

# Section 504 Plan Guidance for Grantees

June 2017

## **Section 504 Plan**

### Self-Evaluation and Transition Plan of *(Name of Municipality)*

**Section 504 of the Rehabilitation Act of 1973** provides that no qualified person with handicaps shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance. Section 794 24 C.F.R. Part 8

#### **Qualified Individual**

A qualified individual with disabilities is anyone who meets all eligibility requirements of the program or activity.

#### **Discrimination**

To avoid discriminating against Individuals with Disabilities, *(Name of Municipality)* will provide:

- Program accessibility - No one may be denied access solely by reason of disability;
- Program benefits - Benefits may not be denied solely because of disability;
- Most integrated setting appropriate - Judgment should be based on individual need;
- No support to discrimination - Provide no assistance or support to entities that discriminate;
- Opportunity to serve on boards - Board membership must be open to all qualified persons;
- Equal Rights and privileges - Disabled individuals may not be denied equal treatment;
- Physically accessible sites - Programs, activities, and workplaces must be physically accessible;
- Administrative accommodation - Alternatives or modifications should be made as needed

#### **Elements of the Plan**

##### **Self-Evaluation**

The *(Name of Municipality)* will consult with interested citizens about plans to study the accessibility of the *(Name of Municipality)*'s facilities, programs and/or activities. The *(Name of Municipality)* will involve those who have disabilities, relatives of person with disabilities, and advocacy groups representing the disabled. This involvement helps to ensure that the self-evaluation is conducted from the viewpoint of person with disabilities, and therefore, more accurately reflects their needs.

The self-evaluation of *(Name of Municipality)* consists of its facilities, administrative practices, and employment practices of the municipality, as well as the annual projects and activities funded through federal grants. In the event that the municipality uses facilities of other municipalities or organizations to conduct the programs and activities funded with federal funds, those facilities, administrative practices and employment practices are also subject to self-evaluation.

*See Self Evaluation Attached.*

##### **Modification of Policies and Practices**

When it is found that policies and practices impact negatively upon the disabled, the *(Name of Municipality)* will modify the appropriate policy or practice so that the problem is eliminated.

### **Transition Plan**

In the event that the *(Name of Municipality)*'s facilities, programs and/or activities cannot be made accessible by making administrative changes, structural changes will be necessary. A transition plan outlining those changes will be developed. The plan should identify the steps required to complete the structural modifications. Interested citizens, especially disabled citizens, should be recruited to help develop the plan.

- 1) Identify the physical obstacles that limit the program's accessibility to person with disabilities;
- 2) Describe in detail the method to be used in making the facilities in question accessible;
- 3) Set forth the schedule of tasks, identifying actions to be taken within the first year;
- 4) Identify the official responsible for implementing the plan (the Section 504 Officer mentioned below); and
- 5) Identify those who assisted the recipient in preparing the transition plan.

*See Transitional Plan Attached.*

### **Longevity of Plan**

- I. Municipality - Self-Evaluation and transition plans, if necessary, once completed and brought into compliance for the *(Name of Municipality)* will remain in effect until such a time as location or new process changes and another self-evaluation is necessary.

Documentation must be kept in the Master *(CDBG/HOME/ESG/CDBG-DR)* file of the Municipality.

- II. Projects/Activities – Self Evaluation and transition plan, if necessary are required yearly for every new project of the municipality.

Documentation must be kept in the *(CDBG/HOME/ESG/CDBG-DR)* Program file.

***(For Grantees with 15 or more Employees (full or part-time) the following must be in place)***

### **Designation of Section 504 Officer**

The *(Name of Municipality)* has designated a person to oversee the *(Name of Municipality)*'s compliance efforts. The Section 504 Officer has a thorough working knowledge of federal accessibility requirements since she or he is responsible for ensuring the municipality's compliance and for initiating continued compliance efforts. The Section 504 Officer will take the lead in evaluating the municipality's facilities, programs and practices, and in drafting the transition plan if one is needed. All the accompanying administrative details (securing assistance from interested disabled citizens, publishing notices of non-discrimination, etc.) should be monitored or carried out by this compliance officer. Keeping the municipality on target with the transition plan schedule is also part of her or his responsibility.

*(Name and Contact information of Section 504 Officer; make sure to include how persons with disabilities may contact this person, as well as those with Limited English Proficiency, if appropriate)*

### **Grievance Procedure**

The grievance procedure provides for timely resolution of discrimination complaints which are lodged against the *(Name of Municipality)* and which pertain to the accessibility of the municipality's policies and practices.

*See Grievance Procedure Attached.*

*(Includes appropriate due process standards, such as an appeals process and specific methods for filing complaints are incorporated into the procedure. The length of time allotted for the municipality to review and respond to the complaint, as well as, the identification and location of any required complaint forms will be no more than 15 days.)*

### **Discrimination Complaints**

Any person who believes that he or she has been discriminated against or any representative of such a person may file a confidential complaint with:

Local Section 504 Officer  
*(Name & Contact information)*

Or

U.S. Department of Housing and Urban Development  
FHEO/Regional III Office Mid-Atlantic Office  
100 Penn Square East, 12th Floor  
Philadelphia, PA 19107  
(215) 861-7643  
Fax: (215) 656-3449  
TTY: (800) 927-9275

Or

U.S. Department of Housing and Urban Development  
PITTSBURGH FHEO FIELD OFFICE  
Moorhead Federal Building  
1000 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 644-5449 or (412) 644-6353  
Fax: (412) 644-6516

The written complaint will be filed within 180 days of the alleged discriminatory act unless good cause can be shown for the delay. The complaint will show the name and address of the offending party, along with the details of the events leading to the charge of discrimination.

### **Notice of Nondiscrimination**

*(Name of Municipality)* will make initial and continuing efforts to notify their participants, beneficiaries, applicants, and employees that the municipality does not discriminate on the basis of disability in its federally funded programs, services, activities, and practices. The Section 504 Officer will be available for questions and comments. Initial and ongoing notification of nondiscrimination will be published using media that can be expected to reach vision and hearing-impaired individuals, which may include radio announcements and large-print flyers and newspaper notices. Also notifications will be published in multi-languages to reach persons of the community with Limited-English proficiency.

### **Subrecipient Remedial and Affirmative Action**

All sub-recipients of federal grant funds through *(Name of Municipality)* are required to adhere to the regulations of Section 504 in their provision of services or projects. Should *(Name of Municipality)* determine that disabled individuals have been discriminated against by a sub-recipient of funding; appropriate remedial and affirmative action will be required to the extent that *(Name of Municipality)* deems necessary. *(Name of Municipality)* will also determine what action should be taken in order to remedy prior discrimination.

## **Review of Non-Housing Activities**

A person with disabilities who is otherwise qualified to participate in a (Name of Municipality)'s program and activity or use publicly owned facilities of the municipality should not be denied the benefits of or excluded from participation in those programs or activities simply because the buildings or structures which house them are inaccessible. Facilities, programs and activities will be designed so that persons with disabilities can generally participate in all the activities that are federally funded.

## **Review of Housing Activities**

### **Housing Units (if applicable)**

Generally, new multifamily housing projects should be designed and built to be readily accessible to and usable by disabled individuals, according to Section 8.22 (a) of the final Rule. Further, the Section states that at least 5 percent of the total dwelling units, or at least one unit in a multifamily housing project (whichever is greater) shall be made accessible to individuals who have impaired mobility.

Another 2 percent - or at least one unit - will be made accessible or adaptable for those who have hearing and vision impairments. In this case, accessibility means that the unit is on an accessible route and is either already accessible or adaptable.

When substantial alterations are made to an existing housing project with at least fifteen units and the cost is at least 75 percent of the facility's replacement cost, and then at least 5 percent - or at least one - of the units will be located on an accessible or adaptable route and will be made accessible or adaptable. Another 2 percent - or at least one - unit will be made accessible or adaptable to persons who have hearing or vision impairments.

When other alterations are made to existing housing units, the recipient should, to the maximum extent feasible, make the units readily accessible. This is also the case when common areas are altered and when a single space in a dwelling unit is altered. The recipient should continue to create accessible units as units are rehabilitated until at least 5 percent of the units in the project have been made accessible or adaptable.

In determining whether facilities meet federal accessibility requirements, the (*Name of Municipality*) will refer to the Uniform Federal Accessibility Standards (UFAS) for details such as acceptable door widths, lavatory heights, and ramp dimensions.

In the event that the (*Name of Municipality*) is able to make programmatic changes that enhance the accessibility of its housing program to disabled applicants or residents, those changes should be identified and implemented.

However, when the only remedy is to make structural changes, the recipient will prepare a transition plan itemizing the changes. Input from interested citizens, especially disabled residents, will be included, and the other transition plan requirements listed above apply in this case.

***See Transitional Plan Attached.***

## **Other Housing Related Programs**

### ***Homeowner Rehabilitation Program (If applicable)***

(*Name of Municipality*) participates in a Homeowner Rehabilitation Program, the (*Name of Municipality*) will give priority to the selection of projects that will result in dwelling units being made readily accessible to

persons with disabilities.

***Homeownership Programs (If applicable)***

Any housing units newly constructed or rehabilitated using federal assistance will be made accessible upon the request of a prospective buyer. Any required alterations will adhere to the UFAS standards, and the cost of the changes becomes the buyer's responsibility. The cost may be added to the mortgage amount, except that the added cost will not raise either the sales price or the mortgage amount beyond established limits.

***Historic Properties***

Generally, historic properties will be made accessible when they are altered with federal dollars, unless accessibility would substantially impair the "significant historic features" of the property or result in undue financial and administrative burdens.

# SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

## SELF EVALUATION

### GENERAL REQUIREMENTS

The (*Name of Municipality*)'s self-evaluation will be completed prior to the municipality's use of federal funds either initially and/or start of project or activity. In preparation of the self-evaluation, the (*Name of Municipality*) must consult with individuals with disabilities or organizations representing them.

Keep on file for

Municipality Self Evaluation, as long as CDBG/HOME/ESG/CDBG-DR recipient, in Master file:

- a. A list of interested persons consulted;
- b. A description of area examined and any problems identified; and
- c. A description of modifications made and remedial steps taken.

Project/Activity Self Evaluation until released by DCED, in Program file:

- a. A list of interested persons consulted;
- b. A description of area examined and any problems identified; and
- c. A description of modifications made and remedial steps taken.

Adopt and implement a grievance procedure for timely resolution of discrimination complaints.

Make initial and continuing efforts to notify applicants, tenants, and employees that (*Name of Municipality*) does not discriminate on the basis of disability.

### ELEMENTS

- Evaluation of current facilities, policies and practices relative to the Section 504 regulations.
- Evaluation of projects and/or activities to be funded with federal funds.
- Modifications of any facilities, policies and practices that do not meet the Section 504 requirements.
- Corrective action to remedy any discrimination found.

### AREAS TO BE EVALUATED

- Buildings or facilities for physical accessibility, program outreach and communication
- Eligibility and admission criteria and practice
- Distribution and occupancy policy and practice
- Percentage of accessible units
- Employment (including pre-employment)
- Complaint processing procedures

### REASONABLE ACCOMMODATION

Definition: an adjustment in a federally assisted or conducted program or activity in order to accommodate the known physical or mental limitations of an otherwise qualified individual with a disability.

- a. Must be provided unless it:
  1. Imposes an undue financial or administrative burden, as determined by the municipality and reviewed and approved by DCED, or
  2. It alters the fundamental nature of the program.
- b. Must be equally effective.
- c. Should not be of a personal nature.
- d. Should be provided and applied on a case-by-case basis.

## PROGRAM ELIGIBILITY AND REASONABLE ACCOMODATION

Is the applicant an “individual with handicap” as defined by Section 504?

Yes ↓	No ↓
Does s(he) meet program eligibility requirements? ↓	<b><u>Follow the regular application procedures.</u></b>

Yes ↓	No ↓
<b><u>Process the application as for any other applicant.</u></b>	Could s(he) meet eligibility requirements with <u>any</u> kind of accommodation? ↓

Yes ↓	No ↓
Would the accommodation result in: a) Undue financial and administrative burden; or b) Fundamental alteration in the nature of the program? ↓	<b><u>Reject application.</u></b>

No ↓	Yes ↓
Does s(he) meet program eligibility requirements? ↓	<b><u>Follow the regular application procedures.</u></b>

Yes ↓	No ↓
<b><u>Process the application as for any other applicant.</u></b>	Could s(he) meet eligibility requirements with <u>any</u> kind of accommodation? ↓

Yes ↓	No ↓
Would the accommodation result in: a) Undue financial and administrative burden; or b) Fundamental alteration in the nature of the program? ↓	<b><u>Reject application.</u></b>

No ↓	Yes ↓
<b><u>Process the application and provide reasonable accommodation needed for eligibility.</u></b>	Applicant must indicate that he/she will be obtaining those supportive services necessary to establish his/her eligibility. Recipient may inquire as to whether the applicant will supply the necessary accommodation. If no, applicant is ineligible. If yes, applicant is eligible. ↓
Provide any other reasonable accommodation necessary for program participation.	

**Self-Evaluation of the Municipality**

Name of Municipality: \_\_\_\_\_

Date of the completion of the self-evaluation: \_\_\_\_\_

Section 504 Officer: \_\_\_\_\_

Names of persons evaluating this project, telephone number and their organizational affiliation:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

# SELF EVALUATION FOR SECTION 504

OF \_\_\_\_\_

(Municipality)

Date of Completion \_\_\_\_\_

## CHECKLIST OF ADMINISTRATIVE REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Designation of responsible employee	Municipalities employing fifteen or more employees must designate a Section 504 Officer (24 CFR Part 8.53(a)).					
Adoption of grievance procedures	Municipalities employing fifteen or more employees must establish grievance procedures that provide for the submission and resolution of complaints from employees and program beneficiaries (24 CFR Part 8.53(b)).					
Public notification requirements	Municipalities employing fifteen or more employees must take initial and continuing steps to notify beneficiaries, applicants, and employees that is does not discriminate on the basis of disability. All such notifications must be effective for those with impaired vision or hearing (24 CFR Part 8.54(a)) and follow the Limited English Proficiency requirements if applicable.					

**CHECKLIST OF ADMINISTRATIVE REQUIREMENTS (2)**

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Public notification requirements (continued)	Recruitment materials or publications containing general information that is available to development residents, applicants, and employees must contain an appropriate non-discrimination statement (24 CFR Part 8.54(b)) and be in languages that meet any Limited-English Proficiency Plan for the municipality.					
Assurances required	Municipalities must provide assurance that its project operates in compliance with Section 504 (24 CFR Part 8.50).					
Self-evaluation	Municipalities must consult with Disabled persons/organizations. (Centers for Independent Living, etc.) The self-evaluation must cover the development's policies, practices, problems identified, and remedial steps taken.					
Self-evaluation (continued)	All Municipalities must maintain on file the self-evaluation for the municipality for as long as they are a grantee of federal funds. Plans must be reviewed annually for additions and completions.					

**CHECKLIST OF ADMINISTRATIVE REQUIREMENTS (3)**

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Transition Plan	A transition plan is required when structural changes to facilities are required, and it must include the following: 1. Identification of physical obstacles in facilities. 2. Identification of methods used to achieve accessibility. 3. Schedule for achieving accessibility. 4. Identification of responsible official. 5. Identification of persons or groups who assisted in the preparation of the plan. (24 CFR Part 8.24(d))					
Resident marketing and outreach must ensure that interested persons (including persons with impaired hearing or vision) can obtain information concerning the development. (24 CFR Part 8.6)	The owner shall use telecommunication devices for deaf persons (TDDs) and make applications and leases available in braille or on audio tape for visually impaired applicants/ residents.					

**CHECKLIST OF ADMINISTRATIVE REQUIREMENTS (4)**

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
<p>When an accessible unit becomes vacant, the unit is offered, first to a current resident of the project with disabilities requiring the features of the vacant unit, or if no such resident exists, then second, to an eligible qualified applicant on the waiting list with a disability requiring the features of the vacant unit. When offering an accessible unit to an applicant without disabilities requiring the features of the units, the owner/agent may require the applicant to agree (and may include this in the lease) to move to a non-accessible unit when available. (24 CFR Part 8.27)</p>						

# CHECKLIST OF FACILITY ACCESSIBILITY

Name of Municipality \_\_\_\_\_

Date of Completion \_\_\_\_\_

Facility Name and Address \_\_\_\_\_

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
<b>Residential Units</b>					
A. Total Number of Units _____					
B. Accessible Units					
Number by Bedroom Size					
_____ Eff. 0 BR      _____ #WC      _____ #H/V					
_____ 1 BR            _____ #WC      _____ #H/V					
_____ 2 BR            _____ #WC      _____ #H/V					
_____ 3 BR            _____ #WC      _____ #H/V					
_____ 4 BR            _____ #WC      _____ #H/V					
_____ 5 BR            _____ #WC      _____ #H/V					
_____ Eff. 0 BR      _____ #WC      _____ #H/V					
_____ 1 BR            _____ #WC      _____ #H/V					
_____ 2 BR            _____ #WC      _____ #H/V					
_____ 3 BR            _____ #WC      _____ #H/V					
_____ 4 BR            _____ #WC      _____ #H/V					
_____ 5 BR            _____ #WC      _____ #H/V					
Eff./0 BR is Efficiency/Zero Bedrooms WC - Wheelchair, H/V - Hearing/Vision					
<b>Parking Lots/Spaces</b>					
A. Reserved Spaces					
Number (Total _____ Accessible _____ )					
Resident (Total _____ Accessible _____ )					
Visitor (Total _____ Accessible _____ )					
Office (Total _____ Accessible _____ )					
Location (in relation to facility)					
Vehicle access clearance					
Signage					
B. Ramps/Curb Cuts					
Location					
Dimensions					
Handrails/Handgrips					
C. Passenger Loading/Unloading					
Spaces					
Signage					
Location					

**CHECKLIST OF FACILITY ACCESSIBILITY (2)**

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
<p align="center"><b>Public Telephones</b></p> Signage Clear floor space (wheelchair access) Reach Height Controls Equipment					
<p align="center"><b>Drinking Fountains (Interior &amp; Exterior)</b></p> Location Clearance Height Spouts Control					
<p align="center"><b>Elevators</b></p> Automatic Location Doors Control Panel Emergency communications Floor identification Lobby call buttons Outside floor/direction indicators Signage					
<p align="center"><b>Toilet/Bathing Facilities</b></p> Number (according to gender) Location/Signage Doors/Fixtures/Dispensers Stalls Urinals Lavatories/sinks Tubs/showers Lockers Number Height Clear floor space					

**CHECKLIST OF FACILITY ACCESSIBILITY(3)**

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
<p align="center"><b>Picnic Areas</b></p> <p>Tables and Benches                      Number accessible to wheelchairs                      Location (adjacent to level paths)                      Access to open space areas                      Back and arm rests</p> <p>Grills                      Height of cooking surface                      Location (adjacent to level paths)</p> <p>Trash receptacles                      Location (adjacent to level paths)                      Safety &amp; facility of equipment</p> <p>Picnic Shelters                      Location (accessible by wide, firm path)                      Located near accessible water                      fountains, trash receptacles,                      restrooms, parking, etc.)</p>					
<p align="center"><b>Trails</b></p> <p>Surface                      Dimensions                      Rails                      Signage</p>					
<p align="center"><b>Game Areas</b></p> <p>Equipment                      Safe for Disabled persons</p> <p>Access to Equipment                      Firm level paths</p> <p>Sufficient space between play                      equipment for wheelchair maneuvering</p>					
<p align="center"><b>Management Office Facilities</b></p> <p>Access                      Telephone (TDD)                      Signage                      Safety</p>					

# CHECKLIST OF EMPLOYMENT REQUIREMENTS

Name of Municipality \_\_\_\_\_

Date of Completion \_\_\_\_\_

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Job Announcements	<p>The announcement process encompasses the following elements: Nondiscrimination statement on announcements;</p> <p>Announcements must be posted in accessible areas;</p> <p>Announcements must be effectively announced to individuals who have disabilities that impair their ability to communicate.</p>					
Interviews	<p>Interviews must address the applicant's qualifications for the position. Recipients must not make inquiries about an applicant's disability and its severity.</p>					
Personnel Actions						
Recruitment Selection Promotion Hiring Upgrading, etc.	<p>The criteria for processing personnel actions must not limit the eligibility of qualified Disabled employees.</p>					
Leave Administration						
Leave of Absence Sick/Annual Return from leave of absence	<p>Policies for granting leave must not adversely affect qualified Disabled employees.</p>					
Training						
Internships Apprenticeships On-the-job training, etc.	<p>Training programs must be administered in a manner that allows equal participation by qualified Disabled employees.</p>					

**CHECKLIST OF EMPLOYMENT REQUIREMENTS (2)**

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Testing	Tests and other criterion must measure essential job requirements only.  Tests must be job-related and nondiscriminatory towards persons with impaired communication abilities.					
Medical Examination/ Questionnaires	Pre-employment medical examinations are permissible only after conditional employment offers.  Medical history questionnaires must not request information as to the nature or severity of an applicant's disability.					
Social/Recreational Program	Social/recreational programs sponsored by the owner must be accessible to Disabled employees.					
Fringe Benefits	Disabled employees must be given the same employee benefits as nondisabled employees.					
Collective Bargaining Agreements	Terms and practices of collective bargaining agreements must not contain provisions that limit the participation of qualified disabled employees.					
Wage and Salary Administration	Employees with disabilities must not be offered different rates of compensation solely on the basis of disability.					

# Self-Evaluation of Project

Name of Project/Activity: \_\_\_\_\_

CDBG/HOME/ESG/CDBG-DR Contract: \_\_\_\_\_

Date of completion of the self- evaluation: \_\_\_\_\_

Section 504 Officer: \_\_\_\_\_

Names of persons evaluating this project and their organizational affiliation:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Requirements	Compliance Status		Describe current accessibility and any deficiencies
	Yes	No	
Is the project accessible to:			
learning impaired persons			
mobility impaired persons			
visually impaired persons			
hearing impaired persons			

**NOTE: One of these needs to be completed each year for each new CDBG activity.**



Signature of person completing Plan: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Date of Plan Completion: \_\_\_\_\_

Date Section 504 Plan was presented to Municipal Governing Body for action: \_\_\_\_\_

**Approval of Section 504 Plan by the (*Name of Municipality*)**

Date:

Signature(s):