



Church World Services Training

December 10, 2021

The Americans with Disabilities Act (ADA)

and Border Shelters – Part I

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Agenda Part I

- Intro- Disability Awareness and Etiquette
- ADA and How It Applies
- Facility Accessibility
- Effective Communication- Interpreter related resources/devices/software ideas

Disability Awareness and Etiquette

Diversity

Diversity and inclusion are about giving value to every human being, no matter our differences.

thinkinclusive.us



Quiz on Disability Demographics:

How Many People Have Disabilities in the United States?

Quiz Answer

41 Million
(12.7% of the US Population)

Source: U.S. Census Bureau

American Community Survey 2019

<https://data.census.gov/cedsci/table?q=DP02&tid=ACSDP1Y2019.DP02>

There Are Many Types of Disabilities and People with Disabilities

Visible



Invisible



Temporary



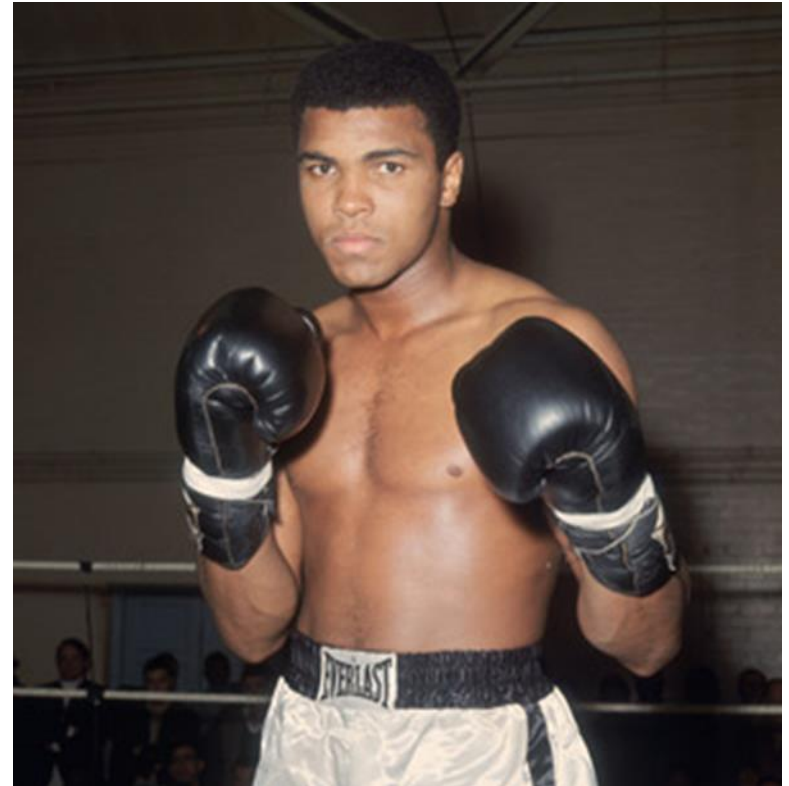
Permanent



Stable



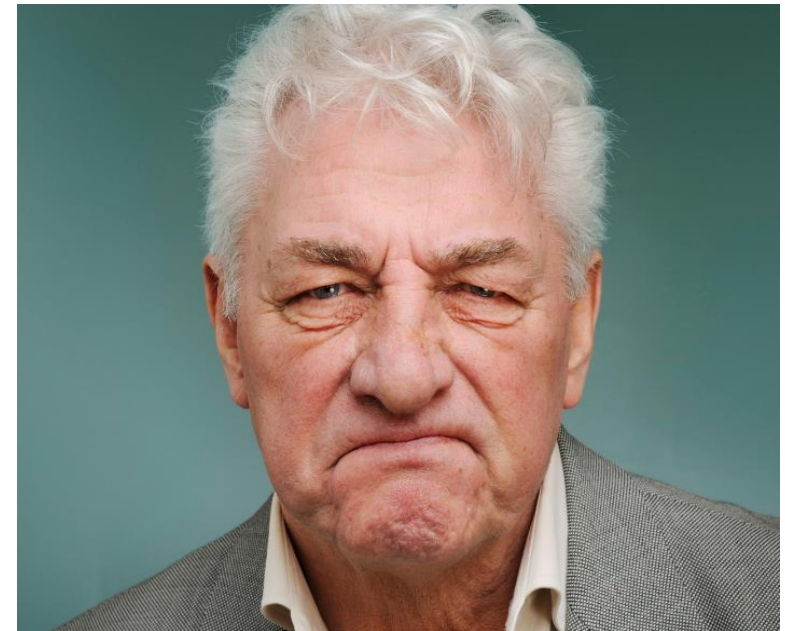
Progressive



Nice



Grumpy



What About Invisible Disabilities?

Not everyone has an “obvious” disability.

In fact, 74% of people with “severe” disabilities do not use an assistive device.

People with invisible disabilities often face more discrimination than people with apparent disabilities.

Do you know why?

Examples of Invisible Disabilities

Learning Disabilities

Chronic Pain

Autism Spectrum Disorder

Respiratory Disabilities

Diabetes

Depression

Post Traumatic Stress Disorder

Epilepsy

Tourette Syndrome

Arthritis

Bi-polar Disorder

And more . . .



Disability Language and Etiquette

Disability Awareness & Language

Don't Say

Do Say

Crippled, handicapped, the disabled



Person with a disability or disabled person

Confined to a wheelchair, wheelchair-bound



Person who uses a wheelchair, wheelchair user or rider

Disability Awareness & Language

Don't Say

Deaf and dumb, suffers a hearing loss

Deformed, lame, cripple, or invalid

Mentally defective, slow or retarded

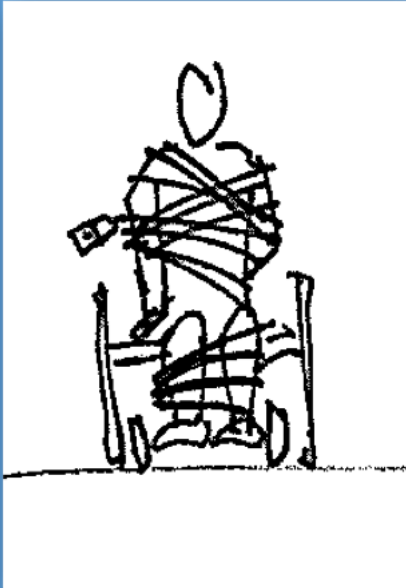
Do Say

Person who is deaf, or a person with a hearing impairment

Person with a physical disability

Person with an intellectual/developmental disability

“Wheelchair Bound”...?



...or Liberated?



Disability Etiquette: Dos

Never assume:

- Someone with a disability needs help to do something, or
- You know how to help them.

Ask someone who may need assistance: “May I help/assist you?”

Then say: “**How** may I help/assist you?”

If the person needs assistance, they will be happy to tell you how to provide it.

If the person does not want your assistance, don’t be offended.

Disability Etiquette: Dos



Always:

- Speak to the person who is Deaf, not to an interpreter.
- Make eye contact with wheelchair users – try to get to eye level by finding a chair, but don't kneel down.
- Make eye contact with blind people, as they can tell where your voice is going.

Disability Etiquette: Dos



Greeting:

- Ask how the person prefers to be greeted, especially if the person has no hands or cannot move them.
- Some people are fine with a touch on the arm or shoulder; others may not wish to be touched.
- Shake someone's hand, even if it's a hook or differently formed hand.

Disability Etiquette: Dos



Have normal conversations...

- Don't be afraid to say the wrong thing.

For example, it's fine to say to a person who uses a wheelchair:

- Want to go for a walk?

Disability Etiquette: Don'ts



Don't speak extra loudly to persons with disabilities, unless asked to do so.

Never:

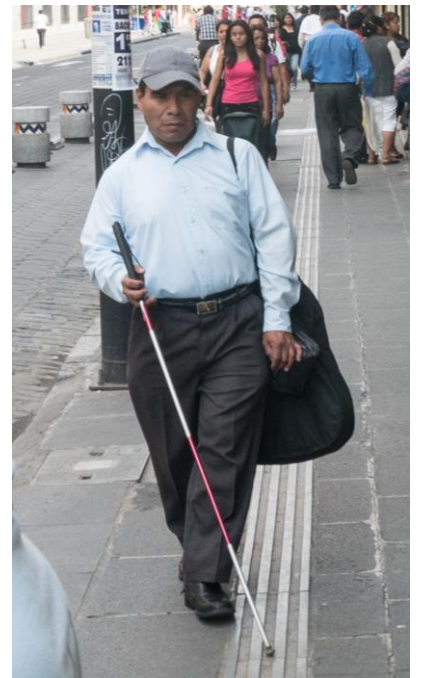
- Lean or place something on someone's wheelchair.
- Remove someone's mobility device or white cane without asking first, then telling them where you put it.
- Pull or push someone with a disability across the street.

Disability Etiquette: Important Skills

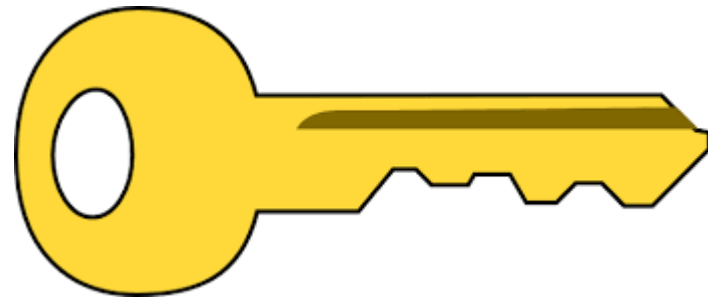
Know what a relay call sounds like and not to hang up.

Learn how to use the “sighted guide” technique to give blind individuals navigation assistance.

- Do this only if asked.
- When you are guiding, verbalize the route as much as possible, especially when going up or down stairs.



The Key to Disability Etiquette



Just Ask

Action

What's one way you could use the information we just talked about in your work at the shelter?



Questions



The Americans with Disabilities Act (ADA) and How It Applies

Americans with Disabilities Act

Individuals with disabilities may not be denied full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations offered...



Americans with Disabilities Act Titles

Title I. Employment

Title II. Public Entities

Part A - State and Local Government

Part B - Public Transportation

Title III. Public Accommodations

Title IV. Telecommunications

Title V. Miscellaneous



Amended in 2010

ADA Definition of Disability

Has 3 prongs:

- 1) A physical or mental impairment that substantially limits one or more major life activities
 - Duration of impairment is usually ≥ 6 months
 - Do not consider presence of mitigating measures
- 2) A record of such an impairment
- 3) Being regarded as having such an impairment

Associational discrimination may also apply.

Substantial Limitation

How do you know when a major life activity is substantially limited?

- Compare the major life activity with **most people** in the general population.
- Should not require a lot of investigation.
- Congress wants broad coverage of disability.

Major Life Activities

Examples in ADA

Caring for oneself	Walking	Learning
Performing manual tasks	Standing	Reading
Seeing	Lifting	Concentrating
Hearing	Bending	Thinking
Eating	Speaking	Communicating
Sleeping	Breathing	Working

Major Bodily Functions = Major Life Activities

Examples in ADA

Immune System	Neurological
Normal cell growth	Brain
Digestive	Respiratory, Circulatory
Bowel	Endocrine
Bladder	Reproductive

Mitigating Measures

A measure that eliminates or reduces the symptoms of an impairment, so it is no longer substantially limiting.

Examples:

- Medication
- Medical Equipment and Devices
- Hearing Aids
- Prosthetic limbs
- Mobility devices such as wheelchairs and walkers



ADA & How it Applies

- Title II applies to state and local government entities, **as well as organizations that receive funding from, or partner with, state and local government entities.**
- Title III applies to places of public accommodation, private businesses and non-profit organizations.
- When a state or local government **contracts** with a **private sector business or non-profit** or another governmental department, the public entity must make sure that its ADA Title II obligations are carried out by that contractor.

Title II Entities

- Any state and local government entities
- Any department or agency, instrumentality or special purpose district of a state or local government
- Commuter authorities



Title III - Public Accommodations

Public Accommodations- Facilities operated by private entities that are open to the public and whose operations affect commerce (i.e., private businesses or non-profits like shelters)

Places of public accommodation may not deny people with disabilities goods or services.

Public Accommodations (Entities)

Examples:

- Restaurants
- Movie Theaters
- Retail Providers
- Social Service Establishments: **shelters**, day care centers, senior citizen centers, food banks, adoption agencies, etc.



Religious Exemption

Religious entities are exempt from the ADA; **HOWEVER:**

- Services provided to the general public not exempt- i.e. operating a shelter that uses federal, local or state funding would waive this exemption due to the nature of funding
- Provision of services to the public- i.e. operating a soup kitchen or food pantry- again, if the organization receives any type of federal/local public entity related assistance this triggers ADA obligations



Facility Accessibility

Building Requirements Apply to Fixed or Built-in Elements



Note:

If an element doesn't fall out when the building is overturned it's probably covered by the ADA Standards.

Apply ADA Standards for Accessible Design

The ADA Standards for Accessible Design apply to buildings and facilities that are:

- Newly constructed
- Altered (modified)
- Undergoing readily achievable architectural barrier removal

Readily Achievable Barrier Removal

Public accommodations are required to remove architectural barriers in existing buildings when it is “readily achievable” to do so.

- This means “easily accomplishable and able to be carried out without much difficulty or expense.”

Readily Achievable Barrier Removal II

Factors to consider include:

- The size, type, and overall finances of the public accommodation
- The nature and cost of the access improvements needed

Buildings constructed before the ADA are considered “existing” and are not grandfathered, no matter when they were constructed.

Barrier removal that is difficult **now** may be readily achievable in the future as finances change.

Priorities for Barrier Removal

A public accommodation should take measures to provide access to:

Priority 1 - The place of public accommodation from public sidewalks, parking, or public transportation

Priority 2 - Areas where goods and services are made available to the public (e.g., accessible service counters, sleeping areas, eating areas with tables/chairs)

Priorities for Barrier Removal

Priority 3 - Access to public toilet rooms

Priority 4 - All other goods, services, facilities, privileges, advantages, or accommodations offered.



Readily Achievable Barrier Removal

EXAMPLES:

- Changing a doorknob to a lever handle
- Installing grab bars around a toilet
- Putting up a portable ramp to one entrance

Alternatives to Barrier Removal

Include, but are not limited to:

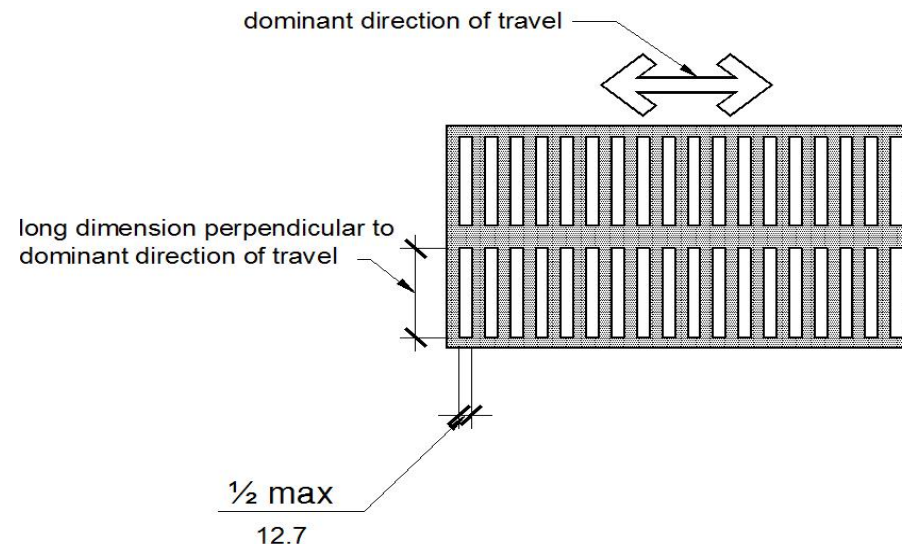
- Retrieving items from inaccessible shelves or racks
- Relocating activities to accessible locations
- Installing a temporary ramp

Building Blocks - Ground Surfaces

Must be firm, stable, and slip resistant – no dirt, gravel, or slippery floors

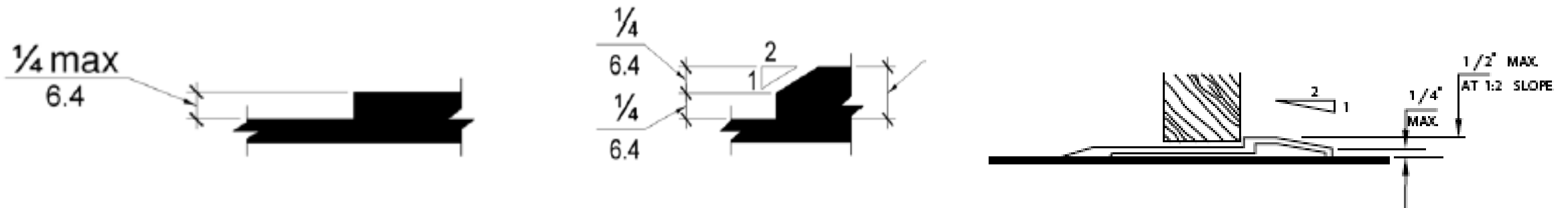
Elongated Openings:

- Must allow a sphere of no $> \frac{1}{2}$ inch to pass
- Long dimension must be perpendicular to dominant direction of travel



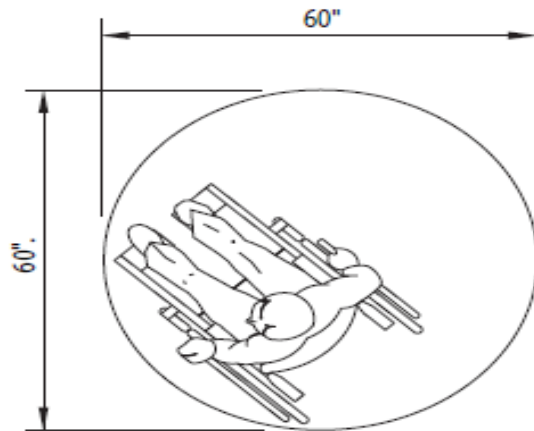
Building Blocks – Changes in Level

- $\frac{1}{4}$ " max (or $\frac{1}{2}$ " if beveled with no more than 50% slope)
- Any change over $\frac{1}{2}$ " requires a ramp or lift

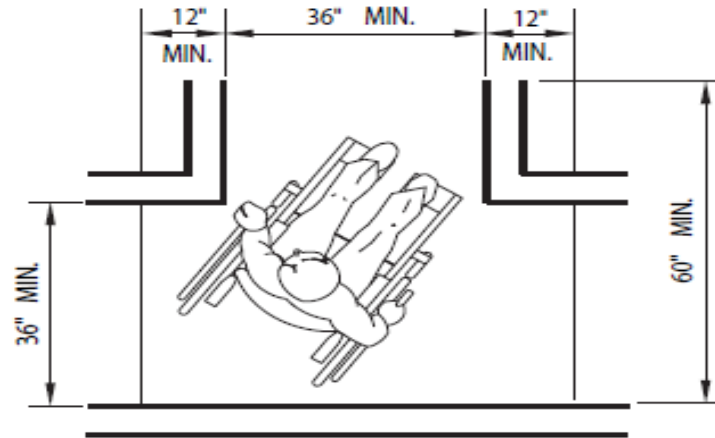


Building Blocks – Turning Space

- Provide a 60-inch circle or a “T” turn
- Slopes no steeper than 1:48 in all directions (level)



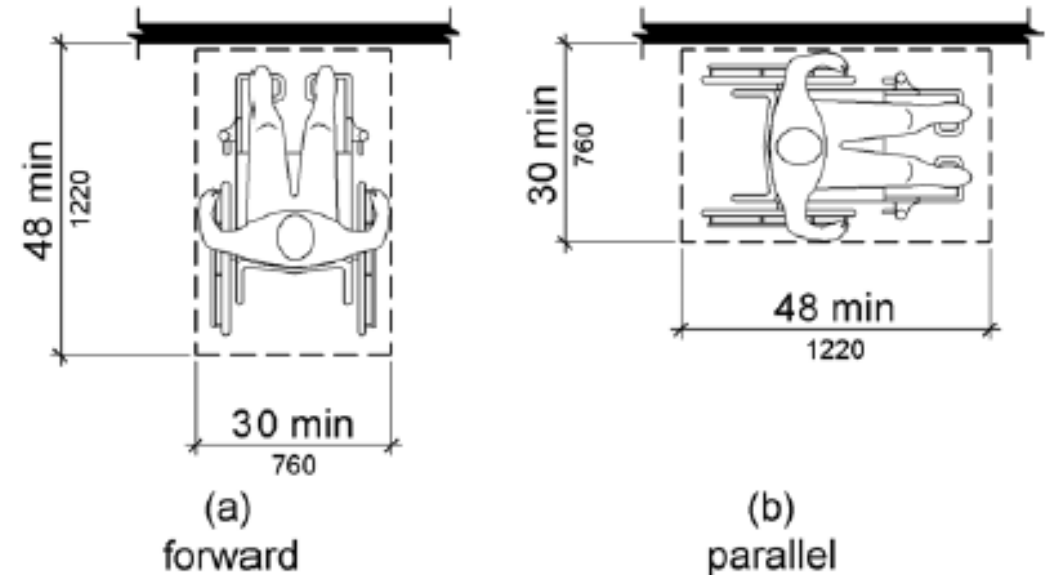
(a) 60 INCHES DIAMETER SPACE



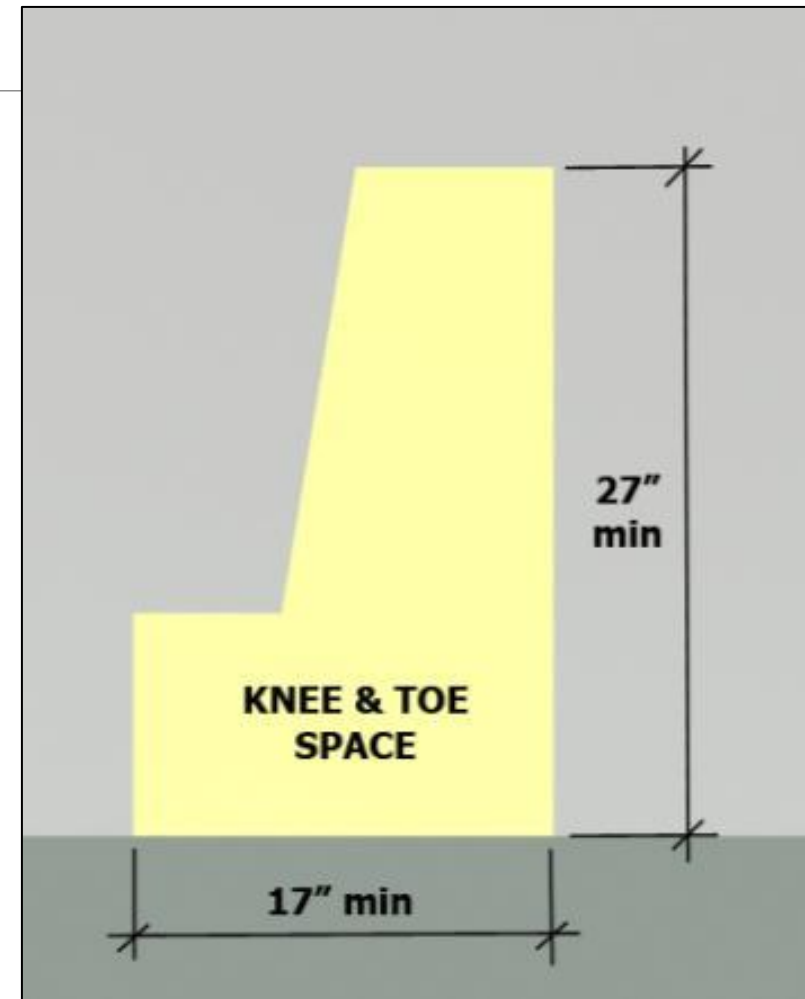
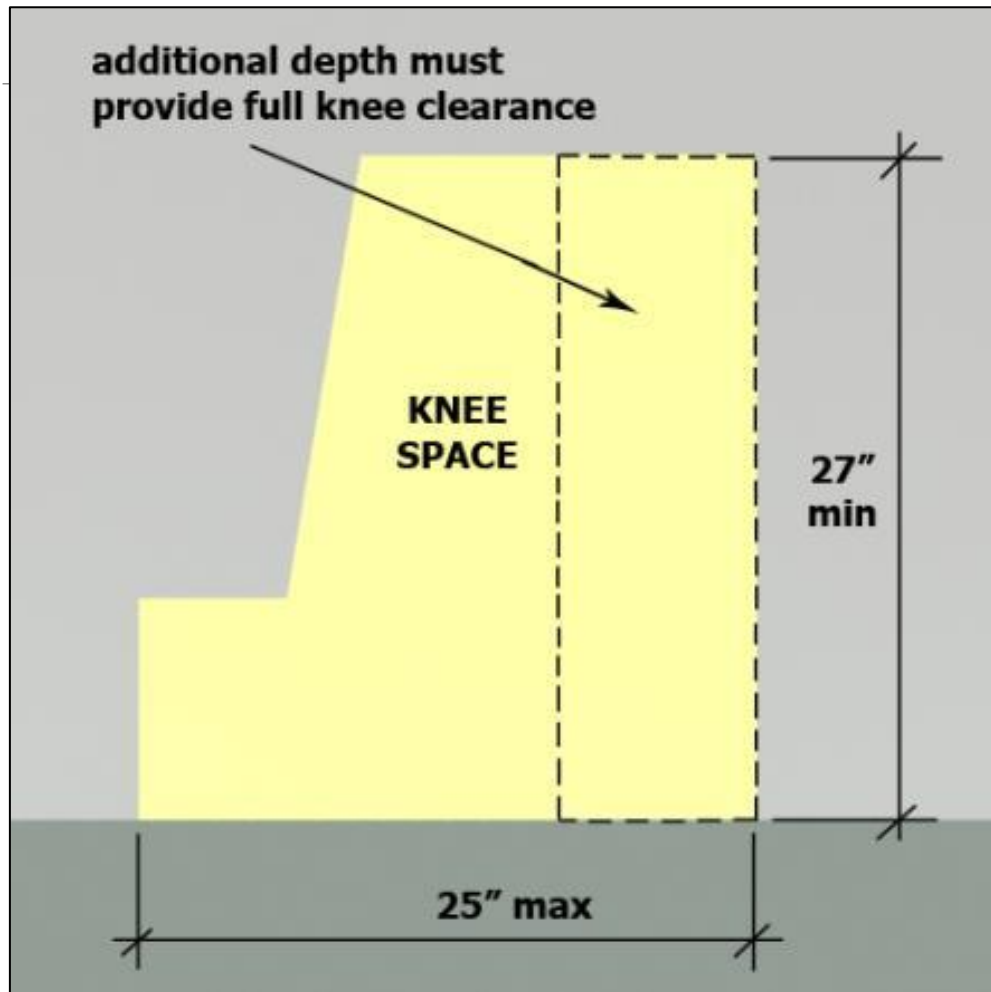
(b) T-SHAPED SPACE FOR 180° TURNS

Building Blocks – Clear Floor/Ground Space

- 30 x 48 inches minimum
- Shall be part of accessible route
- Slopes not steeper than 1:48
- Changes in level not permitted
- Alcoves must be 36" wide if > 24" deep

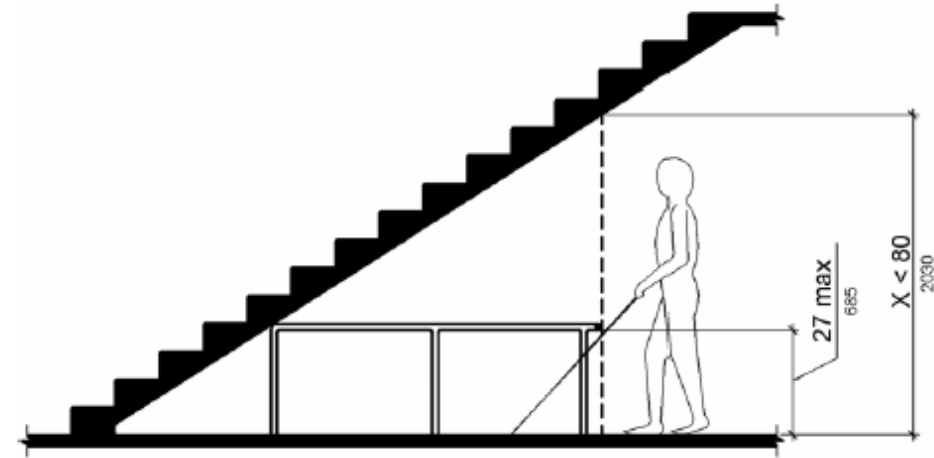
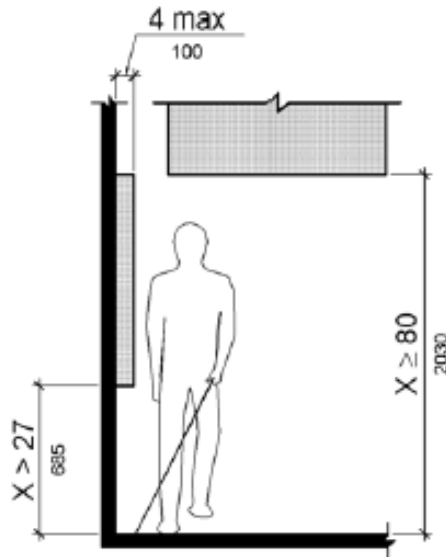


Building Blocks - Knee and Toe Clearance



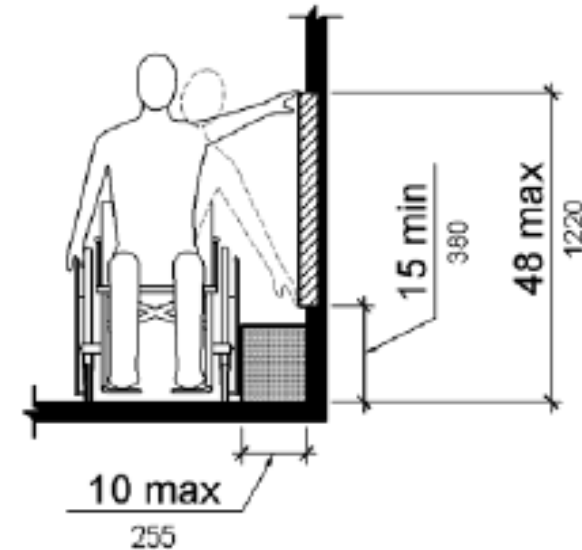
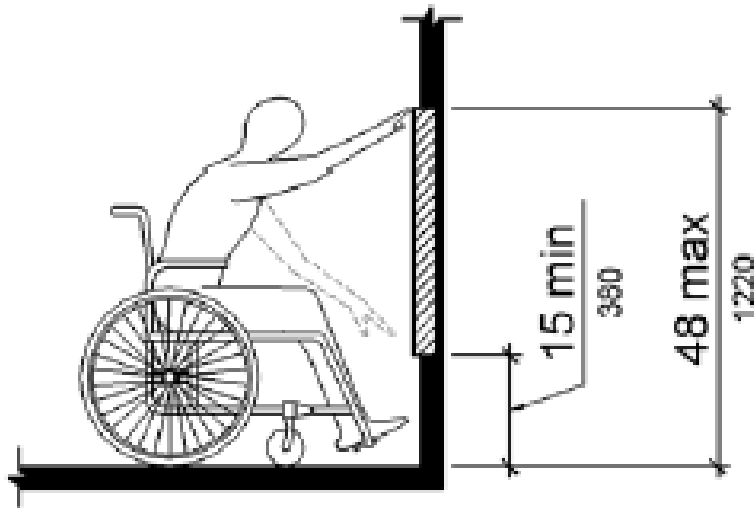
Building Blocks – Protruding Objects

- Objects w/ leading edges between 27" and 80" above the finish floor may protrude ≤ 4 "
- Post-mounted objects may protrude ≤ 12 " from the post



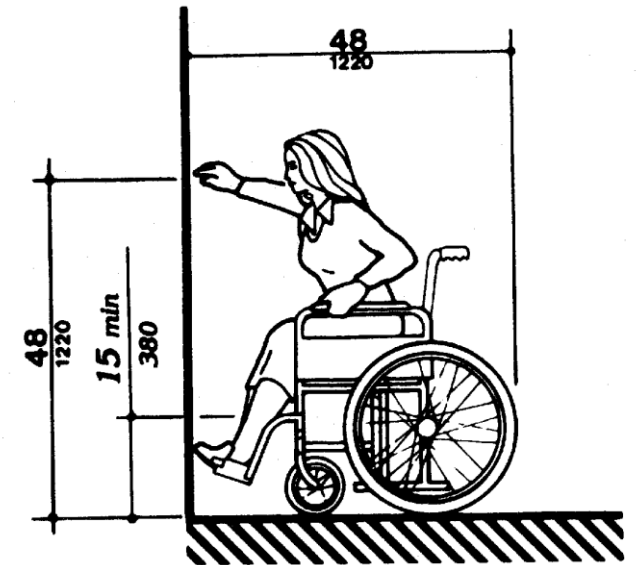
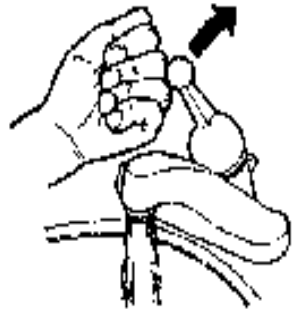
Building Blocks – Reach Ranges

- Unobstructed side and forward reach are 15” minimum and 48” maximum
- If reach is obstructed, maximum reach reduces to 44”



Building Blocks – Operable Parts

- Placed within one or more of the reach ranges (unless the ADA Standards say otherwise)
- Shall be operable with one hand and not require tight grasping, pinching, or twisting of the wrist (closed fist, knuckle) and up to 5 pounds maximum force



Accessible Routes

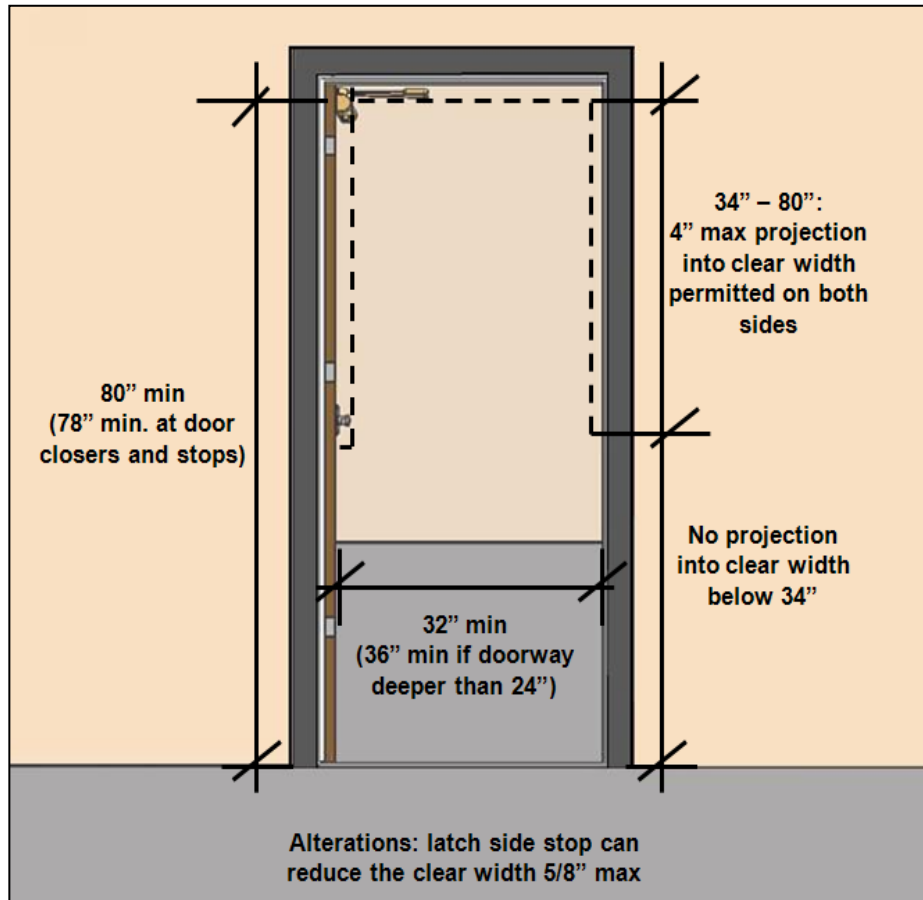
Running slope not steeper than 5% or 1:20*

Cross slope no more than 2.083% or 1:48

*slopes in excess of 5% (1:20) up to 8.33% are considered ramps and need handrails



Doors



Clear width – 32"

Limited projections into the
door clear width

Hardware height:

ADA = 34" – 48"

Maneuvering Clearances at Doors

- Required at each door that is required to be accessible
- Clearance depends on direction of approach and door swing (in or out)



Maintenance of Accessible Features

Public accommodations must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities.

Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited.



Examples of Necessary Maintenance

Examples of accessible features where maintenance is often neglected:

- Assistive listening systems (batteries)
- Sink pipes
- Parking
- Door maneuvering clearance
- Accessible toilet compartments

Readily Achievable Barrier Removal Scenario

A local shelter was built in 1958. Church World Services has owned it for several years.

It has one step to enter with a large section of sidewalk outside the entrance.

- Is the shelter in compliance with ADA Title III?
- Is the shelter “grandfathered” because it was built in 1958?
- What could the shelter do to comply with Title III?

Readily Achievable Scenario Answer

The shelter is not in compliance with ADA Title III.

The shelter is not “grandfathered” even though it was built in 1958.

The shelter could have a ramp constructed that complies with ADA requirements to comply with Title III.

Effective Communication

Effective Communication Obligations

- Entities have an obligation to provide people with disabilities equal communication access to their programs and services as they do with people without disabilities. This applies to the public at large, including participants and companions.
- Auxiliary aids and services facilitate effective communication.



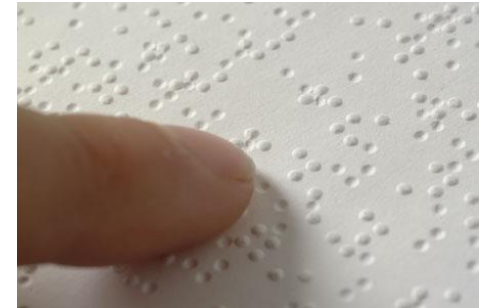
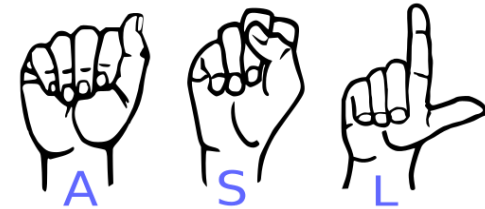
Effective Communication Basics

Written and verbal information must be as clear and understandable to people with disabilities as it is for people without disabilities.



Auxiliary Aids to Facilitate Effective Communication

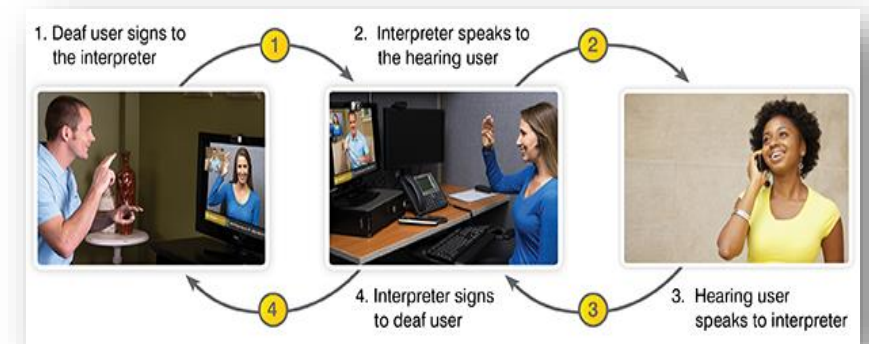
- American Sign Language Interpreter (ASL)
- Braille
- Large Print
- Computer Assisted Real Time Transcription (CART)
- Qualified Readers



Video Remote Interpreting (VRI)

Definition: An interpreting service that uses video conference technology over dedicated lines or wireless technology offering high speed, wide-bandwidth video connection that delivers high-quality video images. Requirements Include:

- Quality of video and audio that is high quality, clear, real-time, with clear uninterrupted images
- Dedicated high-speed connection
- Picture: Clear, sufficiently large, & sharply delineated, showing face, arms, hands and fingers
- Voices: clear and easily understood transmission
- Quick set-up and training of users



Effective Communication Considerations

Many people do not know, or may not consider themselves, to have a disability.

People do not need to use the word “disability” to request an accommodation under the law .

A simple “I need help with...” or “could you help with...” is enough for an accommodation request.

Requests do not have to be written.



Effective Communication Scenario

Ana, who is deaf, is staying at a shelter for several weeks.

What is the shelter staff required to do under the ADA?



Effective Communication Scenario Answer

- The program staff must consider what communication method(s) would be effective for Ana.



Will the answer always be to provide a sign language interpreter?

Resources

Resources

[ADA National Network](https://www.adata.org), <https://www.adata.org>

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

[State Assistive Technology Program Directory](https://catada.info/state.html),
<https://catada.info/state.html>

[National Disability Resource Network](https://www.ndrn.org), <https://www.ndrn.org>

[Pacific ADA Center](https://www.adapacific.org/), <https://www.adapacific.org/>

[Southwest ADA Center](http://southwestada.org/), <http://southwestada.org/>

Thank you!
Please complete your
evaluations.