

Safe Shelter and Fair Housing for Transgender Individuals



Goals

- ✓ To increase participants' understanding of terminology associated with LGBTQ people.
- ✓ To understand how our beliefs influence our feelings and actions regarding LGBTQ people.
- ✓ To increase participants' ability to talk comfortably about LGBTQ issues.

Alanna Kabel
HUD CT

Notice CPD-15-02: Appropriate Placement for
Transgender Persons in Single-Sex Emergency
Shelters and Other Facilities

Purpose and Background

- HUD published the *Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity* final rule (Equal Access Rule) (77 FR 5662) on February 3, 2012
- The Equal Access Rule requires that HUD's housing programs be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status

Final Rule Provisions

- It **prohibits** owners and administrators of HUD-assisted or HUD-insured housing, approved lenders in an FHA mortgage insurance program, and any other recipients or subrecipients of HUD funds from inquiring about sexual orientation or gender identity to determine eligibility for HUD-assisted or HUD-insured housing
- It **provides** a limited exception for inquiries about the sex of an individual to determine eligibility for temporary, emergency, shelters with shared sleeping areas or bathrooms, or to determine the number of bedrooms to which a household may be entitled

Today's Status

- HUD stated in the Final Rule preamble that it was not mandating a national policy on placement of transgender persons in single-sex shelters but would instead monitor its programs to see if additional guidance or setting a national policy might be appropriate;
- HUD has subsequently determined it is necessary to provide additional guidance on how best to provide shelter to transgender persons in a single-sex facility. **HUD is continuing to evaluate whether setting a national policy through rulemaking is necessary.**

Today's Status

- HUD is providing this guidance to recipients and subrecipients that place eligible persons in single-sex emergency shelters or other facilities receiving Emergency Solutions Grants (ESG), Continuum of Care (CoC) or Housing Opportunities for Persons with AIDS (HOPWA) funds.
- This notice also provide guidance on appropriate and inappropriate inquiries related to a potential or current client's sex for the purposes of placing transgender persons in shelters or other facilities with shared sleeping areas or bathrooms

Guidance from Other Federal Agencies

- DOJ – VAWA 2013 imposes a new grant condition that prohibits discrimination on the basis of sexual orientation and gender identity
- OPM issued Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace
- U.S. Department of Education's Office of Civil Rights issued guidance

HUD Guidance

- **Assignments** – HUD assumes that a recipient or subrecipient (“provider”) will place a potential client in a shelter or facility that corresponds to the gender with which the person identifies, taking health and safety concerns into consideration. **A client’s or potential client’s own views with respect to personal health and safety should be given consideration**
- HUD assumes a provider will not make an assignment based upon non-conformance with gender stereotypes complaints

HUD Guidance

- Appropriate and Inappropriate Inquiries Related to Sex – For temporary, emergency shelters with shared sleeping areas or bathrooms, the Rule permits shelter providers to ask clients seeking a new assignment their sex – if uncertain, best practice is to inform the client the agency provides shelter based upon the gender with which the client identifies.
- **Generally no legitimate reason in this context for the provider to request documentation of a person's sex**

HUD Guidance

- Privacy – Provider must taken reasonable steps to address safety or privacy concerns
- ESG and HOPWA funds may be used to renovate an emergency shelter to maximize privacy and safety.
- The provider should ensure that its policies do not isolate or segregate clients based upon gender identity

HUD Guidance

- Training – It is the responsibility of the recipient to ensure that it and its subrecipients comply with the Equal Access Rule
- This Notice should be given to staff and contractors to make sure they comply with it and to take prompt action if they do not comply with it
- Recipients should provide staff training on completing intakes consistent with this Guidance

HUD Guidance

- **If HUD finds a recipient or subrecipient has failed to meet program requirements, HUD may take actions such as those described in 24 CFR 576.501 (Enforcement) or 24 CFR 576.540 (Deobligation of Funds).**
- Recipient Policies and Procedures must comply with the Equal Access Rule.

HUD is Here to Help!

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Definitions

Gender Identity

Is the gender that a person identifies (maybe the gender that was assigned at birth or the self-identified gender)

Gender Expression

Is the masculinity or femininity that one displays. The appearance and behavior that a person presents

Definitions

- **Transgender** – A broad term for people whose gender identity or expression falls outside cultural norms associated with their assigned sex not directly related to sexual orientation includes transsexuals, cross-dressers, androgynous people, and many other categories not everyone who is gender-nonconforming identifies as transgender

Definitions

- **Transsexual** – a person who strongly feels that they are the opposite gender of their birth gender
- **Crossdresser** – a term for people who dress in clothing traditionally or stereotypically worn by the other sex, but who have no intention of living full-time as the other gender

Definitions

- **Genderqueer** – a term used by some individuals who do not identify as entirely male or female
- **Neutrois** – is a non-binary gender identity that falls under the genderqueer or transgender umbrellas. Agender, gender neutral, genderless, or having a null gender.

Definitions

- **Drag King/Queen** –are women/men who dress as men/women (often impersonating celebrities) and perform for the purpose of entertaining others at bars, clubs, and other events. Being a drag king/queen is not the same as having a male/female gender identity.

Definitions

- **Intersex** – a term used for people who are born with external genitalia, chromosomes, or internal reproductive systems that are not traditionally associated with either a “standard” male or female

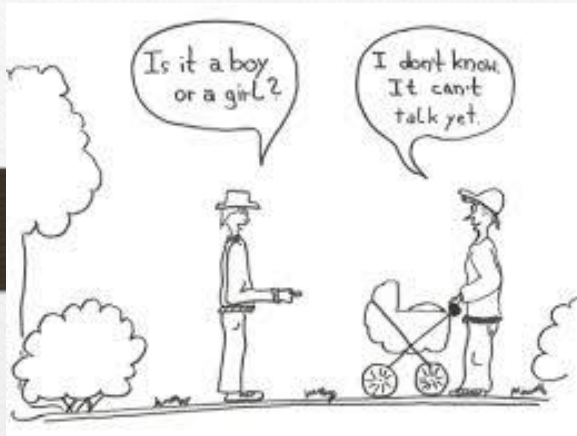
Definitions

- **Transition** – The process in which a person changes their gender expression to better reflect their gender identity.
- **Transphobia** - Fear of or aversion to transgender people or those who are perceived to break or blur societal norms regarding gender identity or expression.

Abbreviations

- Trans*
- MtF = Male to Female (trans-women)
- FtM = Female to Male (trans-man)
- Trans-people
- Post-op, Pre-op & Non-op
- Stealth/Out
- Passing/Read

Biological Sex



Objectively, refers to organs, hormones, genitalia.

←

Female

Intersex

Male →

Gender Identity

How we think about ourselves.

It's the chemistry that composes us, and how we interpret that.



Woman

Genderqueer

Man

Gender Expression

How we demonstrate/present our gender
(based on traditional gender roles).



Feminine

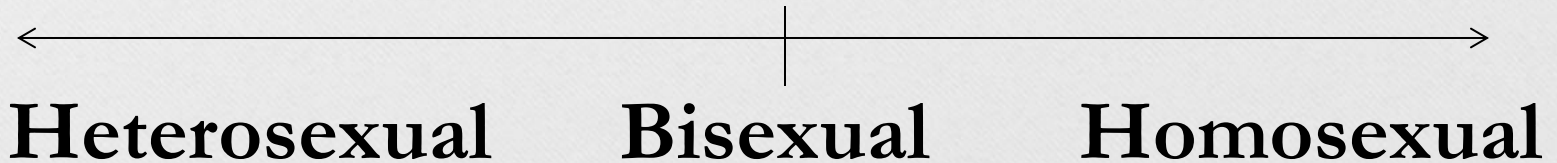
Androgynous

Masculine

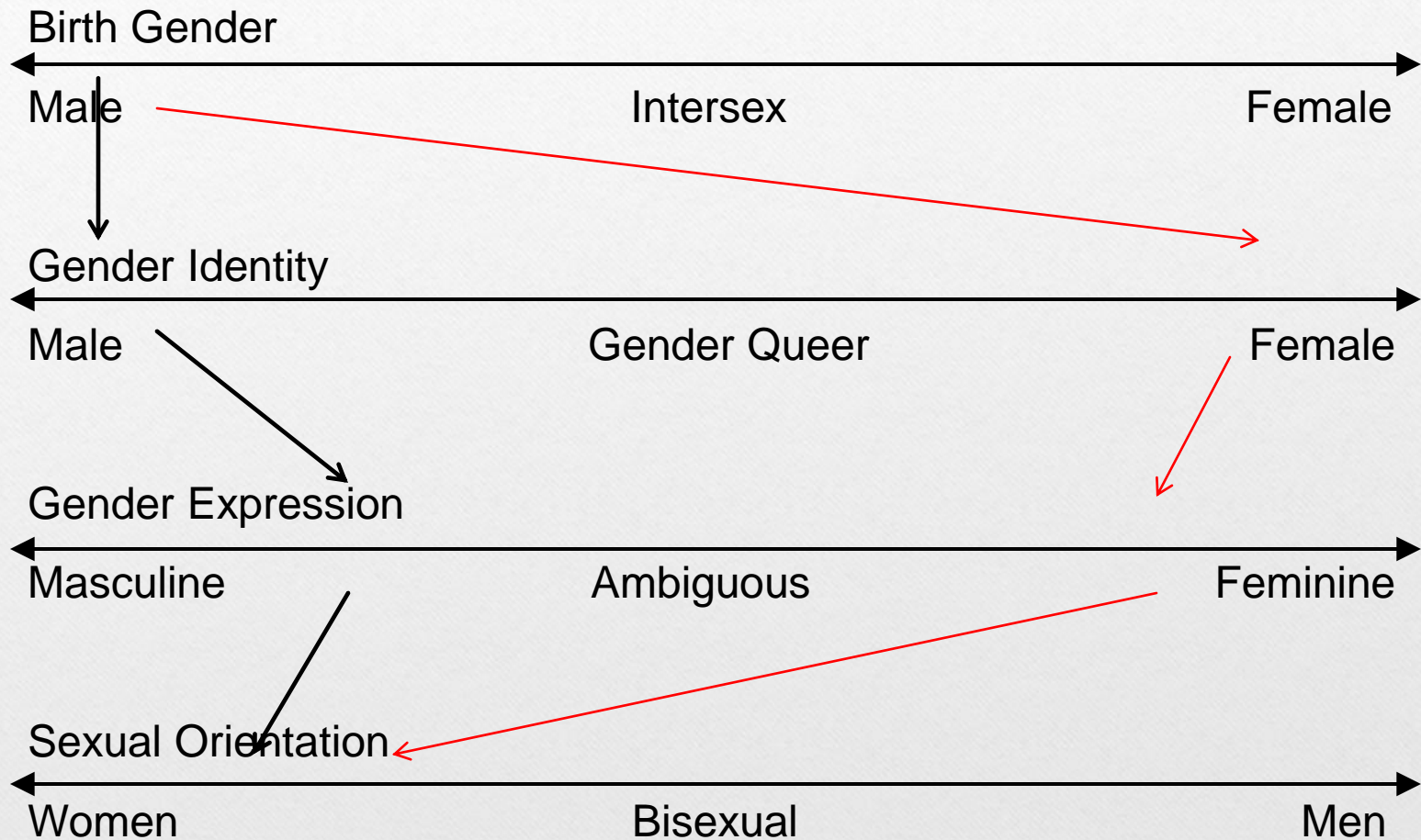


Sexual Orientation

The feelings of who we are attracted or oriented to emotionally, romantically and sexually based on their sex/gender to your own.



Let's Put It All Together



Transgender Health Issues

The Basics

Surgery – one size doesn't fit all, several options, very expensive

Hormone Therapy –prescribed by licensed and experience medical providers

HIV Risks – syringe sharing from black market hormone injections, transactional sex, unprotected sex, drug use, lack of access to proper health care

Transwomen/Transmen – may still need prostate/gynecological services

Challenges for LGBTQA People

- History, fear of discrimination, stigma, stereotyping
- Secrecy – denying identity, hiding past
- Social isolation
- Targeting/violence

Challenges for LGBTQA People

- Fear/worry of providers having a lack of understanding of/underestimating potential fears/dangers
- Stereotyping
- Accessing appropriate health care
- Caregiving issues as we age – hospice, SNF, LTC, and other services for seniors
- Financial insecurity



Shawn M Lang
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Key Components

Goal is to create a welcoming environment, intake processes, and confidentiality

- Policy of respect
- Health care
- Youth
- Restrooms, showers, sleeping arrangements
- Harassment (includes anti-trans and gay language)
- Dress codes
- Addressing concerns with staff and residents/clients/guests
- Referrals

Key Components

Boston shelters found that when staff were trained to respond appropriately and help other shelter residents understand the connection between being discriminated against or disrespected due to being homeless, the other residents were more likely to respond respectfully.

Creating More Inclusive, and Confident Sensitive Services

Overall agency philosophy

- Inclusivity externally and internally.
- Inclusive language on forms, policies and procedures, staff development, case consults, displays/posters.
- Identify older LGBT as a vulnerable population in agency mission, strategic plan, grants, etc.
- Advocate and support others do the same.
- Partner with LGBT organizations, or allies.
- Staff support and ongoing education.
- Maintain a list of LGBT affirming services and providers.

Best Practices for Serving LGBTQA people in Shelter/Housing programs

Welcome and Engagement

- Signs, Nametags
- Privacy for Intake
- Pronouns – he/she, they/them
- Inclusive language on forms, policies and procedures, staff development, case consults, displays/posters.

Creating More Inclusive, Sensitive and Competent Services

Forms/Intake

Review the language. Is it inclusive or exclusive?

For example:

Sexual orientation:

- Lesbian, gay or homosexual • Straight or heterosexual
- Bisexual • Not listed above. Please specify _____ • Not sure

Gender identity:

Male/Female

Transgender (MTF, FTM)

Other

What are your preferred pronouns?

He/Him She/Her They/Them/Their Other

What is your relationship status?

Single Partnered Married Divorced Widowed Other

Best Practices for Serving LGBTQA people in Shelter/Housing programs

Safety

- Staff Training
- Signage
- Confidentiality
- Sleeping, Bathing, Bathroom Arrangements - Options



Best Practices for Serving LGBTQA people in Shelter/Housing programs

Placement in Shelter or Housing

- Should be based on self-identified gender, not surgery or perception
- Base decisions not to house on behavior and not assumptions (transwomen in women's shelters)
- Showing respect through language – respecting pronouns

Best Practices for Serving GLBTQA people in Shelter/Housing programs

Services

- Identification/Legal – how IDs identify the person's gender
- Healthcare
- Insurance
- Medication (accommodating needs)
- Referrals to LGBT organizations, or allies.
- Recognize key LGBT Holidays

Key LGBT “Holidays”



Key LGBT “Holidays”

June – Pride Month

October 11th – National Coming Out Day, LGBT History month

April – Day of Silence

November 28th - Transgender Day of Remembrance

December 1st – World AIDS Day



lgbt
HISTORY
MONTH



Fair Housing Law Gender Identity and Expression

CT Fair Housing Center

Gender Identity & Expression under the Fair Housing Law

Gender identity or expression

Can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or **any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.**

Fair Housing Laws and Shelters

- Shelters are “covered dwellings” and must obey fair housing laws
- Cannot refuse to allow someone to use the shelter because of sexual orientation, gender identity or gender expression.
- Cannot have different rules or conditions for people who are LGBTQ than for others

LGBTQ People and Shelters

When shelters identify as “Men’s shelter” or “Women’s shelter”

- A transgender person should be permitted to request shelter at the single-sex shelter at which they feel most comfortable

When a shelter is for “families only”

LGBTQ families can’t be denied access to family shelters

LGBTQ People and Shelters

Concern – “Other guests might threaten LGBTQ person”

Cannot treat LGBTQ people differently, must maintain safety same as any other guest

Cannot offer LGBTQ person a bed that is different in quality from what everyone else gets, e.g. in a different location, in a room that does not have the same amenities, etc.

LGBTQ People and Shelters

Concern - Shelter has communal bathrooms

Not a reason to refuse shelter to a person who is LGBTQ

LGBTQ person might not want to shower/use a communal bathroom--not a reason to refuse shelter

LGBTQ People and Shelters

Concern - Other shelter guests might be uncomfortable sleeping in the same room with a person who is LGBTQ

- Not a reason to refuse shelter
- Not a reason to have different terms and conditions
- Cannot use other shelter guests as a reason to discriminate

CT Laws for Rights of LGBTQA People

General Statutes of Connecticut

Sex, Sexual orientation, gender identity, gender expression, marital status - Sec. 46a-51(21), 46a-58(a), 46a-60(4), 46a-64b-c, 46a-71, 46a-76

CT Laws for Rights of LGBTQA People

Notice CPD-15-02: Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities

Description:

This Notice provides guidance to ESG recipients and subrecipients receiving Emergency Solutions Grants (ESG), Continuum of Care (CoC) or Housing Opportunities for Persons with AIDS (HOPWA) funds regarding how best to provide shelter to transgender persons in a single-sex facility. This notice also provides guidance on appropriate and inappropriate inquiries related to a potential or current client's sex for the purposes of placing transgender persons in temporary, emergency shelters or other facilities with shared sleeping areas or bathrooms.

Transitioning Our Shelters

<http://www.thetaskforce.org/static/html/downloads/reports/reports/TransitioningOurShelters.pdf>

Resources

Commission on Human Rights and Opportunities www.ct.gov/chro

Connecticut Fair Housing Center www.ctfairhousing.org

Connecticut Outreach Society www.ctoutreach.org

Gay and Lesbian Advocates and Defenders www.glad.org

Hartford Gay and Lesbian Health Collective www.hglhc.org

Lambda Legal Defense and Education Fund www.lambdalegal.org

LGBT Aging Center www.lgbtagingcenter.org

National Center for Lesbian Rights www.nclrights.org

National Gay and Lesbian Task Force www.thetaskforce.org

Parents, Friends of Lesbians and Gays Hartford www.hfdpflag.org

Sage USA www.sageusa.org

Transadvocacy Coalition www.ct-transadvocacy.org

Transgender Legal Defense and Education Fund www.transgenderlegal.org

True Colors www.ourtruecolors.org

Contacts

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