

RESOLUTION

Establishing a Section 504/ADA Grievance Procedure

WHEREAS, Section 504 states, in part, that “no otherwise qualified individual with a disability...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”; and

WHEREAS, the Village of Walton participates in certain programs receiving federal financial assistance and in compliance with said provisions of statute and in the furtherance of general promotion of the rights of those citizens who are protected by those statutes:

NOW THEREFORE BE IT RESOLVED THAT

The Village of Walton hereby adopts an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans With Disabilities Act (ADA) and by the US Department of Housing and Urban Development regulations implementing Section 504 of the Rehabilitation Act of 1972, as amended (29 U.S.C. 794) as follows:

Any person who believes that he or she has been discriminated against in violation of any provision of the Americans With Disabilities Act (ADA) or by the US Department of Housing and Urban Development regulations implementing Section 504 of the Rehabilitation Act of 1972, as amended (29 U.S.C. 794), while in the pursuit of any right or benefit under any program administered by the Village, may file a complaint in accordance with the following procedure.

Complaints must be addressed to the appointed Section 504/ADA coordinator for the Village of Walton, 21 North St, Walton New York 13856. The person who is designated to coordinate Section 504/ADA efforts is: Jody Brown, Village Clerk, with the contact telephone number of (607) 865-4358, and by email at vclerk@stny.rr.com.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within sixty days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, will follow a filing of a complaint. The investigation will be conducted by the current Section 504/ADA coordinator named above. These rules contemplate informal but thorough investigations, affording all interested persons and their representative, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the current 504/ADA coordinator named above, and a copy forwarded to the complainant no later than ninety days after its filing.

5. The Section 504/ADA coordinator will maintain the files and records for the Village of Walton relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days to the current Section 504/ADA coordinator named above.
7. The right of a person to a prompt and equitable resolution of the filed complaint will not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 or ADA complaint with the responsible federal department or agency. Using this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules will be construed to protect the substantive rights of interested persons, meet appropriate due process standards and assure that the Village of Walton complies with the ADA, Section 504 and their implementing regulations.
9. When a person with a disability believes that she has been subjected to a discriminatory housing practice, including a provider's wrongful denial of a request for reasonable accommodation, he or she may file a complaint with HUD within one year after the alleged denial or may file a lawsuit in federal district court within two years of the alleged denial. If a complaint is filed with HUD, HUD will investigate the complaint at no cost to the person with a disability. There are several ways that a person may file a complaint with HUD:
 - By placing a toll-free call to 1-800-669-9777 or TTY 1-800-927-9275;
 - By completing the "on-line" complaint form available on the HUD internet site: <http://www.hud.gov>; or
 - By mailing a completed complaint form or letter to:
Office of Fair Housing and Equal Opportunity
Department of Housing & Urban Development
451 Seventh Street, S.W., Room 5204
Washington, DC 20410-2000