



U.S. Department of Justice
United States Attorney's Office
Eastern District of Virginia

Raj Parekh
Acting United States Attorney

2100 Jamieson Avenue
Alexandria, VA 22314

(703) 299-3700

April 16, 2021

Re: Americans with Disabilities Act Obligations Regarding COVID-19 Related Services

Dear Colleague:

The Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101 *et seq.*, prohibits discrimination on the basis of disability in a range of critical areas, including in employment; the programs, services, and activities of state and local governmental entities; and in enjoying the goods, services, facilities, privileges, and advantages of places of public accommodation, including health care providers. During these unprecedented times, as our communities continue to respond to and recover from COVID-19, I wanted to remind you that civil rights protections and responsibilities still apply, including during emergencies. Accordingly, as you participate in and provide services related to the COVID-19 pandemic, please ensure that you are complying with the ADA’s various requirements, so that individuals with disabilities will also have access to critical COVID-19 resources and services under the same terms and conditions as people without disabilities.

COVID-19 has had a devastating and disproportionate impact on people with disabilities. Thus, the COVID-19 resources and services that are being made available to our communities must be implemented in such a manner as to ensure that individuals with disabilities have equal access to those resources and services. Such considerations may include: whether registration systems and websites are available to individuals who have vision or hearing disabilities; whether facilities selected as vaccine or COVID-19 testing sites are accessible to people with mobility disabilities; and whether there is effective communication for people with disabilities in conveying information about such services.

Governments, health care providers, and long-term care facilities must comply with the ADA, as well as Section 504 of the Rehabilitation Act (Section 504), 29 U.S.C. § 794, which prohibits any program or activity that receives federal financial assistance from excluding or denying the benefits of those programs or activities, or discriminating against qualified individuals with disabilities. This includes making decisions about who will receive medical care, such as vaccines and hospital beds. It also includes crafting and implementing policies such as crisis standards of care, visitation rules, and vaccine distribution plans. In addition, as governments, employers, and businesses lift pandemic-related restrictions and reopen, they must comply with the ADA and Section 504. This includes providing reasonable accommodations and modifications, physical access, and effective communication.

The Principal Deputy Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice, Pamela S. Karlan, recently issued a helpful statement regarding COVID-19 and the importance of coordination and compliance with the country’s civil rights

laws, located [here](#). The Acting U.S. Attorney for the Eastern District of Virginia, Raj Parekh, supports that statement, and EDVA, through its Civil Enforcement Unit, stands ready to ensure that these important protections are available.

The U.S. Department of Justice provides useful technical assistance on the ADA's requirements at [ADA.gov](#), including technical assistance that provides a detailed discussion of the ADA's requirements applicable to state and local governmental entities and public accommodations. For example, the following helpful technical assistance publications are available on ADA.gov: "[ADA Update: A Primer for State and Local Governments](#)," "[Accessibility of State and Local Government Websites to People with Disabilities](#)," "[ADA Requirements: Effective Communication](#)," "[Access to Medical Care for Individuals with Mobility Disabilities](#)," "[ADA Requirements: Service Animals](#)," "[Frequently Asked Questions About Service Animals and the ADA](#)," and "[ADA Business BRIEF: Communicating with People Who Are Deaf or Hard of Hearing in Hospital Settings](#)." Further, the U.S. Department of Justice has issued a technical assistance document titled "[ADA Checklist for Polling Places](#)," which may serve as a helpful guide to states and municipalities in selecting vaccination sites, as well as providing temporary remedies to ensure that vaccination programs are accessible to people with disabilities. Like polling places, vaccination sites often have another primary use (such as a gym or community center), so the considerations for their selection and the methods used for ensuring their accessibility are applicable.

Additionally, the U.S. Department of Health and Human Services has issued three informative documents: (1) "[HHS Office for Civil Rights Guidance on Federal Legal Standards Prohibiting Disability Discrimination in COVID-19 Vaccination Programs](#)," (2) "[Disability Access in Vaccine Distribution](#)," and (3) "[Vaccination Sites: Vaccinating Older Adults and People with Disabilities](#)." The Federal Emergency Management Agency website includes an informative publication on "[Easing the Vaccination Process for People with Developmental Disabilities](#)."

For information about rights and responsibilities under these statutes, please contact the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY), or visit [ADA.gov](#). To contact the U.S. Attorney's Office for the Eastern District of Virginia regarding non-compliance, please write to the Office at the address listed above (Attn: Civil Rights Enforcement Coordinator) or email the Civil Rights Enforcement Coordinator at Steve.Gordon@usdoj.gov.

Sincerely,

Raj Parekh
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By: Steven Gordon
Steven Gordon
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