

504 PLAN FOR THE CITY OF GREEN COVE SPRINGS

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 Development 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 or 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 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 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 of 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 grabs 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, Brailed 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 impairment, or is regarded as having such impairment. For purposes of employment, this term does not include, (1) alcoholics and/or drug abusers whose current use of the substance prevents the individual from performing the duties of the job in question, or whose employment, by reason of current alcohol or drug abuse, would constitute a direct threat to property or safety of others, (2) or any other individual who has a currently contagious disease or infection and who, by reason of such, would constitute a direct threat to health or safety of others, or is unable to perform the duties of the job.
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 local government can demonstrate would result in a fundamental alteration of 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. "Physical or mental impairment" includes (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems identified in 24 CFR Part 8, or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

9."Undue Hardship" means financial or administrative burdens which would be imposed on the operation of the local government's program. Factors to be considered include:

- (a) the overall size of the program with respect to the number of employees, number and type of facilities, and size of budget;
- (b) the type of the operation, including the composition and structure of local government's workforce; and
- (d) the nature and cost of the accommodation needed.

II. COMMUNICATIONS

A. AUXILIARY AIDS

The local government 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 local government is not required to provide individually prescribed devices or other devices of a personal nature. Where the local government 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 Florida Relay ph #711. This is a dedicated circuit, employees who normally answer this line are familiar with TDD tones and will immediately switch the line to TDD receive mode. The local government 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 the local government prior to the event and communicates to a local government employee the particular problem which he or she has, assistance will be provided accordingly. However, Section 504 does not require the local government to take any action that the local government can demonstrate would result in a fundamental alteration 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. REASONABLE ACCOMMODATION

The local government shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant with handicaps or employee with handicaps, unless the local government can demonstrate that the accommodation would impose an undue hardship on the operation of its program. The local government 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 local government will not use any employment test or other selection criterion that screens out individuals with handicaps nor make any pre-employment inquiry of any applicant to determine whether the applicant is an individual with handicaps or to the nature or severity of a handicap. The local government 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 local government's 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 local government 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 local government 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 local government is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(2) **Historic Preservation Program or Activities:** In meeting Section 504 requirements in historic preservation programs or activities, the local government 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 local government 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 local government 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 local government'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;
- (d) indicate the official responsible for implementation of the plan; and
- (e) identify the persons or groups with that assistance the plan was prepared.

IV. 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 reasonable 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 local government for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended. In the case of Federal financial assistance extended to provide to personal property, the assurance will obligate the local government for the period during which it retains ownership or possession of the property. In all other cases, the assurance will obligate the local government for the period during which Federal financial assistance is extended.

B. SELF-EVALUATION

The local government 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 Steve Thomas, who may be reached at telephone number 904-297-7500.

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 does not 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 505 (See

Section V, Paragraph D above). The initial notification shall be made as soon as possible but 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 in 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 grievances 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 City Planning and Zoning Board (Board) 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 Board may call both parties together in an attempt to reach an amicable solution. The Coordinator will act as the intermediary between the Board 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 State or Federal agency and their guidance solicited and followed.

Information in the sections which follow expands 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, DC 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 of 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 a 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 recipient or the offended party are prohibited. No intimidation, threats, coercion, 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.

19 This 504 Plan and attached Transition Plan has been approved and adopted this day of February, 2019.

ATTEST:


Steve Kennedy, City Manager

CITY OF GREEN COVE SPRINGS


Constance Butler, Mayor

Transition Plan

In 1978 Congress amended section 504 of the Rehabilitation Act of 1973 to extend the coverage of section 504 to the programs and activities conducted by government. Regulations implementing section 504 call upon the local government to complete a transition plan, when structural changes are necessary to make one or more of their programs accessible to individuals with handicaps, and to conduct a self-evaluation of their programs and activities. The transition plan sets out the steps to make the facilities used by the local government accessible. Regulations implementing section 504 generally require that local governments determine if physical barriers in facilities they occupy because discrimination against individuals with handicaps by preventing or interfering with their participation in programs conducted in those facilities. Barriers that result in discrimination must be removed or the program otherwise modified to ensure that individuals with handicaps have access to programs and activities. The transition plan must detail how and when any necessary structural changes will be made. Structural changes are to be made as soon as possible, but generally no later than three years from the indication of a problem. The plan is to be completed with the assistance of individuals with handicaps and other interested persons and should be available for review by interested persons.

Through the self-evaluation, the local government identifies and changes any policies or practices that discriminate against qualified individuals with handicaps. The effect of these requirements is to cause the local government to review their facilities, programs, policies and practices and make changes required to permit individuals with handicaps to participate fully in the local government's programs and activities.

The attached format shall be used to guide in evaluating Town facilities and scheduling corrections as needed.

Facility Review Format
Building : _____

<u>Correction Date</u>	<u>Status:</u>
2. Outside paths and walks	as of 2018
3. Parking	"
4. Curb Ramps	"
5. Ramps	"
6. Entrances and interior doors	compliant
7. Elevators	compliant
8. Lifts	N/A
9. Toilet Rooms	compliant
10. Drinking Fountains	compliant
11. Warning Signals	"
12. Assembly Areas	"
13. Public Telephones	"
14. Other Building elements and specialized facilities	"