

PA-506 READING/BERKS CONTINUUM OF CARE ANTI-DISCRIMINATION POLICY

2023

Revision History:

Revised May 10, 2023, Approved May 20, 2023

Revised August 30, 2021

Written 2019



Reading/Berks Continuum of Care PA-506 Anti-Discrimination Policy

Overview

To provide all individuals and families equal access to necessary housing and services, the Continuum of Care (CoC) has adopted policies and procedures to ensure no one seeking services from the CoC is discriminated against. Each CoC provider must have a policy prohibiting discrimination against persons based on race, ethnicity, color, sex, sexual orientation, gender expression, gender identity, religion, national origin, ancestry, disability, marital status, age, source of income, familial status, or domestic or sexual violence victim status, ensuring that all participants are afforded equal opportunities, as stipulated in Federal Law and regulations. All other non-CoC funded providers are strongly encouraged to have one as well.

CoC and Emergency Solutions Grants (ESG) programs 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 Equal Access in Accordance with an Individual's Gender Identity regulation, 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. All agencies in the CoC including, but not limited to, the CoC Lead Agency (Berks Coalition to End Homelessness), agencies funded through CoC and ESG programs, and homeless service agencies funded by other federal and state programs, commit not to discriminate against any individual or family seeking homeless services based on race, color, national origin, religion, sex, familial status, disability, age, gender, LGBTQIA+ (lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual) status, or marital status.

Equal Access Policy

Providers of federal and/or state-funded housing and services in the CoC shall not discriminate on the basis of race, color, national origin, religion, sex, familial status, disability, age, gender, LGBTQIA+ status, or marital status. Homeless services providers will make housing available to all eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status. The CoC and all participating agencies will provide housing and services in accordance with a client's gender identity, determine eligibility without regard to actual or perceived sexual orientation, gender identity, or marital status, and will serve all persons. The CoC's Coordinated Entry system will provide equal access to all persons, especially those least likely to seek or receive services.

Equal Access Procedures

Berks CoC will:

- Provide as-needed training to agencies and agency staff regarding the Equal Access Rule and related requirements.
- Use appropriate, inclusive language in communications, publications, trainings, personnel handbooks, and other policy documents that affirms the CoC's commitment to serving all eligible clients in adherence with the HUD Equal Access Rule.
- Ensure that communications and resources pertaining to housing and services are accessible to



individuals with disabilities.

- Continue to develop partnerships with organizations that can provide expertise around the process of changing gender markers on identification and benefit applications or can ensure subject matter expertise among staff.
- Support all clients in understanding their privacy rights and the implication of releasing information.
- Monitor CoC and ESG-funded agencies annually to ensure compliance with applicable fair housing and civil rights laws and related requirements.

Organizations will:

- 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 the organization's services.
- Make available intake materials that allow individuals to indicate both their legal name and the name they prefer to be called.
- Ensure all staff, volunteers, and contractors maintain the confidentiality of a client's legal name and sex assigned at birth and understand the potential impact that disclosure can have on a client's progress to self-sufficiency.
- Ensure staff, volunteers, and contractors understand that a client may present their gender differently than the way they identify.
- When possible, ensure that construction or property rehabilitation includes and promotes privacy and safety in sleeping areas, bathrooms, and showers.
- Mediate and resolve conflicts between clients in a way that respects clients and treats them fairly and equally.
- Take immediate action to resolve inappropriate behavior, treatment, harassment, or equal access issues by any person (staff, volunteers, contractors, or clients). Follow the prescribed organization grievance policy as with any other grievance.

Organization staff will:

- Honor all requests, to the extent possible, for special accommodations for anyone who has a disability or who feels discriminated against or unsafe.
- Honor the request of an individual for accommodations based on their personal safety and privacy concerns, whenever feasible.
- Try to ensure client safety and prevent harassment. If at all possible, staff will remove perpetrators of harassment before asking victims to move.
- Assist clients without identification documents to understand the resources available to obtain identification.
- Treat a client's gender identity and sex assigned at birth as confidential medical information that will not be disclosed without specific, time-limited client consent. Similarly, a client's legal name shall be treated as confidential information.
- Not consider a client or potential client ineligible because their appearance or behavior does not conform to gender stereotypes and will serve all individuals eligible for the program.
- Not ask questions or seek information concerning a person's anatomy or medical history beyond elements necessary for the purpose of providing services.
- Not require an individual's gender identity to match the gender listed on an ID or other documents.



Involuntary Family Separation Policy

According to CoC Program interim rule 24 CFR 578.93(e), involuntary separation is prohibited in projects funded through CoC and ESG dollars. In accordance with the interim rule, the CoC will work with providers to ensure shelter placement efforts are coordinated to avoid involuntary family separation. CoC- and ESG-funded projects may not deny admission to any household on the basis of:

- The age or gender of a child under 18
- The gender of a parent or parents, or
- The marital status of a parent or parents

Faith Based Activities Policy

In providing program assistance, CoC agencies and staff shall not 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 their 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. All activities must adhere to federal requirements, as established in 24 CFR § 5.109.

Reporting

Berks Coalition to End Homelessness (BCEH) has implemented a retaliation-free violation reporting policy to ensure adherence to policy regulations. Conduct prohibited by this policy and found to be unacceptable is subject to report, investigation, and response.

BCEH requires the prompt reporting of all incidents of discrimination and non-compliance with this policy. A formal complaint procedure for the reporting of violations of the Anti-Discrimination Policy has been instituted. It is established that all program participants must be advised at program intake of their legal rights, including an explanation of this policy and instructions for reporting violations.

Initially, reporters should contact administrators of the specific program demonstrating non-compliance with concerns, except in cases where retaliation is feared. If the concern is not resolved after administrators are involved, reporters may contact BCEH at 610-372-7222 or by faxing 610-372-7223 or mailing the completed report form to the office.

Monitoring and Enforcement

Berks Coalition to End Homelessness will ensure that all CoC-funded agencies are familiar with this policy and are adhering to the guidelines. All funded projects are to keep timely written documentation regarding specifics of placement/treatment/incidents and exceptions involving individuals and families served. In addition, BCEH will ensure all homeless service providers in the community, including ESG-funded organizations, are familiar with the policy. BCEH will provide technical assistance as needed regarding this policy.

Organizations will be found in violation of this Anti-Discrimination Policy for actions including, but not limited to:



- Denial of services based on membership in a protected class.
- Publishing, circulating, issuing, displaying, posting, or mailing any written statement or utterance of any verbal statement disparaging any member of any protected class, that may result in exclusion from services or denial of fair treatment.
- Institution of rules limiting freedom of attire, especially affecting religious observance or gender identity, except in cases where decency, health, and safety are concerned.
- Real or implied creation of any quota system intent on limiting the number of protected class members to be served by an organization.
- Allowing an offensive and hostile living environment, promulgated by staff, other participants, or both, to discourage, demean, or otherwise disenfranchise participants as members of a protected class.
- Segregating any participant to a specific location based on protected class status.
- Refusal to make requested reasonable accommodations and modifications for members of a protected class; or refusal or withholding of any accommodation, advantage, or privilege based on protected class status.

Confirmed acts of discrimination, harassment and misconduct will be dealt with appropriately. Responsive actions will include training, counseling, and progressive correction measures. The purpose of these responses in cases of confirmed violation is to promote adherence to this policy.

Effective date: May 20, 2023

Jack Williams
Executive Director
Berks Coalition to End Homelessness

Elise McCauley
Assistant Director
Berks Coalition to End Homelessness

References:

- Fair Housing Act (42 USC 3601-19): <https://legcounsel.house.gov/Comps/civil68.pdf>
- HUD Equal Access Final Rule: <https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>
- HUD's Portal for Online Fair Housing Complaints: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint
- Materials from HUD 11/16/16 Equal Access and Gender Identity Rules Training: <https://www.hudexchange.info/course-content/equal-access-and-gender-identity-rules-training/Implementing-HUDs-Equal-Access-and-Gender-Identity-Rules-Slides-2016-11-17.pdf>

