Section 504 Overview

This document provides guidance on Section 504 of the Rehabilitation Act of 1973, as amended but is not intended to address every requirement. It is the responsibility of the recipient/grantee, project owner, and developer/subrecipient to adhere to all requirements.

# General Requirements

Section 504 of the Rehabilitation Act of 1973 includes physical and program accessibility requirements for housing projects and programs as well as non-housing programs and facilities assisted with federal funding. This includes any entity, project, or activity, such as housing, non- housing public facilities, public improvements, facilities in which programs/activities are provided or undertaken (e.g., public services), housing/non-housing programs and services, and employment. Any entity or activity that receives federal funds will be referred to as recipients throughout this document, which include the City of Meridian (City), project owners, developers, and subrecipients.

Section 504 provides that no otherwise-qualified 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. Section 504 also applies to employment by recipients of federal funds. Handicap includes hearing, vision, speech, learning, or mobility impairments. Recipients should maintain records showing the extent to which individuals with handicaps are beneficiaries of federally assisted programs and must make this data available for review by the City or HUD upon request.

Section 504 is implemented by 24 CFR Part 8 and utilizes the Uniform Federal Accessibility Standards (UFAS) for physical accessibility requirements.

# Program Accessibility for Qualified People with Disabilities

No qualified individual (anyone who meets all of the eligibility requirements of the program/activity) with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination in any program or activity receiving federal financial assistance due to programs or facilities being inaccessible/unusable by such persons. 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 (can be approached, entered, and used by persons with handicaps)
* reasonable accommodation

To avoid discrimination against individuals with disabilities, recipients of federal funds must provide:

* Program Accessibility – No one may be denied access solely by reason of disability. Activities and meetings must be conducted in accessible locations.
* 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.

# Reasonable Accommodation

A reasonable accommodation is 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.

Reasonable accommodation requirements:

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

If an applicant could meet eligibility requirements with any kind of accommodation, the recipient must determine if the accommodation would result in undue financial and administrative burden or fundamental alterations in the nature of the program. If not, the application must be processed and reasonable accommodation must be provided. If yes, the applicant must obtain the supportive services necessary to establish eligibility and indicate as much. While recipients may not ask about the type/severity of the disability, they may inquire as to whether the applicant will supply the necessary accommodation in order for the applicant to be eligible.

# Non-Housing Facility Accessibility (24 CFR Part 8.21)

New facilities must be designed and constructed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities should be made to ensure such accessibility. For existing facilities, a recipient is obligated to operate each program or activity so that, when viewed in its entirety, it is readily accessible to and usable by persons with disabilities.

# Housing Accessibility

New construction (5 or more total units) and substantial rehabilitation projects (15 or more total units and 75% or more of the replacement value of the completed facility) must provide 5% of the project’s units (but not less than one) designed for physically disabled occupants and another 2% of units (but not less than one) designed to be accessible for occupants with visual or hearing impairments. To the greatest extent feasible, accessible units should be distributed throughout the project in a range of sizes and amenities so that the choice to an individual with disability is comparable to that of other prospective tenants. Other rehabilitation projects are required to provide physically and sensory accessible units in the same percentages, to the maximum extent feasible. For more details on rehabilitation requirements, see 24 CFR 8.23.

# Self-Evaluation

24 CFR Part 8 requires that any entity receiving federal funds 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.

A self-evaluation of policies, practices, programs/services, housing projects, and public facilities must be completed in consultation with persons with handicaps or organizations representing persons with handicaps. Appropriate corrective steps must be taken to remedy policies and practices which are discriminatory or have discriminatory effect. Documentation of the self-evaluation must be kept on file for at least three years, including records of individuals/organizations consulted.

A transition plan is required when structural barriers are identified in non-housing facilities during the self-evaluation process that cannot be removed with nonstructural solutions and therefore necessitate structural changes to achieve program accessibility. The transition plan must be made available to the public for review and comment.

The purpose of this guide and self-evaluation template is to assist federal funding recipients in evaluating their project/program and business operations to determine whether they conform to the requirements of Section 504 and the regulations at 24 CFR Part 8. Recipients of the City of Meridian’s CDBG funds will be required to conduct and submit a self-evaluation by a time specified by the City using the template provided, or a comparable analysis.

## Elements of the Self-Evaluation

* Evaluation of current policies and practices relative to Section 504 regulations
* Modifications of any policies or practices that do not meet Section 504 requirements
* Corrective steps to remedy any discrimination found

## Areas to be Evaluated

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

# Entities with 15 or More Employees

There are additional requirements for recipients with 15 or more employees. Such entities must:

* Designate a responsible employee to oversee its Section 504 Compliance efforts (Section 504 Coordinator).
* Keep the self-evaluation on file for at least three years and make it available to the public, including a list of the persons/organizations consulted and any modifications/corrective steps.
* Adopt and implement a grievance procedure for complaints from applicants for housing/programs/services and applicants for employment that includes due process standards and provides for prompt and equitable resolution of complaints.
* Make initial and continuing efforts to notify applicants, tenants, program/service beneficiaries, and employees that it does not discriminate on the basis of handicap, including all recruitment and general information materials.