



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES
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Testimony of the Office of Protection and Advocacy for Persons with Disabilities Before the Public Safety and Security Committee

Submitted by: James D. McGaughey
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Good evening and thank you for this opportunity to comment on two bills on your agenda today. They are: **Committee Bill No. 5353, An Act Requiring State Buildings to be Accessible to Persons with Disabilities;** and **Raised Bill No. 6488, An Act Concerning the Evacuation and Temporary Sheltering of Certain Animals During Emergencies.**

Bill No. 5353 would amend statutory requirements for accessibility in the State Building Code that apply to State buildings that are open to the public. More specifically, the bill would require that by January 1, 2021, each such building be made accessible via a sloped ramp and an automatically activated entrance door, and that it contain at least one accessible bathroom and elevator. Our Office wholeheartedly supports this concept. Whereas the accessibility requirements that apply to commercial buildings often reflect compromises reached between competing interests, and therefore, in many applications do not call for features such as automatically activated entrance doors, government buildings should be as free of barriers as it is reasonably possible to make them. This is both because they are locations where public business is transacted, and because they should set an example to which all others can aspire. I urge your support for this bill, and would offer our Office's assistance to answer any questions or concerns that members of the Committee may have.

Bill No 6488 would require State level disaster planning to include provisions for evacuation and sheltering of animals, including pets and service animals. It would also amend current statutory language which allows municipalities to "consider" whether to plan for the evacuation of livestock and horses, by allowing them to also "consider" whether to plan for the evacuation and sheltering of pets and service animals.

In recognition of the fact that many people fail to follow evacuation orders because they will not leave their pets behind, emergency planners are now overwhelmingly recommending that disaster planning include provisions for sheltering pets. However, planning for the evacuation and sheltering of service animals is not a matter of "recommendation"; it is a legal requirement for all governmental entities under Title II of the Americans with Disabilities Act. The U.S. Department of Justice, which has

promulgated the relevant ADA regulations, has issued a "Toolkit" for emergency planners and managers. Here is what it says about service animals:

Reasonable Modifications

The ADA generally requires emergency managers and shelter operators to make reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination. A reasonable modification must be made unless it would impose an undue financial and administrative burden. The following are examples of reasonable modifications that emergency managers and shelter operators will generally need to make:

Modify "no pets" policies to welcome people who use service animals. Many emergency shelters do not allow residents or volunteers to bring their pets inside. But shelters must generally modify "no pets" policies to allow people with disabilities to be accompanied by their service animals.

A service animal is not a pet. Under the ADA, a service animal is any animal that is individually trained to provide assistance to a person with a disability. Most people are familiar with dogs that guide people who are blind or have low vision. But there are many other functions that service animals perform for people with a variety of disabilities. Examples include alerting people who are deaf or hard of hearing to sounds; pulling wheelchairs; carrying or retrieving items for people with mobility disabilities or limited use of arms or hands; assisting people with disabilities to maintain their balance; and alerting people to, and protecting them during, medical events such as seizures.

How can a service animal be identified? Service animals come in all breeds and sizes. Many are easily identified because they wear special harnesses, capes, vests, scarves, or patches. Others can be identified by the functions they perform for people whose disabilities can be readily observed. When none of these identifiers are present, shelter staff may ask only two questions to determine if an animal is a service animal: (1) "Do you need this animal because of a disability?" and (2) "What tasks or work has the animal been trained to perform?" If the answers to these questions reveal that the animal has been trained to work or perform tasks for a person with a disability, it qualifies as a service animal and must generally be allowed to accompany its owner anywhere other members of the public are allowed to go, including areas where food is served and most areas where medical care is provided. Questions about the nature or severity of a person's disability or ability to function may not be asked. It is also inappropriate to question a person's need for a service animal or to exclude a service animal on the grounds that shelter staff or volunteers can provide the assistance normally provided by the service animal.

To the extent the language in Bill No. 6488 is inconsistent with the requirements of the ADA, I would urge the Committee to amend it.

Thank you for your consideration of these comments. If there are any questions, or if our Office can be helpful in further clarifying or researching these issues, please feel free to contact me.