



STTARS AMERICANS WITH DISABILITIES FACTSHEET

Background

The *Americans with Disabilities Act* (ADA) was passed July 26, 1990. With the passage of this critical legislation, Congress sought to create a more accessible and inclusive world for all our relatives.

The ADA is largely inapplicable to Tribes, but Tribes nevertheless implement policies, structures, and develop spaces that are inclusive, safe, and accessible.

STTARS has sought to center disability access and inclusion since our start. In fact, during our listening sessions over the past two years, STTARS has routinely heard from Native survivors of gender-based violence about disability access in housing and shelter. Issues around safety, accessibility, dignity, and care have been central to many of our conversations.

Survivors with Disabilities

From STTARS Listening Sessions:

- Survivors reported a general lack of concern for people with disabilities accessing shelter and housing.
- Survivors repeatedly stated that not all disabilities are visible, and that lack of trust of survivors informed people's ignorant views of their lived experiences.
- Survivors with disabilities shared that housing and shelter is often not created with disability access in mind. These spaces were not identity affirming, nor are they safe. They reported situations in which they felt that their sense of dignity had been detrimentally impacted by their experiences in shelter and public housing.





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Did You Know?

In 2008, [intimate partners perpetrated](#) 27% of violent crimes against women with disabilities and 1.1% of crimes against men with disabilities. [Police are less likely to respond](#) to reported violence against victims with disabilities than to reported violence against victims without disabilities. Police respond to 90% of reports by victims without disabilities and 77% of reports by victims with disabilities. (bit.ly/49ftst8)

A survey conducted by the Spectrum Institute Disability and Abuse Project found that 70% of respondents with disabilities experienced some form of abuse by an intimate partner, family member, caregiver, acquaintance, or stranger. Of those...

- 87.2% experienced verbal/emotional abuse
- 50.6% experienced physical abuse
- 41.6% experienced sexual abuse
- 37.4% experienced neglect
- 31.5% experienced financial abuse
- 37.3% reported the abuse to law enforcement

* Alleged perpetrators were arrested in 10% of abuse cases reported to law enforcement.

Does the ADA Apply to Tribal Governments?

Many times we get asked if the Americans with Disabilities Act (ADA 1996) applies to Tribal governments that are operating Tribal Housing Entities, Tribally Designated Housing Entities, and Tribal Housing Authorities. As employers, Tribes are not listed within Title I of the ADA, but nevertheless typically seek to provide their employees with accommodations and to ensure they are not discriminated against. Legal scholars mostly agree that Title II does not apply either, and for the purposes of accessing shelter and safe housing, Title II is what STTARS would be primarily concerned with.



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Does the ADA Apply to Tribal Governments? (continued)

Even though Title II protections do not apply due to Tribal Sovereignty, sovereign immunity, and their lack of an express mention by Congress within the statute, Tribes do need to comply with Section 504. Section 504 requires that no qualified individual with disabilities shall, solely on the basis of their disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives federal monies from HUD.

Per HUD, Section 504 imposes specific accessibility requirements for new construction and for the alteration of housing and non-housing facilities in HUD assisted programs. These programs are subject to nondiscrimination and accessibility requirements. *Id.* Because Indian Housing Block Grants (IHBG) under the Native American Housing Assistance and Self Determination Act (1997) may be used for a variety of housing activities, including the construction or rehabilitation of rental or homeownership housing/tenant-based rental assistance, these units and spaces must make housing accessible for persons with disabilities. For more information about whether or not 504 imposes requirements on your program specifically, please see the check out this resource: bit.ly/49xaKx0.

Even though Title II of the ADA is largely inapplicable to Indian Tribes, Tribes nevertheless put forward numerous best practices to address the disparity in safety that Native people with disabilities confront. One clear example of this can be found within various Tribal Codes, where portions of the ADA are codified. If you believe your Tribe needs technical assistance on how to incorporate provisions of the ADA within your Tribal housing codes, please reach out to us.





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Know Your Rights

Survivors experiencing disabilities are entitled to protections under the ADA. It prohibits discrimination against individuals with disabilities in public accommodations and applies to all shelters operated by the government and to private shelters.

Section 504 of the ADA prohibits discrimination against survivors with disabilities by housing providers that receive federal funding.

Under Section 504 of the ADA, survivors with a disability have the right to:

- **Be protected from discrimination.** For example, if a survivor of domestic violence is deaf or hard of hearing, the housing provider needs to find ways to ensure services and support are received as needed; if a survivor has a mental illness, the housing provider cannot deny housing/shelter.

Under Section 504 of the ADA, survivors also have the right to confidentiality and reasonable accommodations (for example, allowing a guide dog to stay with a program participant/tenant).

A disability is any condition that makes it more difficult for a person to do certain activities or interact with the world around them. These conditions or impairments may be cognitive, developmental, intellectual, mental, physical, sensory, or a combination of multiple factors. The term "disability" also encompasses many forms and degrees of these impairments. The term "disability" encompasses many forms and degrees of impairments, including physical, developmental, and psychological disabilities.





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Know Your Rights (continued)

Women with disabilities are uniquely vulnerable to all forms of violence, including intimate partner violence. They are significantly more likely to experience physical, sexual, and psychological abuse and stalking than their peers without disabilities. They are also more likely to experience intimate partner control of reproductive and sexual health than women without disabilities. Men with disabilities are more likely to experience stalking and psychological abuse than their peers without disabilities.

Furthermore, violence against people with disabilities is not recognized by society to be a significant problem, and the needs of victims and survivors are often ignored. Barriers to accessing services compound the impact of violence against people with disabilities. Research indicates that women with disabilities are more likely to suffer domestic violence and sexual assault than women without disabilities. And women with disabilities report that abuse lasts longer and is more intense than women without disabilities. Women with disabilities usually are abused by someone they know, such as a partner or family member. In addition, women with disabilities face the risk of abuse by healthcare providers or caregivers. Caregivers can withhold medicine and assistive devices, such as wheelchairs or braces. They can also refuse to help with daily needs like bathing, dressing, or eating.

According to the US Census, [24 percent of American Indians and Alaska Natives have a disability, compared to 19 percent of the general population](#). For more information, visit here: bit.ly/3uFhwSs.

In 2022, the Department of Labor analyzed workforce data and found (bit.ly/3OIPQD2) that [approximately 511,000 American Indian or Alaska Native adults have at least one disability](#)

Our vision is safe housing for all our relatives. If you need any training and technical assistance regarding disability access to safe housing and shelter, please reach out to us at housing@niwrc.org.



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References & Resources

- <https://www.niwrc.org/resources/webinars/domestic-violence-and-disabilities>
- <https://bjs.ojp.gov/content/pub/pdf/capd08.pdf>
- <https://www.niwrc.org/resources/report/how-ada-applies-tribal-nations>
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- <https://www.ncai.org/policy-issues/education-health-human-services/disabilities#:~:text=According%20to%20the%20US%20Census,percent%20of%20the%20general%20population>

Funding

This resource is made possible by grant #90EV0537, from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the author(s) and do not necessarily reflect the official views of the U.S. Department of Health and Human Services.