



GLBTQ LEGAL ADVOCATES & DEFENDERS

Increasing Access to Emergency Shelters: HUD's Equal Access Rule

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Today's Presentation

- What is HUD's Equal Access Rule and how does it impact shelter operations and policies?
- How does HUD's Equal Access Rule help to provide better access to people—whether individuals or families—who need shelter?
- *Assume we all want to improve housing outcomes for people experiencing homelessness. Emergency shelters and other HUD funded housing are a vital part of services.*

Agenda

1. LGBTQ people
2. Reasons for the Equal Access Rule (EAR)
3. Equal Access Rule and Scenarios
4. Maine Law and Regulations
5. Resources

NOTE – Many EAR slides provided by HUD and several altered to provide more detail

LGBTQ People – HUD Terminology

Assigned sex at birth

- Typically “male” or “female”, based on the person’s internal or external anatomy at birth.
- May or may not correspond to one’s gender identity.

Gender Identity

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

Cis-gender [or non-transgender]

- Refers to a non-transgender person. Prefix “cis” means “matches”, so cis-gender means one’s assigned sex at birth “matches” one’s gender identity.

Transgender

- Term for people whose gender identity is different from their assigned sex.

LGBTQ People – HUD Terminology

Gender Expression

- External expression of gender identity. Exhibited through behavior, clothing, hairstyle, body language, and voice.
- Does not always correspond to gender identity.
- Many times people do not feel they can safely express their gender identity.

Gender Non-Conforming [or gender expansive]

- Someone who does not conform to traditional gender roles or stereotypes, which 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).

Non-Binary Person

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

Gender-Neutral

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

LGBTQ People - Terminology

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 their sex assigned at birth.
- Transitioning does not require medical treatment.

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.

Trans Man

- Someone who lives or identifies as a man, but was assigned female at birth. May or may not have undergone medical treatments.

LGBTQ People - Terminology

- Medical consensus - There is nothing about transgender people per se that “implies [any] impairment in judgment, stability, reliability, or general social or vocational capabilities.” Am. Psychiatric Ass’n, *Position Statement on Discrimination Against Transgender and Gender Variant Individuals* (2012)

LGBTQ People – Terminology (From American Psychological Ass'n)

Sexual orientation

- An enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes.
- Ranges along a continuum from exclusive attraction to the other sex to exclusive attraction to the same sex.
- Despite the above point, sexual orientation is commonly discussed in terms of three categories: heterosexual, gay/lesbian, and bisexual.

EAR/VAWA: HUD's Equal Access and Gender Identity Rules

Equal Access Rule (February 2012)

- Ensures that eligible LGBT individuals and families have equal access to housing assisted or ensured by HUD's housing and shelters.
- **Clarifies and expands the term "family" and "family unit" as used in the HUD programs (see <https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-familythat-was-included/>)**

Violence Against Women Act (VAWA) 2013 Reauthorization (April 2014)

- New grant condition that prohibits discrimination on the basis of sexual orientation and gender identity by grant recipients.
- How can I run a single-sex VAWA-funded facility without discriminating on the basis of gender identity?
- See FAQ <http://www.justice.gov/sites/default/files/ovw/legacy/2014/06/20/faqs-ngcvawa.pdf>.

EAR/VAWA: HUD's Equal Access and Gender Identity Rules

Gender Identity Rule (October 2016)

- Equal access is provided in all HUD assisted programs and shelter programs in accordance with gender identity.
- In single-sex facilities, individuals are placed, served and accommodated in accordance with their gender identity; and
- Individuals are not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of their gender identity.
- Non-discriminatory steps must be taken to address privacy concerns, including operating policies and procedures.
- Providers must update policies and procedures to reflect requirements.

Equal Access Rule in HUD's Native American and Native Hawaiian Programs (November 2016)

- Provides the same requirements as the 2012 HUD Rule.
- Must determine eligibility and make housing available without regard to sexual orientation, gender identity, or marital status.

HUD Quid pro quo and hostile environment harassment rule – 24 C.F.R. Part 100

- Quid pro quo harassment refers to “an unwelcome request or demand to engage in conduct where submission to the request or demand, either explicitly or implicitly, is made a condition related to . . . the provision of services or facilities in connection therewith.”
- Hostile environment harassment refers to “unwelcome conduct that is sufficiently severe or pervasive as to interfere with: The availability . . . or use or enjoyment of a dwelling . . . or the provision or enjoyment of services or facilities in connection therewith.”

This harassment may be unlawful under the FHA. Programs must ensure that neither the program nor any of its employees engages in such harassment.

<https://www.hud.gov/sites/documents/11AREYOUAVICTIMBROCHEN-W.PDF>

<https://www.govinfo.gov/content/pkg/FR-2016-09-14/pdf/2016-21868.pdf>

HUD Family Rules

- Family determinations must be made without regard to marital status or actual or perceived sexual orientation or gender identity AND
- Includes single persons and “any group of persons presenting for assistance together with or without children” who “identify themselves as a family.”
- May not discriminate against the family or family members based on age, marital status, disability, and actual or perceived sexual orientation.
- Rule requires treating all families equally. E.g. if a program accepts families with children, then it cannot deny access to male head-of-household with children. If it allows adult-only families, it cannot discriminate as described above.
- See FAQ at <https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-familythat-was-included/>.

EAR: Why are Equal Access Protections Necessary?

- Courts nationwide recognize that transgender people have long “face[d] discrimination, harassment, and violence because of their gender identity.” *Whitaker v. Kenosha Unified Sch. Dist. No. 1*, 858 F.3d 1034, 1051 (7th Cir. 2017)
- “[T]ransgender individuals have been subjected to harassment and discrimination in virtually every aspect of their lives, including in housing, employment, education, and health care.” *Flack v. Wis. Dept. of Health Servs.*, 328 F. Supp. 3d 931, 934 (W.D. Wis. 2018)

EAR: Why are Equal Access Protections Necessary?

Transgender people:

- Are twice as likely to live in poverty and three times more likely to be unemployed.
- Nearly half (47%) have experienced sexual assault at some point in their lifetime.
- About 1/3 experience homelessness at some point in their lives; 1/2 who identify as black, Middle Eastern, multiracial, or undocumented experienced homelessness at some point in their lives (including gender nonbinary persons).
- Over half who stayed in a shelter in the past year were verbally harassed, physically attacked, and/or sexually assaulted because of their gender identity.

Sandy E. James, et al., *The Report of the 2015 U.S. Transgender Survey*, Nat'l Ctr. Transgender Equal. (Dec. 2016), at 5-6,

<https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>.

EAR: Why are Equal Access Protections Necessary?

2012 Equal Access Rule required all HUD-assisted housing (including housing funded by CPD and housing insured by FHA) to be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status.

This 2012 rule did not address how transgender and gender nonconforming people should be accommodated in temporary, emergency shelters and other places used for shelter with physical layouts and limitations that require and are permitted to have shared sleeping quarters or shared bathing facilities.

EAR: Why are Equal Access Protections Necessary?

Experiences required updating heard to temporary, emergency shelters.

- Transgender and gender nonconforming youth and adults continued to face “significant violence, harassment, and discrimination” in accessing programs benefits, services, and accommodations.”
- Need explicit protections to help younger LGBT people – approximately 40% of the homeless youth population. Issues with family rejection. [81 Fed. Reg. 64764 \(Sept. 21, 2016\)](#).

EAR: 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 the Community Planning and Development (CPD) Programs:

- CDBG – Community Development Block Grant
- HOME – HOME Investment Partnership Program
- CoC – Continuum of Care Programs
- ESG – Emergency Solutions Grants Program
- HOPWA – Housing Opportunities for People With AIDS
- National Housing Trust Fund
- RHSP - Rural Housing Stability Assistance Program

EAR: Is My Project Required to Comply with the Equal Access Rule?

- I operate an ESG-funded domestic violence shelter that only serves women and children. Does the HUD EAR apply to me?
- *Answer:*
- I operate a CoC-funded housing program or project that only serves women and children. Does the HUD EAR apply to me?
- *Answer:*
- I operate an SRO for homeless men. Does the HUD EAR apply to me?
- *Answer:*

EAR: Is My Project Required to Comply with the Equal Access Rule?

- I operate a housing choice voucher project. Does the HUD EAR apply to me?
- *Answer:*
- I operate an emergency shelter for men funded by ESG. Does the HUD EAR apply to me?
- *Answer:*

EAR: What Discrimination in CPD and Other Programs Looks Like

- Staff and management fail to address complaints from LGBT individuals regarding harassment by other residents.
- Staff revealing an individual's status as transgender or requiring special procedures for households with a transgender person.
- Project staff excluding individuals based on family composition.
- A coordinated entry call center that hangs up when a caller identifies as transgender.

EAR: What Discrimination in CPD and Other Programs Looks Like

- A shelter worker inquiring about an individual's anatomy prior to enrolling them.
- A site manager who enforces project rules differently for single-father households than for single-mother households.
- A family shelter that requires boys over the age of 12 to move out.
- A project staff person refusing to enroll an eligible individual because “you will make the other residents uncomfortable.”

EAR Scenario #1: Sleeping Arrangements

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 men staying in the shelter comes to a volunteer staff person and identifies as transgender. Do I allow them to continue using the same facilities as the other clients?

1. Not only can you allow it, but you are required to do so.
2. Do not isolate clients based on their transgender status.
3. A client may request an accommodation (in this case perhaps requesting a bed assignment near the staff workstation or access to space set aside for highly vulnerable clients) however, staff may not impose or require a client to accept an accommodation.
4. Treat all clients who are eligible, in this case anyone identifying as male, with the same services, staff, questions, and setting that all other clients receive.

EAR Scenario #2: Domestic Violence Shelter

I run a domestic violence project that serves women. We house residents in two separate buildings on the same property. All residents have access to the same services, but I've decided to house women who identify as transgender in one building and women who do not in the other. I did this because I'm worried about triggering traumatic experiences for residents of the project as they begin to rebuild their lives. Can I require all women who identify as transgender be served in a different building or project?

1. No, you may not isolate or segregate clients based on their transgender status.
2. A client may request an accommodation (e.g. requesting a bed assignment near the staff workstation or access to space set aside for highly vulnerable clients) however, staff may not impose or require a client to accept an accommodation.
3. Treat all service-eligible clients with the same services, staff, questions, and setting that all other clients receive.

EAR Knowledge Check

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

Yes

No

EAR Knowledge Check

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 eligible for the service, must be provided access to the same services, facilities, 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.

Protecting transgender people's access to gender-specific facilities does not endanger the safety or privacy of others

- In 2018, over 300 domestic violence and sexual violence organizations across the country signed a [National Consensus Statement](#). These leaders agree: transgender women victims being served alongside other women is appropriate and not a safety issue.
- Similar nondiscrimination protections have been in place for years in over 20 states and over 300 localities and have [helped increase fairness and opportunity for vulnerable people](#), and research shows these protections have not produced [any increase](#) in public safety issues.

Next Steps: Creating Inclusive Spaces – Facilities

Some projects may be based in facilities that were not designed for the purpose of providing shelter or housing, or may have been designed in accordance with outdated regulations that did not reflect the importance of accessibility, privacy, and safety.

- Staff must take non-discriminatory steps to address privacy concerns raised by residents.
- Provider policies cannot isolate or segregate clients within the project based upon transgender and gender non-conforming status unless a specific privacy request is made by that person. Self-determination is fundamental to all clients in HUD projects.
- Conflict resolution should focus on the aggressor, and should not involve the expulsion of the victim of harassment.

Next Steps: Creating Inclusive Spaces For Places Permitted to Segregate Based on Gender

- Individual is eligible for services based on gender identity.
- Staff may offer a resident a room, floor, or bed that is in proximity to staff workstations.
- Staff may offer a resident access to spaces set aside for residents with increased vulnerability, provided these spaces are not restricted for use by transgender and gender non-conforming residents.
- Staff may offer a referral to an alternate project that will provide comparable services, and should make reasonable efforts to ensure a vacancy exists, that the resident is eligible, 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. 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 must have access to comparable services and resources via an outreach team or a supportive service project.

Next Steps: Creating Inclusive Spaces – Addressing Privacy in Facilities

Specific options for accommodations for shower and bathroom facilities:

- Establish a single-use bathroom for client use at specific intervals during the day. This can often be an existing staff bathroom.
- Provide certain times 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.
- For shower use, consider implementing a schedule for all clients if communal showers are the only available type of shower.

Next Steps -Non-Binary Clients in Single-Sex Facilities

Some clients may not identify as either male or female, but most shelters assign housing and programming based on only these two genders.

How should project staff resolve this?

- **Explain** that the shelter's decisions are based on only two genders.
- **Ask** the client to choose the gender with which they most closely identify.
- **Make decisions** for placement that are appropriate to the gender selected by the individual.

Next Steps: Maintaining Guest Confidentiality

Transgender residents have a higher likelihood of suffering harassment or physical harm if their transgender status is disclosed.

Staff should be instructed that a client's sex assigned at birth is confidential information, and should consider including sex assigned at birth on their list of confidential information.

Clients may elect not to disclose their transgender status in certain spaces or certain moments; any decision to do so lies solely with the client.

Transgender individuals may use hormones or other medication/materials (e.g. hypodermic needles) as part of their healthcare regimen. Standard policies should apply to all residents as long as a medication is properly prescribed. If staff members are concerned about improper use of medications, they should follow local project policies for reviewing these concerns with a client.

Next Steps: Best Administrative Practices

Frontline staff:

- Do we have an anti-discrimination policy?
- Is it posted publicly? No? Get a notice of rights at: <https://files.hudexchange.info/resources/documents/Notice-on-Equal-Access-Rights.pdf>
- Intake forms
- Do we provide guests with a notice of our antidiscrimination policy?

Managers and Directors:

- Do we have an anti-discrimination policy?
- Do we regularly train staff and volunteers on the policy and how to implement? (See staff training scenarios to get started)

CoC Boards and other planning bodies:

- Do our projects have anti-discrimination policies?
- Do we support projects to train staff on the policy and how to implement it?
- Have we been clear that projects must comply with these requirements?

Next Steps: Sample Intake Form

Forms

1. Legal Name: _____
2. Preferred Name: _____
3. What is your current gender identity? (check and/or circle ALL that apply)
 - Male
 - Female
 - Transgender Male/Transman/FTM (meaning Male)
 - Transgender Female/Transwoman/MTF (meaning Female)
 - Do not identify as Male, Female, or Transgender
 - Additional category (please specify): _____
 - Decline to Answer
4. What pronouns do you use? _____

Next Steps: Sample Form for Clients

(Project Name) welcomes individuals who are heterosexual, lesbian, gay, bisexual, 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: _____

ME Law and Regulations – Human Rights Act

Maine Human Rights Act forbids discrimination based on several characteristics, including sex, sexual orientation and gender identity. **Maine’s antidiscrimination laws for housing apply to all HUD housing.**

Me. Rev. Stat. tit. 5, § 4553

(5-C) Gender identity. “Gender identity” means the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.

(9-C) Sexual orientation. “Sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.

MHRC Tip: It is “housing” when you can leave your things and come back night after night.

Definition in ME Human Rights Act cont'd – Me. Rev. Stat. tit. 5, § 4553

(8) Place of public accommodation. “Place of public accommodation” means a facility, operated by a public entity or private entity, whose operations” comprise:

- K.** A day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service center establishment; . . .
- N.** Any establishment that in fact caters to, or offers its goods, facilities, or services to, or solicits or accepts patronage from, the general public. . . .

(8-B) Public Accommodation. “Public accommodation” means a public entity or private entity that owns, leases, leases to or operates a place of public accommodation.

MHRC Tip: P.A. when take your things and uncertain if can return.

Maine Housing Authority Rule on Homeless Solutions 99-346 Chapter 19

Program criteria for funding recipients mirror state law, including:

- Operating programs without discrimination on many bases, including sexual orientation and gender.
- Treating all guests with dignity and respect.
- Informing guests of rights & responsibilities, including shelter policies and house rules.
- No involuntary separation of families in family shelters.
- Separate accommodations for male and female consumers consistent with gender identity.
- Protecting privacy and confidentiality of guest & personal info.

Current U.S. administration supports EAR but withdrew implementation guidance

- 2017 - HUD Secretary Ben Carson withdrew guidance documents from HUD on EAR.
- EAR remains in effect. Sec'y Carson reaffirmed the rule in April 2019 before Congressional subcommittee.
- EAR cannot be changed without legislation.
- EAR Guidance available at <https://www.glad.org/hudequalaccessrules/>

Questions, Problems, Complaints?

- Report complaints to the appropriate HUD office:
https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint
- If programs have general questions, contact HUD at
<https://www.hudexchange.info/program-support/my-question/>.
- Maine Human Rights Comm'n can answer questions, and often investigates HUD complaints.
 - Carrie McCarter, Sr. Paralegal (207) 624-6290
 - info@mhrc.maine.gov
 - <https://mainehumanrightscommission.formstack.com/forms/intake>

Maine-Based Competency Training

- **OUT Maine**
 - info@outmaine.org
 - (800) 530-6997
- **EqualityMaine**
 - info@equalitymaine.org
 - (207) 761-3732
- **Reconciling Ministries**
 - admin@rmnetwork.org
 - (773) 736-5526
- **GLSEN of Southern Maine**
 - glsensomaine@gmail.com
 - (207) 619-1417
- **Portland Outright**
 - portlandoutright@gmail.com
 - (207) 558-2429

National Resources

- [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](#)

How to Contact GLAD

GLBTQ Legal Advocates & Defenders (GLAD)

18 Tremont St., Suite 950

Boston MA, 02108

(617) 425-1350

<https://www.glad.org/>

gladlaw@glad.org

For free & confidential information, assistance, and referrals:

- Call (800) 455-GLAD or;
- Complete our form online at <https://www.glad.org/know-your-rights/glad-answers/>.



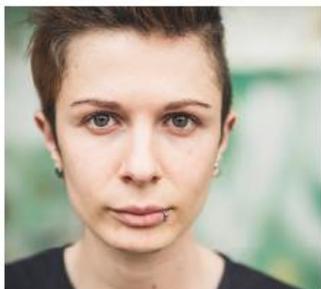
P.S. Issues highlighted in presentation but not slides

- What it means to be transgender:
 - To have a gender identity that is incongruent with sex assigned at birth. A gender identity different from one's sex assigned at birth is recognized by the AMA, American Psychiatric Ass'n, American Psychological Ass'n & many others as a normal variation in human experience. There is nothing disordered or pathological about being transgender. In U.S., at least 1.4 million, or 0.6% of adults are transgender.
 - Many transgender people experience gender dysphoria, which is significant distress because of the incongruity between their gender identity and sex assigned at birth, and that can result in dysfunction until treated. This resolves with treatment, which means assisting the patient to live in accordance with their gender identity. This transition can be social, involving counseling, dress and legal identity document changes, and can also involve hormone therapy to masculinize (and de-feminize) or feminize (and de-masculinize) and/or gender confirmation surgeries.
- Discrimination keeps some transgender people from living in accordance with their gender identity, which is why not every transgender person has started transitioning.

P.S. cont'd

- “The” Equal Access Rule (EAR) is really 4 rules, all quite similar. The 2012 EAR requires all core programs to be open to all regardless of sexual orientation, gender identity, and marital status. The 2016 Rule expands to shelters.
- HUD Harassment Rules – programs are liable even for allowing harassment to occur, whether by residents or staff. If necessary, require the harasser to leave.
- EAR is necessary because of discrimination/exclusion. Many LGBTQ youth are compelled to leave their homes. Adults face massive job discrimination and thus housing instability.
- EAR affects admissions, occupancy, operations, and applies to recipients (including subrecipients), owners, operators, managers, and providers.
- Programs should have policies on privacy, health, safety, and security for everyone. The EAR requires that everyone’s needs in these realms are addressed.
- HUD Ask a Question tool (slide 39) is for *programs* seeking guidance from HUD. Resident complaints go to a HUD office or to the Maine Human Rights Comm’n.

Appendix A – Equal Access for Transgender People: Supporting Inclusive Housing and Shelters



Equal Access for Transgender People

Supporting Inclusive Housing and Shelters

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

The questions and factors listed below are some components of creating inclusive policies at a provider. 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?

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.

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.

[Check out this report from the National Resource Center on Domestic Violence and FORGE on serving transgender survivors of domestic violence.](#)

[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.](#)

If the provider is not permitted to segregate services based on gender, then the provider must serve all individuals that 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.

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 "male" instead of "transgender female to male". 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 is working to provide additional guidance related to the data element "gender" and its use in HMIS.

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

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.

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 because of their transgender or gender non-conforming status.

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.

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 congregated 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 congregated 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.

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.

If a transgender or gender non-conforming client requests an alternate project because a project is unable to meet their safety and privacy needs, reviewing the project's policies using the [Equal Access Project Self-Assessment Tool](#) may be appropriate.

Confidentiality: Medication

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.](#)

Almost every project has policies related to accessing both prescription and non-prescription medications. Some shelters incorporate programs, such as *Health Care for the Homeless* or other healthcare services into their operations, such as mobile healthcare providers that visit some 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 cis-gender 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 homeless individuals 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.

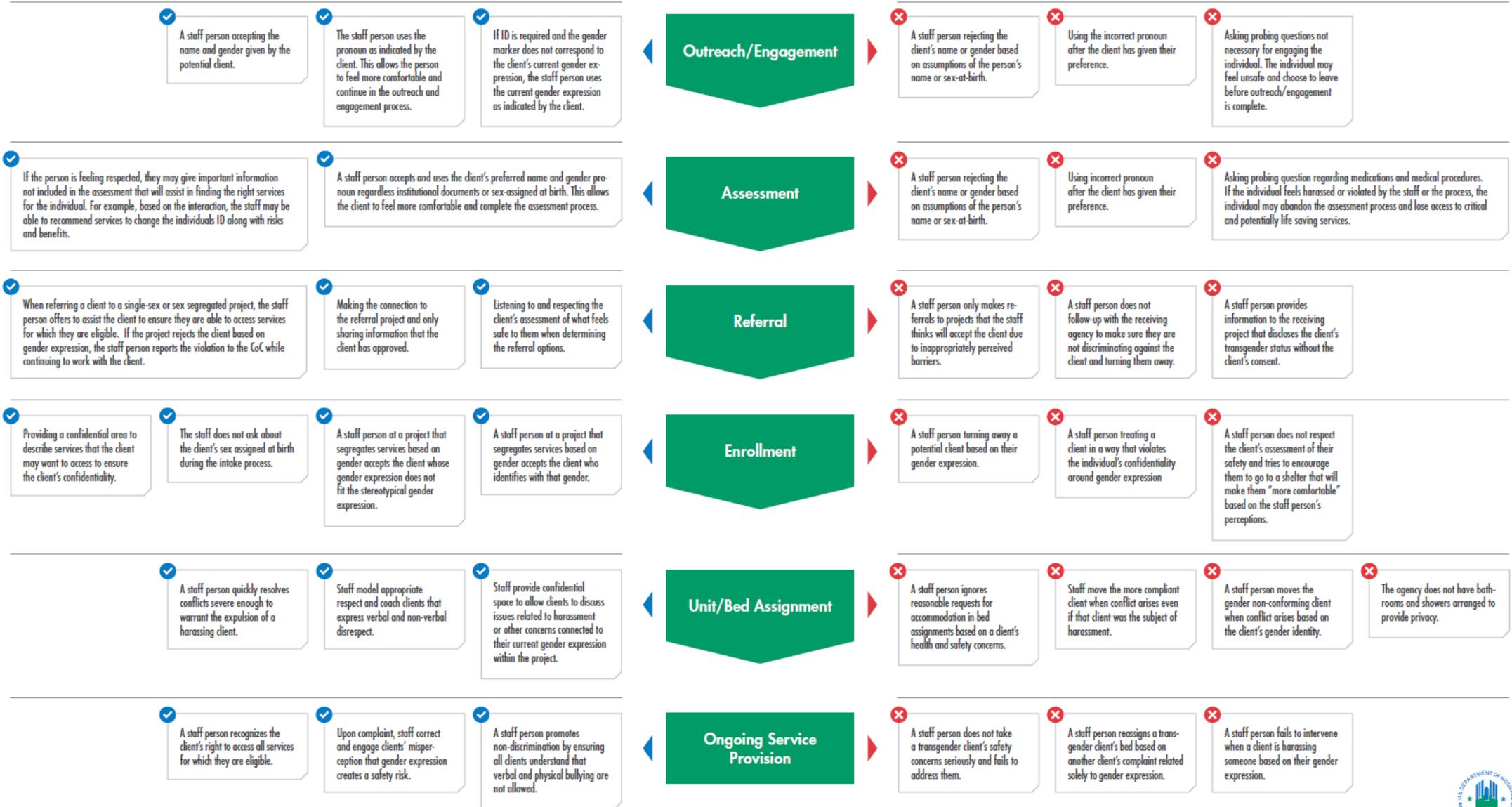
The US Department of Health and Human Services has proposed a new Rule that prohibits discrimination in healthcare coverage related to transgender status. For more information, check out this [HHS website](#).

Appendix B – Supporting Equal Access Across the Full Spectrum of Services

Supporting Equal Access Across the Full Spectrum of Services

Encouraging

Discouraging



Appendix C – Equal Access Self-Assessment Tool for Shelters and Projects

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
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 documents have a different gender marker than the client or potential client presenting for service.	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 access because the agency possesses identity documents indicating a sex different than the gender with which the client or potential client identifies.	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 agency possesses identity documents indicating a sex different than the gender with which the client or potential client identifies.	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 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 agency will serve all individuals that are eligible for the project.	Develop a policy statement and procedures to ensure that staff, volunteers and contractors serve all individuals that are eligible for the project.	Train staff, volunteers and contractors on the agency's commitment serve all individuals that are eligible for the project.	Publicize the agency's commitment to serve all individuals, regardless of gender, in project literature.

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with the 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."
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 with the Equal Access Rule.	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.
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 agency's Policies and Procedures.	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.

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
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 or appearance, disclosing that a client is transgender or gender non-conforming, or physical intimidation.	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-conforming, or physical intimidation.	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-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.

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
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 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.
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.

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
22	Agency develops partnerships with organizations that can provide expertise around the process of changing gender markers on identification and benefit applications or ensures subject matter expertise among staff.	Develop a policy statement and procedures ensuring staff, volunteers and contractors can provide information to clients on changing gender markers on identification or benefit applications or can refer clients to experts with that knowledge.	Train staff, volunteers and contractors to provide information to clients on changing gender markers on identification or benefit applications or refer clients to experts with that knowledge.	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.
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.

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
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	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 verbally affirms some level of sharing.	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.	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.	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.



Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
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 their legal name and the name they prefer to go by.	Regularly review intake material for compliance with Equal Access Rule.	Train staff, contractors, and volunteers to use a client's preferred name rather than their legal name.	Ensure clients understand the process for filing a complaint if staff are not 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.

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
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 area could request assignment to the bed closest to staff. Staff, volunteers and contractors should reasonably defer to client's request.	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, volunteers and contractors should reasonably defer to client's request.	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, volunteers and contractors should reasonably defer to client's request.	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, 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 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.	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 understands the concerns of the client, will be respectful and will uphold the agency's policies and procedures with regard to transgender clients.	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 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.	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 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.

Item #	Attribute	Agency/Project has a Written Policy	Staff, Volunteers and Contractors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
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.