

Anti-Discrimination Policy:

- **Fair Housing and Equal Opportunity:
Affirmative Marketing and Outreach**
- **Ensuring LGBT Equal Access**

Approved by the Membership Council on: September 9, 2019

A. Regulatory Citations

- [24 § 578.93 \(c\)](#)
- [24 § 578.103 \(a\) \(14\)](#)
- [24 § 576.407 \(b\)](#)
- [24 § 576.500 \(S\) \(1\)](#)
- [24 CFR 5.105 \(a\)\(2\)](#)
- [CPD Notice-1701](#)
- [Executive Order 13166](#)
- [24 CFR 5.106](#)

B. Background

The Continuum of Care (CoC) Program interim rule at 24 CFR 578.93(c) requires recipients of CoC Program funds to affirmatively further fair housing and market their housing and supportive services to eligible persons regardless of race, national origin, color, religion, sex, age, familial status, or disability who are least likely to apply in the absence of special outreach, and maintain records of those marketing activities according to 24 § 578.103 (a) (14). Housing assisted by HUD and made available through the CoC must also be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status in accordance with 24 CFR 5.105 (a)(2). Affirmative outreach requirements for the Emergency Solutions Grant (ESG) program are located at 24 CFR § 576.407(b) and its record keeping requirements at 24 § 576.500 (S)(1).

In 2016, HUD published the Final Equal Access Rule, 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.

This Anti-Discrimination Policy provides an overview of the requirements of providers for implementing the HUD requirements for Fair Housing and Equal Opportunity Regulations and the Final Equal Access Rule.

Agencies that have programs and services funded by the CoC and ESG must ensure that all their projects, including subrecipients and contractors, regardless of funding source, follow this Anti-Discrimination Policy.

C. Definitions

Affirmatively Furthering Fair Housing

“means taking meaningful actions, in addition to combating discrimination, that overcome

patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development."

Assigned/Designated Sex at Birth: Frequently a binary designation of "male" or "female," based on the person's internal or external anatomy at birth, assigned at birth, typically by a medical professional (e.g. sex listed on birth certificate). It may or may not correspond to one's gender identity.

Cis-Gender: refers to a non-transgender person. The prefix "cis" means "matches," So, cis-gender means that one's sex assigned at birth "matches" one's gender identity.

Gender Expression: external expression of gender identity (note that many times people do not feel they can safely express their gender identity). It is exhibited through: behavior, clothing, hairstyle, body language, and voice, does not always correspond to a person's gender identity and may change over time or even day-to-day.

Gender Identity: 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.

Gender-Neutral: language used to describe "all gender" or unisex spaces, (i.e. gender-neutral or all gender bathrooms), language about relationships (spouse or partner, instead of wife/husband or boyfriend/ girlfriend), etc.

Gender Non-Conforming refers to someone who does not conform to traditional gender roles or stereotypes. Traditional roles and stereotypes vary based on different cultural and societal ideals. Individuals may be perceived as having a different gender than their outward appearances (behavior, clothing, hairstyle, body language, voice).

Meaningful Actions

"means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity."

Transitioning (Gender Transition): Process that some (but not all) transgender people go through to begin living as the gender with which they identify, rather than the sex assigned to them at birth. Transitioning does not require medical treatment.

Transgender: Umbrella term for people whose gender identity is different from their assigned sex. Occasionally, an individual may determine they no longer identify as transgender after they transition.

Trans Woman: Someone who lives or identifies as a woman, even though they were assigned male at birth may or may not have undergone medical treatments. Sometimes referred to as “Male-to-Female” or “MTF,” but these terms may not be preferred as they can over-emphasize that the person was born male rather than her current identity.

Trans Man: Someone who lives or identifies as a man, but was assigned female at birth. May or may not have undergone medical treatments. Sometimes referred to as “Female-to-Male” or “FTM,” but these terms may not be preferred as they can over-emphasize that the person was born female rather than his current identity.

Sexual orientation means one’s emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality, heterosexuality, or bisexuality).
Distinct from one’s gender expression or identity.

D. Communicating and Training on Policy:

All agencies that receive CoC and/or ESG funds must participate annually in trainings that cover both the (1) Fair Housing Act **AND** (2) the Equal Access Final Rule. Agencies may participate in a training provided by ECHO or an alternant provider. One training maybe able to cover both topics.

Agencies must make the Equal Access Rule policies and procedures publicly available on the agencies’ website and through other commonly used public notification processes. Agencies must ensure staff, volunteers and contractors are provided a copy of the Agency’s policies and practices regarding Equal Access requirements and are regularly trained to comply with all anti-discrimination policies and procedures.

E. Affirmative Outreach and Marketing strategies

CoC and ESG funded programs must develop in writing, implement and document procedures used to market services to eligible persons regardless of race, color, national origin, religion, sex, gender identity, sexual orientation, age, familial status, or disability who are least likely to apply in the absence of special outreach. Specific strategies or procedures may include but are not limited:

- **Partnerships** - creating partnerships or referral relationships with diverse community-based agencies or non-profits to ensure all persons including persons regardless of race, color, national origin, religion, sex, gender identity, sexual orientation, age, familial status, or disability status or limited English proficiency receive information about the offered services.
- **Access to persons with limited English proficiency.** To ensure meaningful access to persons with limited English proficiency programs should 1) translate documents advertising assistance, services, and contact information into other languages common in our community, including notices about participant’s rights, grievance forms and other documents vital for program access and, 2) work with language services or pool of interpreters to assist persons who speak an alternate primary language other than English and need assistance communicating.

- **Inclusive Outreach** - ensuring that current methods of outreach, including street outreach are conducted on a regularly basis, and reach all potentially eligible households in our entire county geography, especially those least likely to apply for assistance and ensure efforts do not intentionally or unintentionally exclude protected groups & classes.
- **Using Data and Self-Assessment** – programs should 1) perform a self-assessment or survey a program’s target population to determine its awareness of the program’s services and assistance, 2) consistently evaluate a program’s service data to ensure the program knows whether certain groups are under-represented, and 3) if data analysis reveals that certain groups are under-represented, determine the reasons causing the under-representation and take actions to address them.
- **Accessible documents** - making documents accessible by online tools used by persons with visual and hearing impairments, such as screen readers.
- **Client’s Rights:** programs should provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.
- **Documentation:** all programs must 1) maintain records of actions taken to affirmatively market the program including copies of all marketing & outreach materials and written strategies and 2) maintain records to assess the results of those actions.

Equal Access in accordance with the individual ‘s gender identity in community planning and development programs

- a) Equal access in accordance with gender identity. The admissions, occupancy, and operating policies and procedures of recipients, subrecipients, owners, operators, managers, and providers identified in paragraph (a) of this section, including policies and procedures to protect privacy, health, safety, and security, shall be established or amended, as necessary, and administered in a nondiscriminatory manner to ensure that:
 - 1) Equal access to 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;
 - 2) An individual is placed, served, and accommodated in accordance with the gender identity of the individual;
 - 3) 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
 - 4) Eligibility determinations are made and assisted housing is made available in programs as required by §5.105(a)(2).
- b) Placement and accommodation in temporary, emergency shelters and other buildings and facilities with shared sleeping quarters or shared bathing facilities.
 - 1) Placement and accommodation. Placement and accommodation of an individual in temporary, emergency shelters and other buildings and facilities with physical limitations or configurations that require or are permitted to have shared sleeping quarters or shared bathing facilities shall be made in accordance with the individual’s gender identity.
 - 2) Post-admission accommodations. A recipient, subrecipient, owner, operator,

manager, or provider must take nondiscriminatory steps that may be necessary and appropriate to address privacy concerns raised by residents or occupants and, as needed, update its admissions, occupancy, and operating policies and procedures in accordance with paragraph (b) of this section.

F. Strategies to implement the Equal Access to Housing Rule

Programs must develop in writing, implement and document procedures to ensure implementation of the Equal Access Rule. Specific strategies or procedures may include but are not limited.

1) Inclusive Policy Standards

Anti-discrimination policies and procedures that:

- ❖ Ensure placement and accommodation are made in accordance with an individual's gender identity.
- ❖ Ensure agency uses appropriate, inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirms the agency's commitment to serving all eligible clients in adherence with the Equal Access Rule.
- ❖ Have an anti-harassment policy that includes transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.
- ❖ Have a formal grievance process that is prompt, transparent and consistent in managing and resolving violations.
- ❖ Include confidentiality practices that keep's a client transgender status confidential, unless the client gives permission to share this information.
- ❖ Allows for clients to request a private space for intake and data collection.
- ❖ Outlines safety practices including respecting the client's evaluation of their own safety practice with regard to proposed housing options and accommodating reasonable clients request regarding safety.