Equal Access Rule, Involuntary Family Separation and Creating Spaces of Inclusion

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Pronouns: *she|they*

HOUSING
INNOVATIONS

What we're here to do

- Learn how queer and trans people identify and what terms we use

- Understand the risks, vulnerabilities,and discrimination that queer and trans people face in the US

- Understand requirements of HUD's 2012 and 2016 Equal Access Rules

- Understand your CoC's LGBTQ policies

- Understand requirements of HUD's policy prohibiting involuntary family separation

- Explore ways to create and maintain safe and inclusive projects through planning ahead, setting great policies, training staff, and practicing inclusivity in every interaction
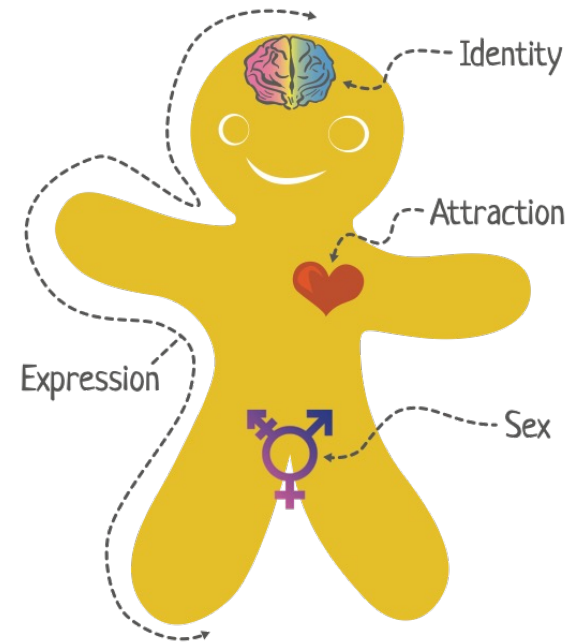
Using Terms Appropriately & Respectfully

- Gender Identity

- Gender Expression

- Sexual Orientation

- Transgender

- Transitioning: Personal, Social and Medical

- Non-binary / Gender expansive

https://www.genderbread.org/resource/genderbread-person-v4-0

The Genderbread Person v4 by it's pronounced METROsexual.com

Identity

Attraction

Expression

Sex

⊘ means a lack of what's on the right side

Gender Identity
Woman-ness
Man-ness

Gender Expression
Femininity
Masculinity

Anatomical Sex
Female-ness
Male-ness

Identity ≠ Expression ≠ Sex
Gender ≠ Sexual Orientation

Sex Assigned At Birth
☐ Female ☐ Intersex ☐ Male

Sexually Attracted to...   and/or (a/o)
Women a/o Feminine a/o Female People
Men a/o Masculine a/o Male People

Romantically Attracted to...
Women a/o Feminine a/o Female People
Men a/o Masculine a/o Male People

Genderbread Person Version 4 created and uncopyrighted 2017 by Sam Killermann   For a bigger bite, read more at www.genderbread.org

Realities faced by Adult Trans and Queer Individuals

Gender nonconforming and sexual minority people were more likely to live in poverty, have household debt, and experience eviction.

Gender nonconforming women were about twice as likely to live in poverty compared to their gender-conforming peers.

Gender conforming sexual minority men were nearly twice as likely as gender conforming heterosexuals to have fallen behind on bills.

https://williamsinstitute.law.ucla.edu/publications/sgm-ses-add-health/

Across racial and ethnic groups, LGBT people are more likely than non-LGBT people to be victims of violent crime.
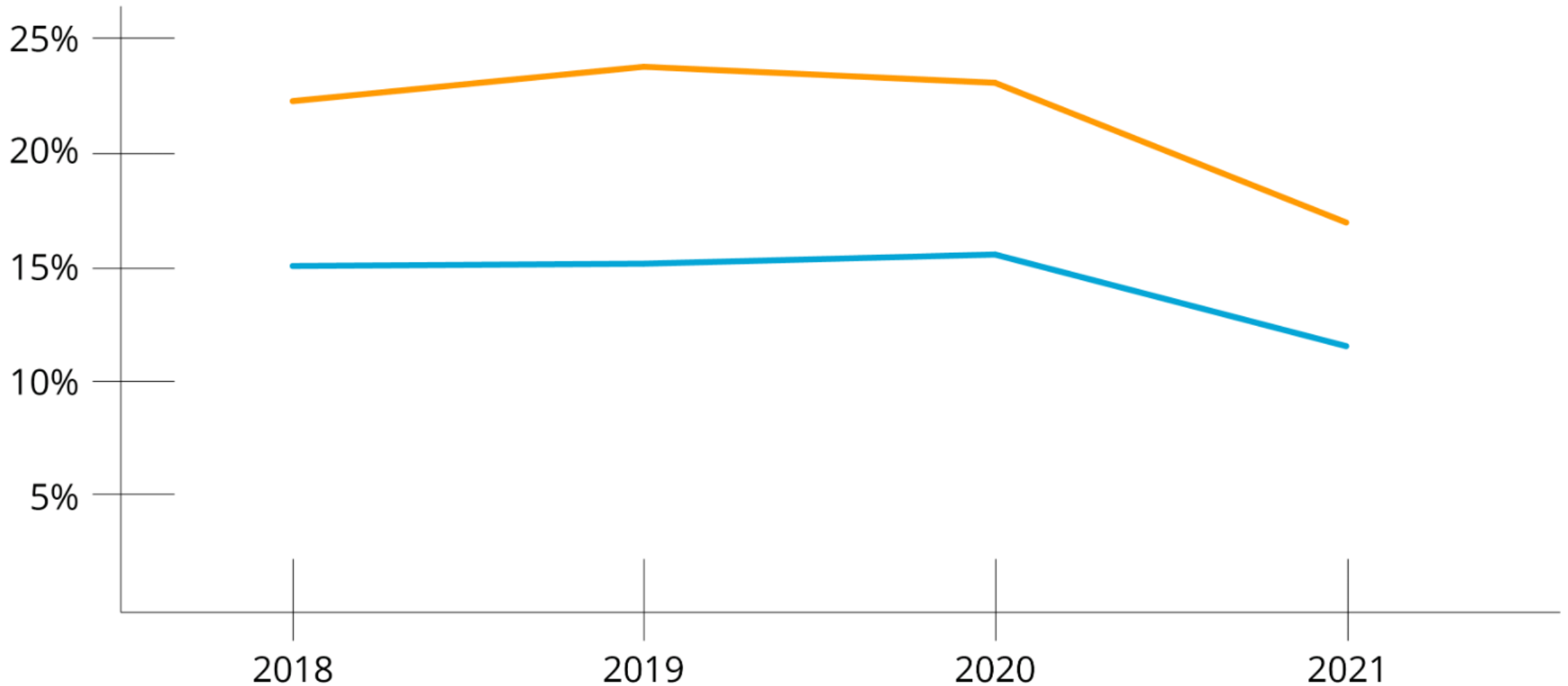
Within each racial and ethnic group, LGBT people have higher rates of victimization involving someone they know than non-LGBT people.

White and Hispanic lesbian and bisexual females have higher violent victimization rates than Black females.
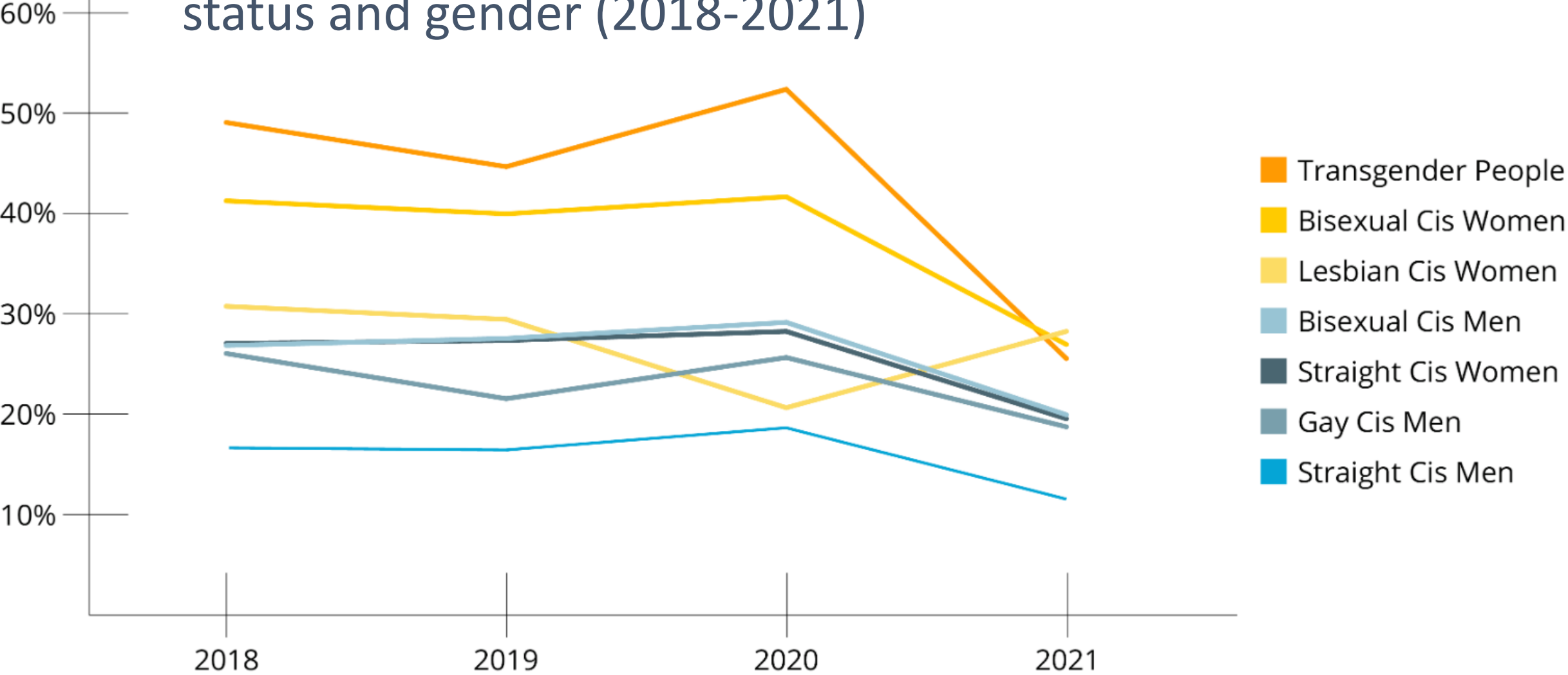
https://williamsinstitute.law.ucla.edu/publications/lgbt-victimization-and-race/

US poverty rate, by LGBT status (2018-2021)

Legend: LGBT, Straight Cisgender

https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/

US poverty rate among households with children, by LGBT status and gender (2018-2021)

https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/

"While attacks on the transgender community are not new, we are experiencing alarmingly blatant attempts to use legislation, policy and political rhetoric to restrict or eliminate the autonomy, freedom and existence of transgender people across the country"

Equality California, Sept 2022

HEALTH

HIPAA won't protect you if prosecutors want your reproductive health records

By Eric Boodman 🐦, Tara Bannow 🐦, Bob Herman 🐦 and Casey Ross 🐦 June 24, 2022

Reprints

IN SB0480

PASSED

HEALTHCARE

Gender transition procedures for minors.

Gender transition procedures for minors. Prohibits a physician or other practitioner from: (1) knowingly providing gender transition procedures to an individual who is less than 18 years of age (minor); and (2) aiding or abetting another physician or practitioner in the provision of gender transition procedures to a minor. Specifies certain medical exceptions. Establishes civil enforcement actions.

View Bill

HEALTHCARE

Parents of trans children 'feel betrayed' by Vanderbilt hospital

Medical center releases medical records, including those of transgender minors, to Tennessee Attorney General

BY: SAM STOCKARD AND ANITA WADHWANI - JUNE 21, 2023   6:00 AM

State asks for medical records of transgender youth in court case

Plaintiffs are challenging the motion, saying those records are confidential and could lead to criminal charges under the new law.

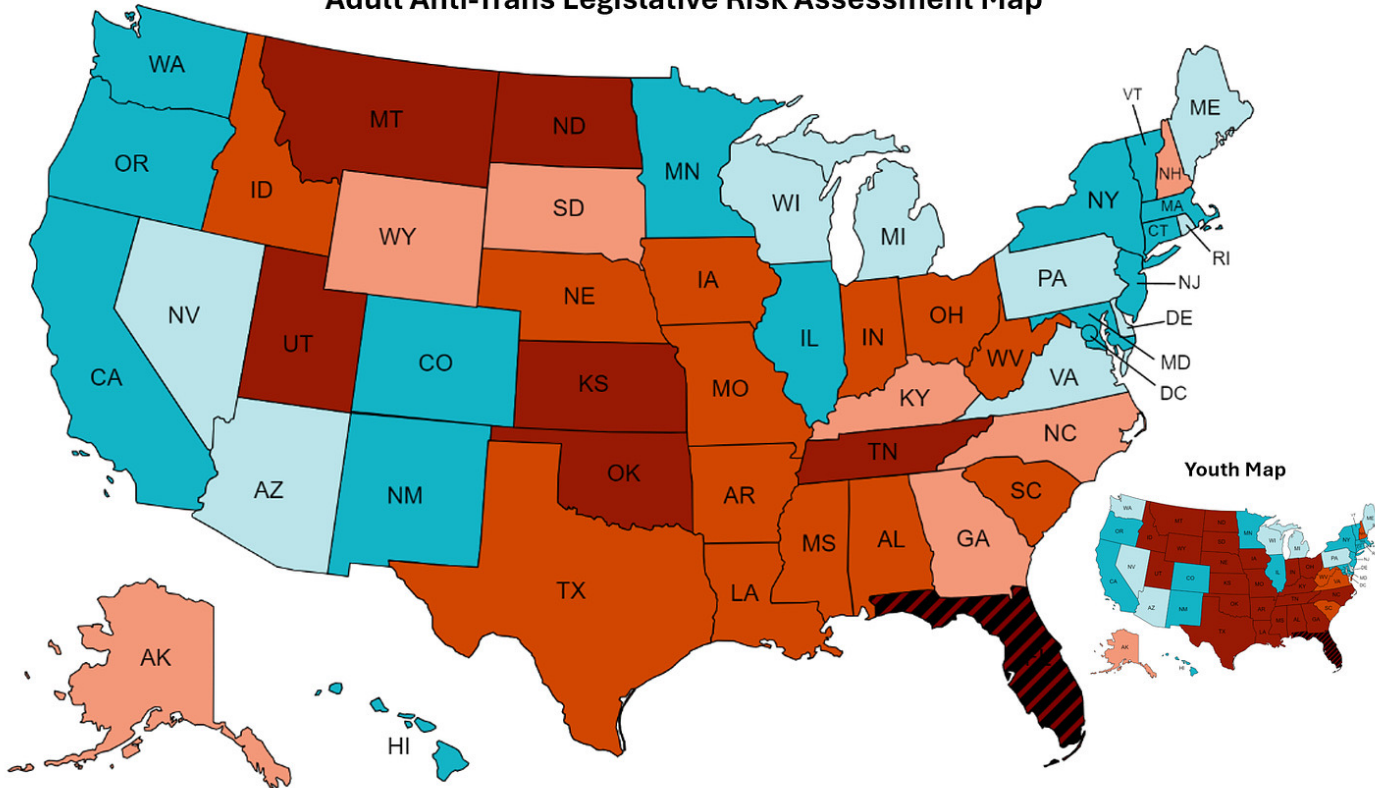By JACOB HOLMES • Published on January 9, 2023 at 8:08 am CST

Pediatricians battling Florida House's subpoena over trans care standards

Health News Florida | By Dara Kam - News Service of Florida
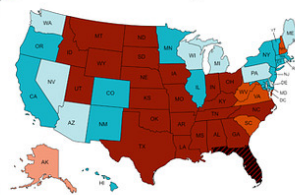Published May 24, 2023 at 7:00 AM EDT

Anti-trans legislation, healthcare access, and family migration

Adult Anti-Trans Legislative Risk Assessment Map
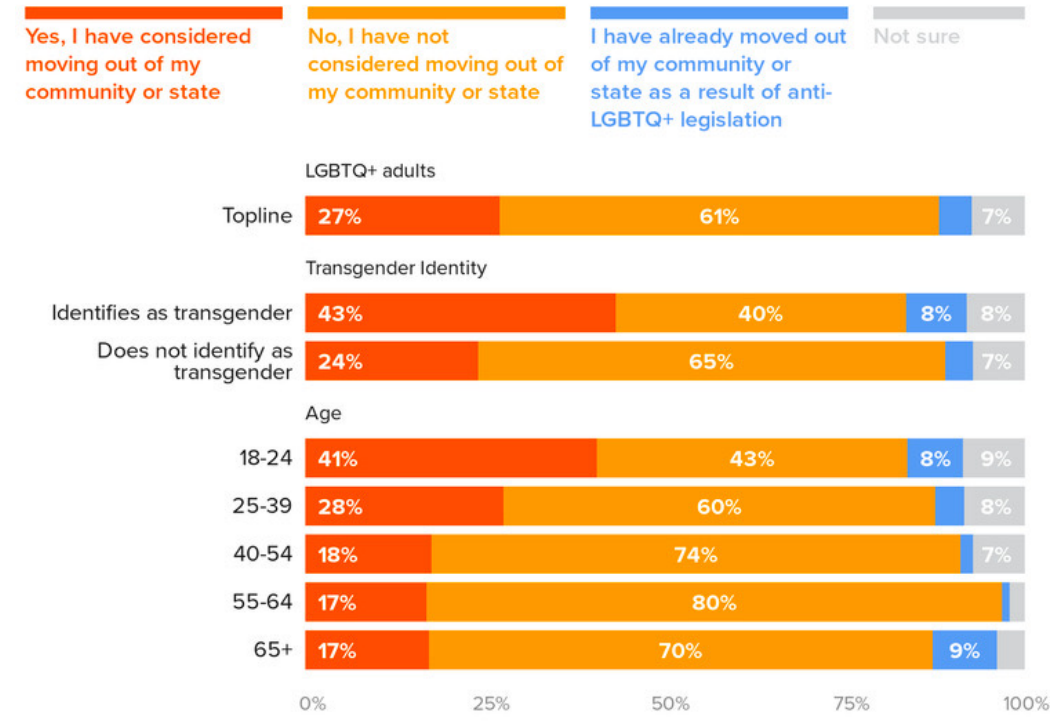
Youth Map

Thanks to Erin Reed!

In the past year, have you considered moving out of your community or state as a result of anti-LGBTQ+ legislation?

- **Yes, I have considered moving out of my community or state**
- **No, I have not considered moving out of my community or state**
- **I have already moved out of my community or state as a result of anti-LGBTQ+ legislation**
- Not sure

LGBTQ+ adults

	Yes	No	Moved	Not sure
Topline	27%	61%		7%

Transgender Identity

Identifies as transgender	43%	40%	8%	8%
Does not identify as transgender	24%	65%		7%

Age

18-24	41%	43%	8%	9%
25-39	28%	60%		8%
40-54	18%	74%		7%
55-64	17%	80%		
65+	17%	70%	9%	

May 19-22, 2023 survey of 1,036 LGBTQ+ adults nationally

DATA FOR **PROGRESS**

https://www.erininthemorning.com/p/us-internal-refugee-crisis-130-260k

Non-Cisgender Homeless Individuals Face Higher Risk of Being Unsheltered

100%

40%
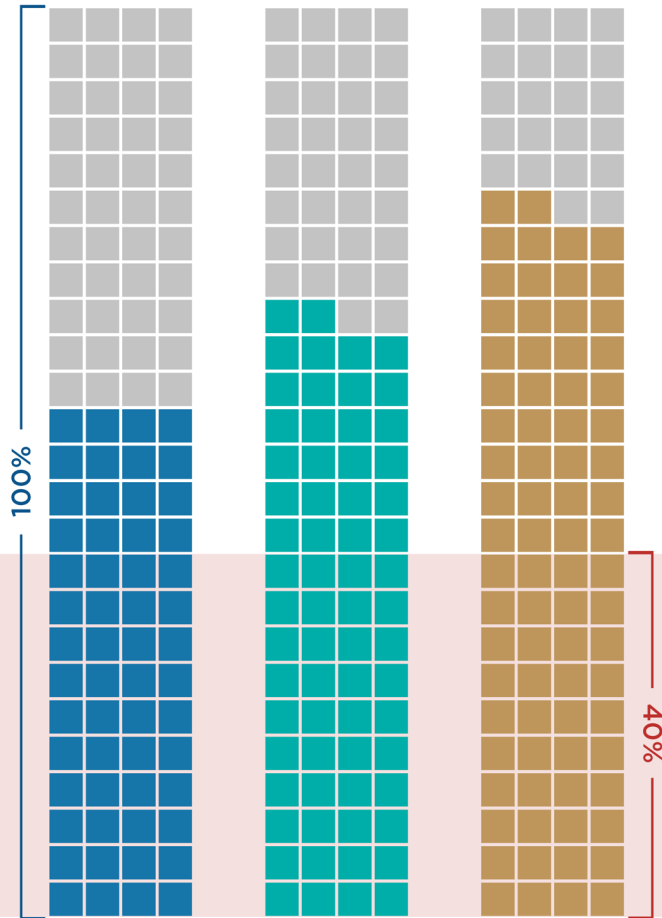
Of the unhoused non-cisgender population....

56% of **transgender individuals**

66% of **non-binary** or **gender non-conforming individuals**

78% of **gender questioning individuals**

are **unsheltered**.

Yet, the unsheltered rate for the overall homeless population is **40%**.

Learn more at **endhomelessness.org/data**

Source: U.S. Department of Housing and Urban Development, 2022 Annual Homeless Assessment Report to Congress (AHAR). The population categories of transgender, non-binary or gender non-conforming, and gender questioning are used here to align with HUD's terminology in the 2023 AHAR (Part 1).

HUD's Equal Access Rules (2012 and 2016)

Both in effect since October 21, 2016

Equal access is provided in all HUD assisted programs regardless of sexual orientation, marital status or gender identity

Must place and serve individuals in accordance with self-reported gender identity

May not ask intrusive questions or require "proof" of gender identity

Must update policies and procedures to reflect the above

Must take non-discriminatory steps to address privacy concerns

Serve All Families

- When projects serve ANY families with children, they must serve ALL families with children.

- That includes families of any composition type: single dad, single mom, same-sex couples, opposite-sex couples, multi-generational, and non-romantic groups who present for services as a family

- For more information, visit https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/

12

Indiana BOS CoC LGBTQIA2S+ Policies

Providers must provide equal access to programs, activities, services, or facilities in accordance with a person's gender identity

Shelter assignments provided based on gender with which someone identifies

Providers may not deny access to single-sex shelter/facility because ID indicates sex different than self-reported gender

Providers may not ask questions or seek information/documentation concerning someone's anatomy or medical history
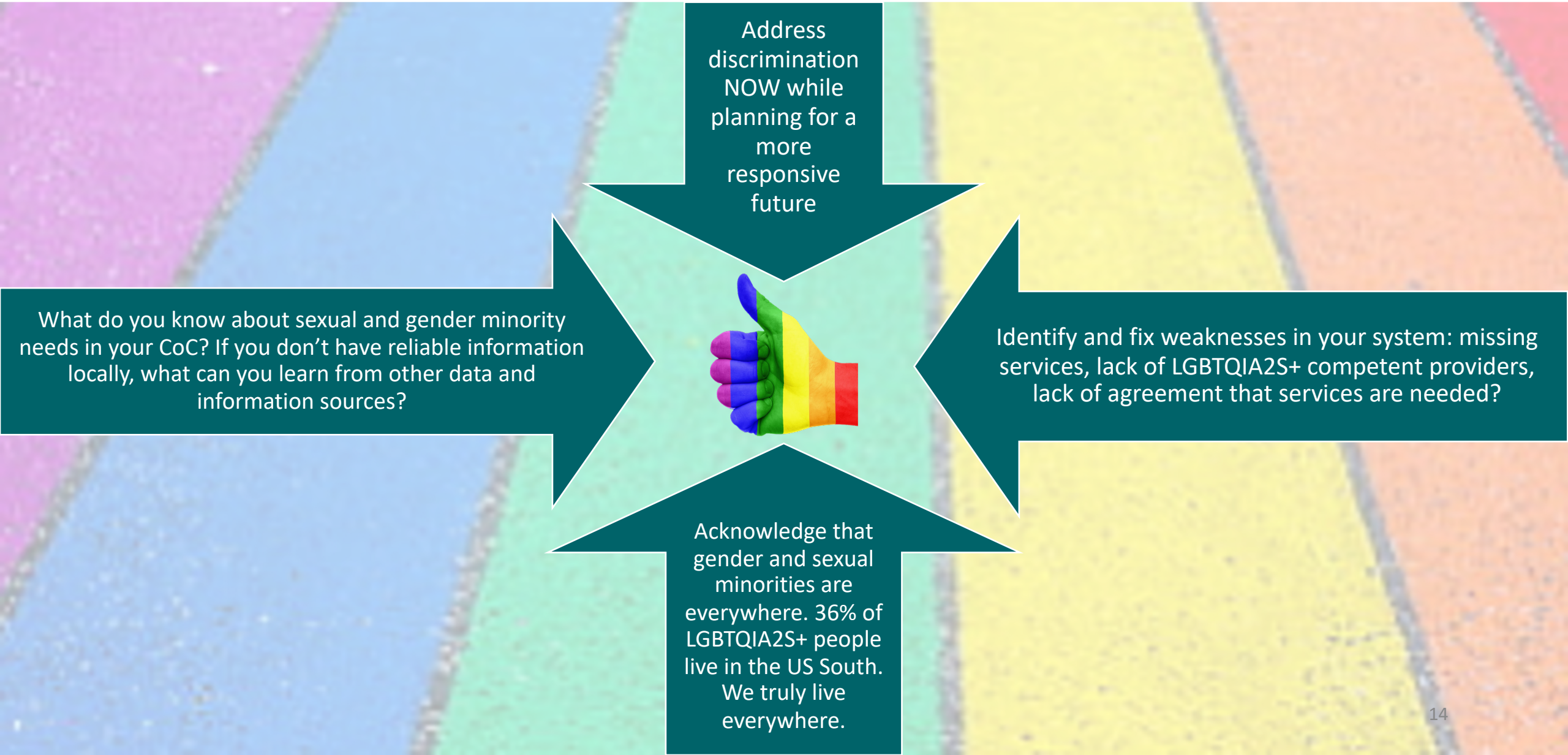
Providers may not consider a client ineligible for single-sex shelter/facility because appearance or behavior does not conform to gender stereotypes

Providers must take reasonable steps to address privacy or safety concerns, at a minimum permitting any clients to use bathrooms and dressing areas at a separate time from others

Providers ensure that policies do not isolate or segregate clients based on gender identity

Rapid rehousing providers are expected to provide trauma informed services, including considerations of gender identity

Inclusive Systems don't happen by accident.

Address discrimination NOW while planning for a more responsive future

What do you know about sexual and gender minority needs in your CoC? If you don't have reliable information locally, what can you learn from other data and information sources?

Identify and fix weaknesses in your system: missing services, lack of LGBTQIA2S+ competent providers, lack of agreement that services are needed?

Acknowledge that gender and sexual minorities are everywhere. 36% of LGBTQIA2S+ people live in the US South. We truly live everywhere.

14

Use HUD's Equal Access Assessment Tool

Steps in Assessment Process

1. **Complete the Assessment:** Yes/No/N/A

2. **Review the Results:** Most critical action steps to comply with the Equal Access Rule, with supporting resources

3. **Prioritize Steps:** Prioritize the actions your community will take this year

4. **Make a Plan:** Work with your team to develop a plan for each action step your community chose to prioritize. Use supporting resources as examples of new policies and trainings your community can develop.

5. **Return to the Assessment:** Return to the assessment at any time for more priority steps and resources.

Resources and assistance to support HUD's community partners

NEED HOUSING ASSISTANCE?   Email Updates

HUD EXCHANGE

Programs ⌄   Resources ⌄   Trainings ⌄   Program Support ⌄   Grantees ⌄

Home > Resource Library > Equal access assessment tool

Equal Access Assessment Tool

What is the Equal Access Assessment Tool?

The Equal Access Assessment Tool (EAAT) provides specific action steps for HUD recipients and subrecipients to meet the requirements of the Equal Access Rule in shelters and other facility settings. It helps assess their compliance with regulations and best practices.

The tool is organized under the following Equal Access topics:

- Ensuring Access
- Harassment Policy
- Managing and Resolving Violations
- Confidentiality Practices
- Data Collection
- Privacy and Safety Practices
- Facility Enhancements

Who Should Use This Tool?

This tool is for agencies' internal use only. This tool is intended for administrative staff; however, front line staff may also benefit from reviewing the tool and assisting in the assessment process.

Note: This tool was developed with Continuum of Care (CoC), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) recipients in mind, however this tool is applicable to all Community Planning and Development (CPD) recipients and subrecipients.

Get Started

Sign in and complete the assessment for your organization.

Sign In ▶

Need a HUD Exchange Account?

Register Now ▶

Related Resources

- Equal Access Guide for Transgender People: Supporting Inclusive Housing and Shelters
- Equal Access Training Scenarios
- LGBTQ Homelessness

All Coordinated Entry intake & access staff support informed client decisions:

- LGBTQIA2S+ competent programs

- Programs offering gender-affirming care (onsite or via healthcare partnerships)?

- Programs with private or private-ish sleeping and bathing accommodations

- Programs with adequate staffing for safety and security

- Programs with patterns of discriminatory behavior toward LGBTQIA2S+ folks or specific family compositions

- What else do you need to know?

16

Supporting gender expansive folks: Navigating a binary shelter system

- Explain how available shelter beds are set up—if all/most serve a single gender (M/F), state that.

- Be clear that you know gender is not binary. Don't defend the system; it's ok to acknowledge the facts. Show them you're an ally.

- Provide information that helps them make an informed decision

- Support them to decide which placement would be most appropriate based on their needs for comfort, safety, and relative privacy

- **Keep working toward a future that has gender expansive shelter options!**
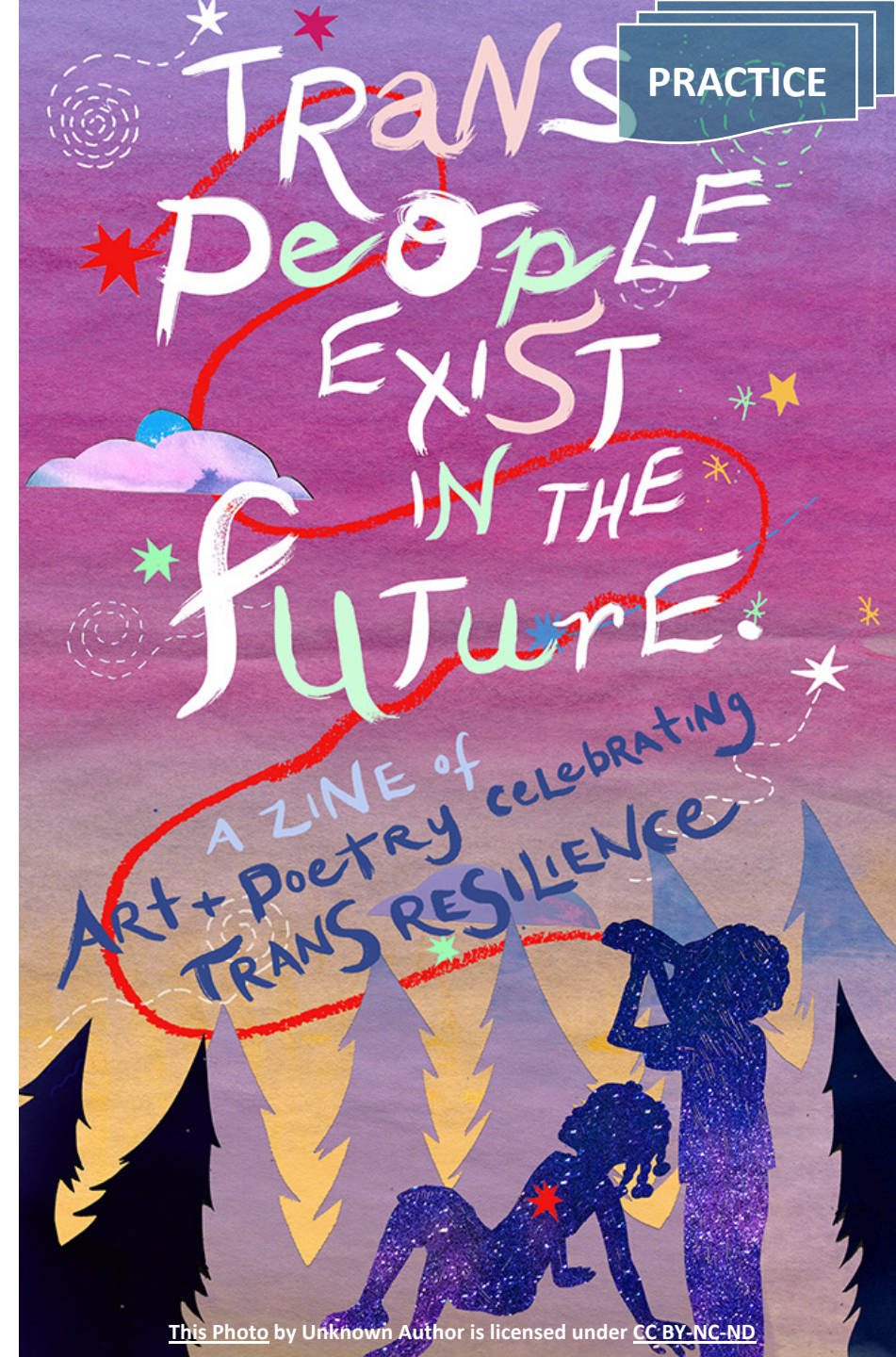
Establish Your Agency's Policies

- Eligibility for services

- Intake and gender identity

- Physical accommodations

- Confidentiality and privacy

- Name and pronoun usage

- Harassment and discrimination

- Medication

- Healthcare and Reproductive Health

- Dress code

- Permanent housing referrals

Eligibility for Services

Agencies and programs may not render persons ineligible for their services on the basis of that person's gender identity, gender expression, sexual orientation, or family composition.

Transgender and gender expansive clients who are approved for services must be provided with the same range of services and options available to other similarly situated clients.

Staff, volunteers and contractors may NOT:

- Ask questions or seek information concerning a person's anatomy or medical history unless necessary to determine eligibility, e.g. if a program serves medically fragile persons.

- Determine a client or potential client to be ineligible for services if the determination was based on the person's appearance or behavior not conforming to gender stereotypes.

Intake and Gender Identity

Clients shall NOT be turned away, referred elsewhere, or served offsite because:

- They are transgender, gender expansive, or otherwise LGBTQIA2S+ identifying
- Staff deems the person's length or extent of their gender transition insufficient
- They have not received gender affirming medical treatment (hormone blockers, hormones, surgeries, and other medical remedies) or
- Their appearance or behavior does not meet the staff's expectations of what a man or woman is supposed to look/act like.

Staff, volunteers, and contractors SHALL:

- Rely on self-reported gender and informed consent to record gender in HMIS
- Rely on self-reported gender to offer any gender-specific accommodations

Staff, volunteers, and contractors shall NOT:

- Make assumptions about gender based on appearance
- Require a person's self-reported gender to match their ID, birth certificate or other official records of sex assigned at birth
- Single out clients to ask their medical or surgical status. Inquiries must be necessary and asked of all clients, e.g., current medications, physical and mental health needs, and other information for service provision or referral

Practicing Inclusive Intake:
How to ask about gender and educate clients on their rights

HMIS Data Element 3.06: Gender

What is your current gender identity? (Check ALL that apply)

☐ Woman (Girl, if child)

☐ Man (Boy, if Child)

☐ Culturally Specific Identity (e.g. Two-Spirit)

☐ Transgender

☐ Non-Binary

☐ Questioning

☐ Different Identity (fill in; free text box)

☐ Client doesn't know

☐ Client prefers not to answer

☐ Data not collected

✓ Review agency policies with client, emphasizing rights to non-discrimination

✓ Notify of right to request reasonable accommodations

✓ Review participant agreement with client, emphasizing inclusivity of the facility

✓ Notify of right and process to submit a grievance

✓ Notify of right and process to file a complaint with the local, state, and/or federal government

Name and Pronouns

Staff shall only refer to clients using the name and pronouns that the client uses, including all verbal or written communications with or in reference to the client, e.g., with other staff or clients, and in all reports and documents relating to the client's case.

Thanks to True Colors United! www.truecolorsunited.org

Names and Pronouns in Practice:
Daily Exercises of Respect and Humanity

HMIS Data Element 3.01: Name

- Client may provide chosen name
- "Legal name" not required unless required by the funder, e.g. VA

Ask how the client wishes to be addressed.

- Affirm that client choice is paramount

- Legal or chosen name?

- Which pronouns? he/him, they/them, she/her, she/they, ze/zim

- Title? Mr, Ms, Mx (sounds like "mix")

Nurse Rachel engages the patient

https://www.youtube.com/watch?v=NEHxlmFB

Looking for more? [***Read The White House's Best Practices for the Collection of SOGI Data***](#)

Confidentiality & Privacy

All clients have the right to privacy.

Staff may NOT disclose a client's transgender or gender expansive status or medical history to anyone without the client's direct permission. This applies to both private and professional settings, including conversations with other staff members.

If necessary, staff may share the name and pronouns that the client uses to ensure that staff and clients respectfully address the client.

Vital Records: An Opportunity to Support Trans Clients

Indiana state policies are in flux regarding gender marker changes

Name/Gender Marker Change

Name and Gender Marker Change Forms

How to Ask a Court to Keep a Case Private

Get help from Lambda Legal's Help Desk

Photo by Whitney Downard/Indiana Capital Chronicle

26

Confidentiality and Privacy in Practice

✓ **Don't wait!** Review your privacy policy, informed consent language and Release of Information form today. Update based on changes happening within your state and to improve client understanding
  - ✓ [Great example from Boston Healthcare for the Homeless Program](#)
  - ✓ [Use HUD's HMIS Privacy Notice Development Template](#)

✓ Educate all agency staff on responsibilities to the client when a disclosure request or demand is made

✓ Have a conversation with clients about why and how sharing their information can improve their experience, but also…

✓ Be transparent about who will see their information. If you are operating in a state taking anti-trans or trans-protection measures, tell people what the risks and protections are for their data (and selves)

✓ Make sure clients get a hard copy of the privacy notice

Physical Accommodations

Gender-appropriate bathroom and bedroom facilities, as well as changing areas, will be made available to transgender and gender non-conforming clients in accordance with their gender identity.

Accommodations in Practice: Creating Safe(r) Spaces

When trying to access services, people will ask:

- *Is this a place where I can be myself, or will I have to hide who I am?*

- *Is this a place where I will experience violence from people around me—employees, volunteers, or other residents?*

- *Will the people who work here understand what I need?*

- *Am I safe enough here to stay off the streets tonight?*

Post visible materials that communicate to a diverse group of people that all are welcome here.

29

DIVERSE
INCLUSIVE
ACCEPTING
WELCOMING
SAFE SPACE
FOR EVERYONE

www.TrueColorsUnited.org

BLACK TRANS LIVES MATTER

Reasonable Accommodations

Reasonable accommodations may be made for any individual who has expressed privacy needs. Reasonable accommodations are made according to each person's needs and the ability of the agency to provide such accommodations.

Staff, volunteers and contractors may NOT require clients to use alternative facilities, including situations where the alternative facility is offered as an accommodation requested by another client due to their discomfort sharing sleeping or bathing quarters. Another client's discomfort is not a reason to deny access to or equal treatment for a client.

Staff shall work with clients expressing discomfort to reach an understanding about behaviors that support a broadly inclusive environment that respects and values all clients.

Creating Safe(r) Spaces:
Physical Improvements & Alternative Accommodations

- Latching/locking stall doors (toilet and shower stalls)

- Separate single-use toilets or showers (lockable bathroom) made available upon request

- Heavy canvas room dividers, shower curtains, hard partitions or other privacy enhancing method in bathrooms or showers

- Alternate bathroom or shower times (scheduled and one-offs), w/ staff monitoring facility entrance/exit during those times

- Provision of hotel/motel voucher as alternative to onsite sleeping

- Set-aside onsite sleeping, e.g., private rooms, private-ish beds, set of more private rooms, or rooms with multiple beds for clients with higher vulnerabilities

- Availability of beds close to night staff

31

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

Harassment and Discrimination

This agency does not tolerate verbal, physical, or any other kind of harassment. Discriminatory and prejudice-motivated comments or other hostile behavior are NOT tolerated from staff, volunteers, contractors, or clients.

Incidents of harassment shall be reported to a staff member immediately. Staff shall take immediate action to ensure the safety of the client experiencing harassment, including rule enforcement, 1:1 expectation setting with the harassing individual, and documenting the incident in writing.

If harassment is committed by a staff, volunteer or contractor, witnesses shall report the incident to the appropriate supervisor(s) as soon as possible. Supervisor(s) shall take immediate action to ensure the safety of the client and document the incident in writing.

Any staff, contractor, or volunteer refusal to work with a client due to the client's characteristics or demographics, e.g. sex, transgender status, gender identity, gender expression, sexual orientation, marital status or civil union status shall result in disciplinary action.

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

Practicing Anti-Discrimination

- ✓ **Don't wait!** Proactively educate staff, volunteers and contractors about the LGBTQIA2S+ community and the beautiful diversity within it.

- ✓ **Train** staff, volunteers and contractors on your agency's behavioral expectations toward all clients
  - ✓ Use a signed agreement to clarify expectations

- ✓ Use conflict as an opportunity to educate and work with the harassing client
  - ✓ Take ALL threats of violence seriously
  - ✓ Don't ignore bullying or microaggressions

- ✓ Educate all clients about the agency's commitment to inclusivity and anti-harassment
  - ✓ Use a participant agreement to set the tone for all clients residing in a project

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: _____

Thanks to The Network/La Red for this example! For more, go to https://www.tnlr.org/en/training–education/

33

Healthcare & Reproductive Health Policy

Transgender and gender expansive clients may avoid seeking out healthcare due to past mistreatment or fear of mistreatment. As our agency policy, we affirm the need for quality healthcare and attempt to connect our clients to responsive healthcare providers.

Staff, volunteers and contractors shall refrain from making assumptions about patients' contraceptive plans, sexual orientation and gender identity and expression.

Staff, volunteers and contractors must offer all clients access to the same variety of reproductive health information and services regardless of client's appearance or self-reported gender.

Staff, volunteers and contractors may NOT offer sex-specific reproductive health information based on assumptions about a client's reproductive status.

Staff, volunteers and contractors must apply policies on medications to ALL clients equitably, without bias toward gender affirming medications.

Responding to Transgender Healthcare Needs in Practice

- Educate yourself and colleagues about:
  - LGBTQIA2S+ competent medical care available in your area, or, if none exists, available telehealth services
  - LGBTQIA2S+ competent mental health services
  - LGBTQIA2S+ support groups, affinity groups, and other opportunities for community connection

Dress Code

No additional dress code restrictions shall be placed on transgender clients outside of what is asked of all clients.

If a dress code is deemed necessary by the agency, it should be gender neutral.

If there are gendered dress codes:

- Transgender clients should comply with the dress code associated with their gender identity

- Gender expansive clients are allowed to choose the dress code with which they feel most comfortable
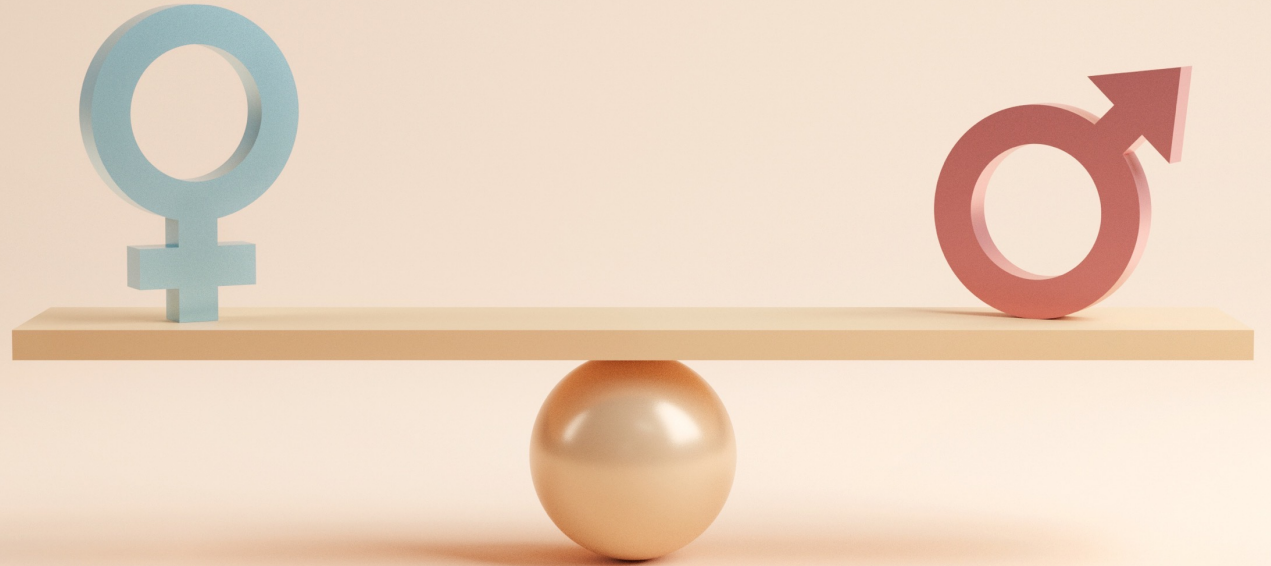
Permanent Housing Referrals and Client Choice Considerations
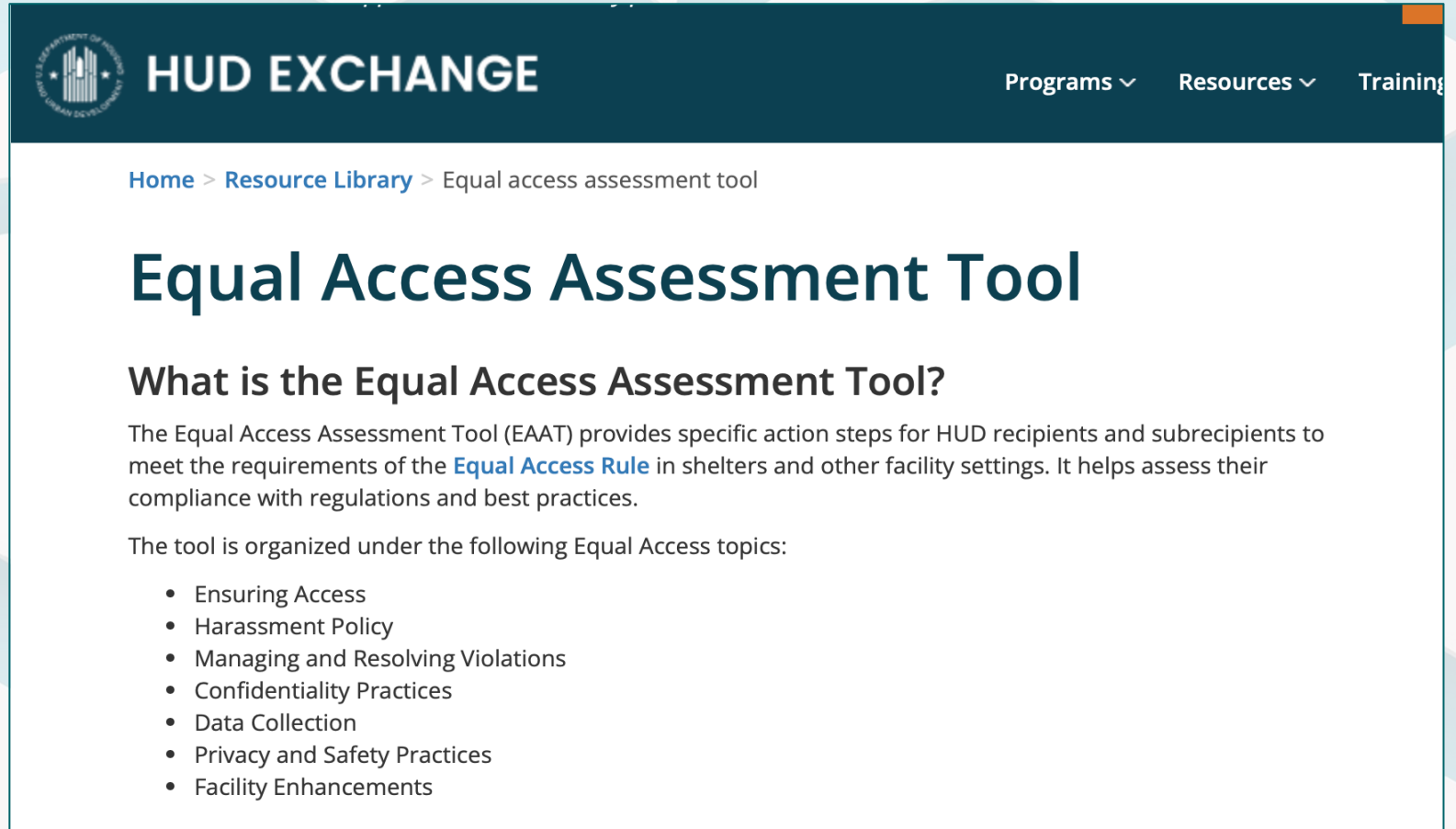
- Consider higher rent standards (up to reasonable rent) to live in a safer neighborhood

- Consider unreimbursed medical expense deductions in rent calculations

- Extended case management enrollment (as long as allowable) post-subsidy if someone cannot find affirming care elsewhere

- Build a list of affirming landlords

- Ask clients about safety concerns:

  - Do you feel safe in your home? Neighborhood? Where you're getting services? What can we do to help you feel safer?

Where should we focus programmatic improvements?

Do we need…

- ☐ More responsive policies?
- ☐ More responsive employee standards/guidelines?
- ☐ Increased staff comfort with serving queer and trans folks?
- ☐ Our physical spaces to be more inviting and responsive?
- ☐ Increased volunteer and contractor comfort with queer and trans folks?

HUD EXCHANGE

Programs ⌄   Resources ⌄   Training

Home > Resource Library > Equal access assessment tool

Equal Access Assessment Tool

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- Facility Enhancements

Use HUD's resources as you explore and plan for improvements:
https://www.hudexchange.info/resource/6836/shelter-safety-guide/

Read more about terminology:

- https://transequality.org/issues/resources/understanding-transgender-people-the-basics

- https://www.apa.org/pi/lgbt/programs/safe-supportive/lgbt/key-terms.pdf

- Deadnaming: https://www.healthline.com/health/transgender/deadnaming#if-you're-the-one-being-deadnamed/

- Non-binary: https://www.psycom.net/nonbinary

Find trainings and other practical materials:

- https://truecolorsunited.org/out-work/training-education/network/

- https://hudexchange.info/resource/4951/equal-access-staff-training-scenarios/

- https://www.hudexchange.info/resource/4959/equal-access-for-transgender-people-supporting-inclusive-housing-and-shelters/

- https://www.tnlr.org/en/training-education/

Follow state legislative bills:

- https://www.erininthemorning.com/

Check it out: https://gendercool.org

How do I maximize support for my clients?

- Reach out to Indiana LGBTQ advocacy orgs: https://www.thelgbtqcenter.org/advocacy-allies

- Find community resources and support groups: https://indypride.org/community-resources/

- Stay up to date on name and gender change information: https://www.indianalegalservices.org/node/957/section

Find LGBTQIA+ affirming services in your area and help clients connect with them!

I support my LGBT FRIENDS

Where Can I File a Complaint?

- File complaints at the **federal** level: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

- Or

- File with Indiana Civil Rights Commission: https://icrc.powerappsportals.us/create-complaint/

Thank you for participating today!