

# Implementing the Equal Access Rule and LGBTQIA2S+ Policies

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Pronouns: *she/they*

**HOUSING  
INNOVATIONS**





# Learning Objectives

- Understand the terms encompassed within the LGBTQIA+ umbrella
- Understand the requirements of HUD's 2012 and 2016 Equal Access Rules
- Learn about the CoC's LGBTQIA2S+ anti-discrimination policies
- Review a sample agency-level anti-discrimination policy
- Understand how to create safe and inclusive projects through good policy and practice

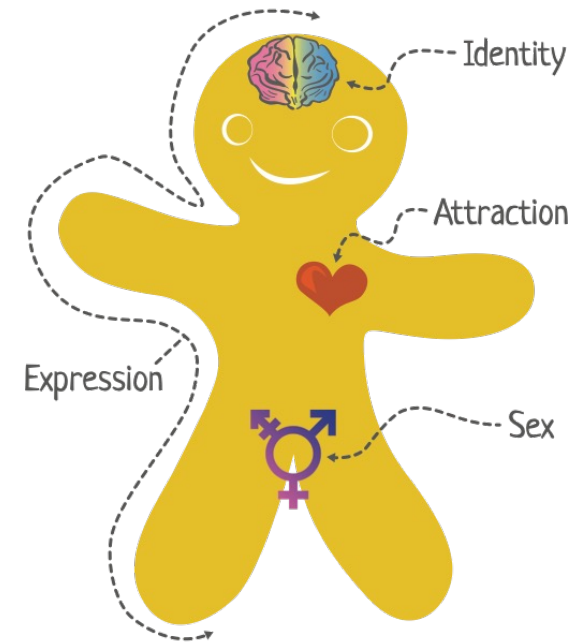


# Using Terms Appropriately & Respectfully

- Gender Identity
- Gender Expression
- Sexual Orientation
- Transgender
- Transitioning
- Non-binary

<https://www.genderbread.org/resource/genderbread-person-v4-0>

The Genderbread Person v4 by its pronounced METROsexual.com



⊘ means a lack of what's on the right side

Gender Identity

⊘ → Woman-ness  
⊘ → Man-ness

Gender Expression

⊘ → Femininity  
⊘ → Masculinity

Anatomical Sex

⊘ → Female-ness  
⊘ → Male-ness

Identity ≠ Expression ≠ Sex  
Gender ≠ Sexual Orientation

Sex Assigned At Birth  
□ Female □ Intersex □ Male

Sexually Attracted to... and/or (a/o)

⊘ → Women a/o Feminine a/o Female People  
⊘ → Men a/o Masculine a/o Male People

Romantically Attracted to...

⊘ → Women a/o Feminine a/o Female People  
⊘ → Men a/o Masculine a/o Male People

# Learning more within the LGBTQIA2S+ Umbrella: Intersex Persons and Two-Spirit Persons



<https://www.youtube.com/watch?v=cAUDKEI4QKI&t=13s>



<https://www.youtube.com/watch?v=4Hj-a5AE-VM&t=82s>



# Why are LGBTQIA+ protections necessary?

**Almost all LGBTQ people going into shelters have a fear of them, because it isn't a matter of if it's dangerous, but just how dangerous it will be.**

*Alex Abramovich & Jama Shelton*

*Abramovich, A., & Shelton, J. (Eds.). (2017). Where Am I Going to Go? Intersectional Approaches to Ending LGBTQ2S Youth Homelessness in Canada & the U.S. Toronto: Canadian Observatory on Homelessness Press.*



# Knowledge Check

How much more likely are LGBTQ+ young people to be victims of a crime (compared to hetero peers?)

- Equally likely
- 3x more likely
- 7x more likely

<https://msw.usc.edu/mswusc-blog/forward-thinking-addressing-threats-to-lgbt-youth-safety-and-security/>



# Realities faced by Adult Trans and Queer Individuals

**8%**

of transgender adults experienced homelessness in the past year

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**3%**

of cisgender and genderqueer sexual minorities did

**17%**

of sexual minority adults have experienced homelessness in their lives

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**6%**

of cisgender straight people have

# Knowledge Check

How much more likely are Lesbian, Gay, and Bisexual women to be incarcerated (compared to hetero peers)?

- Equally likely
- 2x more likely
- 5x more likely
- 10x more likely

<https://williamsinstitute.law.ucla.edu/publications/system-involved-lbq-girls-women/>



# HUD's Equal Access Rules (2012 and 2016)

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Both have been in effect since October 21, 2016

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Equal access is provided in all HUD assisted programs regardless of sexual orientation, marital status or gender identity

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Must place and serve individuals in accordance with self-reported gender identity

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May not ask intrusive questions or require “proof” of gender identity

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Must update policies and procedures to reflect the above

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Must take non-discriminatory steps to address privacy concerns

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# Arlington CoC LGBTQIA+ Policies

Conduct	Professionalism and Staff Conduct
Privacy	Confidentiality and Privacy
Info	Collection of Demographic Information
Ask	Ask name, pronouns, and title—do not assume
Intake	Gender Separated Facilities and Services
Safety	Safety, Harassment, Bullying and Violence
Health	Gender-Affirming Healthcare
Dress	Maintaining gender neutral policies





# Policy: Serving All Families

- When projects serve ANY families with children, they must serve ALL families with children.
- That includes families of any composition type: single dad, single mom, same-sex couples, opposite-sex couples, multi-generational, and non-romantic groups who present for services as a family
- For more information, visit <https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>



# Supporting Informed Decision-Making

## For Coordinated Entry purposes...

- Which programs are LGBTQIA2S+ competent?
- Which programs offer services that are gender-affirming?
- Which programs have private or private-ish accommodations?
- Which programs have adequate staffing for safety and security?
- Which programs still discriminate against certain family compositions?
- Other considerations?



# How to support someone to navigate a system that isn't designed or built for them

- Explain that all available shelter beds are set up in a binary way, serving only women, or only men, as applicable
- Make it clear that you understand that gender is not binary
- Provide information that helps the individual make an informed decision
- Support the individual to decide which placement would be most appropriate for them based on their needs for comfort, safety, and relative privacy



# Agency-Level Anti-Discrimination Policies

- Eligibility for services
- Intake and gender identity
- Confidentiality and privacy
- Name and pronoun usage
- Physical accommodations
- Harassment and discrimination
- Medication
- Pregnancy and Reproductive Health
- Dress code





# Policy: Eligibility for Services

**Gender identity, gender expression, sexual orientation, and marital status shall not be used to deny any services to any individual or household.** Staff, volunteers, and contractors may not ask questions or seek information concerning a person's anatomy or medical history beyond that necessary to determine program eligibility or choose to consider a client or potential client to be ineligible for services because their appearance or behavior does not conform to gender stereotypes.

Transgender and gender non-conforming clients who are approved for services shall be provided with the same range of services available to other similarly situated clients.





# Policy: Intake and Gender Identity

- Clients shall report their own gender, and staff must document self-reported gender in HMIS and rely on the client's reported gender for the purposes of determining gender-appropriate accommodations within [agency]. A person's gender does not depend on whether they have had surgery or other medical treatments or whether they are perceived to "pass" as the gender with which they identify. Transgender people presenting for intake shall not be turned away or referred to another agency or facility because of their transgender status, the length or extent of their gender transition, or because they do not meet the expectations of what a man or woman is supposed to look like.
- Staff may not inquire into the medical or surgical status of a transgender client's transition outside of what is asked of all clients (i.e. medications and physical and mental health needs that can be addressed by our programs or partner referrals). Staff may not require a person's gender identity to match the gender listed on an ID or other documents, for the purposes of determining gender-appropriate accommodations or entering gender into HMIS.



1. Legal Name: \_\_\_\_\_

2. Name You Use: \_\_\_\_\_

**3. What is your current gender identity? (Check or circle ALL that apply)**

Female

Male

Gender that is not singularly 'Female' or 'Male' (e.g., non-binary, genderfluid, agender, culturally specific gender)

Transgender

Questioning

Decline to answer

Do Not Know

**4. What pronouns do you use? (he/him, they/them, she/her, she/they, ze/zim, etc) \_\_\_\_\_**

# Intake and Gender Identity in Practice

What steps should staff take?

- Learn about the HMIS “gender” response categories
- Practice explaining these categories
- Always affirm that “Decline” is an acceptable response
- Always affirm that responses will not affect services provided

# Policy: Name and Pronoun Usage

**Staff shall only refer to clients using the client's given name and pronouns. This includes all verbal or written communications with the client, as well as those communications about or in reference to the client with other staff or clients, and in all reports or other documents relating to the client's case.**





# Name and Pronoun Usage in Practice

What steps should staff take?

- Practice approaching legal and chosen names with clients
- Practice using your own pronouns and asking about others' pronouns
- If feasible, given state laws, learn the process to update names on vital documents
- Make clients aware that you will assist with changing legal names on IDs or birth certificates

1. Legal Name: \_\_\_\_\_

2. Name You Use: \_\_\_\_\_

3. What is your current gender identity? (Check or circle ALL that apply)

Female

Male

Gender that is not singularly 'Female' or 'Male' (e.g., non-binary, genderfluid, agender, culturally specific gender)

Transgender

Questioning

Decline to answer

Do Not Know

4. What pronouns do you use? (he/him, they/them, she/her, she/they, ze/zim, etc) \_\_\_\_\_

# IDs and Birth Certificates as Service Barriers

**47%**

of trans people in states with fewest policy barriers have corrected their driver's licenses

**26%**

of those in states with the most policy barriers have corrected theirs

**476K**

transgender adults have no ID with the correct gender marker

**16%**

of trans people in states with fewest policy barriers have corrected their birth certificates

**8%**

of those in states with the most policy barriers have corrected theirs.

# Vital Records: An Opportunity to Support Trans Clients

## What is the procedure to update a Virginia birth certificate after a person has undergone gender transition?

The State Registrar must receive:

- A request from the individual or their parent (if the individual is under the age of 18)
- A copy of valid ID from the requestor
- A properly executed Changing Sex Designation (VS42) form
- A certified copy of a court order changing the person's name if applicable. Please note a copy of the name change petition/application is needed if the court order does not show the individual's name at birth, date of birth and place of birth.
- \$10 administrative fee to establish the new birth certificate
- \$12 for each certified birth certificate requested

The Changing Sex Designation (VS42) form must be completed by the health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition.

- [Click here for the Changing Sex Designation form](#) 
- [Click here for the Application for Certification of a Birth Record](#)



"Transgender flag" by [national museum of american history](#) is licensed under [CC BY-NC 2.0](#)

<https://www.vdh.virginia.gov/vital-records/what-is-the-procedure-to-update-a-virginia-birth-certificate-after-a-person-has-undergone-gender-transition/>



# Vital Records: An Opportunity to Support Trans Clients

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- Other Resources:
- [https://equalityvirginia.org/wp-content/uploads/2020/12/VA-Name-and-Gender-Change-Guide\\_June-2016.pdf](https://equalityvirginia.org/wp-content/uploads/2020/12/VA-Name-and-Gender-Change-Guide_June-2016.pdf)
- [https://www.dmv.virginia.gov/general/#records/update\\_add.asp](https://www.dmv.virginia.gov/general/#records/update_add.asp)
- Petition for Proceeding in Civil Case without Payment of Fees or Costs:
- <https://www.vacourts.gov/forms/circuit/cc1414.pdf>
- Form for Changing Sex Designation:  
[https://www.vdh.virginia.gov/content/uploads/sites/93/2020/07/VS42\\_Gender-Designation-Form.pdf](https://www.vdh.virginia.gov/content/uploads/sites/93/2020/07/VS42_Gender-Designation-Form.pdf)
- <https://www.vdh.virginia.gov/vital-records/applications-for-a-vital-record/>

## Sex Designation Change

You can update your sex designation any time you apply for a driver's license, learner's permit, identification card or driver privilege card. Sex designation indicators are displayed on your DMV credential as male (M), female (F), or non-binary (X). Certification from a healthcare provider is not required.

You may also be eligible to update your sex designation online. To update your name and signature, you must visit a DMV customer service center and present acceptable proof of your name change.

# How can staff be more responsive?

- Use last names if calling a new or potential client in a waiting room or at a front desk
- Don't make clients feel like their presence is a problem to be dealt with
- If you make a mistake, simply apologize and move on. Don't dwell on the moment – it will only make someone feel more uncomfortable.
- Practice with your colleagues!



<https://www.youtube.com/watch?v=NEHxImFBRrA>



# Policy: Confidentiality & Privacy

All clients have the right to privacy. Staff must not share a client's transgender status, non-binary status, intersex status, or medical history without the client's direct permission. This applies to both private and professional settings, including conversations with other staff members. If necessary, staff may share a client's preferred name and gender pronouns to ensure that staff and clients respectfully address the client.





# Confidentiality and Privacy in Practice

- Maintain Data Confidentiality and be transparent about who will see the information
- Have a conversation with the client about why sharing their information can improve their experience
- Affirm that responses will not affect services provided
- Affirm that the agency is committed to providing a safe and respectful space
- Do not ask transgender people about their medical history





# Policy: Physical Accommodations

Gender-appropriate bathroom and bedroom facilities, as well as changing areas, will be made available to transgender and gender non-conforming clients in accordance with their gender identity.





# Physical Accommodations in Practice: Creating Safe Spaces



## When trying to access services, people will ask:

- *Is this a place where I can be myself, or will I have to hide who I am?*
- *Is this a place where I will experience violence from people around me—employees, volunteers, or other residents?*
- *Will the people who work here understand what I need?*
- *Am I safe enough here to stay off the streets tonight?*

**Make sure you have visible materials that communicate “all are welcome here”**





# Policy: Reasonable Accommodations

**Reasonable accommodations may be made for any individual, transgender or non-transgender, who has expressed privacy needs. Reasonable accommodations are made according to each individual's needs and the ability of the agency to provide such accommodations.**

**Under no circumstances will a transgender or gender non-conforming client be required to use alternative facilities—including as an “accommodation” for another person's discomfort. Unfortunately, shelter clients sometimes express discomfort regarding a transgender person sleeping in or using a bathroom facility that is consistent with the transgender person's gender identity. Another client's discomfort is not a reason to deny access to or equal treatment for the transgender person. Staff shall work with the clients expressing discomfort to foster understanding of gender identity for the purpose of creating an environment that respects and values all clients.**



# Reasonable Accommodations in Practice: Consider the Possibilities

- Doors on bathroom stalls that can be latched or locked
- Separate single-use toilets and/or showers
- Curtains or other devices in bathrooms or showers that provide the client with privacy
- Alternate times to use the bathrooms or showers, if requested
- Monitoring of showers or bathrooms to control entrance and exiting
- Alternate housing arrangements, such as a hotel or motel voucher
- Set-aside sleeping, such as rooms or beds that are separate from others, if requested
- Segregated sleeping where one wing is set aside
- Private bedroom (may not be reserved solely for transgender individuals)
- Availability of beds close to night staff





# Policy: Harassment and Discrimination

**This agency does not tolerate verbal, physical, or any other kind of harassment. Discriminatory and prejudice-motivated comments or other behavior that creates a hostile environment will not be tolerated from staff, volunteers, contractors, or other clients.**

**If a transgender client experiences harassment, the incident of harassment shall be reported to a staff member as soon as possible, and staff shall take immediate action to ensure the safety of the transgender client. If harassment is committed by staff member(s), the incident of harassment shall be reported to the appropriate supervisor(s) as soon as possible and the supervisor(s) shall take immediate action to ensure the safety of the transgender client. All incidents of harassment must be documented in writing.**

**Any staff, contractor, or volunteer refusal to work with a client due to the client's characteristics or demographics, e.g. sex, transgender status, gender identity, gender expression, sexual orientation, marital status or civil union status shall result in disciplinary action.**

# Combatting Harassment and Discrimination in Practice

- Regularly educate and promote respect for LGBTQIA2S+ individuals
- Take threats of violence seriously
- Use conflict as an opportunity to educate and work with the harassing client
- Don't ignore bullying or microaggressions
- Don't wait until the moment of conflict to address harassment and discrimination. Make it part of the agency norms now.
- Consider a participant agreement that sets the tone for treatment of others inside your facility.

## **SAMPLE DOCUMENT:**

### **Communicating Anti-Discrimination Policy to Clients**

(Project Name) welcomes individuals who are heterosexual, bisexual, gay, lesbian, transgender queer and/or gender non-conforming of different races, classes, religions, ages and backgrounds. I will be respectful of the other program participants and staff. I understand that any oppressive or abusive language or actions are not acceptable. If I have any questions about this policy, I can ask a staff member to explain it to me.

If a program participant or staff member is acting in an abusive or oppressive way towards me, I know that I can report this behavior to a staff member. If I feel that the issue has not been addressed, I can then report it to the project coordinator, \_\_\_\_\_. If the issue has still not been appropriately addressed, I can bring the issue to the executive director, \_\_\_\_\_.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



# Policy: Medication

**All medications must be labeled with a client's legal name as it is recorded in HMIS. However, clients can label medications with their chosen name and use that name when requesting access to their medication. Facilities must provide a way for clients to label their medication (e.g., a sticker). Medication must be accessible at all times. Some transgender, non-binary, and intersex clients may use hormone medications such as estrogen, progestin or testosterone. Clients have the right to keep their oral medication on them. Staff must allow clients to keep their oral hormone medication with them if requested. Clients must store medical syringes in the administrative office of the facility and must be given access to a private and sanitary space to administer the medication. In those instances, shelters must have sharp disposal containers at the site. If a client's medication requires refrigeration, staff must store it in the office in a designated refrigerator for medications.**





# Policy: Pregnancy and Reproductive Health

**Staff, volunteers and contractors shall refrain from making assumptions about patients' contraceptive plans, sexual orientation and gender identity and expression. Staff must offer all clients access to the same reproductive health information and services regardless of client appearance or gender and must not make assumptions about a client's reproductive status or functions based on the client's appearance, behavior or any other trait. Information on reproductive status must come only from the client.**



# Responding to Transgender Healthcare Needs in Practice

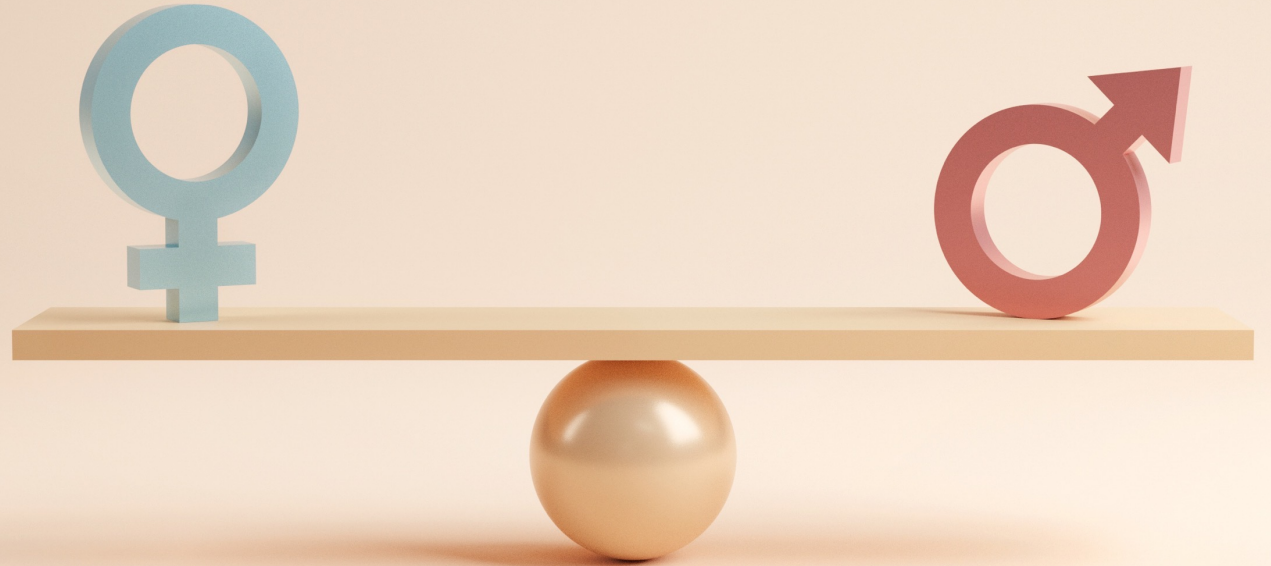
- Educate yourself and colleagues about:
  - LGBTQIA2S+ competent medical care available in your area, or, if none exists, available telehealth services
  - LGBTQIA2S+ competent mental health services
  - LGBTQIA2S+ support groups, affinity groups, and other opportunities for community connection





# Policy & Practice: Dress Codes

**No additional dress code restrictions shall be placed on transgender clients outside of what is asked of all clients. If a dress code is deemed necessary by the agency, it should be gender neutral. If there are gendered dress codes, transgender clients should comply with the dress code associated with their gender identity; gender nonconforming clients are allowed to choose the dress code with which they feel most comfortable.**





# Where do you believe your program(s) have the most room for improvement?

- More responsive policies
- More responsive employee standards/guidelines
- Increased staff comfort with serving queer and trans folks
- Making our physical spaces more inviting and responsive
- Increased volunteer and contractor comfort with queer and trans folks

## Read more about terminology:

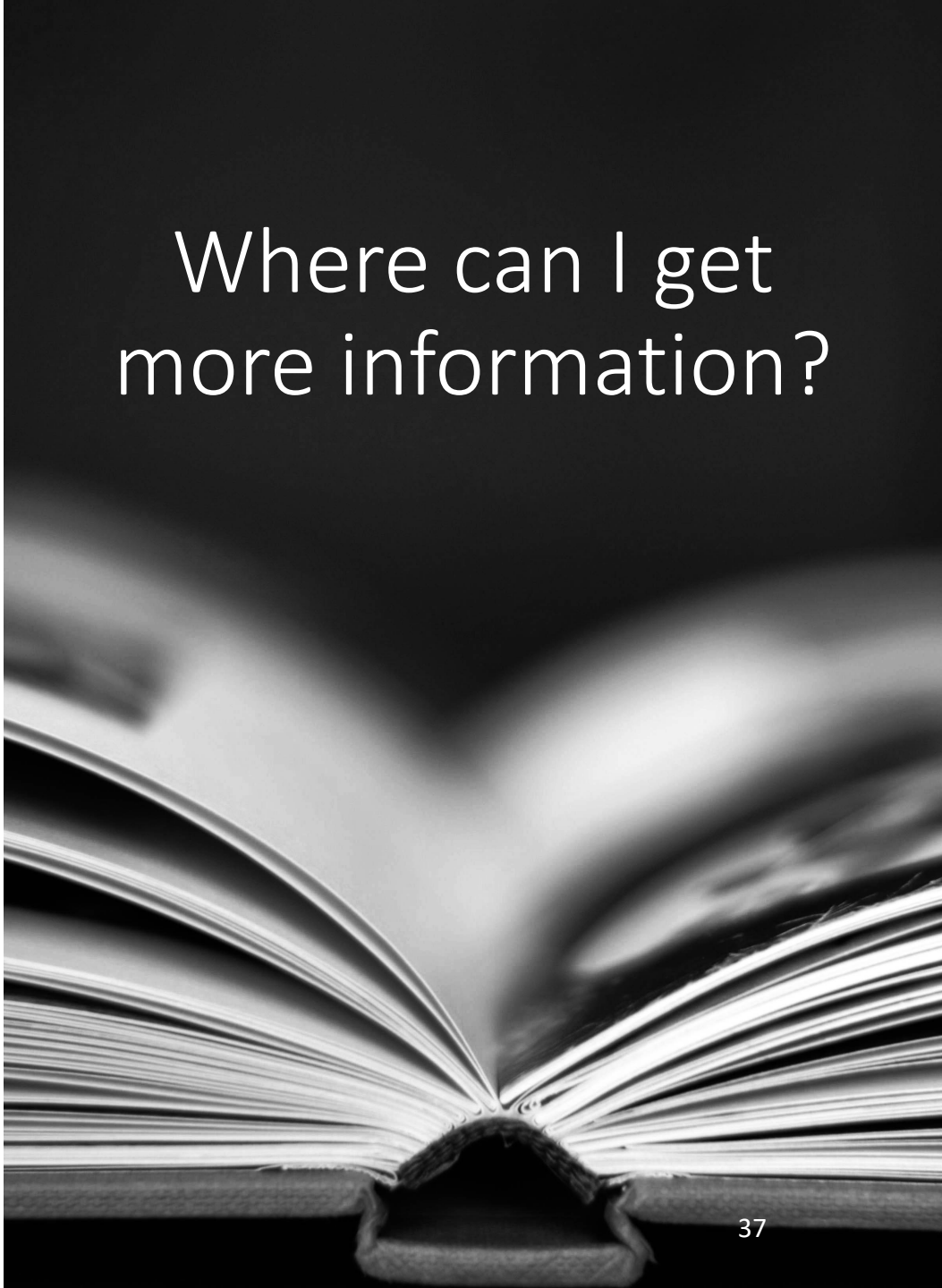
- <https://transequality.org/issues/resources/understanding-transgender-people-the-basics>
- <https://www.apa.org/pi/lgbt/programs/safe-supportive/lgbt/key-terms.pdf>
- Deadnaming:  
<https://www.healthline.com/health/transgender/deadnaming#if-you're-the-one-being-deadnamed/>
- Non-binary: <https://www.psycom.net/nonbinary>

## Find trainings and other practical materials:

- <https://truecolorsunited.org/out-work/training-education/network/>
- <https://hudexchange.info/resource/4951/equal-access-staff-training-scenarios/>
- <https://www.hudexchange.info/resource/4959/equal-access-for-transgender-people-supporting-inclusive-housing-and-shelters/>
- <https://www.tnlr.org/en/training-education/>

## Read about trans allyship:

- <https://www.glad.org/transgender/allies>



Where can I get more information?





# How do I maximize the support I can provide to clients?

- Reach out to Virginia LGBTQ advocacy orgs (this link displays orgs by geography):  
<https://equalityvirginia.org/resources/community-organizations/>
- Find out more about Virginia Human Rights Act:  
<https://law.lis.virginia.gov/vacodepopularnames/virginia-human-rights-act/>
- Get familiar with Virginia state laws on name changes, and gender marker changes to drivers' licenses and birth certificates:  
<https://www.vdh.virginia.gov/vital-records/applications-for-a-vital-record/>
- Find LGBTQIA+ affirming services in your area and help clients connect with them!

# Where Can I File a Complaint?

- File complaints at the **federal** level:  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)
- Or Call 1-800-669-9777
  
- File complaints at the **state** level:  
<https://www.dpor.virginia.gov/FairHousing>
- Or Call 1-888-551-3247





Thank you for participating today!

