, C.D.Cal. No. 09-cv-00287, Doc. 230-1, p. 89, § 3.5.9.

²⁶ *CALIF Settlement, supra*, C.D.Cal. No. 09-cv-00287, Doc. 230-1, pp. 87-88, § 3.5.6.

which have been delegated the responsibility of assisting such individuals . . . have any plans for addressing the needs of individuals with disabilities in the event of an emergency or disaster”].)

B. State and Federal Resources

Several California state offices and departments offer guidance on emergency planning.

The California Governor’s Office of Emergency Services (Cal OES) Planning and Preparedness Branch develops and maintains state-level emergency plans and planning guidance for state and local agencies; that plan is posted on its website: <https://www.caloes.ca.gov/office-of-the-director/operations/planning-preparedness-prevention/planning-preparedness/california-state-emergency-plan/>.

Cal OES has developed several resources to support whole-community resilience and ensure individuals with disabilities are integrated throughout emergency management systems, including:

- Integrated Evacuation Planning for Jurisdictions and Individuals with Access and Functional Needs: <https://www.caloes.ca.gov/wp-content/uploads/AFN/Documents/AFN-Library/Cal-OES-Integrated-Evacuation-Planning-Guide.pdf>.
- Integrating Accessible Social Media Content within Emergency Communications: <https://www.caloes.ca.gov/wp-content/uploads/AFN/Documents/AFN-Library/Cal-OES-Integrating-Accessible-Social-Media-Content-within-Emergency-Communications-Guide.pdf>.
- Guidance for developing a Whole Community Advisory Committee: <https://www.caloes.ca.gov/wp-content/uploads/AFN/Documents/AFN-Library/Cal-OES-Jurisdictional-Guidance-for-the-Development-of-an-AFN-Advisory-Committee.pdf>.

Additionally, to help emergency managers and community partners implement inclusive preparedness, response, recovery, and mitigation strategies, in-person, instructor-led, and on-demand training is available through the Cal OES Integrated Curriculum webpage: <https://www.caloes.ca.gov/office-of-the-director/policy-administration/access-functional-needs/oafn-training-courses/>.

The California Department of Forestry and Fire Protection (CAL FIRE) maintains a number of public preparedness, mitigation, and wildfire resiliency resources intended to support all Californians, including people with disabilities. CAL FIRE also partners and collaborates with other state agencies and interagency groups on initiatives supporting vulnerable

populations, including persons with disabilities. CAL FIRE is also an active participant in California's ongoing State Hazard Mitigation Planning efforts coordinated by Cal OES. More information about CAL FIRE can be found on their web page: <https://www.fire.ca.gov/>. Resources for people with disabilities can be found at: <https://www.readyforwildfire.org/prepare-for-wildfire/prepare-your-family>.

The California Department of Public Health (CDPH) has a Center for Preparedness and Response, previously known as the Emergency Preparedness Office (EPO), that coordinates overall emergency planning and preparedness efforts for CDPH. In relevant part, it:

- Distributes and oversees funds to local health departments for disaster planning
- Operates and maintains the California Health Alert Network
- Maintains and manages the Medical and Health Coordination Center

More information about these functions is on CDPH's website:
<https://www.cdph.ca.gov/Programs/EPO/Pages/Program-Landing1.aspx>.

The California Department of Aging serves California's aging population and provides guidance for members of the public:
https://aging.ca.gov/Helpful_Tools_and_Tips/Emergency_Preparedness_and_Response/.

The California Department of Rehabilitation serves people with disabilities and provides extensive guidance for Californians with disabilities:
<https://www.dor.ca.gov/Home/disasterpreparedness>.

As of this writing, federal resources include the United States Department of Justice's Civil Rights Division, which has guidance available on its ADA Emergency Planning website: <https://www.ada.gov/topics/emergency-planning/>. This guidance includes links to relevant sections of its ADA Best Practices Tool Kit for State and Local Governments (ADA Tool Kit) under the header "Learn More About Emergency Planning," which provide in-depth guidance on these topics.

Although not a state or federal government agency, the American Red Cross has an online guide to emergency planning for people with disabilities that could be a resource to your community members: <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/inclusive-preparedness-resources.html>.

Finally, public entities should engage and involve people with disabilities and related organizations in their emergency planning. It is important to develop a relationship with this community—to obtain their input and value their perspective. The participation of the disability community should not just be a box to check. People with disabilities should be invited to join

trainings and exercises relating to emergency response. This will allow first responders to have direct experience of the needs of people with disabilities. Also, public entities should consider inviting people with disabilities to Community Emergency Response Teams (CERT) trainings—ensuring that the trainings are accessible—to further integrate people with disabilities into the community emergency response. And public entities should consider hiring qualified experts in the field to assist with the development of comprehensive emergency plans.

Local governments have a vital role in ensuring that the needs of people with disabilities are met in emergency planning, response, and recovery. Thank you for your time in reviewing this letter, and your anticipated effort to ensure inclusive emergency planning in your jurisdiction. If you have any questions or comments, please contact Michael L. Newman, the Senior Assistant Attorney General for the Civil Rights Enforcement Section, which includes the California Department of Justice's Disability Rights Bureau. Mr. Newman may be reached at Michael.Newman@doj.ca.gov.

Sincerely,



ROB BONTA
Attorney General