



Anti-Discrimination Training

June 27, 2023

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Agenda:

Laws and Regulations

- The Fair Housing Act
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Titles II and III of the Americans with Disabilities Act of 1990
- Section 3 of the Housing and Urban Development Act
- State of California
- Equal Access Rule
- 24 CFR 578
- Violence Against Women Act

Anti-Discrimination in HUD Assisted Programs

Civil Rights Obligations of Public Entities and Recipients of Federal Financial Assistance:

- Federal laws prohibit discrimination in housing and community development programs and activities because of race, color, religion, sex, national origin, familial status, and disability.
- These obligations extend to recipients of HUD financial assistance, including subrecipients, as well as the operations of state and local governments and their agencies, and certain private organizations operating housing and community development services, programs, or activities.



HUD's Office of Fair Housing and Equal Opportunity (FHEO)

These are some common types of HUD funding programs, and may include subrecipients, and that have civil rights obligations enforced by FHEO:

1. Community Development Block Grants (CDBG)
2. HOME Investment Partnerships (HOME)
3. Emergency Solutions Grants (ESG)
4. Housing Opportunities for Persons with AIDS (HOPWA)
5. Public Housing
6. Housing Choice Vouchers (Section 8)
7. Supportive Housing for Persons with Disabilities (Section 811)
8. Supportive Housing for the Elderly (Section 202)
9. **Homeless Assistance Programs (Continuum of Care, other McKinney-Vento Programs)**

Anti-Discrimination in HUD Assisted Programs:

HUD's Office of Fair Housing and Equal Opportunity (FHEO)

- Works to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities.
- FHEO has civil rights authority over the housing-related programs, services, and regulatory activities of state and local governments and recipients and subrecipients of financial assistance from HUD, including private businesses.



Federal and State Protected Classes

Federal

- Race, color, religion, sex, national origin, familial status, and disability.

State of California

- Race, color, ancestry, national origin, religion, mental or physical disability, sex (including pregnancy), gender, sexual orientation, gender identity, gender expression, genetic information, marital status, familial status, source of income, or military or veteran status.
- In addition, the Unruh Civil Rights Act, which applies to business establishments, protects against housing discrimination related to age, citizenship, primary language, and immigration status, among other characteristics.
- California law also limits when, how, and to what extent housing providers can consider someone's criminal history.

Anti-Discrimination in HUD Assisted Programs

- Federal laws prohibit discrimination, including the denial of participation in and benefit of, the following examples of programs and activities:
 - homelessness
 - transitional housing
 - permanent supportive housing
 - the operations of social service organizations
 - public housing, voucher programs
 - other affordable housing programs
 - community development funded facilities, etc.
- Recipients and other covered entities also must take certain affirmative steps within such programs and activities to provide equal housing opportunities.

The Fair Housing Act

- The Fair Housing Act prohibits this discrimination because of race, color, national origin, religion, sex, familial status, and disability.
- The Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities. **Additional protections apply to federally-assisted housing.**
- For example, federal laws prohibit discrimination, including the denial of participation in and benefit of, the following examples of programs and activities: **homelessness, transitional housing, permanent supportive housing, the operations of social service organizations,** public housing, voucher programs, other affordable housing programs, community development funded facilities, etc.



24 CFR § 578.93 Fair Housing and Equal Opportunity

- Recipients and other covered entities also must take certain affirmative steps within such programs and activities to provide equal housing opportunities.
- The nondiscrimination and equal opportunity requirements are set forth in 24 CFR 5.105.
- Recipients and subrecipients may exclusively serve a particular homeless subpopulation in transitional or permanent housing if the housing addresses a need identified by the Continuum of Care for the geographic area.
- Housing may be for specific subpopulations (i.e. domestic violence, families, youth, etc.).



24 CFR § 578.93 Fair Housing and Equal Opportunity

Affirmatively furthering fair housing. A recipient must implement its programs in a manner that affirmatively furthers fair housing, which means that the recipient must:

- Affirmatively market their housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or handicap who are least likely to apply in the absence of special outreach, and maintain records of those marketing activities;
- Provide program participants with information on rights and remedies available under applicable federal, state and local fair housing and civil rights laws; and
- Recipients and subrecipients must maintain copies of their marketing, outreach, and other materials used to inform eligible persons of the program to document compliance with the requirements in 24 CFR § 578.93(c).

24 CFR § 578.93 Fair Housing and Equal Opportunity

- **Accessibility and integrative housing and services for persons with disabilities.** Recipients and subrecipients must comply with the accessibility requirements of the Fair Housing Act (24 CFR part 100), Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8), and Titles II and III of the Americans with Disabilities Act, as applicable (28 CFR parts 35 and 36).
- In accordance with the requirements of 24 CFR 8.4(d), recipients must ensure that their program's housing and supportive services are provided in the most integrated setting appropriate to the needs of persons with disabilities.
- **Prohibition against involuntary family separation.** The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to a project that receives funds under this part.



Title VI of the Civil Rights Act of 1964

42 U.S.C. § 2000D ET SEQ.

- Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
- Programs that receive Federal funds cannot distinguish among individuals on the basis of race, color or national origin, either directly or indirectly, in the types, quantity, quality or timeliness of program services, aids or benefits that they provide or the manner in which they provide them.
- This prohibition applies to intentional discrimination as well as to procedures, criteria or methods of administration that appear neutral but have a discriminatory effect on individuals because of their race, color, or national origin.
- Persons with limited English proficiency must be afforded a meaningful opportunity to participate in programs that receive Federal funds. Policies and practices may not deny or have the effect of denying persons with limited English proficiency equal access to Federally-funded programs for which such persons qualify.

Section 504 of the Rehabilitation Act of 1973

- Section 504 of the Rehabilitation Act provides that no qualified individual with disabilities should, solely by reason of his or her 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.
- Section 504 covers all programs and activities of recipients of HUD financial assistance, including, for example:
 - Outreach and public contact, including contact with program applicants and participants
 - Eligibility criteria
 - Application process
 - Admission to the program
 - Tenancy, including eviction
 - Service delivery
 - Physical accessibility of facilities
 - Employment policies and practices



The Americans with Disabilities Act (ADA) Title II

- The ADA is a comprehensive civil rights law for persons with disabilities. Title II of the ADA prohibits discrimination on the basis of disability in all programs, services, and activities provided or made available by public entities (state and local governments and special purpose districts).
- This includes housing when the housing is provided or made available by a public entity regardless of whether the entity receives federal financial assistance. For example, housing covered by Title II of the ADA includes housing operated by public housing agencies that meet the ADA's definition of "public entity," and housing operated by States or units of local government, such as housing on a State university campus.



The Americans with Disabilities Act (ADA) Title II & III

- Federal nondiscrimination laws provide housing protections for individuals with disabilities.
- These protections apply in most private housing, state and local government housing, public housing and any other federally-assisted housing programs and activities.
- Titles II and III of the Americans with Disabilities Act prohibit discrimination on the basis of disability in all programs, services, and activities of public entities and by private entities that own, operate, or lease places of public accommodation.



The Americans with Disabilities Act (ADA) Title II

- Title III of the ADA prohibits private entities that own, lease (to and from), and operate places of public accommodation from discriminating on the basis of disability and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards.
- Public accommodations at housing developments include any public areas that are open to the general public, such as a rental office. Public accommodations would also include, for example, shelters and social service establishments.



The Americans with Disabilities Act (ADA) Title II & III

Who is a Person with a Disability?

- Federal nondiscrimination laws define a person with a disability to include any (1) individual with a physical or mental impairment that substantially limits one or more major life activities; (2) individual with a record of such impairment; or (3) individual who is regarded as having such an impairment.
- In general, a physical or mental impairment includes, but is not limited to, examples of conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism.



The Americans with Disabilities Act (ADA) Title II & III

Who is a Person with a Disability?

- Some impairments are readily observable, while others may be invisible. Observable impairments may include, but are not limited to, blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including some types of autism), neurological impairments (e.g., stroke, Parkinson’s disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions.
- The term “major life activities” includes those activities that are important to daily life. Major life activities include, for example, walking, speaking, hearing, seeing, breathing, working, learning, performing manual tasks, and caring for oneself. There are other major life activities that are not on this list.



The Rights of a Person with a Disability in Federally Assisted Programs

- Federal law makes it illegal for an otherwise qualified individual with a disability, solely because of his or her disability, to be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. An individual with a disability, who is also otherwise qualified for the program, service or activity, is covered under **Section 504**.
- To be qualified means the individual meets the essential eligibility requirements, including, for example, income requirements for tenancy, if the program is a housing program, provided those eligibility requirements are not discriminatory and can be met with or without reasonable accommodations or auxiliary aids or services necessary for effective communication



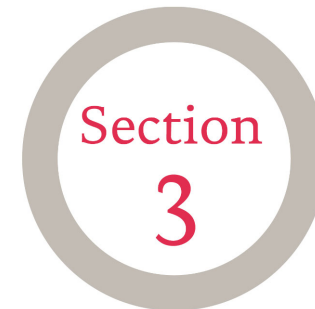
Disability Reasonable Accommodations and Modifications

- **REASONABLE ACCOMMODATIONS AND MODIFICATIONS**
- Federal nondiscrimination laws require housing providers to grant requests for reasonable accommodations and modifications in housing, programs, and activities.
- A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations. Please note that the ADA often refers to these types of accommodations as “modifications.”



Section 3 of the Housing and Urban Development Act

- **What is Section 3?**
- It is a means by which HUD fosters local economic development, neighborhood economic improvement, and individual self-sufficiency. Section 3 is the legal basis for providing jobs for residents and awarding contracts to businesses in areas receiving certain types of HUD financial assistance.
- Under Section 3 of the HUD Act of 1968, wherever HUD financial assistance is expended for housing or community development, to the greatest extent feasible, economic opportunities will be given to Section 3 residents and businesses in that area.



Faith Based Activities

Equal participation of faith-based organizations in HUD programs and activities.

- CoC agencies and staff, volunteers, or contractors shall not, in providing program assistance, discriminate against a program participant or prospective participant on the basis of religion or religious belief, in providing services supported in whole or part with federal financial assistance and in outreach activities related to such services.
- CoC-funded programs shall not discriminate against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

Violence Against Women Reauthorization Act of 2013 (VAWA 2013)

- The law significantly expanded housing protections to victims of domestic violence, dating violence, sexual assault, and stalking across HUD's core housing and homelessness programs. To implement the law's new provisions, HUD issued a [final rule](#), which took effect on December 16, 2016.
- VAWA was updated and reauthorized in 2022.
- HUD provided updated guidance for CoC Implementation of VAWA in March 2023.
- If individuals otherwise qualify for assistance they cannot be denied admission or denied assistance because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.
- The relationship between VAWA and Fair Housing has been strengthened.



The Equal Access Rule

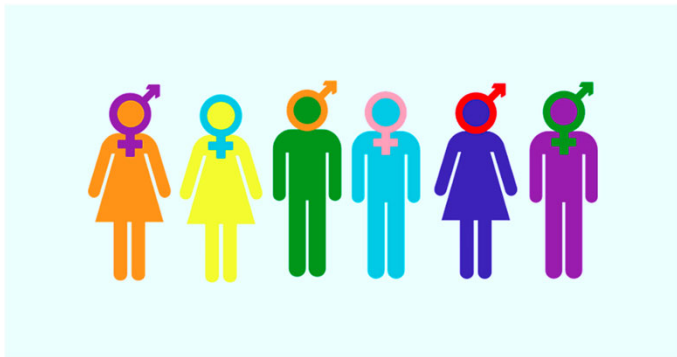
- To ensure that HUD programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status.
- Individuals shall have access to housing according to their gender identity.
- No requirements to “prove” gender identity.
- Equal Access shall be provided in all HUD assisted programs.
- Providers must update policies and procedures to reflect requirement.



Background: Equal Access Rule, 2016

Amended Definition

- This rule amends HUD's definition of “gender identity” to more clearly reflect the difference between actual and perceived gender identity and eliminates the prohibition on inquiries related to sexual orientation or gender identity, so that service providers can ensure compliance with this rule.



Barriers to Access

- HUD determined that the 2012 Equal Access Rule did not adequately address the significant barriers faced by transgender and gender nonconforming persons when accessing temporary, emergency shelters and other facilities with physical limitations or configurations that require and are permitted to have shared sleeping quarters or bathing facilities.
- Specifically, HUD found that transgender and gender nonconforming persons continue to experience significant violence, harassment, and discrimination in attempting to access programs, benefits, services, and accommodations.



Definition: What does HUD define as a Family?

- What this means is that any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Further, a recipient or subrecipient receiving funds under the CPD Programs cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any member's family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity.



Definition: What does HUD define as a Family, or a Household?

- The definition of Household will also receive the “actual or perceived, sexual orientation, gender identity, or marital status” clarification:
 - Household means all persons occupying a housing unit. The occupants may be a family, as defined in 24 CFR 5.403; two or more families living together; or any other group of related or unrelated persons who share living arrangements, regardless of actual or perceived, sexual orientation, gender identity, or marital status.





Definition: What does HUD define as a Family?

Family includes:

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

www.hudexchange.info/faqs/programs/emergency-solutions-grants-esg-program/program-requirements/eligibles/how-is-the-definition-of-family-that-was-included/



Background: Community Planning and Development Notice

CPD-15-02

- On February 20, 2015, CPD issued guidance, entitled “Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities” (CPD-15-02), which applied to CPD programs, including CoC.
- This guidance clarified that HUD expected recipients and subrecipients under these programs to base placement decisions on the gender with which a person identifies—and not on another person's stereotype-based complaints—taking into consideration health and safety concerns and giving serious consideration to the transgender or gender nonconforming person's own personal health and safety concerns.



Equal Access: Policies and Procedures

- Section 5.106(b) addresses the admissions, occupancy, and operating policies and procedures of recipients, subrecipients, owners, operators, managers, and providers covered by this rule.
- Equal access ensures that, when consideration of sex is prohibited or not relevant, individuals will not be discriminated against based on actual or perceived gender identity, and where legitimate consideration of sex or gender is appropriate, such as in a facility providing temporary, short-term shelter that is not covered by the Fair Housing Act and which is legally permitted to operate as a single-sex facility, **the individual's own self-identified gender identity will govern.**

PROCESS



HUDs Equal Access Rule

Specific strategies to implement Equal Access may include inclusive Policy Standards Anti-discrimination policies and procedures that:

- Ensure placement and accommodation are made in accordance with an individual's gender identity.
- Ensure agency uses appropriate, inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirms the agency's commitment to serving all eligible clients in adherence with the Equal Access Rule.
- Have an anti-harassment policy that includes transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.



HUDs Equal Access Rule

- Have a formal grievance process that is prompt, transparent and consistent in managing and resolving violations.
- Include confidentiality practices that keep's a client transgender status confidential, unless the client gives permission to share this information.
- Allows for clients to request a private space for intake and data collection.
- Outlines safety practices including respecting the client's evaluation of their own safety practice with regard to proposed housing options and accommodating reasonable clients request regarding safety
- This final rule redesignates the recordkeeping requirements from § 5.106(e) to 5.106(d) and states that providers must document and maintain records for a period of 5 years.



In order to ensure that individuals are aware of their rights to equal access, HUD proposes to require owners and operators of CPD-funded shelters and facilities to post on bulletin boards and in other public spaces where information is typically made available a notice entitled “Equal Access Regardless of Sexual Orientation, Gender Identity, or Marital Status for HUD’s Community Planning and Development Programs”



<https://www.hud.gov/sites/documents/LGBTFLYER.PDF>



Equal Access Implementation Tools and Helpful Hints

Implementing the Equal Access Rules can be a challenging responsibility.



HUD, technical assistance providers, and national organizations have developed some tools to help support agencies in this process.

Today's training introduces support tools:

Self-Assessment; Decision-Tree; and Simple Examples



Equal Access AGENCY SELF - ASSESSMENT TOOL

This tool:

- Helps homeless housing and service providers assess their compliance with the rules
- Is intended for agency INTERNAL USE – not as a monitoring tool
- Is self-guided
- Points out regulations and best practices
- Has an index of definitions
- Offers an easy-to follow chart guides agency administrators and staff through key aspects of:
 - Agency Policy
 - Harassment Guidelines
 - Resolving Violations
 - Ensuring Confidentiality
 - Addressing Safety



Equal Access – Agency Assessment Tool

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with Written Policy	All Clients are Aware of the Agency/Project Policy			
7	If the Agency operates a family shelter, the Agency does not expel or decline a client of any gender if they are otherwise eligible for services.	Develop a policy statement and procedures to ensure that staff, volunteers and contractors do not expel or decline a client of any gender if they are otherwise eligible for services.	Train staff, volunteers and contractors on the agency's commitment to not expel or decline a client of any gender if they are otherwise eligible for services.	Publicize the agency's commitment to serve all families, regardless of gender, in project literature."			
Harassment Policy							
13	Agency includes transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.	In the list of protected groups within the agency's Policies and Procedures, add transgender and non-gender conforming. If your agency does not list protected groups, add a list and include this population.	Train staff, volunteers and contractors on the agency's inclusion of transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.	Educate clients on the agency's inclusion of transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.			
Managing and Resolving Violations							
20	Agency has policy that if a client needs to be moved for harassment and safety concerns, the agency will have a preference to move the client with a bias.	Develop a policy statement and procedures that ensure if a client needs to be moved due to harassment and/or safety concerns, the agency will have a preference to move the client with a bias.	Train staff, volunteers and contractors on the agency's policy that if a client needs to be moved due harassment and/or safety concerns, the agency will have a preference to move the client with a bias.	Educate clients on the agency's policy that if a client needs to be moved due harassment and/or safety concerns, the agency will have a preference to move the client with a bias.			

Equal Access – Decision Tree

This tool:

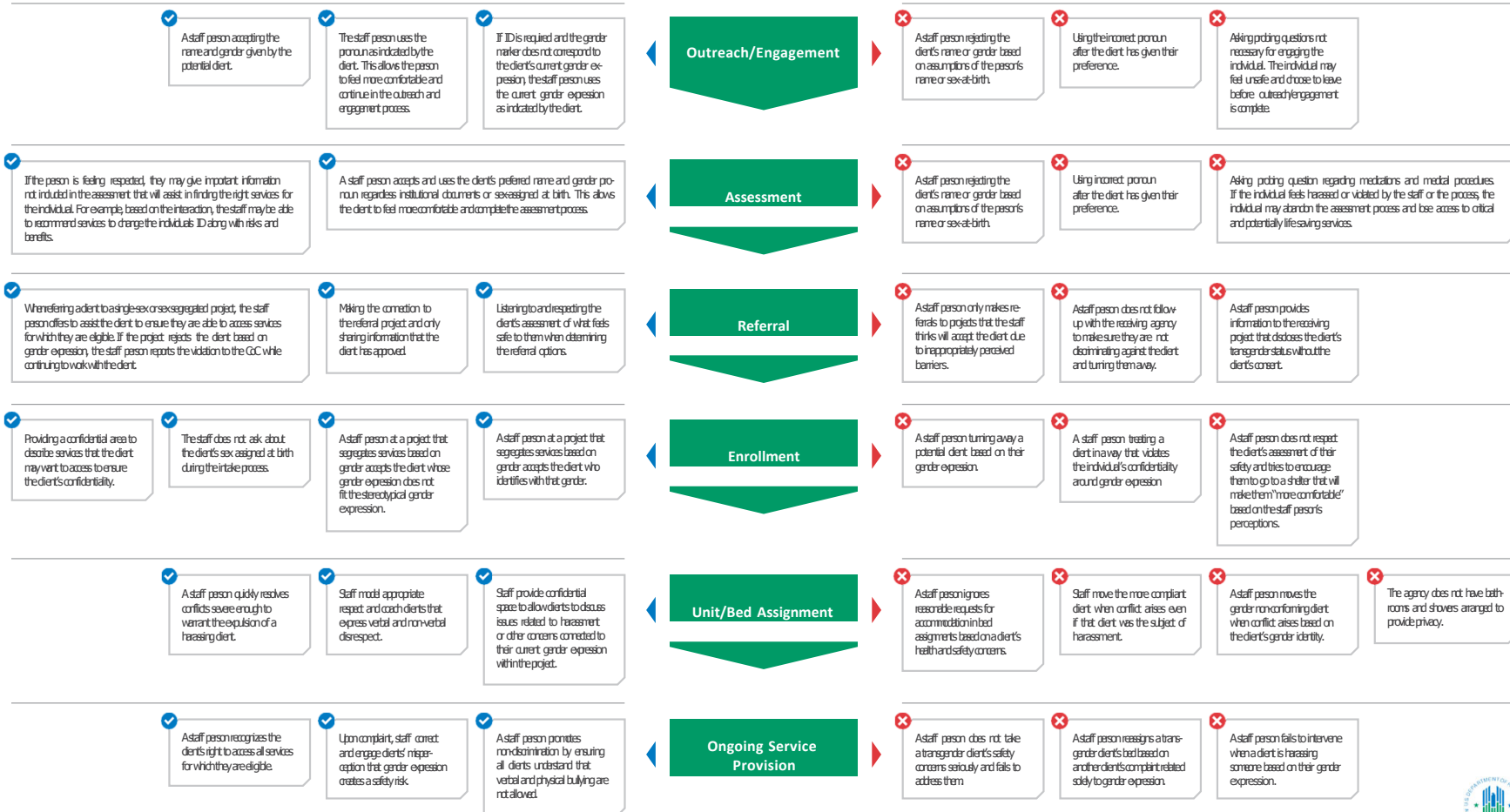
- Gives concrete examples of behaviors that either encourage or discourage equal access
- Has an easy-to read format
- Walks through each phase of the process
 - Outreach & Engagement
 - Assessment
 - Referral
 - Program Enrollment
 - Assignment to housing unit / bed
 - Offering On-going services and supports



Supporting Equal Access Across the Full Spectrum of Services

Encouraging

Discouraging



Equal Access - Encouraging vs Discouraging Actions

ENCOURAGING

- If identification is required and the gender designation doesn't 'match' what the client states, the worker accepts and uses the identification expressed by the client.

DISCOURAGING

- The worker states that the identification indicates a specific gender, and asks probing questions "to resolve the conflicting information" or informs the client that they will need to record the 'correct' information in the official case file.

Quick Guide To Using Gender Pronouns – ASK!

Gender Pronouns

Please note that these are not the only pronouns. There are an infinite number of pronouns as new ones emerge in our language. Always ask someone for their pronouns.

Subjective	Objective	Possessive	Reflexive	Example
She	Her	Hers	Herself	She is speaking. I listened to her. The backpack is hers.
He	Him	His	Himself	He is speaking. I listened to him. The backpack is his.
They	Them	Theirs	Themselves	They are speaking. I listened to them. The backpack is theirs.
Ze	Hir/Zir	Hirs/Zirs	Hirself/ Zirself	Ze is speaking. I listened to hir. The backpack is zirs.

t transstudent.tumblr.com
f facebook.com/transstudent
t twitter.com/transstudent

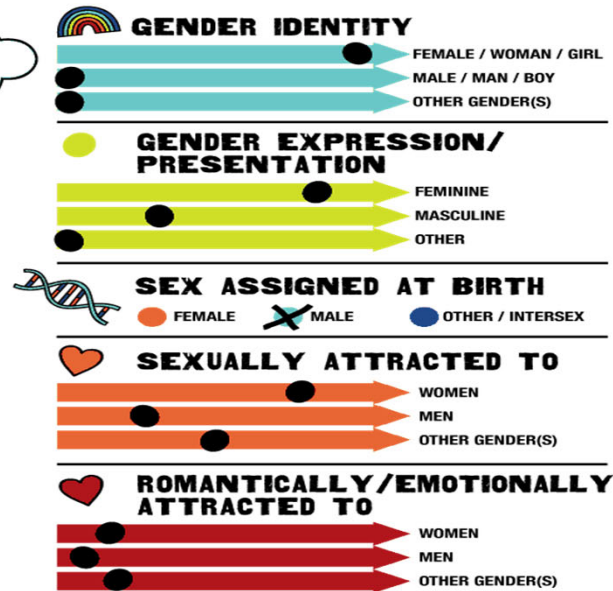
Design by Landyn Pan

For more information,
go to transstudent.org/graphics

TSER
Trans Student Educational Resources

Equal Access - Simple Examples

THE GENDER UNICORN



Equal Access – Case Example – Question #1

If I operate a project using HUD funds that serves single women and children, do I need to serve men with children?

Yes

No



CASE EXAMPLE - QUESTION #1

HUD SAID... *YES!*

HUD funded projects that serve families with minor children are not permitted to exclude families based on the gender of the head-of-household.

A household with a head-of-household who is male, and otherwise eligible for the service, must be provided access to the same services, opportunities, and staff to which all households enrolled in the project have access.

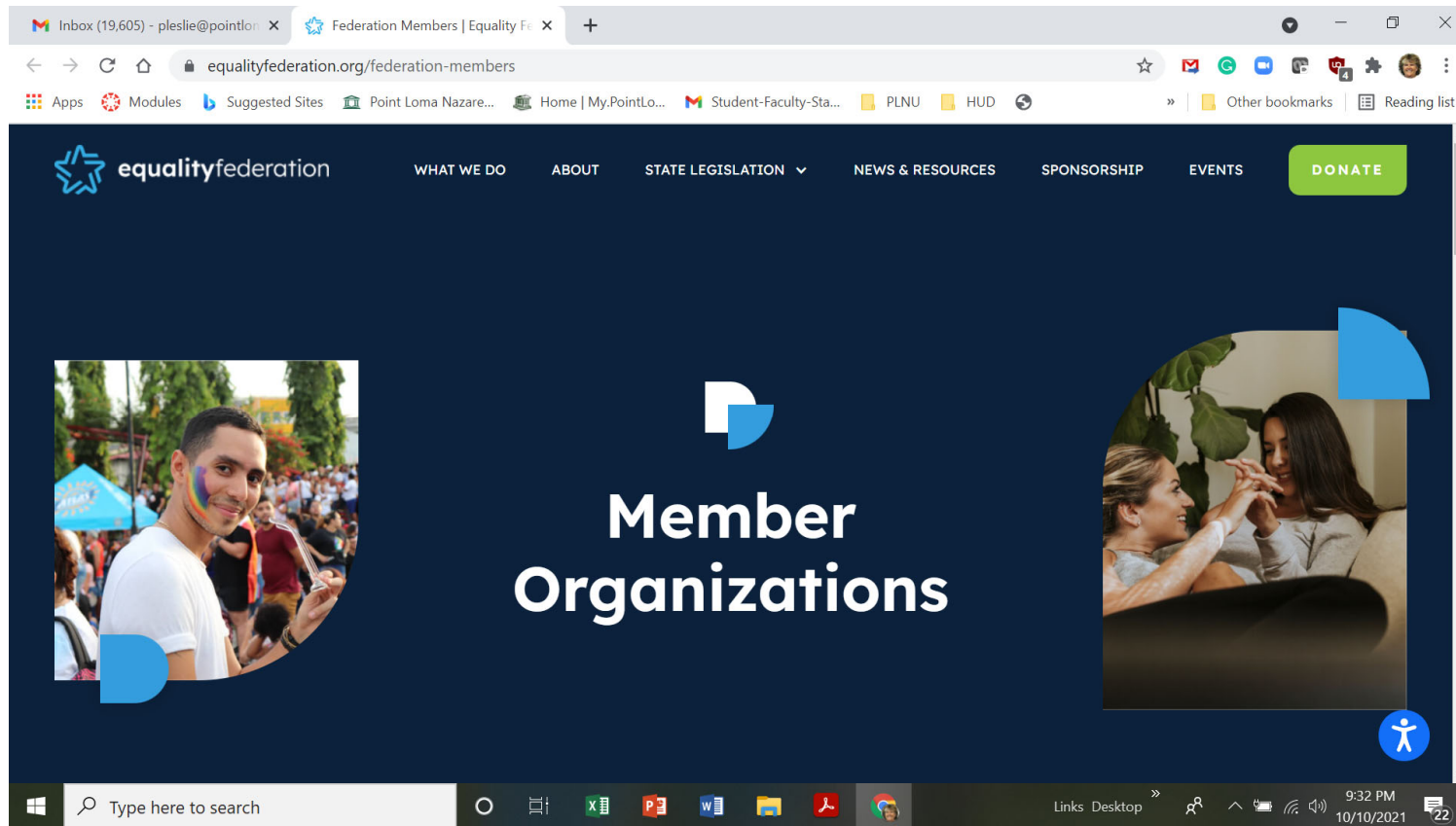
Projects may establish a requirement that they only serve households with minor children and exclude households comprised entirely of adults.



Equal Access - How Do We Handle Showers and Restrooms?

- Access is based on self-declared gender identity
- Increase privacy, when possible, by:
 - Installing temporary or permanent curtains
 - Installing locks, doors, or partitions to toilet stalls
 - Create staggered shower schedules for everyone to ensure access and to enhance privacy
- Expand Access: Make single-use facilities all-gender, meaning anyone can use them

Equal Access Equality Federation – Statewide Advocacy Resources



Thank you!

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LGBT Equal Access to HUD Programs



The U.S. Department of Housing and Urban Development enforces regulations that ensure its programs are open to all eligible individuals regardless of actual or perceived sexual orientation or gender identity.



www.hud.gov/lgbthousingdiscrimination

HUD's regulations requiring equal access to LGBT persons include the following:

- A general equal access provision which requires housing that is funded by HUD or subject to a mortgage insured by the Federal Housing Administration (FHA) to be made available without regard to actual or perceived sexual orientation, gender identity, or marital status;
- Clarification that the terms "family" and "household," as used in HUD programs, include persons regardless of actual or perceived sexual orientation, gender identity, or marital status;
- Prohibition on owners and operators of HUD-funded housing or housing insured by FHA from asking about an applicant's or occupant's sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available; and
- Prohibition on FHA lenders from taking into account actual or perceived sexual orientation or gender identity in determining the adequacy of a potential borrower's income.

If you believe a housing provider or FHA-insured lender violated this rule or otherwise denied housing to someone because of actual or perceived sexual orientation, gender identity, or marital status, contact your local HUD office or HUD's Office of Fair Housing and Equal Opportunity for help at (800) 669-9777 or (800) 927-9275 (TTY).



www.hud.gov/lgbthousingdiscrimination

AGENCY EQUAL ACCESS SELF-ASSESSMENT TOOL

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and <u>Contractors</u> are Trained to Comply with Written Policy	All Clients are Aware of the Agency/Project Policy	Evidence / Notes
1	Agency is committed and intends to comply with HUD's Equal Access Rule (If your agency receives HUD funding for shelter or services, your agency is required to meet these standards) and State and municipal laws.	Meet with the agency's Board and administrators to discuss the importance of the Equal Access Rule, how to be compliant and gaps or areas for improvement at your agency.	Train staff, volunteers and contractors on the agency's commitment and intention to comply with the Equal Access Rule.	Educate clients on agency's commitment and intention to comply with the Equal Access Rule and the availability of the agency's Policies and Procedures.	
2	For an agency legally permitted to segregate services based on gender, the agency serves all eligible clients that identify with that gender.	For an agency legally permitted to segregate services based on gender, develop a policy statement and procedures to ensure that staff, volunteers and contractors serve all eligible clients that identify with that gender.	For an agency legally permitted to segregate services based on gender, train staff, volunteers and contractors to serve all eligible clients that identify with that gender.	For an agency legally permitted to segregate services based on gender, educate clients on the agency's policy to serve all eligible clients that identify with that gender.	
3	For an agency legally permitted to segregate services based on gender, the agency will not deny access because the client identification	For an agency legally permitted to segregate services based on gender, develop a policy statement and procedures to ensure that staff, volunteers and contractors do not deny	For an agency legally permitted to segregate services based on gender, train staff, volunteers and contractors on the agency's policy that prohibits denying access because the	For an agency legally permitted to segregate services based on gender, educate clients on the agency's commitment to not deny access because the agency possesses	

	documents have a different gender marker than the client or potential client presenting for service.	access because the agency possesses identity documents indicating a sex different than the gender with which the client or potential client identifies.	agency possesses identity documents indicating a sex different than the gender with which the client or potential client identifies.	identity documents indicating a sex different than the gender with which the client or potential client identifies.	
4	The agency or project will not consider a client or potential client ineligible because their appearance or behavior does not conform to gender stereotypes.	For an agency legally permitted to segregate services based on gender, develop a policy statement and procedures to ensure that staff, volunteers and contractors will not consider a client or potential client ineligible because their appearance or behavior does not conform to gender stereotypes.	For an agency legally permitted to segregate services based on gender, train staff, volunteers and contractors to not consider a client or potential client ineligible because their appearance or behavior does not conform to gender stereotypes.	For an agency legally permitted to segregate services based on gender, educate clients on the agency's commitment to not consider a client or potential client ineligible because their appearance or behavior does not conform to gender stereotypes.	
5	Agency or project does not ask questions or seek information concerning a person's anatomy or medical history beyond elements necessary for the purpose of providing services.	Develop a policy statement and procedures to ensure that staff, volunteers and contractors do not ask questions or otherwise seek information or documentation concerning a person's anatomy or medical history.	Train staff, volunteers and contractors on the agency's policy that prohibits asking questions or otherwise seek information or documentation concerning a person's anatomy or medical history.	Ensure clients understand that staff will not ask questions or otherwise seek information or documentation concerning the client's anatomy or medical history.	
6	For an agency not permitted to segregate services based on gender, the	Develop a policy statement and procedures to ensure that staff, volunteers and contractors serve all	Train staff, volunteers and contractors on the agency's commitment serve all	Publicize the agency's commitment to serve all individuals, regardless of	

	agency will serve all individuals that are eligible for the project.	individuals that are eligible for the project.	individuals that are eligible for the project.	gender, in project literature.	
7	If the Agency operates a family shelter, the Agency does not expel or decline a client of any gender if they are otherwise eligible for services.	Develop a policy statement and procedures to ensure that staff, volunteers and contractors do not expel or decline a client of any gender if they are otherwise eligible for services.	Train staff, volunteers and contractors on the agency's commitment to not expel or decline a client of any gender if they are otherwise eligible for services.	Publicize the agency's commitment to serve all families, regardless of gender, in project literature."	
8	If the Agency operates a family shelter, the Agency does not expel or decline clients based on their male gender identity, regardless of age.	Develop a policy statement and procedures to ensure that staff, volunteers and contractors do not expel or decline clients based on their male gender identity, regardless of age.	Train staff, volunteers and contractors on the agency's commitment to not expel or decline clients based on their male gender identity, regardless of age.	Educate clients on the agency's commitment to not expel or decline clients based on their male gender identity, regardless of age.	
9	Agency uses appropriate, inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirms the agency's commitment to serving all eligible clients in adherence	Develop a policy statement and procedures for the addition of inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirms the agency's commitment to serving all eligible clients in adherence with the Equal Access Rule.	Train staff, volunteers and contractors on the agency's commitment to inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirms the agency's commitment to serving all eligible clients in adherence with the Equal Access Rule.	Educate clients on the agency's commitment to inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirm the agency's commitment to serving all eligible clients in adherence with the Equal Access Rule.	

	with the Equal Access Rule.				
10	Agency makes Equal Access Rule policies and procedures publicly available on the agency's website and through other commonly used public notification processes.	Develop a policy statement and procedures on making Equal Access Rule policies and procedures publicly available on the agency's website and through other commonly used public notification processes.	Train staff, volunteers and contractors on availability of the Agency's Equal Access Rule policies and procedures on the agency's website and through other commonly used public notification processes.	Educate clients on availability of the Agency's Equal Access Rule policies and procedures on the agency's website and through other commonly used public notification processes.	
11	Agency ensures staff, volunteers and contractors are provided a copy of the Agency's policies and practices regarding Equal Access requirements.	Develop a policy statement and procedures on providing a copy of the agency's policies and practices regarding Equal Access requirements to staff, volunteers and contractors.	Train staff, volunteers and contractors that all staff, volunteers and contractors are required to understand and follow the agency's Policies and Procedures.	Educate clients that all staff, volunteers and contractors are required to understand and follow the agency's Policies and Procedures.	
12	Agency includes "gender identity" and "gender expression" to list of attributes that are protected from discrimination in the Agency's Policies and Procedures.	In the list attributes that are protected from discrimination include "gender identity" and "gender expression". If the agency's Policies and Procedures don't include a list of attributes, add them.	Train staff, volunteers and contractors on the agency's inclusion of "gender identity" and "gender expression" to list of attributes that are protected from discrimination in the	Educate clients on the agency's inclusion of "gender identity" and "gender expression" to list of attributes that are protected from discrimination in the agency's Policies and Procedures.	

			agency's Policies and Procedures.		
Harassment Policy					
13	Agency includes transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.	In the list of protected groups within the agency's Policies and Procedures, add transgender and non-gender conforming. If your agency does not list protected groups, add a list and include this population.	Train staff, volunteers and contractors on the agency's inclusion of transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.	Educate clients on the agency's inclusion of transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.	
14	Agency identifies harassment as a range of behaviors that are experienced as offensive, aggressive, or intimidating regardless of physical location or proximity to the project. For the LGBTQ clients this can include: consistently or maliciously not using the client's affirmed gender pronoun, asking any questions about a client's body	Develop a policy statement and procedures that identify harassment as a range of behaviors that are experienced as offensive, aggressive, or intimidating regardless of physical location or proximity to the project. For the LGBTQ clients this can include: consistently or maliciously not using the client's affirmed gender pronoun, asking any questions about a client's body or appearance, disclosing that a client is transgender or gender non-conforming, or physical intimidation.	Train staff, volunteers and contractors to understand harassment as a range of behaviors that are experienced as offensive, aggressive, or intimidating regardless of physical location or proximity to the project. Train them to understand that for the LGBTQ clients this can include: consistently or maliciously not using the client's affirmed gender pronoun, asking any questions about a client's body or appearance, disclosing that a client is transgender or gender non-	Educate clients that harassment is a range of behaviors that are experienced as offensive, aggressive, or intimidating regardless of physical location or proximity to the project. Train them to understand that for the LGBTQ clients this can include: consistently or maliciously not using the client's affirmed gender pronoun, asking any questions about a client's body or appearance, disclosing that a client is transgender or gender non-	

	or appearance, disclosing that a client is transgender or gender non-conforming, or physical intimidation.		conforming, or physical intimidation.	conforming, or physical intimidation.	
15	Agency ensures the client understands their rights if they are experiencing harassment and discrimination; expectations for non-harassment and non-discrimination behaviors, respect for other clients and the importance of maintain confidentiality.	Develop a policy statement and procedures ensuring staff, volunteers and contractors educate clients on their rights if they are experiencing harassment and discrimination; expectations for non-harassment and non-discrimination behaviors, respect for other clients and the importance of maintain confidentiality.	Train staff, volunteers and contractors on their responsibility to educate clients on their rights if they are experiencing harassment and discrimination; expectations for non-harassment and non-discrimination behaviors, respect for other clients and the importance of maintain confidentiality.	Educate clients on their rights if they are experiencing harassment and discrimination; expectations for non-harassment and non-discrimination behaviors, respect for other clients and the importance of maintain confidentiality.	
16	Agency requires project staff, contractors, volunteers and clients to use client's preferred gender and pronoun.	Develop a policy statement and procedures on the requirement that staff, volunteers, vendors and clients use the transgender client's preferred gender and pronoun.	Train staff, volunteers and contractors on the agency's policy that requires staff, volunteers, contractors and clients to use transgender client's preferred gender and pronoun.	Educate clients on the agency's policy that requires staff, volunteers, vendors and clients to use transgender client's preferred gender and pronoun.	
Managing and Resolving Violations					

17	Agency has a formal grievance process that is prompt, transparent and consistent. The grievance process will be resolved in ___ [timeframe].	Develop a policy statement and procedures on a grievance process that is prompt, transparent and consistent. Include the time it will take to resolve the issue.	Train staff, volunteers and contractors on the agency's formal grievance process ensuring that it is prompt, transparent and consistent.	Educate clients on the agency's formal grievance process ensuring that it is prompt, transparent and consistent.	
18	Agency takes immediate action to resolve inappropriate behavior, harassment, or equal access issues by any person (staff, volunteers, contractors or clients). Staff training includes role play on interventions (staff to staff, staff to resident, and resident to resident).	Develop a policy statement and procedures that the agency will take immediate action to resolve inappropriate behavior, harassment, or equal access issues by any person (staff, volunteers, contractors or clients). Staff, volunteer, and contractor training includes role play on interventions (staff to staff, staff to resident, and resident to resident).	Train staff, volunteers and contractors on their responsibility to resolve inappropriate behavior, harassment, or equal access issues by any person (staff, volunteers and contractors or clients). Staff, volunteer, and contractor training includes role play on interventions (staff to staff, staff to resident, and resident to resident).	Educate clients on how inappropriate behavior, harassment, or equal access issues by any person (staff, volunteers, contractors or clients) will be resolved.	
19	Agency mediates and resolves conflicts between clients in a way that is respectful, fair and equitable.	Develop a policy statement and procedures on mediating and resolving conflicts between clients in a way that is respectful, fair and equitable.	Train staff, volunteers and contractors on their responsibility to mediate and resolve conflicts between clients in a way that is respectful, fair and equitable.	Educate clients that staff, volunteers and contractors will mediate and resolve conflicts between clients in a way that is respectful, fair and equitable.	

20	Agency has policy that if a client needs to be moved for harassment and safety concerns, the agency will have a preference to move the client with a bias.	Develop a policy statement and procedures that ensure if a client needs to be moved due to harassment and/or safety concerns, the agency will have a preference to move the client with a bias.	Train staff, volunteers and contractors on the agency's policy that if a client needs to be moved due to harassment and/or safety concerns, the agency will have a preference to move the client with a bias.	Educate clients on the agency's policy that if a client needs to be moved due to harassment and/or safety concerns, the agency will have a preference to move the client with a bias.	
21	Agency has a sanction process for violations committed by staff, volunteers or vendors (For example, formal documentation in employee's file, suspension, firing or legal action based on the type(s) and severity of harassment). Sanctions are enforced every time there is a violation and sanctions are consistently applied.	Develop a policy statement and procedures on the sanction process that addresses violations to the agency's anti-discrimination policy and Equal Access Rule. The sanction process should be applied consistently.	Train staff, volunteers and contractors on the agency's sanction process for violations committed by staff, volunteers and contractors (for example, formal documentation in employee's file, suspension, firing or legal action based on the type(s) and severity of harassment) including how they are enforced and applied.	Educate clients on the agency's sanction process for violations committed by staff, volunteers, contractors or clients (For example, moving to a different area of the shelter, temporary ban from project based on the type(s) and severity of harassment) including how they are enforced and applied.	
22	Agency develops partnerships with organizations that can provide expertise around the process of changing gender markers on	Develop a policy statement and procedures ensuring staff, volunteers and contractors can provide information to clients on changing gender markers on identification or benefit	Train staff, volunteers and contractors to provide information to clients on changing gender markers on identification or benefit applications or refer clients	Ensure clients understand that information is available if they want to learn about the process of changing their gender marker on identification or benefit applications.	

	identification and benefit applications or ensures subject matter expertise among staff.	applications or can refer clients to experts with that knowledge.	to experts with that knowledge.		
23	Agency ensures the clients without ID understand the resources available to obtain ID, as IDs are required for obtaining employment, accessing benefits and many other services important to self-sufficiency.	Develop a policy statement and procedures ensuring staff, volunteers and contractors educate clients on the resources available to obtain ID if they do not have one.	Train staff, volunteers and contractors on their responsibilities to educate clients on the resources available to obtain ID if they do not have one.	Inform clients of the resources available to obtain ID if they do not have one.	
24	Agency has policy to correct any misinformation or inaccurate conclusions that transgender clients threaten the health or safety of other clients solely based on their non-conforming gender expression during risk-based conversations.	Develop a policy statement and procedures that ensure the correction of any misinformation or inaccurate conclusions that transgender clients threaten the health or safety of other clients solely based on their non-conforming gender expression during risk-based conversations.	Train staff, volunteers and contractors on requirements to correct any misinformation or inaccurate conclusions that transgender clients threaten the health or safety of other clients solely based on their non-conforming gender expression during risk-based conversations.	Educate clients on any misinformation or inaccurate conclusions that transgender clients threaten the health or safety of other clients solely based on their non-conforming gender expression during risk-based conversations.	
Confidentiality Practices					

25	Agency keeps a client's transgender status confidential, unless the client gives permission to share this information.	Develop a policy statement and procedures that keep a client's transgender status confidential, unless the client gives permission to share this information.	Train staff, volunteers and contractors on their responsibility to keep a client's transgender status confidential, unless the client gives permission to share this information.	Ensure clients know that any information related to their gender identity will be kept confidential.	
26	Agency ensures that only essential staff, identified by administrators, are told about a client's transgender status to ensure equal access and safety.	Develop a policy statement and procedures that ensure that only essential staff, identified by administrators, are told about a client's transgender status to ensure equal access and safety.	Ensure staff, contractors, and volunteer know and understand the impact and consequences of breaching a client's confidentiality and releasing information related to their gender identity or transgender status.	Communicate this policy to clients at intake.	
27	Agency ensures that when a client's gender identity and sex assigned at birth differ, that difference is treated as confidential medical information and may not be disclosed without specific, time-limited written client consent	Develop a policy statement and procedures that ensure that when a client's gender identity and sex assigned at birth differ, that difference is treated as confidential medical information and may not be disclosed without specific, time-limited written client consent	Train staff, volunteers and contractors on their responsibility to ensure that when a client's gender identity and sex assigned at birth differ, that difference is treated as confidential medical information and may not be disclosed without specific, time-limited written client consent	Educate clients that staff, volunteers and contractors are responsible to ensure that when a client's gender identity and sex assigned at birth differ, that difference is treated as confidential medical information and may not be disclosed without specific, time-limited written client consent	

28	Agency supports all clients in understanding their privacy rights and the implication of releasing information.	Develop a policy statement and procedures to ensure clients understand their privacy rights and the implication of releasing information. For example, staff understands the implication of selecting transgender when entering information into HMIS.	Train staff, volunteers and contractors on how to ensure clients understand their privacy rights and the implication of releasing information. For example, staff understands the implication of selecting transgender when entering information into HMIS.	Ensure clients are informed of their privacy rights and understand the implications for releasing information.	
29	Agency ensures staff, volunteers and contractors understand that a client's sex assigned at birth is confidential information and the potential impact that disclosure can have on a client's progress to self-sufficiency.	Develop a policy statement and procedures that maintain a client's sex assigned at birth as confidential information and describes the potential impact that disclosure can have on a client's progress to self-sufficiency.	Train staff, volunteers and contractors to uphold a client's sex assigned at birth as confidential information and to understand the potential impact that disclosure can have on a client's progress to self-sufficiency.	Ensure clients are informed of the policy at intake and the process for filing a complaint if any breach should occur.	
30	Agency is committed and complies with federal, state and local privacy laws.	Develop a policy statement and procedures ensuring staff, volunteers and contractors understand their responsibilities to uphold federal, state and local privacy laws.	Train staff, volunteers and contractors on their responsibilities to uphold federal, state and local privacy laws and the consequences of failing to meet those responsibilities.	Ensure clients are informed of their privacy rights and the measures the agency's take to uphold these rights.	

31	<p>Agency keeps the client's legal name and/or sex at birth confidential unless the client gives written permission otherwise. Written and verbal consent are different. Written consent is a document that articulates the manner and extent to which the client's information will be shared and the client signs the document to confirm their permission. The staff should make sure the client understands the written permission they are giving. Verbal consent requires the staff and client to discuss the manner and extent to which the client's information will be shared in a way that is understood by the client and the client</p>	<p>Develop a policy statement and procedures that keep the client's legal name and/or sex at birth confidential unless the client gives written permission otherwise and that staff should make sure the client understands the written permission they are giving. And further, verbal consent requires the staff and client to discuss the manner and extent to which the client's information will be shared in a way that is understood by the client and the client verbally affirms some level of sharing.</p>	<p>Train staff, volunteers and contractors on their responsibility to keep the client's legal name and/or sex at birth confidential unless the client gives written permission otherwise and that staff should make sure the client understands the written permission they are giving. And further, verbal consent requires the staff and client to discuss the manner and extent to which the client's information will be shared in a way that is understood by the client and the client verbally affirms some level of sharing.</p>	<p>Educate clients that staff, volunteers and contractors are responsible to keep the client's legal name and/or sex at birth confidential unless the client gives written permission otherwise and that staff should make sure the client understands the written permission they are giving. And further, verbal consent requires the staff and client to discuss the manner and extent to which the client's information will be shared in a way that is understood by the client and the client verbally affirms some level of sharing.</p>	
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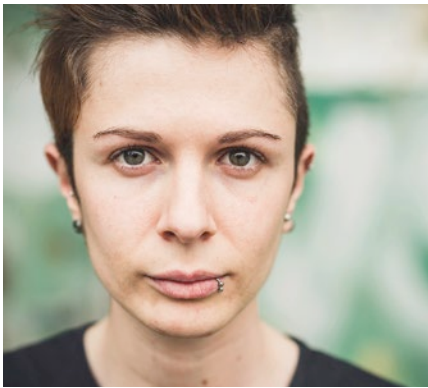
	verbally affirms some level of sharing.				
Data Collection					
32	Agency permits clients to request a private space to complete intake and data collection.	Develop a policy statement and procedures on the client's right to request a private space to complete intake and data collection.	Train staff, volunteers and contractors to provide a private space to complete intake and data collection.	Educate clients that the agency permits clients to request a private space to complete intake and data collection.	
33	Agency ensures that gender identity is not required to match the gender listed on the ID or documents	Develop a policy statement and procedures that ensure gender identity is not required to match the gender listed on the client's ID or documents	Train staff, volunteers and contractors on the agency's policy that gender identity is not required to match the gender listed on the client's ID or documents	Educate clients on the agency's policy that gender identity is not required to match the gender listed on the clients ID or documents	
34	Agency ensures staff, volunteers and contractors understand that a client may not present as the way they identify; staff, volunteers and vendors will respect the client's identity.	Ensure this practice is incorporated into staff/volunteer/contractor training and orientation.	Train staff, volunteers and contractors that a client may not present as the way they identify and that staff, volunteers and contractors should respect the client's identity.	Ensure clients understand that staff, volunteers and contractors will respect a client's identity.	
35	Agency intake materials allow for client's to indicate	Regularly review intake material for compliance with Equal Access Rule.	Train staff, contractors, and volunteers to use a client's	Ensure clients understand the process for filing a complaint if staff are not	

	their legal name and the name they prefer to go by.		preferred name rather than their legal name.	using their preferred name, within reasonable expectations.	
36	If intake materials include preferred gender identity, that gender identity is supported by the Agency.	If intake materials include preferred gender identity, develop a policy statement and procedures that gender identity is supported by the agency.	Train staff, volunteers and contractors that if intake materials include preferred gender identity, that gender identity is supported by the agency.	Educate clients that if intake materials include preferred gender identity, that gender identity is supported by the Agency.	
Safety Practices					
37	Agency ensures that clients with prescribed hormones or other medications as part of their gender-affirming healthcare regime have access to those medications.	Ensure that all medications, properly prescribed, are treated according to the project's policy.	Train staff to treat all prescribed medication consistent with project policy. Similarly all undocumented medication should be treated consistent with project policy.	Educate clients on the medication policy of the project for prescription and non-prescription medications.	
38	Agency will respect the client's evaluation of their own safety with regard to proposed housing options and accommodate reasonable client requests regarding safety. For example, a transgender man that does not feel safe in a men's congregate sleeping	Develop a policy statement and procedures to respect the client's evaluation of their own safety with regard to proposed housing options and accommodate reasonable client requests regarding safety. For example, a transgender man that does not feel safe in a men's congregate sleeping area could request assignment to the bed closest to staff. Staff,	Train staff, volunteers and contractors to respect the client's evaluation of their own safety with regard to proposed housing options and accommodate reasonable client requests regarding safety. For example, a transgender man that does not feel safe in a men's congregate sleeping area could request assignment to the bed closest to staff. Staff,	Ensure clients understand that the agency will respect the client's evaluation of their own safety with regard to proposed housing options and accommodate reasonable requests regarding safety. For example, a transgender man that does not feel safe in a men's congregate sleeping area could request assignment to the bed closest to staff. Staff,	

	area could request assignment to the bed closest to staff. Staff, volunteers and contractors should reasonably defer to client's request.	volunteers and contractors should reasonably defer to client's request.	volunteers and contractors should reasonably defer to client's request.	volunteers and contractors should reasonably defer to client's request.	
39	Client has a right to request accommodations based on their personal safety concerns.	Develop a policy statement and procedures to require staff to evaluate and respond to reasonable client requests for safety based accommodations and document the outcomes.	Train staff, volunteers and contractors that clients may request reasonable safety based accommodation and how to consistently evaluate those requests and document outcomes.	Educate clients that the client has a right to request accommodations based on their personal safety concerns.	
40	Staff will recommend accommodations based on safety concerns to residents.	Develop a policy statement and procedures on staff, volunteers and contractors responsibility to recommend accommodations based on safety concerns to residents.	Train staff, volunteers and contractors to recommend accommodations based on safety concerns to residents.	Educate clients that staff, volunteers and contractors will recommend accommodations based on safety concerns to residents.	
41	Agency ensures that if a physical search or urine test is required for admission, the client can choose the gender of the staff person conducting the search. If someone of that	Develop a policy statement and procedures on physical searches or urine tests if they apply. Indicate that the client can choose the gender of the staff person conducting the search. If someone of that gender is not available, the agency will select a staff person that	Train staff, volunteers and contractors to respectfully conduct physical searches or urine tests if required for admission and that the client can choose the gender of the staff person conducting the search. If someone of that gender is not available, the agency	Educate clients that the agency will ensure that if a physical search or urine test is required for admission, the client can choose the gender of the staff person conducting the search. If someone of that gender is not available, the Agency will select a staff	

	gender is not available, the Agency will select a staff person that understands the concerns of the client, will be respectful and will uphold the agency's policies and procedures with regard to transgender clients.	understands the concerns of the client, will be respectful and will uphold the agency's policies and procedures with regard to transgender clients.	will select a staff person that understands the concerns of the client, will be respectful and will uphold the agency's policies and procedures with regard to transgender clients.	person that understands the concerns of the client, will be respectful and will uphold the agency's policies and procedures with regard to transgender clients.	
Facility Enhancements					
42	Agency will take measures to create a safe environment for transgender clients. When possible the Agency will ensure construction or rehabilitation of the physical property, including sleeping area, bathrooms, and showers promote privacy and safety.	Develop a policy statement and procedures on creating a safe environment for transgender clients including when possible the construction or rehabilitation of the physical property, including sleeping area, bathrooms, and showers promote privacy and safety.	Train staff, volunteers and contractors on measures to create a safe environment for transgender clients.	Educate clients on the agency's commitment and measures to create a safe environment for transgender clients.	
43	Agency has a single check-in area for both genders.	Develop a policy statement and procedures for a single check-in area for both genders.	Train staff, volunteers and contractors to manage a single check-in area for both genders.	Educate clients on agency's expectations on the client's use of the single check-in area for both genders.	

44	If the Agency only offers congregate bathrooms, all urinals/toilets have individual stalls to support client safety.	Develop a policy statement and procedures on client safety related to congregate bathrooms including individual stalls for urinals/toilets.	Train staff, volunteers and contractors on use and management of congregate bathrooms to support client safety.	Educate clients on agency's expectations on the client's use of congregate bathrooms and that all urinals/toilets have individual stalls to support client safety.	
45	If the Agency only offers congregate showers, each shower head will have individual stalls to support client safety.	Develop a policy statement and procedures on congregate showers to support client safety including the provision of individual stalls for each shower head.	Train staff, volunteers and contractors on use and management of congregate showers to support client safety.	Educate clients on agency's expectations on the client's use of congregate showers and that each shower head has individual stalls to support client safety.	
Additional Areas					
46	Agency offering services and shelters will offer individual gender-neutral bathroom for all clients.	Develop a policy statement and procedures on offering individual gender-neutral bathroom for all clients.	Train staff, volunteers and contractors on use and management of individual, gender-neutral bathroom for all clients.	Educate clients on agency's expectations on the client's use of individual, gender-neutral bathrooms.	
47	Agency offering services and shelters will offer individual gender-neutral shower rooms for all clients.	Develop a policy statement and procedures on offering individual gender-neutral shower rooms for all clients.	Train staff, volunteers and contractors on use and management of individual, gender-neutral shower rooms for all clients.	Educate clients on agency's expectations on the client's use of individual, gender-neutral shower rooms.	



Equal Access for Transgender People

Supporting Inclusive Housing and Shelters



Acknowledgements

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- Tone Lee-Bias
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The authors are solely responsible for the accuracy of the statements and interpretation contained in this publication. Such interpretations do not necessarily reflect the views of the Government. The substance and findings of the work are dedicated to the public.

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Requirements of the Equal Access Rule

Individuals and families seeking services from HUD funded homeless projects have nowhere else to go. In fact, this is one of several criteria HUD established for individuals and families in need. Too many LGBT youth and adults meet this standard and have nowhere to turn other than a HUD funded project. Acknowledging their need for assistance and seeking help is often its own struggle for those who have sacrificed much simply to recognize themselves. Among homeless youth, a population estimated annually somewhere between 400,000 and 2.8 million, LGBT youth are significantly overrepresented, accounting for up to 40% of the population¹.

Transgender individuals in particular are impacted by violence and discrimination in ways that both contribute to their homelessness and keep them from accessing necessary shelter and services. One in ten transgender individuals reports being evicted based on their gender expression. One in five reports being denied an apartment or home based on gender expression. Even when seeking shelter, transgender individuals are at significant risk of harassment and physical and sexual assault. Nearly 30% of homeless transgender individuals report being turned away from a shelter due to their transgender status and 22% report experiencing sexual assault perpetrated by staff or other shelter residents².

[The Equal Access Rule](#) clearly prohibits these discriminatory actions. HUD funds welcoming and inclusive housing programs open to all eligible individuals; the requirements of Equal Access Rule and follow-up guidance ensure that local projects know how to implement and enforce this requirement.

HUD programs are built on a strong foundation of partnerships with both national and local organizations. HUD has worked with partners that are leading the effort to ensure individuals receive fair treatment when accessing HUD funded programs, from providing mortgages to accessing emergency shelter. Locally, the Continuums of Care (CoCs) and government partners target HUD resources to meet the unique needs in each community.

These training materials provide CoCs and projects with the framework to create welcoming and inclusive projects for transgender and gender non-conforming people and to be in compliance with the requirements of the Equal Access Rule. Transgender and gender non-conforming people sometimes face different issues of discrimination, so this sourcebook sometimes addresses transgender-specific topics, and at other times, addresses transgender and gender non-conforming topics.

[Check out the work of NCTE in developing policies across the social service, criminal justice and healthcare industries.](#)

[Get up-to-date information on the work True Colors is doing to understand the extent and nature of homelessness among LGBT youth and how to end it.](#)

¹ Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, Page 107.

² *Ibid*, Page 106.



Introduction to the Equal Access Rule in Shelters

This section provides an overview of the US Department of Housing and Urban Development's (HUD) Equal Access Rule requirements related to accessing emergency shelter services. This section covers:

- Suggested language for transgender-inclusive projects to use in discussions and written materials;
- What to include in a project site's anti-discrimination policy; and
- How to request technical assistance or additional guidance from HUD.

Announced in January 2012, the Equal Access Rule codified HUD's commitment to the fair administration of its funded projects "regardless of marriage status, sexual orientation or gender identity." Following that announcement, in September 2016, HUD further required that decisions related to placement and accommodations in single-sex shelters and facilities must be made in accordance with the resident's gender identity.

[Check out the full Equal Access Toolkit developed for HUD funded projects here.](#)

This sourcebook familiarizes project staff with best practices consistent with HUD’s Equal Access Rule requirements in order to establish and support transgender-inclusive projects. It also provides projects with a framework for policies and practices that foster inclusive projects. Readers can find information about how project staff and facilitators can:

- Employ transgender-inclusive language in discussions and written materials;
- Intervene in conflicts to promote the safety of all residents while upholding expectations of appropriate behavior; and
- Hold staff and residents consistently accountable regarding standards of behavior within HUD-funded shelters and projects.

Few situations are more fraught with anxiety and fear than an individual seeking lifesaving services, shelter or food from service providers. Transgender and gender non-conforming people have the added anxiety of wondering whether they will face discrimination when they seek help. Concern that a miscommunication with a staff member could result in their expulsion, or that a misunderstanding with another resident may escalate to threaten their safety, are heavy burdens.

To best support these individuals during such critical times, gender identity must and gender expression should be included in a shelter’s non-discrimination policy so that transgender residents and gender non-conforming residents are explicitly covered by the policy. Related policies and procedures that support non-discrimination should be developed with input from all of a provider’s stakeholders and should promote practices that respect the diverse range of people seeking shelter at HUD-funded projects. State and municipal laws may also require providers to incorporate additional specific protections into an anti-discrimination policy. Every provider must be aware of and in compliance with their state and municipal anti-discrimination regulations. This document focuses on developing, communicating, and enforcing policies and procedures that support transgender and gender non-conforming inclusiveness, as well as creating spaces that support these residents to begin the process of re-establishing their self-sufficiency.

As a beginning step in creating transgender and gender non-conforming inclusive environments, subject matter experts, members of the transgender community, advocates and service providers have identified terms that convey respect when discussing diverse gender identities and expressions. Using respectful language communicates that a project welcomes all eligible residents. However, it is important to remember that clients make the final decision about how to identify and express themselves, including their gender pronouns.

[Links to NCTE National Transgender Discrimination Survey.](#)

[HUD maintains a list of state fair housing authorities. Look here to find your state.](#)

Gender Non-Conforming clients may not identify as either male or female. A spectrum of gender expression exists that is a mix of attributes traditionally considered male or female. Gender non-conforming individuals express their internal gender identity through characteristics from across the gender spectrum.

Introducing Transgender-Inclusive Language

Provider Goal: To use appropriate, inclusive language in communication, publications and training that affirms the provider's commitment to serving residents in accordance with the Equal Access Rule.

Problem: When entering a HUD-funded project many transgender and gender non-conforming residents report fearing that staff may be shocked, hostile or rude.

Discriminating/Affirming Language

This document discusses some terms commonly used among members of the LGBTQ community. However, if a resident reports that a term is offensive to them, reasonable efforts should be made to respect their wishes and use their preferred terms.

First, understanding gender transition is important. "Transition" refers to the time period that many transgender people go through to live according to their gender identity, instead of their sex assigned at birth. A significant part of transitioning is the social aspect: going by a new name, pronoun, and changing one's outer appearance (clothing, hairstyle, etc.) so that their gender expression matches their gender identity. For some, this process includes medical treatments, like hormones or surgery.

Pronouns. Staff should always refer to residents by the name and pronouns they request (this may be fluid depending on the individual's perception of safety at the time). Some residents may choose to be referred to using the pronouns they, them and their instead of gendered pronouns, such as he or she. While traditionally thought of as plural pronouns, these terms have been adopted by members of the community as a comfortable way to identify themselves.

Personal Questions. As a general standard, staff should avoid asking personal questions unrelated to the provision of housing or shelter, especially regarding medical treatment. Questions like: "have you had surgery?" are not appropriate.

Additionally, staff should avoid using language such as "transgendered" or "a transgender," which reduces an individual to a single defining attribute and fails to respect the entire individual. Diminishing an individual in this manner, intentional or not, can convey disrespect.

If your project does provide healthcare, check out the Health Care for the Homeless Report "[Seeing People as They See Themselves](#)".

Glossary of Gender Identifying Terms and Definitions

Below are some common respectful terms and their definitions along with links to other resources.

Assigned/Designated Sex at Birth:

- Frequently a binary designation of “male” or “female”.
- Based on the person’s internal or external anatomy at birth.
- Assigned at birth, typically by a medical professional (e.g., sex listed on birth certificate).
- May or may not correspond to one’s gender identity.

Cisgender

- Refers to a non-transgender person.
- The prefix “cis” means “matches”. So, cisgender means that one’s sex assigned at birth “matches” one’s gender identity.

Gender Identity

- Internal or innate sense of being male, female, or another gender.
- May or may not match their assigned sex at birth.
- May not be visible based on outward appearance.

Gender Expression:

- External expression of gender identity (note that many times people do not feel they can safely express their gender identity).
- Exhibited through: behavior, clothing, hairstyle, body language, and voice.
- Does not always correspond to a person’s gender identity.
- May change over time or even day-to-day.

Sexual Orientation:

- Describes who an individual experiences physical or emotional attraction to.
- Distinct from one’s gender expression or identity.

Gender Non-Conforming

- Someone who does not conform to traditional gender roles or stereotypes.
- Traditional roles and stereotypes vary based on different cultural and societal ideals.
- Individuals may be perceived as having a different gender than their outward appearances (behavior, clothing, hairstyle, body language, voice).

[NCTE maintains a primer on trans issues and information about respectful, inclusive language.](#)

[MTPC produced a guide for shelter providers that includes incorporating inclusive language.](#)

Remember, the Equal Access Rule prohibits discrimination on both actual and perceived gender identity.

Non-Binary Person

- A person who does not identify as male or female (male/female are the two ends of the gender spectrum).

Gender-Neutral

- Language used to describe “all gender” or unisex spaces, (i.e., gender-neutral or all gender bathrooms), language about relationships (spouse or partner, instead of wife/husband or boyfriend/girlfriend), etc.

Transitioning (Gender Transition):

- Process that some (but not all) transgender people go through to begin living as the gender with which they identify, rather than the sex assigned to them at birth.
- Transitioning does not require medical treatment.

Transgender

- Umbrella term for people whose gender identity is different from their assigned sex at birth.
- Occasionally, an individual may determine they no longer identify as transgender after they transition.

Trans Woman

- Someone who lives or identifies as a woman, even though they were assigned male at birth may or may not have undergone medical treatments.
- Sometimes referred to as “Male-to-Female” or “MTF,” but these terms may not be preferred as they can over-emphasize that the person was born male rather than her current identity.

Trans Man

- Someone who lives or identifies as a man, but was assigned female at birth. May or may not have undergone medical treatments.
- Sometimes referred to as “Female-to-Male” or “FTM,” but these terms may not be preferred as they can over-emphasize that the person was born female rather than his current identity.



Fair Housing and Anti Discrimination Policies

The federal Fair Housing Act prohibits discrimination because of gender identity in housing. The Fair Housing Act covers nearly all housing and housing-related services, including shelter programs. Under the Act, it is unlawful for a housing or shelter provider to deny access, impose different terms or conditions, or harass a person because of they are transgender or because of their actual or perceived gender identity. In creating transgender-inclusive environments, providers must document clear standards in personnel handbooks and other policy documents, and publicly post policies where residents, volunteers, visitors and staff can view them. Each of the subsequent sections reviews elements of a comprehensive policy. This sourcebook does not articulate every aspect of fair housing and anti-discrimination policy. States and many local communities have established their own rules and regulations related to fair housing in addition to those established by HUD. [Check out HUD's Office of Fair Housing and Equal Opportunity.](#)

Many states have developed resources for shelter and housing providers to use in complying with state fair housing laws. Many states and cities have also established additional regulations and statutes to create enhanced protections and consequences for discriminatory actions. Contact your state fair housing enforcement authority for additional information related to comprehensive fair housing practices and incorporate them into your internal policy and personnel handbooks.

Once staff and contractors are up to date on the required policy changes, the next logical step is communicating them to residents.

New York City has established a law to describe precisely what actions constitute harassment. This is an example of a community implementing protections that exceed those established by HUD. [Click this link to learn more about this law.](#)

[See the Office of Fair Housing and Equal Opportunity \(FHEO\) website for more information on fair housing enforcement.](#)

[Check out Seattle/King County's "Guide to Fair Housing for Nonprofit Housing and Shelter Providers".](#)

The document below was developed by a project in Boston, MA. It communicates concisely the provider's commitment to equal treatment for all residents. Each resident acknowledges the policy upon project enrollment.

This document was modeled on one developed by The Network/La Red. [Check out other materials they've developed.](#)

SAMPLE DOCUMENT:

Communicating Anti-Discrimination Policy to Clients

(Project Name) welcomes individuals who are heterosexual, bisexual, gay, lesbian, transgender queer and/or gender non-conforming of different races, classes, religions, ages and backgrounds. I will be respectful of the other program participants and staff. I understand that any oppressive or abusive language or actions are not acceptable. If I have any questions about this policy, I can ask a staff member to explain it to me.

If a program participant or staff member is acting in an abusive or oppressive way towards me, I know that I can report this behavior to a staff member. If I feel that the issue has not been addressed, I can then report it to the project coordinator, _____. If the issue has still not been appropriately addressed, I can bring the issue to the executive director, _____.

Signed: _____

Date: _____

HUD has provided a [Notice](#) that providers can publicly post to inform staff and residents about requirements of the Equal Access Rule.



Inclusive Policy Standards for Staff and Residents

This section explains:

- What policies a provider can implement to build an inclusive project and community;
- How policies can mitigate risk to transgender and gender non-conforming residents; and
- What elements to include in policies to increase their effectiveness.

Given the increased occurrence of discrimination affecting transgender and gender non-conforming residents, HUD-funded projects must take precautions to ensure a project is free of discrimination and inform residents of their fair housing rights. Likewise, if a resident encounters discrimination, a clear protocol must be in place for addressing discriminatory behavior towards transgender and gender-non conforming residents and intervening to address and prevent harassment, including trauma-informed interventions that prioritize survivor safety, work with perpetrators to address and alter their behavior, and lead up to disciplining or expelling the perpetrator if they do not alter their behavior.

Staff and volunteers should be trained in inclusivity and equal access, and given support to think through the most equitable way to handle situations they may need guidance in addressing using this framework. Contractors should be told that they are expected to abide by these standards of inclusivity, especially if those contractors have direct contact with shelter residents. Resident orientation should also share the project's standards and expectations around inclusivity in clear and accessible language. Clear guidelines defining unacceptable behavior, the process for reporting violations of the policy and corrective actions allow all members of the shelter community to participate with consistent expectations.

A recent study by the Center for American Progress found that only 33% of 100 shelters across four states correctly admitted transgender identified residents.

[Link to National Coalition for the Homeless "Transitioning Our Shelters" Report.](#)

Inclusive Policy Standards: Staff

Implementing the Equal Access Rule requires upholding consistent standards for all project staff, contractors and volunteers. Multiple studies have found that transgender individuals are at a higher risk than other members of the homeless community of becoming the subject of harassment and assault. Best practices for mitigating these risks include establishing policies to meet discriminatory conduct with a consistent organizational response. Language and actions that are discriminatory in nature, regardless of the intent, cannot be tolerated. With this in mind, projects should have policies on what language and behavior is unacceptable for staff and volunteers to use in any interaction within the project.

[Check out what the Connecticut Coalition to End Homelessness is doing to train their Continuum!](#)

Project staff may speak or act out of ignorance, inadvertently using offensive language. A staff member may carelessly or intentionally use the wrong pronoun and name to refer to a transgender or gender non-conforming resident. Projects should actively communicate with staff to ensure the provider's commitment to transgender-inclusive language and programming is clearly understood. By establishing personnel actions that encompass both educational and corrective goals, site managers can identify appropriate next steps. Incorporating these guidelines into training and initial hire orientation promotes consistent expectations of behavior among all staff, volunteers and contractors.

[For more information about the US Equal Employment Opportunity Commission and the impact of harassment see this link.](#)

Actions, especially those that are egregious, malicious, or severe in nature, may warrant termination or a more serious legal response. Projects should clearly articulate which actions are opportunities for education or additional training, and which actions will result in more serious personnel consequences. Communicating and consistently applying these parameters creates shared expectations among the entire project team.

In creating safe, supportive and inclusive environments, an important part of staff responsibilities is addressing conflict that may arise. Managing conflict can be challenging and uncomfortable, and staff might improperly focus their attention on the more cooperative harassed individual, and not on the aggressor, to resolve a conflict. Conflicts that could escalate to expulsion from the project are among the most challenging for staff to approach. It is important that training incorporates multiple methods for addressing and resolving impermissible conduct among residents to ensure that all staff and volunteers possess strategies that will work for them. Training may include role-playing, providing sample language and utilizing onsite or on-call senior staff to manage complex situations.

STANDARDS OF BEHAVIOR:

Across the Coordinated Entry Process

It is important that all organizations involved in referrals support transgender and gender non-conforming inclusive projects. Unfortunately, a recent study by the Center for American Progress found inconsistent practices. The survey of 25 shelters in each of four states found only 30% of projects correctly offering shelter to test callers who identified as transgender³. With CoCs working to design common intake procedures and single-points-of-entry, it is critical that all eligible people know they are welcome. From the first contact with a 2-1-1 operator to the last interaction with the CoC, all people should be free from discrimination. CoCs should look closely at each step in the process to identify opportunities to improve their practices. Possible improvements may be:

Triage/Pre-Assessment

- Training phone operators to avoid gendered greetings such as “sir” and “ma’am”
- Ensuring all forms allow for transgender and gender non-conforming selections by clients (for example, on a form that asks residents to list their title, list options as Mr., Ms., or Mx.)
- Creating space on forms for all people to indicate their preferred name and pronouns

Referrals

- Supporting transgender individuals’ enrollment and placement based on their gender identity in single-sex options to ensure correct procedures are followed throughout the Continuum
- Only sharing necessary information about individuals when making a referral
- Listening to callers and respecting their choices to access any options for which they are eligible without requiring “proof”

[This guide](#), developed by the Fenway Institute in Boston, MA, provides examples of question formats and answers for use by practitioners when inquiring about sexual orientation and gender identity. Check it out!

3 Caitlin Rooney, et al, “Discrimination Against Transgender Women Seeking Access to Homeless Shelters,” Center for American Progress (January 2016), <https://www.americanprogress.org/issues/lgbt/report/2016/01/07/128323/discrimination-against-transgender-women-seeking-access-to-homeless-shelters/>



Inclusive Policy Standards: Residents

Regardless of the size, mission or staffing, all HUD-funded projects are expected to be free of discrimination and harassment. Providers communicate the absence of bias by using inclusive language in:

- Signage within the project;
- Interactions with staff and residents;
- Publications about the project; and
- Intake forms that give residents the option to reveal or omit their transgender or gender non-conforming status.

Most providers have created codes of conduct that describe expected behavior in simple, straightforward language. Smaller projects and those with long-term residents might provide residents with a written copy of these expectations, while larger emergency shelters that exit all residents every morning might post the code of conduct in public spaces within the shelter.

[Check out the District of Columbia's Office of Human Rights campaign to support inclusive bathroom signage.](#)

Ensuring that residents adhere to these codes of conduct can be challenging. Projects can be chaotic, requiring residents to interact with strangers constantly and, at times, with little control over their environment. Transgender residents have the added threat of discrimination and rejection if projects do not work to create inclusive environments. Harassment creates unwelcoming atmospheres, creating or exacerbating conflict between residents. Although this conflict may be initiated by another resident, it risks the expulsion of all parties involved, aggressor and subject alike.

Directors and managers must craft policies that enable all eligible residents to access services. As frontline staff are largely responsible for enforcing these policies, it is imperative that clear expectations are documented and communicated to assist staff in their roles. Managers and senior staff help set an inclusive tone for the project, which can be done in part through modeling appropriate language and behavior at all times. This will help set a standard of inclusiveness among both staff and residents.

Projects employing inclusive language on forms, internal signage and external publications about the project communicate their commitment to a transgender-inclusive project. This is a component of supporting all eligible participants. Once admitted to a project, an individual's interactions with staff and fellow residents in the community play a role in their progress towards ending their homelessness. Projects should have policies and procedures in place that support a transgender and gender non-conforming inclusive environment. Policies and procedures should:

Use gender neutral standards. For example, dress codes should articulate which areas of a resident's body should be covered rather than focusing on gender-specific articles of clothing (e.g., residents must be covered from the base of their neck to their knees when in public areas of the project). This removes any reference to particular types of clothes that individuals must wear.

Incorporate the same standards of respectful behavior into employee, resident, volunteer and contractor training to establish consistent expectations.

It is fundamental that all project policies reinforce that an individual's identity as transgender or gender non-conforming does not create a risk to others' health and safety. Rather, maintaining an inclusive community enhances safety for all residents. Some residents may initially present concerns about transgender or gender non-conforming residents to project staff and managers. Staff should treat those concerns as opportunities to educate and refocus the resident on their own progress. But even then, conflict may persist and complaints may escalate to verbal or physical harassment. Whether directed at another resident within the project or off-site, harassment jeopardizes the health and safety of community members. Providers should have policies and procedures in place to support residents and staff in addressing and resolving conflicts that escalate to harassment. Policies and procedures should:

- Include specific behaviors that violate standards of respectful behavior, such as language, actions and non-verbal intimidation.
- Escalate corrective actions if an individual repeats the same violation of standards after educational opportunities are offered.
- Focus corrective actions on aggressors who violate project rules, not on the subject of their harassment.
- If a resident continues to disrespect a transgender individual, consider as interim steps:
 - » requiring that the harassing resident stay away from the transgender individual,
 - » making changes in sleeping arrangements without limiting the freedom of the transgender individual, or
 - » pursuing other interventions that do not result in the expulsion of the harassing resident.

In no instances should interim or final steps involve expulsion of the harassed client.

Transgender and gender non-conforming clients are at significantly increased risk of being the victim of physical and sexual assault. Identifying as transgender does not create risks for anyone other than the transgender individual.

Creating Inclusive Standards: Transgender and Gender Non-Conforming Individuals' Access to Projects

The questions and factors listed below address some of the components providers will need to consider when creating inclusive policies. Providers likely have additional requirements based on [state and local statutory and regulatory requirements](#). CoC and providers may want to share the costs of legal advice to ensure comprehensive compliance.

Is the project or service permitted by statute or regulation to segregate services based on gender?

[Check out this report from FORGE on serving transgender survivors of violence.](#)

The Department of Justice has established that Violence Against Women Act (VAWA)-funded projects must be able to demonstrate that sex-segregation of services are essential to the operation of the project. <http://www.justice.gov/sites/default/files/ovw/legacy/2014/06/20/faqs-ngc-vawa.pdf>

HUD has established that emergency shelter and other facilities are permitted to operate single-sex projects when the project consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex. See regulations at: https://www.hudexchange.info/resources/documents/CoCProgramInterimRule_FormattedVersion.pdf

If the provider is permitted to segregate services based on gender, the provider must create policies that ensure housing and services to all eligible individuals identifying with that gender, including those individuals whose gender identity does not match the sex assigned at their birth.

[Center for American Progress just put out a new report about difficulties obtaining identification if you are a homeless LGBT youth. Check it out here.](#)

HUD recognizes a difference may exist between an individual's gender identity and their sex assigned at birth.

HUD has established that providers may not deny access to a single-sex emergency shelter or facility because the provider possesses identity documents indicating a sex different than the gender with which the resident or potential client identifies.

A provider may not consider the resident or potential resident ineligible for an emergency shelter or other facility because their appearance or behavior does not conform to gender stereotypes.

A provider may not ask questions or otherwise seek information or documentation concerning a person's anatomy or medical history related to their gender identity or expression.

If the provider is not permitted to segregate services based on gender, then the provider must serve all individuals who are eligible for the project.

HUD-funded family shelters may not deny services to clients of any gender if they are eligible.

HUD-funded family shelters may never discriminate on the basis of gender. Some projects have erroneously established a policy of not housing males over the age of 13 or requiring them to seek other housing, thus separating them from their families. This involuntary separation is prohibited by 578.93(e) of the [CoC Program Interim Rule](#) and is a violation of the Equal Access Rule and may also violate the Fair Housing Act.

Transgender and gender non-conforming clients have access to projects according to their gender identity.

Clients may choose to disclose their transgender status at some projects within a community while not disclosing at other projects. For instance, a client may want to disclose their transgender status at a health clinic to receive appropriate healthcare but not at a project where one's sex assigned at birth is not relevant to the services provided.

A transgender client may elect to share their transgender status with project staff, or not. In the event that a client discloses being transgender, staff should consult that client about whether the client prefers to have the HMIS data element for "gender" reflect their transgender status or not. For instance, if a client identifies as a transgender man but would prefer not to have this reflected in his HMIS record, then the staff person would select a gender category that does not indicate transgender status. Staff can still note in a confidential case management note, if this feature is available in the HMIS, an individual's transgender status if it is appropriate and necessary to the provision of services.

Clients reporting different gender identities or presenting different gender expressions at multiple projects within the same CoC are not violating standards for accurate collection of information. Clients decide to which projects they will disclose potentially sensitive information. Project staff should enter the self-reported information as directed by the client.

HUD maintains a list of Frequently Asked Questions (FAQs). For more information on the definition of "family" under the Equal Access Rule, [go here](#).

Creating Inclusive Spaces: Facilities

Self-determination is fundamental to all clients in HUD projects. While shelter and project staff may offer accommodations based on safety concerns or other valid professional considerations, at no time are staff permitted to require a transgender or gender non-conforming client accept an accommodation based on gender identity.

Some projects, particularly emergency shelters, may be based in physical facilities that were not designed for the purpose of providing shelter or housing, or for the number of residents they currently serve. Additionally, facilities may have been developed in accordance with outdated regulations that have since been updated to reflect the importance of accessibility, privacy and safety. Given the scope of existing resources, projects may not be able to immediately alter the physical spaces of the project. While this limitation restricts the extent to which a project can adapt, there are several strategies that projects can implement to meet residents' privacy and safety needs.

Staff must take non-discriminatory steps that may be necessary and appropriate to address privacy concerns raised by residents. The provider must ensure that its policies do not isolate or segregate clients within the project based upon transgender and gender non-conforming status unless a specific privacy request is made. In both the use of bathrooms and bed assignment, a variety of methods may be effective at addressing a resident's privacy needs.

Staff may offer a resident a room, floor or bed that is in proximity to staff workstations.

Staff may offer a resident access to rooms, floors or beds set aside for residents with increased vulnerability. However, the accommodation should be available to clients based on a variety of factors that can increase one's vulnerability, and not just be restricted for use by transgender or gender non-conforming residents.

Staff may offer to assist a resident in identifying an alternate project that will provide comparable services and provide a referral. Staff should make reasonable efforts to ensure a vacancy exists, that the resident is eligible for that project, and that the client is able to enroll in the alternate project.

A strategy of last resort could be to offer a client a hotel or motel voucher. However, to be a comparable option, the voucher must be offered for the full period of time the original project site would be able to shelter the client, and the client has access to comparable services and resources either via an outreach team or a supportive service project.

The use of bathroom and shower facilities for every client is an important part of maintaining hygiene and dignity. Many cities and communities have established bathrooms that are for individual use and do not have a gender marker on the door. Some facilities have designed bathrooms that permit congregate use by all genders, with individual stalls designed to maintain privacy and dignity. These options may or may not be reasonable for a given project. Regardless, strategies exist to accommodate any client with a need for individual or private showers or bathrooms. Clients with special health concerns, trauma histories or other needs may also make reasonable requests for accommodations. Some options for staff are:

Establish a single use bathroom for client use at specific intervals during the day. Often an existing staff member bathroom may be made available for this purpose without compromising the requirements of staff members.

Provide certain times during the day that a bathroom can be scheduled by any client with a request to use a congregate facility privately.

Ensure that toilet and shower stalls have locking doors or, at a minimum, curtains to allow for modesty and dignity.

For shower use, consider implementing a schedule for all clients if communal showers are the only available type of shower.

If your project has a health care component, [check out the Center of Excellence for Transgender Health at the University of California, San Francisco for some excellent examples for creating an inclusive program.](#)

Some federal agencies use the terms “sex” and “gender” synonymously. Other departments use them to accurately distinguish the physical anatomy of an individual’s body (sex) and their internal sense of identity (gender). An added complexity for projects is that some statutory language uses different definitions. In general, project staff should review formal guidance from federal program staff for clear definitions. HUD grantees can submit question using the Ask-A-Question feature on www.hudexchange.info for program specific guidance.



Confidentiality: Sex Assigned at Birth

Clients often share very personal and private information as they seek services. Every HUD-funded project has policies related to confidentiality. However, most staff training fails to instruct staff that a client's sex assigned at birth is confidential information. Staff that have not been trained to understand the impact that disclosure can have on a client's physical and mental well-being may inadvertently delay or derail a client's progress towards ending homelessness. It is essential that all staff, from the chief executive officer and the board of directors to contracted security, receive training on confidentiality to avoid jeopardizing client welfare.

CoCs and projects should consider including sex assigned at birth on their list of confidential information. Transgender residents of projects have a higher likelihood of suffering harassment or physical harm based on the disclosure of the difference between their gender identity and their sex assigned at birth. This is true both within the physical structure of the project and outside the project.

Additionally, clients may elect not to disclose their transgender status in certain spaces or at certain moments for health and safety reasons. The decision to disclose one's transgender status lies solely with the client.

If a staff member has questions regarding disclosure of an individual's transgender status, they should seek additional training from their human resources department or guidance from their supervisor.

Confidentiality: Medication

Almost every project has policies related to accessing both prescription and non-prescription medications. Some shelters incorporate outside programs into their operations (e.g., Health Care for the Homeless or mobile healthcare providers who visit project sites on a regular basis to provide primary care). Many projects also require residents to submit their belongings to a search by staff to deter the introduction of weapons and illegal drugs to the project. Given the range in types of both medical and housing services, and the different security measures used across projects, medication access policies vary broadly.

In some projects, staff secure prescription medication and must be present when clients access the medication. Some shelters have medication lockers that clients use to secure their medication, while other sites are licensed for the administration of medication and are more involved in the process. Whether a client is cisgender or transgender, their prescription medication should be subject to all of the same standards of the shelter.

Transgender individuals may have a variety of medical needs, related or unrelated to their transgender status. They may carry hypodermic needles for the use of insulin to control diabetes (unrelated) or for injecting prescribed hormones (related). A resident's reason for using a particular medication is generally irrelevant; once staff members have documented that a medication is properly prescribed, then standard policies should apply to all residents.

Some people experiencing homelessness who identify as transgender may use hormones or other medication as part of their gender-affirming healthcare regimen. Because access to prescription medication requires access to both a healthcare provider and the funding to purchase these medications, some individuals may be using medications from illicit or outside sources, acquired through the Internet or on the street. If staff members are concerned that any client is using medication improperly (e.g., without a prescription or from an unregulated source) they should follow local project policies for reviewing these concerns with a client. Shelter staff can assist residents in obtaining health insurance or if currently enrolled, finding a healthcare provider that will support the resident's transition-related health care needs.

If you have clients without health insurance, check to see if the Affordable Care Act has created access to healthcare in your community. [Link to ACA marketplace site.](#)

The US Department of Health and Human Services has proposed a new Rule that prohibits discrimination in healthcare coverage related to transgender status. For more information, check out this [HHS website](#).

What's Next? Next steps and where to go for help.

Looking for resources and examples for materials to incorporate into your project? Be sure to check out the links referenced in this sourcebook! If these don't address your informational needs, take a look at the resources developed by some of the organizations working on these issues, including:

- [The National Center for Transgender Equality](#)
- [The Ali Forney Center](#)
- [The True Colors Fund](#)
- [The National Network to End Domestic Violence](#)
- [The National Resource Center on Domestic Violence](#)
- [The Massachusetts Transgender Political Coalition](#)
- [FORGE](#)
- [The Washington State Coalition Against Domestic Violence](#)
- [The Anti-Violence Project](#)

[HUDEXchange.info](#) is the place to go for formal program guidance and to request technical assistance. Looking for an answer to a specific question not addressed here? Submit it to the [Ask-A-Question](#) feature on the HUDEXchange.

For questions or specific complaints related to Fair Housing Act enforcement, HUD's Office of Fair Housing and Equal Opportunity maintains several options for registering a complaint, including:

- [How to File a Fair Housing Complaint](#)



U.S. Department of Housing and Urban Development
Office of Special Needs Assistance Programs
Washington, DC 20410-6000



Supporting Equal Access Across the Full Spectrum of Services

Encouraging

Discouraging

