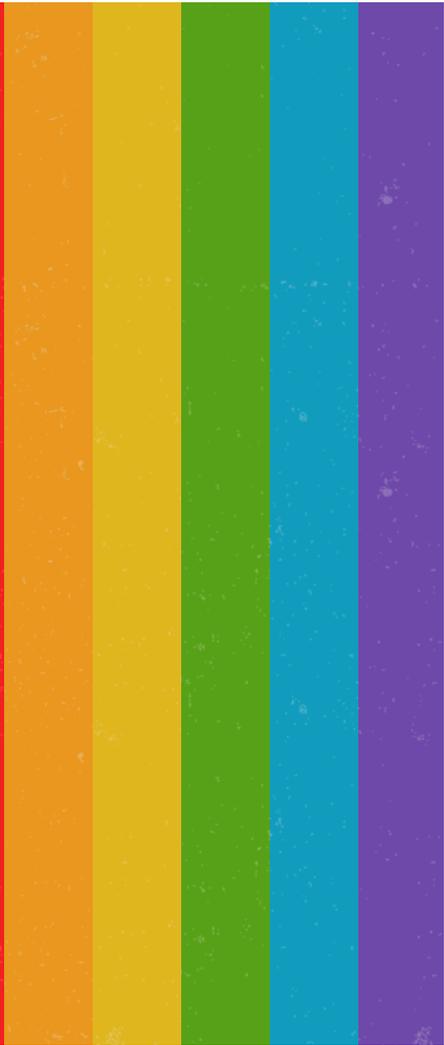


HUD's Equal Access & Gender Identity Rule

February 22, 2022

Torrie Kopp Mueller, CoC Coordinator



AGENDA

01 Discuss Equal Access Rule

02 Review Terminology

03 Discuss Scenarios

04 Review HUD's Tool & Resources

HUD's Equal Access & Gender Identity Rules

- In effect October 21, 2016
- Equal access is provided in all HUD assisted programs regardless of sexual orientation, gender identity, family composition or marital status
- Providers must update policies & procedures to reflect requirements



HUD's Equal Access & Gender Identity Rules

- Individuals are placed in accordance with gender identity
- No requirements for individuals to “prove” gender identity
- Any group of people that present together for assistance and identify themselves as a family must be served together

Is my project required to comply with the Equal Access rule?

Yes.

All HUD programs, from sheltering to mortgage programs must comply with the Equal Access Rule. This includes all Community Planning and Development Programs:

- CDBG (Community Development Block Grant)
- HOME (HOME Investment Partnership Program)
- CoC (Continuum of Care)
- ESG (Emergency Solutions Grant)
- HOPWA (Housing Opportunities for Persons with AIDS)
- Housing Trust Fund
- Rural Housing

Why is this rule important?

Among homeless LGBT youth (up to age 24), the average age of being homeless for the first time is 15 years old.

Nearly two thirds of homeless shelters in a recent study failed to enroll a person properly once they identified as transgender.

Nearly a quarter of homeless transgender residents reported being assaulted by other residents or staff at homeless shelters.

Language is Important

Transgender: umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation.

Transitioning: A series of processes that some transgender people *may* undergo in order to live more fully as their true gender. Typically includes:

Social transition: changing name & pronouns

Medical transition: hormone therapy or gender affirming surgeries

Legal transition: changing legal name and sex on government identity documents

Non-binary: An adjective describing a person who does not identify exclusively as a man or a woman. Non-binary people may identify as being both a man and a woman, somewhere in between, or as falling completely outside these categories.

Language is Important

Gender Identity: One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. Gender identity can be the same or different from their sex assigned at birth.

Gender Expression: External appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Sexual Orientation: An inherent or immutable enduring emotional, romantic or sexual attraction to other people.

HUD's Definition of Family

Family includes any group of persons presenting for assistance together with or without children and does not take into account: marital status, actual or perceived sexual orientation, gender identity, age, relationship, or disability status.

Any group of people that presents together for assistance and identifies themselves as a family is considered to be a family and must be served together as such if they meet other program eligibility requirements.

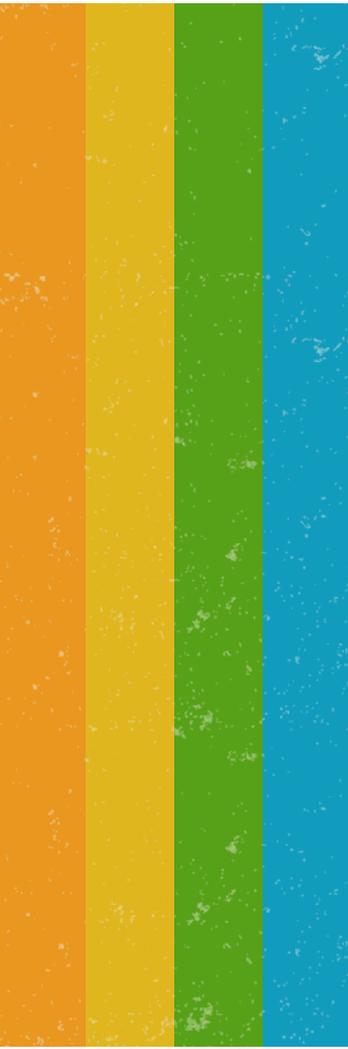
If a CoC- or ESG-funded project accepts any household with children, it must accept all households with children.

Family Definition and CoC & ESG Projects

If a CoC- or ESG-funded project accepts any household with children, it must accept all households with children.

Permitted to serve a single sex if the projects:

- Serve adults only (no minors)
- Have a physical configuration such that privacy is a concern, specifically shared bathing or sleeping areas.



Scenarios

I run a 50 bed emergency shelter for men. My project is housed in an old firehouse and only has congregate sleeping and bathroom facilities with no privacy for any clients. One of the shelter guests comes to a volunteer staff person and identifies as transgender. Do I allow them to continue using the same facilities as other clients?



HUD's Response

1. Not only can you allow it, but are required to do so.
2. Do not isolate guests based on their transgender status.
3. A guest may request an accommodation however, staff may not impose or require a guest accept an accommodation.
4. Treat all guests that are eligible, in this case anyone identifying as male, with the same services, staff, questions, and setting that all other clients receive.

At my women's shelter, where everyone sleeps in a room with 3 roommates, a person is referred to the project by an outreach worker. We don't have any extra space to house transgender guests. When they arrive the individual refuses to pick male or female and says they don't identify with either. What should I do?



HUD's Response

1. Ask the client, "We serve women at this project, do you feel your gender identity more closely aligns with the housing and services we offer?" If so, enroll the client.
2. HUD does not require project participants to select male or female.
3. "Extra" space isn't necessary to serve transgender or non-binary guests seeking services. Serving these guests is part of what HUD funded services do as part of their usual work, not as an added bonus.

Setting: A small rural shelter houses 20 men and 8 women in separate bedrooms of four to a room. Staff person Jennifer walks onto the porch of the shelter used by guests to smoke. Two guests – Kelly and Dan – are on the porch having a conversation as Jennifer enters.

Kelly: You know she shouldn't even be allowed to stay in my room; she's not even a girl!

Dan: What do you mean?

Jennifer: Kelly, could you come speak with me now in the staff office?

In the staff office:

Kelly: You have no right to pull me in here!

Jennifer: I heard you say that one of your roommates isn't a woman and should not be allowed to stay in the women's rooms. Can I ask to whom you are referring?

Kelly: Please! You know which one.

Jennifer: The staff is very careful to ensure that all clients assigned a bed are eligible to be here, have nowhere else to go and follow the rules. There is no one in the women's section who doesn't belong there.

Kelly: That's not fair. She is a guy and makes me really uncomfortable. She shouldn't be allowed to stay in my room.

Jennifer: Staff may use any room at this shelter to serve people who need our help. No room or bed belongs to an individual client. If you have specific concerns regarding a resident, I'm happy to work with you to resolve them; however, if you are still uncomfortable here, we may not be able to meet your needs.

Kelly: I'm worried she's watching me undress when I get ready for bed. It reminds me of another situation in my past. I have a really hard time falling asleep when I'm reminded of it.

Jennifer: I know it's tough to share things like that; thank you for trusting me. Let's talk about how you and I can help you feel safer without focusing on any other client. Maybe you could use the private single bathroom when you change for bed? Please remember, it is a violation of the rules to harass anyone or use derogatory terms. It can really make people who need our help feel unwelcome, intimidated and excluded. If you were on the receiving end of that treatment, you can imagine how unsafe you might feel. If it happens again, we'll have to talk about whether this project is the right fit for you.

HUD's Response

The staff person intervened quickly once Kelly and Dan's conversation violated the rule to respect all individuals.

The staff person preserves confidentiality by pulling Kelly aside to discuss the matter privately.

The staff person respects Kelly's feelings of discomfort and acknowledges the difficulty of sharing honestly.

The staff person upholds anti-discrimination standards by not moving the transgender guest.

Additional Ideas for Intervening

“I need you to stay focused on your own progress. Everyone at this shelter needs to be here and is eligible for services.”

“Every client needs to be here. If you are so uncomfortable, this may not be the right place for you. Let’s discuss some other options for you.”

“The staff is responsible for enforcing the rules here. If you are concerned that someone is violating a specific rule, please explain so I can help.”

Equal Access Agency Assessment Tool

Helps providers assess their compliance with regulations and best practices.

For agency internal use only.

Intended for administrative staff, however, front line staff may benefit from reading the tool and assisting in assessment process.

Assesses the following areas: general adherence, harassment policy, managing and resolving violations, confidentiality practices, data collection, facility enhancements

Once assessment is complete, a Priority Steps Report is generated.

The tool can be found [here](#).

RESOURCES

- HUD's Equal Access Rule
- Human Rights Campaign
- Equal Access Expectations Training Scenarios
- Equal Access for Transgender People: Supporting Inclusive Housing and Shelters
- [Model Policy and Legal Guide for Homeless Shelters & Housing Programs](#)



Questions?

Torrie Kopp Mueller,
tkoppmueller@cityofmadison.com

THANKS!

Do you have any questions?

youremail@freepik.com

+91 620 421 838

yourcompany.com

If you have any doubt, please, contact us



CREDITS: This presentation template was created by **Slidesgo**, including icons by **Flaticon**, infographics & images by **Freepik**

Please keep this slide for attribution