

CITY OF MARY ESTHER  
SECTION 504 COMPLIANCE POLICY,  
EVALUATION PLAN, TRANSITION PLAN,  
AND GRIEVANCE/COMPLAINT PROCEDURES  
FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAMS AND PROJECTS

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## I. GENERAL POLICY

### A. APPLICABILITY

This Section 504 Compliance Policy establishes procedures and guidelines that shall be used to effectuate compliance with nondiscrimination based on handicap to the end that no otherwise qualified individual with handicaps in the United States 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 the Department of Housing and Urban Development (HUD). Compliance with Section 504 does not assure compliance with requirements for accessibility by physically-handicapped persons imposed under the Architectural Barriers Act of 1968. All HUD Federally financed activities shall be accomplished in compliance with applicable State and Federal laws.

### B. SECTION 504 LAW AND REGULATIONS

Laws relative to nondiscrimination based on handicap in Federally assisted programs of HUD, in general, may be found in Section 504 of the Rehabilitation Act of 1973 (as amended), Section 109 of the Housing and Community Development Act of 1974 (as amended), and 24 CFR, Part 8. The provisions of these nondiscriminatory procedures shall not be construed to conflict with or supersede the requirements of any other applicable State or Federal laws or regulations. In regard to programs or activities in connection with Community Block Grants (CDBG), the U.S.

Department of Housing and Urban Development (HUD) grant administration regulations relating to nondiscriminatory practices are promulgated in the Uniform Federal Accessibility Standards (UFAS). This document, which sets standards for facility accessibility by physically handicapped persons for Federally funded facilities, programs, and/or activities, is hereby incorporated by reference. Future State and Federal regulations applicable to nondiscriminatory practices under the CDBG Program shall supersede and/or supplement this policy.

#### C. DEFINITIONS

1. "Accessible," when used with respect to the design, construction, or alteration of a facility or a portion of a facility other than an individual dwelling unit, means that the facility or portion of the facility when designed, constructed or altered, can be approached, entered, and used by individuals with physical handicaps.
2. "Accessible," when used with respect to the design, construction, or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical handicaps.
3. "Accessible Route," means a continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the space and reach requirements of applicable standards prescribed by 24 CFR, Part 8, Section 8.32.

4. "Adaptability" means the ability of certain elements of a dwelling unit, such as kitchen counters, sinks, and grab bars, to be added to, raised, lowered, or otherwise altered, to accommodate the needs of persons with or without handicaps, or to accommodate the needs of persons with different types or degrees of disability.

5. "Auxiliary aids : means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving Federal financial assistance (i.e., readers, Brailled materials, audio recordings, telephone communication devices for deaf persons (TDD's), interpreters, etc.).

6. "Individual with handicaps" means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

7. "Qualified individual with handicaps" means:

(a) with respect to employment, an individual with handicaps who, with reasonable accommodation, can perform the essential functions of the job in question; and

(b) with respect to any non-employment program, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that

the City of Mary Esther can demonstrate would result in a fundamental alteration in its nature; or

(c) with respect to any other non-employment program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.

8. "Undue hardship" means financial or administrative burdens which would be imposed on the operation of the City of Mary Esther program. Factors to be considered include:

(a) the overall size of the of City program with respect to number of employees, number and type of facilities, and size of budget;

(b) the type of the City of Mary Esther, including the composition and structure of the City's workforce; and

(c) the nature and cost of the accommodation needed.

## II. COMMUNICATIONS

### A. AUXILIARY AIDS

The City of Mary Esther shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity receiving Federal financial assistance. The City is not required to provide individually prescribed devices or other devices of a personal nature. Where the City communicates with applicants and beneficiaries via

telephone, telecommunication devices for deaf persons (TDD's) shall be used. The telephone number to utilize the TDD is ( ) - . This is not a dedicated circuit, however, employees who normally answer this line are familiarly with TDD tones and will immediately switch the line to TDD receive mode. The City of Mary Esther 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. Mobility impaired persons in wheelchairs should call ahead for assistance, blind individuals should call ahead for escorts, and deaf persons should call ahead for an interpreter (person schooled in sign language). In brief, if the disabled person calls City Hall prior to the event and communicates to a City employee the particular problem which he or she has, assistance will be provided accordingly. However, Section 504 does not require the City to take any action that the City can demonstrate would result in a fundamental alternation in the nature of a program or activity or in undue financial and administrative burdens.

### **III. EMPLOYMENT**

#### **A. GENERAL PROHIBITIONS**

No qualified individual with handicaps shall, solely on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives Federal financial assistance from HUD.

B. The City of Mary Esther shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant with handicaps or employee with handicaps, unless the City can demonstrate that the accommodation would impose an undue hardship on the operation of its program. The City may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

C. EMPLOYMENT CRITERIA

The City of Mary Esther will not use any employment test or other selection criterion that screens out individuals with handicaps nor make any pre-employment inquiry of an applicant to determine whether the applicant is an individual with handicaps or to the nature or severity of a handicap. The City may, however, make pre-employment inquiry into an applicant's ability to perform job-related functions.

IV. PROGRAM ACCESSIBILITY

A. GENERAL REQUIREMENTS

no qualified individual with handicaps shall, because the City of Mary Esther 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.

B. NON-HOUSING FACILITIES

New non-housing facilities shall be designed and constructed to be readily accessible to and usable by individuals with handicaps. Alterations to existing non-housing facilities shall, to the maximum extent feasible, be made to make them more readily accessible to and usable by individuals with handicaps. The City shall operate each non-housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps.

(1) Methods

The City of Mary Esther may comply with the requirements of this section through such means as location of programs or services to ensure accessible facilities or accessible portions of facilities, assignment of aides to beneficiaries, home visits, the addition or redesign of equipment, changes in management policies or procedures, acquisition or construction of additional facilities, or alterations to existing facilities. The City is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(2) Historic Preservation Programs or Activities

In meeting Section 504 requirements in historic preservation programs or activities, the City of Mary Esther

shall give priority to methods that provide physical access to individuals with handicaps. However, in cases where a physical alteration to an historic property would substantially impair the "significant historic features" of the property or result in undue financial and administrative burdens, the structural modifications need not be made. IN unique cases where this occurs, the precise alterations, impact and reasons for noncompliance shall be completely documented.

(3) Time Period for Compliance

The City shall comply with the obligations established under this section immediately, except that where structural changes in facilities are undertaken, such changes shall be made within the time frames established by the attached transition plan. If structural changes to non-housing facilities will be undertaken to achieve program accessibility, the City shall develop a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including individuals with handicaps or organizations representing those individuals. A copy of the plan shall be available for public inspection, and at a minimum, shall:

- (a) identify physical obstacles in the City's facilities that limit the accessibility of its programs or activities to individuals with handicaps;

(b) describe in detail the methods that will be used to make the facilities accessible;

(c) specify the schedule for taking the steps necessary to achieve compliance with this section and identify steps that will be taken during each year of the transition period;

(c) indicate the official responsible for implementation of the plan; and

(e) identify the persons or groups with whose assistance the plan was prepared.

## V. ENFORCEMENT

### A. ASSURANCES

An applicant for Federal financial assistance for a program or activity to which Section 504 applies shall submit an assurance to HUD on a form specified by the responsible civil rights official that the program or activity will be operated in compliance with Section 504. In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the City of Mary Esther for the period during which the real property or structures are used for the purpose for which Federal financial assistance extended to provide personal property, the assurances will obligate the City for the period during which it retains ownership or possession of the property. In all other cases, the assurance will obligate the City for the period during which Federal financial assistance is extended.

B. SELF-EVALUATION

The City of Mary Esther shall, as expeditiously as possible, and after consultation with interested persons, including individuals with handicaps or with organizations representing those individuals:

- (a) evaluate its current policies and practices to determine whether they do not or may not meet the requirements of Section 504;
- (b) modify any policies and practices that do not meet the requirements of Section 504; and
- (c) take appropriate corrective steps to remedy the discrimination.

The attached Self-Evaluation Plan will be utilized to review each public facility for accessibility and compliance. The results of this evaluation are to be utilized in preparing the Transition Plan.

A recipient that employs fifteen or more persons shall, for at least three years following completion of the evaluation, maintain on file, make available for public inspection, and provide to the responsible civil rights official, upon request: a list of the interested persons consulted, a description of areas examined and any problems identified, and a description of any modifications made and or any remedial steps taken.

C. DESIGNATION OF RESPONSIBLE EMPLOYEE

A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with Section 504. The responsible person designated is Mr. John Lulue, City of Mary Esther, 195 Christobal Road North, and can be reached at telephone number (904) 243-3566.

VI. GRIEVANCE PROCEDURES/COMPLAINT RESOLUTION

A. GENERAL PROVISIONS

A recipient that employs fifteen or more persons shall 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.

B. NOTICE

A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with hearing and vision impairments, and unions and professional organizations that it doesn't discriminate on the basis of handicap. The notification shall state that the recipient does not discriminate in regards to its federally assisted programs. The notification shall also include an identification of the responsible employee designated to coordinate with Section 504 (See section V, Paragraph D above). The initial notification shall be made as soon as possible, but not within 90 days of Policy adoption. Methods of notification may include the posting of

notices or publication in newspapers. Any such notice must include all of the information discussed in this paragraph. The recipient must also ensure that members of the population 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 in the program.

#### C. GRIEVANCE PROCEDURES

Any person or any representative of such a person who believes that he or she has been discriminated against should first contact, in writing, the person identified as Coordinator on Page 11 of this policy. The grievance must be filed within 30 days of the alleged discriminatory act and must give the following:

- (1) name and address of the complainant;
- (2) name and address of the alleged offending party;
- (3) specific details, in a near chronological order, of the events leading to the alleged action;
- (4) the alleged discrimination;
- (5) names, addresses and phone numbers of any witnesses or other persons having knowledge of the circumstances; and
- (6) any other relevant information.

The Coordinator will attempt to satisfactorily resolve the issue, informally, by contacting the involved parties within 20 days of receipt. Documentation of all phone calls, contacts and information received or disseminated must be carefully kept. Additionally, the members of the elected government must be kept

informed and up-to-date regarding the grievance and the progress in resolution. This information flow will occur via written progress reports, no less frequently than monthly, and discussions, as necessary, at each regularly scheduled meeting of the elected body.

The Citizens Advisory Task Force (CATF) will be called into session to advise the coordinator and to fashion a plan for resolution should initial resolution attempts fail. This group will function in an advisory capacity as specified in the document which establishes their existence. Records of proceedings will be maintained and forwarded to the elected body. The CATF may call both parties together in an attempt to reach an amicable solution. The Coordinator will act as the intermediary between the CATF and the electorate and will ensure the same information flow as described above. Should informal resolution be unsuccessful, the grievance will be elevated to the formal stage. All communications will occur only in written form, via certified mail. The local government's attorney will become the lead official, acting on behalf of and with the consent of the local governing body. Maximum effort will be given to achievement of a mutually agreeable resolution with all proceedings and communications thoroughly and precisely documented. If the preceding attempts remain unsuccessful, the matter shall be officially brought to the attention of the applicable Federal or State agency and their guidance solicited and followed. Information in the sections which follow expand further on grievance/complaints which have exhausted

local capability.

D. COMPLIANCE INFORMATION

Each recipient shall keep such records and submit to the responsible civil rights official complete and accurate compliance reports upon request. The records shall indicate the extent to which individuals with handicaps are beneficiaries of federally assisted programs. Each recipient shall permit access to these records by the responsible civil rights official and the general public during normal business hours.

E. DISCRIMINATION COMPLAINTS/GRIEVANCES

Any person, or any representative of such a person, who believes that he or she has been discriminated against may file a confidential complaint with HUD's Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410. The written complaint must be filed within 180 days of the alleged discriminatory act. The complaint must give the name and address of the alleged complainant, the name and address of the offending party, and the details of the events leading to the charge of discrimination. The responsible civil rights official will notify both the complainant and the recipient of the agency's receipt of the complaint within ten calendar days.

F. COMPLAINT/GRIEVANCE RESOLUTION

HUD's civil rights official will review the case for acceptance, rejection, or referral within twenty days of acknowledgement of receipt of the complaint. The recipient of

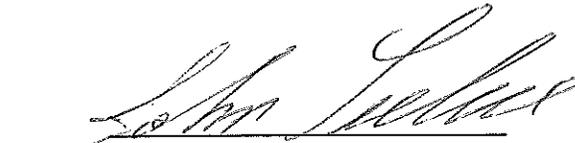
Federal monies is then notified of the complaint and is given an chance to respond in writing within thirty days of receiving it. HUD officials then attempt to resolve the complaint informally. If informal resolution is not possible, an investigation is conducted resulting in either a dismissal of the complaint or a letter of findings against the recipient which must be issued within 180 days of receipt of the complaint. The letter of findings is then sent via certified mail, return receipt requested, to both the complainant and the recipient. Within ten days of notification of noncompliance, the recipient may volunteer to comply with the regulation. Otherwise, compliance may be effected by the suspension or termination of, or refusal to grant or continue Federal financial assistance.

This last measure is the end result of a process which goes through many channels: (1) the recipient is notified of its failure to comply, (2) a finding of noncompliance is formally recorded after the recipient has been given the opportunity for a hearing, (3) the Secretary of HUD approves the action, and (4) thirty days expire after the Secretary has filed a report with the committees of the House and Senate having legislative jurisdiction over the program or activity involved.

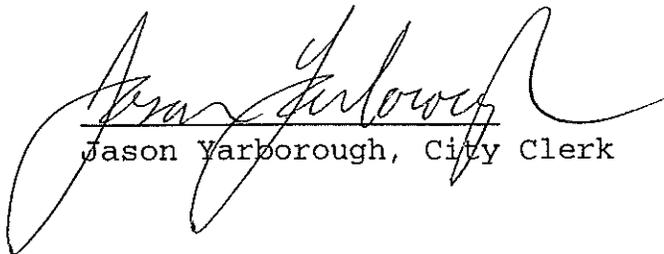
Intimidatory or retaliatory acts by the recipients or discrimination against any person for having participated in this investigation is permitted. The identity of complainants shall be kept confidential except to the extent necessary to carry out the

intent of this policy.

This policy has been approved and adopted this 30th day of October, 1995.

  
John Lulue, City Manager

ATTEST:

  
Jason Yarborough, City Clerk

**ATTACHMENT A  
SELF-EVALUATION PLAN**

1. Parking:
  - (a) handicapped designated parking spaces provided
  - (b) spaces closest to accessible entrance and on accessible route
  - (c) spaces minimum of 96" in width
  - (d) access aisle adjacent to parking space and minimum of 60" in width
  - (e) slope of space and access aisle is maximum of 1:50
  - (f) spaces marked with universal access codes
  
2. Accessible Route:
  - (a) unobstructed path
  - (b) minimum width of 36"
  - (c) minimum passing space of 60" at 200' intervals
  - (d) minimum head room of 80"
  - (e) surface texture of firm, stable, non-slip material
  - (f) slope not to exceed 1:20
  - (g) if slope exceeds .5", install ramp (see Section 5)
  - (h) gratings of maximum .5" width in direction of route
  
3. Outside Paths and Walks:
  - (a) minimum of one accessible route in boundary of site from public transportation stops, parking, passenger loading zones, streets or sidewalks.
  
4. Curb Ramps:
  - (a) provided where an accessible route crosses a curb
  - (b) maximum slope of 1:12
  - (c) minimum width of 36"
  - (d) firm, stable, non-slip surface
  - (e) maximum slope of flared sides of 1:10 if no hand or guard rails provided
  
5. Ramps:
  - (a) provided on any part of an accessible route with a slope exceeding 1:20
  - (b) maximum slope of 1:12
  - (c) maximum cross slope of 1:50
  - (d) firm, stable, non-slip surface
  - (e) 30" to 34" high handrails extending 1' beyond top and bottom of ramp provided if ramp rise exceeds 6" and run exceeds 72"

- (f) edge protection to prevent slipping off ramps
- (g) level landing same width as ramp and minimum of 60" in length at top and bottom of ramp and at turn of ramp

6. Building Entrance:

- (a) minimum of one principle entrance
- (b) on an accessible route
- (c) level entry or sloped with 32" non-revolving door
- (d) minimum of 32" width
- (e) entryway clear of obstacles
- (f) hardware maximum height of 48" and push/pull type or lever operated
- (g) maximum of 8.5 lbf exterior hinged door, 5 lbf interior hinged, sliding or folding
- (h) maximum of .5" height with leveled edge and maximum slope of 1:2

7. Elevators:

- (a) minimum of one serving each level on an accessible route in a multi-story facility where levels are not connected by ramps
- (b) self-leveling with reopening devices
- (c) doors remain open for 3 seconds
- (d) minimum side opening of 51" x 58" and minimum front opening of 51" x 80"
- (e) centered maximum of 42" from floor and lighted
- (f) control panel maximum of 48" from floor with buttons minimum of 3/4" and marked with raised characters

8. Lifts:

- (a) may be used in lieu of elevator
- (b) minimum of 30" x 48"
- (c) control panel maximum of 48" front approach and 54" parallel approach
- (d) one hand operable

9. Toilets:

- (a) on accessible route
- (b) entrance door minimum of 32" with lever handle or push/pull type hardware
- (c) door closer 5 lbf maximum effort to open
- (d) unobstructed space
- (e) doors on stalls minimum of 32" and stalls minimum of 36"
- (f) grab bars 33-36" high at back and side of commode, 1.25-1.5" diameter, and 1.5" clear of wall

- (g) commode seat 17-19" height
- (h) toilet paper dispenser 19" minimum above floor
- (i) lavatory maximum 34" height, drain and hot water pipes insulated, and minimum 29" clearance below apron
- (j) mirror bottom 40" maximum above floor
- (k) urinal basin opening maximum 17" from floor
- (l) towel dispenser and disposal unit height 40" maximum above floor
- (m) faucet handles extended

10. Drinking Fountains:

- (a) 50% of water fountains must be accessible on each floor; if only one is available , it must be accessible
- (b) on an accessible route
- (c) spout mounted 36" above floor
- (d) controls must be operable with one hand without grasping or twisting
- (e) wall mounted bottom of apron to floor 27" minimum; built in 30" x 48" minimum in front of fountain

11. Warning Signals:

- (a) If warning systems are provided, both visual and audible should be provided
- (b) signals must be perceptible above prevailing sounds
- (c) signals must be visual -- flashing exit signs

12. Meeting Rooms and Conference Areas:

- (a) are all rooms handicapped accessible
- (b) minimum of three wheelchair locations in lieu of seats
- (c) wheelchair locations must be on an accessible route
- (d) wheelchair locations forward access must be a minimum of 48" long x 33" wide and side access must be a minimum of 60" long x 33" wide
- (e) performing areas must be on an accessible route
- (f) listening systems must be audio looped and radio frequency acceptable

13. Public Telephones:

- (a) minimum of one per floor if phones are installed
- (b) on an accessible route with clear floor space 30" x 48"
- (c) highest operable control 48" for front approach and 54" for parallel approach
- (d) control must be push buttons
- (e) at least one phone shall generate a magnetic field and at least one shall have a volume control for the hearing impaired

**Definition:** Handicapped means wheelchair bound, mobility impaired, hearing-impaired, deaf, and/or blind.

**ATTACHMENT B**

**SELF EVALUATION PLAN  
&  
TRANSITION PLAN  
PREPARATION PARTICIPATING PARTIES**

The below listed individuals, bodies, organization, firms, or individuals have participated in the preparation of the Transition Plan based on results obtained from analysis of the completed Self Evaluation Plan for each public facility.

Review of each facility deficiencies identified in the Self Evaluation format was conducted with goals established for correction to the maximum extent of the local government's capacity. Factors considered in assigning implementation time frames included, but are not limited to, the number of known handicapped individuals currently residing in the jurisdiction, an assessment of potential for future residence of handicapped individuals, age and material condition of the facility, intended use of the facility, potential for future use by handicapped persons, type of changes necessary to achieve compliance, estimated cost of achieving compliance, resources availability of the local government to fund compliance changes, techniques available to obtain funding if not available, time frame estimates and/or projections based on current need and funding or on projected need and funding and any other unique non-quantifiable factors which may enter the decision process.

It is herein emphasized that the goal of attaining full compliance has been set and has been the guiding criteria of the participants listed.

**Participating Parties:**

Members of the City Council  
Chief Elected Official  
Grant Consultants from Sims Design Consultants, Inc.

**ATTACHMENT C**  
**TRANSITION PLAN**  
**FOR**  
**SECTION 504 COMPLIANCE**

1. Facility: \_\_\_\_\_  
name/location

Obstacles	Accessibility Method	Schedule	Responsibility
a.			
b.			
c.			
d.			

2. Facility: \_\_\_\_\_  
name/location

Obstacles	Accessibility Method	Schedule	Responsibility
a.			
b.			
c.			
d.			

3. Facility: \_\_\_\_\_  
name/location

Obstacles	Accessibility Method	Schedule	Responsibility
a.			
b.			
c.			
d.			

4. Facility: \_\_\_\_\_  
name/location

Obstacles	Accessibility Method	Schedule	Responsibility
a.			
b.			
c.			
d.			

5. Facility: \_\_\_\_\_  
name/location

Obstacles	Accessibility Method	Schedule	Responsibility
a.			
b.			
c.			
d.			