



# SECTION 504 GUIDANCE AND PLAN

## Emergency Solutions Grant



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## Section 504 Guidance and Plan

### Summary of Changes: 2025 Revision

Date	Section	Description of Changes

Minor formatting, wording, or grammatical changes are not identified in this list. In addition to the items below, all website links referenced in the manual have been validated and updated where appropriate.

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## INTRODUCTION

Section 504 provides for equal opportunity to enter facilities and participate in HUD-funded programs and activities. The important considerations are that persons with disabilities have the same opportunities in employment, the same opportunities to enter and move around in facilities, and the same opportunities to participate in programs and activities as persons without disabilities, although it does not require that every facility or program be accessible. Furthermore, employment, programs and services should be offered in integrated settings rather than segregating persons with disabilities.

Section 504 of the Rehabilitation Act of 1973, as amended, was implemented by the Department of Housing and Urban Development (HUD) 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 rule requires 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.

Under Section 504, a self-evaluation is required of all recipients and subrecipients of federal funds. It also applies to any person to whom federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

This guidebook is designed to assist subrecipients using HUD funds to evaluate existing accessibility of their programs and activities for disabled participants and employees. More specifically, this guidebook is intended to assist organizations in their efforts to comply with HUD regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, including the preparation of a self-evaluation of all programs, activities, policies, and procedures to determine areas of noncompliance, and better understand the relationship between Section 504 and the Americans with Disabilities Act (ADA).

## SELF-EVALUATION FORM

The self-evaluation form contained in this guidebook will help subrecipients evaluate the degree of accessibility of programs, activities, and facilities so that staff can plan for and achieve full program accessibility. This self-evaluation must include a review of all HUD-funded functions of the organization, as well as some functions that may not be HUD-funded but are required to facilitate delivery of funded services such as entries and exits into facilities to receive services, etc. Individuals with disabilities and/or local organizations that represent them should be included in the self-evaluation process. The self-evaluation must include an examination of:

1. The extent to which programs and activities are readily accessible and usable by persons with disabilities.
2. The extent to which the delivery of benefits and services are free from discriminatory effects on persons with disabilities.
3. The extent to which contractual arrangements are free from subjecting persons with disabilities to discrimination.
4. Through the self-evaluation process, the subrecipient identifies and changes any policies or

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practices that could potentially discriminate against qualified individuals, clients, or applicants with disabilities. The self-evaluation process includes:

- a. A review of the inventory of programs and activities conducted by the subrecipient.
- b. Collecting and documenting the policies and practices that govern the administration of the agency's programs and activities. The subrecipient's policies may be in the form of regulations, administrative manuals, memoranda, or simply be a matter of customary practice. Some policies may not be written down at all. It is important that this review be complete, both to ensure that all relevant policies are identified and to enable the subrecipient to identify potential problem areas when no policy exists.
- c. Analyzing how the policies and practices affect individuals with disabilities who seek to participate in the subrecipient's programs and activities, including what the current policies contain and what they are missing.
- d. Making and documenting changes and additions to agency policies and practices that do not meet Section 504 requirements.
- e. Obtaining comments on the draft self-evaluation from individuals with disabilities and other interested persons. Based on these comments, the self-evaluation should be revised as necessary and finalized, and the changes fully implemented. Periodically, it should be reviewed and updated to ensure that new policies are not discriminatory and disabled individuals continue to be able to participate fully in the agency's programs.
- f. The self-evaluation form included in this workbook is designed to assist agencies in fulfilling HUD's requirement. Any information in this evaluation cannot be used as a sole basis for determining compliance with Section 504. You are advised to review Section 504 regulations at HUD 24 CFR Part 8 found at <https://www.ecfr.gov/current/title-24/subtitle-A/part-8>.

## SECTION 504 PLAN

### 1.01 Introduction

In accordance with Section 504 of the Rehabilitation Act of 1973, the ESG recipient is required to have a Section 504 plan for all Department of Housing and Urban Development (HUD) programs. As a subrecipient of ESG funding, the ESG recipient is required to take reasonable steps to ensure meaningful and equitable access for persons with disabilities to its programs by doing a self-evaluation of the processes and programs funded by the federal grants. During the ESG recipient's self-evaluation using the attached Section 504 Self-Evaluation Form, the ESG recipient will identify necessary changes and improvements to address any deficiencies or discrimination. These items and the timeline to address them will be added to this Plan along with a Transition Plan, if applicable. This Section 504 Plan will be updated periodically by reviewing the Self-Evaluation topics listed below and taking steps to ensure ongoing compliance.

Because a Section 504 plan is both required of the federal ESG Program, and because it is a valuable part of the planning process, the ESG recipient shall undertake the following steps:

1. Published advertisements for the above program shall include:
  - a. No persons with disabilities will be denied participation in public hearings.

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- b. Persons with specific needs can call ahead to obtain certain accommodations for their participation.
  - c. Persons with disabilities will not be denied program services or opportunities to participate.
  - d. Persons with disabilities will not be denied employment opportunities.
  - e. Date, location, and time of a public hearing to invite project discussion and proposals.
  - f. Offer of assistance to persons with disabilities.
2. Section 504 Master File will contain:
- a. A copy of the Self-Evaluation form.
  - b. A copy of the transition plan, if applicable.
  - c. A list of interested persons who were consulted.
  - d. A description of areas and building examined, and any problems identified.
  - e. A description of modifications made, and remedial steps taken to comply with the regulations as needed.
  - f. Evidence that new or substantial rehab multi-family projects were constructed/ rehabilitated to meet 504 standards where applicable.

## SELF-EVALUATION

The Section 504 Self-Evaluation form (SFN 62340) will be utilized by the ESG recipient during self-evaluation to identify necessary changes and improvements to address any deficiencies or discrimination. Self-evaluation will also include a review of each of the topics below. A sample of the evaluation is attached to this manual; fillable version available online.

### 2.01 Promote Awareness and Ensure Effective Communication

Review steps taken to ensure all beneficiaries and employees are aware of their rights under Section 504. Train staff in awareness and share ideas to make reasonable accommodations. Conduct a survey of staff and beneficiaries to identify the most effective communication methods.

Review and evaluate communication methods for applicants, participants, and members of the public with disabilities to ensure equitable effectiveness when compared to communication with non-disabled individuals.

Policy statements of hiring practices and employee rights are critical for the development of this Plan. See <https://www.eeoc.gov/disability-discrimination>, Equal Employment Opportunity Commission. Employee handbooks are a good tool to promote internal awareness. Discuss organizational communication methods in the Section 504 Plan and identify strategies to address awareness gaps.

### 2.02 Policies and Procedures

The subrecipient will evaluate policies and procedures to ensure that there is no discrimination based on disability existing in employment or access to services related to human resource actions and employee compensation. Posted job descriptions will be written in non-discriminatory language and

employer- sponsored social and recreational activities will accommodate disabled employees.

### **2.03 Reasonable Accommodations**

A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the ESG recipient's program. Federal regulations stipulate that request for accommodations will be considered reasonable if they do not create an “undue financial and administrative burden” for the ESG recipient or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider’s operations.

The ESG recipient will modify normal procedures to provide reasonable accommodations to meet the needs of a person with disabilities. Examples include:

1. Permitting applications to be completed by mail.
2. Conducting home visits.
3. Allowing extra space for medical equipment.
4. Providing time extensions for posted deadlines.
5. Permitting an authorized designee or advocate to participate in the application process and any other meetings with the ESG recipient's staff.

### **2.04 The Reasonable Accommodation Request**

The applicant must explain what type of accommodation is needed to provide the person with the disability full access to the programs and services. If the need for the accommodation is not readily apparent or known to the ESG recipient, the applicant must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual’s disability.

The ESG recipient will document the conversation or request and keep it on file for future reference. If the request cannot be granted the ESG recipient may offer an alternative solution agreeable with the applicant.

### **2.05 Program Services Accessibility**

Review program services to ensure all qualified persons with disabilities have equal opportunity to participate in or benefit from services or activities offered by the subrecipient. Identify any changes needed to make programs accessible.

One of the most effective approaches to examining service and program accessibility is to conduct a “client path analysis.” This analysis is simply a walk-through of the process needed for a citizen to participate in a service you provide. There are generally two aspects to the analysis: (a) analysis of the physical path traveled, and (b) analysis of the administrative requirements of the service delivery (e.g., eligibility criteria, application procedures).



## 2.06 Emergency Evacuation

Ensure adequate policies/methods are in place to accommodate individuals with disabilities in the event of an emergency.

In each emergency plan, there should be provisions for individuals with disabilities in instances such as power outages and access to exits from upper floors.

## SECTION 504 COORDINATOR AND GRIEVANCE PROCEDURES

A subrecipient that employs 15 or more people shall designate at least one person to coordinate its efforts to comply with Section 504 implementing regulations. Subrecipients 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 its implementing regulations.

### 3.01 Section 504 Coordinator

NDHFA is required to designate a 504 Coordinator to oversee their compliance efforts. In accordance with Section 504 of the Rehabilitation Act of 1973, the following individual has been named as the Section 504 Coordinator:

Jennifer Henderson  
North Dakota Housing Finance Agency  
2624 Vermont Ave.  
PO Box 1535  
Bismarck, ND 58502-1535  
800-292-8621 or 701-328-8080 | 800-435-8590 (Espanol) | 711 (TTY)  
[jhenderson@nd.gov](mailto:jhenderson@nd.gov)

Each ESG recipient agency must also designate a 504 Coordinator if they employ 15 or more full-time employees. The Section 504 Coordinator is responsible to:

1. Coordinate efforts to comply with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA).
2. Draft a Notice of Nondiscrimination and ensure it is posted where required.
3. Develop grievance procedures and ensure it is made available to employees, beneficiaries, and the public, when requested.
4. Coordinate the resolution and response to accessibility and effective communication complaints regarding facilities, services, and programs.
5. Inform employees regarding ADA compliance issues through training and brochures.
6. Serve as the point of contact or the organization for individuals with disabilities requiring about 504/ADA questions.
7. Maintain current list of community TTY numbers.
8. Disseminate information to department compliance contacts regarding ADA issues.

### 3.02 Sample Public Notice

#### NOTICE

AMERICANS WITH DISABILITIES ACT TITLE II  
AND SECTION 504 COMPLIANCE

It is the policy of the \_\_\_\_\_ that the \_\_\_\_\_ does not discriminate on the basis of disability in its programs, services, or activities.

Additionally, the \_\_\_\_\_ does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Individuals who require auxiliary aids and services for effective communications in programs, services, and activities of the \_\_\_\_\_ are encouraged and invited to make their needs and preferences known to the appropriate department.

Questions, concerns, complaints, or requests for additional information may be directed to the designated 504 Plan Coordinator, \_\_\_\_\_ at:

Email:

Telephone:

TTY: 7-1-1

Address:

THIS NOTICE IS AVAILABLE IN ACCESSIBLE FORMATS FROM THE 504 PLAN COORDINATOR.

### 3.03 Modifications and Corrective Steps

Following completion of the Self-Evaluation form, the ESG recipient shall modify any policies or procedures identified that do not meet the requirements of Section 504 and take appropriate corrective steps to remedy the discrimination revealed by the self-evaluation. Section 504 required forms are available online at [www.ndhfa.org](http://www.ndhfa.org) see Homeless Programs.

### 3.04 Grievance Policy

The ESG recipient shall adopt a Grievance Procedure. See end of this document for a sample grievance procedure.

1. What is a grievance procedure?
  - a. A written description of steps that an employee or citizen can use to resolve a complaint.
2. Why is it important to have a grievance procedure?
  - a. To resolve complaints rather than have an individual file a lawsuit or complaint with state or federal agency.
  - b. Demonstrate to those who have complaints that you want to make every effort to address their concerns.
3. What information should be included in the grievance procedure?
  - a. A detailed description on how to file a grievance.
  - b. A two-step review process that allows for appeal.
  - c. Reasonable time frames for review and resolution of the grievance.
  - d. Name, address, and telephone number of the person who will receive and follow-up on the grievance.
  - e. A statement that informs individuals that alternative ways of filing complaints (such as personal interviews or a tape recording of the complaint), is acceptable.
4. How often should a grievance procedure be published?
  - a. You need to make sure that you notify the public on an ongoing basis that you have a grievance procedure available for use. A notice about the availability of your grievance procedure should be included in your public notice. See Sample Public Notice.

### TRANSITION PLAN

In addition to modifications and corrective steps identified above, if structural changes to non-housing facilities are to be undertaken to achieve program accessibility, the ESG recipient will 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 disabilities or organizations representing such individuals. If required, the Transition Plan will be attached to this plan and shall, at a minimum -

1. Identify physical obstacles in the recipient's facilities that limit the accessibility of its programs or activities to individuals with disabilities.
2. Describe in detail the methods that will be used to make the facilities accessible.

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3. Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period.
4. Indicate the official responsible for implementation of the plan; and
5. Identify the persons or groups with whose assistance the plan was prepared.

### RECORD KEEPING

Upon completion of the self-evaluation the ESG recipient will create and maintain a file of activities related to completing the self-evaluation for at least three years. This plan is updated periodically and states any improvements or changes to any activities, communications, or amenities benefiting persons with disabilities. These records include consultation with persons with disabilities or organizations representing persons with disabilities and development of the proposed changes to improve accessibility. This file also includes a copy of a completed self-evaluation reviewed by the agency's board of directors and signed by an authorized official. This file will be readily available for inspection during any program monitoring visits conducted by the public jurisdiction or HUD.

### RELATIONSHIP OF SECTION 504 TO ADA

The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in employment (Title I), state and local government services (Title II), and places of public accommodation and commercial facilities (Title III). The ADA extends the requirements of Section 504 to all activities of state and local governments under Title II, and under Title III, to "places of public accommodation."

The requirements of ADA for places of public accommodation and state and local governments are based on, and are essentially the same as, the requirements of Section 504. Under Title II, state and local government entities are covered by the same standard as is used under Section 504 with respect to existing facilities. The ESG recipient ensures that the services, programs and activities offered are accessible to individuals with disabilities but may use alternative methods for providing access.

However, compliance with Section 504 does not guarantee compliance with ADA.

The most rigorous physical accessibility requirements apply to new construction and alterations. The Department of Justice's ADA regulations adopt specific architectural standards for new construction and alterations. Places of public accommodation and commercial facilities covered by Title III must comply with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG). State and local governments may use either ADAAG or the Uniform Federal Accessibility Standards (UFAS), which is the standard used under Section 504.

### ENFORCEMENT

The ESG recipient agrees to comply with Section 504 requirements in their written agreement(s) with North Dakota Housing Finance Agency. If it is discovered that the ESG recipient is in noncompliance with Section 504 Regulations and/or ADA, it has the authority to suspend funding.