



Equal Access to Shelter

Annual Training Institute
May 2022





Our Commitment to Ensure Equal Access

*Leigh Shields-Church (she, her, hers)
CT Department of Housing*

HUD Equal Access Final Rule

- 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.

History



- Since 2016, the CT Balance of [State Continuum of Care's Client Bill of Rights](#) has identified that people have the right to access shelter based on the gender in which they identify.
- July 2020 - HUD Proposed Modification to the 2016 *Equal Access Rule*. These modifications were ultimately not finalized.

Advances & Next Steps



- **Ongoing Training for all Shelter Staff**
- **Updates to the shelter monitoring tool**
- **Planned updates to contract language to ensure shelters have equal access policies**
[\(Sample Policy Language\)](#)
- **Ensure that shelters have access to affirming signage**
- **Discrimination Hotline & Feedback Loop Created**

Advances & Next Steps

If you feel you are not being treated fairly or with respect and dignity, contact GLAD at 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. Attorney Giovanna Shay is responsible for this message.

Advances & Next Steps



EVERYONE,
of any

**GENDER IDENTITY OR
EXPRESSION,**

has the right to be treated with

RESPECT AND DIGNITY

when accessing

SHELTER SERVICES.

Advances & Next Steps

IF YOU ARE TRANSGENDER AND ACCESSING SHELTER SERVICES, CONNECTICUT LAW PROTECTS YOUR RIGHT TO:

- Access shelter services free of discrimination and harassment.
- Access shelter facilities on equal terms with others. That means transgender women should have access to facilities on equal terms as other women and transgender men should have access to shelter facilities on equal terms as other men.
- Use and be referred to by names and pronouns consistent with who you are.
- Keep your transgender status, sexual orientation, and medical history private. You should also be free to share information about who you are without risk of retaliation, violence, or harassment.
- Request accommodations for your safety and privacy.



Fair Housing Law and Anti-Discrimination Policies

*Rashida Rattray
CT Fair Housing Center*

Federal & State Fair Housing Laws

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.

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

- 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

- **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

- 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/

LGBTQIA+ 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”

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

LGBTQIA+ People and Shelters

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

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

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



Connecticut Fair Housing Website: www.ctfairhousing.org

Intake Line (860) 247-4400 (English/Spanish)

Toll Free Line (888) 247-4401 (Translators available)

COVID-19 Resources:

www.ctfairhousing.org

Report online by visiting:

www.ctfairhousing.org/report-housing-discrimination

Disability Reasonable Accommodation Letter Generator

www.ctfairhousing.org/raletters/

Moving Forward Guide

www.ctfairhousing.org/movingforward/