

The U. S. Department of Housing and Urban Development (HUD) has adopted policies and procedures to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance. These requirements, contained in 24 CFR Part 8, implement Section 504 of the *Rehabilitation Act of 1973* as amended. All local government recipients of CDBG funds awarded by the DHCD must take certain actions to insure compliance with these requirements. These actions include:

1. Non-discrimination Notices: All local government grant recipients must take appropriate steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining agreements that it does not discriminate on the basis of handicap.

Methods of notification include publication of advertisements in newspapers, posting of notices, and distribution of memoranda or other written materials.

If a local government publishes or uses recruitment materials or publications containing general information that is made available to participants, beneficiaries, applicants, or employees, the policy of nondiscrimination based on handicap must be included.

The local government must ensure that members of the population eligible to be served or likely to be affected who have visual or hearing impairments are provided with the information necessary to understand and participate in the program. Means for ensuring participation include qualified sign language and oral interpreters, readers, or the use of taped and Braille materials.

2. 504 Coordinator: Only local government grant recipients that employ fifteen or more persons must designate at least one person to coordinate compliance. All notification regarding nondiscrimination shall identify the coordinator by name and title. It is recommended that this person not be the Grant Administrator.
3. Effective Program Outreach and Communication: All local government grant recipients must take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public. Telecommunication devices for deaf persons (TDDs) or equally effective communication systems shall be used for telephone communications with applicants and beneficiaries. The Virginia Relay Service may also be utilized at no charge. For more information about this service, call Virginia Relay Customer Care at 800-552-9717 (voice/TTY) or e-mail [Frontdesk@vddhh.virginia.gov](mailto:Frontdesk@vddhh.virginia.gov). Or, visit their web site at [www.varelay.org](http://www.varelay.org).

All published notices related to the CDBG program must include a TDD number.

4. Grievance Procedures: Only local government grant recipients that employ fifteen or more persons must adopt grievance procedures that incorporate appropriate standards for due process and provide for the prompt and equitable resolution of complaints.
5. Conduct a Self-Evaluation: All local government grant recipients must conduct a self-evaluation to evaluate current policies and practices to determine whether in whole or in part they meet Section 504 requirements regarding nondiscrimination. Individuals with disabilities, organizations representing such individuals or other interested persons should be consulted as part of the self-evaluation process. Modifications to existing policies and practices and corrective actions to remedy any discrimination found may be necessary. Areas to be evaluated include:
  - Completion of the Site Accessibility Checklist for 504 Requirements. This review for physical accessibility need only be done on those buildings used for CDBG program activities, including the location of public meetings and where applications for benefits will be taken;
  - Development of a narrative that reviews the following areas:
    - Identification of 504 Coordinator;
    - Program outreach and communication, including the need to list the TDD number on all notices and advertisements required by DHCD;
    - Eligibility and admission criteria and practice;
    - Employment practices, including EEO and 504 grievance procedures; and
    - Complaint and appeals procedures.

Local governments are not necessarily required to make each facility accessible to individuals with handicaps, and need not take any action which can be demonstrated to impose an undue financial and administrative burden.

Methods of achieving program accessibility may include the following actions:

- Locate programs or services in accessible facilities;
- Assign aides to assist beneficiaries;

- Conduct home visits;
- Add or redesign equipment or furnishings;
- Change management policies or procedures;
- Acquire or build new facilities; and
- Selectively alter existing facilities.

The written self-evaluation must be kept on file for three (3) years following completion and made available for review by the members of public, DHCD, and/or HUD.

The locality must also document any actions taken to correct past or current discrimination based on handicap.

## **Resource Material on Accessible/Adaptable Housing and Facilities**

Adaptable Housing: Marketable Accessible Housing for Everyone

U.S. Department of Housing and Urban Development (1987)

Uniform Federal Accessibility Standards (UFAS)

U.S. Architectural and Transportation Barriers Compliance Board (1984)

American National Standard for Buildings and Facilities – Providing Accessibility and Usability for Physically Handicapped People

American National Standards Institute, Inc. (1986)

Handicapped Requirements Handbook

Federal Programs Advisory Service (1987)

## PUBLIC NOTICE SAMPLE

*[Instructions: Publish as a **display advertisement** in the **local paper.**]*

### PUBLIC NOTICE

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HANDICAPPED REGULATIONS

This notice is published pursuant to the requirements of 24 CFR Part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development, as published in the Federal Register on June 2, 1988. 24 CFR Part 8 prohibits discrimination against qualified individuals because of their handicapped status.

*(Insert Grantee's name)* advises the public, employees, and job applicants that it does not discriminate on the basis of handicapped status in admission or treatment or employment in, its programs and activities.

*(Insert Grantee's name)* has designated the following as the contact to coordinate efforts to comply with this requirement.

Such inquiries should be addressed to:

*Name of Designated Official*

*Address*

*Grantee's Phone Numbers*

*Virginia Relay 711*

*Grantee's Fax Number*

\_\_\_\_\_ a.m. - \_\_\_\_\_ p.m

## SELF-EVALUATION SITE ACCESSIBILITY CHECKLIST

This checklist is intended to be used as a relatively quick and easy guide to determine a building's physical accessibility. Detailed specifications for each area can be found in the Uniform Federal Accessibility Standards (UFAS).

Comments should be made on all "No" answers, and should include alterations that can or will be made, any insurmountable obstacles to accessibility, or other relevant circumstance or considerations.

Name of Site: \_\_\_\_\_

### **PARKING**

#### **YES**

#### **NO**

Does the facility have designated parking spaces for disabled individuals?

☐☐

Are spaces of adequate width (13 ft.)?

☐☐

Are the spaces marked with the universal access symbol?

☐☐

Are they near the building's entrance?

☐☐

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### **BUILDING ENTRANCE**

#### **YES**

#### **NO**

Is the main entryway wheelchair-accessible?

(Level entry or properly sloped ramp; 32" wide, non-revolving door)

☐☐

If not, is there a reasonable alternative entry?

☐☐

Is the entry relatively free of obstacles?

☐☐

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEETING ROOMS****YES****NO**

Can all rooms to be used for meetings or meals be reached without using steps or escalators?

☐☐

If elevator use is required, are the elevators accessible?  
(36" wide door, 54" deep x 68" wide car, wheelchair accessible controls, tactile buttons, auditory floor indicators)

☐☐

If room changes are required between sessions, are pathways accessible?  
(36" wide hallways, free of obstacles)

☐☐

Are doorways wide enough to accommodate a wheelchair?  
(32" wide)

☐☐

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FACILITIES****YES****NO**

Are restrooms wheelchair-accessible? (Adequate floor space for wheelchair; grab bars, paper products, lavatories at proper height; extended faucet handles)

☐☐

Are paths to the restrooms accessible?

☐☐

Are drinking fountains wheelchair accessible?

☐☐

Can telephones be used from a wheelchair?

☐☐

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PREPARER:**\_\_\_\_\_  
Preparer's Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Preparer's Name (printed)\_\_\_\_\_  
Title (printed)

06/30/2014

Appendix 7: Section 504 Requirements

## Section 504 Grievance Procedure Sample

The following grievance procedure has been adapted from a sample grievance procedure developed by the U. S. Treasury, Office of Revenue Sharing based on material prepared by the U. S. Department of Health and Human Services, Office of Civil Rights, Regional Technical Assistance Staff. It is intended as a guide only, to be tailored by recipient governments to suit their own particular circumstances and in consideration of any applicable state or local laws. This sample grievance procedure once completed should satisfy the requirements of the Department of Housing and Urban Development's (HUD) Section 504 regulations (24 CFR Part 8.53(b)). Recipients should be reminded that existing grievance procedures may be used to meet the HUD requirements.

### Grievance Procedure

The *(Grantee's Name)* has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b)) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to: *(name, title, office, address, telephone number)*, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within *(number of days)* after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by *(name of person)*. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the *(Grantee's Name)* need not process complaints from applicants for employment or from applicants for admission to housing.

4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by *(name of person)* and a copy forwarded to the complainant no later than *(number of days)* after its filing.
5. The Section 504 coordinator shall maintain the files and records of the *(Grantee's Name)* relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within *(number of days)* to *(officer or employee responsible for handling appeals)*.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the *(Grantee's Name)* complies with Section 504 and the HUD regulations.

Duly adopted at the regular meeting of the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.

---

Signature of Authorized Official