



# HUD Digital Accessibility Policy

U.S. Department of Housing and Urban Development

Office of the Chief Information Officer

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## I. Introduction and Authority

### A. Introduction

Digital technologies are deeply integrated into people’s daily lives, and HUD is committed to ensuring that its Information and Communication Technology (ICT)<sup>1</sup> is equally accessible and usable by everyone, including individuals with disabilities. HUD strives to offer exceptional digital experiences and to be recognized as a model employer. Therefore, we must take the needs of users with disabilities into account when we purchase, design, develop, maintain, or use ICT.

Ensuring ICT is accessible removes barriers for individuals with disabilities and allows them to fully participate in HUD’s programs. Creating a digital environment that supports different abilities, characteristics, and needs also allows everyone to benefit from the contributions of individuals with disabilities and generally increases the quality of ICT.

One way to ensure that the needs of individuals with disabilities are met is to incorporate ICT accessibility considerations into all relevant agency functions by updating policies, procedures, and practices. This policy sets the foundation for that work and aligns HUD’s requirements for digital accessibility with leading Federal practices.

### B. Authority

- Section 508 of the Rehabilitation Act (29 USC 794d, 36 CFR part 1194)
- Section 501 of the Rehabilitation Act (29 USC 791, 29 CFR part 1614)
- Section 504 of the Rehabilitation Act (29 USC 794, 24 CFR parts 8 and 9)
- Clinger-Cohen Act of 1996 (40 USC 11101)
- Federal Information Technology Acquisition Reform Act (P.L. 113-291)
- Federal Acquisition Regulations (FAR - 48 CFR 39.202, 48 CFR 39.204)

## II. Purpose

This directive (referred to throughout this document as the “Digital Accessibility Policy” or “Policy”) establishes HUD’s policy for ensuring full and equal access to HUD’s ICT for

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<sup>1</sup> The phrase information and communication technology (or ICT) is used throughout this policy to align to the government-wide regulations at 36 CFR part 1194, the Federal Acquisition Regulations, and international standards. This phrase has equivalent meaning to electronic and information technology used in 29 USC 794d.

individuals with disabilities. The Digital Accessibility Policy implements Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) and the government-wide regulations which contain the standards established by the United States Access Board at 36 CFR part 1194.

## A. Scope and Applicability

This Digital Accessibility Policy applies to all ICT products and services developed, procured, maintained, or used by HUD. ICT is defined as any information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content (see 36 CFR part 1194, Appendix A).

Examples of items covered by this policy include but are not limited to:

- Electronic documents,
- Hardware, computers, and peripheral equipment,
- Software and applications,
- Web sites, web pages, and web applications,
- Videos and audio recordings,
- Information kiosks and transaction machines,
- Telecommunications equipment,
- Multifunction office machines, and
- Support documentation, help desks, and support services for ICT.

This policy applies to all components, offices, and organizations in the Department of Housing and Urban Development, including the Office of Inspector General within the Department, consistent with the delegations of authority to HUD's Chief Information Officer. The provisions of this Policy shall not be construed to interfere with or impede the authorities or independence of the Department's Inspector General. It applies when conducting business for, and on behalf of, HUD through contractual relationships, grant agreements, or cooperative agreements when using ICT, including the development of ICT for HUD. This policy does not alter any of the authority, powers, or duties related to managing Ginnie Mae and Ginnie Mae's programs delegated by the Secretary to the Ginnie Mae President or other officers of Ginnie Mae, (see Docket No. FR-6238-D-01, Consolidated Delegation of Authority for the Government National Mortgage Association (Ginnie Mae), published in the Federal Register on January 14, 2021).

## B. Cancellation and Effective Date

This Digital Accessibility Policy supersedes all prior HUD policies regarding either digital accessibility or Section 508. The effective date of this Policy is the date of signature below.

HUD may update this Policy to accommodate technology changes, new legal requirements, and additional tools for compliance.

### III. Policy

#### A. General Statement of Policy

Digital accessibility is foundational to delivering high-quality, trusted, and meaningful digital experiences. Therefore, HUD's policy is to design for accessibility by default. This means that accessibility must be incorporated from the very beginning of the design and development of any digital experience and integrated throughout every step of the ICT lifecycle, including qualitative and inclusive research, feature prioritization, testing, deployment, enhancement, and maintenance activities.

HUD will proactively and continuously identify the needs of users with various disabilities when it procures, develops, maintains, or uses ICT. This includes engaging directly with users with different types of disabilities throughout the ICT lifecycle. This will also include a determination of how users with disabilities will perform the functions supported by the ICT and how the ICT will be developed, installed, configured, and maintained to support users with different disabilities (see 36 CFR part 1194, Appendix A, E203).

Only when ICT cannot be made accessible will exceptions be pursued or alternative versions of content be created.

#### B. Technical Standards for Determining Compliance

HUD's policy is to strive for the greatest accessibility possible and to encourage advances in the technology landscape that improve access for everyone. HUD requires that all ICT developed, procured, maintained, funded, and used by the agency will be accessible to individuals with disabilities.

To ensure the sustainability of HUD systems, and to assist grantees and other HUD constituents in meeting accessibility obligations, HUD ICT procured, developed, or maintained after the effective date of this policy will meet as a minimum, the more stringent provisions of both the Section 508 Standards developed by the U.S. Access Board and published at 36 CFR part 1194, and the Web Content Accessibility Guidelines 2.2, Level A and AA, (WCAG 2.2 AA) published by the World Wide Web Consortium (W3C). Should the U.S. Access Board establish updated standards, this Policy will adopt the updated standards as the HUD Section 508 Accessibility Standards when the updated standards become effective. In addition, it is HUD's policy to publish electronic content as HTML or other accessible formats. HUD staff preparing electronic content shall minimize the use of PDF for electronic content. HUD staff are encouraged to take additional steps

beyond meeting the minimum conformance requirements to continuously improve usability and accessibility for all users.

For ICT existing before the effective date of this policy that has not been altered or modified since this policy’s effective date, the standards in effect are those found at 36 CFR part 1194 and WCAG 2.0 AA. Modification or alteration means a change to existing ICT that affects interoperability, the user interface, or access to information or data. See the table below.

*Table 1: ICT standards based on modification date*

<b>When ICT last altered?</b>	<b>Applicable Standard</b>	<b>Comments</b>
Prior to January 18, 2018	Standards contained in Appendix D to 36 CFR part 1194	To support this exception, documentation must exist that demonstrates conformance with the standards in Appendix D prior to January 18, 2018, and that such ICT has not been altered.
Prior to effective date of this policy	36 CFR part 1194 and WCAG 2.0AA	This is the version of 36 CFR part 1194 published in January 2017.
On or after effective date of this policy	36 CFR part 1194 and WCAG 2.2AA	This includes any future versions of 36 CFR part 1194 that may be published by the U.S. Access Board

Section 508 and its implementing regulation are not the only laws affecting HUD’s obligation to ensure that ICT is accessible. Ensuring that technology is accessible, in compliance with Section 508 and this policy is often the most effective and least costly way to comply with Section 501 of the Rehabilitation Act, which requires that federal agencies provide equal opportunity in employment and mandates affirmative action and nondiscrimination in the recruitment and employment of applicants and employees with disabilities. The same is true for complying with Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in HUD-conducted and HUD-assisted programs, and requires that individuals with disabilities are provided full and equal access to HUD programs and activities and appropriate auxiliary aids and services, such as accessible ICT, to ensure effective communication.

Consistent with Section 508 legal requirements, HUD will only narrowly employ the exceptions to these standards available under the Section 508 regulations (e.g., undue burden) when it is unavoidable. Exceptions are more fully discussed in Section IV.

The Digital Accessibility Program Manager may grant extensions to the start date of complying with the version 2.2AA standards in whole or in part. If an extension is granted, the ICT must still comply with 2.0AA, which is the minimum Federal standard for accessibility. Extensions may be most appropriate where existing contracts require performance specifically to WCAG 2.0AA and a modification to the contract is not possible. For ICT procured via a contract prior to the effective date of this policy, extensions may be granted for the term of the contract, if the extension is less than 5 years.

### C. Establishment of HUD's Digital Accessibility Program

HUD has established a digital accessibility program to ensure continuity in the delivery of accessible ICT. Consistent with that guidance, HUD's Digital Accessibility Program is responsible for:

- Monitoring, evaluating, inventorying, conducting agency-wide reviews, and taking other necessary steps to ensure compliance with this policy across HUD,
- Developing and updating policies on digital accessibility, including this Policy,
- Supporting the integration of accessibility considerations into ICT lifecycle activities,
- Hosting outreach, awareness, and training opportunities on digital accessibility,
- Fostering collaborative working relationships and establishing working groups that include employees with disabilities and other staff from offices that support or engage users with disabilities,
- Regularly engaging with employees and stakeholders who are individuals with disabilities and coordinating the collection, documentation, and sharing of the needs of users with disabilities,
- Sourcing, developing, and sharing guidance, best practices, lessons learned, and materials for use HUD-wide,
- Managing a framework for the establishment of remediation plans and tracking progress in improving the accessibility of HUD's ICT,
- Managing operation of the Digital Accessibility Committee,
- Maintaining the official inventory for all exceptions approved in accordance with Section IV, including supporting documentation,
- Support inquiries and investigations conducted by other offices about the accessibility of HUD's ICT,

- Managing a process to ensure responses are provided to digital accessibility-related feedback, concerns, inquiries, and complaints submitted to HUD by members of the public, job applicants, and employees, and
- Preparing official agency reports and representing the agency in external-facing interactions related to digital accessibility.

#### D. Digital Accessibility Committee

This Policy authorizes the creation of a Digital Accessibility Committee (DAC), chaired by the Executive designated by the CIO with responsibility for the leadership and direction of HUD's Digital Accessibility Program. The DAC will have one permanent sub-committee for the purpose of reviewing requests for exceptions and will establish other sub-committees and working groups as needed to effectuate the work under this Policy.

The primary purpose of the DAC is to serve as an executive oversight and coordination committee for HUD's efforts to improve digital accessibility. The DAC directs the development or revision of agency-wide guidance needed to ensure that digital accessibility is integrated throughout all relevant agency functions. The DAC helps ensure that accessibility needs are incorporated into HUD's budget, strategic, and IT capital plans.

The Digital Accessibility Committee's charter will be published and will define the specific membership of offices and functional areas. The DAC will have Officers from those areas and functions with a direct responsibility for the management of ICT at HUD, such as those representing legal, procurement, human capital, and technology expertise. The DAC will also have Members who represent HUD's programmatic and support functions and are involved in the creation, maintenance, and use of HUD's ICT.

The exceptions sub-committee provides expert analysis and recommendations to HUD's Digital Accessibility Program Manager regarding exceptions to Section 508, consistent with the policy contained in Section IV. The Exceptions Sub-committee has permanent members of OGC, OCIO, and OCPO. Concurrence of the permanent members is required for an exception to be approved.

#### E. Designation of Digital Accessibility Coordinators

This policy authorizes the designation of Digital Accessibility Coordinators in each program and functional office by that Office's General Deputy Assistant Secretary, or equivalent. HUD's Digital Accessibility Program will set requirements for specific training, certification, or other qualifications for these Coordinators. These coordinators will:



- Establish an annual digital accessibility roadmap for the program or functional area aligned with HUD’s roadmap and strategic plan,
- Establish office-level practices and procedures, consistent with HUD-wide guidance,
- Develop remediation plans for any inaccessible ICT identified and within the office’s control and coordinate reporting with the Digital Accessibility Program,
- Coordinate training, technical assistance, and support to staff within the program area,
- Support program area procurement activities for ICT, including participation in market research, solicitation development, or technical evaluation panels for procurements,
- Provide review and consulting of ICT to their respective program office,
- Review and submit requests for exceptions to the Exceptions Sub-Committee,
- Validate and report data on ICT inventories to the Digital Accessibility Program,
- Forward inquiries and formal complaints to the Digital Accessibility Program, and
- Support the collection, consolidation, or analysis of the program or functional office’s data needed to meet HUD-wide reporting requirements.

## F. Monitoring, Evaluation, Remediation, and Resolution

For digital accessibility efforts to be successful, HUD must regularly evaluate, monitor, collect feedback, and measure accessibility efforts and take actionable steps to remediate non-conformance. Accessibility testing and monitoring helps HUD reduce the risk of implementing inaccessible technology and ensures issues are resolved as quickly as possible. This type of continuous improvement enables HUD to become more adaptable and resilient, realize cost-savings, and provide a digital experience our employees and members of the public deserve.

### *Monitoring and Evaluation*

HUD will ensure that systems are in place to monitor conformance with the Section 508 standards published by the Access Board.

The Digital Accessibility Program will establish a risk-based framework to assist those with responsibility for ICT in prioritizing the review of existing electronic content for accessibility or remediation based on the size of the target audience, frequency of user access, and criticality to the agency and users.

The Digital Accessibility Program will collaborate with other areas across HUD that have control and governance points for ICT to ensure those critical controls are in alignment with this policy. These monitoring systems will follow the entire software development lifecycle, including enterprise architecture reviews; IT program reviews; acquisition, design, development, production release reviews; and change control.

The Digital Accessibility Program will conduct regular compliance reviews, analyses, evaluations, or other actions needed to advance the goals of this policy.

The Digital Accessibility Program will coordinate the development and implementation of standardized processes for testing and evaluating ICT products, services, and websites to ensure they (as well as any updates or upgrades) meet the standards.

HUD will develop and publish processes and procedures for conducting automated and manual testing of different types of ICT to help ensure conformance with the standards required by this policy. Until such time as HUD develops tailored testing processes for web content, users shall follow the minimum requirements found in the [ICT Testing Baseline for Web](#) to assist in determining web content conformance with Section 508 standards.

### *Remediation*

When ICT is determined to be non-conformant with standards described in this policy, the responsible parties must develop a remediation plan that details how it will expeditiously improve the accessibility of the ICT. Some changes can be made quickly, while others may require more time. Remediation plans must be maintained electronically by the Digital Accessibility Coordinators and are subject to review and oversight by the Digital Accessibility Program.

Digital Accessibility Coordinators should track progress against remediation plans and should consult with the Digital Accessibility Program on risks. For high-risk ICT, the status of remediation may be elevated to the DAC for coordination and tracking. The DAC will establish thresholds for reporting to that committee.

### *Resolution*

Providing accessibility is integral to HUD's mission. Noncompliance with HUD's Digital Accessibility Policy is subject to the same corrective actions applicable to noncompliance with HUD policies generally. After the effective date of this Policy, the Office of the Chief Human Capital Officer (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.

Consistent with Section II of this Policy, failure of contractors and vendors to strictly comply with HUD's Digital Accessibility 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. This may result in actions, including termination for cause, or other remedies available under applicable regulations and procurement policies.

Failure of grantees to strictly comply with this Policy, including any failure to cooperate, may result in the disqualification from further notice of funding opportunities (NOFO) 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 NOFO eligibility requirements.

## G. Assistive Technology

Assistive technology is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities. ICT must directly or by supporting the use of assistive technology provide access to all functionality of the ICT for individuals with disabilities. For example, to use a word-processing program that does not already include an accessibility function, a person who is blind may need add-on software that reads text aloud. Other examples of assistive technology include magnifying software, refreshable braille displays, speech recognition software, text telephones (TTY/TDD), and video relay services. HUD must provide assistive technology to employees and HUD job applicants with disabilities (i.e., any accessibility-related software, hardware, or peripheral devices), as a reasonable accommodation when necessary to allow the individual to apply for a job, perform a job, or enjoy the same benefits as other employees. HUD must also provide assistive technology when necessary to ensure effective communication with members of the public and/or as a reasonable accommodation to ensure equal access and participation by individuals with disabilities in HUD programs. For additional information, refer to HUD's assistive technology policy and reasonable accommodation handbook.

## IV. Exceptions and Exemptions Process and Guidelines

The Section 508 regulations at 36 CFR part 1194 anticipate the need for exceptions and expressly provides for such exceptions when appropriate. As Section 508 is a statutory requirement, HUD does not have the authority to grant waivers to the requirements for ICT that does not conform and that does not meet one of the defined exception categories.

Because of HUD's strong commitment to improving access for all, HUD's policy is that exceptions are granted only when deemed unavoidable. While exceptions may be requested for any type of ICT, they will generally be inapplicable to electronic content because it is rarely the case that electronic content will satisfy one of Section 508's defined compliance exceptions. HUD will not grant class exemptions to particular types of ICT, as each exception request must consider the specific ICT on a functional performance or

component basis against particular standards in the context in which it is being used. Exceptions should be granted before ICT is procured, developed, or deployed to users.

Note, however, that Section 508 requirements and this policy only apply to items that meet the definition of ICT. A determination of whether a particular product is ICT is fact dependent. Requests for determination of whether something is ICT can be made through the DAC. An appeal of the DAC's decision can be made to the CIO, who retains final authority for making such determination.

## A. Types of Exceptions

Valid exceptions must meet one of the categories described in 36 CFR part 1194:

Exceptions that cover the entirety of ICT

- E202.3 National Security Systems Exception, and
- E202.4 Federal Contracts Exception.

Limited exceptions

- E202.2 Legacy ICT Exception,
- E202.5 ICT Functions Located in Maintenance or Monitoring Spaces Exception,
- E202.6 Undue Burden or Fundamental Alteration Exception, and
- E202.7 Best Meets Exception.

### *1. Exceptions that cover the entirety of ICT*

Section 508 of the Rehabilitation Act specifically exempts national security systems as defined by 40 USC 11103(a). The US Access Board has also determined that ICT that is acquired by the vendor incidental to a contract, and that is used *only* by employees of the contractor is not covered by Section 508. If the ICT acquired by the vendor will at any time revert to government ownership, if the government directly procures the ICT, or if members of the public or government employees use the ICT, this exemption does not apply. As these are both categorical exceptions, there is no requirement under Section 508 that alternative means be provided to users with disabilities. However, HUD may have additional responsibilities to users with disabilities under other laws.

### *2. Limited exceptions*

A limited exception will only be granted for the components or portions of ICT that can be shown to meet the requirements of the exception category. For a limited exception to cover the entirety of ICT, therefore, each component and function must be independently shown to meet the requirements of the exception. The official requesting a limited exception must prepare additional documentation and analysis. For all categories of limited exceptions,

this analysis must document the specific standard that cannot be met and the potential impact on individuals with disabilities.

For all limited exception categories other than ‘ICT Functions Located in Maintenance or Monitoring Spaces’, documentation must also describe how the data and information will be made available to users with disabilities and will require the establishment of mitigation and monitoring plans. Officials requesting an exception are encouraged to work with the Digital Accessibility Program in advance to identify the needs of individuals with disabilities affected by each exception and develop a plan to meet these needs through alternative means. Alternative means may include assistive technology or different technologies and reasonable accommodations.

Additional requirements for specific categories of exceptions are described below. Complete details of the specific documentation required for each category of exception will be developed by the Exceptions Sub-Committee and published by the DAC, consistent with this Policy.

#### Legacy ICT

For HUD to approve an exception for Legacy ICT, documentation must exist that the ICT was purchased, developed, maintained, or used by HUD before January 18, 2018. The documentation must also show that at that time, and today, it conforms to the original Section 508 Standards. This exception only applies to the component(s) of the ICT determined to be compliant with the original standards on or before January 18, 2018, and only to the extent that such components of the ICT have not been altered after January 18, 2018. If a component for which a legacy exception was granted is subsequently altered, that component must then conform to HUD’s standards described in Section III.

#### ICT Functions Located in Maintenance or Monitoring Spaces

This exception is limited to only status indicators and operable parts for ICT. The status indicators or operable parts must be located in a space that is only frequented by service personnel for maintenance, repair, or occasional monitoring of the equipment. This exception only applies to hardware or physical equipment. This exception cannot be granted for software or electronic content.

#### Undue Burden or Fundamental Alteration

This exception applies only to the specific features or functions of the ICT that cannot be made to conform without posing an undue burden on HUD or fundamentally altering the inherent design of the ICT to the extent that it no longer meets HUD’s business needs. Undue burden exceptions only apply in rare circumstances. HUD will consider the resources available to the entire agency and the technical difficulty of making the ICT

conformant when deciding if this exception may apply. Documentation must include an analysis of why and to what extent compliance with the requirements would create an undue burden or result in fundamental alternation in the nature of the ICT. The request must include market research and analysis of alternative conforming products. A request for a fundamental alternation exception must also describe how such alteration if made would cause the technology to no longer meet the business need supported by the ICT. When HUD grants this exception, the party responsible for the ICT must provide an alternative means for users with disabilities to access and use the information and data before the ICT is made available to users. When approving this exception, the Exceptions Sub-Committee will clearly define the boundaries of the exception – all other portions of the ICT not covered by the exception must conform to the standards.

### Best Meets

This exception may apply to ICT that is acquired through a procurement action, through a licensing agreement, or through some other method. This exception will only be approved when there is no ICT that fully conforms to the standards and is commercially available. If the market research shows that there is a fully-conformant ICT option that meets the agency's business needs, then a less conformant product cannot be selected. If there are no fully-conformant products available, HUD must acquire the most conformant of the alternatives. Supporting documentation must include the market research performed, the basis used for determining which ICT best meets the standards when multiple alternatives are available, and basis used for determining that there were no fully conformant ICT solutions that support the business needs. This exception only applies to the product in its commercially available state. If HUD customizes, alters, or otherwise modifies the ICT, additional requests for exceptions may be required. Note, a difference in costs between a more and a less conforming product is not a valid basis for this exception. For costs to be considered, the requiring official must submit exception requests with appropriate supporting documentation under both Best Meets and Undue Burden categories. When this exception is granted, HUD must provide an alternative means for users with disabilities to access and use the information and data before the ICT is made available to users. When approving this exception, the Exceptions Sub-Committee will clearly define the boundaries of the exception – all other portions of the ICT not covered by the exception must conform to the standards.

## B. Processing and Administration of Exceptions

### *1. General Procedures*

In those cases where the standards for ICT cannot be met, either because it is not technically feasible or because due to special circumstances meeting the Standard would require extraordinary measures, a request for the granting of one of the six categories of exceptions defined above may be made to the Exceptions Sub-Committee by the program or functional area Digital Accessibility Coordinator, or the General Deputy Assistant Secretary (GDAS) or equivalent for offices lacking a coordinator.

Exceptions generally must be approved and in place before ICT is procured, deployed, or in use. Once inaccessible ICT is made available to users without a proper exception in place, individuals with disabilities may not have comparable access to the information and data it contains.

The Exceptions Sub-Committee will develop necessary forms or procedures to aid in the consistent and timely review of exception requests. The DAC will publish minimum information needed for an exception request package, consistent with the requirements in 36 CFR part 1194 and this Policy. At a minimum, the information required for exceptions that do not cover the entirety of ICT will include the specific standard not met, impact to users with disabilities, and plan for making the content and functionality available to users with disabilities in an equally effective and accessible alternative manner.

The Exceptions Sub-Committee will review the documentation provided and issue a written determination on whether to approve or reject the request. To be approved, the OCIO, OGC, and OCPO permanent representatives of the Sub-Committee must all concur on granting the exception.

The Exceptions Sub-Committee will route the decision to the Digital Accessibility Program and the requestor for required actions. HUD's Digital Accessibility Program will maintain the official repository of HUD exceptions and will notify program area Digital Accessibility Coordinators or other responsible officials when those exceptions are expiring.

### *2. Expiration of Exceptions*

The duration of approval for exceptions will be determined on a case-by-case basis by the Exceptions Sub-Committee. As technology continuously advances, exceptions will not be granted for more than 5 years at a time.

Any exceptions approved prior to the effective date of this policy, will expire either 12 months from the effective date of this policy or when the ICT covered by the exception is next purchased or altered, whichever occurs first.



Additionally, upon new discovery of new facts or advances in technology, such as may be identified through market research, user inquiries, or administrative complaints, the Digital Accessibility Program Manager or the DAC may refer ICT with an already approved exception to the Exceptions Sub-Committee for re-review. The Exceptions Sub-Committee will work with the office responsible for the ICT and evaluate whether a continued exception is justified. The Sub-Committee then will make a determination whether to rescind, amend, or keep the exception as-is.

## V. Inquiries and Formal Complaints

The objective of the inquiries and complaints process is to provide employees, former HUD employees, applicants for employment with HUD, and members of the public with a mechanism that appropriately responds to and resolves concerns regarding noncompliance with Section 508 of the Rehabilitation Act and associated nondiscrimination requirements.

### A. Inquiries

Individuals who have concerns with the accessibility of HUD's ICT or believe that ICT accessibility could be improved may submit an inquiry to HUD's Digital Accessibility Program via email at [508@hud.gov](mailto:508@hud.gov). The inquiry should describe the accessibility issue encountered in sufficient detail for HUD to be able to identify and test the barrier. An inquiry may be filed anonymously, but if the individual would like a response or requests technical assistance, the individual should provide a preferred method of contact. The Digital Accessibility Program continuously updates HUD's inventory of ICT and will coordinate with the responsible program or functional office Digital Accessibility Coordinator to determine if the ICT can be improved or to create an alternative format to an electronic document. Depending on the situation, the Digital Accessibility Program may conduct its own review of the ICT or refer Inquiries that may rise to the level of a complaint to ODEEO or FHEO for a compliance review or investigation.

### B. Compliance Reviews and Formal Complaints

#### *1. Submitting Complaints*

Any individual who believes that HUD is developing, procuring, maintaining, or using electronic and information technology that does not provide individuals with disabilities with 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 in violation of Section 508 of the Rehabilitation Act may file an administrative complaint with the Agency. Individuals



who wish to file a complaint should submit a signed, written statement that identifies the ICT in question and the date the EIT item was last accessed, describes the nonconformance issues of the ICT in question, and describes the remedy sought. Individuals should include their name, contact information, and preferred method of contact on the statement. If needed, individuals with disabilities may request a reasonable accommodation during the complaint process.

Section 508 complaints may be emailed to HUD's Digital Accessibility Program at [508@hud.gov](mailto:508@hud.gov). Section 508 complaints from HUD employees or applicants for employment with HUD may also be filed directly with the Office of Departmental Equal Employment Opportunity (ODEEO) via telephone at (202) 708-5921 or via email at [EEO@hud.gov](mailto:EEO@hud.gov). Members of the public may also directly file a Section 508 complaint with the Office of Fair Housing and Equal Opportunity (FHEO) at any HUD Area Office or by mail, addressed to 451 Seventh St., SW., Washington, DC 20410. Additional information about FHEO's complaint process, including alternative contact information, can be found at [Contact FHEO | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#).

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 formal Section 508 complaint process applies to ICT that HUD procures, develops, maintains, or uses. Individuals should not use this process to bring complaints against other federal agencies, grantees, owners, or other HUD assisted providers that procure, develop, maintain, or use nonconformant ICT.

If HUD receives a complaint where it does not have jurisdiction, it will promptly notify the complainant and make reasonable efforts to refer the complaint to the appropriate entity.

## *2. Processing of Complaints*

HUD will process Section 508 complaints using the same procedures used to process Section 504 complaints (i.e., complaints involving allegations of discrimination in programs or activities conducted by HUD). Those procedures are described at 24 CFR 9.170.

A Section 508 complaint may give rise to a complaint of employment discrimination under Section 501 of the Rehabilitation Act or disability discrimination under Section 504 of the Rehabilitation Act. The 508-complaint receiving office will promptly notify OGC of the complaint, who will review the complaint to determine if it involves an allegation of discrimination by an employee of HUD, former employee of HUD, or applicant for employment with HUD under Section 501 of the Rehabilitation Act, or a member of the public under Section 504 of the Rehabilitation Act. If the complaint raises an allegation of employment discrimination, a copy of the complaint will be forwarded to ODEEO for

processing. If the complaint raises an allegation of disability discrimination, a copy of the complaint will be provided to FHEO for processing. The office who forwards a complaint has the responsibility of informing the complainant of that action and of providing the contact information of the receiving office.

Because the violations are of separate laws, resolution of one does not necessarily resolve the other, and the claims will be processed in parallel. An individual does not have to file a Section 501 or 504 discrimination complaint to file a Section 508 complaint. Similarly, Section 508 does not limit the rights and remedies available to individuals under other parts of the Rehabilitation Act. For example, resolution of a Section 501 or 504 complaint may result only in remedies specific for that individual, such as a reasonable accommodation or back pay – it may not result in changes to the ICT. The goal of the 508 inquiry and complaint process, by contrast, is to ensure that ICT is accessible for everyone. One of the Digital Accessibility Program’s key responsibilities in the complaint process, therefore, is the tracking and reporting the status of remediation of the inaccessible ICT.

Once a formal complaint has been accepted for investigation by HUD, FHEO or ODEEO will coordinate with the Digital Accessibility Program on technical matters related to the ICT. The Digital Accessibility Program will be responsible for providing guidance on the interpretation of technical and functional performance criteria for accessibility, assisting in or coordinating the testing of ICT, reviewing or providing documentation on exceptions, and providing input into strategies for remediation of any ICT found to be non-compliant.

As many Section 508 complaints implicate other civil rights law, coordination is required between ODEEO, FHEO, OGC, and the Digital Accessibility Program to ensure all aspects of the complaint are investigated and to ensure that all remedies called for by the investigation are pursued and completed. As needed, the Digital Accessibility Program will establish memorandums of understanding (MOU) with ODEEO and FHEO regarding the roles of various offices in addressing inaccessible ICT.

### *3. Resolution of Complaints*

HUD’s policy is to resolve complaints at the lowest level possible. Section 508 Complaints resolved informally will identify the specific agreed upon remedies, timelines, and corrective actions. As part of the informal complaint resolution process, the Digital Accessibility Program or FHEO may elect to conduct a compliance review of the ICT and associated process. These reviews are systematic, planned examinations conducted to assess and evaluate HUD’s ICT policies, procedures, and practices to determine compliance with applicable statutes, regulations, and standards. The primary goal is to obtain and maintain compliance with these requirements. A summary of the results will be

provided to the complainant and serve as the basis for remediation plans developed and implemented by the program or functional area Digital Accessibility Coordinator.

Section 508 Complaints resolved formally will include written findings and conclusions of law establishing a violation of Section 508 that include a description of the remedy offered for each violation found, and a notice of the right to appeal. 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. The Digital Accessibility Program, in concert with ODEEO or FHEO, is responsible for ensuring that remedies available under Section 508 are available to any individual with a disability who has experienced a violation of Section 508.

FHEO will ensure that remedies under Section 504 are made available to members of the public who have experienced a technology-related violation of Section 504.

ODEEO will ensure that remedies under Section 501 are made available to employees, former HUD employees, and applicants for employment with HUD who have experienced a technology-related violation of Section 501.

If the acquisition, development, maintenance, or use of ICT is in violation of Section 508 requirements, the Digital Accessibility Program, 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. The Digital Accessibility Program has the responsibility of tracking the status of remediation plans and informing the complainant, FHEO, or ODEEO of progress in providing conforming ICT. For the highest risk categories of ICT, remediation plans may be elevated to the DAC for monitoring and to ensure proper weight is given to prioritization of the remediation during IT prioritization, planning, and budgeting processes.

## VI. Roles and Responsibilities

It takes a collective effort to make our ICT is accessible for everyone. All staff can integrate inclusive practices into their approach to work. Whether that is through increasing your awareness by attending trainings, by promoting the needs of individuals with disabilities when designing products and services, or in giving feedback when encountering barriers, everyone's role is important.

## A. Offices with Primary Responsibilities

### 1. Chief Information Officer

- Establishes the HUD-wide Digital Accessibility / Section 508 program, provides leadership of the program, ensures the program is adequately resourced, and designates the Executive with operational responsibility for HUD's digital accessibility program who then appoints HUD's Digital Accessibility / Section 508 program manager.
- Ensures the digital accessibility program manager has sufficient delegated authority, support, and resources.
- Consistent with the CIO's responsibilities under 40 USC 11319, the CIO, in consultation with OGC, is responsible for making the final determination of whether a product is ICT and therefore subject to Section 508 requirements.
- Ensures Section 508 accessibility considerations are incorporated into the planning, operation, and management of any ICT that is developed, used, or maintained by HUD.
- Ensures Section 508 requirements are incorporated into any ICT that is procured by the agency, in collaboration with HUD's Chief Procurement Officer.
- Ensure that all IT governance processes, including Project and Performance Management (PPM) gate reviews, include robust Section 508 review criteria, associated subject matter expertise, and necessary remediation efforts.
- Ensures that Section 508 requirements are considered in the HUD IT acquisition and development lifecycles, including enterprise architecture, cyber security, design, development, testing, deployment, maintenance, and decommissioning.

### 2. Digital Accessibility Program Manager

- Manages HUD's Digital Accessibility and Section 508 Program, to include developing and maintaining HUD policies, standards, guidance, and best practices to ensure HUD meets Section 508 goals and objectives.
- Supports the agency's efforts to create an accessible and inclusive ICT environment for all employees, HUD job applicants, and members of the public with disabilities.
- Ensures that the needs of users with disabilities are identified when HUD procures, develops, maintains, or uses Information and Communication Technology (ICT). This will include a determination of how users with disabilities will perform the functions supported by the ICT and how the ICT will be developed, installed, configured, and maintained to support users with disabilities.
- Manages and maintains a public-facing feedback mechanism for websites and digital services that allows reporting to the Digital Accessibility Program and to relevant implementation teams.

- Manages and maintains the mechanism for members of the public, HUD job applicants, or employees with disabilities to file a formal complaint about violations of Section 508.
- Partners with program and functional office Section 508 coordinators to ensure HUD implements activities consistent with Section 508 goals and objectives.
- Coordinates and collaborates with other staff responsible for Rehabilitation Act compliance, including the provision of reasonable accommodations.
- Promotes coordination across HUD, including establishing working groups.
- Represents HUD in Section 508 Program Managers' meetings or Interagency Accessibility Forums.
- Supports the executive Chair and provides administrative support to the DAC.
- Defines minimum expectations for how Section 508 compliance will be addressed in acquisition, development, authoring, configuration, deployment, and maintenance.
- Defines minimum expectations for when and how Section 508 conformance testing will be performed.
- Leads and manages any HUD-wide contracts for testing and remediation services.
- Monitors HUD-wide inventory of ICT and maintains metadata on accessibility status.
- Maintains a program for audits, assessments, evaluations, or reviews of ICT for compliance with Section 508 standards and policies.
- In collaboration with OCHCO, identifies training, skillset, and professional development needs to advance compliance with digital accessibility requirements.
- Authors and submits formal agency reports on the status of including the annual government wide maturity assessment.
- Provides consultation to, or participates in, agency capital planning and/or business case development and IT governance to ensure ICT activities appropriately integrate Section 508 compliance across the IT and acquisition lifecycles.

### *3. Chief Procurement Officer*

- Ensures that Contracting Officers and Contracting Officers' Representatives follow Federal Acquisition Regulation (FAR) sections 11.002(f) and 39.203 that require agencies to ensure that Section 508 standards are incorporated into the acquisition lifecycle. This includes acquisition planning, market research, solicitations, evaluations, and contract management, as appropriate.
- Establishes acquisition policies, templates, and procedures consistent with this Policy.
- Ensures Section 508 requirements are incorporated into any ICT that is procured by the agency, in collaboration with the agency Chief Information Officer (CIO).
- Includes applicable Section 508 accessibility standards in acquisition planning and requirement documents.

- Requires that Procurement Officials ensure that all digital service and technology procurements are evaluated for Section 508 conformance.
- Verifies that products or services delivered under an agreement meet the accessibility terms and conditions included in a contract prior to accepting deliverables.
- Ensures that solicitations that include ICT make use of the Accessibility Requirements Tool (ART) and the Solicitation Review Tool (SRT) for procurements that include ICT.
- Ensures procurement policies, HUD acquisition regulation clauses, directives, templates, and practices are in alignment with HUD's digital accessibility policy.
- Coordinates with the Digital Accessibility Program and OCIO to ensure that any ICT procured is inventoried, tracked, and documentation maintained sufficient to allow for assessment or reporting.
- Informs the Digital Accessibility Program when material issues are raised about non-conformance of ICT.
- Works with the Digital Accessibility Program and program or functional area digital accessibility coordinators to establish and tracking remediation plans or pursue remedies against vendors that provide inaccessible ICT.

#### *4. Office of Public Affairs*

- Establishes policies and procedures that ensure that HUD's websites and other digital properties are accessible to individuals with disabilities.
- Assists the Digital Accessibility Program in promoting the program and the benefits accessibility brings to helping HUD achieve its mission.
- Regularly reviews web traffic and associated analytics to help prioritize sites and electronic content for remediation.
- Supports program and functional area web managers and other digital content creators in designing accessible sites and digital experiences.
- Provide recommendations and implements design systems that promote digital accessibility.
- Develops standards for web managers, social media usage, and related public-facing communications that align with this Policy.
- Promote and support the use of HTML and other formats that are more natively accessible for the dissemination of HUD's information.

#### *5. Office of General Counsel*

- Provide legal counsel and make legal determinations regarding the application of Section 508.
- Provide legal counsel on privacy and confidentiality requirements related to inquiries and complaints.

- Provide legal counsel to the Office of Fair Housing and Equal opportunity on compliance with Section 504 of the Rehabilitation Act of 1973.
- Pursue all appropriate remedies necessary to achieve compliance with the Rehabilitation Act.

## B. Other Offices with Specific Responsibilities for Digital Accessibility

### 1. Office of Departmental Equal Employment Opportunity

- Responsible for coordinating obligations to applicants for employment, former HUD employees, or employees with disabilities under Section 501 of the Rehabilitation Act of 1973, including the reasonable accommodation and complaint processing requirements.

### 2. Office of Fair Housing and Equal Opportunity

- Responsible for coordinating obligations to members of the public with disabilities under Section 504 of the Rehabilitation Act of 1973.
- Responsible for investigations of complaints of inaccessible ICT under 24 CFR Part 9.

### 3. Office of the Chief Human Capital Officer

- Develops training plans to identify who should receive training on digital accessibility and establishes training schedules for appropriate staff on Section 508 compliance, in consultation with the Digital Accessibility Program Manager.
- Coordinates with the Digital Accessibility Program Manager on updates to mandatory and optional training on digital accessibility.
- Ensures that HUD's Human Capital Systems, such as Learning Management System (LMS) and training modules contained in the LMS are Section 508 compliant.

### 4. Executive Secretariat

- Identify HUD-wide policies that implicate ICT and ensure they contain contextually appropriate language around responsibilities under Section 508 and 36 CFR 1194, and this policy.
- Ensure documents in clearance meet the accessibility standards for electronic documents required by this policy.

## C. Responsibilities of Program or Functional Office Heads

- Ensures sufficient Office resources are dedicated to creating, testing, and remediating ICT within the Office's control.
- Appoints Digital Accessibility Coordinators with the appropriate skillsets and authority to fulfill the responsibilities described in Section III.



- Ensures content or system owners for electronic documents, technology systems, and applications developed by the Office are meeting the requirements of this Policy.
- Ensures their Directives Management Officers are aware of the requirements for accessibility for public-facing or widely distributed electronic content and are ensuring conformance to the standards.
- Ensures that ICT procured directly through the Office, such as by purchase cards or other authorities, is compliant with the accessibility standards.
- Supports HUD-wide growth and knowledge sharing by collecting and coordinating with the Digital Accessibility Program on user needs, case studies, or artifacts arising from inclusive research with employees or program participants.
- Timely refers any complaints or feedback received about the accessibility of HUD's ICT to the Digital Accessibility Program.

## D. Responsibilities of Project or Product Managers

### *1. Program and Project Managers Managing ICT*

- Consistent with the Federal Acquisition Certification for Program and Project Managers, and the Office of Personnel Management Competency Model for IT Program Management, ensures Section 508 is considered throughout the acquisition and information technology lifecycles.
- Meets and collaborates regularly with the Digital Accessibility Program, Digital Accessibility Coordinators, and other staff to ensure ICT is accessible and usable.
- Ensures all digital services and technology solutions are designed and tested for Section 508 conformance.
- Validates IT systems' accessibility prior to deployment, including interoperability, compatibility, and the functionality of ICT with common or frequently used assistive technology. As required by OMB Circular A-130, agencies must support and maximize interoperability when designing or developing information systems.
- Adopts monitoring strategies as part of ongoing maintenance and should validate any updates to ICT solutions to ensure they will not negatively impact accessibility.
- Draft and submit appropriate documentation to validate conformance to Section 508 standards.
- Collaborate with the Digital Accessibility Program to include ICT accessibility subject matter experts as authoritative decision-makers during development checkpoints and milestones.

### *2. Product Managers and Product Owners*

- Ensure that ICT products meet the needs of individuals with disabilities and conforms to Section 508 standards.



- Conduct user research across individuals with diverse needs to better understand the product’s impact on their ability to complete tasks and realize positive digital experiences.
- Where possible, adopt and promote the use of universal and inclusive design practices so that user needs are integrated throughout the product lifecycle.
- Facilitate collaboration with digital accessibility stakeholders and those involved in the product development lifecycle to encourage establishing clear metrics for success on meeting and improving accessibility of the product.
- Encourage product testing with users with disabilities whenever possible.
- Identify and prioritize accessibility goals as part of product roadmaps based on evidence and best practices.

## VII. Definitions

Definitions. Except as otherwise specified, HUD adopts the definitions published at E103, and the meaning given to them in the Section 508 Accessibility Standards, 36 CFR part 1194.

## VIII. Getting Help and Responsible Office

For information about this policy, contact: Assistant CIO for Policy, Planning, and Performance Management or HUD’s Digital Accessibility Program at [508@hud.gov](mailto:508@hud.gov).

See HUD@Work’s Section 508 Page for [additional information about Section 508 and Digital Accessibility](#).

## IX. Signature and Effective Date

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Sairah Ijaz  
Chief Information Officer