

RD AN No. 4005 (1944-N)
September 1, 2004

SUBJECT: Section 504 of the Rehabilitation Act of 1973 Requirement for Housing Preservation Grantees

TO: Rural Development State Directors

ATTN: Rural Housing Service Multi-Family Housing Program Directors, State Civil Rights Managers and Coordinators and Administrative Program Directors

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to provide guidance to Housing Preservation Grantees of their responsibility to conduct a self-evaluation and prepare a transition plan, if necessary.

COMPARISON WITH PREVIOUS AN:

There have been no other ANs issued regarding this subject.

IMPLEMENTATION RESPONSIBILITIES:

Section 504 of the Rehabilitation Act of 1973, as amended, requires all recipients of Federal financial assistance (our borrowers) to make their "programs and activities," when viewed in their entirety, accessible to and usable by persons with disabilities. In order to accomplish this objective and ensure compliance, the U.S. Department of Agriculture issued a Departmental Regulation (7 CFR Part 15b) on June 11, 1982, implementing Section 504 of the Rehabilitation Act. The Departmental Regulation requires existing borrowers to conduct self-evaluations to determine whether there are barriers that should be removed. Once identified, nonstructural barriers should be removed immediately. If structural barriers are identified, transition plans should be developed by persons or organizations who are knowledgeable about accessibility issues as outlined in the Uniform Federal Accessibility Standards (UFAS) for the removal by them. In addition to structural barriers, policies and procedures must be reviewed.

EXPIRATION DATE:
September 30, 2005

FILING INSTRUCTIONS:
Preceding RD Instruction 1944-N

A record of the evaluation must be made available for public inspection and provided to Agency employees. If it is necessary to develop a transition plan, this must be done with the assistance of persons or organizations who are knowledgeable about accessibility issues. Attached are the requirements for a self-evaluation record and for a transition plan.

The State Directors are required to visit 25 percent of grantees' facilities to determine compliance with UFAS with regard to signage requirements as well as overall accessibility.

When civil rights compliance reviews are conducted, borrowers are to be found in non-compliance with Section 504 requirements if they have not conducted self-evaluations, or if they haven't developed transition plans when they are needed. If, during a compliance review, accessibility issues are noted but not addressed by the self-evaluation, the borrower will be asked to amend the self-evaluation and modify the transition plan. Borrowers will be notified, in writing, of the noncompliance review findings and be given the opportunity to voluntarily comply. If voluntary compliance cannot be achieved, the noncompliance status is to be referred to the National Office Civil Rights Staff, through the State Civil Rights Coordinator/Manager and the State Director. If the borrower continues to be found in non-compliance, the matter may ultimately be referred to the Department of Justice for enforcement action.

(Signed by Sherie Hinton Henry)

SHERIE HINTON HENRY
Deputy Administrator
for Operations and Management

Attachment

Self-Evaluation and Transition Plan Requirements USDA Regulation (7 CFR Part 15b)

A **self-evaluation** must be conducted, with the assistance of persons or organizations who are knowledgeable about accessibility issues. In addition to structural barriers, policies and procedures must be reviewed. A self-evaluation record must be maintained containing the following:

- A list of the interested persons consulted;
- A description of the areas examined and any problems identified; and
- A description of any modifications made and of remedial steps taken.

The self-evaluation record must be made available for public inspection and be provided to the Agency upon request.

A **transition plan**, if it is necessary to remove structural barriers, will also be developed with the assistance of persons or organizations who are knowledgeable about accessibility issues. A transition plan must at a minimum:

- Identify physical obstacles in the borrower's facilities that limit the accessibility of its programs or activities to persons with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to achieve full program accessibility 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; and
- Identify the person responsible for implementation of the plan.