

Recommendation of the FCC Disability Advisory Committee
Relay and Equipment Distribution Subcommittee
Access to Telecommunications Relay Services at Emergency Shelters
Adopted October 3, 2018

Objective: Today we are proposing a follow-up action to a discussion on communications access issues during emergencies presented at the October 16, 2017, Disability Advisory Committee meeting.¹ Our recommendation is intended to ensure access to all forms of Telecommunications Relay Services (TRS), including Internet-based relay services, at emergency shelters if telecommunications and/or Internet services are made available to the general population at these locations.

1. WHEREAS, “TRS is required by Title IV of the Americans with Disabilities Act (ADA) and, to the extent possible, must be "functionally equivalent" to standard telephone services.² Interstate and intrastate relay services are available in all 50 states and the District of Columbia 24 hours a day, 7 days a week.”³ This availability of TRS makes no exception for the provision of these services in emergency shelters.
2. WHEREAS, the ADA generally requires that certain entities, including emergency shelters, provide an individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is equal to that afforded others.⁴
3. WHEREAS, many emergency shelters allow individuals to use telephones to apply for disaster relief benefits, arrange for housing, communicate with medical services, and speak with family or friends.
4. WHEREAS, current TRS regulations require Internet-based TRS users to register with a TRS provider before they are allowed to place calls. For some forms of Internet-based TRS, even if a user is registered, their registration is not transferable when they are using another device (such as a device in an emergency shelter). For other forms of Internet-based TRS, the registered user has a login and password; the user may not have a record of their login and password with them in the emergency shelter.
5. WHEREAS, Internet-based TRS user registration requirements may prevent individuals who are deaf, DeafBlind, hard of hearing, or speech disabled from accessing their preferred form

¹ Disability Advisory Committee Meeting Presentation and Discussion on Recent Hurricanes, Communication Access Issues, *Gay Jones, Strategic Communications Specialist, ODIC, FEMA*, On the Ground Issues, *Linda Mastandrea, Director of ODIC, FEMA*; TRS Provider Issues, *Rochelle Garrow, National Association of State Relay Administrators* (Oct. 16, 2017), <https://www.fcc.gov/news-events/events/2017/10/disability-advisory-committee-meeting>.

² 47 U.S.C. § 225.

³ <https://www.fcc.gov/consumer-and-governmental-affairs/about-bureau/disability-rights-office/general/disabilities>; 47 U.S.C. § 225(d)(1)(C); 47 CFR § 64.604(b)(4)(i).

⁴ *See e.g.*, 28 CFR § 35.130 (b)(1)(ii).

of TRS in order to effectively make telephone calls from emergency shelters, thus cutting them off from communicating with essential services and loved ones.

6. WHEREAS, in a Report and Order released June 8, 2018, the Federal Communications Commission (Commission) ruled that it would “. . . allow IP CTS providers to be compensated for calls made by unregistered users when such calls are made from temporary, public IP CTS devices set up in emergency shelters. We take this step to ensure that users with hearing loss will continue to have access to telephone communications devices during and in the aftermath of natural disasters and other emergencies. When service for such a device is initiated at the shelter, the IP CTS provider must notify the TRS Fund administrator of the date of such activation and termination.”⁵

NOW, THEREFORE, IT IS --

1. RECOMMENDED that TRS regulations (including requirements for user registration) not prevent individuals from using their preferred form of TRS in emergency shelters when telephone transmission services are made available to the general population at these locations. TRS user registration requirements should be waived for all emergency shelter TRS devices during an emergency or disaster.
2. RECOMMENDED that the Commission extend its ruling in the Report and Order released June 8, 2018, to allow all TRS providers to be compensated for calls made by unregistered users when such calls are made from temporary, public TRS devices set up in emergency shelters.
3. RECOMMENDED that the Commission issue an annual Public Notice to inform emergency shelter providers, such as the American Red Cross⁶, as well as TRS providers and individuals who are deaf, DeafBlind, hard of hearing, or speech disabled, that TRS calls from emergency shelters will be permissible if telephone transmission services are made available to the general population at these locations.

⁵ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 18-79, at 26-27, para. 46 (June 8, 2018).

⁶ The American Red Cross has a contract with FEMA to set up local shelters and provide “accessibility kits” that include the provision of telephone equipment for individuals with disabilities or hearing loss. FEMA, *Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters* (November 2010), https://www.fema.gov/media-library-data/20130726-1831-25045-7316/fnss_guidance.pdf (detailing the accessibility provisions).