

Equity and Accessibility Requirements and Strategies for Homekey: Technical Assistance

The COVID-19 pandemic exacerbates existing community needs and inequalities. In many communities, homelessness was already experienced disproportionately by race and other protected classes, including disability status. The Centers for Disease Control and Prevention is also reporting disproportionate impacts by race and ethnicity for COVID-19 hospitalization and death, specifically Black, Indigenous, and Hispanic/Latinx persons.¹

Given that persons experiencing homelessness are at increased risk of infection and death due to COVID-19, Homekey's target population means individuals and families who are experiencing or at risk of homelessness. Homekey incorporates equity and accessibility considerations into the project scoring criteria in sections 3a and 3b to address racial and systemic inequities, and equitably distribute resources within the target population. **In particular, this document has been prepared to provide guidance to project applicants and awardees on approaches to incorporating equity and accessibility strategies with the target population in mind.** Applicants may have already submitted a complete application to meet the priority application deadline. This document will also be helpful as awardees work toward implementation.

This document offers guidance and should not be construed as legal advice.

Applicants who have additional questions may contact California Department of Housing and Community Development (HCD) staff at Homekey@hcd.ca.gov.

¹ As of June 12, the Center for Disease Control and Prevention reported age-adjusted COVID-19 hospitalization rates are highest among non-Hispanic American Indian or Alaska Native (5 times white persons) and non-Hispanic Black persons (5 times white persons), followed by Hispanic or Latino persons (4 times white persons).

High-Level Summary

Homekey NOFA Section 204: Evaluation Criteria 3a, Equity

Relevant Threshold Requirements:

- Per Homekey NOFA Section 311: Accessibility and Non-Discrimination, provide a non-discrimination statement. (See technical assistance on page 4)
- Per Homekey NOFA Section 311: Accessibility and Non-Discrimination, comply with the requirements contained in the [Americans with Disabilities Act](#), the [Fair Housing Amendments Act](#), the [California Fair Employment and Housing Act](#) the [Unruh Act](#), [Government Code Section 11135](#), [Section 504 of the Rehabilitation Act](#), and regulations promulgated pursuant to those statutes, including [24 C.F.R. Part 100](#), [24 C.F.R. Part 8](#), and [28 C.F.R. Part 35](#), in all of the Sponsor's activities. (See technical assistance on page 5)
 - Note: The Fair Employment and Housing Act is supported by accompanying regulations, [2 CCR Section 12005 et seq](#), covering tenant screening.

Scored criteria (up to 15 points):

- Per Homekey NOFA Section 204: Evaluation Criteria 3a, describe how the Project will address racial equity and inequities for the target population, including any local disproportionate impact of COVID-19 and homelessness by race and other protected classes. Provide supporting evidence of the strategies' effectiveness. (See technical assistance on page 6)
 - Describe how the Project will address systemic inequities (including racial) for the target population.
 - Provide supporting evidence of the strategies' effectiveness. This could include data trends, policies, local actions, collaborative efforts with partners. Describe efforts to engage with equity and racial equity.

Homekey NOFA Section 204: Evaluation Criteria 3b, Accessibility

Relevant Threshold Requirements:

- Per Homekey NOFA Section 311: Accessibility and Non-Discrimination, all developments shall adhere to the accessibility requirements set forth in California Building Code (CBC) [Chapter 11A](#) and [11B](#) and the [Americans with Disabilities Act, Title II](#). In addition, developments shall adhere to either the [Uniform Federal Accessibility Standards \(UFAS\), 24 C.F.R. Part 8](#), or HUD's modified version of the [2010 ADA Standards for Accessible Design](#) (Alternative 2010 ADAS), [HUD-2014-0042-0001](#), 79 F.R. 29671 (5/27/14) (commonly referred to as "the Alternative Standards" or "HUD Deeming Memo"). Accessible units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout the project and be available in a sufficient range of sizes and amenities consistent with [24 CFR Section 8.26](#). (See technical assistance on page 11)

Scored criteria (up to 5 points):

- Per Homekey NOFA Section 204: Evaluation Criteria 3b, exceed the State and Federal Accessibility threshold requirements described above, specifically:
 - Provide a minimum of 10 percent of units with features accessible to persons with mobility disabilities.
 - Provide a minimum of 4 percent of units with features accessible to persons with hearing or vision disabilities.
- (See technical assistance on page 12)

Technical assistance related to the threshold and scoring criteria described above:

Homekey NOFA Section 204: Evaluation Criteria 3a, Equity

Relevant Threshold Requirements:

- Per Homekey NOFA Section 311: Accessibility and Non-Discrimination, provide a non-discrimination statement.

Sample non-discrimination statement

Sponsor will not deny the benefits of the Homekey program from or discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Sponsor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Sponsor will comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Sponsor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Sponsor shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Homekey NOFA Section 204: Evaluation Criteria 3a, Equity

Relevant Threshold Requirements:

- Per Homekey NOFA Section 311: Accessibility and Non-Discrimination, comply with the requirements contained in the [Americans with Disabilities Act](#), the [Fair Housing Amendments Act](#), the [California Fair Employment and Housing Act](#), the [Unruh Act](#), [Government Code Section 11135](#), [Section 504 of the Rehabilitation Act](#), and regulations promulgated pursuant to those statutes, including [24 C.F.R. Part 100](#), [24 C.F.R. Part 8](#), and [28 C.F.R. Part 35](#), in all of the Sponsor's activities.
- Note: The Fair Employment and Housing Act (FEHA) is supported by accompanying regulations, [2 CCR Section 12005 et seq](#), covering tenant screening.

FEHA Guidance on Use of Criminal History in Tenant screening

Tenant screening for Homekey must comply with [FEHA Regulations](#) related to the use of criminal history of housing providers under [California Code of Regulations, Title 2, Sections 12264-12271](#) (see also [Fair Housing Criminal Screening FAQ](#)).

- o No blanket bans. Housing providers cannot make any statement indicating a categorical ban on renting to anyone with a criminal record.
- o Housing providers may not consider arrests that do not lead to a conviction.
- o Limit lookback periods to seven years from the date of disposition, release, or parole (California Civil Code section 1785.13).
- o A housing provider may consider certain criminal history, but the provider's policy or practice should be narrowly tailored and focus on whether any criminal conviction is "directly-related." This means a criminal conviction that has a direct and specific negative bearing on a substantial, legitimate, and nondiscriminatory interest or purpose of the housing provider, such as the safety of other residents, the housing provider's employees, or the property.
- o Housing providers should consider mitigating information when considering an applicant's criminal history. Mitigating information means credible information about the applicant that suggests that the applicant is not likely to pose a demonstrable risk to the health and safety of others, the property, or others non-discriminatory interest or purpose of the housing provider.

Homekey NOFA Section 204: Evaluation Criteria 3a, Equity

Scored criteria:

- Per Homekey NOFA Section 204: Evaluation Criteria 3a, describe how the Project will address racial equity and inequities for the target population, including any local disproportionate impact of COVID-19 and homelessness by race and other protected classes. Provide supporting evidence of the strategies' effectiveness if available. The equity scoring criteria in this section is worth up to 15 points. In this section of the application, applicants can earn points for their project by documenting:
 - Strategies as a part of or in tandem to the project which support equitably addressing the impacts of the community
 - Strategies' effectiveness in terms of resulting in equitable outcomes.

Recommended Approach to Explore and Document Homelessness by Race and Other Protected Classes

In order to determine the strategies most impactful for your community it will be beneficial to consider the local impacts of COVID-19 and homelessness by race and other protected classes.

- Review [census data](#) for your community. Look up race and ethnicity demographics for the general population, compare it to your Continuum of Care (CoC's) homeless population.
 - Is homelessness disproportionately experienced by particular racial or ethnic groups, or other protected classes?
- Reference the [HUD CoC analysis tool for Race and Ethnicity](#)
 - Obtain [local COC number](#).
 - Determine what percentage of people in your CoC are poor, homeless, sheltered, and unsheltered based. Evaluate based on race and ethnicity.

- The tool may be used to compare race and ethnicity information on all persons, persons in poverty, and persons experiencing homelessness.

CoC Data

Race and Ethnicity	All (ACS) ¹				In Poverty (ACS) ¹				Experiencing Homelessness (PIT) ²				Experiencing Sheltered Homelessness (PIT) ²				Experiencing Unsheltered Homelessness (PIT) ²			
	All		In Families with Children		All		In Families with Children		All		In Families with Children		All		In Families with Children		All		In Families with Children	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
All People	2,121,220		1,066,266		374,810		229,954		2,607		488		687		401		1,920		87	
Race																				
White	1,312,700	62%	629,108	59%	215,600	58%	126,796	55%	1,402	54%	207	42%	346	50%	173	43%	1,056	55%	34	39%
Black	178,674	8%	89,392	8%	43,426	12%	27,710	12%	658	25%	220	45%	272	40%	196	49%	386	20%	24	28%
Native	17,046	1%	10,493	1%	3,776	1%	2,081	1%	57	2%	5	1%	3	0%	0	0%	54	3%	5	6%
Asian/Pacific Islander	153,310	7%	73,974	7%	17,187	5%	8,064	4%	42	2%	11	2%	17	2%	9	2%	25	1%	2	2%
Other/Multi-Racial	459,490	22%	263,299	25%	94,821	25%	65,302	28%	448	17%	45	9%	49	7%	23	6%	399	21%	22	25%
Ethnicity																				
Hispanic	1,108,996	52%	664,931	62%	231,381	62%	166,011	72%	798	31%	195	40%	242	35%	160	40%	556	29%	35	40%
Non-Hispanic	1,012,224	48%	401,335	38%	143,429	38%	63,943	28%	1,809	69%	293	60%	445	65%	241	60%	1,364	71%	52	60%
Youth <25	14,968		NOT AVAILABLE				186		17		44		15		142		2			
Race																				
White	11,729	78%	--	--	--	--	--	--	92	49%	7	41%	19	43%	5	33%	73	51%	2	100%
Black	2,158	14%	--	--	--	--	--	--	46	25%	10	59%	21	48%	10	67%	25	18%	0	0%
Native	283	2%	--	--	--	--	--	--	2	1%	0	0%	2	5%	0	0%	0	0%	0	0%
Asian/Pacific Islander	29	0%	--	--	--	--	--	--	1	1%	0	0%	0	0%	0	0%	1	1%	0	0%
Other/Multi-Racial	769	5%	--	--	--	--	--	--	45	24%	0	0%	2	5%	0	0%	43	30%	0	0%
Ethnicity																				
Hispanic	10,518	70%	--	--	--	--	--	--	81	44%	4	24%	13	30%	4	27%	68	48%	0	0%
Non-Hispanic	4,450	30%	--	--	--	--	--	--	105	56%	13	76%	31	70%	11	73%	74	52%	2	100%

- Explore the data and trends such as, the racial ethnic population differences for people in poverty, for people experiencing homelessness, within the sheltered population, and unsheltered population.
- Submit supporting evidence of impacts of COVID for your project area. Compare impacted population to the general population. The [California Department of Public Health](#) has some demographic data on populations effected by COVID. You could also research local reports from the county health department.
 - Homekey applicants who are interested in support gathering this data can request Data and Research technical assistance by emailing Homekey@hcd.ca.gov. We have Point in Time (PIT) count data available that encompasses age, race, and gender as well as people in families, unaccompanied youth, veterans, and the chronically homeless.

Potential Strategies to Address Racial Equity and Inequities for the Target Population

When attempting to meet this scoring criteria, the application should describe the various strategies the Project will include. This technical assistance is not meant to be an exhaustive list of eligible strategies, but rather examples of potential strategies.

Community Engagement²

Describe your organization’s strategy to secure inclusive public engagement that ensures impacted communities of color are part of decision-making.

- Implement processes designed to:

² PolicyLink Inclusive Processes to Advance Racial Equity in Housing Recovery: A Guide for Cities during the Covid-19 Pandemic, July 2020

- Ensure impacted community members are aware of how to apply for this housing
- Prioritize communities most likely to be impacted by homelessness and COVID-19.
- Enable transparency with impacted community members
- Engage impacted community members before decisions are made
- Track results to see if equitable outcomes result from your processes.

Multilingual applications and application assistance

- Market units to non-English speakers, provide applications in non-English languages that are most relevant for your community.
- Top five languages spoken by persons in California with limited English proficiency: Spanish, Chinese, Vietnamese, Tagalog, and Korean. Also see U.S. Census Bureau, 2013-2017 American Community Survey 5-Year estimates, Table B16001. More detailed data is available in figure 72 of the [Final 2020 Analysis of Impediments to Fair Housing Choice](#).

Demonstrate how you are advancing racial equity in your COVID response and recovery and how your project fits into that commitment³

- Describe the extent to which the lead applicant and its partner organizations are leading their responses to COVID-19 recovery in an equitable manner. For example, directing COVID relief funds toward most impacted residents.
- What focus is being made on not leaving the most vulnerable residents, particularly low-income people and people of color, behind or further harmed by COVID-19?

Tribal outreach and coordination in marketing

If you are not a tribal entity, partner with local tribes and tribal entities as a part of the outreach efforts.

- Provide information on which tribal organization you are partnering with and their involvement in your project.
- Describe your internal policies and procedures for the inclusion of tribal expertise and partnership.
- Share the duration and nature of your partnership with tribes and your commitment to sustain and build those relationships over time.

³ PolicyLink Inclusive Processes to Advance Racial Equity in Housing Recovery: A Guide for Cities during the Covid-19 Pandemic, July 2020

Implicit Bias and Cultural Competency Training⁴

For full spectrum of staff (particularly those assisting in marketing and screening of tenants, supportive services staff).

- Property management plan should include a non-discrimination policy, a reasonable accommodation policy, a reasonable modification policy, an effective communications policy, and a grievance policy to ensure tenants are informed of their rights and how to enforce them
- Annually train all staff on race and equity inclusion and implicit bias
- Schedule ongoing opportunities to discuss racial equity and how to achieve progress. If your organization already schedules these opportunities, share your organizations current commitments.

Diversity plan in hiring for staff

- Provide a narrative of your organization's specific commitments to diversity in hiring.
- Describe the current diversity in the work force initiatives and program outcomes to date.
- Document your commitment to hire or contract with diverse staffing and services.
- Implement bias-free recruiting practices, use diverse channels to recruit staff, and diverse representation on all hiring panels.
- Describe how your organization monitors, evaluates, and updates your diversity plan.

Create a System to Monitor and Track Project Outcomes

- Track and report race data – including applicants and tenants
- Analyze the population eligible for project units, those applying, and those occupying the final units.
- Compare applicant and tenant data from the eligible population within the housing market area (if in an Metropolitan Statistical Area, use MSA data, otherwise use County data)
- Assess for disparate outcomes by measuring whether the outcomes of your program or system vary depending on the race or ethnicity of a homeless person or family.
- Adjust ineffective strategies to improve outcomes over time

Affirmative Marketing Units with Accessibility Features

- Affirmatively market units with accessibility features (mobility and sensory accessible) to persons in need of the features.
 - Conduct outreach to local [Centers for Independent Living](#) and community based organizations serving persons with disabilities.

⁴ Los Angeles Homeless Services Authority – Ad Hoc Committee on Black People Experiencing Homelessness, December 2018

- Provide a preference to persons in need of mobility and sensory accessible features to occupy units with those features. Preference could look like:
 - (A) First, to a current occupant of another unit of the same project with a disability requiring the accessibility features of the vacant unit and occupying a unit not having such features, or if no such occupant exists, then (B) Second, to an eligible qualified applicant on the waiting list with a disability requiring the accessibility features of the vacant unit. When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the owner or manager shall require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available).

Additional resources/reports

- PolicyLink guides for cities during the Covid-19 pandemic – [Strategies to Advance Racial Equity in Housing Response and Recovery](#) and [Inclusive Processes to Advance Racial Equity in Housing Response and Recovery](#).
- Los Angeles Homeless Services Authority – Ad Hoc Committee on Black People Experiencing Homelessness [article](#) and [report](#) to understand and address disproportionate percentage of Black residents experiencing homelessness.
- The National Alliance to End Homelessness – [Racial Equity Network Toolkit](#)
- Review the Southwest Center for Law & Policy’s [Crossing the Bridge: Tribal-State-Local Collaboration](#) technical assistance publication on how to collaborate effectively with tribal members and entities.
- [Walking on Common Ground website](#) of resources for promoting and facilitating tribal collaborations

Supporting Evidence of Strategies Effectiveness

Evidence of the strategies’ effectiveness could include academic articles, research papers, anecdotal data, data trends, or other relevant information supporting the approach as effective in addressing racial equity and inequities for the target population.

Homekey NOFA Section 204: Evaluation Criteria 3b, Accessibility

Relevant Threshold Requirements:

- Per Homekey NOFA Section 311: Accessibility and Non-Discrimination, all developments shall adhere to the accessibility requirements set forth in California Building Code [Chapter 11A](#) and [11B](#) and the [Americans with Disabilities Act, Title II](#). In addition, developments shall adhere to either the [Uniform Federal Accessibility Standards \(UFAS\), 24 C.F.R. Part 8](#), or HUD's modified version of the [2010 ADA Standards for Accessible Design](#) (Alternative 2010 ADAS), [HUD-2014-0042-0001](#), 79 F.R. 29671 (5/27/14) (commonly referred to as "the Alternative Standards" or "HUD Deeming Memo"). Accessible units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout the project and be available in a sufficient range of sizes and amenities consistent with [24 CFR Section 8.26](#).

State and Federal Accessibility Requirements

All Homekey-funded properties, must follow the requirements described in Homekey NOFA Section 311. It should be noted that one of the main requirements is developments must include a minimum of 5 percent of units with features accessible to persons with mobility disabilities, as defined in [24 C.F.R. Section 8.22](#) and the parallel [ADAAG 2010](#) and CBC provisions, and a minimum of 2 percent of units with features accessible to persons with hearing or vision disabilities, as defined [in 24 C.F.R. Section 8.22](#) and the parallel [ADAAG 2010](#) and [CBC Chapter 11B](#) provisions. Additionally, units with mobility features and sensory features cannot be counted individually toward those percentages when they overlap in the same unit. Under [HUD Section 504 Regulations](#), mobility features and communication features cannot overlap in the same unit. Accessible units are to be dispersed among the various types of dwelling units. For additional questions related to California Building Code Chapter 11B please reach out to the [Division of State Architect](#).

Homekey NOFA Section 204: Evaluation Criteria 3b, Accessibility

Scored criteria:

- Exceed the threshold criteria described above, specifically:
 - Provide a minimum of 10 percent of units with features accessible to persons with mobility disabilities.
 - Provide a minimum of 4 percent of units with features accessible to persons with hearing or vision disabilities.

Exceeding the State and Federal Accessibility Requirements

Homekey NOFA Section 204, Evaluation Criteria 3b is met by exceeding the threshold requirements, specifically projects designating both, 10% or more with features accessible to persons with mobility disabilities and 4% of units with features accessible to persons with sensory (hearing or vision) disabilities, as defined in [24 C.F.R. Section 8.22](#) and the parallel [ADAAG 2010](#) and [CBC provisions](#). If the Project exceeds the threshold criteria in other ways that would be relevant information to include in the application.