

Equal Access to Housing Final Rule & Equal Access in Accordance with Gender Identity Final Rule [companion rules]

The CoC provides information and training about the Equal Access to Housing Final Rule and its companion rule, Equal Access in Accordance with Gender Identity Final Rule. There have been no changes to the rule since last year. A link to the final rule page is here:

https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/?utm_source=HUD+Exchange+Mailing+List&utm_campaign=18c470269a-HUD+Publishes+Final+Rule%3A+Equal+Access+-+9%2F20%2F16&utm_medium=email&utm_term=0_f32b935a5f-18c470269a-19322645

There you can find the final rules for both, as well as a brief summary piece entitled: "A message from Harriet Tregoning on the Equal Access in Accordance with Gender Identity Final Rule." **Attached is a notice that must be posted publicly at any program sites.** The notice informs participants of their rights under the rule to receive services in accordance with their gender identity. **Please share this information with all relevant staff to ensure they are aware of their responsibilities and post the notice.**

Overview:Equal Access & Equal Access in Accordance w/ Gender Identity Final Rules:

- All CPD programs fall under this requirement, which includes CoC, ESG, CDBG, HOPWA, HOME, and Housing Trust Fund.
- Gender identity is defined as the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents.
- Sexual orientation is defined as one's emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality, heterosexuality, or bisexuality).
- Admissions, occupancy, and operating procedures must be administered in a non-discriminatory way.
- Access to services, facilities, benefits, and accommodations is provided in accordance with the person's gender identity, and the person is not subjected to intrusive questioning or any documentation verifying gender. However, the rule does permit inquiries related to sexual

orientation and gender identity for the purposes of providing nondiscriminatory services.

- Placement into facilities with sleeping accommodations and shared bathrooms are made in accordance with the person's gender identity, and the program operator must take nondiscriminatory steps to address privacy concerns raised by participants.