
IMPLEMENTING HUD'S EQUAL ACCESS AND GENDER IDENTITY RULES

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Equal Access Rule in effect since March 5, 2012. Establishes the following:

- Ensures that all HUD programs are open to eligible persons regardless of sexual orientation, gender identity or marital status
- Clarifies the term "family" and "family unit", as used in the HUD programs

Gender Identity Rule in effect since October 21, 2016. Establishes the following:

- Individuals are placed in accordance with gender identity
- No requirements for individuals to “prove” gender identity
- Providers must update policies and procedures to reflect requirements

IS MY PROJECT REQUIRED TO COMPLY WITH THE EQUAL ACCESS AND GENDER IDENTITY RULES?

All HUD programs, from sheltering to mortgage programs must comply with the Equal Access Rule. This includes all Community Planning and Development Programs:

- CDBG
- HOME
- CoC
- ESG
- HOPWA
- Housing Trust Fund
- Rural Housing

WHY DO WE NEED THESE RULES?

- Among homeless LGBT youth (up to age 24), the average age of being homeless the first time is 15 years old.
- Nearly two thirds of homeless shelters in a recent study failed to enroll a person properly once they identified as transgender.
- Nearly a quarter of homeless transgender residents report being assaulted by other residents or staff at homeless shelters.



LGBT PROTECTIONS UNDER THE FAIR HOUSING ACT

The Fair Housing Act applies to ALL dwellings, regardless of the source of funding, in the following ways:

- Discrimination because of gender identity is covered as *sex discrimination*.
- Discrimination because of sexual orientation that derives from, in any part, perceptions about non-conformance with gender norms or stereotypes, or is otherwise even partially based on sex, is also covered as *sex discrimination*.

EXAMPLES OF LGBT DISCRIMINATION COVERED BY THE FAIR HOUSING ACT

- A real estate agent will not show a lesbian couple a one-bedroom apartment because she's uncomfortable with the thought of two women sharing a single bedroom
- A landlord refuses to rent to a transgender man because of his perceived gender identity
- A bank agent will not issue a mortgage loan to a bisexual woman because she dresses in a stereotypically masculine manner
- A property owner does nothing to address harassment of a male tenant who is being harassed because his mannerisms are perceived as "feminine"
- An SRO project charges overnight fees for men who have boyfriends stay over multiple nights but does not charge men who have girlfriends stay over for the same duration

WHAT DISCRIMINATION LOOKS LIKE

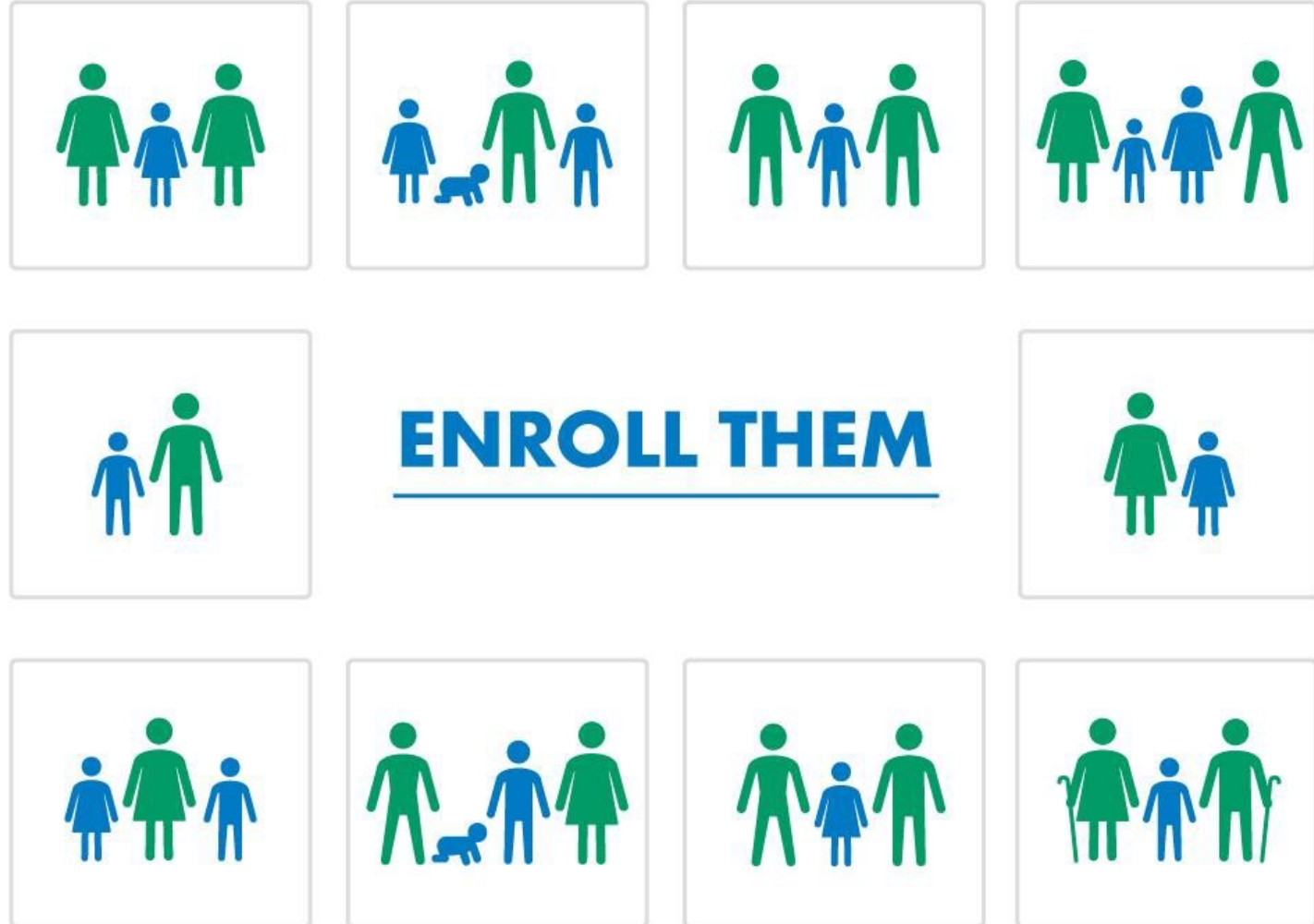
- A shelter employee hanging up immediately after caller reveals she is transgender.
- A shelter employee making references to genitalia or to surgery as requirements for appropriate housing.
- A shelter employee refusing to enroll a participant “because they would make other participants uncomfortable or feel unsafe.”

WHAT DISCRIMINATION LOOKS LIKE

- Management of housing projects or facilities failing to address complaints from LGBT individuals regarding harassment by other residents.
- Project staff revealing an individual's status as transgender and requiring special procedures for households with a transgender person.
- Project staff excluding individuals based on family composition.

CLARIFYING HUD REGULATIONS ON SERVING FAMILIES WITH CHILDREN

- CoC Program funded projects may limit housing and services to families with minor children (24 CFR 578.93(b)(3))
- They may NOT limit housing and services to certain types of family compositions, e.g. women with children, or married couples with children.



HOW TO TAKE IMMEDIATE NEXT STEPS

Frontline staff:

- Do we have an anti-discrimination policy?
- Is it posted publicly? No? Get a notice of rights at:
<https://www.hudexchange.info/resources/documents/Notice-on-Equal-Access-Rights.pdf>

Managers and Directors:

- Do we regularly train staff and volunteers on the anti discrimination policy and how to implement?

CoC Boards and other planning bodies:

- Do our projects have anti-discrimination policies?
- Do we support projects to train staff on the policy and how to implement?