

Georgia Balance of State Continuum of Care (GA BoS CoC) Anti-Discrimination Policy

I. Introduction

The GA BoS CoC and all organizations receiving CoC or Emergency Solutions Grant (ESG) Program funds (collectively, the “CoC”) must comply with applicable equal access and nondiscrimination provisions of federal, state and local civil rights laws, including the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Equal Access Rule. 24 CFR 5.105 provides a full list of applicable federal laws, regulations and Executive Orders.

The CoC is committed to providing all persons with equal access to its services, programs, activities, education and employment regardless of race, color, national origin, religion, age, sex, familial status or disability. It is the policy of the CoC to comply fully with all federal, state and local nondiscrimination laws and to operate in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. Specifically, the CoC shall not deny any family or individual on account of race, color, national origin, religion, age, sex, familial status or disability the opportunity to apply for or receive assistance under any CoC program. Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

This policy will address the nondiscrimination provisions applicable to the CoC. These laws will be implemented through consistent policy and procedures by each organization within the CoC. Each organization will provide training to their staff, contractors and volunteers on these policies.

II. Title VI

Under Title VI, the CoC will not, based on race, color or national origin, deny a person housing or services; provide different housing or services than those provided to others; subject a person to segregation or separate treatment in the receipt of housing or services; restrict a person in access to housing or services or any advantage or privilege enjoyed by others; use different admission or eligibility requirements for housing or services; or select a housing site or location with the purpose or effect of excluding or denying benefits to persons in the protected classes. Criteria or methods utilized to determine the types of housing, accommodations, facilities, services, financial aid or other benefits or the class of persons who will be permitted to participate will not have the effect of subjecting persons to discrimination or defeating or substantially impairing the accomplishment of the objectives of the program or activity regarding such persons.

The CoC may not deny a person the opportunity to participate as a member in the CoC due to race, color or national origin.

The CoC has an affirmative obligation to take reasonable steps to remove or overcome any discriminatory practice or usage that subjects persons to discrimination based on race, color, or national origin.

Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding Title VI provisions and its applicability to the CoC program or activity, and make such information available to them in such manner as necessary to apprise such persons of the protections.

III. Section 504

Discrimination

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in programs or activities operated by recipients of federal financial assistance. Under Section 504, an individual with disabilities means any person who has a physical or mental impairment that substantially limits one or

more major life activities; has a record of such an impairment; or is regarded as having such an impairment. Generally, the determination is measured without consideration of the ameliorative effects of medicine or devices. Major life activities include, for example, taking care of oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working (See 24 CFR § 8.3 concerning alcohol and drug abusers).

Specifically, the CoC will not, based on disability:

- Deny a qualified individual with handicaps the opportunity to participate in, or benefit from, the housing, aid, benefit or service;
- Afford a qualified individual with handicaps an opportunity to participate in, or benefit from, the housing, aid, benefit or service that is not equal to that afforded by others;
- Provide a qualified individual with handicaps with any housing, aid, benefit, or service that is not as effective in affording the individual an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- Provide different or separate housing, aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps from that provided to others unless such action is necessary to provide qualified individuals with handicaps with housing, aid, benefits or services that are as effective as those provided to others;
- Aid or perpetuate discrimination against a qualified individual with handicaps by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any housing, aid, benefit, or service to beneficiaries in the recipient's federally assisted program or activity;
- Deny a qualified individual with handicaps the opportunity to participate as a member of the CoC;
- Deny a dwelling to an otherwise qualified buyer or renter because of a handicap of that buyer or renter or a person residing in or intending and eligible to reside in that dwelling after it is sold, rented or made available; or
- Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the housing, aid, benefit or service.

The CoC will not utilize criteria or methods of administration the purpose or effect of which would:

- Subject qualified individuals with handicaps to discrimination solely on the basis of handicap;
- Defeat or substantially impair the accomplishment of the objectives of the recipient's federally assisted program or activity for qualified individuals with a particular handicap involved in the program or activity, unless the recipient can demonstrate that the criteria or methods of administration are manifestly related to the accomplishment of an objective of a program or activity; or
- Perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

The Section 504 regulations require that recipients consider physical accessibility in determining the site or location of a federally assisted facility. The regulations state that it is discriminatory for recipients to select sites which have the purpose or effect of excluding qualified persons with disabilities from participating in, or denying the benefits of, any program or activity, that receives federal financial assistance. In determining the site or location of a federally assisted facility, the CoC will not make selections the purpose or effect of which would:

- Exclude qualified individuals with handicaps from, deny them the benefits of, or otherwise subject them to discrimination under, any program or activity that receives Federal financial assistance from the Department; or

- Defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with handicaps.

The CoC will administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

Effective Communication

Section 504 requires recipients to take appropriate steps to ensure effective communication with applicants, residents, and the public with communication disabilities. The CoC is committed to ensuring that applicants and participants with disabilities have an effective means to communicate.

CoC providers must ensure that their application and admissions process and the services offered are accessible and understandable by persons with disabilities. This may include providing necessary auxiliary aids and services such as sign language interpreters and written materials in alternative formats that are necessary for communication with persons with disabilities. When requested, the CoC shall furnish appropriate auxiliary aids and services to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the programs, services, and activities conducted by the CoC.

“Auxiliary aids and services” may include: (1) qualified sign language interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, telephones compatible with hearing aids, telecommunications devices for deaf persons (TDDs), or other effective methods of making orally delivered materials available to individuals with hearing impairments; and, (2) qualified readers, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

The CoC will give primary consideration to the choice of auxiliary aid or service preferred by the individual. "Primary consideration" means that the CoC will honor the choice unless it can show that another equally effective means of communication is available; or, that use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity or in an undue financial and administrative burden.

Accessibility Requirements

Section 504 regulations establish affirmative physical accessibility requirements when Federal financial assistance is used for new construction or rehabilitation of housing. Except as otherwise provided in 24 CFR §8.21(c)(1), §8.24(a), and §8.31, no qualified individual with disabilities shall, because any facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives federal or state financial assistance.

Reasonable Accommodations

The CoC must ensure that persons with disabilities have full access to the CoC's programs and services. This responsibility begins with the first contact by an interested family and continues through every aspect of the program.

The CoC is committed to ensuring that its policies and procedures do not discriminate against individuals living with disabilities nor deny individuals with disabilities the opportunity to participate in, or benefit from, or otherwise have access to any of the CoC's programs, services or activities. The CoC is required to make reasonable adjustments to its rules, policies, practices and procedures in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy housing or participate in or access programs and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a CoC policy, the CoC will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program or

cause an undue financial and administrative burden. In such a case, the CoC will make another accommodation that would not result in a financial or administrative burden.

A reasonable accommodation is a change, modification, alteration, or adaptation in policy, procedure, practice, program, or facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program or activity. Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the CoC, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations. When needed, the CoC will modify normal procedures to accommodate the needs of a person with disabilities.

A person with a disability may request a reasonable accommodation at any time, including during application to or participation in a CoC program. Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication to the CoC or the CoC provider from which an accommodation is needed. If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the CoC treat the information as a request for a reasonable accommodation, even if no formal request is made. The family must explain what type of accommodation is needed to provide the person with the disability full access to the CoC's programs and services. If the need for the accommodation is not readily apparent or known to the CoC, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual's disability.

Before providing an accommodation, the CoC must determine that the person meets the definition of a person with a disability and that the accommodation will enhance the person's access to the CoC's programs and services. If a person's disability is obvious or otherwise known to the CoC, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required. If a person indicates that an accommodation is required for a disability that is not obvious or otherwise known to the CoC, the CoC must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation. The CoC may request documentation of the need for a reasonable accommodation or modification. In addition, the CoC may request that the person provide suggested reasonable accommodations.

Information related to a person's disability will be treated as confidential.

The CoC must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the CoC, or fundamentally alter the nature of the CoC's operations (including the obligation to comply with HUD requirements and regulations).

If the CoC finds that the requested accommodation or modification creates an undue administrative and financial burden, the CoC will deny the request and/or present an alternate accommodation that will still meet the need of the person.

CoC providers should have written, reasonable accommodation policies, and program participants should be advised of their right to reasonable accommodation throughout the housing process.

IV. Fair Housing Act

The Fair Housing Act prohibits housing providers from discriminating against a person or limiting access to a service or program based upon race, color, national origin, religion, sex, familial status (including

children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

The CoC may not restrict housing or services to persons of a particular religion or religious denomination, nor may they require a particular religious belief or activity as a condition of receiving benefits or participating in program activities. If providers allow tenants to use the public and common spaces for religious services, it must make those public and common spaces available for all types of religious services requested by the tenants.

The Fair Housing Act requires owners of housing facilities to provide reasonable accommodations to persons with disabilities. Under the Fair Housing Act, reasonable accommodations are changes, exceptions, or adjustments to a program, service, or procedure that will allow a person with a disability to have equal enjoyment of the housing program. There must be an identifiable relationship between the requested accommodation and the person's disability. Reasonable accommodations need not be provided if they would constitute an undue financial and administrative burden, or if they would be a fundamental alteration of the provider's program. Like the Fair Housing Act, Section 504 requires that recipients provide reasonable accommodations to persons with disabilities by making changes to policies, practices, procedures, and structures if needed to allow applicants or tenants with disabilities to have access to or participate in the program. The requirements for reasonable accommodations related to policies, practices, and procedures are similar under Section 504 and the Fair Housing Act.

Under the Fair Housing Act, it is unlawful for an owner to refuse to permit a person with a disability, at his or her own expense, to make reasonable modifications of existing premises occupied or about to be occupied by a person with a disability if such modification may be necessary to afford the person with a disability full enjoyment of the premises.

V. Disability as a program requirement

Although the Fair Housing Act places limitations on the ability of housing providers to inquire about the nature and severity of an applicant's disability, it is permissible for a housing provider that offers housing serving persons with disabilities to inquire whether an applicant meets the program's eligibility requirements. Thus, a provider whose housing is limited to serving residents with disabilities may inquire whether an applicant has a qualifying disability. In addition, service providers connected with the housing program may make inquiries necessary to determine the service needs of residents. Housing providers may also ask applicants and residents whether they need units with special features or if they have special needs related to communication, but they should make these inquiries of all program participants.

VI. Executive Order 13166

Executive Order 13166 (EO 13166) seeks to eliminate limited English proficiency (LEP) as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally-conducted programs and activities. Persons qualify as LEP when they have limited ability to read, write, speak or understand English. EO 13166 requires recipients of federal financial assistance to take reasonable steps to ensure meaningful access in their programs and activities to LEP applicants and beneficiaries in compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964.

CoC providers must determine what reasonable efforts are required to ensure meaningful access by LEP persons without imposing undue burdens. The following four-factor analysis is instrumental in that determination by balancing:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered in the eligible service population;
2. The frequency with which LEP persons encounter the program;
3. The nature and importance of the program, activity or service provided by the program; and
4. The resources available to the PHA and costs.

Based on the Four Factor analysis, CoC providers can develop a LAP that includes:

1. Identify LEP individuals who need language assistance;
2. State the CoC's language-assistance measures;
3. Train staff on access to information and services for LEP persons;
4. Provide notice to LEP persons of the services offered; and
5. Monitor and update the LAP.

The CoC providers will take timely and reasonable steps to provide LEP persons with meaningful access to its programs. Access to programs and services should not be impeded as a result of an individual's inability to speak, read, write or understand English.

VII. Equal Access Rule

HUD provides additional protections regarding sexual orientation, gender identity, and marital status. The CoC will not discriminate on the basis of marital status, gender identity, or sexual orientation.

CoC providers and ESG funded programs must develop, implement and document procedures to ensure implementation of the Equal Access Rule. Policies may include but are not limited to:

- Making housing available without regard to actual or perceived sexual orientation, gender identity, or marital status.
- Ensuring placement and accommodation are made in accordance with an individual's gender identity.
- Ensuring agency uses appropriate, inclusive language in communications, publications, trainings, personnel handbooks and other policy documents.
- Not subjecting individuals to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity
- Have an anti-harassment policy that includes transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.
- Have a formal grievance process that is prompt, transparent and consistent in managing and resolving violations.
- Includes confidentiality practices.
- Outlines safety practices including respecting the client's evaluation of their own safety practice with regard to proposed housing options and accommodating reasonable clients request regarding safety.

The CoC must ensure staff, volunteers and contractors are provided a copy of the Agency's policies and practices regarding Equal Access requirements and are regularly trained to comply with all antidiscrimination policies and procedures.

Families & Equal Access

Discrimination against families with children is prohibited, regardless of parent's sex, the ages of the children, or the number of children in a household. Facilities serving families cannot exclude families based on the gender of the head-of-household. Projects serving ANY families with children must serve ALL families with children.

VIII. Age Discrimination Act

The Age Discrimination Act prohibits discrimination based upon age in federally assisted and funded programs or activities, except in limited circumstances for particular programs permitted by law.

IX. Affirmatively Furthering Fair Housing

CoC regulations require that CoC providers:

- i. Affirmatively market housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or disability. Marketing should target those least likely to apply without special outreach, and records should be maintained of all marketing activities;
- ii. Where a recipient encounters a condition or action that impedes fair housing choice for current or prospective project participants, provide such information to the Ga BoS CoC; and
- iii. Provide project participants with information on rights and actions available under applicable federal, state, and local fair housing and civil rights laws.

The CoC must take meaningful steps to ensure that persons and owners are fully aware of all applicable civil rights laws. The CoC will include requirements for civil rights laws in contracts with owners and use brochures and other printed materials to make participants aware of rights and actions available under applicable federal, state, and local fair housing and civil rights laws.

In addition, the CoC must maintain copies of their marketing, outreach, and other materials used to inform eligible persons of the program to document compliance with the affirmatively furthering fair housing requirement.

In addition to other strategies and requirements discussed in this policy, specific strategies for outreach to those least likely to apply may include but are not limited to:

- Partnerships - creating relationships with diverse community based agencies or non-profits to ensure all persons receive information about the available housing and services.
- Inclusive Outreach - ensuring that current methods of outreach, including street outreach, are conducted on a regularly basis, and reach all potentially eligible households in our entire county geography, especially those least likely to apply for assistance and ensure efforts do not intentionally or unintentionally exclude protected groups & classes.
- Using Data and Self-Assessment –1) perform a self-assessment or survey a program’s target population to determine its awareness of the program’s services and assistance, 2) consistently evaluate a program’s service data to ensure the program knows whether certain groups are under-represented, and 3) if data analysis reveals that certain groups are under-represented, determine the reasons causing the under-representation and take actions to address them.

X. Remedies

If an applicant or participant believes that any family member has been discriminated against by the CoC, the person should advise the CoC. The CoC will attempt to determine whether the applicant’s or participant’s assertions have merit and take any warranted corrective action. In addition, the CoC will provide the applicant or participant with information about how to file a discrimination complaint. The CoC will not retaliate against a person who is exercising their civil housing rights.

XI. Federal and state statutes, regulations and rules

This policy is based on federal and state statutes, regulations and rules and should be construed in favor of those laws in the event of any inconsistency.