

SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

SELF EVALUATION

GENERAL REQUIREMENTS

- The Project Owner’s self-evaluation must be submitted prior to the Agency’s Commitment of Funds.
- In preparation of the self-evaluation, the Project Owner must consult with individuals with handicaps or organizations representing them.
- Project Owners with 15 or more employees must:
 - * Designate a person to oversee its Section 504 Compliance efforts.
 - * Keep on file for at least three years:
 - a list of interested persons consulted;
 - a description of area examined and any problems identified; and
 - 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 it does not discriminate on the basis of handicap.

ELEMENTS

- Evaluation of current policies and practices relative to the Section 504 regulations.
- Modifications of any 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

SECTION 504 of the REHABILITATION ACT OF 1973, AS AMENDED

NO OTHERWISE QUALIFIED INDIVIDUAL WITH HANDICAPS IN THE UNITED STATES, ... 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 OR UNDER ANY PROGRAM OR ACTIVITY CONDUCTED BY ANY EXECUTIVE AGENCY ...

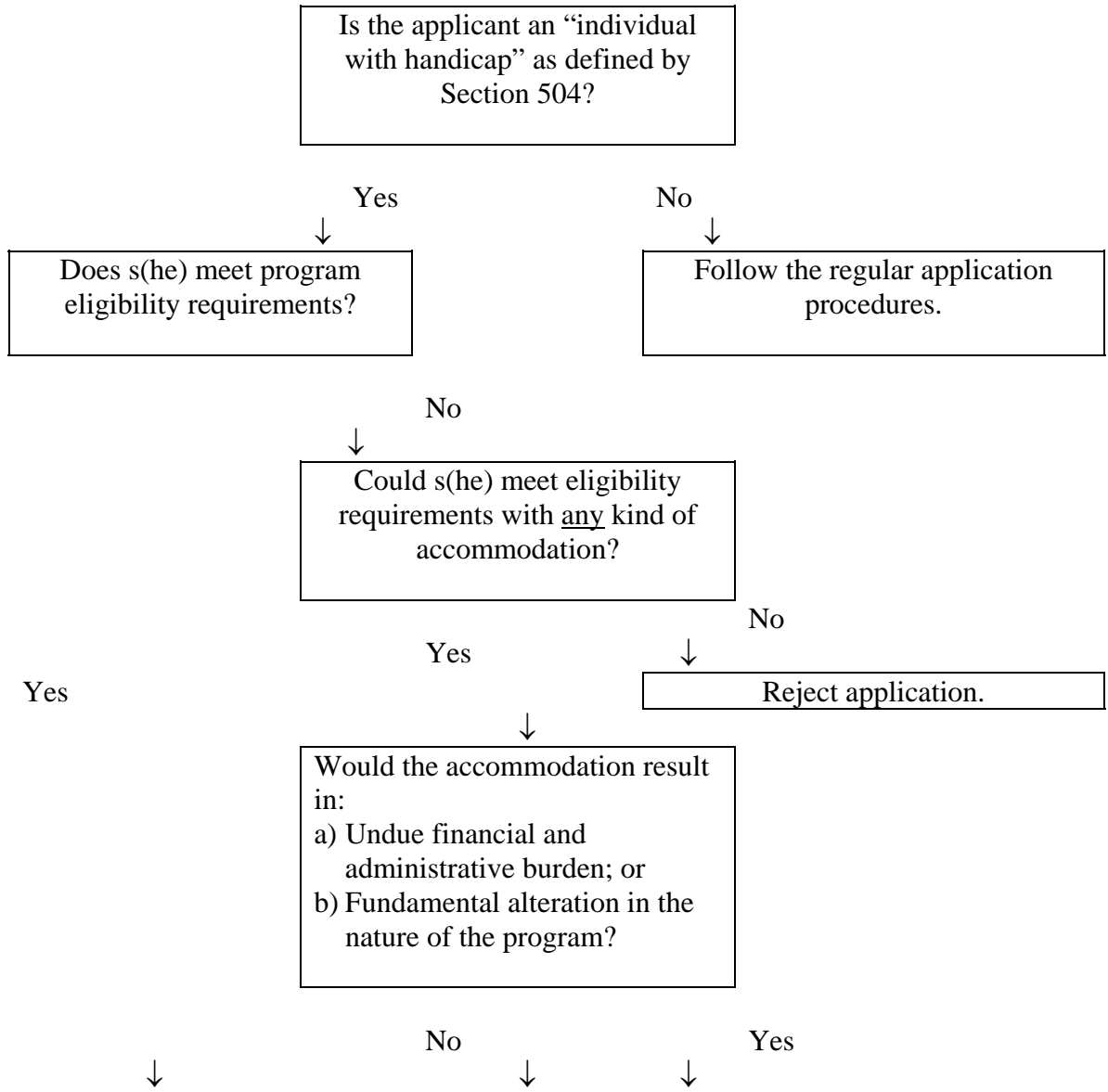
CITATIONS: U.S.C. Section 794
24 C.F.R. Part 8

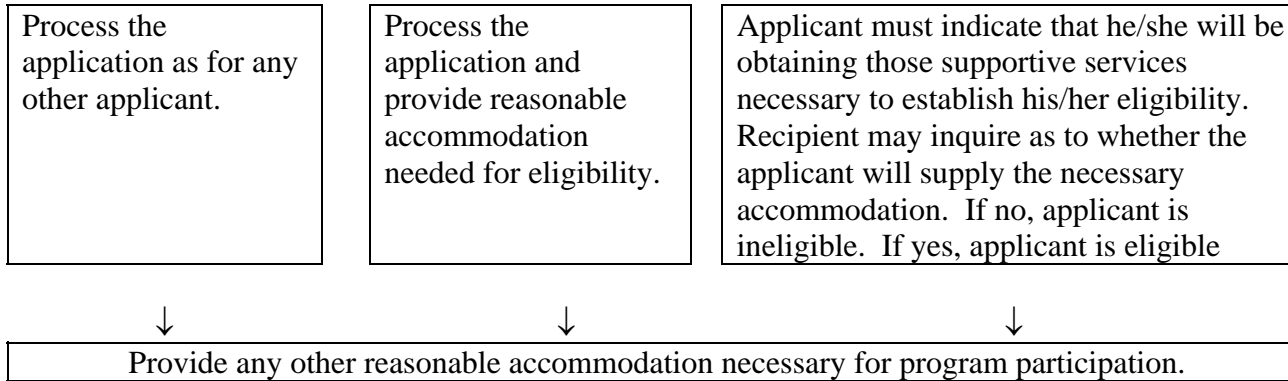
REASONABLE ACCOMMODATION

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 HANDICAP.

1. It must be provided unless it:
 - a. Imposes an undue financial or administrative burden, as determined by HUD, or
 - b. It alters the fundamental nature of the program.
2. It must be equally effective.
3. It should not be of a personal nature.
4. It should be provided and applied on a case-by-case basis.

PROGRAM ELIGIBILITY AND SECTION 504





SECTION 504 REQUIRES:

PROGRAM ACCESSIBILITY FOR QUALIFIED PEOPLE WITH DISABILITIES

No qualified individual with handicaps shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, or be excluded from participation in or otherwise be subjected to discrimination in any program or activity receiving Federal financial assistance.

Section 504 requires:

- Equal opportunity for participation;
- Equal opportunity to receive program benefits and services;
- The most integrated setting appropriate;
- Equally effective benefits;

- Physical accessibility; and
- Reasonable accommodation.

“DISCRIMINATION”

TO AVOID DISCRIMINATING AGAINST INDIVIDUALS WITH DISABILITIES, RECIPIENTS AND FEDERAL OFFICES MUST 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.

“QUALIFIED”

A “QUALIFIED” INDIVIDUAL WITH HANDICAPS IS ANYONE WHO MEETS ALL THE ELIGIBILITY REQUIREMENTS OF THE PROGRAM OR ACTIVITY.

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SECTION 504 SELF-EVALUATION GUIDE

1. Introduction

Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

All recipients of federal HOME funds must be in compliance with Section 504 and the implementing regulations, 24 CFR Part 8. 24 CFR Part 8 requires that each recipient complete a self-evaluation of its “policies and practices and the effects thereof that do not meet the requirements of this Part”. Any policy and/or practice that does not meet the requirements of this Part, must be modified.

The purpose of this self-evaluation guide is to assist project owners in evaluating their project and business operations to determine whether they conform to the requirements of Section 504 and the regulations at 24 CFR Part 8. This guide provides only an example of how a self-evaluation can be performed. Project Owners are free to use this guide or other approaches for performing the self-evaluation.

CHECKLIST OF ADMINISTRATIVE REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Designation of responsible employee	Project Owners employing fifteen or more employees must designate a Section 504 Coordinator (24 CFR Part 8.53(a)).					
Adoption of grievance procedures	Project Owners 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	Project Owners employing fifteen or more employees must take initial and continuing steps to notify beneficiaries, applicants, and employees that it does not discriminate on the basis of handicap. All such notifications must be effective for those with impaired vision or hearing (24 CFR Part 8.54(a)).					

CHECKLIST OF ADMINISTRATIVE REQUIREMENTS

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)).					
Assurances required	Project Owners must provide assurance that its project operates in compliance with Section 504 (24 CFR Part 8.50).					
Self-evaluation	Project Owners must consult with handicapped persons/organizations. (Centers for Independent Living, etc.) The self-evaluation must cover the development's policies, practices, problems identified, and remedial steps taken.					

CHECKLIST OF ADMINISTRATIVE REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Self-evaluation (continued)	Project Owners employing fifteen or more persons must maintain on file the self-evaluation for three years after its completion (24 CFR Part 8.51(b)).					
Transition Plan	<p>A transition plan is required when structural changes to facilities are required, and it must include the following:</p> <ol style="list-style-type: none"> 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. <p>(24 CFR Part 8.24(d))</p>					

CHECKLIST OF ADMINISTRATIVE REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
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.					
When an accessible unit becomes vacant, the unit is offered, first to a current resident of the project with handicaps 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						

CHECKLIST OF ADMINISTRATIVE REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
handicap requiring the features of the vacant unit. When offering an accessible unit to an applicant without handicaps requiring the features of the unit, 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)						

CHECKLIST OF FACILITY ACCESSIBILITY

Requirements	Compliance Status			Description	Modification																																				
	Yes	No	N/A																																						
<p>Residential Units</p> <p>A. Total Number of Units _____</p> <p>B. Accessible Units Number By Bedroom Size</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">_____ Eff./O BR</td> <td style="width: 33%;">_____ #WC</td> <td style="width: 33%;">_____ #H/V</td> </tr> <tr> <td>_____ 1 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> <tr> <td>_____ 2 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> <tr> <td>_____ 3 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> <tr> <td>_____ 4 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> <tr> <td>_____ 5 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> </table> <p>C. Adaptable Units Number By Bedroom Size</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">_____ Eff./O BR</td> <td style="width: 33%;">_____ #WC</td> <td style="width: 33%;">_____ #H/V</td> </tr> <tr> <td>_____ 1 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> <tr> <td>_____ 2 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> <tr> <td>_____ 3 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> <tr> <td>_____ 4 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> <tr> <td>_____ 5 BR</td> <td>_____ #WC</td> <td>_____ #H/V</td> </tr> </table> <p>*WC - Wheelchair, H/V - Hearing/Vision</p>	_____ Eff./O 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./O 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					
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CHECKLIST OF FACILITY ACCESSIBILITY

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
Parking Lots/Spaces A. Reserved Spaces <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Location • Dimensions • Handrails/Handgrips C. Passenger Loading/Unloading <ul style="list-style-type: none"> • Spaces 					

CHECKLIST OF FACILITY ACCESSIBILITY

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
Parking Lots/Spaces (continued) <ul style="list-style-type: none"> • Signage • Location 					
Public Telephones <ul style="list-style-type: none"> A. Signage B. Clear floor space (wheel chair access) C. Reach D. Height E. Controls F. Equipment 					
Drinking Fountains (Interior and Exterior) <ul style="list-style-type: none"> A. Location B. Clearance C. Height D. Spouts E. Control 					

CHECKLIST OF FACILITY ACCESSIBILITY

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
Elevators A. Automatic B. Location C. Doors D. Control Panel E. Emergency communications F. Floor identification G. Lobby call buttons H. Outside floor/direction indicators I. Signage					
Toilet/Bathing Facilities A. Number (according to gender) B. Location/Signage C. Doors/Fixtures/Dispensers 1. Stalls 2. Urinals					

CHECKLIST OF FACILITY ACCESSIBILITY

	Compliance	
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Requirements	Status			Description	Modification
	Yes	No	N/A		
Toilet/Bathing Facilities (continued) <ul style="list-style-type: none"> 3. Lavatories/sinks/water closets 4. Tubs/showers D. Lockers <ul style="list-style-type: none"> 1. Number 2. Height 3. Clear floor space 					
Picnic Areas <ul style="list-style-type: none"> A. Tables and Benches <ul style="list-style-type: none"> 1. Number accessible to wheelchairs 2. Location (adjacent to level paths) 3. Access to open space areas 4. Back and arm rests B. Grills <ul style="list-style-type: none"> 1. Height of cooking surface 2. Location (adjacent to level paths) 					

CHECKLIST OF FACILITY ACCESSIBILITY

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
Picnic Areas (continued) C. Trash Receptacles 1. Location (adjacent to level paths) 2. Safety and facility of equipment D. Picnic Shelters 1. Location (accessible by wide, firm path) 2. Located near accessible water fountains, trash receptacles, restrooms, parking, etc.					
Trails A. Surface B. Dimensions C. Rails D. Signage					

CHECKLIST OF FACILITY ACCESSIBILITY

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
Play Areas A. Equipment 1. Safe for handicapped persons B. Access to Equipment 1. Firm level paths 2. Sufficient space between play equipment for wheelchair maneuvering					
Game Areas A. Accessible by firm and level paths B. Accessible paths leading to and from parking areas C. Equipment 1. Heights 2. Dimensions					

CHECKLIST OF FACILITY ACCESSIBILITY

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
Management Office Facilities A. Access B. Telephone (T.D.D.) C. Signage D. Safety					

CHECKLIST OF EMPLOYMENT REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
<u>Recruitment</u>						
Job announcements	<p>The announcement process encompasses the following elements:</p> <p>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 handicap and its severity.</p>					

CHECKLIST OF EMPLOYMENT REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
<u>Personnel Actions</u> Recruitment Selection Promotion Hiring Upgrading, etc.	The criteria for processing personnel actions must not limit the eligibility of qualified handicapped employees.					
<u>Leave Administration</u> Leave of absence Sick/Annual Return from leave of absence	Policies for granting leave must not adversely affect qualified handicapped employees.					
<u>Training</u> Internships Apprenticeships On-the-job training, etc.	Training programs must be administered in a manner that allows equal participation by qualified handicapped employees.					

CHECKLIST OF EMPLOYMENT REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
<u>Testing</u>	<p>Tests and other criterion must measure essential job requirements only.</p> <p>Tests must be job-related and nondiscriminatory towards persons with impaired communications abilities.</p>					
<u>Medical Examination/ Questionnaires</u>	<p>Pre-employment medical examinations are permissible only after conditional employment offers.</p> <p>Medical history questionnaires must not request information as to the nature or severity of an applicant’s handicap.</p>					
<u>Social/Recreational Program</u>	<p>Social/recreational programs sponsored by the owner must be accessible to handicapped employees.</p>					

CHECKLIST OF EMPLOYMENT REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
<u>Fringe Benefits</u>	Handicapped employees must be given the same employee benefits as nonhandicapped employees.					
<u>Collective Bargaining Agreements</u>	Terms and practices of collective bargaining agreements must not contain provisions that limit the participation of qualified handicapped employees.					
<u>Wage and Salary Administration</u>	Employees with disabilities must not be offered different rates of compensation solely on the basis of handicap.					

Self-Evaluation of Project

Name of Development: _____

Date of this portion of the self-evaluation: _____

Names of persons evaluating this project and their organizational affiliation:

1. _____

2. _____

6

3. _____

4. _____

5. _____

<u>Requirements</u>	<u>Compliance</u>		Describe current accessibility and <u>any deficiencies</u>
	<u>Yes</u>	<u>No</u>	

Is the project accessible to:

- learning impaired persons
- mobility impaired persons
- visually impaired persons
- hearing impaired persons

TRANSITION PLAN

Project Name: _____	Scheduled for Completion	Completed
Project Facilities Needing Modification:		

SAMPLE INITIAL NOTICE

POLICY OF NONDISCRIMINATION ON THE BASIS OF HANDICAPPED STATUS

(Name of Project Owner) does not discriminate on the basis of handicapped status in the admission of access to, or treatment or employment for (Name of Project).

(Name) _____

(Address) _____

City State Zip

Telephone Number () _____ Voice
() _____ TDD

has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's (HUD) regulations implementing Section 504 (24 CFR Part 8, dated June 2, 1988).