

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

## GUIDE AND SELF-EVALUATION

*This document provides guidance on Section 504 but is not intended to address every requirement. It is the responsibility of the City of Boise, project owner, developer, and 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 a **recipient** throughout this document, which includes the City of Boise (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.

It is important that members of the public (potential or existing beneficiaries of the program) **know** that programs/services are provided without discrimination **and** that these services are accessible to persons with disabilities. To ensure this, any public facing documents and physical/online sites should include a nondiscrimination statement.

- Sample statement of nondiscrimination based on disability: *[Name of Agency] does not discriminate on the basis of disability in the admission of, access to, treatment by, or employment for [Name of Project/Program/Service].*
- Comprehensive sample statement of nondiscrimination used by the City: *The City of Boise prohibits discrimination on the basis of race, color, national origin, religion, gender, sexual orientation, gender identity/expression, familial status, disability, or age.*

It is important that persons with visual or hearing impairments know that services are accessible. Any public facing documents and physical/online sites should include a statement that the program is accessible for the visually and hearing impaired (and ideally, for all persons with disabilities) and information on **how to request** access assistance (contact information, TTY #, etc.)

Requirements for nondiscrimination and accessibility statements and information also apply to employees and prospective employees. To ensure this, job advertisements/postings, applications, employee handbooks, and breakroom/primary employee gathering spaces should include these statements and information.

**Public facing** documents should be considered any document that is providing information and/or marketing a project/program/service, regardless of where or how it is available or distributed (hard copy, electronic, posted in an office or online, etc.). "Public facing" should be thought of as the initial and primary points of contact that the general public, prospective clients/tenants/employees, or ongoing clients/tenants/employees would have with the organization/agency, such as website landing page, flyers/handouts, applications/initial intake forms (if these could be the first step/contact), etc.

## 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. 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.

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. For resources on individuals/entities for consultation, reach out to City staff.

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 Boise's CDBG and HOME funds will be required to conduct and submit a *self-evaluation* by a time specified by the City using the template provided in this document.

### 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.

## CHECKLIST OF ADMINISTRATIVE REQUIREMENTS

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Designation of responsible employee	Recipients with <b>15+ employees</b> must designate a Section 504 Coordinator. <i>(24 CFR Part 8.53(a))</i>					
Adoption of grievance procedures	Recipients with <b>15+ employees</b> must establish grievance procedures that provide for the submission and resolution of complaints from employees and program beneficiaries. <i>(24 CFR Part 8.53(b))</i>					
Public notification requirements	Recruitment materials or publications containing general information that is available to residents, applicants, beneficiaries, and employees must contain an appropriate non- discrimination statement. <i>(24 CFR Part 8.54(b))</i>					
	Recipients with <b>15+ employees</b> 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. <i>(24 CFR Part 8.54(a))</i>					

## CHECKLIST OF ADMINISTRATIVE REQUIREMENTS (CONT.)

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Marketing and outreach must ensure that interested persons (including persons with impaired hearing or vision) can obtain information concerning the housing, program, or service. <i>(24 CFR Part 8.6)</i>	The recipient 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.					
Application accessibility	The recipient shall provide additional modes/assistance for applying to a program/service as needed (technology/device required for application, paper application, in-person assistance, etc.). <i>(City requirement)</i>					
Assurances required	Recipients must provide assurance that its project operates in compliance with Section 504. <i>(24 CFR Part 8.50)</i>					

**CHECKLIST OF ADMINISTRATIVE REQUIREMENTS (CONT.)**

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Self-evaluation	Recipients must consult with handicapped persons/organizations. The self-evaluation must cover the policies, practices, problems identified, and remedial steps taken.					
	Recipients with <b>15+ employees</b> must make the self-evaluation available to the public (including list of persons consulted) and maintain the self-evaluation on file for three years after its completion. <i>(24 CFR Part 8.51(b))</i>					

## CHECKLIST OF ADMINISTRATIVE REQUIREMENTS (CONT.)

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Transition Plan	<p>A transition plan is required when structural changes to non-housing facilities are required, must be made available for public review/comment, and must include the following:</p> <ol style="list-style-type: none"> <li>1. Identification of physical obstacles in facilities.</li> <li>2. Identification of methods used to achieve accessibility.</li> <li>3. Schedule for achieving accessibility.</li> <li>4. Identification of responsible official.</li> <li>5. Identification of persons or groups who assisted in the preparation of the plan.</li> </ol> <p><i>(24 CFR Part 8.24(d))</i></p>					



**CHECKLIST OF ADMINISTRATIVE REQUIREMENTS (CONT.)**

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
Vacancies	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 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 may require applicant to agree (and may include this in the lease) to move to a non-accessible unit when available. <i>(24 CFR Part 8.27)</i>					

## CHECKLIST OF FACILITY ACCESSIBILITY

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
<b><u>Residential Units</u></b>					
A. Total Number of Units _____					
B. Accessible Units					
Number by Bedroom Size					
_____ 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			
C. Adaptable Units					
Number by Bedroom Size					
_____ 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			
<i>*WC - Wheelchair, H/V - Hearing/Vision</i>					

**CHECKLIST OF FACILITY ACCESSIBILITY (CONT.)**

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
<p><b><u>Parking Lots/Spaces</u></b></p> <p>A. Reserved Spaces</p> <p>B. Number (Total____, Accessible____)                      Resident (Total____, Accessible____)                      Visitor (Total____, Accessible____)                      Office (Total____, Accessible____)</p> <p>C. Location (in relation to facility)</p> <p>D. Vehicle access clearance</p> <p>E. Signage</p> <p>F. Ramps/Curb Cuts</p> <ul style="list-style-type: none"> <li>• Location</li> <li>• Dimensions</li> <li>• Handrails/Handgrips</li> </ul> <p>G. Passenger Loading/Unloading</p> <ul style="list-style-type: none"> <li>• Spaces</li> <li>• Signage</li> <li>• Location</li> </ul>					

**CHECKLIST OF FACILITY ACCESSIBILITY (CONT.)**

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
<p><b><u>Public Telephones</u></b></p> <p>A. Signage</p> <p>B. Clear floor space (wheelchair access)</p> <p>C. Reach</p> <p>D. Height</p> <p>E. Controls</p> <p>F. Equipment</p>					
<p><b><u>Drinking Fountains (Interior and Exterior)</u></b></p> <p>A. Location</p> <p>B. Clearance</p> <p>C. Height</p> <p>D. Spouts</p> <p>E. Control</p>					
<p><b><u>Elevators</u></b></p> <p>A. Automatic</p> <p>B. Location</p> <p>C. Doors</p> <p>D. Control Panel</p> <p>E. Emergency communications</p>					

**CHECKLIST OF FACILITY ACCESSIBILITY (CONT.)**

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
<p><b><u>Elevators (continued)</u></b></p> <p>F. Floor identification</p> <p>G. Lobby call buttons</p> <p>H. Outside floor/direction indicators</p> <p>I. Signage</p>					
<p><b><u>Bathroom Facilities</u></b></p> <p>A. Number (according to gender)</p> <p>B. Location/Signage</p> <p>C. Doors/Fixtures/Dispensers</p> <p>    1. Stalls</p> <p>    2. Urinals</p> <p>    3. Lavatories/sinks/water closets</p> <p>    4. Tubs/showers</p> <p>D. Lockers</p> <p>    1. Number</p> <p>    2. Height</p> <p>    3. Clear floor space</p>					

**CHECKLIST OF FACILITY ACCESSIBILITY (CONT.)**

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
<p><b><u>Picnic Areas</u></b></p> <p>A. Tables and Benches</p> <ol style="list-style-type: none"> <li>1. Number accessible to wheelchairs</li> <li>2. Location (adjacent to level paths)</li> <li>3. Access to open space areas</li> <li>4. Back and arm rests</li> </ol> <p>B. Grills</p> <ol style="list-style-type: none"> <li>1. Height of cooking surface</li> <li>2. Location (adjacent to level paths)</li> </ol> <p>C. Trash Receptacles</p> <ol style="list-style-type: none"> <li>1. Location (adjacent to level paths)</li> <li>2. Safety and facility of equipment</li> </ol> <p>D. Picnic Shelters</p> <ol style="list-style-type: none"> <li>1. Location (accessible by wide, firm path)</li> <li>2. Located near accessible water fountains, trash receptacles, restrooms, parking, etc.</li> </ol>					

**CHECKLIST OF FACILITY ACCESSIBILITY (CONT.)**

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

**CHECKLIST OF FACILITY ACCESSIBILITY (CONT.)**

Requirements	Compliance Status			Description	Modification
	Yes	No	N/A		
<u>Office Facilities (Management/Services)</u> 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		
<p><u>Recruitment</u></p> <p>Job announcements</p>	<p>The announcement process encompasses the following elements:</p> <ul style="list-style-type: none"> <li>• Nondiscrimination statement on announcements</li> <li>• Announcements must be posted in accessible areas</li> <li>• Announcements must be effectively announced to individuals who have disabilities that impair their ability to communicate.</li> </ul>					
<p>Interviews</p>	<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 (CONT.)

Requirement	Standards	Compliance Status			Description	Modification
		Yes	No	N/A		
<u><b>Personnel Actions</b></u> A. Recruitment B. Selection C. Promotion D. Hiring E. Upgrading, etc.	The criteria for processing personnel actions must not limit the eligibility of qualified handicapped employees.					
<u><b>Leave Administration</b></u> A. Leave of absence B. Sick/Annual C. Return from leave of absence	Policies for granting leave must not adversely affect qualified handicapped employees.					
<u><b>Training</b></u> A. Internships B. Apprenticeships C. 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 (CONT.)**

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 recipient must be accessible to handicapped employees.</p>					

**CHECKLIST OF EMPLOYMENT REQUIREMENTS (CONT.)**

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

## Self-Evaluation Summary (Required)

Name of Recipient: \_\_\_\_\_

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

Date of Self-Evaluation: \_\_\_\_\_

### Section 504 Coordinator (if applicable)

Name & Job Title: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

### Name of person(s) completing the evaluation, including job title/role

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

### Name of person(s) and/or organization(s) consulted:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

### Summary of Results:

Requirement	Compliance		Describe current accessibility or any deficiencies identified and remedial actions taken
	Yes	No	
Is the project/program/service accessible to the following persons? <ul style="list-style-type: none"> <li>• Learning impaired</li> <li>• Mobility impaired</li> <li>• Visually impaired</li> <li>• Hearing impaired</li> </ul>			

## Transition Plan (As Applicable)

Name of Recipient: \_\_\_\_\_

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

Date of Transition Plan: \_\_\_\_\_

Project Facilities Needing Modification	Status/Timeline for Completion	Date Completed