

Orange County Continuum of Care Anti-Discrimination Policy

Overview

The Orange County Continuum of Care (CoC) is committed to providing housing and services in an environment in which all individuals are treated with respect and dignity, have equal treatment, and have equal opportunity for housing and services. The Orange County CoC Anti-Discrimination Policy shall ensure all people experiencing homelessness have equal access to the housing and services necessary to end their homelessness.

The Orange County CoC Anti-Discrimination Policies and Procedures apply to staff, volunteers, and contractors at all partner agencies, including all organizations and subrecipients that receive CoC Program funding from the U.S. Department of Housing and Urban Development (HUD). The Orange County CoC strongly encourage all CoC partners, regardless of funding source, to adopt Anti-Discrimination and Equal Access policies and procedures.

All agencies receiving CoC Program funds must manage their respective housing and service programs in accordance with federal nondiscrimination and equal opportunity provisions, as codified in the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, Titles II & III of the Americans with Disabilities Act, HUD's Equal Access to Housing Rule and Gender Identity Final Rule, 24 CFR 5.100, 5.105(a)(2) and 5.106(b). This includes establishing an Organizational Anti-Discrimination Policy and grievance procedures, and sharing all policy and procedures with participants, staff, volunteers, subrecipients, and contractors.

CoC Program funded providers shall not discriminate against individuals or families on the basis of any protected characteristics, including race, ethnicity, color, national origin language, ancestry, religion, sex, familial status, age, gender identity, LGBTQ+ (lesbian, gay, bisexual, transgender, queer/questioning, etc.) status, marital status, domestic or sexual violence victim status, or sensory, mental or physical disability.

The Orange CoC Anti-Discrimination Policy aim to ensure safety, dignity, and well-being of all individuals and families served by the CoC and all partner agencies. The following policies, procedures and corresponding documents include:

1. Anti-Discrimination Policy and Procedures (page 2)
2. Equal Access Policy and Procedures (page 3)
3. Family Separation Policy (page 4)
4. Faith-Based Inclusion Policy (page 5)
5. Grievance and Anti-Retaliation Policy and Procedures (page 5)
6. Appendix I: Agency Anti-Discrimination Policy Checklist (page 6)
7. Appendix II: References (page 7)

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Anti-Discrimination Policy and Procedures

To ensure the Anti-Discrimination Policy for protected classes are in place and adhered to, the respective parties agree to providing the best welcoming, affirming, and safe housing and services provision possible.

The Orange County CoC shall:

1. Provide training and technical assistance to agencies regarding HUD Anti-Discrimination and the HUD Equal Access Rule related requirements, at least annually.
2. Use appropriate and inclusive language in communications, publications, trainings, personnel handbooks, and other policy documents that affirms the CoC's commitment to serving all eligible participants in adherence with the Anti-Discrimination laws and the HUD Equal Access Rule.
3. Ensure that communications and resources pertaining to housing and services are accessible to individuals with disabilities.
4. Continue to develop partnerships with organizations that can offer expertise regarding anti-discrimination to ensure gaining subject matter expertise, and best practices.
5. Support all participants in understanding their privacy rights and the implications of releasing information.

Providers Shall:

1. Make housing available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.
2. Will not restrict access to available housing and services available to otherwise eligible persons based on race, ethnicity, color, national origin, language, ancestry, religion, sex, familial status, gender identity, marital status, domestic or sexual violence victim status, or sensory, mental or physical disability.
3. Provide housing and services in accordance with a participant's gender identity, determine eligibility without regard to actual or perceived sexual orientation, gender identity, or marital status, and will serve all persons regardless of actual or perceived barriers to services.
4. Include policies and procedures in employee handbooks and training that prohibit discrimination and provide guidance to staff to ensure equal access to all groups to receive the organization's services.
5. Ensure staff, volunteers, and subrecipients are trained in the HUD Equal Access Rule, and understand that an individual may present their gender differently than the way they identify.
6. Provide information and training to contractors, vendors, landlords and ensure that each receive the organization's policies and procedures regarding discrimination and treatment of all persons.
7. Ensure all staff, volunteers, and contractors maintain the confidentiality of a participant's legal name and sex at birth and understand the potential impact that disclosure can have on a participant's progress to self-sufficiency.
8. When possible, ensure that construction or property rehabilitation includes and promotes privacy and safety in sleeping areas, bathrooms, and showers.
9. Mediate and resolve conflicts between participants in a way that respects participants and treats individuals fairly and equally.
10. Ensure every employee, volunteer, subrecipient, and participant is aware that discrimination will not be tolerated in any CoC Program funded projects.

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11. Take immediate action to resolve inappropriate behavior, treatment, harassment, or equal access issues by any person (staff, volunteers, contractors, or participants).
12. Follow the prescribed agency grievance policy as it relates to equal access in CoC programs.
13. Ensure that no individual is denied access to facilities, services, financial aid, or any other benefits based on protected status.
14. Shall not provide services that are different, or are provided in a different form, from that provided to others under the program or activity, unless doing so provides an accommodation based on one of the protected characteristics listed above to preserve the safety, dignity, and well-being of the individual or family being served.
15. Shall not subject any person to segregated or separate treatment in any facility or in any matter or process related to receipt of any service or benefit under the program or activity.
16. Will not restrict in any way access to, or the enjoyment of any advantage, or privilege enjoyed by others in connection with, facilities, services, financial aid, or other benefits under the program or activity.
17. Shall not treat any person differently from others in determining whether the person satisfies any admission, enrollment, eligibility, membership, or other requirement or condition, which individuals must meet to be provided shelter, services, or other benefits provided under the program or activity.
18. Shall not deny meaningful access to persons with limited English proficiency, to include failure to provide translated documents, notice of participant's rights, grievance forms, and other materials vital for program access. In addition, shall not fail to work with language services or an interpreter to assist persons who speak an alternate primary language other than the staff persons and whom may need assistance communicating.

Equal Access Policy and Procedures

The Orange County CoC prohibits all forms of harassment and discrimination of or by participants, employees, visitors, and volunteers, including harassment and discrimination based on actual or perceived gender identity and expression, or based on an individual's association. The Orange County CoC will continue to develop partnerships with organizations that can provide expertise around providing services to transgender and gender nonconforming individuals in a manner consistent with federal, state, and local laws.

Agencies, staff, volunteers, and contractors shall affirm commitment to providing equal access for all transgender and gender nonconforming individuals in a manner consistent with the HUD Equal Access Rule and provide services and housing to transgender and gender nonconforming individuals in a manner consistent with the HUD Equal Access Rule.

Transgender and Gender Nonconforming Procedures to maintain equal access, agencies and staff should:

1. Ensure all staff, volunteers, sub-recipients, contractors, or others having access to personally identifying information maintain the confidentiality of an individual's legal name and sex assigned at birth and understand the potential impact that disclosure can have on a participant's progress to self-sufficiency, staff relationships, personal safety, and organizational culture.
2. Ensure that construction or property rehabilitation includes and promotes privacy and safety in sleeping areas, bathrooms, and showers.

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3. Offer individual stalls in congregate bathrooms, urinals/toilets, and shower heads to support participant safety whenever possible.
4. Offer individual gender-neutral bathrooms and gender-neutral shower rooms, where feasible.
5. Not consider an individual or potential participant ineligible because they feel their appearance or behavior does not conform to gender stereotypes and will serve all individuals eligible for the program.
6. Not ask questions or seek information concerning a person's anatomy and only seek the most necessary elements of information regarding a person's medical history for the purpose of providing services.
7. Have a preference to move the participant with a bias (e.g., move the individual who has concerns towards the person who may identify as another religion that is different from theirs). If a participant needs to be moved for harassment and safety concerns the program administrator shall consider moving the harasser and not the harassed.
8. Honor the request of an individual for a private space to complete intake and data collection.
9. Honor the request of an individual for accommodations based on their personal safety and privacy concerns, whenever feasible. An "accommodation" will not be given as a "requirement." This might include a private sleeping area or access to a single-use bathroom if possible.
10. Not require an individual's gender identity or name to match the gender or name listed on an ID or other documents.
11. Assist participants without identification documents in understanding the resources available to obtain said documents.
12. Make available intake materials that allow individuals to indicate their legal name and the name they prefer to be called. All staff and volunteers should use the preferred name and pronouns, even if it is different from a legal name and legal name should be kept private and confidential.
13. Homeless Management Information System (HMIS) participating agencies should enter the participants preferred name.
14. Use the participant's preferred gender and pronoun and support the participant's gender identity.
15. Correct any misinformation or inaccurate conclusions that transgender participants threaten the health or safety of other participants solely based on their nonconforming gender identity/expression during risk-based conversations.
16. Keep participant's transgender or other status confidential, unless the participant gives permission to share this information. Tell only essential staff that will provide services or housing to participant as identified by administrators, regarding a participant's transgender status to ensure equal access and safety.

Family Separation Policy

In compliance with CoC Program Interim Rule 24 CFR § 578.93 (e); 24 CFR § 578.23 (c)(iii)(iv), involuntary family or household separation is prohibited in CoC-funded projects. Families, households with children under the age of 18, shall not be denied admission or separated when entering housing.

In addition, CoC Program funded projects may not deny admission to any household on the basis of:

1. Age and gender of a child under 18.
2. Gender or marital status of a parent or parents.
3. Household composition.

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The Orange County CoC will work with providers to ensure placement efforts are coordinated to avoid involuntary family separation. Any person who believes that they or a family member has experienced involuntary family separation may report the issue to at the Office of Care Coordination as the Collaborative Applicant for the Orange County CoC: carecoordination@ocgov.com. The Orange County CoC will investigate the claim and take remedial action when appropriate.

Faith-Based Activities Policy

Orange CoC agencies and 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. CoC Program funded projects 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.

Grievance and Anti-Retaliation Policy

Anyone participating in the CoC has the right to file a grievance if they have a complaint about the provision of housing and services. The CoC affirms that people who wish to file a grievance have the right to do so without retaliation from the party accused or any associated representative.

Retaliation includes, but is not limited to: harassment, intimidation, violence, program dismissal, refusing to provide services, use of profane or derogatory language to or in reference to the complainant, or breach of contract.

Grievance Procedures: At intake, orientation or employment, all participants, staff, volunteers, and contractors should be provided the program's Anti-Discrimination Policy and should be informed of the program's grievance process.

1. Anyone can submit a complaint form initially to program administration.
2. Program administration will address the grievance with the provider and the participant, staff, volunteer, or contractor. Staff, contractors, or volunteers involved in the grievance shall not make decisions regarding the grievance. If the grievance is against a program administrator, the agency should have an objective representative body, such as a Board Executive Committee, hear and make decisions about the grievance.
3. If a participant is not satisfied with the outcome or if a participant fears retaliation at the program level, a complaint can be filed with at the Office of Care Coordination as the Collaborative Applicant for the Orange County CoC at carecoordination@ocgov.com.
4. If a participant feels they have been discriminated against, they should be advised that they also have the right to file a complaint with the HUD at: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint.

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Appendix I. Checklist for Agency Anti-Discrimination Policies

Yes	No	Questions	Notes
		Does your agency have an Anti-Discrimination policy?	
		Is there a stated plan to train new staff, volunteers, board members, and contractors to clearly communicate the anti-discrimination policy during the onboarding process?	
		Is annual training regarding anti-discrimination provided for staff, volunteers, and contractors?	
		Does the intake process for participants include providing a copy of the agency's anti-discrimination policy to people presenting for services?	
		Does the policy refer to the U.S. Department of Housing and Urban Development (HUD) Anti-Discrimination, Equal Access Rule, privacy laws, and all other federal, state, and local non-discrimination laws?	
		Is there a clear statement about non-discrimination due to race, ethnicity, color, national origin, language, ancestry, religion, sex, familial status, age, gender identity, LGBTQ+ status, marital status, domestic or sexual violence victim status, or disability?	
		Is there an equal access policy?	
		If there is an equal access policy, does it include specific procedures for working with transgender and nonconforming persons?	
		Is there a family separation policy?	
		Is there a faith-based activities policy?	
		Are procedures spelled out that demonstrate how the participants, agency, staff, volunteers, and contractors will carry out the agency's anti-discrimination policies?	
		Are there grievance and anti-retaliation policies and procedures?	
		Do participants know how to file a complaint with the CoC and/or HUD?	

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Appendix II. References

All agencies must manage a responsible and sound operation in accordance with federal and local nondiscrimination and equal opportunity provisions, as codified in:

The Fair Housing Act - [Fair Housing Act](#)

Section 504 of the Rehabilitation Act - [Rehabilitation Act](#)

Title VI of the Civil Rights Act - <https://www.justice.gov/crt/fcs/TitleVI-Overview>

Titles II & III of the Americans with Disabilities Act - [Americans with Disabilities Act Title II Regulations | ADA.gov](#)

HUD's Equal Access to Housing Rule and Gender Identity Final Rule, 24 CFR 5.100, 5.105(a)(2) and 5.106(b). - <https://www.federalregister.gov/documents/2012/02/03/2012-2343/equal-access-to-housing-in-hud-programs-regardless-of-sexual-orientation-or-gender-identity>

This includes establishing an Agency Anti-Discrimination Policy and grievance procedures and sharing all policy and procedures with participants, staff, volunteers, and contractors.