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4-12-1984

Technical Bulletins: Revenue Sharing/Handicapped Regulations

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Municipal Technical Advisory Service

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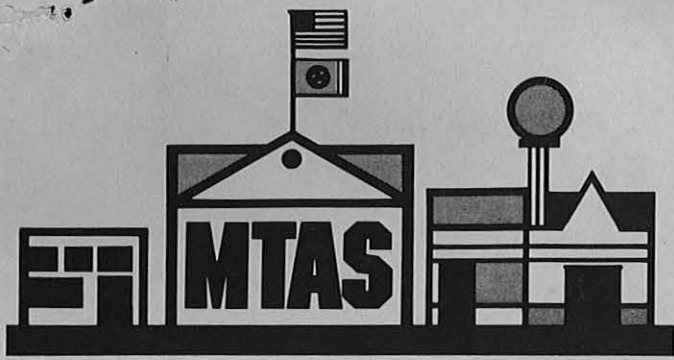
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Recommended Citation

Robinson, Jerry, "Technical Bulletins: Revenue Sharing/Handicapped Regulations" (1984). *MTAS Publications: Technical Bulletins*.
https://trace.tennessee.edu/utk_mtastech/189

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TECHNICAL BULLETIN

MUNICIPAL TECHNICAL ADVISORY SERVICE
THE UNIVERSITY OF TENNESSEE
IN COOPERATION WITH THE TENNESSEE MUNICIPAL LEAGUE

U.T. No. E14-1050-00-002-84

April 12, 1984

Revenue Sharing/Handicapped Regulations

By Jerry Robinson
Finance Specialist

As you are aware, the Office of Revenue Sharing has published notice that the regulations pertaining to discrimination on the basis of handicapped status are now final. These regulations require that Revenue Sharing recipients not discriminate against the handicapped in any program funded with Revenue Sharing funds. The regulations also require several steps to comply with these regulations. What follows is a summary of these requirements and some aids that we have developed to help you with compliance.

It should be noted that great emphasis is placed by ORS upon making "programs" accessible to the handicapped. Since it is very difficult to show that any of a city's programs are not in some way funded with Revenue Sharing funds, and since every activity of a city is subject to being funded with Revenue Sharing, it will be necessary for cities to assure that ALL of its activities are accessible to the handicapped.

If you receive more than \$25,000.00 during a year (entitlement period), you should have already published a notice that your city does not discriminate against the handicapped. Also, you should have designated a person in your city to be responsible for coordination of efforts to comply with the regulations. If you have not done this, you should immediately publish this notice and designate this person, as the deadline for accomplishing these tasks was January 17, 1984. If you have need of assistance in "catching up" with these initial requirements, please contact MTAS.

There are three steps that your city must take to comply with the regulations:

1. By October 17, 1984, all cities must complete a "Self-Evaluation" of all activities/functions/programs/facilities to determine whether or not these activities/functions are accessible to the handicapped. We have attached a guide for you to use in this evaluation (Attachments 1 and 2). You may modify this guide to meet your needs if you wish. Be sure to remember that the major emphasis is on programs, not necessary physical facilities such as buildings. The regulations state that a city need not make all of its existing buildings accessible to the handicapped unless this is the only way to make its programs accessible.

- 2. You must, by October 17, 1984, prepare a "transition plan" to make any structural changes identified in the self-evaluation as necessary to make your activities/functions accessible to the handicapped. We have attached a guide for you to use in the development of this transition plan (Attachment 3). Any structural changes must be completed by October 17, 1986. The transition plan must establish a timetable for accomplishing these changes. Please remember that you must make any non-structural changes to your programs by October 17, 1984, to eliminate situations that cause handicapped discrimination.

- 3. If you receive \$25,000.00 or more in Revenue Sharing funds by October 17, 1984, you must adopt a grievance procedure to handle complaints or requests for service from the handicapped. We have enclosed a guide for you to use in accomplishing this step (Attachment 7).

You must keep on file and available for public inspection the self-evaluation and transition plan for three years. None of this material must be sent to the Office of Revenue Sharing. Your auditor will ask to see these documents during your normal audit.

In the continuous preparation and development of the self-evaluation, transition plan, and grievance procedure (if applicable), you must involve "interested individuals, including handicapped individuals and organizations representing them." You also must maintain on file a list of individuals and/or organizations consulted (Attachment 5).

You are encouraged to work through the suggested self-evaluation steps; prepare a transition plan; and adopt a grievance procedure where applicable.

Members of the Revenue Sharing Advisory Service may wish to use the more comprehensive self-evaluation process that RSAS has developed and forwarded to its members.

A complete copy of the ORS regulations are available from MTAS at your request. Additionally, ORS has rendered opinions that address various questions regarding the handicapped regulations. Contact MTAS for information regarding these opinions.

- Attachments:
- 1. Suggested Self-Evaluation Plan
 - 2. Self-Evaluation Analysis
 - 3. Transition Plan
 - 4. Non-Structural Changes Inventory
 - 5. Handicapped Individuals/Organizations Contacted/Consulted
 - 6. Supplemental Structural Change Information
 - 7. Suggested Grievance Procedure

SUGGESTED SELF-EVALUATION PLAN
FOR
TENNESSEE CITIES

Answer these questions for each service, activity or function that your city provides. Once all are answered, do the "Analysis" section following the questions. For example, a small city might complete this questionnaire for each department (police, administration, city recorder's office, etc.) while a larger city might answer the questionnaire for each division within departments (for example, patrol, investigation, and records divisions within the police department).

1. Is the public aware of the service/activity?
 - 1a. Methods used to make public aware of service:
 - a. Telephone book _____
 - b. Services brochure _____
 - c. Community relations program _____
 - d. Radio spots _____
 - e. Schools involvement _____
 - f. Officer public relations training _____
 - g. Organization communications and participation in civic clubs, handicapped groups, etc. _____
 - h. Other _____

2. Is the department responsible for this service or activity aware of handicapped public?
 - 2a. What efforts does department make to insure that department is aware of the different categories of handicapped citizens in the community?
 - a. Surveys _____
 - b. Bureau of Census data analysis _____
 - c. Contact w/handicapped organizations _____
 - d. School's programs _____
 - e. Other _____

3. Are the buildings, offices, headquarters, and other facilities operated for this service or activity accessible to the handicapped?
 - 3a. The primary barriers handicapped citizens encounter in city contact is in their attempt to vote and to pay their taxes. Both of these possibilities should be closely investigated from the perspective of handicapped access.

- 3b. What methods are employed to provide accessibility?
- | | |
|--------------------|-------------------------|
| a. Ramps _____ | g. Doors _____ (height) |
| b. Elevators _____ | h. Windows _____ |
| c. Restrooms _____ | i. Entrances _____ |
| d. Parking _____ | j. Handrails _____ |
| e. Counters _____ | k. Grab Bars _____ |
| f. Stairs _____ | l. Other _____ |
4. Have handicapped citizens utilized the department's services in the past?
5. Have there been obvious problems or complaints from handicapped citizens in the past?
- 5a. If yes, list complaints on separate sheet.
- 5b. What response have you made to deal with specific complaints or problems raised by handicapped citizens indicated in question 5?
6. What "secondary recipients" obtain funding from the city that may have a discriminatory situation associated with their services, programs, or facilities?
7. What other special programs do you have to assist the handicapped?
8. Are handicapped ramps constructed in accordance with state law during new sidewalk/street construction? (See Attachment 6)
9. Do you have a sidewalk maintenance program? (See Attachment 6)
10. Are provisions made for handicapped signals at Walk/Don't Walk crosswalks? (See Attachment 6)

SELF-EVALUATION ANALYSIS

What follows is an outline for analyzing questions 1 through 6 in the preceding self-evaluation. While this is not a required portion of the self-evaluation plan, the process outlined here will provide a fairly easy method for developing your transition plan. As you analyze each question, you should attempt to give careful consideration to eliminating factors which prohibit or hinder participation of handicapped citizens in city activities, services or activities.

1. If you answer question 1 with a "yes" answer, be satisfied that you can prove the fact that the public, including handicapped citizens, are aware of the service, activity, or function. An arbitrary "yes" answer here could be a problem in the future if complaints arise regarding knowledge or lack of knowledge of a particular service.

Generally, question 1 relates to "non-structural" changes that must be made to provide access to all city activities, service, and functions. These non-structural changes must be made by October 1, 1984.

If the answer is "no", you should develop methods of assuring that the public is aware of the service. Question 1a suggests several methods for making the public aware of this service, activity, or function. If it is necessary to increase the public's awareness of a particular service or activity identified in question 1, you should list these methods on the attachment entitled "Non-structural Changes" (Attachment 4) and complete those items before October 17, 1984.

2. If the answer to question 2 is "yes", again be sure that appropriate city personnel are taking steps, such as those listed in question 2a, to become aware of the handicapped public that they serve.

If the answer is "no", you should again develop methods of assuring that city personnel are aware of handicapped public that they should be serving. A list of methods which will assure that appropriate personnel are aware of the handicapped public should be listed on Attachment 4 and completed by October 17, 1984.

3. The response to this question is the "heart" of the transition plan. Once you have determined what structural changes are necessary to provide access of handicapped citizens to ALL city services, activities, functions, and facilities, you should include these structural changes in the transition plan (Attachment 3). As you consider making these structural changes, the American National Standard Institute (ANSI) specifications should be used. Other standards may be used provided it can be demonstrated that better access or equivalent access is provided. ANSI standards are available from American National Standards Institute, 1430 Broadway, New York, NY 10018. For quick reference purposes, MTAS Management and Finance Consultants will have copies of ANSI standards for telephone question purposes. All structural changes must be completed by October 17, 1986. The suggested, attached transition plan provides the format for scheduling these changes.

4. The ideal proof that your services, activities, functions, and facilities are accessible to handicapped citizens is that these persons have, in fact, utilized the service or facility. It would be helpful for future purposes if you can document question 4. For example, if handicapped citizens regularly attend city council meetings and participate in those meetings, documentation of this fact would be of positive benefit in a complaint situation.
5. If you have had previous complaints regarding handicapped access to any city service, activity, function, or facility, such complaints could be an indicator of problems that need to be resolved. Such problems may be structural or non-structural.
6. Agencies associated with the city, such as senior citizen groups, libraries or youth activity organizations that could be funded with revenue sharing funds should be investigated to determine whether barriers exist regarding the programs they offer or the facilities they operate.
7. A listing of positive efforts to assist the handicapped would be helpful documentation if and when complaints arise.

REVENUE SHARING TRANSITION PLAN

A. Name of person completing this plan:

B. Name and address of facility:

C. For this facility, list structural changes which must be made to achieve accessibility by handicapped citizens; for example, wheel chair ramps, rails in rest rooms, etc.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

D. List the completion dates for each change. (No later than 10/17/86)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

E. List the cost of accomplishing each change.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

REVENUE SHARING TRANSITION PLAN

A. Name of person completing this plan:

B. Name and address of facility:

C. For this facility, list structural changes which must be made to achieve accessibility by handicapped citizens; for example, wheel chair ramps, rails in rest rooms, etc.

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

D. List the completion dates for each change. (No later than 10/17/86)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

E. List the cost of accomplishing each change.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

HANDICAPPED INDIVIDUALS AND ORGANIZATIONS
CONTACTED/CONSULTED

NAME	ADDRESS	CONSULTED
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ORGANIZATIONS	CONTACT PERSON	DATE CONSULTED
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(This list must be kept on file and available for public inspection for three years.)
Attached for your information is a list of handicapped organizations.

Selected List of Agencies
Dealing with the Handicapped

Accent on Information

P.O. Box 700
Bloomington, IL 61701

(309) 378-2961
Raymond C. Cheever, Publisher

Computer search service available to handicapped
and those working with the handicapped

Access for the Handicapped

1012 14th St., N.W., Suite 803
Washington, DC 20005

(202) 783-1134
Harold W. Sneder, President

Conducts handicapped accessibility studies

American Athletic Association for the Deaf

10604 E. 95th St. Terrace
Kansas City, MO 64134

Lyle Mortensen, Secretary-
Treasurer

American Coalition of Citizens with Disabilities

1200 15th St. N.W., Suite 201
Washington, DC 20005

(202) 785-4265
Reese Robrahn, Executive Director

Congress of Organizations of the Physically Handicapped

16630 Beverly
Tinlex Park, IL 60477

Mr. Lee F. Wiedenhofer, National
Executive Director

Disability Rights Center

1346 Connecticut Ave., N.W., No. 1124
Washington, DC 20036

(202) 223-3304
Deborah Kaplan, Director

Human Resources Center

I.U. Willets Rd.
Albertson, NY 11507

(516) 747-5400
Henry Viscardi, Jr. President

Training & employment models

Information Center for Individuals with Disabilities

20 Providence St., Room 329
Boston, MA 02116

(617) 727-5540
Leonard J. Shubitowski, Executive
Director

Just One Break (JOB, Inc.)

373 Park Ave. S.
New York, NY 10016
Director

(212) 725-2500
Paul G. Hearne, Executive

Handicapped employment

National Association of the Physically Handicapped

76 Elm St.
London, OH 43140

(614) 852-1664
Helen Lee Roudebush,
Administrative Assistant

National Center for a Barrier Free Environment

1140 Connecticut Ave., N.W.,
Suite 1006
Washington, DC 20036

(202) 466-6896
Kathy E. Murphy, Acting Executive
Director

National Easter Seal Society

2023 W. Ogden Ave.
Chicago, IL 60612

(312) 243-8400
John Garrison, Executive Director

National Information Center for Handicapped Children and Youth

Closer Look
Box 1492
Washington, DC 20013

Toni Haas, Executive Director

Overcoming Mobility Barriers International

1022 S. 41st St.
Omaha, NE 68105

(402) 342-5658
Kay E. Nell, Executive Director

People-to-People Committee for the Handicapped

1111 20th St., N.W., Room 660
Washington, DC 20036

(202) 653-5024
David L. Brigham, Chairman

Special Olympics

1701 K St., N.W., Suite 203
Washington, DC 20006

(202) 331-1346
Eunice Shriver, President

U.S. Association for Blind Athletes

55 W. California Ave.
Beach Haven, NJ 08008

(609) 492-1017
Arthur E. Copeland, President

SUPPLEMENTAL STRUCTURAL CHANGE INFORMATION

In your evaluation of structural changes you may want to be aware of some of the following items:

1. Tennessee law requires that a city must install ramps at crosswalks, in business and residential areas, when streets, sidewalks, and/or curbs/gutters are being constructed or improved. (TCA 7-31-114.)
2. New public buildings, including those constructed by local governments, must comply with certain handicapped access construction requirements as set forth in Tennessee law. (TCA 68-18-203--68-18-205.)
3. A sidewalk maintenance program is of vital importance to insure that sidewalk surfaces are useable by wheelchair-bound citizens. Many cities neglect maintenance of sidewalks, not only rendering them unuseable by handicapped residents, but also creating an unnecessary liability for the city.
4. Cities operating "Walk/Don't Walk" signals at pedestrian sidewalks might consider the use of audible signals for blind individuals.
5. Some cities provide on-street handicapped parking spaces.

SUGGESTED HANDICAPPED
GRIEVANCE PROCEDURE

1. Complaints regarding handicapped resident access will be submitted in writing to the (City Manager)(City Recorder) for resolution. A record will be maintained of these complaints and action taken. A decision will be rendered within 10 working days.
2. If the complaint cannot be resolved to the satisfaction of the complainant by the (City Manager)(City Recorder), it will be forwarded to the "Handicapped Resident Access Committee" composed of representatives from the following groups in the community: the elected body, the handicapped, at-large representation (for example, local business, education, religious groups, etc.), and, finally, health/medical representation. The Handicapped Resident Access Committee will be appointed by the Governing Body.
3. The committee should be charged by the elected body to establish ground rules or bylaws for hearing complaints, requests, or suggestions from handicapped persons regarding access to public facilities, services, activities, and functions in the community. Further, the committee should be directed to hear such complaints in public after adequate public notice, in an unbiased, objective manner, and to make a written decision within 30 days of notification. Proceedings of the committee should be recorded and maintained.
4. If the complaint cannot be resolved to the satisfaction of the complainant by the Handicapped Resident Access Committee, such complaint will be heard by the Governing Body discussed at an open, public meeting of the elected body and a determination made within 30 days as to a decision on the request or complaint. The decision of the Governing Body shall be final.
5. A record of action taken on each request or complaint must be maintained as a part of the records or minutes at each level of the grievance process.
6. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

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Knoxville, TN 37996-4400

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