



## INTERIM FAIR HOUSING AND ANTI-DISCRIMINATION POLICY

### **Introduction**

The Grand Rapids Area Coalition to End Homelessness, also known as the Grand Rapids/Wyoming/Kent County Continuum of Care and here forward referenced as the “Coalition”, is committed to making homelessness rare, brief, and non-recurring throughout Kent County. In its approach to ending homelessness, the Coalition is committed to ensuring the safety, dignity, and well-being of all individuals and families in services and programs associated with the Coalition. The following sections outline ways in which Coalition member agencies can ensure any person seeking services is treated fairly and respectfully.

It is the policy and practice of the Coalition that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to unlawful discrimination under any of its projects, services, or activities.

### **Applicability**

All projects, services or activities funded through HUD Continuum of Care (CoC) Program or Emergency Solutions Grant (ESG) Program grants or receiving other funds from the Coalition as “the recipient”, including “subrecipient” organizations selected by the Coalition to administer CoC and ESG projects, shall operate in accordance with this policy, following all applicable law. Programs must affirmatively provide equal access to their housing and supportive services in a nondiscriminatory manner that ensures that all persons are afforded equal opportunities. All Coalition member agencies are encouraged to be in compliance with this policy, regardless of whether or not they receive CoC or ESG funds. All agencies should be aware of applicable nondiscrimination laws that relate to their programs and services.

As part of the local funding process, applicants for CoC and ESG funds will be asked to demonstrate how they ensure clients are provided information on their Fair Housing rights through the intake process and applicable Fair Housing policy(ies). Agencies will also be asked to annually report the number of grievances levied for Funding Review Committee consideration.

### **Applicable Laws & Regulations**

CoC and ESG projects must operate in compliance with federal nondiscrimination and equal opportunity requirements, including the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act, and the Americans with



Disabilities Act. The requirements of the HUD's Equal Access to Housing Final Rule and Equal Access in Accordance with Gender Identity Final Rule, 24 CFR 5.100, 5.105(a)(2) and 5.106(b), and the requirements of Executive Orders regarding equal employment opportunity and opportunities for minority and female owned businesses also apply. Please see 24 CFR 5.105 for a full list of applicable federal laws, regulations, and Executive Orders.

### **(1) (a) Fair Housing Act**

The Fair Housing Act prohibits discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin (protected classes). It applies to housing, regardless of the type of funding or ownership, including housing operated by private individuals, organizations that receive federal financial assistance, housing owned or operated by state and local governments, shelters that house persons for more than a few days, transitional housing facilities, and permanent housing facilities. The Fair Housing Act also prohibits harassment on the basis of a protected class and protects against retaliation for exercising fair housing rights.

(1) While people with limited English proficiency are not a protected class, national origin is a protected class and it may be closely linked to the ability to communicate proficiently in English. Housing providers therefore are prohibited from using limited English proficiency selectively or as an excuse for intentional housing discrimination.

**(b) Affirmatively Furthering Fair Housing.** Recipients and subrecipients must implement the CoC and ESG programs in a manner that affirmatively furthers Fair Housing, which means the recipient must:

- (1) Affirmatively market their housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or handicap who are least likely to apply in the absence of special outreach, and maintain records of those marketing activities;
- (2) Where a recipient encounters a condition or action that impedes fair housing choice for current or prospective program participants, provide such information to the jurisdiction that provided the certification of consistency with the Consolidated Plan; and
- (3) Provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.

**(2) (a) Nondiscrimination and equal opportunity requirements.** The nondiscrimination and equal opportunity requirements set forth in 24 CFR 5.105(a) are applicable.

**(b) Housing for specific subpopulations.** Recipients and subrecipients may exclusively serve a particular homeless subpopulation in transitional or permanent housing if the housing addresses a need identified by the Continuum of Care for the geographic area and meets one of the following:



(1) The housing may be limited to one sex where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex.

(2) The housing may be limited to a specific subpopulation, so long as admission does not discriminate against any protected class under federal nondiscrimination laws in 24 CFR 5.105 (e.g., the housing may be limited to homeless veterans, victims of domestic violence and their children, or chronically homeless persons and families).

(3) The housing may be limited to families with children.

(4) If the housing has in residence at least one family with a child under the age of 18, the housing may exclude registered sex offenders and persons with a criminal record that includes a violent crime from the project so long as the child resides in the housing.

(5) Sober housing may exclude persons who refuse to sign an occupancy agreement or lease that prohibits program participants from possessing, using, or being under the influence of illegal substances and/or alcohol on the premises.

(6) If the housing is assisted with funds under a federal program that is limited by federal statute or Executive Order to a specific subpopulation, the housing may be limited to that subpopulation (e.g., housing also assisted with funding from the Housing Opportunities for Persons with AIDS program under 24 CFR part 574 may be limited to persons with acquired immunodeficiency syndrome or related diseases).

(7) Recipients may limit admission to or provide a preference for the housing to subpopulations of homeless persons and families who need the specialized supportive services that are provided in the housing (e.g., substance abuse addiction treatment, domestic violence services, or a high intensity package designed to meet the needs of hard-to-reach homeless persons). While the housing may offer services for a particular type of disability, no otherwise eligible individuals with disabilities or families including an individual with a disability, who may benefit from the services provided may be excluded on the grounds that they do not have a particular disability.

### **(c) Faith-Based Activities**

Recipient and subrecipient staff, volunteers, or contractors shall not, in providing program assistance, discriminate against a program participant or prospective participant on the basis of religion or religious belief. In providing services supported in whole or part with federal financial assistance and in outreach activities related to such services, programs shall not discriminate against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

**(d) Accessibility and integrative housing and services for persons with disabilities.** Recipients and subrecipients must comply with the accessibility requirements of the Fair Housing Act (24



CFR part 100), Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8), and Titles II and III of the Americans with Disabilities Act, as applicable (28 CFR parts 35 and 36). In accordance with the requirements of 24 CFR 8.4(d), recipients must ensure that their program's housing and supportive services are provided in the most integrated setting appropriate to the needs of persons with disabilities.

**(e) Prohibition against involuntary family separation.** The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to a project that receives funds under this part. In compliance with CoC Program Interim Rule 24 CFR 578.93(e), involuntary separation is prohibited in projects funded through CoC and ESG dollars. CoC- and ESG-funded projects may not deny admission to any household on the basis of:

- Age and gender of a child under 18, or
- Gender or marital status of a parent or parents.

### **(3) (a) Reasonable accommodations and modifications**

Recipients and subrecipients will make reasonable accommodations and modifications in policies and programs to afford qualified residents and applicants with disabilities an equal opportunity to participate in its programs, services, or activities. A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that allows a person with a disability to use and enjoy housing, including public and common use areas. CoC and ESG programs will, upon request, grant reasonable accommodations to provide appropriate aids and services leading to effective communication for qualified residents and applicants with disabilities so they can participate equally in programs, services, or activities, including qualified sign language interpreters, documents in Braille, or other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. Subrecipients must comply with requirements to make reasonable accommodations and modifications.

### **(4) (a) Equal Access in Housing**

The Equal Access in Housing Final Rule (the Rule) published in 2012 ensures HUD's programs serve participants, regardless of sexual orientation, gender identity, family composition, or marital status. CoC and ESG programs cannot discriminate based on the composition of the family (e.g., adults and children or just adults), the age of any members of the family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity. The Rule also set a standard definition of family:

- Includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, persons presenting for assistance together with or



without children and irrespective of age, relationship, or whether or not a member of the household has a disability.

- A child temporarily away from the home because of placement in foster care is considered a member of the family.
- CoC-funded programs:
  - Must have updated policies and procedures that reflect the requirements.
  - May exclude families without minor children if the project was funded solely to serve families with children. However, the project must serve all types of families with children that are otherwise eligible for assistance, including families with children headed by a single adult or consisting of multiple adults (with at least one child) who reside together.
  - May serve a single sex only if the project: 1) serves adults only (no minors), and 2) has a physical configuration such that privacy is a concern, specifically shared bathing areas or shared sleeping areas.

**(b) Equal Access in Accordance with Gender Identity**

Further, the Equal Access in Accordance with Gender Identity Final Rule published in 2016 ensures equal access to assistance in accordance with gender identity in HUD’s Community Planning and Development (CPD) programs, including, but not limited to, the ESG (24 CFR part 576) and CoC (24 CFR part 578) programs. The requirements of this section apply to recipients and subrecipients, as well as to owners, operators, and managers of shelters and other buildings and facilities and providers of services funded in whole or in part by any CPD program.

- Admissions, occupancy, and operating policies and procedures, including policies and procedures to protect privacy, health, safety, and security, shall be established or amended, as necessary, and administered in a nondiscriminatory manner to ensure that:
  - Equal access to CPD programs, shelters, other buildings and facilities, benefits, services, and accommodations is provided to an individual in accordance with the individual’s gender identity, and in a manner that affords equal access to the individual’s family;
  - An individual is placed, served, and accommodated in accordance with the gender identity of the individual;
  - An individual is not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual’s gender identity; and
  - Eligibility determinations are made and assisted housing is made available in CPD programs as required by § 5.105(a)(2).



- Placement and accommodation of an individual in temporary, emergency shelters and other buildings and facilities with physical limitations or configurations that require and are permitted to have shared sleeping quarters or shared bathing facilities shall be made in accordance with the individual's gender identity.
- Post-admission accommodations: A recipient, subrecipient, owner, operator, manager, or provider must take nondiscriminatory steps that may be necessary and appropriate to address privacy concerns raised by residents or occupants and, as needed, update its admissions, occupancy, and operating policies and procedures in accordance with this section.

Approved by Steering Council as interim: 6/17/2022



## **Appendix A: Guidance for Subrecipient Creation of Nondiscrimination and Fair Housing Policies**

- Policy should state that agency does not discriminate and complies with all nondiscrimination, fair housing, and equal opportunity laws.
- Policy should indicate the availability of aids and services, upon request, to ensure effective communication, such as the availability of qualified sign language interpreters, documents in Braille, or other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
- Policy should state that the agency will make reasonable accommodations in rules, policies, and services to give a person with a disability equal opportunity to occupy and enjoy the full use of a housing unit.
- If the agency acts as a landlord, the policy should state that the agency will permit reasonable modification to the premises if the modification is necessary to allow full use of the premises.
- Policy should provide contact information for submitting a complaint or reporting discrimination.

## **Appendix B: Strategies to Implement the Equal Access to Housing Rule**

Programs must develop, in writing, implement and document procedures to ensure implementation of the Equal Access Rule. Specific strategies or procedures may include but are not limited:

### 1) Inclusive Policy Standards

### 2) Anti-discrimination policies and procedures that:

- Ensure placement and accommodation are made in accordance with an individual's gender identity.
- Ensure agency uses appropriate, inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirms the agency's commitment to serving all eligible clients in adherence with the Equal Access Rule.
- 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.
- Include confidentiality practices that keep's a client transgender status confidential, unless the client gives permission to share this information.
- Allows for clients to request a private space for intake and data collection.



- 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.