Safe Shelter and Fair Housing for Transgender Individuals
Goals

✓ To increase participants’ understanding of terminology associated with transgender people.
✓ To understand how our beliefs influence our feelings and actions regarding transgender people.
✓ To increase participants’ ability to talk comfortably about transgender issues.
Introductions
Diana Lombardi
Executive Director
Connecticut TransAdvocacy Coalition
Definitions

• Every culture has their own language
• Definitions evolve
• Words can have different means to different people
• Some people are very passionate about labels

Some of the more common definitions (*At least for today*) are…
Definitions

Gender / Gender Identity
A socially constructed system of classification that ascribes qualities of masculinity and femininity to people. (What you feel in your heart and mind)

Gender Expression
How a person represents or expresses one's gender identity to others, often through behavior, clothing, hairstyles, voice or body characteristics. (What you show the world)
• **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

• **Genderqueer** – a term used by some individuals who do not identify as entirely male or female

• **Intersex** – A term used for people who are born with a reproductive, chromosomal or sexual anatomy pattern that does not fit typical definitions of male or female
Definitions

• Drag King/Queen – are women/men who dress as men/women (often impersonating celebrities), typically for a performance or event. Being a drag king/queen is not the same as having a male/female gender identity.

• 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

- **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
Terms to Describe Sexual Orientation

- Gay
- Lesbian
- Bisexual
- Pansexual
- Asexual
Words to Avoid

- Microaggression
  - Misuse of pronouns
  - Using old name
  - Use of derogatory words
    - Transvestite
    - He/She
    - Shemales
    - Tranny (may be used within the community)
- Judging and Blaming
- Shaming or Guilt
- Ridiculing
- Shunning or Ignoring
- Attacking friends of the target
Sex Assigned at Birth

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.

Straight  Bisexual  Lesbian/Gay
Let’s Put It All Together

Sex Assigned at Birth
- Male
- Intersex
- Female

Gender Identity
- Male
- Gender Queer
- Female

Gender Expression
- Masculine
- Ambiguous
- Feminine

Sexual Orientation
- Straight
- Bisexual
- Lesbian/Gay
Intent and outcome are two different things. While you may intend to be supportive, comments like the following can be hurtful, even insulting:

- “I would never have known you were transgender. You look so pretty.”
- “You can’t use this bathroom.”
- “People should just use the bathroom that matches how they dress.”
- “I don’t have a problem with trans/gay people. We’re all sinners.”
- “You’re so brave.”
- “You’d pass so much better if you wore less/more make-up, had a better wig, etc.”
- “Good morning, ladies.”
What is an ally?

An ally is a straight and/or cisgender person who supports equal civil rights, gender equality, LGBT social movements, and challenges to homophobia, biphobia, and transphobia.
Transgender Health Issues

The Basics

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

**Hormone Therapy** – prescribed by licensed and experienced 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 Trans* and Gender Nonconforming People

- History, fear of discrimination, stigma, stereotyping
- Secrecy – denying identity, hiding past
- Social isolation
- Targeting/violence
Challenges for Trans* and Gender Nonconforming 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 – services for seniors
- Financial insecurity
Challenges for Trans* and Gender Nonconforming People

Visual non-conformity is a risk factor in causing anti-transgender bias and its attendant social and economic burdens.
Documentation

- Driver Licenses
- Medicare/Medicaid
- Social Security
- Birth Certificate
Questions
Shawn M Lang
Deputy Director
AIDS CT
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
• Make appropriate 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

Setting the Stage

• Staff Training/Orientation
• Signage
• Confidentiality
• Staff development (ongoing) and new employee orientation
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 LBGTA 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.
- Knowledge about and referrals to LGBT friendly, and LGBT organizations/allies.
- Recognize key LGBT events/holidays
Best Practices for Serving Trans* and Gender Nonconforming People

Welcome and Engagement

• Privacy for Intake
• Inclusive language on forms, policies and procedures, staff development, case consults, displays/posters.
  • Use of AMAB and AFAB if necessary to document assigned sex at birth
• Pronouns – he/she, they/them
• Ask people how they would like to be addressed, which pronouns they prefer.
• Instead of using pronouns and assuming gender, if you’re unsure, use a simple “How may I help you?” or “Mel, your 10 AM appointment is here.”
• Gender identity and expression in policies/documents.
“Transwomen are targeted because we exist at vulnerable intersections of race, gender and class.” Janet Mock
Trans* Health & Social Service Needs

Research has also shown that about 60–76% of transgender people have had hormonal therapy, and about 20–40% have had some surgery to help their bodies match their gender identity.

The decision of whether to have medical or surgical treatment is based on personal choice for some; others would like to get treatments but cannot afford the cost (most insurance policies do not offer coverage).

Up to 78% of transgender people were harassed in school, and 57% experienced rejection from their families.

In 2014, hate crimes against transgender people rose 13%.

Transgender people have higher rates of alcohol use, drug use, and suicide attempts (one survey found that 41% had attempted suicide).

Transgender people face many barriers to receiving quality care.
Understanding Trans* Needs

In a 2011 survey of over 6,000 transgender Americans:

• 19% of the respondents reported being refused health care due to their transgender or gender-nonconforming status.

• 28% had postponed necessary health care when sick or injured, and;

• 33% had delayed or had not sought preventive care because of experiences of health care discrimination based on their transgender status.
Common Experiences in Health Care/Social Services Systems

- Providers refusing to touch them or using excessive precautions;
- Providers using harsh or abusive language;
- Providers being physically rough or abusive;
- Providers blaming them for their health status.
Common Experiences in Social Service Systems

- Laughter, pointing, joking, taunting, mockery, slurs, and a wide variety of negative comments;
- Violations of confidentiality, regardless of HIPAA;
- Use of improper name and/or pronoun for the person;
- Exceptionally long waits for care;
- Prohibitions of bathroom use, or challenges to it;
- Inappropriate room assignments;
- Failure to follow standards of care.
Best Practices for Serving Trans* and Gender Nonconforming People in Shelter/Housing Programs

Placement in gender specific programs

• Should be based on self-identified gender, not surgery or perception
• Decisions not to house or provide services should be based on behavior and not assumptions
• Showing respect through language – respecting pronouns
Best Practices for Serving Trans* and Gender Nonconforming People in Shelter/Housing Programs

**Non-discrimination policy**
- Clearly listed on website
- In patient waiting areas, and employee work areas
- Routine materials given to patients
- Employee orientation

**Patient Bill of Rights**
- Include language that covers gender identity and expression
- Confidentiality
Best Practices for Serving Trans* and Gender Nonconforming People in Shelter/Housing Programs

Establish Clear Protocols
Interaction with Trans* clients to ensure professionalism, courtesy, safety and respect.

Room Assignments
Based on SELF IDENTIFIED GENDER

Access to Bathrooms
Based on self identified gender
Policies for managing harassment, etc., by other patients, staff or volunteers.
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
Key LGBT “Holidays”

June – Pride Month
October 11th – National Coming Out Day, LGBT History month
April – Day of Silence
November 20th - Transgender Day of Remembrance
December 1st – World AIDS Day
Activity
Questions
Alanna Kabel
HUD CT

Notice CPD-15-02: Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities
HUD’s Gender Identity Rule

National Community Development Association
Region I
October 13, 2016
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.
- HUD released Notice CPD-15-02 which established key guidance promoting equal access to single-sex homeless shelters for transgender individuals as well as guidance from each program office on how the Equal Access Rule is to be implemented across HUD-funding housing programs.
- On September 21, 2016, HUD published a final *Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs Rule*.
- The Rule becomes effective **October 21, 2016**.
Gender Identity Rule Provisions

• HUD’s final rule requires shelters use individuals’ self-reported gender in situations where a shelter is gender-segregated, or where the shelter has separate areas for men and women.

• Last February’s guidance already makes clear that transgender and non-conforming individuals don’t have to prove their gender, and the final rule makes sure shelter have policies and procedures in place to ensure that individuals are not subjected to intrusive questioning.
Why this Rule?

• Transgender and gender non-conforming people face discrimination and mistreatment in many facets of their lives which increases the likelihood of homelessness and access to services

• A 2011 joint report by the National Gay and Lesbian Task Force and the National Center on Transgender Equality found transgender and non-conforming individuals are nearly twice as likely to experience homelessness as the general population
Why this Rule?

• The 2011 report found for those who had attempted to access homeless shelters:
  • 29% were turned away altogether;
  • 42% were forced to stay in facilities designed for the wrong gender;
  • Fifty-five percent reported being harassed;
  • 25% were physically assaulted; and
  • 22% were sexually assaulted.
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
• The Gender Identity Rule makes a technical amendment to the definition of “sexual orientation” to conform to OPM’s definition
• U.S. Department of Education’s Office of Civil Rights issued guidance
What does the Rule do?

- The rule codifies the previous CPD guidance into legal requirements and expands the CPD guidance to all CPD programs.
- Requires a recipient, subrecipient, or provider to establish, amend, or maintain program admissions, occupancy and policies and procedures that provide equal access to individuals based upon their gender identity. This includes tenant selection and admission preferences.
HUD Requirements

• Requires operating policies and procedures ensure that individuals are not subjected to intrusive questioning, or asked to provide anatomical information of the individual’s gender identity

• Requires that in facilities with shared sleeping or bathing areas, provides take non-discriminatory steps that may be necessary and appropriate to address privacy concerns raised by residents or occupants
What is Gender Identity?

- Gender Identity means **the gender with which a person identifies, regardless of the sex assigned to that person at birth**
- The new definition clarifies that gender identity is defined by one’s self
- Others may perceive (correctly or incorrectly) one’s gender identity, but that perception is not conflated with one’s actual gender identity
HUD Requirements

- **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 Requirements

• 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 in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs.*
HUD Resources

- https://www.hudexchange.info/homelessness-assistance/resources-for-lgbt-homelessness/
- https://www.hudexchange.info/resource/5147/notice-on-equal-access-rights/
- LGBT Homelessness Resource Page
Contact Information

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Hartford Field Office
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Questions
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
Concern – “Other guests might threaten LGBTQ person”

Before you move forward, how would you treat this situation in a similar scenario with a different protected class? For example race- what would you do if there was someone who threatened a person of a different race?

Under the law, you cannot treat LGBTQ people differently and must maintain safety same as any other guest.

Safety concerns cannot be used to 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

What can you do to accommodate the client in this scenario?
What creative solutions can you come up with or have in place?

Under the law, this is 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, an accommodation can be made.
LGBTQ People and Shelters

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

What can your staff do to address these issues? Once again revisit this scenario with a different protected class. How can you handle this situation.

- Under the law, this is not a reason to refuse shelter
- Not a reason to have different terms and conditions
- The discomfort of other guests/staff cannot be used 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
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.
This Notice of Funding Availability (this “NOFA”) is directed to existing emergency homeless shelters seeking funding to make capital improvements to their facilities to improve the quality of the services provided to shelter residents. Proposals to create new emergency homeless shelters are not eligible under this NOFA.

Information on Department of Housing website:
Transitioning Our Shelters

Resources

Commission on Human Rights and Opportunities [wwwct.gov/chro]
Connecticut Fair Housing Center [wwwctfairhousing.org]
Connecticut Outreach Society [wwwctoutreach.org]
Connecticut Transadvocacy Coalition [wwwtransadvocacy.org]
Gay and Lesbian Advocates and Defenders [wwwglad.org]
Hartford Gay and Lesbian Health Collective [wwwhglhc.org]
Lambda Legal Defense and Education Fund [wwwlambdalegal.org]
LGBT Aging Center [wwwlgbtagingcenter.org]
National Center for Lesbian Rights [wwwnclrights.org]
National Gay and Lesbian Task Force [wwwthetaskforce.org]
Parents, Friends of Lesbians and Gays Hartford [wwwhfdpflag.org]
Sage USA [wwwsageusa.org]
Transgender Legal Defense and Education Fund [wwwtransgenderlegal.org]
True Colors [wwwourtruecolors.org]
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