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Subject: Agenda Item 3B – PHA Annual Plan – Continuum of Care (CoC) Program: Disparate Impact, Program Oversight, and Federal Compliance Issues
Date: Thursday, February 5, 2026 10:30:50 AM

EXTERNAL

This written comment is submitted for inclusion in the official administrative record for the Public Housing Agency (PHA) Annual Plan. It is submitted to the Housing Commission and copied to other City entities with statutory, oversight, and compliance responsibilities; a current public contact address for the Disabilities Commission was not available on the City's website at the time of submission.

The comment addresses the design, implementation, oversight, and long-term planning implications of the administration of Continuum of Care (CoC) housing assistance within the jurisdiction, as reflected in the PHA Annual Plan.

While the Annual Plan addresses general housing stability objectives, it does not meaningfully account for the structural effects of CoC program design on participants with disabilities, particularly with respect to geographic mobility, long-term exit pathways, and program-level oversight.

Where the jurisdiction administers or implements CoC assistance locally, the Annual Plan necessarily reflects the planning, oversight, and governance implications of those implementation decisions.

Even where program parameters are set at the federal or regional level, local jurisdictions retain responsibility and accountability for how those parameters are implemented, mitigated, and addressed through planning, governance, and access to lawful alternatives consistent with fair housing and disability access obligations.

1. Non-portability as a structural constraint

As administered locally, CoC assistance is categorically non-portable across jurisdictions. In practice, this operates as a structural constraint rather than a neutral program characteristic, particularly for participants with disabilities who require geographic mobility for safety, medical access, family support, or long-term stability. The Annual Plan does not analyze or acknowledge the cumulative impact of non-portability on protected classes, nor does it identify mitigation strategies within the planning horizon. The absence of analysis itself constitutes a planning deficiency, where foreseeable disparate impacts are known or should be known at the time of plan adoption.

2. Absence of housing stability exit pathways, including homeownership

The Plan does not address the absence of any administered Housing Choice Voucher Homeownership option, or equivalent stability-transition framework accessible to CoC participants without relinquishing CoC assistance. In jurisdictions where CoC assistance is non-portable and no homeownership pathway exists, participants with disabilities are effectively confined to long-term rental dependency within a single jurisdiction, without access to federally contemplated mechanisms for permanent housing stability and asset

formation.

Generalized assertions related to local housing costs or administrative capacity do not substitute for program analysis. High-cost markets heighten, rather than diminish, the need for structured exit pathways from long-term assistance. Assertions of administrative burden are particularly unpersuasive where the affected participant population is limited in size and where the absence of any administered pathway reflects a policy choice rather than a demonstrated operational impossibility.

Where the City relies on assertions of administrative burden to justify non-implementation of legally available housing stability pathways, such claims must be supported by contemporaneous documented analysis—including estimated implementation costs, ongoing administrative requirements, staffing models, and timelines. The absence of any such quantified analysis in the Annual Plan constitutes a planning deficiency rather than a policy justification.

3. Forced program conversion as a condition of mobility

In practice, individuals seeking to relocate outside the jurisdiction while receiving CoC assistance are required to relinquish CoC participation and convert to a different voucher program, most commonly Housing Choice Voucher (Section 8), as a precondition to mobility. This conversion entails the loss of CoC-specific protections designed for individuals with disabilities and introduces additional administrative barriers. Conditioning access to mobility on the surrender of a more protective assistance framework raises civil rights and program-integrity concerns that are not addressed in the Plan.

4. Governance and oversight gap for CoC participants

Although general advisory bodies, designated commission seats, public comment opportunities, and written input mechanisms exist within the jurisdiction, these do not constitute a program-specific, institutionalized feedback and oversight framework for Continuum of Care (CoC) participants, nor do they provide a mechanism for continuous monitoring, issue escalation, or corrective action tied to CoC program administration. As a result, the jurisdiction lacks a structured local feedback loop capable of systematically monitoring CoC implementation, identifying emerging barriers or disparate impacts, and informing timely program adjustments within the annual planning and oversight cycle.

The City has previously considered governance and advisory structures that would have provided program-specific participant representation beyond generalized or nominal advisory models, including structures that would have encompassed Continuum of Care (CoC) participants. Those options were formally discussed but were not implemented, and no operative advisory or oversight mechanism was subsequently established to represent CoC participants or to provide structured, localized program feedback. The absence of any implemented mechanism following those deliberations reflects a knowing governance gap rather than an inadvertent omission.

While regional or system-level CoC governance structures exist, they do not substitute for localized oversight of jurisdiction-specific administrative practices that directly affect participants' housing stability, geographic mobility, and access to federally contemplated exit pathways. Regional bodies are structurally removed from day-to-day program administration and lack the authority, visibility, and procedural mechanisms necessary to monitor local

implementation choices, identify emerging disparate impacts, or require timely corrective action. Reliance on regional or nominal advisory structures therefore does not satisfy obligations of meaningful access or effective nondiscriminatory program administration at the local level.

Mechanisms frequently cited as sufficient—such as a single designated commission seat, generalized public comment at City Council, Housing Commission, or PHA board meetings, written submissions to annual planning documents, email or fax correspondence, or ad hoc testimony—are episodic and non-programmatic by design. They do not provide a continuous, structured process for collecting, synthesizing, and evaluating CoC participant experiences, nor do they support early detection of structural impacts related to mobility constraints, forced program conversion, or the absence of stability-transition pathways. These mechanisms also place a disproportionate burden on highly vulnerable participants to self-advocate within forums not designed to capture program-specific operational outcomes.

In addition, Housing Commission proceedings are not live-streamed and are not made available through timely public video recordings, unlike other City commissions. While audio recordings may be posted after meetings, the absence of live access and visual recordings significantly limits the ability of CoC participants with disabilities to observe deliberations, assess decision-making context, or meaningfully monitor program oversight. Reliance on delayed audio-only access—particularly where no real-time participation is possible—renders existing advisory and feedback structures functionally inaccessible for purposes of meaningful participation, transparency, and compliance monitoring.

Notably, Housing Commission meetings were previously live-streamed and made available through recorded video during the COVID-19 period, demonstrating that such accessibility is administratively feasible; the subsequent withdrawal of those practices, without explanation or mitigation, further compounds the accessibility and oversight concerns described above. This prior practice establishes both feasibility and institutional knowledge regarding such access measures.

Where existing access mechanisms are functionally ineffective for the affected participant population, their formal availability does not satisfy obligations of meaningful access, program oversight, or nondiscriminatory administration.

Recent participant outreach characterized as an online PHA Plan workshop did not include any substantive presentation, program overview, or structured opportunity for informed engagement. Instead, the session was limited to a brief, perfunctory solicitation of comments following access barriers reported by participants and observed in real time, including real-time participation obstacles and authentication requirements inconsistent with the notice provided.

Further, reliance on electronic-only notification for such engagement—without parallel written notice—fails to account for known digital access barriers among highly vulnerable voucher populations, thereby undermining meaningful access, effective participation, and the integrity of the feedback and oversight process.

5. Planning implications

Taken together, the interaction of CoC non-portability, absence of stability-transition pathways (including homeownership), forced program downgrades, and lack of localized

oversight constitutes a foreseeable and durable policy outcome rather than an incidental effect. The Plan does not analyze these elements in combination, nor does it address their interacting effects on protected classes.

The Plan and related City materials expressly reference the City's Continuum of Care program administration and goals; however, they do not include a commensurate analysis of the combined, foreseeable disparate impacts of non-portability, forced program conversion, and the absence of durable exit pathways on participants with disabilities. The City's own public record reflects that affordable homeownership and administrative implementation options—including HUD-authorized Housing Choice Voucher (Section 8) homeownership pathways, which currently require CoC participants to relinquish CoC assistance as a condition of access—were formally analyzed and presented to City governing bodies in recent years. The Annual Plan's failure to acknowledge those materials, or to articulate a documented rationale for declining to pursue legally available homeownership-related stability pathways for highly vulnerable populations, underscores the planning deficiency and the City's documented awareness of the resulting disparate impacts.

The Annual Plan should explicitly analyze these interactions and identify corrective strategies consistent with fair housing obligations, disability access requirements, and principles of sound program governance.

Requested consideration:

As part of the Annual Plan process, the Housing Commission and PHA governing body should:

- Acknowledge and analyze the disparate impact risks associated with CoC non-portability;
- Address the absence of homeownership or equivalent exit pathways for CoC participants;
- Examine the civil rights implications of requiring voucher conversion as a condition of mobility;
- Evaluate and restore reasonable public access measures for Housing Commission proceedings—including live-streaming and timely publication of video or audio recordings—where necessary to ensure meaningful participation, program transparency, and effective oversight for CoC participants and other protected classes;
- Evaluate the need for a structured, local feedback and oversight mechanism for CoC participants, including through a Resident Advisory Board (RAB) that operates as an active oversight and feedback body (rather than a nominal or paper-based compliance structure), with representation accessible to CoC participants.

This comment is submitted to ensure that these issues are considered within the formal planning and oversight record.