

from an action that can be appealed to the Merit Systems Protection Board (MSPB) can file a complaint under these procedures, or an appeal with the MSPB, but not both. Whichever is filed first, the complaint or the appeal, is considered an election to proceed in that forum.

### Subpart B [Reserved]

## PART 8—NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Subpart A—General Provisions

#### Sec.

- 8.1 Purpose.
- 8.2 Applicability.
- 8.3 Definitions.
- 8.4 Discrimination prohibited.
- 8.5 [Reserved]
- 8.6 Communications.

### Subpart B—Employment

- 8.10 General prohibitions against employment discrimination.
- 8.11 Reasonable accommodation.
- 8.12 Employment criteria.
- 8.13 Preemployment inquiries.

### Subpart C—Program Accessibility

- 8.20 General requirement concerning program accessibility.
- 8.21 Non-housing facilities.
- 8.22 New construction—housing facilities.
- 8.23 Alterations of existing housing facilities.
- 8.24 Existing housing programs.
- 8.25 Public housing and multi-family Indian housing.
- 8.26 Distribution of accessible dwelling units.
- 8.27 Occupancy of accessible dwelling units.
- 8.28 Housing certificate and housing voucher programs.
- 8.29 Homeownership programs (sections 235(i) and 235(j), Turnkey III and Indian Housing Mutual Self-Help Programs).
- 8.30 Rental rehabilitation program.
- 8.31 Historic properties.
- 8.32 Accessibility standards.
- 8.33 Housing adjustments.

### Subpart D—Enforcement

- 8.50 Assurances required.
- 8.51 Self-evaluation.

- 8.52 Remedial and affirmative action.
- 8.53 Designation of responsible employee and adoption of grievance procedures.
- 8.54 Notice.
- 8.55 Compliance information.
- 8.56 Conduct of investigations.
- 8.57 Procedure for effecting compliance.
- 8.58 Hearings.

AUTHORITY: 29 U.S.C. 794; 42 U.S.C. 3535(d) and 5309.

SOURCE: 53 FR 20233, June 2, 1988, unless otherwise noted.

### Subpart A—General Provisions

#### §8.1 Purpose.

(a) The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), to the end that no otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, 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 from the Department of Housing and Urban Development. This part also implements section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309). This part does not effectuate section 504 as it applies to any program or activity conducted by the Department. Compliance with this part does not assure compliance with requirements for accessibility by physically-handicapped persons imposed under the Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157; 24 CFR part 40).

(b) The policies and standards for compliance established by this part are established in contemplation of, and with a view to enforcement through, the Department's administration of programs or activities receiving Federal financial assistance and the administrative procedures described in subparts D and E (including, without limitation, judicial enforcement under §8.57(a)).

#### §8.2 Applicability.

This part applies to all applicants for, and recipients of, HUD assistance in the operation of programs or activities receiving such assistance. Such assistance includes, but is not limited to,