

SECTION 504 PLAN

Self -Evaluation and transition Plan of the City of Nanticoke

Section 504 of the Rehabilitation Act of 1973 provides that no qualified person with handicaps shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance. Section 794 24 C.F.R. Part 8

Qualified Individual

A qualified individual with disabilities is anyone who meets all eligibility requirements of the program or activity.

Discrimination

To avoid discriminating against individuals with Disabilities, Nanticoke City will provide:

- Program accessibility- No one may be denied access solely by reason of disability
- Program benefits- Benefits may not denied solely because of disability
- Most integrated setting appropriate-Judgment should be based on individual need;
- No support to discrimination- provide no assistance or support to entities that discriminate;
- Opportunity to serve on boards-Board ,membership must be open to all qualified persons;
- Equal rights and privileges-Disabled individuals many not be denied equal treatment
- Physically accessible sites-Programs, activities, and workplaces must be physically accessible
- Administrative accommodation- Alternatives or modifications should be made as needed.

Elements of the Plan

Self-Evaluation

The City of Nanticoke will consult with interested citizens about plans to study the accessibility of the City of Nanticoke facilities, programs and/or activities. The City of Nanticoke will involve those who have disabilities, relatives of persons with disabilities, and advocacy groups representing the disabled. This involvement helps to ensure that the self-evaluation is conducted from the viewpoint of person with disabilities, and therefore, more accurately reflects their needs.

The self-evaluation of the City of Nanticoke consist of its facilities, administrative practices, and employment practices of the municipality, as well as the annual projects and activities funded through federal grants. In the event that the municipality, as well as the annual projects and activities funded through federal grants. In the event that the municipality uses facilities of other municipalities or organizations to conduct the programs and activities funded with federal funds, those facilities, administrative practices and employment practices are also subject to self- evaluation. ***See Self Evaluation Attached.***

Modification of Policies and Practices

When it is found that policies and practices impact negatively upon Nanticoke City will modify the appropriate policy or practices so that the problem is eliminated.

SECTION 504 PLAN

Transition Plan

In the event that the City of Nanticoke's facilities, programs and/or activities cannot be made accessible by making administrative changes, structural changes will be necessary. A transition plan outlining those changes will be developed. The plan should identify the steps required to complete the structural modifications. Interested citizens, especially disabled citizens, should be recruited to help develop a plan.

- 1) Identify the physical obstacles that limit the programs accessibility to persons with disabilities;
- 2) Describe in detail the methods to be used in making the facilities in question accessible;
- 3) Set forth the schedule of tasks, identifying actions to be taken within the first year;
- 4) Identify the official responsible for implementing the plan (the Section 504 Officer mentioned below)and
- 5) Identify those who assisted the recipient in preparing the transition plan.

Longevity of Plan

- I. Municipality- Self-Evaluation and transition plans, if necessary, once completed and brought into compliance for the City of Nanticoke will remain in effect until such a time as location or new process changes and another self-evaluation is necessary.
Documentation must be kept in Master file of the Municipality CDBG/HOME/ESG/CDBG-DR
- II. Projects/Activities- Self-Evaluation and transition plan, if necessary are required yearly for every new project of the municipality.
Documentation must be kept in the (CDBG/HOME/ESG/CDBG-DR) Program File

(For Grantees with 15 or more employees the following must be in place)

Designation of Section 504 Officer

The City of Nanticoke has designated a person to oversee Nanticoke City's compliance efforts. The section 504 Officer has a thorough working knowledge of federal accessibility requirements since he/she is responsible for ensuring the municipality's compliance and for initiation continued compliance efforts. The Section 504 officer will take the lead in evaluating the municipality's facilities, programs and practices, and in drafting the transition plan if one is needed. All the accompanying administrative details should be monitored or carried out by this compliance officer. Keeping the municipality on target with the transition plan schedule is also part of her or his responsibility.

Grievance Procedure

The grievance procedure provides for timely resolution of discrimination complaints which are lodged against Nanticoke City and which pertain to the accessibility of the municipality's policies and practices.
(Grievance Procedure Attached)

Discrimination Complaints

Any person who believes he or she has been discriminated against or any representative of such a person may file a confidential complaint with:

Local Section 504 Officer

Jack Minsavage
15 E. Ridge Street
Nanticoke, Pa 18634 (570) 735-2800 ext. 104 fax (570) 258-0905

SECTION 504 PLAN

U.S. Department of Housing and Urban Development

FHEO/Regional III Office Mid-Atlantic Office
100 Penn Square East, 12th Floor
Philadelphia, PA 19107 (215) 861-7643 fax (215) 656-3449

U.S. Department of Housing and Urban Development

Pittsburgh FHEO Field Office
Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222 (412) 644-5449 or (412) 644-6353 fax (412) 644-6516

The written complaint will be filed within 180 days of the alleged discriminatory act unless good cause can be shown for delay. The complaint will show the name and address of the offending party, along with the details of the events leading to the charge of discrimination.

Notice of Nondiscrimination

The City of Nanticoke will make initial and continuing efforts to notify their participants, beneficiaries, applicants, and employees that the municipality does not discriminate on the basis of disability in its federally funded programs, services, activities and practices. The Section 504 Officer will be available for the questions and comments. Initial and ongoing notification of nondiscrimination will be published using media that can be expected to reach vision and hearing impaired individuals, which may include radio announcements and large print flyers and newspaper notices. Also notifications will be published in multi-languages to reach persons of the community with Limited-English proficiency.

Sub recipient Remedial and Affirmative Action

All sub-recipients of federal grant funds through the City of Nanticoke are required to adhere to the regulations of Section 504 in their provision of services or projects. Should the City of Nanticoke determine that disabled individuals have been discriminated against by a sub-recipient of funding appropriate remedial and affirmative action will be required to the extent that the City of Nanticoke deems necessary. The City of Nanticoke will also determine what action should be taken in order to remedy prior discriminations.

Review of Non-Housing Activities

A person with disabilities who is otherwise qualified to participate in a Nanticoke City program and activity or use publicly owned facilities of the municipality should not be denied the benefits of or excluded from participation in those programs or activities simply because the buildings or structures which house them are inaccessible. Facilities, programs, and activities will be designed so that persons with disabilities can generally participate in all the activities that are federally funded.

Review of Housing Activities Housing Units *(if applicable)*

Generally, new multi-family housing projects should be designed and built to be readily accessible to and usable by disabled individuals, according to Section 8.22 (a) of the final rule. Further, the Section states that

SECTION 504 PLAN

at least 5 percent of the total dwelling units, or at least one unit in a multifamily housing project (whichever is greater) shall be made accessible to individuals, who have impaired mobility.

Another 2 percent- or at least one unit- will be made accessible or adaptable for those who have hearing and vision impairments. In this case, accessibility means that the unit is on an accessible route and is either already accessible or adaptable.

When substantial alterations are made to an existing housing project with at least fifteen units and the cost is at least 75 percent of the facilities replacement cost, and then at least 5 percent – or at least one- of the units will be located on an accessible or adaptable route and will be made accessible or adaptable. Another 2 percent- or at least one-unit will be made accessible or adaptable to persons who have hearing or vision impairments. When other alterations are made to exiting housing units, the recipient should, to the maximum extent feasible, make the units readily accessible. This is also the case when common areas are altered when a single space in a dwelling unit is altered. The recipient should continue to create accessible units as units are rehabilitated until at least 5 percent of the units in the project have been made accessible or adaptable.

In determining whether facilities meet federal accessibility requirements, the City of Nanticoke will refer to the Uniform federal Accessibility Standards (UFAS) for details such as acceptable door widths, lavatory heights, and ramp dimensions.

In the event that the City of Nanticoke is able to make programmatic changes that enhance the accessibility of its housing program to disabled applicants or residents, those changes should be identified and implemented.

However, when the only remedy is to make structural changes, the recipient will prepare a transition plan itemizing the changes. In put interested citizens, especially disabled residents, will be included, and the other transition plan requirements listed above apply in this case. *See transitional plan attached.*

Other Housing Related Programs _Homeowner Rehabilitation Program (*if applicable*)

The City of Nanticoke participates in a Homeowner Rehabilitation Program, Nanticoke City will give priority to the selection of projects that will result in dwelling units being made readily accessible to persons with disabilities.

Homeowner Programs (If applicable)

Any housing units newly constructed or rehabilitated using federal assistance will be made accessible upon the request of a prospective buyer. Any required alterations will adhere to the UFAS standards, and the cost of the changes becomes the buyer's responsibility. The cost may be added to the mortgage amount, except that the added cost will not raise either the sales price or the mortgage amount beyond established limits.

Historic Properties

Generally, historic properties will be made accessible when they ae altered with federal dollars, unless accessibility would substantially impair the "sign cant historic features" of the [property or result in undue financial and administrative burdens.

SECTION 504 PLAN

SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED SELF EVALUATION

GENERAL REQUIREMENTS

The City of Nanticoke's self-evaluation will be completed prior to the municipality's use of federal funds either initially and/or start of project or activity. In preparation of the self-evaluation, the City of Nanticoke must consult with individuals with disabilities or organizations representing them.

Keep on file for Municipality Self Evaluation, as long as CDBG/HOME/ESG/CDBG-DR recipient, in Master file:

- a. A list of interested persons consulted
- b. A description of area examined and any problems identified and
- c. A description of modifications made and remedial steps taken.

Project/Activity Self Evaluation until released by DCED, in Program File:

- a. A list of interested persons consulted;
- b. A description of area examined and any problems identified; and
- c. A description of modifications made and remedial steps taken.

Adopt and implement a grievance procedure for timely resolution of discrimination complaints.

Make initial and continuing efforts to notify applicants, tenants, and employees that the City of Nanticoke does not discriminate on the basis of disability.

ELEMENTS

Evaluation of current facilities, policies and practices relative to the Section 504 regulations.

Evaluation of projects and/or activities to be funded with federal funds.

Modifications of any facilities, policies, and practices that do not meet Section 504 requirements.

Corrective action to remedy any discrimination found.

AREAS TO BE EVALUATED

Buildings or facilities for physical accessibility, program outreach and communication

Eligibility and admission criteria and practice

Distribution and occupancy policy and procedure

Percentage of accessible units

Employment (including pre-employment)

Complaint processing procedures

REASONABLE ACCOMMODATION

Definition: an adjustment in a federally assisted or conducted program or activity in order to accommodate the known physical or mental limitations of an otherwise qualified individual with a disability.

- a. Must be provided unless it:
 1. Imposes an undue financial or administrative burden, as determined by the municipality and reviewed and approved by DCED, or
 2. It alters the fundamental nature of the program
- b. Must be equally effective.
- c. Should not be of a personal nature.
- d. Should be provided and applied on a case-by-case basis.