**CHAPTER X. SECTION 504 and ADA**

**What is the Purpose of Chapter X?**

This chapter provides information on the minimum access requirements that a local government is required to complete, if the City / County (entity) accepts a Community Development Block Grant (CDBG). However, the chapter does not go into detail concerning the requirements of Section 504 and ADA.  Current regulations and technical assistance materials should be reviewed to ensure that the entity is in compliance with Section 504, ADA, and other applicable Federal laws. To assist with the entities compliance efforts eight action items ( A – H ) may need to be completed, if the entity has not already completed them.

The content of this chapter focuses on the requirements for CDBG recipients. The information in the chapter is used solely for guidance and cannot be relied on as legal advice or a legal opinion concerning Section 504 and ADA. Chapter X should be used as a tool to identify and eliminate discriminatory practices and to determine if existing facilities, programs, and services are currently inaccessible.

#### **SECTION 504 and ADA**

What does Section 504 and ADA mean for State and Local Governments in the Delivery of their Programs, Services, and Activities, as well as their Employment Practices?

In the broadest sense, it requires that state and local governments be accessible to people with disabilities. Accessibility is not just physical access, such as adding a ramp where steps exist. Accessibility is much more, and it requires looking at how programs, services, and activities are delivered. For example, are there policies or procedures that prevent someone with a disability from participating such as a rule that says “no dogs allowed,” which excludes individuals who use service dogs?

#### What is Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA)?

Section 504 of the Rehabilitation Act requires all entities receiving federal assistance to make their programs, activities, and services accessible to individuals with disabilities. The ADA extends this requirement to all private businesses, state, and local governments whether or not they receive federal funds. Much of the terminology in the Rehabilitation Act was later used in the ADA. Section 504 and Title II of ADA apply regardless of the entity’s size and strives to ensure access is available in all publicly funded programs, services, and activities

Section 504 and Title II of the ADA stipulate that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity. The regulations specifically prohibit the denial of equal opportunity to participate in programs, services, and activities because of inaccessible facilities.

Both Section 504 and the ADA are civil rights laws that provide protection from discrimination for persons with disabilities. Civil rights laws are unique as effective compliance depends on the context of a specific individual in a particular situation. In other words, the Section 504 and ADA must be applied on an individualized, fact-specific, case-by-case basis.

All governmental activities of public entities are covered, even those activities carried out by contractors. Title II requires public entities to ensure contractors operating services and programs on their behalf comply with the ADA. If a not-for-profit or for-profit entity receives federal dollars from a government entity they are required to comply with Section 504 and Title III of the ADA.

#### **COMMUNITY DEVELOPMENT BLOCK GRANT REQUIREMENTS**

#### What are the Requirements if a Local Government entity accepts a Community Development Block Grant (CDBG)?

1. **Designate a ADA/504 Coordinator**

At least one person must be designated to coordinate, document, and maintain evidence of the entities compliance efforts. A 504/ADA Coordinator must be designated regardless of the number of employees. This person must have the authority to carry out Section 504 and ADA compliance efforts and requirements.

* The ADA/504 Coordinator's duties include, but are not limited to:
* Complete the ADA Title II Tutorial.

To increase the knowledge of the Title II requirements, the ADA/504 Coordinator should register and complete the ADA Title II Tutorial. The following is the link to the tutorial <http://www.adatitle2.org/> The Title II Tutorial is a valuable educational tool to orient ADA coordinators.

* Complete or update the Self-Evaluation Report and Transition Plan.
* Organize and coordinate any review committees.

A City/County shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

* Invite city/county staff to participate as members on an internal ADA team.
* Publish the Notice Under the American with Disabilities Act.
* Ensure the Policy regarding Nondiscrimination on the Basis of Disability and ADA Grievance Procedure have been adopted and posted.
* May investigate grievances concerning city or county programs, services, activities, and employment practices.
1. **Complete (or Reevaluate) a 504/ADA Self-Evaluation Report -** *If the city or county has never completed a self-evaluation (or the current report needs updating) it will need to complete one. If the city or county is satisfied with their current report they will not need to create a new report.*

The Self-Evaluation Report is a comprehensive report that outlines the barriers to programs for people with disabilities as they seek to use local government services and programs. It is drafted by the state or local government in collaboration and review of a sample user group of people with disabilities. It includes a transition plan of architectural and administrative barriers to programs that need to be removed in order to make the program accessible. It establishes a timeline for barrier removal over a three-year time frame.

The Self-Evaluation Report does not require that all architectural barriers be removed; it requires that all programs be accessible (whatever that might entail). If no modifications can be made to make the program accessible (i.e., relocating the program to an accessible location, service at home, or service at an accessible location) then architectural barriers need to be removed to make the program accessible.

In order for a state or local government to manage efficiently the removal of barriers, a prioritization of programmatic barrier removal should be identified. Program access is an abstract concept in the Title II regulations that allow the state or local government to do whatever they must do in order to make goods and services accessible. Program access is a feature state and local governments can use for as long as they need it. That said, in a facility alteration or new construction all the features of a facility and the programs in them must be accessible to, and usable by, people with disabilities. Program access is not available in new construction or alteration because it is expected that new or upgraded facilities will meet the access requirements of the ADA.

It is important to note that the transition plan is designed to identify architectural barriers to programs. For instance, if you have a city government that owns 20 buildings built in the 1940's, and half of them have architectural barriers that prevent participation in the programs, a transition plan will need to be developed to outline how and when in the following three years (from the time of the self-evaluation) programmatic barriers will be eliminated. This was to have been initiated and accomplished by July 26th, 1995. If this has not been done it still needs to be done. If a complaint is filed with the Department of Justice, any consent decree initiated by DOJ will require a Self-Evaluation be done. It is also one of the first documents the Department of Justice asks for in the course of complaint investigation.

**The ADA Self-Evaluation Report**

Generally, a survey or review of the different programs that are a part of the state or local government is compiled to analyze and identify programmatic, architectural, and administrative barriers to programs. A questionnaire circulated among all divisions of a state or local government is generally the easiest way to get a systemic picture or snapshot of the program delivery for each aspect of a covered state or local government department.

The questionnaire should be based upon the Title II regulations. Different versions of the Self-Evaluation Report have been used depending on the specific government program. i.e. University, state or local government, etc.  **An example of a** **Self-Evaluation Report** **can be found**[**here**](http://nwadacenter.org/sites/adanw/files/files/Sample%20Self%20Evaluation%20Audit%20Tool.doc)**.**

An ADA Self-Evaluation Committee (made up of people with disabilities and members of government agencies) meets and analyzes the completed survey results. The committee prioritizes the issue of compliance in programs with barriers serving people with disabilities.

After the analysis and problem resolution of identified programmatic barriers by a group of concerned citizens with disabilities is finished, a report is written and made available to the public for review. This report will serve as a demonstration of good faith to comply with the access requirements of the American with Disabilities Act.

Included in this aspect are examples about how they will handle request for modification of policy and procedure from people with disabilities. In addition, information about what resources they will use should be included.

 A facilities survey identifying the architectural barriers of deaf, blind, and mobility challenged citizens should be initiated. If the ADA Self-Evaluation Committee identifies programs that need architectural barrier removal in order to be accessible, they should prioritize which barriers need to be addressed first. This then becomes the **Transition Plan** and the government entity has three years to remove barriers on this list.

 **Resource and Checklist for physical barrier assessment**

Use the ADA Checklist on the 2010 ADA Standards for Accessible Design as a guide in barrier identification for physical site assessments. Two great resources are:

New England ADA Center

The link to the checklist is located at - <http://adachecklist.org>

Northwest ADA Center

The link to the checklist is located at – <http://nwadacenter.org/toolkit/accessibility-checklists>

A list of the programs reviewed during the self-evaluation should be included. Identification of the facilities surveyed and what facilities were not audited and why.

As you can see, depending on the size of the city or county this can be a big undertaking. This is why the ADA requires the appointment of a responsible person

Although the obligation to engage in barrier removal is clearly a continuing duty, the Department has declined to establish any independent requirement for an annual assessment or self-evaluation. However, even in the absence of an explicit regulatory requirement for periodic self-evaluation, the Department still urges local governments to establish procedures for an ongoing assessment of their compliance with the ADA’s barrier removal requirements.

The Department recommends that this process include appropriate consultation with individuals with disabilities or organizations representing them. A serious effort at self-assessment and consultation can diminish the threat of litigation and save resources by identifying the most efficient means of providing required access.

Ensuring accessibility and equal opportunity is not a one-time effort it is an on-going process. It is important to review the plan annually and keep it updated when laws change, new programs and services are developed, and buildings and facilities are purchased or constructed for public use.

1. **Complete (or Update) a 504/ADA Transition Plan –** *Most likely if a city or county receives CDBG funding they will be required to update their current transition plan.*

If physical barriers preventing access are identified, a transition plan must be developed. A public entity should review its building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities, after January 26, 1992, conform to the standards designated under the ADA regulations. It is important to note that the transition plan is designed to identify architectural barriers to programs. The original plan should have been initiated and accomplished by July 26, 1995. Public entities are not necessarily required to make each of their older facilities accessible, if built prior to January 26, 1992. However, the entity is required to make their “programs accessible” through relocation, alterations, and other methods to achieve program access.

The 2010 Standards for Accessible Design is the new reference point for determining the program accessibility obligations of all existing facilities. This is because the ADA considers that as our knowledge and understanding of accessibility advances and evolves, this knowledge will be incorporated into and result in increased accessibility in the built environment.

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New England ADA Center

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Northwest ADA Center

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Under Title II, physical accessibility is accomplished through the Statute’s program access requirements. While newly constructed or altered facilities must meet the accessibility standards in effect at the time, the fact that these facilities are also existing facilities ensures that the determination of whether a program is accessible is not frozen at the time of construction or alteration.

Program access may require consideration of potential barriers to access that were not recognized at the time of construction or alteration, including, but not limited to, the elements that are first covered in the 2010 Standards, as that term is defined in § 35.104. Adoption of the 2010 Standards establishes a new reference point for Title II entities that choose to make structural changes to existing facilities to meet their program access requirements.

**The transitional plan shall, at a minimum:**

* Identify physical obstacles in facilities that limit the accessibility of programs or activities to individuals with disabilities.
* Describe in detail the methods that the city or county will use to make the facilities accessible.
* Estimate cost of removing the barriers.
* Schedule and prioritize the removal of barriers.
* If it takes longer than one year to remove barriers, identify steps that will be taken to ensure program access during each year of the transition period.
* Identify if Undue Financial and Administrative Burden

A great resource of what should be included a Transition Plan and how it should be structured can be found at <https://www.adaactionguide.org/resources#self-evaluationforms>

Update and keep the self-evaluation plan and transition plans on file and make available for public inspection.

1. **Adopt, via a resolution, Publish and Post the Notice Under the Americans With Disabilities Act (Exhibit A)** *If the city or county has already adopted a resolution for the Notice, they will not be required to re-adopt.*
* The city or county must adopt via a resolution that in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City/County will not discriminate against individuals with disabilities on the basis of disability in its services, programs, or activities. See Notice – Exhibit A.
* The notice must be published at least once in the local newspaper.
* The notice must be posted at the city or county’s public buildings. The posting must be on an ongoing basis.
* The notice should also be posted in the city or county’s website (ensure the website is accessible).
1. **Adopt and Post - ADA Grievance Procedure (Exhibit B)** *If the city or county has already adopted a procedure, they will not be required to re-adopt.*

All public entities, regardless of number of employees, must adopt an ADA grievance procedure for the fair and timely resolution of any complaints related to Section 504 and Title II of the ADA. Using an ADA grievance procedure demonstrates to individuals who have a complaint regarding accessibility that every effort will be made to address their concerns. In addition, the availability of an ADA grievance procedure may prevent a lawsuit.

The ADA grievance procedure does not need to be published, but the public must be notified that one is available. A sample grievance procedure is located in Exhibit C.

1. **Complete (or Update) the Checklist found in the Idaho Effective Communication Guide – (The Guide is a separate document found at the end of this Chapter – Exhibit C).**

For detailed information on providing Effective Communication and to locate Idaho resources review the Idaho Effective Communication Guide – State and Local Government – May 2018 provided by the Idaho Northwest ADA Center. Most likely if a city or county receives CDBG funding they will be required to complete or update their effective communication checklist found in the Guide.

1. **Document action items taken and keep on record.**

Also, submit copies of all action items taken to Commerce

KEY TERMS

Program Access

Under Title II the ‘‘program accessibility’’ requirement mandates that each service, program, or activity, when viewed in its entirety, be readily accessible to and usable by individuals with disabilities in existing facilities. Because Title II evaluates a public entity’s programs, services, and activities in their entirety, public entities have flexibility in addressing accessibility issues.

When choosing a method for providing program access, a public entity must give priority to the method resulting in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.

Program access does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities, and public entities are not required to make structural changes to existing facilities where other methods are effective in achieving program access.

A public entity may provide program accessibility by using a number of methods including alteration, acquisition, construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate accessible sites.

Public entities do, however, have program access considerations that are independent of, but may coexist with, requirements imposed by new construction or alteration requirements in those same facilities.

Facility

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Existing Facility

Existing facility means a facility in existence on any given date, without regard to whether the facility may also be considered newly constructed or altered under this part. This definition reflects the DOJ's interpretation that public entities have program access requirements that are independent of, but may coexist with, requirements imposed by new construction or alteration requirements in those same facilities.

For example, a facility constructed or altered after the effective date of the original Title II regulations but prior to the effective date of the revised Title II regulation Standards, must have been built or altered in compliance with the 1991 Standards (or UFAS) in effect at that time, in order to be in compliance with the ADA. In addition, a ‘‘newly constructed’’ facility or ‘‘altered’’ facility is also an ‘‘existing facility’’ for purposes of application of the Title II program accessibility requirements.

Title II entities are not required to take any action that would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. However, public entities must take any other action, if available, that would not result in a fundamental alteration or undue burdens but would ensure that individuals with disabilities receive the benefits or services.

Historic Preservation

Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 et seq.) or are designated as historic under State or local law, shall comply to the maximum extent feasible with this part. If it is determined that it is not feasible to provide physical access to an historic property alternative methods of access shall be provided according to the requirements.

Inclusion

Title II of the ADA mandates that no qualified individual with a disability shall be excluded from participation, be denied benefits, services or goods, be denied access to programs, services or activities, or be subject to discrimination.

Equal Opportunity

Title II requires that people with disabilities must not be denied an equal opportunity to participate and benefit from programs and services. The opportunity must be equal to and as effective as the opportunity provided to others. However, the ADA does not guarantee the person with a disability will achieve an identical result or level of achievement as people without disabilities.

Integration

One of the main goals of the ADA is to provide people with disabilities the opportunity to participate in the mainstream of American society. Commonly known as the “integration mandate,” public entities must make their programs, services, and activities accessible to qualified people with disabilities in the most integrated way appropriate to their needs. Public entities may not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective. Even when separate programs are permitted, an individual with a disability still has the right to choose to participate in the regular program.

Eligibility Criteria

Under the ADA, eligibility criteria that intends to screen out people with disabilities is prohibited unless the criteria are necessary for the provision of the service, program, or activity. An entity may impose legitimate safety requirements but these safety requirements must be based on real risks (objective, identifiable, medical) and not on speculations, generalizations, or stereotypes.

Reasonable Modifications

When necessary to ensure equal opportunity and avoid discrimination, public and private entities must make reasonable modifications to their policies, practices, and procedures. This obligation requires public and private entities to deal flexibly with unanticipated situations in a way that does not deny people with disabilities an equal opportunity. The obligation applies to written as well as informal policies, practices, and procedures. If a public or private entity can demonstrate that a modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.

Effective Communication

Local government must ensure effective communication is provided to individuals with disabilities through the provision of auxiliary aids and services. The important phrase in the provision of communication is "as effective as communication as it is with others.” The ADA states that in choosing an auxiliary aid or service, primary consideration must be given to the aid or service requested by the individual. Auxiliary aids and services can be located by consulting the [Idaho Resource Guide on Effective Communication](http://libraries.idaho.gov/files/effectivecommunicationdraft_copy.pdf).

No Surcharges

Entities can't place special or additional charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters.

Employment

Title II and Section 504 stipulates that qualified individuals with a disability shall, not be subjected to discrimination in employment under any service, program, or activity conducted by a public entity, regardless of the size or number of employees. The Department of Justice has the ability to enforce the employment provisions of Title I of the ADA as they pertain to state and local government employees. DOJ is the only federal entity with the authority to initiate ADA litigation against state and local governments for employment violations under Title I of the ADA and for all violations under Title II of the ADA.

Fundamental Alteration, Undue Financial and Administrative Burden

* A public entity is not required to take any action that will result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens.
* The head of a public entity must make the decision that compliance is a fundamental alteration or burden to the public entity.
* A written statement explaining the reasons in reaching this conclusion must accompany the decision.
* The head of the entity must consider all resources available for use in the funding and operation of the service or activity in question.

* If an action would result in such an alteration or burden, a public entity will offer alternative solutions to ensure that individuals with disabilities receive the benefits or services provided by the public entity.

ADA Resources

For further information on current resources and training on the ADA and other civil rights laws contact:

Dana Gover, MPA, ADAC, ADA Specialist in Training & Technical Assistance Consultation

Northwest ADA Center – Idaho

Email: dananwadacenteridaho@gmail.com

Ada TA Hotline: voice and text 208-841-9422

Cell phone: voice and text: 208-761-3073

Website: <http://www.nwadacenter.org/idaho>

The following is a list of resources, videos, trainings and checklists that will assist in the self-evaluation and transition plan process. If any links are broken, notify the Northwest ADA Center-Idaho.

* The Online ADA Title II Tutorial is an online training program designed to provide basic principles and core concepts on Title II of the ADA. Link to tutorial: <http://www.adatitle2.org> \*Required Course.
* The ADA Basic Building Blocks is an online training program designed to increase knowledge and understanding of the basic principles and core concepts in the ADA and the ADA Amendments Act of 2008 (ADAAA). Link to training: <http://www.adabasics.org>
* Accessibility Online Training on the Architectural Barriers Act (ABA) and Americans with Disabilities Act (ADA). Training is available on accessibility, electronic and information technology. Link to training: <http://www.accessibilityonline.org/Schedule/>

Idaho Resource Guide and Companion Checklists used along with the Self-Evaluation Questionnaire

* Idaho Resource Guide on Effective Communication. Link to guide:

<http://libraries.idaho.gov/files/effectivecommunicationdraft_copy.pdf>

* **ADA Best Practices Tool Kit for State and Local Governments.** This tool kit is very useful and provides examples on how state and local government can comply with Title II. Please note the tool kit has not been updated to include the 2010 ADA Standards of Accessible Design. Link to Tool Kit <http://www.ada.gov/pcatoolkit/toolkitmain.htm>

Facility Checklists and Resources to Identify Architectural Barriers

* ADA Coordinators Training and Certification Program (ACTCP). A Certification program designed to meet the training and professional needs of ADA Coordinators. Link to website: <http://www.adacoordinator.org>

**Exhibits**

Exhibit A. Notice Under the Americans with Disabilities Act (ADA) Page 13

Exhibit B. Sample ADA Grievance Procedure Page 15

Exhibit C. Idaho Effective Communication Guide – State and Local Government……………… Page 17

**Exhibit A**

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

**In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City/County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.**

***Employment:*** The City/County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

***Effective Communication:*** The City/County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in its programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

***Modifications to Policies and Procedures:*** The City/County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all its programs, services, and activities. For example, individuals with service animals are welcomed in City/County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City/County program, service, or activity, should contact the office of **[name and contact info for ADA Coordinator]** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City/County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a City/County program, service, or activity is not accessible to persons with disabilities should be directed to **[name and contact information of ADA Coordinator]**.

The City/County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Se le puede proveer esta notificación en un formato accesible para las personas discapacidades y/o personas con conocimientos limitados del inglés a pedido.

 **Exhibit B**

ADA Grievance Procedure for City/County

(Year)

The following grievance procedure is established to meet the requirements of Section 504 of the Rehabilitation Act as amended and the Americans With Disabilities Act of 1990 (ADA).

According to these laws (Name of the city/county), as a recipient of an Idaho Community Development Block Grant (ICDBG) funds, certifies that all citizens shall have the right to submit a grievance on the basis of disability in policies or practices regarding employment, services, activities, facilities, or benefits provided by (Name of city/county).

When filing a grievance, citizens must provide detailed information to allow an investigation, including the date, location and description of the problem. The grievance should be in writing and should include the name, address and telephone number of the complainant. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording, will be made available for individuals with disabilities upon request. The complaint should be submitted by the complainant or his/her designee as soon as possible, but no later than 30 days after the alleged violation. Complaints must be signed and sent to:

 Name/Title of Coordinator

 Address

 Telephone number (both voice and TDD)

Within 15 calendar days after receiving the complaint, (name of ADA coordinator) will meet with the complainant to discuss the complaint and possible resolution. Within 15 calendar days after the meeting, (name of ADA coordinator) will respond in writing. Where appropriate, the response shall be in a format accessible to the complainant (such as large print or audio tape). The response will explain the position of (name of city/county) and offer options for resolving the complaint.

If the response by (name of ADA coordinator) does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision of the ADA coordinator. Appeals must be made within 15 calendar days after the receipt of the response. Appeals must be directed to the chief elected official or his or her designee.

Within 15 calendar days after receiving the appeal, the chief elected official or his or her designee will meet with the complainant to discuss the complaint and to discuss possible resolution. Within 15 calendar days after the meeting, the chief elected official or his or her designee will provide a response in writing. Where appropriate, the response shall be in a format accessible to the complainant. The response shall be accompanied by a final resolution of the complaint. The 504/ADA Coordinator shall maintain the files and records of (name of the city/county) pertaining to the complaints filed for a period of three years after the grant is closed out.

Other Complaint Procedures

All individuals have a right to a prompt and equitable resolution. Individuals or classes of individuals who believe they have been subjected to discrimination base on disability have several ways to file a grievance:

* Use the grievance procedure provided by the public entity
* File a complaint with any agency that provides funding to the public entity
* File with one of the eight federal agencies designated in the Title II regulations

Under Title II, filing a grievance with the public entity’s ADA coordinator, filing a complaint with a federal agency, or filing a lawsuit may be done independently of the others. Individuals are not required to file either a grievance or complaint to bring a lawsuit. Lawsuits may be filed at any time. However the individual has 180 days to file with the Department of Justice. The following are agencies where a Title I, Title II or Section 504 complaint can be filed:

For Title I Complaints (Employment) Private Entities Only

Equal Employment Opportunity Commission

<http://www.eeoc.gov/employees/howtofile.cfm>

1-800-669-4000

1-800-669-6820 (TTY)

For Title II Complaints Including Employment

Department of Justice (DOJ)

Civil Rights Division

Disability Rights Section – NYAV

950 Pennsylvania Avenue, NW

Washington, DC 20530

<http://www.justice.gov/crt/complaint/#two>

1-800-514-0301

1-800-514-0383 (TDD)

For Section 504 Complaints

Department of Housing and Urban Development (HUD)

Community Planning and Development

451 7th Street, SW

Washington, DC 20410

<http://www.hud.gov/offices/fheo/disabilities/sect504complaint.cfm>

1-202-708-1112

1-202-708-1455 (TTY)

**Exhibit C**