



HUD Policy on Section 508 of the Rehabilitation Act and Accessible Technology

1. PURPOSE.

A. Introduction

Section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794d (Section 508), requires federal agencies to ensure that electronic and information technology (E&IT) they develop, procure, maintain, or use allows, regardless of the medium of the technology, individuals with disabilities to have ready access to and use of information and data that is comparable to the access to and use of the information and data by individuals without disabilities, unless doing so would result in an undue burden on the agency.

This Policy sets forth the framework of the U.S. Department of Housing and Urban Development (HUD) for the implementation and integration of Section 508 throughout the agency. This Directive establishes policy and assigns responsibilities for offices through HUD regarding Section 508. It also authorizes the promulgation of HUD Handbook xx-xx, which will incorporate the Supporting Documentation, Policies, Procedures, and Protocols identified below.

HUD aspires to be a model employer of persons with disabilities in complying with Section 501 of the Rehabilitation Act of 1973, which requires affirmative action and nondiscrimination in employment by Federal agencies. HUD also seeks to ensure that it provides employees, members of the public, and its constituents with disabilities with equally effective access to its programs and services, as required by Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against qualified individuals with disabilities in any program or activity that either receives federal financial assistance or is conducted by any federal agency. From the technology perspective, HUD can take a major step toward reaching these goals by adhering to the requirements of Section 508.

Compliance with Section 508 is critical to HUD's mission – which is to ensure equal access to opportunity by creating strong, sustainable, inclusive communities and quality affordable homes for all. In order to accomplish this mission, HUD relies on E&IT across its programs and activities. In order to ensure that individuals with disabilities that are part of HUD's constituency and staff have equally effective access to HUD programs and services, compliance with Section 508 is vital. The most effective and least costly approach to ensure that technology accessibility is for HUD to integrate accessibility throughout the agency in its E&IT governance, development, procurement, training, maintenance, and use. This requires active engagement in and regular training in Section 508 compliance by all HUD program and support offices.

HUD aspires to be a leader for Section 508 compliance.

B. Background.

Section 508 of the Rehabilitation Act was enacted to eliminate barriers to E&IT, also referred to generally as information and communications technology (ICT¹). It creates opportunities for individuals with disabilities inside and outside the government and encourages the development of technology products and services using accessible design. Section 508 applies when federal agencies develop, procure, maintain, or use ICT to ensure that federal employees with disabilities have access to and use of ICT that is comparable to the access and use enjoyed by federal employees without disabilities unless doing so would impose an undue burden on the agency.² The statute also includes the same requirement of access to and use of ICT with respect to members of the public with disabilities seeking information or services. The legal obligation to comply with Section 508 is in addition to the legal obligation to comply with Section 501 and Section 504 of the Rehabilitation Act. Section 508 provides a baseline of accessibility that is enhanced for individuals, as appropriate, by actions such as reasonable accommodations, including the provision of assistive technology, made pursuant to Section 501 (for employees) and Section 504 (for employees and members of the public).

This Policy sets forth the scope and application of the law, identifies roles and responsibilities throughout HUD for implementing and ensuring that compliance with Section 508, identifies governance and metrics, outlines the Section 508 complaint process, and identifies additional authorities, guidance, and supporting documentation.

2. SCOPE.

This Directive applies to all components, offices, and organizations in the Department of Housing and Urban Development, including the Office of Inspector General within the Department. The provisions of this Directive shall not be construed to interfere with or impede the authorities or independence of the Department's Inspector General.

¹ Section 508 uses the term electronic and information technology (E&IT) to describe its coverage, and the Section 508 Standards defines E&IT at 36 C.F.R. § 1194.4. The definition of E&IT under Section 508 is consistent with the term "ICT", a term used worldwide. The Architectural and Transportation Barriers Compliance Board (U.S. Access Board) has indicated its intention to change the reference from EIT to ICT in its Notice of Proposed Rulemaking to amend the Section 508 Standards. See: <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/proposed-rule>. This Policy uses the terms interchangeably, but focuses on the use of ICT because of the large constituency that HUD serves. The term "information technology" is defined as "any information technology, equipment, or interconnected system or subsystem of equipment for which the principal function is the creation, conversion, duplication, automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, reception, or broadcast of data or information." (See 36 CFR § 1194.4 *Information Technology*.) Examples of ICT include electronic and digital content, telecommunications products, computers and ancillary equipment, software, smartphones and mobile applications, information kiosks and more.

² The Section 508 regulation provides that an "[u]ndue burden means significant difficulty or expense. In determining whether an action would result in an [undue burden](#), an [agency](#) shall consider all [agency](#) resources available to the program or component for which the [product](#) is being developed, procured, maintained, or used." 36 C.F.R. § 1194.4.

This Policy applies to all HUD offices and to partners and organizations conducting business for, or on behalf of, HUD through contractual relationships, including cooperative agreements. HUD and its offices are required to apply this Policy to all federal employees, contractors, interns, volunteers, and other non-governmental employees working on behalf of HUD. All partners and organizations collecting, maintaining, or developing ICT on behalf of or, for the use of, HUD are also subject to the requirements of this Policy.

This Policy, including all its requirements, applies to all E&IT developed, procured, maintained, or used by HUD on or after the Effective Date identified in Section XI of this Policy. HUD may update this Policy from time to time to accommodate, among other things, technology changes and additional tools for compliance.

3. POLICY.

It is HUD Policy that all ICT developed, procured, maintained, funded, and used by the agency will be accessible to persons with disabilities. Consistent with Section 508 legal requirements, HUD will only employ the narrow exceptions (e.g., undue burden) in the Section 508 regulations when it is unavoidable as determined by the Exceptions Committee discussed below.

To ensure the sustainability of HUD systems, and to assist grantees and other HUD constituents in meeting accessible technology obligations, HUD meets as a minimum, the more stringent provisions of both the Section 508 Standards developed by the U.S. Access Board³ and the Web Content Accessibility Guidelines 2.0, Level A and AA, (WCAG 2.0 AA) published by the World Wide Web Consortium (W3C). Collectively, for purposes of this Policy, the Section 508 standards developed by the U.S. Access Board and WCAG 2.0 AA are “HUD’s 508 Accessibility Standards.”

Section 508, and its implementing regulation, is not the only law affecting HUD’s obligation to ensure that ICT is accessible. Ensuring that technology is accessible, in compliance with Section 508 and HUD’s 508 Accessibility Standards is often the most effective and least costly way to comply with Section 501, which mandates affirmative action in employment practices for persons with disabilities, and Section 504, which prohibits discrimination on the basis of disability, and requires that individuals with disabilities are afforded equal participation in and the full benefit of HUD-conducted and HUD-assisted programs and activities. Ensuring that HUD technologies are accessible also ensures that HUD applicants, grantees, constituents, and members of the public can replicate use of HUD ICT in an

³ The Section 508 Standards developed by the U.S. Access Board can be found [here](#), and are codified at 36 C.F.R. § 1194. WCAG 2.0 can be found [here](#). The Section 508 Standards developed by the U.S. Access Board is generally based on the W3C’s WCAG 1.0 standard. At the time of the development of this Policy, the U.S. Access Board is expected to update the Section 508 Standards to adopt WCAG 2.0 AA. In order to ensure the sustainability of HUD ICT and systems which may have a life for years to come, and to ensure that HUD constituents, many of which are already required to comply with WCAG 2.0 AA requirements, this Policy adopts both standards for HUD systems, and applies the more stringent standard if there is a conflict. The Comparison Table of WCAG 2.0 to Existing 508 Standards found [here](#), published by the U.S. Access Board in 2015, provides helpful guidance on differences between the two standards. Should the U.S. Access Board establish updated standards, this Policy will adopt such standards as the HUD Section 508 Accessibility Standards when the updated standards become effective.

accessible format, and assists such organizations and individuals in meeting their obligations under Section 504, the Americans with Disabilities Act of 1990, and State and local laws. Specifically, under this Policy, and to ensure compliance with existing law, HUD will:

- Ensure that employees, constituents, and members of the public with disabilities have access to and use of ICT that is accessible and comparable to the access and use available to people without disabilities, unless a valid Section 508 exception applies and has been approved consistent with Section 508 and its implementing regulation. When the appropriate authority (i.e., the Section 508 Exceptions Subcommittee) determines that compliance with Section 508 would impose an undue burden, the information and data from the ICT must be provided by an alternate method or format to ensure access to persons with disabilities.
- Ensure, when procuring ICT, that the most compliant product that best meets business needs is sought and selected by following all HUD and Section 508 acquisition compliance and ICT accessibility policies and procedures, including this Policy.
- Ensure that all ICT, including content published on HUD's Internet and Intranet sites, documents launched into Departmental Clearance, e-mail notifications and attachments disseminated to multiple offices regarding HUD events or providing other information, etc., are in compliance with Section 508 requirements and this Policy.
- Monitor and take steps to ensure HUD-funded programs comply with accessibility requirements and this Policy for activities and communications that they electronically deliver.
- Ensure that all IT governance, security, and management processes including Project and Performance Management (PPM) gate reviews include robust Section 508 review criteria, associated subject matter expertise, and necessary remediation efforts.
- Monitor and ensure compliance with this Policy.
- Provide employees and members of the public with a mechanism that appropriately responds to and resolves complaints regarding noncompliance with this Policy and legal requirements.

Exceptions. All ICT covered by this Policy that is not fully compliant with HUD's Section 508 Accessibility Standards must meet a valid exception. All exception requests for Section 508 must be submitted through a HUD-approved process. Exceptions must be approved by Section 508 Officers from the Office of the Chief Information Officer (OCIO), the office responsible for the ICT or ICT process (e.g., procurement), and the Office of General Counsel (OGC). Such representatives will form a Section 508 Exceptions Subcommittee, as described below, to review the requested exception and ensure consistent application of this Policy. An exception request shall include a proposed Section 508 accommodation plan to address, as applicable, the civil rights of employees and members of the public with various disabilities to ensure comparable and equal access to and use of information, which will be consistent with obligations under Sections 501, 503, and 504 of the Rehabilitation Act. ODEEO will participate in the Section 508 Exceptions Subcommittee as such exceptions relate to equal employment opportunity. When Section 508 Officers from OCIO, the office responsible for the ICT, or OGC determine it is appropriate, a specific remediation plan will be developed with the vendor or developer.

4. DEFINITIONS

This Policy incorporates the definitions set forth in the Section 508 regulation at 36 C.F.R. part 1194, as amended.

5. RESPONSIBILITIES.

HUD Section 508 Compliance and Investment Committee. The HUD Section 508 Compliance and Investment Committee (“Section 508 Committee”), as approved by the HUD Executive Operations Committee, governs Section 508 compliance activities and services as an executive oversight committee for HUD. The Section 508 Committee reports to the Executive Operations Committee (“EOC”) pursuant to the EOC Charter, the Section 508 Committee EOC Charter, and this Policy. The Section 508 Committee issues interpretations of and executes the requirements of this Policy, develops additional guidance, and implements HUD’s Section 508 Standards consistent with the EOC Charter.

For Section 508 matters that go beyond the scope of the Section 508 Committee (e.g., IT priority-setting, reviews, financial outcomes, the Section 508 Committee elevates such matters to the Executive Operations Committee and/or involves Section 508 subject matter experts, as appropriate, and consistent with the EOC Charter.

Section 508 Committee responsibilities include:

- Setting the HUD-wide Policy framework for Section 508, including amendments, additions, and changes to the Policy statement;
- Making final authoritative interpretations of Section 508 policy;
- Recommending changes to the EOC to other policies related to the civil rights of persons with disabilities with respect to technology and information access;
- Delegating authority and directing action by HUD offices to implement this Policy; and
- Engaging and retaining subject matter experts, as needed.

The HUD Section 508 Committee includes officers and representatives as further defined below. The offices with a designated Section 508 Officer are: Office of Strategic Planning and Management (OSPM), Office of General Counsel (OGC), Office of Chief Information Officer (OCIO), Office of Public Affairs (OPA), Office of the Chief Human Capital Officer (OCHCO), Office of Fair Housing and Equal Opportunity (FHEO), Chief Financial Officer (CFO), Chief Procurement Officer (CPO), Office of Administration, Policy, Development and Research (PD&R), and Office of Departmental Equal Employment Opportunity (ODEEO). HUD offices with a designated Section 508 Representative are: Housing, Community Planning and Development (CPD), Public and Indian Housing (PIH), Ginnie Mae, Healthy Homes and Lead Hazard Control, Field Policy and Management (FPM), and the Center for Faith-Based and Neighborhood Partnerships.

OSPM Section 508 Officer. OSPM's Section 508 Officer responsibilities include:

- Coordinating execution of Section 508 Committee responsibilities.
- Assisting the Section 508 Council in achieving cross-agency collaboration, implementation, monitoring, and operational excellence.
- Providing oversight through its Grants Management Office for competitive Notices of Funding Availability (NOFAs) and other agency grants management activities, and ensuring that NOFAs and other grant management activities are processed to comply with Section 508.

OGC Section 508 Officer. OGC's Section 508 Officer responsibilities include:

- Providing subject matter expertise on Section 508 legal compliance.
- Advising, counseling, and delivering legal opinions on Section 508 legal compliance.
- Providing counsel in accomplishing Section 508 policy objectives in compliance with legal requirements.
- Serving as a liaison externally on Section 508 legal compliance matters.
- Serving as a liaison to OGC on its compliance with Section 508.

OCIO Section 508 Officer: OCIO's Section 508 Officer responsibilities include:

- Managing IT development, content, and personnel to ensure compliance with HUD's Section 508 Accessibility Standards.
- Providing technical advice and assistance to offices seeking to ensure that ICT under Program office ownership meets Section 508 standards.
- Providing technical advice and assistance to agency users related to assistive technology.
- Performing ICT Section 508 testing and provide recommendations to improve Section 508 compliance.
- Providing periodic HUD Section 508 reporting required by the Office of Management and Budget of all agencies federal-wide.

OPA Section 508 Officer. OPA's Section 508 Officer responsibilities include:

- Ensuring that all web-content managed by OPA, including policy and standards, and public announcements, comply with HUD's Section 508 Accessibility Standards. OPA fulfills this responsibility in coordination with HUD offices responsible for producing, designing, and publishing web content.

OCPO Section 508 Officer. OCPO's Section 508 Officer responsibilities include:

- Ensuring that HUD procurement processes comply with Section 508 and HUD's 508 Accessibility Standards.

- Holding vendors, contractors, and other parties to procurement agreements accountable, through contracting and other mechanisms, to produce Section 508 compliant products and remediating products where necessary.

OCHCO Section 508 Officer. OCHCO’s Section 508 Officer responsibilities include:

- Ensuring that HUD training and employee development programs comply with Section 508 and HUD’s 508 Accessibility Standards.
- Administering recruitment, staffing, position classification and management, pay administration, benefits and retirement counseling, employee and labor relations, performance management, personnel actions processing, maintaining official personnel records, ensuring personal securing, and other human capital programs in compliance with Section 508 and HUD’s Section 508 Accessibility Standards.
- Ensuring that materials released pursuant to the Freedom of Information Act and posted to HUD websites comply with Section 508 and HUD’s Section 508 Accessibility Standards.

FHEO Section 508 Officer. FHEO’s Section 508 Officer responsibilities include:

- Providing subject matter expertise on Section 508 and other fair housing and civil rights policy and compliance.
- Coordinating consistent and appropriate application of Section 508 policy by HUD in its federally-conducted and federally-assisted programs and activities.
- Processing non-employment related Section 508 Complaints in coordination with ODEEO as outlined in this policy.

OCFO Section 508 Officer. OCFO’s Section 508 Officer responsibilities include:

- Employing sound financial management practices to help meet HUD’s Section 508 responsibilities.
- Ensuring that HUD accounting, budget, and financial management systems and operations comply with Section 508 and HUD’s 508 Accessibility Standards.

ODEEO Section 508 Officer. ODEEO’s Section 508 Officer responsibilities include:

- Promoting diversity and inclusion, fostering a workplace culture that respects differences, and empowers full participation of all employees, including employees with disabilities, in all aspects of HUD work life.
- Leading HUD’s efforts to proactively prevent unlawful discrimination, including inaccessibility of HUD ICT.
- Fostering an agency culture to resolve disputes informally and at the lowest levels possible.
- Processing Section 508 Complaints as outlined in this policy and as further detailed in complaint protocols identified in Section X of this Policy.

Office of Administration Section 508 Officer. The Office of Administration's Section 508 Officer responsibilities include:

- Ensuring that facilities, digital telecommunications products, building operations, and ICT for which it has responsibility comply with Section 508 and HUD's Section 508 Accessibility Standards.
- Ensuring that broadcast, digital documents, graphics, and electronic records comply with Section 508 and HUD's Section 508 Accessibility Standards.
- Ensuring that HUD's disaster management and national security responsibilities are carried out in a manner that complies with Section 508.
- Providing field support on Section 508 compliance.

Policy Development and Research Section 508 Officer. The Policy Development and Research Section 508 Officer responsibilities include:

- Ensuring that all HUD web-content and public announcements on PD&R's websites comply with HUD's Section 508 Accessibility Standards. PD&R fulfills this responsibility in coordination with HUD offices and HUD partners responsible for producing, designing, and publishing web content.
- Ensuring that HUD data gathering, collection, procurement, and dissemination activities and processes comply with HUD's Section 508 Accessibility Standards and the requirements of this policy.

Section 508 Representatives. As identified by the Section 508 EOC Charter, Section 508 Representatives to the HUD Section 508 Committee responsibilities include:

- Representing their respective offices at Section 508 Committee meetings.
- Serving as liaisons between their respective offices and the Section 508 Committee to ensure Section 508 compliance within such offices and to raise Section 508 matters during Section 508 Committee meetings.
- Facilitating, with assistance from the Section 508 Committee, Section 508 training opportunities for their respective offices and Section 508 compliance within such offices.
- Ensuring that any cooperative agreements within their respective offices' jurisdiction include appropriate measures to ensure Section 508 compliance, and that any deliverables produced by parties to cooperative agreements comply with HUD's Section 508 Standards and the requirements of this Policy.

Section 508 Exceptions Subcommittee. The Section 508 Subcommittee is comprised of Section 508 Officers from the Office of the Chief Information Officer (OCIO), the office responsible for the ICT or ICT process (e.g., procurement), and the Office of General Counsel (OGC). The Section 508 Exceptions Subcommittee responsibilities include:

1. Reviewing Exceptions requests for ICT that is not fully compliant with HUD's Section 508 Accessibility Standards;
2. Determining whether the request meets a valid exception;
3. Ensuring consistent application of this policy; and
4. Establishing specific remediation plans when appropriate and necessary.

All HUD Staff. All HUD staff have Section 508 and Section 504 responsibilities, which may include, depending on job function and described and further explained in forthcoming protocols:

- Completing Section 508 training when required.
- Adhering to this Policy and associated standards and procedures when developing, procuring, maintaining, or using ICT.
- Ensuring that Section 508 compliance for all content (emails, documents, applications, and files) authored, owned, developed, maintained, and posted/for publication. Publication includes public-facing websites, agency-controlled intranet systems and applications, or distribution via broadcast emails.
- Notifying grantees that grant-funded activities provided through ICT must comply with Section 504 through compliance with Section 508 or other comparable accessibility requirements, such as requirements under the Americans with Disabilities Act.
- Ensuring that contractors and vendors provide complete and accurate HUD Section 508 Certifications, as may be required by HUD policy, for all ICT being developed, procured, maintained, or used by HUD employees and by the public through websites, applications, documents, multimedia, and other ICT.
- Providing clear documentation on conformance of the features and appropriate uses of ICT products to ensure accessibility.
- Ensuring that contractors and vendors properly apply Section 508 requirements to relevant work activities.
- Ensuring that contractors and vendors adhere to this Policy and associated standards and procedures when developing, using, selecting, procuring, or maintaining ICT.

Section 508 compliance requires collaboration, consultation, and coordination between all HUD offices and constituents. Often, roles and responsibilities for Section 508 compliance overlap. HUD achieves and maintains Section 508 compliance through a shared expectation and commitment of cooperation.

6. AUTHORITY.

Authorities and guidance includes:

- [29 U.S.C. § 794d](#) – Section 508 of the Rehabilitation Act of 1973, as amended
- [Public Law 105-220](#) – Workforce Investment Act of 1998
- Federal Information Technology Acquisition Reform Act - Subchapter II of Chapter 113 of Title 40, United States Code
- [36 C.F.R. § 1194](#) – Electronic and Information Technology Accessibility Standards; Final Rule, as amended
- 29 U.S.C. §§ 791, 793, 794 – Sections 501, 503, and 504 of the Rehabilitation Act of 1973, as amended
- Federal Acquisition Regulations; Electronic and Information Technology Accessibility, 48 C.F.R. §§ 2, 7, 10, 11, 12 and 39 [FAC 97-27; FAR Case 1999-607]
- [Web Content Accessibility Guidelines \(WCAG\) Overview](#), [WCAG 2.0](#), [How to Meet WCAG 2.0 \(Quick Reference\)](#)
- [Authoring Tool Accessibility Guidelines \(ATAG\) Overview](#), [ATAG 1.0](#) (Addresses software that creates Web sites.)
- [User Agent Accessibility Guidelines \(UAAG\) Overview](#), [UAAG 1.0](#) (Addresses Web browsers and media players, and relates to assistive technologies.)
- [Accessible Rich Internet Applications \(WAI-ARIA\) Suite Overview](#) (Defines a way to make dynamic web content and web applications developed with Ajax, DHTML, and other Web technologies more accessible.)
- [Independent User Interface \(Indie UI\)](#) (Defines a way for user actions to be communicated to web applications.)
- [Evaluation and Report Language \(EARL\) Overview](#) (Defines a way to express Web site evaluation test results in a platform independent format.)
- W3C [Web Accessibility Initiative Technical Papers](#) (Links to technical papers, including the W3C Note on [Inaccessible Captcha](#) and proceedings from research and development symposia.)
- [Referencing and Linking to WAI Guidelines and Technical Documents](#) (Provides guidance on references and links, along with WCAG links for policies, tools support, and others.)
- [Web Accessibility Tutorials](#) (Provides guidance on how to create specific components of websites to meet WCAG 2.0.)
- [Essential Components of Web Accessibility](#) (Shows how Web accessibility depends on several components of Web development and interaction working together, and how the WAI guidelines (WCAG, ATAG, UAAG) apply.)
- [Web Content Accessibility and Mobile Web \(Making a Web Site Accessible Both for People with Disabilities and for Mobile Devices\)](#)

- [Developing Websites for Older People: How Web Content Accessibility Guidelines \(WCAG\) 2.0 Applies](#)

7. GOVERNANCE AND METRICS.

HUD Section 508 compliance is governed by the Section 508 Committee, which will serve as an executive oversight committee. HUD's Section 508 Committee governs Section 508 implementation in order to achieve consistency in technical methods and processes throughout the agency, identifies best practices, and selects common tools and resources.

HUD Section 508 exceptions will be governed by a Section 508 Exceptions Subcommittee, which will be formed by the Section 508 Officer from OCIO, OGC, and the office responsible for the ICT or ICT process. The Section 508 Exceptions Subcommittee will apply appropriate technological and legal requirements in considering exceptions.

The HUD Section 508 Committee will collect information and data about Section 508 implementation and will produce an annual report. The Section 508 Committee will analyze the information submitted, prepare a summary annually, and publish this summary on an internal HUD website in an accessible format. The information collected will include, at a minimum, the items for the bi-annual OMB Section 508 reports. Additional information may be collected for internal HUD analysis and use. In preparing the OMB Section 508 reports, the Section 508 Committee, through OCIO, will analyze the following metrics:

- Acquisition: Conduct validation of procurement solicitations to ensure incorporation of Section 508 contract language into HUD Statements of Work and Performance Work Statements.
- Agency ICT Life Cycle Activities: Conduct validation of Section 508 requirements to ensure incorporation of HUD's Section 508 Standards and HUD Section 508 Policy requirements into HUD ICT life cycle activities, including enterprise architecture, design, development, testing, deployment, and ongoing maintenance activities.
- Testing and Validation: Testing and validation of Section 508 conformance claims, including vendors.
- Complaint Process: Track and resolve incoming Section 508 complaints.
- Training: Training for stakeholders on roles and responsibilities related to Section 508 compliance.
- Other Conformance Metrics:
 - a. Number of procurement solicitations evaluated and conformance results.
 - b. Number of ICT Life Cycle Reviews conducted and conformance results.
 - c. Number of Internet webpages evaluated and conformance results.
 - d. Number of Intranet webpages evaluated and conformance results.
 - e. Number of client/web applications evaluated and conformance results.
 - f. Number of multi-media files evaluated and conformance results.

- g. Number of mobile applications evaluated and conformance results.
- h. Number of electronic documents evaluated and conformance results.
- i. Number of hardware evaluated and conformance results.
- j. Number of complaints filed and conformance results.
- k. Areas of major progress.

8. COMPLIANCE AND ENFORCEMENT.

Providing accessibility is integral to HUD's mission. Noncompliance with HUD's Section 508 Policy is subject to the same corrective actions applicable to noncompliance with HUD policies generally. After the effective date of this Policy, OCHCO will take appropriate steps to integrate compliance procedures and corrective actions for willful disregard of the requirements of this Policy or pursuant to standards and other directives.

Failure of contractors and vendors to strictly comply with HUD's Section 508 Policy, including any failure to cooperate, may result in the future refusal to contract or procure goods or services. Misrepresentation of Section 508 compliance or failure to provide ICT products or services that meet the proposed and accepted level of conformance is unacceptable. Such actions may result in termination for cause or other actions as specified by applicable regulations and policies.

Failure of grantees to strictly comply with HUD's Section 508 Policy, including any failure to cooperate, may result in the disqualification from further NOFA consideration and other corrective actions. Misrepresentation of Section 508 compliance or failure to provide ICT products or services that meet the proposed and required level of conformance is unacceptable. Such actions may result in termination for cause or other actions as specified by applicable regulations and policies, including NOFA eligibility requirements.

9. COMPLAINT PROCESS.

Section 508 provides that Complaints under Section 508 are to be filed with the Federal department or agency alleged to be in noncompliance. HUD applies the complaint procedures established to implement Section 504 for resolving allegations of discrimination in a federally conducted program or activity.

Note that Section 508 does not limit the rights and remedies available under other parts of the Rehabilitation Act (e.g., Section 501 and Section 504). Therefore, when a federal employee files a complaint under Section 508, that complaint may also constitute a complaint under Section 501 of the Rehabilitation Act for disability-based discrimination, such as failure to provide a reasonable accommodation. Therefore, Section 508 complaints may be pursued both as a complaint about inaccessible ICT via Section 504 procedures AND as a complaint about discrimination/accommodation via Section 501 procedures. Similarly, a Section 508 complaint by a member of the public may also constitute a complaint for disability discrimination, including failure to reasonably modify practices and procedures or failure to provide equally effective communication, under Section 504 and should be handled under both statutes.

Notably, since Section 508 applies accessibility standards that provide basic accessibility to persons with disabilities generally and reasonable accommodations address the needs of specific individuals with disabilities, providing a reasonable accommodation under Section 501 or reasonable modification/effective communication under Section 504 to specific individuals with disabilities will not necessarily satisfy the agency's obligations under Section 508 to ensure that its ICT is accessible.

Roles & Responsibilities

Complainant. Any individual, who is a HUD employee, former HUD employee, or applicant for HUD employment, who wishes to use HUD's ICT, and who alleges a Section 508 violation by HUD and wishes to pursue a Section 508 complaint is responsible for submitting a signed, written statement that provides all necessary and appropriate information to the Office of the Department of Equal Employment Opportunity (ODEEO).⁴

Section 508 Complaint-Receiving Office. ODEEO is responsible for *receiving, recording, and timely reviewing* Section 508 complaints it receives.

Each complaint should be reviewed to determine whether the complaint raises a facially valid Section 508 issue, as well as whether it potentially raises Section 501 (e.g. reasonable accommodation) issues and/or Section 504 (e.g. reasonable modification or effective communication) issues. If a Section 504 issue is identified, HUD will provide a copy of the complaint to FHEO for processing under Section 504. If ODEEO determines that the complaint involves an employee or customer of another federal agency, or a member of the public, ODEEO is responsible for forwarding the complaint to FHEO, as appropriate.

ODEEO is responsible for notifying any office(s) to which it refers the complaint that the complaint is also being forwarded to or kept by any other offices. It is also responsible for providing contact information of the relevant offices in order to facilitate coordination.

ODEEO is responsible for timely notifying the complainant that the complaint has been received and, if appropriate, of any other offices that may also have received the complaint.

ODEEO is responsible for investigating and tracking the Section 508 complaint using HUD procedures for handling complaints against the agency under Section 504. 29 U.S.C. § 794d(f)(2). ODEEO may also apply existing HUD procedures for handling complaints against the agency under Section 501 where Rehabilitation Act authorities beyond Section 508 are involved.

Section 508 complaints may be filed online [here](#).

⁴ FHEO is responsible for resolving Section 504 complaints involving inaccessibility of ICT. See 24 C.F.R. §§ 8.56, 9.170.

For purposes of a Section 508 complaint, timeliness of a complaint will be based on the date the complainant last attempted to access the ICT and found it to be inaccessible.

The investigation must determine:

- whether the challenged ICT is covered by Section 508;
- whether the ICT complies with the Section 508 Standards applicable to the particular technology;
- whether an exception applies;
- whether compliance with the Section 508 Standards would require a fundamental alteration in the nature of a product or its components;
- whether, at the time the ICT was procured, developed, acquired, or used, it was an undue burden to make the ICT accessible (Note: Section 508 requires that undue burden determinations be documented at the time of the purchase/development of the technology, so that documentation should be on file);
- if compliance was an undue burden, whether the information and data involved in the ICT was made available to individuals with disabilities via an alternative means of access;
- if the ICT is a commercial off-the-shelf product, whether, at the time the ICT was procured, a more accessible version was available in the commercial marketplace;

The remedies available for a violation of Section 508 are the same remedies available under Section 504, including making the ICT accessible, providing other injunctive relief, and payment of attorneys' fees.

If the acquisition, development, maintenance, or use of ICT is in violation of the Section 508 requirements, the ODEEO, in consultation with appropriate HUD personnel, will determine an expeditious timeline for the purchase or alteration of the ICT to make it accessible, or for provision of the information and data involved in the ICT via an accessible alternative means.

ODEEO is responsible for coordinating with OCIO and OGC, and other appropriate HUD personnel, to ensure all aspects of the complaint are investigated and to ensure that all remedies called for by the investigation are pursued and completed.

ODEEO is responsible for timely informing the complainant of the status of the investigation, attempting voluntary or informal resolution, as appropriate, and issuing formal and/or informal findings, as called for by HUD's Section 504 complaint process.

FHEO. A Section 508 complaint from a member of the public may also constitute a complaint against the agency under Section 504 of the Rehabilitation Act for disability-based discrimination, such as failure to provide a reasonable modification of policies or failure to take appropriate steps to ensure equally effective communication. For the purposes of this procedure, FHEO is responsible for the following with regard to Section 508 non-employment-discrimination complaints:

- Accepting and investigating non-employment-discrimination complaints filed by members of the public alleging a failure of HUD to comply with Section 504 of the Rehabilitation Act of 1973;
- Coordinating with ODEEO, OGC Office of Fair Housing, and other appropriate HUD personnel regarding the resolution of Section 508 non-employment-discrimination complaints;
- Ensuring that remedies under Section 504 are made available to members of the public who have experienced a technology-related violation of Section 504.

OCIO. For the purposes of this complaint procedure involving HUD employees, OCIO is responsible for the following:

- Providing technical assistance to ODEEO and FHEO regarding Section 508 issues;
- Maintaining and providing to ODEEO, OGC, and FHEO documentation (including undue burden documentation and market research) regarding ICT purchased by HUD;
- Coordinating and implementing all necessary HUD actions prescribed by ODEEO or FHEO for resolving Section 508 complaints;
- Providing non-accessible ICT information and data to individuals with disabilities through an alternate method of access, if appropriate;

Developing required reports and/or coordinating/completing required surveys on Section 508 complaints, and submitting the results for review as appropriate.

10. SUPPORTING DOCUMENTATION, POLICIES, PROCEDURES, AND PROTOCOLS.

The HUD Section 508 Policy will be implemented via the deployment of guidance on process and procedures in the following areas, to be developed by the Section 508 Committee:

1. Remediation Plan
2. Procurement and acquisitions
3. Development of software and systems
4. Web: inter and intranet
5. Digital content
6. Multimedia
7. Training
8. Validation and testing
9. Formal and informal complaints
10. Departmental clearance and pre-clearance activities

11. Reporting and metrics

11. EFFECTIVE DATE.

The effective date of this Policy is the date of signature below.

12. CANCELLATION.

This Policy supersedes all prior policies regarding Section 508, except where the policies are consistent or where other policies provide additional requirements.

13. OFFICE OF PRIMARY INTEREST.

Section 508 Compliance and Investment Committee.

Approved:



Nani A. Coloretti
Deputy Secretary
January 19, 2017