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 ones gender identity to others, often through behavior, clothing, hairstyles, voice or body characteristics. (What you show the world)

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

- **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 of 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 Guilting
  - 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).

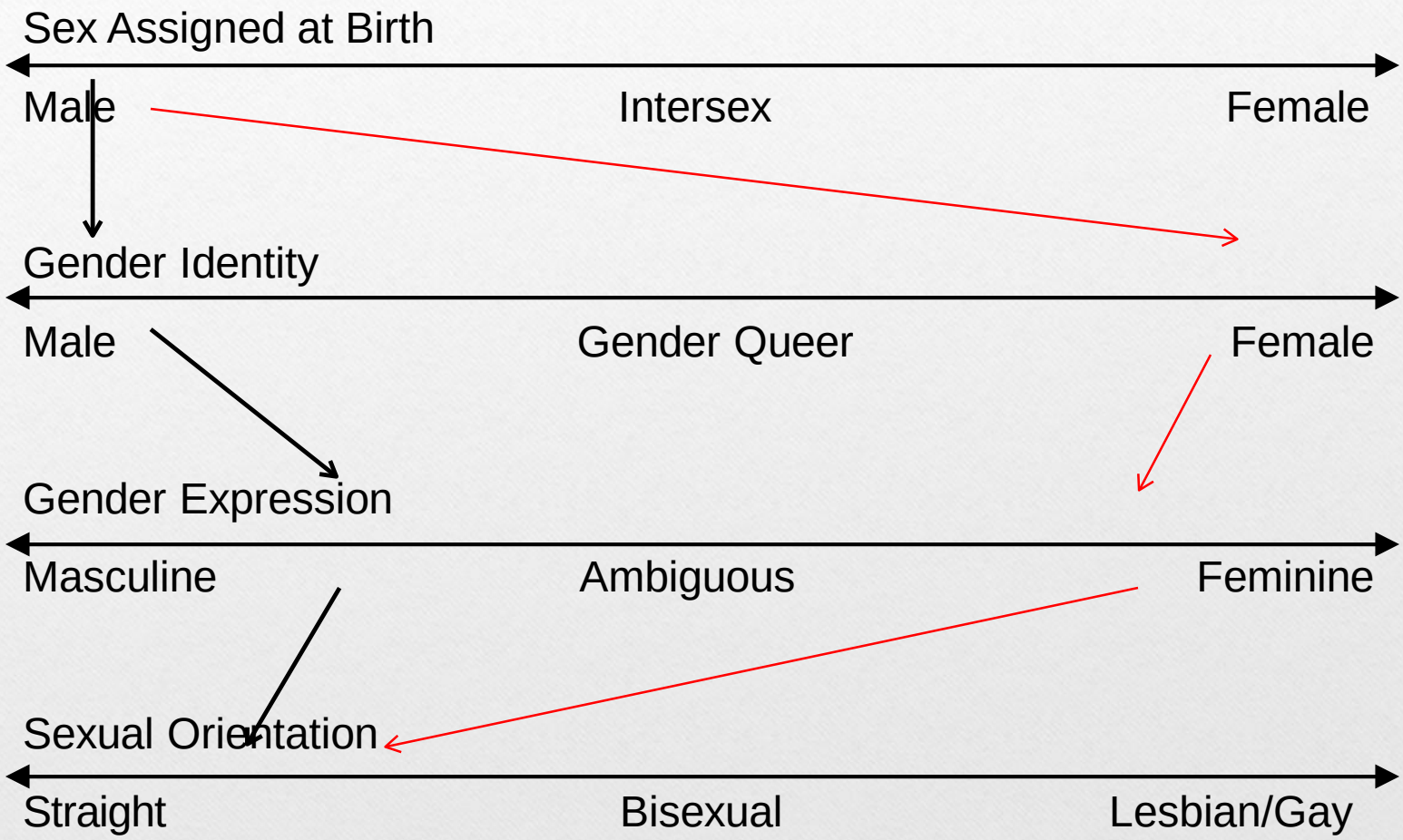
Feminine **Androgynous** **Masculine**

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



Intent vs. Outcome

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 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 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 LBGT 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.

Understanding Trans* Needs

In 2015, at least 22 transwomen were reported as having been murdered in the US.

"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 s 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

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 Identify 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 in 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-assistace/resources-for-lgbt-homelessness/
- https://www.hudexchange.info/resource/5147/notice-on-equal-access-rights/
- LGBT Homelessness Resource Page
- http://portal.hud.gov/hudportal/HUD?src=/LGBT resources

Contact Information

Alanna Cavanagh Kabel

CPD Director

Hartford Field Office

Phone: 860-240-9770

Email: Alanna.C.Kabel@hud.gov

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

LGBTQ People and 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

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.

DOH NOFA: Homeless Shelter Capital Needs

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:
http://www.ct.gov/doh/cwp/view.asp?a=4513&q=530464

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
Connecticut Transadvocacy Coalition www.transadvocacy.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
Transgender Legal Defense and Education Fund www.transgenderlegal.org
True Colors www.ourtruecolors.org

Contacts

Diana Lombardi, MSW, Executive Director, CTAC
(860) 499-0630 diana@transadvocacy.org

Shawn M Lang, Deputy Director AIDS CT
(860) 247-2437 slang@aids-ct.org wwwaids-ct.org

Alanna C. Kabel, CPD Director Hartford Field Office, HUD
(860) 240-9770 Alanna.C.Kabel@hud.gov

Cesar Aleman, Connecticut Fair Housing Center
(860) 247-4400 Ext 728 caleman@ctfairhousing.org

Contacts

Training hosted by

CONNECTICUT COALITION to
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Want to bring this training to your organization? Contact:

Katherine Kenney, Programs Development Coordinator
Connecticut Coalition to End Homelessness
kkenney@cceh.org, (860) 721-7876 ext.101