

MAKING EQUITY WORK

Using and Preserving the Equal Access Rule

Ziggy Keyes *

WHAT IS THE EQUAL ACCESS RULE?

In 2016, the U.S. Department of Housing and Urban Development 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”](#) (commonly known as the “Equal Access Rule”), which provided guidance to further ensure equal access to individuals in accordance with their gender identity in programs and shelter funded under Office of Community Planning and Development (CPD)-administered programs



WHAT DOES IT DO?

. It requires recipients of funding from HUD's CPD funding, as well as owners, operators, and managers of shelters, and other facilities and providers of services funded by any CPD program to;

- to grant equal access to such facilities and services in accordance with an individual's gender identity, and in a manner that affords equal access to the individual's family.

This action reaffirms HUD's mission and commitment to creating inclusive communities and quality housing for all. Excluding any eligible person from HUD's Office of Community Planning and Development funded emergency shelters, temporary housing, buildings, housing, or programs because of a person's gender identity is counter to HUD's mission."



What's it

There are a lot of things that go into this
but the highlights are

made of?



EQUAL ACCESS TO CPD PROGRAMS, SHELTERS, OTHER BUILDINGS AND FACILITIES, BENEFITS, SERVICES, AND ACCOMMODATIONS IS PROVIDED TO AN INDIVIDUAL IN ACCORDANCE WITH THE INDIVIDUAL'S GENDER IDENTITY, AND IN A MANNER THAT AFFORDS EQUAL ACCESS TO THE INDIVIDUAL'S FAMILY;



AN INDIVIDUAL IS PLACED, SERVED, AND ACCOMMODATED IN ACCORDANCE WITH THE GENDER IDENTITY OF THE INDIVIDUAL;



AN INDIVIDUAL IS NOT SUBJECTED TO INTRUSIVE QUESTIONING OR ASKED TO PROVIDE ANATOMICAL INFORMATION OR DOCUMENTARY, PHYSICAL, OR MEDICAL EVIDENCE OF THE INDIVIDUAL'S GENDER IDENTITY; AND



ELIGIBILITY DETERMINATIONS ARE MADE AND ASSISTED HOUSING IS MADE **AVAILABLE** IN CPD PROGRAMS AS REQUIRED BY ACCORDANCE WITH THE ELIGIBILITY REQUIREMENTS PROVIDED FOR SUCH PROGRAM BY HUD, AND SUCH HOUSING SHALL BE MADE AVAILABLE WITHOUT REGARD TO ACTUAL OR PERCEIVED SEXUAL ORIENTATION, GENDER IDENTITY, OR MARITAL STATUS.

What Does this mean to me?

a

I OPERATE A COC FUNDED DOMESTIC VIOLENCE SHELTER THAT ONLY SERVES WOMEN AND CHILDREN. DOES THE HUD EQUAL ACCESS RULE APPLY TO ME? YES

b

OPERATE A COC FUNDED HOMELESS SHELTER THAT ONLY SERVES WOMEN AND CHILDREN. DOES THE HUD EQUAL ACCESS RULE APPLY TO ME? YES

c

I OPERATE AN SRO FOR HOMELESS MEN. DOES THE HUD EQUAL ACCESS RULE APPLY TO ME? YES

d

I OPERATE A HOUSING CHOICE VOUCHER PROJECT. DOES THE HUD EQUAL ACCESS RULE APPLY TO ME? YES

e

I OPERATE AN EMERGENCY SHELTER FOR MEN FUNDED BY ESG. DOES THE HUD EQUAL ACCESS RULE APPLY TO ME? YES

* CURRENT (ISH) EVENTS

DURING THE LAST SEVERAL YEARS, LAWMAKERS ACROSS THE UNITED STATES HAVE RAMPED UP EFFORTS TO RESTRICT THE RIGHTS OF LGBTQ+ INDIVIDUALS AND FAMILIES.

THESE ATTEMPTS HAVE RANGED FROM RESTRICTING ACCESS TO RESTROOMS FOR TRANSGENDER PEOPLE, TO PERMITTING DISCRIMINATION AGAINST LGBTQ+ PEOPLE BY CHILD WELFARE AGENCIES, TO BANNING WHAT KINDS OF CHARACTERS CAN BE REPRESENTED IN BOOKS SHARED IN ELEMENTARY CLASSROOMS

IN 2023, WE ENTERED A NEW PHASE OF LEGISLATIVE ATTACKS, WITH BILLS PASSING IN MANY STATES DESIGNED TO ERASE ENTIRE COMMUNITIES OF PEOPLE UNDER THE LAW. THESE NEW LAWS CREATE DANGEROUS SITUATIONS AND KEEP PEOPLE FROM BEING ABLE TO PARTICIPATE IN PUBLIC LIFE





Banning conversion therapy and anti discrimination are two of the good laws passed. However, there are more problematic ones such as:

BAN ON GENDER AFFIRMING HEALTHCARE

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BAN ON TRANS INDIVIDUALS USING RESTROOMS BASED ON GENDER ALIGNMENT

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LGBTQ ERASURE LAW

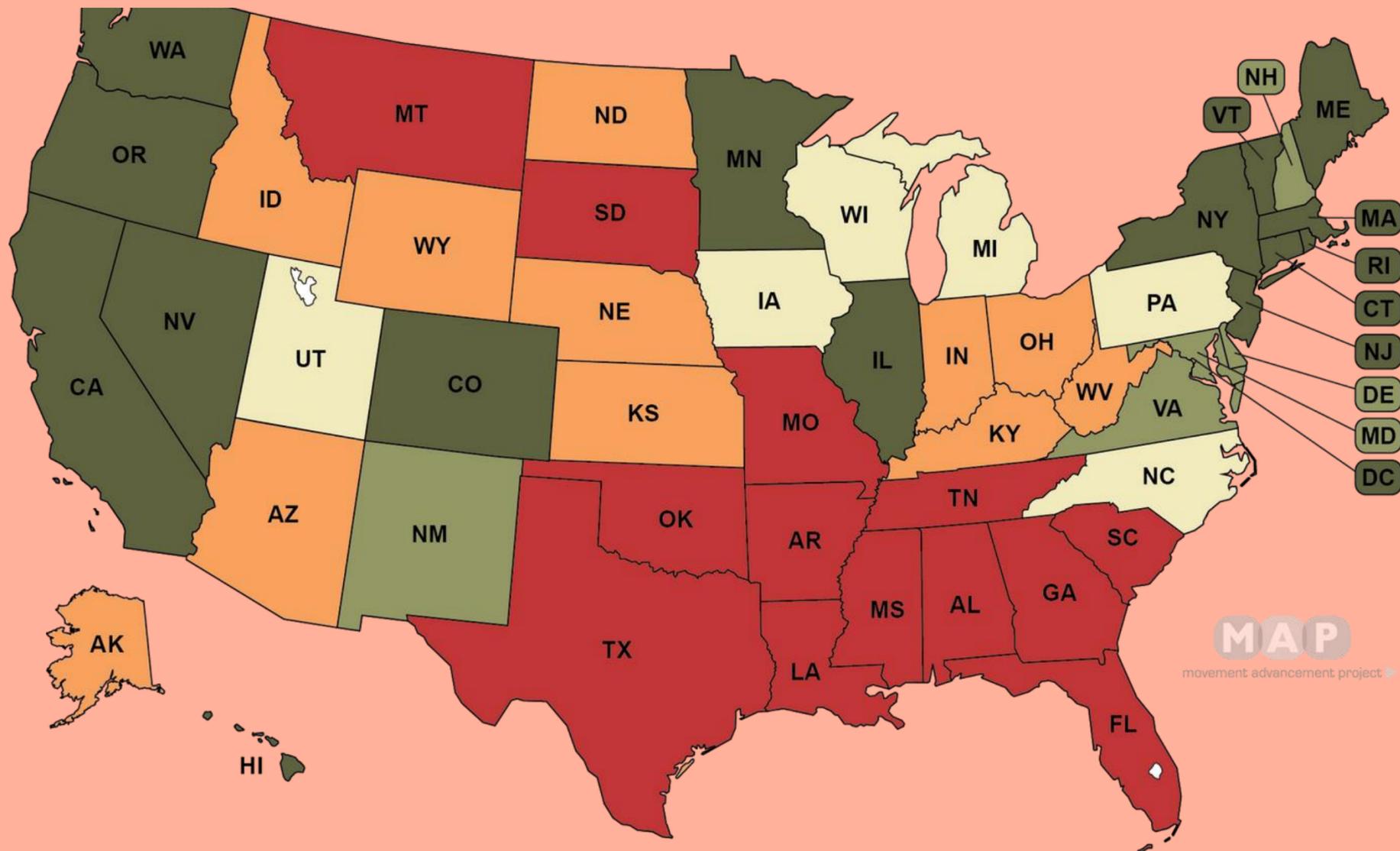
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"DON'T SAY LGBTQ+" LAW

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PRONOUNS REFUSAL AND FORCED OUTING OF STUDENTS LAWS

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**From Dark Green to Red:
High Overall Policy Tally (15 states
+ D.C.)**

**Medium Overall Policy Tally (5
states)**

**Fair Overall Policy Tally (5 states, 2
territories)**

**Low Overall Policy Tally (12 states,
3 territories)**

**Negative Overall Policy Tally (13
states)**

U.S. Territories



source: <https://www.lgbtmap.org/equality-maps>

SOME STATISTICS



- Among homeless LGBT youth (up to age 24), the average age of being homeless for the first time is 15 years old.
- In a recent study, nearly two thirds of homeless shelters 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.

Of those experiencing homelessness due to their transgender status

- almost 85% did not seek shelter at a homeless shelter
- .25.7% did not seek shelter for fear of mistreatment as a transgender person

Of those who did;

- 41.4% denied access to shelter(s).
- 30% reported being denied shelter due to being transgender/gender expression.
- 56% reported that finding shelter would be difficult/impossible due to gender ID.
- 66% experienced some form of mistreatment at a shelter.



WHAT DOES DISCRIMINATION LOOK 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 or nonbinary person.**
- **Requiring ID or birth certificate with matching gender marker**
- **A coordinated entry call center that hangs up when a caller identifies as transgender.**
- **A shelter worker inquiring about an individual's anatomy prior to enrolling them**
- **A project staff person refusing to enroll an eligible individual because "you will make the other residents uncomfortable."**

* EXAMPLE



When placing a nonbinary or gender nonconforming Individual, what does this mean in terms of planning?

Overall, this means working with that Individual to walk through what the potential options are. While being a Individual means that they as a person do not personally identify as male or female this may require things Like:

* **Noting their pronouns on files and upon introduction. (As a reminder for staff)**

Allowing them to choose for example, which wing they feel most comfortable sleeping in (and giving them the option to request to change that arrangement if they become uncomfortable)

WHAT DO WE DO?

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-AccessRights.pdf>

Managers and Directors:

- Do we have an anti-discrimination policy?
- Do we regularly train staff and volunteers on the policy and how to implement? (Hint: use the staff training scenarios to get started!)



What does it mean to have equal access for youth based on the gender they identify?
Do you have support? What could make things better?

when it works it's good but when it doesn't it's HARD. calling the helpline for shelter once I say I'm Trans they keep bouncing me back and forth instead of someone placing me

like. I got in when I didn't say I was trans, just male but if it's gonna make me not able to go, why ask me? you know?

so. where I live if your a lgbtq youth they have a few places specifically for you to go and they have one for just Trans kids. it's cool when they have space and like I got a space but if not it just

it doesn't feel as safe other places for me and it was scary to be there. if I have to be scared anyway I'll just stay in my car instead

I have a youth nav. that is nonbinary and trans thier new but I feel like they get it and that makes me feel better than other places where they don't get how it is to just, get into stuff

we have like a sign up sheet for showers at the drop in r everyone so it's not weird's like all my room mates are also nonbinary and trans. which. it feels safer for like changing.

it's hard to find places that will take you sometimes because I think they are nervous about it but I just want somewhere safe to be inside. where I was before there were no LGBT spaces for

youth. not everyone has that but also. I'm Trans and I pass so if I say I'm male and I'm safe that should be enough and where I am now, it's

enough but the other place I was it wasnt



THANK
YOU!

Any questions?