

APPENDIX J

PROPER SECTION 504 SELF-EVALUATION PROCESS

SECTION 504

HUD requires jurisdictions to have documented their compliance with Section 504. Applicants must complete the Section 504 form in the Application Summary of the application package. . It is important to note that the form itself does not constitute the jurisdiction's efforts to meet Section 504. The jurisdiction should have performed an analysis and evaluation of each factor and prepared a Section 504 Plan. The self-certification form is used to certify that the jurisdiction has performed this analysis and evaluation and to record areas of compliance or problems.

SECTION 504 COMPLIANCE

Section 504 of the Rehabilitation Act of 1973, as amended, was implemented by the Department of Housing and Urban Development in a final rule published in the Federal Register on June 2, 1988. This rule applies to direct and indirect applicants and recipients of funding under Title I of the Housing and Community Development Block Grant Act of 1974. The purpose of the rule is to provide that no otherwise qualified individual with handicaps shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from HUD.

In addition to the non-discriminatory and affirmative action activities discussed in the CDBG Grants Management Manual, grant recipients must undertake several activities to be in minimal compliance with Section 504.

1. **Communications:**

- A. The recipient shall take appropriate steps to ensure effective communication with applicants, beneficiaries and members of the public. In determining what auxiliary aids are necessary (e.g. telecommunication devices for deaf persons (TDD's)) the recipient will give primary consideration to the requests of the individual with handicaps. Where a recipient communicates with applicants by telephone, TDD's or equally effective communications systems shall be used.
- B. The recipient shall adopt and implement procedures to ensure that interested persons (including persons with impaired vision or hearing) can obtain information concerning the existence and location of accessible services, activities and facilities.

- C. This section does not require a recipient to take any action that the recipient can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. The recipient must nonetheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the program or activity receiving HUD assistance.
2. **Employment:** In addition to the general prohibitions against discrimination discussed elsewhere in the Grant Management Manual, grantees must ensure the following:
- A. A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant with handicaps or employee with handicaps, unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.
- B. A recipient may not use any employment test or other selection criterion that screens out or tends to screen out individuals with handicaps or any class of individuals with handicaps. Pre-employment inquiries may not be made to determine whether the applicant is an individual with handicaps or the nature or severity of a handicap except as directly related to an applicant's ability to perform job-related functions.
3. **Program Accessibility:** Except as otherwise provided, no qualified individual with handicaps shall, because a recipient's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance.

Recipients using State CDBG funds for the construction or alteration of community facilities should contact the Department's Equal Opportunity/Fair Housing Specialist for guidance on HUD accessibility requirements. Accessibility requirements must also be met by multi-family housing constructed in whole or in part by HUD funds.

4. **Enforcement:**
- A. **Assurances:** All applicant jurisdictions to the State CDBG program are required to submit with each application a signed Statement of Assurances that state, in part, that the applicant will comply with Section 504 of the Rehabilitation Act of 1973, as amended, and implementing regulations.
- B. **Covenants:** Where property is purchased or improved with federal financial assistance or where federal financial assistance is provided in the form of real property or interest in the property, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period in which the real property is used for a purpose that the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

C. Self-Evaluation: Each grantee shall, in consultation with interested persons, including individuals with handicaps or organizations representing persons with handicaps:

- 1) Evaluate its current policies and practices to determine whether, in whole or in part, they do or do not meet the requirements of Section 504;
- 2) Modify any policies or procedures that do not meet the requirements of Section 504; and,
- 3) Take appropriate corrective steps to remedy the discrimination revealed by the self-evaluation.

A grantee that employs 15 or more persons shall, for at least three years following the completion of the evaluation, maintain on file, make available for public inspection, and provide to the responsible civil rights official, upon request:

- 1) A list of interested persons consulted;
- 2) A description of the areas examined and any problems identified; and,
- 3) A description of any modifications made and of any remedial steps taken.

D. Designation of Responsible Employee and Adoption of Grievance Procedures: A grantee that employs 15 or more persons shall designate at least one person to coordinate its efforts to comply with Section 504 implementing regulations. Grantees that employ 15 or more persons must also adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 and related implementing regulations.

E. Notice: A grantee that employs 15 or more persons shall:

- 1) Take appropriate initial and continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the grantee that it does not discriminate on the basis of handicap in violation of Section 504. The notification shall state, where appropriate, that the grantee does not discriminate in admission to, access to, or treatment or employment in its federally-assisted programs and activities. The notification shall also include an identification of the designated responsible employee. Methods of

initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in grantee's publications, and distribution of memoranda or other written communications.

- 2) Include in recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants or employees, a statement of policy described in paragraph 1 above.
- 3) Ensure that members of the population eligible or likely to be affected directly by a federally-assisted program who have visual or hearing impairments are provided with the information necessary to understand and participate. Methods for ensuring participation include, using sign language and oral interpreters, readers, etc.