



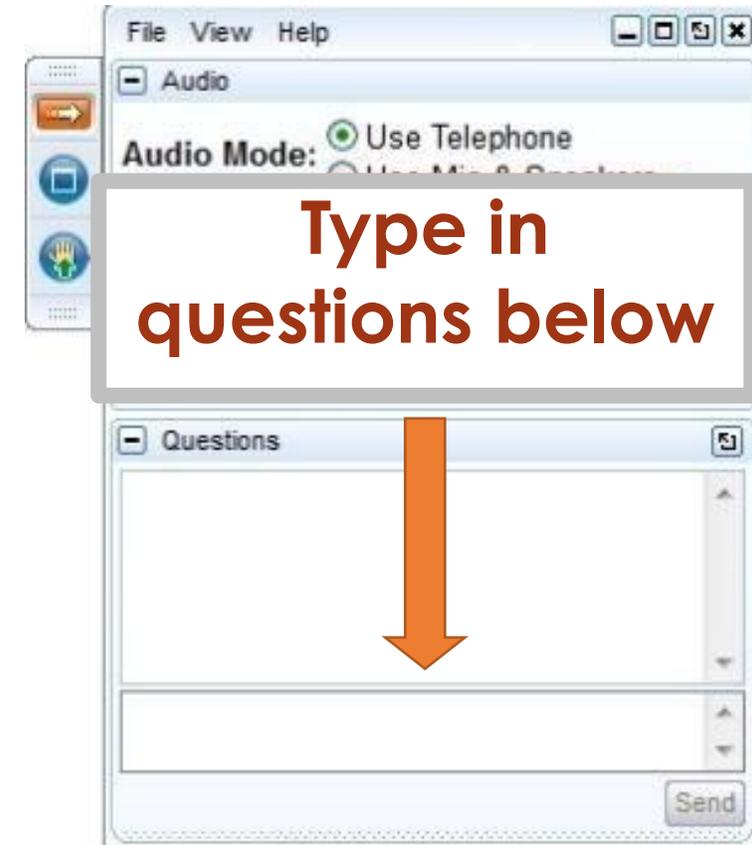
# **Equal Access to Shelter Training**

March 23, 2021

# House Keeping

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- Because this is a webinar, attendees are muted
- Please type any questions you have into the Questions Box
- We are recording this webinar and the recording and slides will be available in our Webinar Library at [www.cceh.org](http://www.cceh.org)



# Speakers

**Chris Erchull**

*Staff Attorney*

GLBTQ Legal Advocates & Defenders  
(GLAD)

**Sarah Fox**

*Director of Policy*

CT Coalition to End Homelessness

**Rashida Rattray**

*Education and Outreach Coordinator*

CT Fair Housing Center

**Leigh Shields-Church**

*Coordinated Access Network Manager*

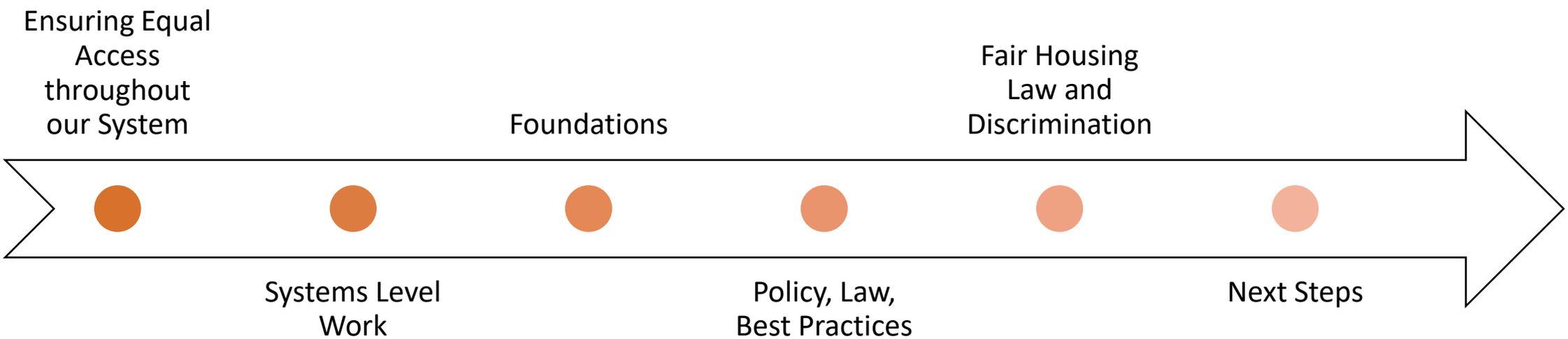
CT Department of Housing

**Alison Weir**

*Policy Advocate/Staff Attorney*

Greater Hartford Legal Aid

# Agenda



# Ensuring Equal Access throughout our System

**Sarah Fox**

***Director of Policy***

**CT Coalition to End Homelessness**



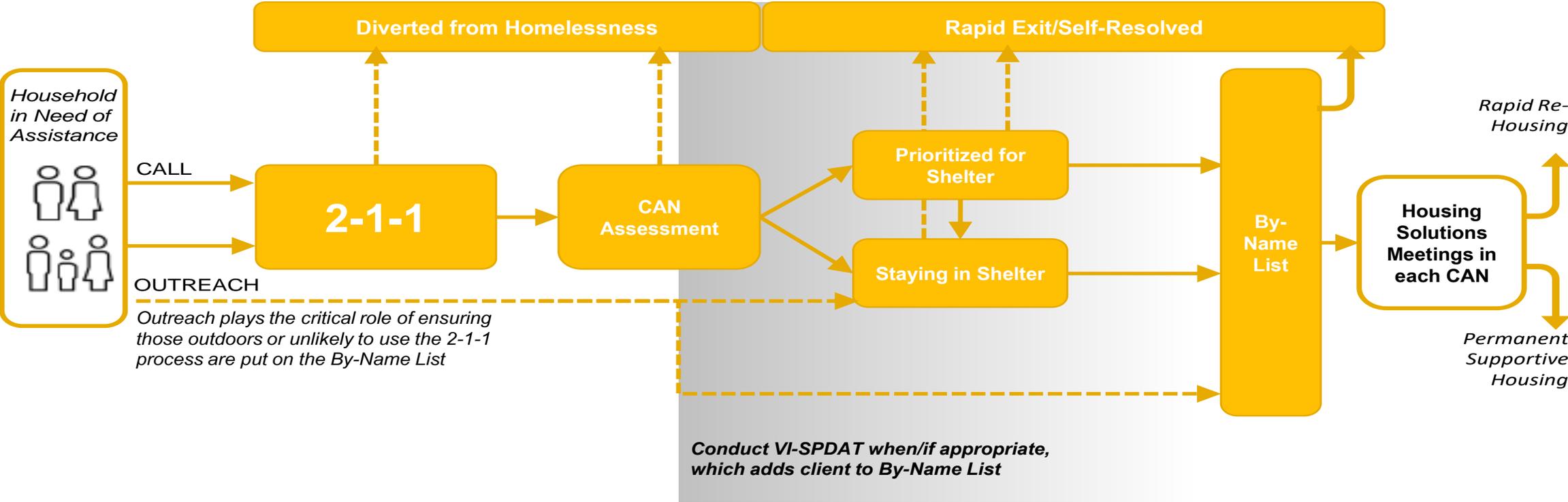
# HUD Equal Access Final Rule

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- On September 21, 2016, HUD published a final rule in the [Federal Register](#) entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs." Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD).
- This rule builds upon HUD's February 2012 final rule entitled "[Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity](#)" (2012 Equal Access Rule), which aimed to ensure that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status.

# CAN System Overview

A high-level diagram of the coordinated access process from entry to exit





# **Systems Level Work**

**Leigh Shields-Church**

***Coordinated Access Network Manager***

**CT Department of Housing**



# Foundations

**Chris Erchull**

***Staff Attorney***

**GLBTQ Legal Advocates & Defenders (GLAD)**

# Common Terminology

Every culture has their own language

Definitions evolve

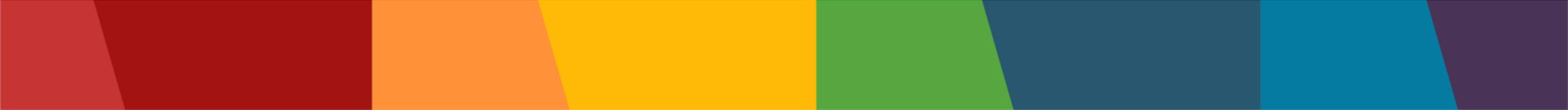
Words can have different meanings to different people

Some people are very passionate about labels



# Common Terminology

- **Gender Identity-** a person's insistent, persistent, and consistent understanding of themselves as male, female, both, or neither.
- Everyone has a gender identity. For most of us, your gender identity matches your sex assigned at birth, whether that is male or female. For many of us, however, gender identity and assigned sex do not align perfectly.
- **Gender Expression & Gender Presentation-** how people communicate their gender identity to each other.
- Your gender identity can be communicated by style choices, like clothing, hair, or makeup.
- Names and pronouns are commonly used to convey information about gender identity.
- Physical features, like our bodies and our faces are also common ways for us to perceive a person's gender identity.



# Legal Definition

**“Gender identity or expression”** - a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity 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.

Conn. Gen. Stat. Sec. 46a-51 (21)

# Gender Identity, Expression, & Presentation

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No single factor defines a person's gender

- Perceptions & pronouns are not enough

The only way to know a person's gender is to ask

Assumptions are okay

- But remain open to correction
- Stereotypes are never okay

No one has to conform their gender expression/presentation to stereotypes

# Gender Dysphoria

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A medical condition

Clinically significant distress caused by the mis-match between a person's gender identity and their assigned sex.

A serious medical condition, but it is also highly treatable.

Untreated or under-treated gender dysphoria can be disabling for some people.

Accordingly, it is a medical condition covered under federal and state disability discrimination law.

# Transgender

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- **Transgender** is an umbrella term used to describe people who have a gender identity that does not match their assigned sex.
  - A transgender man is a man who was not assigned male at birth.
  - A transgender woman is a woman who was not assigned female at birth.
- “Transgender status” refers to whether a person is transgender or non-transgender.
- Being transgender is not a disability, but many transgender people live with disabilities.
  - Transgender people are disproportionately affected by gender dysphoria & HIV.



# Gender Transition

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## Gender Transition

- the ONLY commonly accepted treatment for gender dysphoria.

## Highly Individualized Treatment

- **Social Transition**
- Coming out, altering presentation, updating ID

## Medical Transition

- Hormone Therapy
- Surgical Treatment

## Treatment is Private

- Details about a person's social or medical transition are none of your business!



# Nonbinary

- **Nonbinary is an umbrella term used to describe any gender identity that is not strictly male or female:**
  - In Between
  - Both/Neither
  - Fluid (Changing over Time)
- **Watch out for gender stereotypes!**
- **Gender identity discrimination laws protect nonbinary people too**

# Sexual Orientation

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- **Sexual orientation** refers to a person's gender-based romantic or sexual attraction (or lack thereof).
- Different from Gender Identity
- Most common: straight, gay, lesbian, bisexual
- Less common: pansexual, asexual, aromantic, etc.
- Transgender people may describe their sexual orientation in any number of ways (just like non-transgender people)

# Pronouns

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Pronouns are important.

Ask people what pronouns they prefer. Make it a habit.

Never intentionally misgender someone with different pronouns.

Mistakes are okay. If you make a mistake, correct yourself. Move on.

Corrections are okay. If someone corrects you, say thank you. Move on.

Respect is key.

Pronouns do not tell you a person's gender identity

# XAN'S GUIDE TO PRIDE FLAGS

The rainbow flag is often used to represent the whole LGBTQ community, but there are many other pride flags out there!



These more specific flags are a way to give visibility to groups in the community that might otherwise feel ignored.



There are flags for different sexualities, gender identities and even some kinks with historic ties to the community. Here are just a few of them!

- You do not need to know every word that people use to describe themselves!
- It's okay to ask!
- **Respect is Key!**



Image: "Xan's Guide to Pride Flags"  
Used with permission from the artist

# Laws Prohibiting Discrimination in Shelter Access

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## **State Statues**

- Fair Housing
- Public Accommodations

## **Federal Statues**

- Fair Housing Act
- Equality Act

## **Executive Orders**

## **Agency Rules and Regulations**

## **Contracts**

# Protections for Transgender People

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## Connecticut State Statutes are EXPLICIT

- Prohibit discrimination based on “gender identity and expression”

## Federal Statutes

- Prohibit discrimination because of “sex”
- Sex includes “transgender status” (see *Bostock v. Clayton County*)
- Executive Order 13988
- U.S. Department of Housing and Urban Development Memo (Feb. 11, 2021)

# Policy and Connecticut Law

**Alison Weir**

***Policy Advocate/Staff Attorney***

**Greater Hartford Legal Aid**



# CT Law has long affirmed Rights of Transgender People

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- In a 1975 decision, a federal court in the District of Connecticut recognized that it is important for a transgender person to have a birth certificate that matches her gender identity. Darnell v. Lloyd, 395 F. Supp. 1210, 1214 (D. Conn. 1975)
- In 2011, the Connecticut legislature codified the equal treatment of transgender people across all areas of Connecticut law that already prohibited discrimination on the basis of sex. Public Act 11-55

# Gender Identity/Expression Discrimination Prohibited

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- Under Connecticut law, discrimination because of gender identity or expression is prohibited in places of public accommodation and in housing
  - Applies to shelter housing and institutional care settings.
  - A transgender woman must be housed in a women's shelter with access to facilities provided by the shelter—including bedding, restroom, and shower access—on equal terms with other women housed there.
  - The same applies for a transgender man.
- It is the same law that prohibits discrimination on the basis of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status or status as a veteran. See Conn. Gen. Stat. Secs. 46a-64(a) and 46a-64c.

# The Commitment to Ensure Equal Access for Transgender and Gender Nonconforming Clients

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- **Outlines the best practices document for ensuring equal access**
- **How to best establish gender identity – Ask**
  - Privately ask the client the pronouns they prefer
  - Don't use your own judgment
  - Don't ask prying questions
- **Confidentiality**
  - A person's gender expression or identity or transgender status is confidential and private
  - Treat it like all other confidential personal and medical information



# The Commitment to Ensure Equal Access

## Physical Accommodations

- Make gender-appropriate bathroom and bedroom facilities as well as changing areas available to people who are transgender
- House transgender women with other women and give the same access as other women to showers and bathrooms.
- House transgender men with other men and give the same access as other men to showers and bathrooms.
- If a shelter client has a nonbinary gender identity, they should be permitted housing where the client says they could be most safety and comfortably housed.



# The Commitment to Ensure Equal Access

## **Safety & Privacy of Physical Accommodations**

- Any transgender person who expresses safety or privacy needs should be accommodated according to that person's needs and the agency's ability to provide.

## **Eligibility for Services**

- Gender identity and gender expression or transgender status will not be used to deny services to any individual.



# The Commitment to Ensure Equal Access

## **Provision of Services**

- Clients who are transgender or gender nonconforming who are approved for services shall be provided with the same range of services available to other clients.

## **Pronoun Use**

- Staff shall refer to clients using a client's requested gender pronoun.

## **Harassment**

- Harassment of all kinds is prohibited

# The Commitment to Ensure Equal Access

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- Now that we know the best practices, make sure others know them too!
- Posting and Distribution of Policies
  - Anti-discrimination policies must be publicly posted and distributed to staff, volunteers, and clients.
- Training
  - All new shelter staff shall receive this training as part of their orientation and all staff shall receive refresher training on an annual basis



# **Fair Housing Law and Anti-Discrimination Policies**

**Rashida Rattray**  
***Education and Outreach Coordinator***  
**CT Fair Housing Center**

# Federal & State Fair Housing Laws

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In order to make sure everyone has equal access to housing; Congress passed the [Fair Housing Act of 1968](#). It prohibits discrimination based on your membership in a protected class in all forms of housing transactions.

Connecticut has protected vulnerable members of our communities by enacting additional state-wide fair housing laws.

# Federal & State Fair Housing Protections



## Federal

- Race
- Color
- National Origin
- Sex
- Disability
- Religion
- Familial Status

## State

- Ancestry
- Marital Status
- Age
- Sexual Orientation
- Lawful Source of Income
- Gender Identity & Expression
- Veteran Status

# Fair Housing Laws and Shelters

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- 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

# Forms of Discrimination



## Differential Treatment

Treating people differently because of their membership in a protected class is illegal

## Disparate Impact

Neutral rule that has a disparate impact (greater negative effect) on members of a protected class

# Identifying Housing Discrimination

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- Misrepresenting the availability of housing
- Refusal to rent or sell
- Discriminating in terms and conditions
- Discriminatory advertisement
- Use of threats, intimidation, or coercion
- Discrimination with a smile



# Fair Housing Rights of People with Disabilities



## What is a disability?

- a) condition
- b) substantially impacts one or more major life functions
- c) for an extended period of time

# Reasonable Accommodations & Modifications



## Reasonable Accommodations

- Reasonable accommodation is a change in a rule, policy, or practice that makes it possible for a person with a disability to live in their housing
- Unreasonable — undue financial or administrative burden

## Reasonable Modifications

- Reasonable modification is a change to the physical structure to address a limitation resulting from a disability
- For ex: Building a ramp, widening a doorway, or other change to make a unit more accessible
- Unreasonable — undue administrative burden or structural concern.

# Requesting a Reasonable Accommodation or Modification

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- If the disability is obvious and the need for the request is obvious, request does not have to be in writing
- Housing provider can request letter from a treating medical professional if disability is NOT obvious
- Request does not have to disclose details of the disability; only needs to state the limitation
- Disability Letter Generator: [www.ctfairhousing.org/raletters/](http://www.ctfairhousing.org/raletters/)

# LGBTQIA+ People and Shelters

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## **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”**

- LGBTQIA+ families can’t be denied access to family shelters

# LGBTQIA+ People and Shelters

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## **Concern – “Other guests might threaten LGBTQIA+ person”**

- Under the law, you cannot treat LGBTQIA+ people differently and must maintain safety same as any other guest
- Safety concerns cannot be used to offer LGBTQIA+ 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.

# LGBTQIA+ People and Shelters

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## 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 LGBTQIA+
- LGBTQIA+ person might not want to shower/use a communal bathroom--not a reason to refuse shelter, an accommodation can be made.

# LGBTQIA+ People and Shelters

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

- Under the law, this is not a reason to refuse shelter
- This is not a reason to have different terms and conditions
- The discomfort of other guests/staff cannot be used as a reason to discriminate

# Contact Us

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- Connecticut Fair Housing Website: [www.ctfairhousing.org](http://www.ctfairhousing.org)  
Intake Line (860) 247-4400 (English/Spanish)  
Toll Free Line (888) 247-4401 (Translators available)
- COVID-19 Resources:  
[www.ctfairhousing.org](http://www.ctfairhousing.org)
- Report online by visiting:  
[www.ctfairhousing.org/report-housing-discrimination](http://www.ctfairhousing.org/report-housing-discrimination)
- Disability Reasonable Accommodation Letter Generator  
[www.ctfairhousing.org/raletters/](http://www.ctfairhousing.org/raletters/)
- Moving Forward Guide  
[www.ctfairhousing.org/movingforward/](http://www.ctfairhousing.org/movingforward/)



# **Discrimination Hotline and Communication System**

If you feel you are not being treated fairly or with respect and dignity, contact GLAD at [www.GLADAnswers.org](http://www.GLADAnswers.org) or 800-455-GLAD.



For legal help with issues including housing, public benefits, and safety from violence, in greater Hartford call Greater Hartford Legal Aid at 860-541-5000. Throughout Connecticut call Statewide Legal Services at 1-800-453-3320 or visit [www.ctlawhelp.org](http://www.ctlawhelp.org). Attorney Giovanna Shay is responsible for this message.

# Next Steps

- **Incorporating this conversation into CT's homeless system**
  - Have ongoing conversation with your agency staff
  - DOH is incorporating suggested language changes pertaining to equal access into shelter contracts
  - DOH will be incorporating equal access conversations and questions into future shelter monitoring

# Resources

Commission on Human Rights and Opportunities [www.ct.gov/chro](http://www.ct.gov/chro)

Connecticut Fair Housing Center [www.ctfairhousing.org](http://www.ctfairhousing.org)

Connecticut Outreach Society [www.ctoutreach.org](http://www.ctoutreach.org)

Connecticut Transadvocacy Coalition [www.transadvocacy.org](http://www.transadvocacy.org)

Gay and Lesbian Advocates and Defenders [www.glad.org](http://www.glad.org)

Hartford Gay and Lesbian Health Collective [www.hglhc.org](http://www.hglhc.org)

Lambda Legal Defense and Education Fund [www.lambdalegal.org](http://www.lambdalegal.org)

LGBT Aging Center [www.lgbtagingcenter.org](http://www.lgbtagingcenter.org)

National Center for Lesbian Rights [www.nclrights.org](http://www.nclrights.org)

National Gay and Lesbian Task Force [www.thetaskforce.org](http://www.thetaskforce.org)

Parents, Friends of Lesbians and Gays Hartford [www.hfdpflag.org](http://www.hfdpflag.org)

Sage USA [www.sageusa.org](http://www.sageusa.org)

Transgender Legal Defense and Education Fund

[www.transgenderlegal.org](http://www.transgenderlegal.org)

True Colors [www.ourtruecolors.org](http://www.ourtruecolors.org)

# Questions?

For any additional questions or training needs:

[training@cceh.org](mailto:training@cceh.org)

