

June 25, 2021

Department of Fair Employment and Housing  
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Re: **Attachment to Intake Form and Request to Investigate Discrimination by  
Department of Housing and Community Development**

To Department of Fair Employment and Housing:

Asian Americans Advancing Justice – Asian Law Caucus, Asian Americans Advancing Justice – Los Angeles, and Bet Tzedek submit this complaint on behalf of the San Francisco Anti-Displacement Coalition to the Department of Fair Employment and Housing (Department) regarding the California Department of Housing and Community Development’s (HCD’s) failure to provide meaningful language and disability access in its administration of the Emergency Rental Assistance Program (ERAP).

The San Francisco Anti Displacement Coalition (SFADC) is a citywide coalition of over twenty organizations committed to stopping the displacement of tenants and loss of our working class and BIPOC communities. SFADC believes that the future of San Francisco (and the state of California) as a culturally diverse, vibrant and creative community depends on its capacity to protect tenants from displacement and neighborhoods from losing their character and their social and economic diversity. SFADC works directly with vulnerable tenants, including tenants with limited English proficiency and tenants with disabilities, who are trying to access needed rental assistance and debt relief in this unprecedented period.

In light of the increased difficulty limited English Proficient (LEP) and disabled tenants encounter in accessing services and assistance during to the COVID-19 pandemic, providing meaningful language and disability services in accordance with the federal and state legal mandates is more important than ever and could have critical effects on many California residents’ ability to retain housing. Through its discriminatory practices, HCD is diverting the resources and frustrating the mission of SFADC and similar entities. We file this complaint as an extension of our commitment to justice, which includes meaningful language and disability access to vital services and benefits, particularly during times of crisis.

## **I. ERAP Improvements and Remaining Barriers**

It is estimated that over 750,000 California households are behind on rent.<sup>1</sup> With the nonpayment eviction protections currently set to expire on July 1, 2021, it is critical to get the

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<sup>1</sup> National Equity Atlas, June 22, 2021 (<https://nationalequityatlas.org/rent-debt>)

funds to the vulnerable low-income renters who are the intended beneficiaries of this program. Delays in distributing assistance will lead to displacement and eviction, which the ERAP program is intended to prevent. At the time this complaint is being submitted, the state is considering extension of the eviction moratorium and some continued protections for tenants unable to pay their rent and increasing the assistance amount to 100% of rent tenants owe. However, these announcements<sup>2</sup> have not yet been codified and if they are would further rely on ERAP to administer the vital funds to protect tenants from eviction and pay their rent. It is therefore even more important that LEP and disabled tenants are able to access this program and preserve their housing.

We have all raised concerns regarding language and disability access with HCD directly and through statewide partners and appreciate the improvements made to the ERAP program and application thus far. However, there are still outstanding issues including: 1) the application<sup>3</sup> is only available in non-English languages via Google Translate, 2) the informational website is difficult to understand, is not completely translated and still has English-only barriers, 3) an email address and internet access is required to apply, and 4) the phone center is still not accessible for LEP applicants and applicants with disabilities and does not provide over the phone application assistance.

Although HCD now has professionally translated some of the website into Chinese, Vietnamese, Korean, and Tagalog<sup>4</sup>, reduced the length of the application and simplified some of the documentation requirements, and promised to translate the “paper” sample application, these changes are not sufficient to meet the demands of California’s diverse communities who are facing a July 1, 2021 eviction cliff. Since early 2020, stories of individuals who have faced serious consequences related to COVID-19 due to the lack of meaningful language access have permeated the media.<sup>5</sup> Workers struggled throughout the pandemic to apply for vital unemployment benefits.<sup>6</sup> Now, tenants cannot apply for essential rental assistance funds and must choose between facing eviction and moving out with no place to go in order to avoid debt, court proceedings, and an eviction on their record.

We have received reports from community partners across the state who have received many calls from individuals who do not speak English or Spanish as their dominant language and who have been unable to navigate HCD’s website, phone line, and application to request or receive critical benefits. As of this writing, the translated sample “paper” applications promised

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<sup>2</sup>See California Has a Plan to Pay the Back Rent for Low-Income Tenants. All of It., The New York Times, June 21, 2021 (<https://www.nytimes.com/2021/06/21/us/california-rent-forgiveness.html?smid=url-share>); also California to Pay off all Past Due Rent Accrued During COVID, Giving Renters Clean Slate, Newsweek, June 21, 2021 (<https://www.newsweek.com/california-pay-off-all-past-due-rent-accrued-during-covid-giving-renters-clean-slate-1602556>).

<sup>3</sup> See ERAP application log in page: <https://hornellp-ca.neighborlysoftware.com/CaliforniaCovid19RentRelief/Participant>

<sup>4</sup> See <https://housing.ca.gov/>. There are still errors in the professional translations and many Chinese characters appears in square boxes for some reason.

<sup>5</sup> Hospitals Have Left Many COVID-19 Patients Who Don’t Speak English Alone, Confused and Without Proper Care, ProPublica, March 31, 2020 (<https://www.propublica.org/article/hospitals-have-left-many-covid19-patients-who-dont-speak-english-alone-confused-and-without-proper-care>); Equitable Access To Health Information For Non-English Speakers Amidst The Novel Coronavirus Pandemic, Health Affairs, April 2, 2020 (<https://www.healthaffairs.org/doi/10.1377/hblog20200331.77927/full/>).

<sup>6</sup> Non-English speakers struggle to file coronavirus unemployment claims, CalMatters, April 2, 2020 (<https://calmatters.org/california-divide/2020/04/non-english-speakers-struggle-unemployment-applications/>)

by HCD cannot be located on the website. While more of the informational website is translated, not all content is, including important items such as the interactive assessment tool, which is only available in English despite asking the would-be applicant's primary language (in English). On June 23, 2021 a Cantonese speaker tried calling the phone center for assistance. They selected the Cantonese language option from the menu but then were sent to an English menu and eventually got to an English speaking CSR who could not assist them and did not have an interpreter available. Other non-English speaking callers have been able to communicate with an interpreter for a few minutes but then the CSR disappeared from the call, leaving the interpreter and caller alone to wonder where they went and whether they would return to answer the caller's questions. After another ten minutes when even the interpreter stopped responding, the caller hung up. SFADC member organizations continue to receive a high volume of calls with questions, requests for assistance, and confusion regarding ERAP. These organizations cannot meet the demand of need for assistance from LEP and disabled tenants.

In California, almost 7 million individuals are unable to communicate effectively in English. Although many of these individuals are Spanish speaking, a significant number of those who are limited English proficient, approximately 2.4 million or 36%, speak languages other than Spanish.<sup>7</sup> Nearly 1.7 million Asian Americans statewide are limited English proficient. Additionally, many Asian Americans live in linguistically isolated households where everyone over the age of 14 is LEP; over 23% of Asian American households in California are linguistically isolated.<sup>8</sup> HCD must improve ERAP to provide meaningful and equal access to all of these individuals.

## **II. Efforts to Communicate with HCD**

It is more important than ever to provide meaningful language access during this pandemic as individuals who primarily use non-dominant languages have historically faced challenges in seeking access to basic amenities, legal remedies and supportive services. Limited English proficiency impacts the "ability to access fundamental necessities such as employment, police protection, and health care."<sup>9</sup> Unsurprisingly, access to justice has proven difficult for individuals who speak a language other than English at home, who have higher rates of poverty than the general population in California.<sup>10</sup> These linguistically marginalized communities are often the most isolated and vulnerable, making services and benefits very difficult to access and obtain. Many already have great difficulty accessing technology-driven services and benefits. These communities struggled throughout the pandemic to keep up with changing eviction protections and the uncertainty of continued protection or rental assistance and currently face

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<sup>7</sup> U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Table B16001, California (<https://data.census.gov/cedsci/table?q=0400000US06&tid=ACSDT5Y2019.B16001>).

<sup>8</sup> Asian American Center for Advancing Justice, A Community of Contrasts: Asian Americans, Native Hawaiians and Pacific Islanders in California, ([https://www.advancingjustice-la.org/system/files/Communities\\_of\\_Contrast\\_California\\_2013.pdf](https://www.advancingjustice-la.org/system/files/Communities_of_Contrast_California_2013.pdf)).

<sup>9</sup> Asian Pacific American Legal Center and Asian Pacific Islander American Health Forum, California Speaks: Language Diversity and English Proficiency by Legislative District (2009) ([https://www.migrationpolicy.org/sites/default/files/language\\_portal/California%20Speaks%20-%20Language%20Diversity%20and%20English%20Proficiency%20by%20Legislative%20District\\_0.pdf](https://www.migrationpolicy.org/sites/default/files/language_portal/California%20Speaks%20-%20Language%20Diversity%20and%20English%20Proficiency%20by%20Legislative%20District_0.pdf)).

<sup>10</sup> U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Characteristics of People by Language Spoken at Home, Table S1603, California (<https://data.census.gov/cedsci/table?q=S1603&q=0400000US06&tid=ACSST5Y2019.S1603>).

another potential cliff.

Recognizing that ERAP is a new program created during a national crisis, we, along with legal services providers, community organizations, and others provided feedback to HCD on our concerns regarding language, digital and other barriers after it launched. For example, the informational website (<https://housing.ca.gov/>) was first only available in English and Spanish with an English-only Google Translate menu to choose other languages. Even if the consumer needed Spanish, there were still several English-only walls or landing pages when navigating through the website where they would need to re-select Spanish (the same happened when utilizing Google Translate for other languages). If a consumer called the phone help line for assistance, the menu options were only in English and there were not representatives available who could assist in languages other than English other than the occasional staff person who happened to be multi-lingual. The website initially stated that applicants could call for assistance with completing their application if they spoke a language other than English but callers seeking such help were told that they had to complete the online application. There was also a 36-page sample application on the website to help tenant applicants see what they would need to submit but this was only available in English.

Not seeing many changes after the program was out for a month despite advocates providing feedback, SFADC then sent a letter (Exhibit A) to HCD and issued a press release highlighting concerns about language and disability access on April 13, 2021. This led to a meeting with HCD on April 15, 2021 where SFADC members reiterated these concerns and asked for changes including the immediate professional translation of the website and application, making the website mobile compatible, providing paper applications for people without internet access to submit, and outreach to communities who had already been discouraged by the burdensome application and lack of appropriate translation. HCD made some commitments to improvements, follow up, and sharing data on applicants so we could better assess the program. However, when SFADC followed up HCD told them that they did not have data on applicants and after another month still were working on translation of most items on the website and the sample “paper” applications. SFADC was able to acquire some data on applications in San Francisco and California via a Public Records Act Request which showed a troublingly low number of completed applications at both the State and local level for applicants whose primary language was not English. (Exhibit B). For example, 1.72% of tenants across the state and 3.91% of tenants in San Francisco who had completed ERAP applications indicated Chinese as their primary language. (Ex. B at pages 4-5). However, Census data estimates that 3.43%<sup>11</sup> of Californians and 17.49%<sup>12</sup> of San Franciscans speak Chinese. Tagalog-speaking applicant numbers were also low: .24% of tenants across the state and .53% of tenants in San Francisco who had completed ERAP applications indicated Filipino as their primary language while this population makes up 2.20% and 2.13% of California and San Francisco’s populations, respectively.<sup>13</sup>

In late May, HCD announced to advocates that they would take several measures to reduce barriers to access by the first week of June 2021. Among these changes included

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<sup>11</sup> See U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Table B16001, California ([https://data.census.gov/cedsci/table?g=0400000US06\\_0500000US06075&tid=ACSDT1Y2019.B16001&hidePrevious=true](https://data.census.gov/cedsci/table?g=0400000US06_0500000US06075&tid=ACSDT1Y2019.B16001&hidePrevious=true)).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

shortening and simplifying the application, reducing the documentation requirements, translating the website in to six languages, and translating a “paper” sample version of the application that mirrors the online portal into six languages. Some advocates were given a brief window to provide written comments on the updated application where we raised concerns about continuing barriers for LEP and disabled individuals again on May 27, 2021. HCD again confirmed that the application portal would not be translated professionally and that HCD would be producing professionally translated paper supporting documents to help navigate the issues with Google Translate in the online application portal.

### **III. Legal Mandates For Language Access**

California Government Code Section 11135(a) provides that “[n]o person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.”<sup>14</sup> Accompanying regulations at 2 CCR §§ 11161 and 11162 state that it is discriminatory not to take appropriate steps to provide “alternative communication services” for individuals based on their national origin or ethnic group identification, which includes linguistic characteristics. These alternative communication services can include “the provision of the services of a multilingual employee or an interpreter for the benefit of an ultimate beneficiary and the provision of written materials in a language other than English.”

As the Department is well aware, Section 11135 was designed to be even more expansive than its federal counterpart, Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 (Title VI) requires that equal access be provided to individuals with limited English proficiency.<sup>15</sup> Under Title VI and its implementing regulations, recipients of federal funds, which includes HCD and the ERAP program, must provide “meaningful access” to their services for individuals with LEP.<sup>16</sup> In the Department of Treasury’s Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, a safe harbor guide is laid out for recipients regarding written translations, which is helpful here. The Treasury recommends written translation of vital documents for each eligible LEP language group that consists of five percent or 1,000, whichever is less, of the population to be served and oral translation for other documents or for language groups with less than 50 people.<sup>17</sup> The Treasury guidance also specifies that where written translations of vital documents cannot be provided, meaningful

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<sup>14</sup> See, e.g., California Government Code section 11135 and implementing regulations.

<sup>15</sup> See 42 U.S.C. § 2000d and its implementing regulations, 45 C.F.R. Part 80; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 70 Fed. Reg. 6067 (2005).

<sup>16</sup> See *id.* Other federal statutes with language rights obligations include, but are not limited to, the Omnibus Crime Control and Safe Streets Act of 1968, Section 504 of the 1973 Rehabilitation Act, and the Americans with Disabilities Act (ADA); see also Executive Order 13166—Improving Access to Services for Persons With Limited English Proficiency, 65 Fed. Reg. 50121 (2000) (<https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf>).

<sup>17</sup> Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 70 Fed. Reg. 6067 (2005) at section VI. It is also important to note that the safe harbors only apply to written translations and do not affect the requirement to provide interpreting services in all languages, as needed.



access to such information must be provided through other means, “such as effective oral interpretation.” While this guidance is not binding, it does provide helpful guidance for HCD and makes clear that failure to translate the application for ERAP does not meet the minimum requirement for language access. In fact, the Washington State Novel Coronavirus (COVID-19) Response Language Access Plan adopted these safe harbor thresholds, requiring state agencies to translate vital information into languages spoken by at least 5% of the state population or 1,000 people, which resulted in translations in 37 languages.<sup>18</sup>

HCD is also required to provide meaningful language services pursuant to the California Fair Employment and Housing Act (FEHA), which prohibits discrimination based on national origin in “opportunity[ies] to seek, obtain, and hold housing.” Additionally, the Unruh Civil Rights Act, Cal. Civil Code § 51, prohibits business establishments, which can include government entities and nonprofit organizations, from discriminating on the basis of national origin and primary language. FEHA and the Unruh Civil Rights Act are discussed in more detail in the section below, as they also impact disability access.

California has an extremely diverse population, with the largest economy in the country and 5th largest in the world. While it may suffice for some smaller cities and states, providing access solely in one language other than English is simply unacceptable in an economy as large and diverse as California. According to ACS data, over 40 language groups with LEP in California are above 1,000 in population and nearly 30 languages number 10,000 or more.<sup>19</sup> These are significant populations that should have written translations provided so they can meaningfully access ERAP benefits. By limiting the application to only English (with machine translation), HCD discriminates against individuals based on national origin by inhibiting access to otherwise-eligible applicants who do not read English. Although there is a telephonic help line, there is no phone assistance with applying for ERAP and the call staff still do not offer meaningful language services.

To serve individuals with limited English proficiency effectively, HCD must conduct proactive outreach to harmed communities, with robust language services and written translations, as an integral part of any changes and updates to policies and practices during this critical time. HCD should also work more closely with local stakeholders to ensure that information is being disseminated and understood. Legal services and community groups have deep community relationships, trust, and cultural intelligence to effectively communicate with diverse communities and should also be consulted in these efforts and in the creation of new HCD programs to avoid delays and pitfalls like ERAP. The health, safety, and homes of hundreds of thousands of Californians who do not use English as their dominant language are at stake and could be lost without such access to ERAP funds.<sup>20</sup>

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<sup>18</sup> Washington State Novel Coronavirus (COVID-19) Response Language Access Plan, updated April 28, 2020, ([https://coronavirus.wa.gov/sites/default/files/2020-06/LanguageAccessPlan\\_0.pdf](https://coronavirus.wa.gov/sites/default/files/2020-06/LanguageAccessPlan_0.pdf)).

<sup>19</sup> U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Table B16001 (<https://data.census.gov/cedsci/table?g=0400000US06&tid=ACSDT5Y2019.B16001>).

<sup>20</sup> U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Table B16001 (<https://data.census.gov/cedsci/table?g=0400000US06&tid=ACSDT5Y2019.B16001>).

## **IV. Legal Mandates for Disability Access**

### **A. California Fair Employment and Housing Act**

The California Fair Employment and Housing Act (FEHA) declares “the practice of discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information in housing accommodations” against public policy.<sup>21</sup> In fact, “[t]he opportunity to seek, obtain, and hold housing” without discrimination on the basis of disability is explicitly recognized as a civil right.<sup>22</sup> Furthermore, it is an unlawful practice to refuse “to make reasonable accommodations in rules, policies, practices or services when these accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling.”<sup>23</sup>

HCD can be held liable for not only its own conduct resulting in discriminatory housing practices, but also potentially for failure to take prompt action to correct and end such practices by its employees, agents, or third parties with whom HCD has contracted.<sup>24</sup> FEHA’s implementing regulations impose liability even where there is no discriminatory intent, where the housing practice “actually or predictably results in a disparate impact on a group of individuals...based on membership in a protected class.”<sup>25</sup> “A practice predictably results in a disparate impact when there is evidence [this will occur,] even though the practice has not yet been implemented.”<sup>26</sup>

FEHA’s implementing regulations recognize that financial assistance practices, such as distribution of federal funds through programs like ERAP, may have a discriminatory effect on protected classes such as disability. Specific prohibited practices include the following, which unfortunately characterize the manner in which HCD has rolled out and administered its ERAP to-date: (i) making available, making unavailable, or discouraging the provision of financial assistance in a manner that results in a discriminatory effect;<sup>27</sup> (ii) failing or refusing to provide information regarding the availability of financial assistance, or failing or refusing to provide information regarding application requirements, procedures or standards for the review and approval of financial assistance, or providing information which is inaccurate or different from that provided others, in a manner that results in a discriminatory effect;<sup>28</sup> and (iii) imposing different terms or conditions on the availability of financial assistance in a manner that results in a discriminatory effect.<sup>29</sup> The lack of accessible features on both the ERAP website and the online application effectively discourages people with disabilities from applying for the federally provided funding, stymying the provision of financial assistance to a protected class. Moreover, HCD has effectively failed to provide information regarding application requirements, given the numerous barriers that people with disabilities currently must face when attempting to use their assistive devices to navigate the ERAP website or application.

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<sup>21</sup> Cal. Gov. Code § 12920.

<sup>22</sup> *Id.* at § 12921(b).

<sup>23</sup> *Id.* at § 12927(c)(1); 2 CCR § 12176(a).

<sup>24</sup> 2 CCR § 12010.

<sup>25</sup> *Id.* at § 12060.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at § 12100(a)(1).

<sup>28</sup> *Id.* at § 12100(a)(3).

<sup>29</sup> *Id.* at § 12100(a)(4).

## B. Additional Federal and State Protections

Government Code Section 11135 prohibits discrimination in, and the denial of full and equal access to, the benefits of “any program or activity that is conducted, operated or administered by...any state agency...funded directly by the state, or receives any financial assistance from the state.”<sup>30</sup> People with disabilities do not have equal access to the ERAP program as required by Section 11135, as communications are not effectively conveyed to people with low or no vision, who are deaf or hard of hearing, or who have intellectual or cognitive disabilities.

Similarly, Section 504 of the Rehabilitation Act of 1973, as amended, states that “[n]o otherwise qualified individual with a disability...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”<sup>31</sup> Section 504 also requires that recipients of federal funds who employ more than 15 people must designate a 504 coordinator and establish a grievance procedure to resolve complaints.<sup>32</sup> Congressional intent was to safeguard the rights of individuals with disabilities to equal access (including access to information in accessible formats), and to inclusion, integration, and full participation.<sup>33</sup> Furthermore, the Supreme Court has held that Section 504 guarantees “meaningful access,” and this guarantee may require “reasonable accommodations in the...program or benefit...to be made.”<sup>34</sup> Together, these statutes require that recipients of state and federal funds administer their programs in a manner that does not discriminate against people with disabilities.

Finally, HCD has violated California’s Unruh Civil Rights Act. ERAP applicants’ lack of access for requesting reasonable accommodations and HCD’s failure to set forth policies explaining its process for evaluating such requests amounts to a failure to make reasonable accommodations, a prohibited form of discrimination under Title II of the Americans with Disabilities Act (ADA)<sup>35</sup>, which California’s Unruh Civil Rights Act, explicitly recognizes as a per se violation.<sup>36</sup> The ADA, similar to Section 504, requires that public entities who employ more than 50 people must designate an ADA coordinator and establish a complaint procedure.<sup>37</sup> As discussed further below, HCD should immediately designate a coordinator and develop a complaint/grievance process for people with disabilities. HCD’s failure to comply with the ADA in this respect also amounts to a violation of the Unruh Civil Rights Act.

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<sup>30</sup> Cal. Gov. Code § 11135.

<sup>31</sup> 29 U.S.C. § 794 (defining “program or activity” as “all of the operations of...a department, agency, special purpose district, or other instrumentality of a State or of a local government”).

<sup>32</sup> 24 C.F.R. § 8.53.

<sup>33</sup> 29 U.S.C. § 701.

<sup>34</sup> *Bonner v. Lewis* (9th Cir. 1988) 857 F.2d 559, 561 (citing to *Alexander v. Choate*, 469 U.S. 287, 301 (1985)).

<sup>35</sup> 42 U.S.C. § 12112(b)(5)(A).

<sup>36</sup> Cal. Civ. Code § 51(b), (f) (“All persons...of this state are free and equal...and entitled to...full and equal accommodations...[and a] violation of the right of any individual under the federal Americans with Disabilities Act of 1990...shall also constitute a violation of this section”).

<sup>37</sup> 28 C.F.R. § 35.107.



## **V. Need to Make Website Accessible to Applicants with Disabilities**

The inaccessibility of HCD's website predictably results in a lack of meaningful access for applicants with disabilities, denying them "[t]he opportunity to . . . hold housing" and thereby infringing upon their civil rights.<sup>38</sup> The website's current features effectively serve as barriers that work to exclude individuals from fully participating in the application process and thereby resulting in a discriminatory housing practice. HCD's ERAP website works against applicants with disabilities by denying meaningful access in three primary ways: (1) not optimizing the website for screen readers, an assistive device used by people who are blind or have low vision to access the internet; (2) not optimizing the website for mobile devices (particularly older models), often the sole means by which low-income applicants with disabilities access the internet; and (3) not optimizing the website for applicants with cognitive disabilities.

First, the website is not optimized for navigation with screen readers because it (a) lacks tabbing and "jump to" features, and (b) lacks links to separate pages. Screen readers assist individuals who are low-vision or blind by translating on-screen text into speech. However, screen readers work by reading the entirety of the webpage starting from the top to the bottom. For example, when a tenant applicant with low vision or blindness first arrives at the ERAP overview page, the screen reader will read aloud the "How it Works" section from the top, meaning an applicant must endure potentially irrelevant information that may cause confusion before they even arrive at the relevant "I'm a Landlord" and "I'm a Renter" buttons. When an applicant is finally able to select "I'm a Renter," the button merely takes the user to a different section of the same webpage, rather than to a different page. Since the "I'm a Landlord" section precedes the "I'm a Renter" section, the screen reader would then repeat the "How it Works" section again and also read aloud the irrelevant landlord information before the applicant actually arrives at the section for tenants. Whereas a sighted applicant can scan the page and scroll to the information they need, an applicant using a screen reader cannot. When they find that clicking the "I'm a Renter" button takes them back to the start of the same page, they may think the website links are broken and abandon the application process entirely. HCD's failure to make the ERAP website compatible with screen readers creates a barrier to access for applicants who are low-vision or blind.

Second, many applicants with disabilities are low income and do not necessarily have a separate laptop or computer with which to access the internet. This means they often rely on their mobile phones for internet access and would be forced to apply for ERAP benefits on the phone. Many low-income households use LifeLine phones, which are typically older models that cannot properly display complex website graphics. However, the ERAP website is not optimized for mobile phone access. This technological barrier potentially snowballs when one considers the fact that many low-income applicants find the latest model cell phones best able to handle internet features to be cost prohibitive.

Finally, the language used to describe the application and the ERAP program on HCD's website does not cater to applicants of all cognitive abilities. It would benefit everyone if the ERAP website accorded with the principles of the plain language movement, meaning the text should be easy to read and understand, avoiding verbose or convoluted language and jargon. Unfortunately, it does not. For example, the "Overview" page says that "Applications must include all required information, along with necessary verification items", when it could just say

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<sup>38</sup> Cal. Gov. Code § 12921.

“Applications must be complete with supporting documents.” The website as it currently exists scores a 41.3 on the Flesch Reading Ease scale, which means the text is difficult to read and is best understood by college graduates.<sup>39</sup> However, the average American has a 7<sup>th</sup> or 8<sup>th</sup> grade reading level.<sup>40</sup> This means many would-be applicants even in addition to individuals with an intellectual or cognitive disability would struggle mightily to understand the ERAP website and complete the application. Therefore, the readability level should be lowered and the reading ease should be higher. Also, it is important to choose words and formatting that is not ambiguous and not to include unnecessary words. Such language accommodations would further decrease the burden on applicants with intellectual or cognitive disabilities. For example, the “Which Jurisdiction Do I Apply To?” page is overly complicated, and it is not obvious that the search box at the top of the page is a search box. Moreover, unnecessary text leads to confusion; the application website ambiguously labels a link “View,” when this link must actually be clicked to access the next step of the ERAP application.

HCD’s website does not provide meaningful access for applicants with disabilities as it is not optimized for screen readers, mobile devices, and applicants of all intellectual or cognitive abilities. This discrimination infringes upon a civil right of applicants with disabilities. To the extent the inaccessible nature of the website is owing to the design or upkeep of a third-party contractor, we maintain that HCD has acquiesced to and ratified the inaccessibility issues by contracting with these third parties and failing to make necessary change.

Moreover, although the ERAP website purports to direct individuals to “CA Local Partner Network Resources” listing community-based organizations that would presumably be better able to provide reasonable accommodation for people with disabilities, there is no information setting forth HCD’s policies and procedures for receiving and evaluating such accommodations requests. It is unclear even to legal advocates examining the ERAP website whether HCD would help facilitate the interactive process to arrive at suitable accommodations.<sup>41</sup> However, Section 504 clearly requires that recipients of federal funds who employ more than 15 people must designate a 504 coordinator and establish a grievance procedure to resolve complaints.<sup>42</sup> Similarly, Title II of the ADA requires that public entities who employ more than 50 people must designate an ADA coordinator and establish a complaint procedure.<sup>43</sup> HCD’s failure to comply with the ADA in this respect amounts to a violation of the Unruh Civil Rights Act.

## **VII. Need to Provide Accommodations to Applicants with Disabilities Calling the HCD Phone Line**

HCD’s telephonic services also violate FEHA and fail to provide information regarding application requirements, procedures or standards for review, in a manner that has a discriminatory effect on applicants with disabilities.<sup>44</sup> Specifically, HCD’s telephonic service

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<sup>39</sup> The Flesch Reading Ease Readability Formula, available at <https://readabilityformulas.com/flesch-reading-ease-readability-formula.php>.

<sup>40</sup> Lisa Marchand, “*What is readability and why should content editors care about it?*” Center for Plain Language, (March 22, 2017), available at <https://centerforplainlanguage.org/what-is-readability/>.

<sup>41</sup> *Id.* at § 12176 (“Adopting a formal procedure may aid individuals in making requests for reasonable accommodations and may make it easier to assess those requests”).

<sup>42</sup> 24 C.F.R. § 8.53.

<sup>43</sup> 28 C.F.R. § 35.107.

<sup>44</sup> Cal. Gov. Code § 12100.

discriminates against applicants with disabilities by: (1) not providing a clear procedure to request assistance or a reasonable accommodation, (2) not giving sufficient time for deaf or hard of hearing applicants to use their ASL interpreters, which interpretation must be facilitated through the use of an assistive device known as a videophone, and (3) automatically hanging up if an applicant selects a number that was not a given option.

HCD does not provide meaningful access to its phone line for people with disabilities. The phone line only provides approximately 5 to 25 seconds for callers to make a selection to enter the next branch of the phone tree. This is not sufficient time for deaf or hard of hearing applicants who call using a videophone and ASL interpreter. There needs to be enough time for the ASL interpreter to comprehend the instructions, then sign through the videophone to the deaf or hard of hearing applicant. The applicant in turn needs time to sign their selection to the ASL interpreter, who then enters the selection on the applicant's behalf. Furthermore, HCD's telephone service automatically disconnects callers if they select a number that was not given as an option. This is frustrating and serves as a barrier to access for an applicant who is hard of hearing and may mishear a phone tree option or a person with a cognitive disability who does not understand the options and needs assistance from a staff member. HCD's telephone service does not provide effective communication for people who are deaf or hard of hearing. In addition to addressing these specific phone barriers, HCD should establish a clear procedure for receiving and evaluating applicants' requests for reasonable accommodation.

#### **VIII. Need for Translated Online and Paper Application and Improved Multilingual Telephone Access**

In accordance with legal mandates and guidance, HCD should translate all of the online information and application portals for ERAP at least into the additional languages above the threshold set by the Treasury Guidance safe harbor. HCD should also translate and allow for submission a paper application for applicants without access to computers or internet. Further, the phone lines must be improved to accommodate the current demand and must provide interpreting for any requested languages and application assistance for applicants whose language needs are not met by local CBOs. Many who are unable to apply through other methods have historically utilized telephonic platforms, and they should continue to have such access while much of the state is still operating remotely. All ERAP program staff must be trained to utilize the language lines, as needed, in real-time for every caller requiring assistance.

#### **IX. Use of Machine Translation**

HCD's use of Google Translate as the only mechanism to translate the application software is completely inappropriate. Under no circumstance, should HCD or any other government agency use machine translation alone to facilitate communication, directly or artificially, with any consumer whose dominant language is not English. It is well-documented that even with the technological improvements to Google Translate and other machine translation programs, there are still serious inaccuracies in using machine translation solely without appropriate human review. Google Translate and other machine translation tools are unable to evaluate context and frequently translate text into garbled, nonsensical, and inaccurate translations. Federal agencies have rejected the use of Google Translate as a method of

complying with Title VI.<sup>45</sup> A federal court recently rejected the use of Google Translate during a traffic stop, resulting in the granting of a motion to suppress in a criminal trial.<sup>46</sup> Any use of machine translation must be reviewed by a qualified individual to ensure accuracy. This standard for use of machine translation has been well established by many entities, such as the American Bar Association. The ABA Standards for Language Access in the Courts specifically lays out the dangers of machine translation without human review.<sup>47</sup>

### **A. Unsupervised Machine Translations Are Unreliable And Create Mistrust, Confusion & Misrepresentation**

Inaccurate translations create confusion and misrepresentation within linguistically marginalized communities regarding even simple content. For example, the button for “returning applicants” when translated into Chinese on the ERAP website read, “Go back to your country, applicant” in mid-April. One of the pages translated via Google into Vietnamese was supposed to include the title, “Renters” but instead read in Vietnamese roughly, “Landlords.” Much of this harm has already been done due to HCD’s reliance on Google Translate for languages other than English and Spanish for the ERAP informational website during the first several months of the ERAP program. As we have seen, linguistically marginalized communities may at best view HCD as lacking credibility and legitimacy because its messages are portrayed with grammatical mistakes and tones that could be perceived as informal, offensive or childish. At worst, applicants are told to go back to their country when trying to re-enter the online application or the “tenant” button is translated incorrectly to “landlord”.

In addition to glaring inaccuracies of information, the choice of terminology is also very important, and Google Translate cannot differentiate the many nuances in our vocabulary, especially related to the complex ERAP eligibility rules, applicable timelines for rent arrears and income changes. HCD has lost trust in these communities, many of which are historically underserved and already very difficult to reach. HCD’s use of machines to provide wholesale translations without considering the needs of different communities and how information should be presented misses the point of truly enhancing accessibility for consumers who do not use English as their dominant language. As stated below, this has and will continue to have a discriminatory impact on linguistically marginalized communities not having access to and receiving the same assistance as English speakers.

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<sup>45</sup> See LEP.gov, Translation (<https://www.lep.gov/translation>); Letter Re: English Learner Students and LEP Parents, page 38, footnote 103, U.S. Departments of Justice and Education, January 7, 2015 (<https://www.justice.gov/sites/default/files/crt/legacy/2015/01/07/eldcleng.pdf#page=38>); U.S. Department of Justice Title VI Civil Rights News, Frequently Asked Questions, Fall 2014 (<https://www.justice.gov/crt/fcs/newsletters/fall2014/faq>); Lost in Translation: Automatic Translation Good Solution or Not, U.S. General Services Administration, October 2012 (<https://digital.gov/2012/10/01/automated-translation-good-solution-or-not/>); Presentation: Machine Translation Ensuring Meaningful Access for Limited English Proficient Individuals, U.S. Departments of Labor and Justice, June 24, 2014 ([https://www.dol.gov/sites/dolgov/files/OASAM/legacy/files/062414Machine\\_TranslationWebinar.pdf](https://www.dol.gov/sites/dolgov/files/OASAM/legacy/files/062414Machine_TranslationWebinar.pdf)); Top Tips from Responses to the Survey on Language Access Strategies Used by Federal Government Agencies, page 3, item 5, U.S. Department of Justice, September 3, 2008 (<https://www.lep.gov/sites/lep/files/resources/TopTips.pdf#page=3>).

<sup>46</sup> *United States v. Cruz-Zamora*, 318 F. Supp. 3d 1264 (D. Kan. 2018).

<sup>47</sup> American Bar Association Standards for Language Access in the Courts, February 2012, at 86 ([http://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_sclaid\\_standards\\_for\\_language\\_access\\_proposal.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_standards_for_language_access_proposal.authcheckdam.pdf)).

## **B. Discriminatory Effect on Linguistically Marginalized Communities**

Our greatest concern is the message that the use of machine translation sends to and about linguistically marginalized communities. It creates a substandard level of what is acceptable for English speakers versus non-English speakers. This is discriminatory and offensive to many of us who are serving and part of these very communities. They deserve the same respect, clarity, and lucidity that we provide to our English speakers regarding critical ERAP assistance. With the current trends in favoring the use of *plain language*, even materials in English go through multiple revisions and checks before being released to the public. To release information without any type of review is irresponsible and shows disrespect to linguistically marginalized communities. The inevitable result is less access and fewer services provided to linguistically marginalized communities, which during these unprecedented times, could be the difference between life and death.<sup>48</sup>

## **X. Use of Qualified and Professional Interpreters and Translators**

Despite the unprecedented nature of these times, qualified, trained and professional interpreters and translators must always be used. HCD must not rely on machine translation, Community Organizations, family, friends and other informal interpreters for individuals to utilize in accessing critical benefits. This presents numerous concerns, ethical considerations, and issues for individuals who do not speak English as their dominant language and even those who are well-intentioned frequently cross the line into giving inappropriate advice and even engaging in the unauthorized practice of law.

Non-trained interpreters do not have the appropriate vocabulary or literacy to understand fully and communicate accurately. The use of informal interpreters also carries the risk of bias in the interpreting process, inadvertently through choice of word or emphasis, or through intentional omission of facts. It may also diminish the non-dominant language speaker's willingness to be candid. Those who are LEP may also self-censor the information they share to protect against exposing their friends or family members to difficult situations. *Language Barriers to Justice in California, A Report of the California Commission on Access to Justice*, states that "use of unqualified persons as interpreters . . . may result in genuine injustice where – through no fault of the court, the litigants, or the translator – critical information is distorted or not imparted at all . . . . Without a qualified interpreter, 'the English speaking members of the court and the non-English speaking litigants or witnesses virtually do not attend the same trial.'"<sup>49</sup> Without proper training, informal interpreters are likely to add, omit, summarize or substitute information, insert their own opinions, answer for their friend or family member, or get lost in the complex back and forth nature of interpretation. Incomplete or inaccurate information could result in disastrous consequences and outcomes, implicating legal and ethical issues for the client with HCD. A language miscommunication could lead HCD to believe a claimant is being untruthful or uncooperative, or worse, trying to commit fraud. This places these individuals at risk of being deprived critical benefits, relegating them into a second-class tier of individuals whose equal access to HCD's programs is effectively denied and will likely render them homeless.

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<sup>48</sup> Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality, December 2020, ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3739576](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576))

<sup>49</sup> California Commission on Access to Justice, *Language Barriers to Justice in California, A Report of the California Commission on Access to Justice*, at 25 (September 2005) (citations omitted).

Therefore, HCD should implement clear and comprehensive protocols to provide free high-quality language services for all ERAP applicants. The use of family members, friends, and other unqualified interpreters should be prohibited except for limited circumstances, including but not limited to informing individuals of continuances, rescheduled appointments, and other ministerial or procedural updates, or emergency situations, such as threats to health or safety. The use of minors, under age 18, should be absolutely prohibited, absent emergency situations.

## **XI. Data Collection and Monitoring**

We also urge HCD to collect data on languages of users, which language services were requested, what services were provided, whether challenges were encountered, what complaints were filed, and how challenges and complaints were resolved and make this data publicly available. There should be enhanced processes put in place for extensive monitoring and reporting in order to improve systems for effective service delivery. Such data collection and oversight will not only ensure that staff are complying with the requirements to provide meaningful language access, but also that staff are receiving all the support they need to provide language services, particularly during times of crisis. Without proper oversight, vulnerable communities could be impacted in a disproportionate and disparate manner.

## **XII. Conclusion**

We believe that HCD should take the following steps in order to comply with federal and state civil rights mandates for people with LEP and disabilities:

- Make ERAP application (paper and online), information, and vital documents meaningfully accessible by professionally translating ALL online application information and portals into at least all of the languages set by the Treasury Guidance safe harbor.
- Prohibit use of machine translation of written materials and communication without human review/editing by a professional translator.
- Ensure that information on the availability of language services and reasonable accommodations is prominently displayed in-language and easy to find on the ERAP website (for both desktop and mobile devices).
- Make services and benefits meaningfully accessible to applicants with low-vision or blindness, who may be utilizing the assistance of a screen-reader, by ensuring each button brings the applicant to a different page, rather than to a different section of the same page.
- Make sure the number for the ERAP phone line is readily available and ensure the phone tree does not hang up calls if an applicant is provided insufficient time to make a selection, or if the applicant misinterprets the options and selects a number that was not one of the given choices.
- Increase the capacity of phone lines and allow all those who wish to apply through the telephonic platform to do so. Telephonic access should be available and provided in all requested languages in real-time and provide access for applicants with disabilities by increasing time to make selection for callers who are deaf or hard of hearing and



providing enough time for ASL interpreters and deaf or hard of hearing applicants to communicate back and forth.

- Ensure that all HCD staff interacting with the public have access to telephonic interpreting services and be trained to use those services.
- Conduct outreach to linguistically marginalized communities on the availability of language services and the translated application (paper and online).
- Collect and monitor data on languages of users, which language services were requested, what services were provided, whether challenges were encountered, whether complaints were filed, and how challenges and complaints were resolved.
- Establish a clear procedure for HCD to receive and process reasonable accommodation requests from applicants with disabilities, and ensure this procedure is adequately communicated to all.
- Make application accessible for applicants with intellectual or cognitive disabilities by deleting any superfluous text, lowering the required reading level and increase reading ease, and highlighting or bolding links to proceed to the next steps of application, better ensuring accessibility to applicants with intellectual or cognitive disabilities.
- Optimize all steps of the web application to be accessible by phone because many applicants with disabilities have do not own a separate laptop or computer and access the internet through their mobile devices.

We urge the Department to launch a thorough investigation of these urgent and consequential matters that will have a profound impact on our communities. We file this complaint with the hope of working collaboratively with HCD and the Department so that HCD can obtain and prioritize resources to provide comprehensive and meaningful language access for all Californians, in compliance with state and federal civil rights mandates and keep vulnerable Californians housed. If you have any questions or seek any further information, please contact Tiffany Hickey ([tiffanyh@advancingjustice-alc.org](mailto:tiffanyh@advancingjustice-alc.org)), Charles Evans ([cevens@advancingjustice-la.org](mailto:cevens@advancingjustice-la.org)), and Jenna Miara ([jmiara@bettzedek.org](mailto:jmiara@bettzedek.org)). Thank you.

Sincerely,

/s/ Tiffany Hickey

Tiffany Hickey, Staff Attorney

Asian Americans Advancing Justice – Asian Law Caucus  
55 Columbus Ave. San Francisco, CA 94111

/s/ Charles Evans

Charles Evans, Supervising Attorney

Asian Americans Advancing Justice – Los Angeles  
1145 Wilshire Blvd. Los Angeles, CA 90017

/s/ Jenna Miara  
Jenna Miara, Directing Attorney  
Bet Tzedek Legal Services  
3250 Wilshire Blvd. 13th Floor, Los Angeles, CA 90010

Enclosures:

Exhibit A: April 13, 2021 letter from SFADC to HCD

Exhibit B: Application Pipeline Data for CA and San Francisco as of May 10, 2021

# Exhibit A

April 13, 2021

Geoffrey Ross, Deputy Director  
Department of Housing and Community Development  
2020 West El Camino Avenue  
Sacramento, CA 95833  
Email: [Geoffrey.Ross@hcd.ca.gov](mailto:Geoffrey.Ross@hcd.ca.gov)

Dear Mr. Ross:

The San Francisco Anti Displacement Coalition is a citywide coalition of over twenty organizations committed to stopping the displacement of tenants and loss of our working class and BIPOC communities. We work directly with vulnerable tenants who are trying to access needed rental assistance and debt relief in this period.

As your department is aware, tens of thousands of tenants in San Francisco are presently facing a looming threat of eviction because of severe financial hardship as a result of the COVID 19 crisis. Fair, equitable, and barrier free access to the state's rental assistance program is therefore essential to prevent evictions not only in our city but across the state.

We are writing to express our great concern and strong objection to the flawed design and implementation of the state's application process for Emergency Rental Assistance. For the purposes of this letter we will focus on the barriers created by the state's unnecessarily complex and internet dependent application. Members of our community have identified more than a dozen elements embedded in the web anchored application process and flawed call center support system, where persons without adequate internet access and/or English language proficiency are effectively excluded from applying for rent relief. For example:

- **The state's "HousingIsKey.com" rent relief portal requires all applicants to navigate at least four 'English-Only' pages** that must be completed in order to proceed with the website's application process (see example Exhibit A). These digital walls are imposed even after a would-be applicant indicates they have another language preference. In other words, unless an applicant can read English or receives one-on-one assistance in their language, the application is impossible to complete. Furthermore staff at the state's call center refuse to provide in-language assistance to navigate the site. Thus the system imposes a discriminatory barrier to many limited English proficient applicants.
- The state does not offer applicants the option of completing a paper form application in their own language. Yet BIPOC and other vulnerable communities have disproportionately greater challenges accessing consistent internet. **An exclusively web oriented application is inherently exclusionary.**
- **The state's webpage's translations are incomplete and often inaccurate**, failing to translate essential tools in the rent application process. For example, per Exhibit B attached, the "HousingIsKey" homepage with Google Translate activated in any language fails to translate certain graphical links that lead to the rent relief application.

Thus, non-English readers have no obvious way to access the application. Moreover, what text Google Translate does interpret is often confusing or inaccurate.

- **The state's Rent Relief Call Center harbors parallel English only barriers and inequalities.** For example, despite statewide tenant advocates previous objections, the present recorded phone options for language assistance are English-only. Even when interpreters are provided we have found that non-English speakers have experienced less than equal support and assistance. For example, non-English speakers with digital divide issues are not consistently being provided access to language appropriate in-language assistance.
- Despite repeated requests, **the published list of 'local partners' fails to provide any indicator as to which provider can provide language appropriate services.** As a result non-English speakers must make random calls to agencies, most which also respond only in English.

Taken together, the barriers created by the state's application process directly and indirectly discriminates against applicants who are not English proficient and the significant number of BIPOC households who lack reliable or consistent internet.<sup>1</sup> The digital divide also disproportionately impacts seniors -- more than half of seniors even in tech centered San Francisco do not use the internet.<sup>2</sup>

None of these barriers are necessary or inherent to the process for applying for rent relief. For example, the County of Alameda's rent relief program offers applications either online or on paper form in seven languages. [Alameda County's rent relief home page](#) clearly and explicitly offers those language access options and does not require additional language assistance to complete a printable application.

For all the above reasons and given the urgent need for equitable access to rent relief we demand corrective action including:

- **The application process must cease disadvantaging applicants who do not speak or read English, cannot access an email account, or lack access to the internet.**
- **The state should immediately remove its digital walls and commit to transition the rent relief portal to a site that is low or no barrier and that is fully language accessible** in all languages for which there are significant needs (including Spanish, Chinese, Filipino, Arabic, Vietnamese, Korean and all others required under Title VI of the Civil Rights Act of 1964). All materials and applications across all mediums of communications must be professionally translated.
- **The state's call center system should similarly remove its existing barriers to access.** It should be regularly audited to ensure equal delivery of services for all persons regardless of language needs.
- **Applications should immediately be made available in printable form in all needed languages.** Completed printed forms should be treated equally with on-line applications.

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<sup>1</sup> Greenlining Institute, On the Wrong Side of the Digital Divide.

[greenlining.org/publications/online-resources/2020/on-the-wrong-side-of-the-digital-divide/](https://greenlining.org/publications/online-resources/2020/on-the-wrong-side-of-the-digital-divide/)

<sup>2</sup> Tech Crunch, "We are leaving older adults out of the digital world,"

[Techcrunch.com/2019/05/05/we-are-leaving-older-adults-out-of-the-digital-world/](https://techcrunch.com/2019/05/05/we-are-leaving-older-adults-out-of-the-digital-world/).

- Because many people who need help have been unable to access the state's program given the barriers and flaws described above, **the state should affirmatively engage local and ethnic media to notify disadvantaged communities that greater accessibility is forthcoming and that applications are available on-line and in print form.** Published notices should identify the local agencies and resources available with specified language and other capacities that can provide assistance.

As the program enters its fourth week of operations we urge immediate action to remove and remedy all access barriers. Our coalition staff, Molly Goldberg (molly@sfadc.org) and Gen Fujioka (gen@sfadc.org), are available to provide details regarding our findings, concerns, and proposed responses.

Sincerely,

THE SAN FRANCISCO ANTI DISPLACEMENT COALITION

AND

AFFORDABLE HOUSING ALLIANCE  
ASIAN AMERICANS ADVANCING JUSTICE - ASIAN LAW CAUCUS  
BILL SORRO HOUSING PROGRAM  
CAUSA JUSTA :: JUST CAUSE  
CHINESE PROGRESSIVE ASSOCIATION  
CHINATOWN COMMUNITY DEVELOPMENT CENTER  
DOLORES STREET COMMUNITY SERVICES  
HOUSING RIGHTS COMMITTEE OF SAN FRANCISCO  
JOBS WITH JUSTICE - SAN FRANCISCO  
NORTH BEACH TENANTS COMMITTEE  
SAN FRANCISCO EVICTION DEFENSE COLLABORATIVE  
SAN FRANCISCO TENANTS UNION  
SENIOR AND DISABILITY ACTION  
TENANTS TOGETHER  
TENDERLOIN NEIGHBORHOOD DEVELOPMENT CORPORATION

cc:: Gustavo Velasquez, Director



## Exhibit A

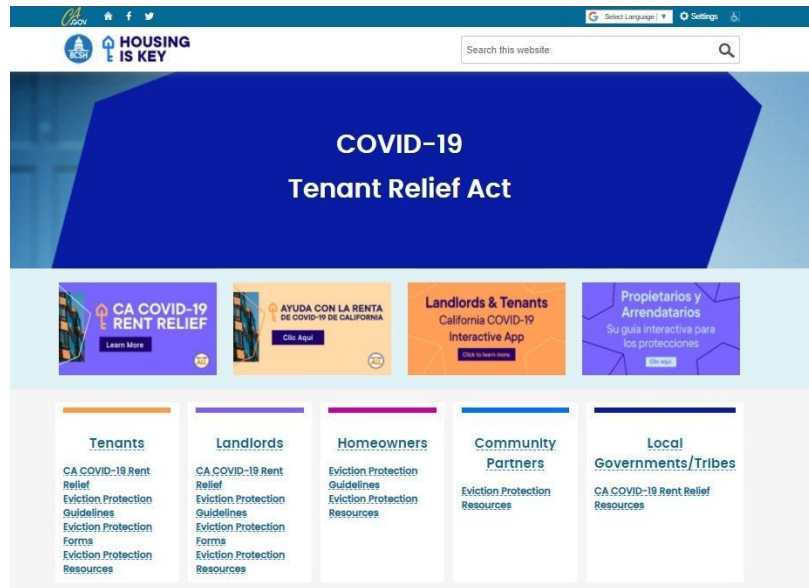
### Digital Divide and English-Only Walls

The screenshot shows a web portal for the California COVID-19 Rent Relief Program. The page is split into two main sections. The left section features the program's logo, which consists of an orange house icon with a keyhole and the text "CA COVID-19 RENT RELIEF" in blue. Below the logo, it says "Welcome to the California COVID-19 Rent Relief Program" and "New users must first **REGISTER** their account before signing in to the portal." The right section has tabs for "Sign In" and "Register". Under the "Sign In" tab, there are input fields for "Email Address" and "Password", a checkbox for "Remember my email address", a blue "Sign In" button, and a link for "Forgot your Password?". The background of the page shows a stylized illustration of houses and a sunset sky. The text "nborly Software" is visible in the bottom left corner.

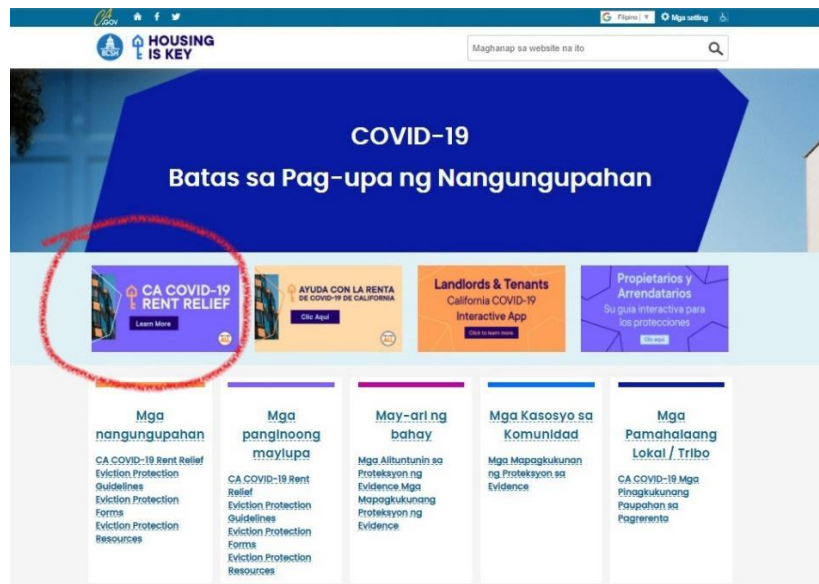
The state's "Housing Is Key" rent relief application web site requires all persons to successfully navigate at least four pages that are entirely in English even if the applicant had previously selected another language preference. These pages are embedded in the on-line portal, including the sample above. They effectively act as *digital walls* that exclude persons who lack internet or language fluency from applying for rent relief. Without paper alternative, the webcentric application excludes thousands of potentially eligible applicants.

## Exhibit B

### California's Rent Relief Home Page Without Translation



### California's Rent Relief Home Page *With* Filipino 'Translation'



The state's 'Google translated' web site fails to translate essential phrases including the link to the rent relief application portal (circled in red). If an applicant is unable to read this link they will not be able to proceed to the application. While in this instance the page shows a Spanish language option no other languages are shown. This is one of over a dozen language barriers embedded in the present rent relief program.

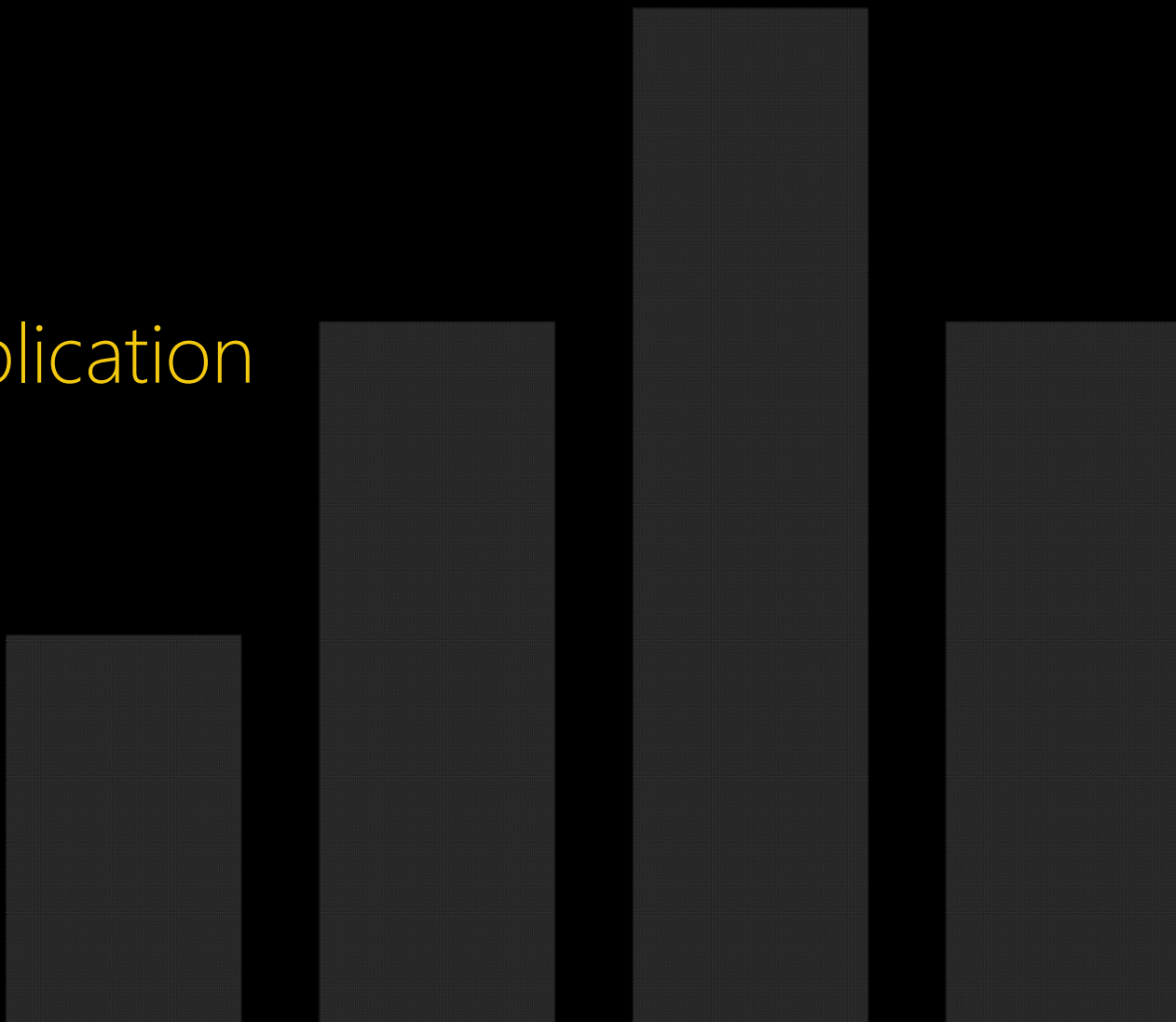
# Exhibit B

# California - Application Pipeline

[View in Power BI](#) ↗

**Last data refresh:**  
5/10/2021 7:17:14 PM UTC

**Downloaded at:**  
5/10/2021 7:27:01 PM UTC



APPLICATION IN PROGRESS

112388

TOTAL ACTIVE CASES

69786

TOTAL FUNDS REQUESTED

\$403,996,859.32

TOTAL FUNDS APPROVED

\$82,189,591.72

TOTAL FUNDS PAID

\$4,659,525.97

FILTERS

CASE TYPE

All

COUNTY

All

CITY

All

POINTS

All

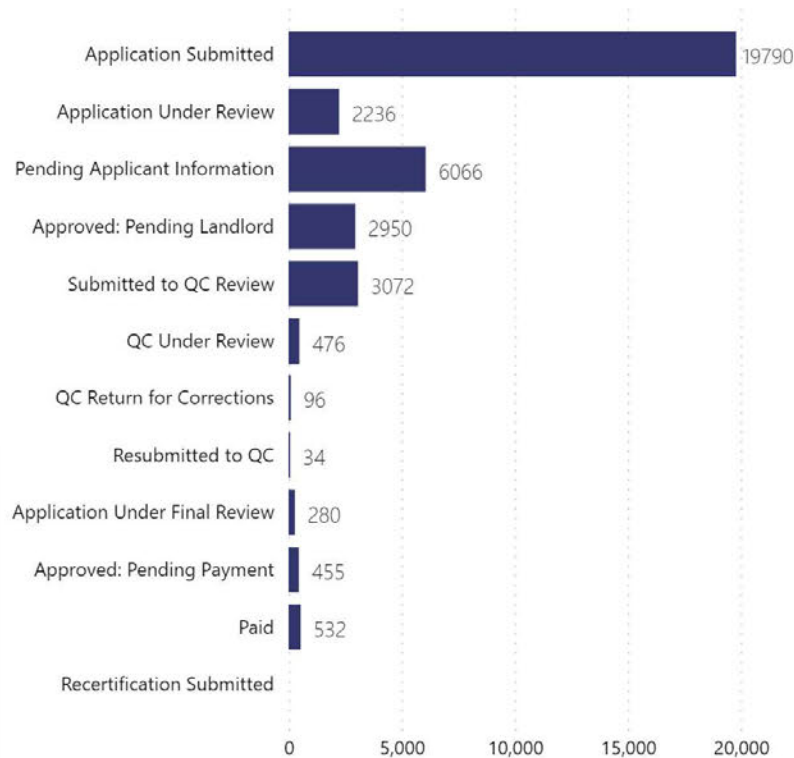
OPTION

All

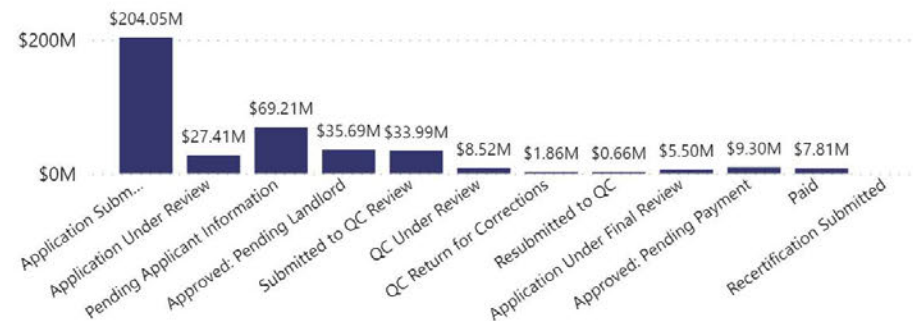
GIS STATUS

All

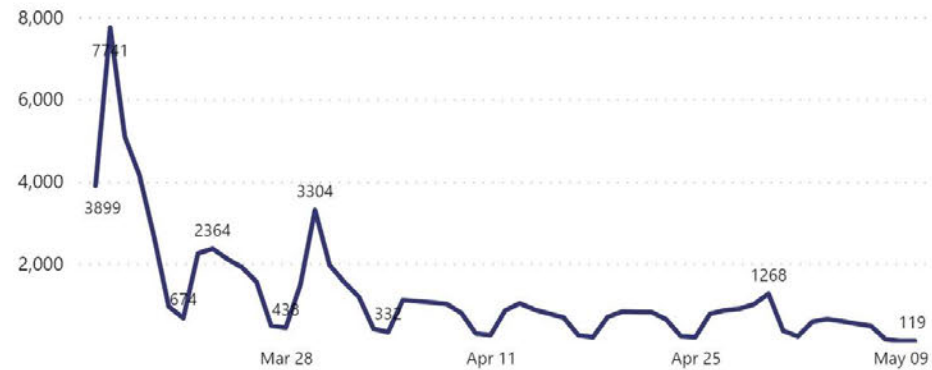
TENANT CASE BY STATUS



TOTAL FUNDS REQUESTED BY STATUS



CASES PER DAY



APPLICATION IN PROGRESS

0

TOTAL ACTIVE CASES

2252

TOTAL FUNDS REQUESTED

\$32,430,236.81

TOTAL FUNDS APPROVED

\$631,173.94

TOTAL FUNDS PAID

\$0.00

FILTERS

CASE TYPE

All

COUNTY

All

CITY

San Francisco

POINTS

All

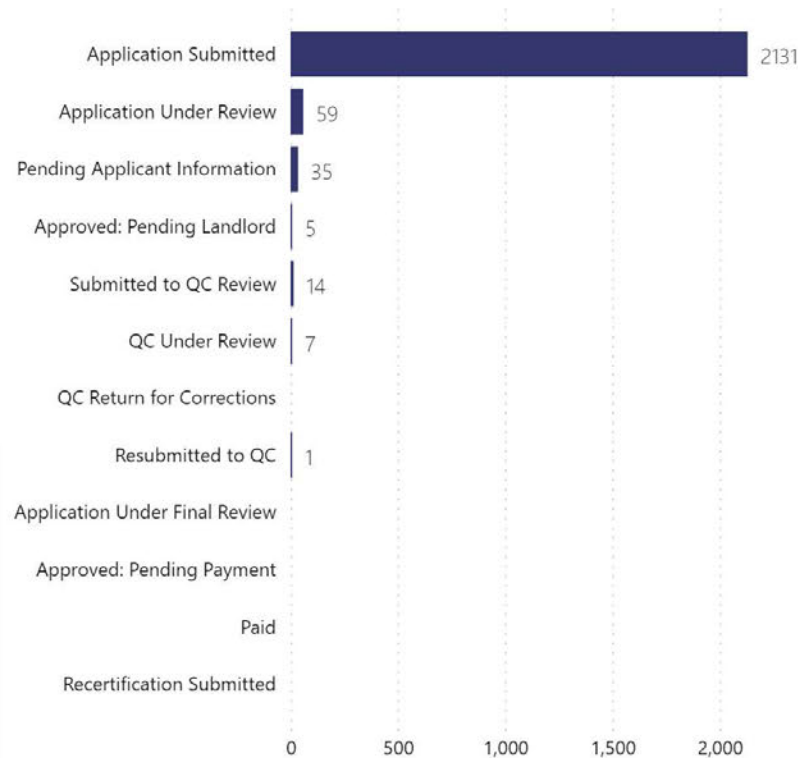
OPTION

All

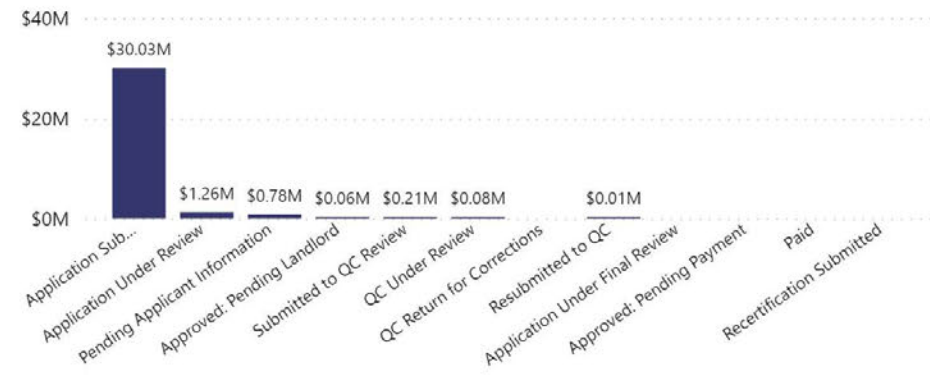
GIS STATUS

All

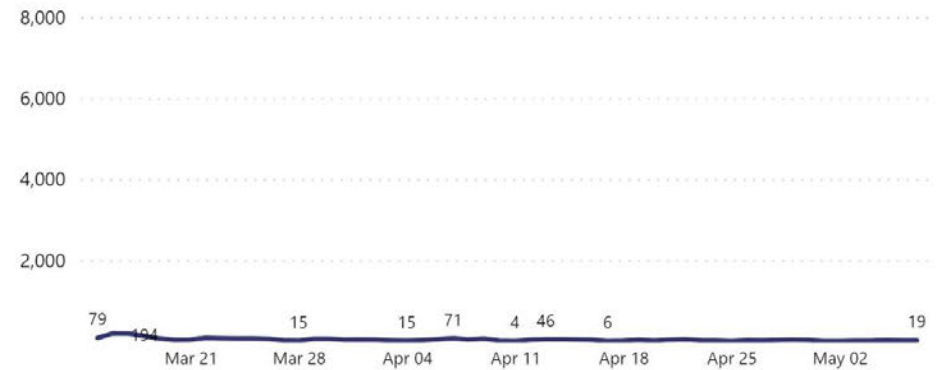
TENANT CASE BY STATUS



TOTAL FUNDS REQUESTED BY STATUS



CASES PER DAY





Applications in Progress  
(Statewide)

102179

Case Status

All

City

All

Option

All

GIS Status

All

### AMI Level



### Primary Language



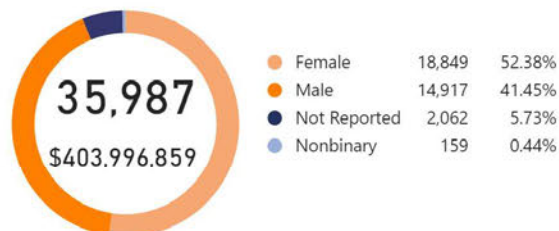
### Race



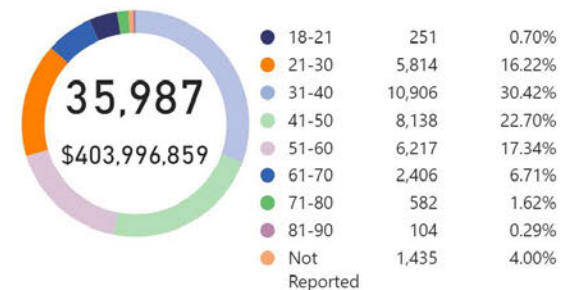
### Ethnicity



### Gender



### Age



Applications in Progress  
(Statewide)

0

Case Status

All

City

San Francisco

Option

All

GIS Status

All

### AMI Level



### Primary Language



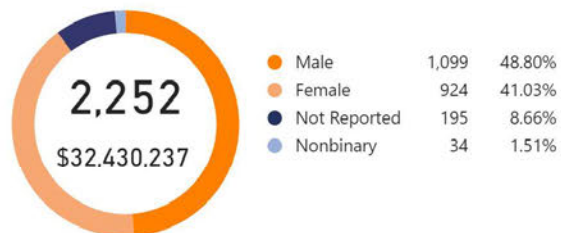
### Race



### Ethnicity



### Gender



### Age

