

OFFERED BY:

SECONDED BY:

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING THE FOLLOWING SECTION 504 POLICIES AND GRIEVANCE PROCEDURES FOR THE \_\_\_\_\_ [SUBRECIPIENT]

SECTION 504 RESOLUTION/(*INSERT NAME OF SUBRECIPIENT*)

**WHEREAS**, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

**WHEREAS**, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

**WHEREAS**, it is the policy of the (*insert name of subrecipient*) not to discriminate against any individual, person, or group on the basis of disability and the intent of the (*insert Village, Town, or City or name of organization, as appropriate*) to address any complaints that may arise pursuant to Section 504,

**NOW, THEREFORE, BE IT RESOLVED** that the (*insert name of subrecipient*) does hereby adopt by resolution internal grievance procedures (the "Procedure") providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

**BE IT FURTHER RESOLVED**, that the (*insert name of subrecipient*) does hereby designate the (*insert TITLE ONLY of appointed Grievance Coordinator, i.e. Village Clerk, Town Supervisor, etc.*) as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

**BE IT FINALLY RESOLVED**, that the (*insert name of subrecipient*) will place its employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the (*insert Village's, Town's, City's, or the name of the organization, as appropriate*) official newspaper, posting of notices in the (*insert Village's, Town's, City's, or the name of the organization, as appropriate*) offices and facilities, placing notices in (*insert*

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***Village's, Town's, City's, or the name of the organization, as appropriate*** publications, and/or distribution of memoranda or other written communications subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the ***(insert location of where Procedure can be viewed such as Village Offices, Clerk's Office, City Hall, etc.)*** for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the ***(insert Village, Town, City, or name of organization, as appropriate)*** adopted grievance procedures.

**BACKGROUND:** Section 504 of the Rehabilitation Act of 1973 (the "Act") as amended prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program funded by HUD, administered by the Governor's Office of Storm Recovery (GOSR), and under which the ***(insert subrecipient's name)*** has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) established provisions for assuring equality of opportunity, full participation, independent living, and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities, and multi-family housing.

**SECTION 504 POLICY/COMPLIANCE:** Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Sections 8.53 and 8.54, respectively. Therefore, be it known that it is the policy of the ***(insert subrecipient's name here)*** not to discriminate on the basis of disability. Towards that end, the ***(insert subrecipient's name here)*** has adopted by resolution an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. The subject law and implementing regulations may be examined in the ***(insert location of where policy can be viewed i.e. Village Clerk's Office, Mayor's Office, etc.)***. The ***(insert TITLE of Grievance Procedure Coordinator here rather than a person's name, i.e. Town Code Enforcer, City Clerk, etc.)*** for the ***(insert subrecipient's name here)*** has been designated to coordinate the efforts of the ***(insert subrecipient's name here)*** with respect to Section 504 compliance. This information can also be accessed on the Internet at the following address:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/disabilities/sect504](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504). The ***(insert name of office where coordinator is located i.e. Code Enforcer's office)*** is located at ***(insert street address and name of subrecipient here)***, New York. The Section 504 Coordinator can be reached at ***(insert phone number here including area code)***.

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**GRIEVANCE PROCEDURE:** Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the ***(insert Village, Town, City, or name of organization, as appropriate)*** outlined below.

- Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the ***(insert subrecipient's name here)*** relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the ***(insert Village, Town, City, or name of organization) (Board, Council, etc.)*** within 15 days of receiving the Section 504 Coordinator's decision. The ***(insert Village, Town, City, or name of organization) (Board, Council, etc.)*** shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The ***(insert subrecipient's name here)*** will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for the ***(insert subrecipient's name here)*** to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

ADOPTED: \_\_\_\_\_

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