

Equal Access and Gender Identity Webinar Transcript

Caitlin: Welcome to the webinar on implementing HUD's Equal Access and Gender Identity Rules. I am Caitlin Frumerie and I am joined today by Abby Miller from HUD.

Abby: Thanks so much Caitlin, and thank you to everyone on the webinar for being here. I work in the SNAPS office as our LGBT expert, among other things, and I want to say that there has been really a kind of unprecedented interest in these webinars and I am thrilled that so many people are interested in learning about the rule, and learning about how to do this work more effectively. I am looking forward to this hour and a half with you.

Caitlin: And we are also joined by David Canavan, a HUD Technical Assistance Provider.

David: Thanks Caitlin, I am a SNAPS/TA provider and I've had the chance to work with Abby at HUD headquarters on the technical assistance materials that are up on HUD's website which we'll be talking a lot about today. I quickly just wanted to walk through our agenda, and talk about how we have organized our time today.

So we will start by talking about what the rule is, what it says, and how that impacts some of the operations of your projects. We will talk specifically about the attributes that the rule covers; gender identity, gender expression, sexual orientation, and family composition. And then we're going to step through some specific scenarios and projects that have come up in several of the trainings that Abby and I have had the opportunity to do in the field. Then we are going to wrap up by pointing you at some of those many resources that we talked about that are available and how to follow-up to assist any community members that you all work with on getting educated on this topic and how to access additional materials and support if you need it.

I think for many folks on the phone, and I know it's true for me and other TA providers on this call, that at the heart of this work is the people who come to our projects in need. I know specific to this topic, many of us have a vision about who this population is, who in the LGBT community comes to our projects, and what those people look like. Unfortunately, much of that is informed by a lack of knowledge and a lack of experience. And so we wanted to use this presentation as an opportunity to really ground the conversation at the individual level, at the households and families that come to our projects and the needs that they present to us as service providers. So with that I'd like to go ahead and introduce George and his family, get us started.

[Video] [00:02:32] to [00:05:10]

Abby: Thank you so much for just showing that video, David. Again, this is Abby Miller, and I feel that this video is such a good way to start this conversation because we're here to understand how to implement the new Gender Identity Rule, and I think we also have to acknowledge that we are also here because we care so deeply about the work that we do and the people who we serve, like George. This work can be heartbreaking and rewarding and it can rollercoaster up and down on any given day. But what I think you'll find with this new rule is that it's actually really focused on the people in your projects the same way that you are.

One of my bosses, Ann Oliva, said something recently that has stuck with me since she said it. As providers, we're here to serve the people who show up to our front door. Not who we think is going

to show up, or what they look like, or what they act like, but the people who actually are showing up and need help. And you can see that principle in so much of what our office has been asking you all to do as projects. The housing first principles, for instance, are all about meeting people where they are, not expecting them to be a certain way before you help them, to look a certain way, or act a certain way. And coordinated entry is more of that, it's the same person-centered model about working together as a community to serve the people who need our help the most.

So, this rule is really another aspect of these basic principles that we are pushing out from our office and really asking you to adopt. It's very simply saying that people must be served based on their gender identity and that means the gender that they know themselves to be. So, we're not going to force people to prove their gender identity in ways that might make them feel demeaned, or threatened, or less than, or rejected, because the reality is that any of us would feel threatened if we were asked about our body parts to verify that we are who we say we are. Or if in this incredibly vulnerable time in our lives we are told that we have to jump through hoops with state laws to try to get an ID just to get a safe night's sleep.

And the reality is that transgender folks are twice as likely to be homeless as their non-transgender counterparts. Twice as likely. That fact alone tells us how critical this work is. And then, once these folks are homeless, we know from the research that they are not getting served correctly. David is going to talk about this later in more detail, but I will say briefly; trans folks are turned away, or placed inappropriately, the majority of the time. And if they are actually served inside a project, if they actually make it through the door, over a quarter of people experience harassment or assault within that project, either by residents, or by the staff that are volunteers themselves. So as a field, we have some learning to do and that's okay to admit. I hope that you can hear me when I say that we are learning together on this. And the fact that you are here today is proof that either you want to learn something new, or maybe you are already doing this and you want to hear if there is anything else you should be doing.

But we are all here to learn, so if at any point during this training, you are feeling overwhelmed by new language you haven't heard, or new ideas, it's okay to take a breath. You are looking at these slides; this is recorded for you, so you will have time to review the slides. But try to stay in a place where you can absorb the concepts. And I think if you can repeat to yourself a particular version of the Golden Rule that is simply to treat others as they wish to be treated. This is essentially what the Gender Identity Rule says.

I am going to ever so briefly go through the requirements of the new rule, but you are going to get a much more concrete sense of how these requirements are going to be used in your projects. Because we are going to insert them into scenarios that are real situations that come up in projects, and that's going to help you stick these requirements to a framework.

So, just to get you started, to give the bare bones, I'll take you back briefly to 2012. In 2012, we published the original Equal Access Rule, that rule said pretty simply, equal access must be given in any HUD assisted programs. And that means regardless of someone's sexual orientation, or marital status, or gender identity. That's been in effect for over four years now, but we have found some areas that needed some further requirements to help projects, and we specifically needed to nail down our policy on how transgender people were to be placed and served in our facilities that operate as what we refer to as single sex, or sex segregated.

So, you can see from this slide, we have a couple bullets here, we kept it simple and what we say is first projects must place, serve and accommodate people in accordance with their gender identity, and the questioning about anatomy or other evidence like identification documents or medical history, is not permitted. That is really important for you to understand why that is not allowed, the questioning or the proving, and there are two main reasons I want to point you to.

The first is that we all know that people experiencing homelessness do not have access to a lot of resources. The same is true for transgender people experiencing homelessness. So that means that some of the things that we as providers, or as people might expect, like hormones, or surgeries, or other modifications that people might make to their appearance, may not be available to them. And that includes having IDs that reflect that person's gender identity. Depending on the state, it can be really difficult to get IDs updated, so using that as a verification, or an eligibility criterion creates a really high barrier for folks.

The other reason we're not allowing intrusive questioning about anatomy or physical information is pragmatic. Staff are people. We are all people and we all have assumptions about what people look like. We have assumptions about what men look like, what women look like, what transgender people look like. And those assumptions are almost certain to differ from what people actually look like when they show up. Those differences don't make that person's appearance wrong, or bad; and so, this prohibition on requiring proof of someone's gender identity stops staff from acting on an assumption of what somebody should look like and thinking that they are seeing somebody different. So, you simply listen. You listen to somebody report their gender, and that's what you go on. Because when you base eligibility on what people look like, it creates a really strong barrier for people actually getting in.

The other thing that I want to say; is this last bullet here, is the most tangible, concrete thing that you can do as a first step. The new Rule requires that your policies and procedures reflect the requirements that I've just talked about. So, that means that your policies and procedures say we place, serve, and accommodate people in accordance with their gender identity. We do not require them to show evidence of their gender identity. And so that, for those of you who are wondering: what's the first thing I do? I would point you there.

There's one additional requirement that I am going to talk about a little later because I think it will make more sense in the context of the scenarios, and that's about providing reasonable accommodations when people have privacy concerns, I am going to talk about it later and it'll make so much more sense in the context of our scenarios. But there's one other thing that I want to address before we get into the scenarios; and that's a question that we got a lot in the live webinars that we did. And that is: Is this going to change soon? Is this a requirement that we're going to have to continue to do? And I would say, for those of you who have been around even five years, you have definitely experienced changes in HUD regulations and policies. So, I want to address this question of "Is this guide going to be around long enough to go through the changes that need to be made?" And I want to use a little description of federal rule making to explain to you why in fact we do need to count on this being around for a while.

So, I want to answer this question about whether we're going to have this change in the near future, I want to address that through describing the federal rule-making process because I think – before I came to the federal government I didn't understand what federal rule-making entailed, I didn't know who was making decisions, any of that. So I want to describe that for you and I'll begin by

saying this is actually an incredibly lengthy and involved process. It includes a lot of stakeholders and phases. The schematic that you're looking at right now is a little overwhelming but I put it here to show you that regulations are not created by one or two people. They start with Congress authorizing a particular regulation, sometimes requiring a regulation; and I think the Fair Housing Act is a really great example of that.

The Fair Housing Act is a congressional statute, meaning it's a congressional law, and it authorizes all of the federal agencies that deal with housing to write their own regulations that implement that act; so it is a good link then between congress authorizing, and then what the federal agency does. So, once we have this authorization, agencies get together internally, come to an agreement about what a regulation should say. And to come to that agreement we're looking at research; we are using stakeholder input, listening sessions. And in this case, for the Equal Access and Gender Identity Rules, we reviewed a lot research that just pointed to discrimination against, and prevalence of homelessness among trans folks.

So after you go through that fact gathering phase. Then, internally, HUD figures out what we think the regulation should say, whether we have any questions that we want to ask the public about, and once we've done we get it all down in writing and send it to the Office of Management and Budget (OMB), so then OMB sends it to all the other federal agencies. After they have commented, resolved all of that then we send it to congress to review, and at that point it goes to you all as a proposed rule. When it's proposed; you get to comment on it, it comes back to us, we have to read and summarize and respond to your comments. And once we have resolved all of that and figured out the different areas and corners that we maybe did not think about before we put out the proposed rule; at that point, we do the process all over again. It goes back to all the federal agencies, and only then, does it go out to the public as a final rule.

So, I tell you this not just to answer the question of whether this will change in the near future, but so that you understand a bit more about the process. I think it's really instructive to know that where you can influence our perspectives and how we think about these- these rules that we make. But to sum this up succinctly, it is safe to say that you can expect to continue implementing these requirements into the future. Knowing of course that- I cannot say that we won't make changes at some point. But this is never a quick process. So I just wanted to say upfront to answer a question that we're getting a lot of.

Now there's one more thing on the next slide before we go into this scenario and then I promise I'll be done talking for a little while. If you are wondering whether the new rule applies to you, I will say if you get funding from any of the sources on this page that answer is yes. It does not matter how much or how little. That includes temporary disaster shelters that get CDBG money. It has to be current funding, so if you use CDBG funds twenty years ago to fund bricks and mortar, it may not necessarily qualify you, but if you receive any funds currently, even mid-grant cycle, you are required to be compliant with the rules we are talking about today. So again, that is just kind of putting the boundaries around this so you know very clearly if it applies to you. If you are on this list, if you get funding from some place on this list, then it does.

So I am going to turn it to David to go into our first scenario.

David: Thanks so much Abby. As we have talked about, Abby and I had an opportunity a few times in the field and in presentations earlier this week and we really saw how valuable the practical

questions were and how making these regulations and requirements real in practice scenarios helped to set up questions and let folks present their concerns. So, Caitlin is going to walk us through the first scenario so I'm going to go ahead and turn it over to Caitlin to get us started.

Caitlin: Thanks David. Throughout this presentation, I'll be the gameshow host that presents several scenarios to test your knowledge of the session. Our first scenario is about sleeping arrangements. I run a fifty-bed emergency shelter for men. My project is housed in an old firehouse and only has congregate sleeping and bathroom facilities. It really does not allow for much privacy. A client comes in and speaks to one of my staff, and they identify as transgender. Do I allow them to keep using the same facilities as the other clients? What do I do? So, I am going to launch a poll now for the audience so you guys can answer what you might do if you were in this situation.

Alright, looks like we've had most people voted now. So I'm going to hand it back over to David to discuss this question further.

David: Thanks so much, Caitlin. Looks like most of you got the answer correct, ninety percent of you, which is 'yes.' The Equal Access Rule and Gender Identity Rule require that the project continue to serve that individual in the same facility with the same resources and the same services as every other client. That a client's choice to share this particular piece of information with the project staff is an indication of trust or perhaps needing some services related to this particular element of their life, and that they need the staff to be a resource to them, or may need staff to be a resource to them. Keeping people at the center of our projects is the theme throughout this presentation and by using inclusive language, inclusive forms, publicly available materials, brochures, signage; this all reinforces that helps to keep people at the center of our projects and take whatever steps they need to reestablish their self-sufficiency.

We are going to talk a little bit more about the idea of a transgender client increasing the threat to other clients in the project in a different scenario. Particular to this one, I want to make clear that staff occasionally feel that a transgender client may be at additional risk within a shelter and may be making a recommendation or perhaps, contrary to this rule, a requirement that an individual who shares their transgender status with staff must use a different part of the project site because they may be at risk of harassment or assault. While it's certainly permissible for staff to offer clients accommodations and the clients may request accommodations around safety and privacy concerns; it's not acceptable for a project to require that a client accept that accommodation.

So in this particular scenario, and we have gotten this question many times; where there are limits on the physical space. Maybe you have open showers or other limits. We have lots of emergency shelters that may be that are in old firehouses or other spaces that weren't really designed for sheltering this particular number of people. There are opportunities both with space and time scheduling space to enhance the safety and privacy of all individuals. So, for example, in the case of a bathroom. If the project has a group of people regardless of any factor are feeling more vulnerable and may want to use the bathroom facilities by themselves. That setting aside a certain block of time each day maybe two hours where any client in the facility can choose to schedule themselves to have fifteen twenty minutes in the shower, in the bathrooms alone. And that this presents an opportunity for many clients to enhance their safety and security without discriminating based on any particular status.

Abby: David, thank you. This is Abby, and I want to reinforce a point that you said in your response because it brings in that additional requirement that I referenced earlier which is that facilities and agencies are required to respond to individuals' request for additional privacy. They are required to take reasonable steps to accommodate somebody. But what is not reasonable is having a policy at the outset that says: we're just going to put all our trans clients in one room or we're going to require trans clients to shower separately from everyone else. Those are policies that are discriminatory because they isolate and segregate people simply because of their transgender status. But the requirement to provide- to take reasonable steps, to provide accommodations, that comes when someone says I need more privacy, it's from a person's request for more privacy rather than setting a blanket policy. So that's a really important point that I want folks to understand about this requirement we've put in here. And what David has talked about, about responding to people's needs rather than trying to pre-empt them. I also want to jump in with a couple questions that we've had from the chat box. Asking a clarifying point that I think would be helpful. And that is, it says a client comes to one of my volunteer staff people and identifies as transgender. What we'd like to clarify is that a client who has come into the program, it's a shelter for men, and the client identified as man when he came in, and is simply indicating his transgender status. He still identifies as a man, and has just taken an additional step of disclosing his transgender status. So that means he is a transman, and this could read in a different way and we can also pick that up but I just wanted to clarify that point.

David: Thanks, Abby, for bringing that up. And I think it's important to remember that people choose to disclose specific information at different projects depending on the service that they are seeking and their trust and familiarity with the staff at that site. Often, safety is the primary factor that clients use in choosing what to disclose to whom. And that, for example, an individual seeking healthcare, a transgender individual seeking healthcare, may choose to disclose their transgender status. But at a meal program or a food pantry that their transgender status is largely irrelevant and they may choose not to disclose it. That it's really, again putting people at the center, is it is up to the client to choose to disclose this information.

Abby: Yes, and if you don't mind, I'd love to fill in one other thing. There's a question that I saw come in, and it was: Is this equal access only on the basis of gender identity? Or is sexual orientation covered as well? So, I just want to go back and clarify that because I think we are focused a lot on the new rule today which really clarifies our requirements on gender identity. That 2012 Equal Access Rule that I talked about already covers people on the basis of sexual orientation and marital status. So a lot of the content that you are getting today is focused on gender identity, but please do not forget at any point, any of this is also going to apply to people on the basis of sexual orientation or marital status. So if somebody discloses a sexual orientation that makes them feel a need for more privacy and safety. Everything we're talking about applies in the same manner. So, just a clarifying point, and thank you for asking that question.

David: I also would love to add that these accommodations and as I mentioned in the bathroom scheduling that it is - they are accommodations that support every client who may be feeling at particular risk or vulnerability in the space in the projects. And we'll talk a little bit more about this later but projects can identify multiple factors that increase perhaps age, perhaps health status, perhaps transgender status and it - provided there are multiple factors there - the project can design schedules and space and other accommodations in a way that can support every client in the shelter to access the space in a safe and supportive way. We'll follow up a little bit around with additional information available in office hours and other TA sessions available around the country. But I

know we wanted to field a couple of questions, so Caitlin, maybe you could pick up the gameshow host role here and move us on.

Caitlin: Yeah so we've definitely got some other questions I can share, and this one's kind of a follow up to that scenario.

So, let's say that the client is a male, we're in an all-male program, and they disclose that they identify as female to the volunteer staff person. What would the course of action be then?

David: That's a great question, so if the project serves anyone who is eligible, men or women, the choice to access that project is up to the client. A client may choose to access the services as a man, and disclose after enrollment that they identify as transgender. This may not be something that the client needs help on, or, and is not asking for any accommodation. It may just be an element of their life that they are now disclosing; so there is no, in that particular scenario that you just referenced, where a staff- where an individual approaches the staff person and is simply disclosing that fact but wants to continue accessing services as they have been. There is no additional action I think it would be very appropriate to follow up with some questions about if there are any resources that client would like access to; if there are any opportunities that the client would like to take to be referred to, or be supported within the project based on this disclosure; again, however, there is nothing a project can require of a client at that moment. Did I get that gist of that question, and Abby, if you have anything to add, go ahead and jump in.

Abby: Yeah, I think I would just sum this up as saying the person coming into that project provided his gender at the point of entry. So after being in the program, like David said, it's absolutely okay if that person identified as male coming into the project, but later disclosed that she actually identifies as a woman it's absolutely okay to continue serving her, she is disclosing that she is a woman. And it would also be entirely appropriate to ask what sort of additional services or resources she would like. That could be that she would prefer to move to a women's shelter. But that's her decision at that point.

Caitlin: Alright so I think those are some wonderful questions, and I am wondering if we can move on to another one. So, how do you handle situations where shelter guests might feel uncomfortable? What about if the shelter guests want accommodations based on their own discomfort with other transgender persons residing in the program?

David: Another good question and as Abby mentioned, we are currently in the period where this rule is in effect. We know that there is a transition period where projects move to compliance. Part of that compliance is educating the entire community, in the and around a shelter; staff, volunteers, subcontractors, board members, executive management, everybody in the project. So, as a part of that effort we include educating clients and sharing these expectations ideally at project enrollment. Again, there may be some transition as we're rolling these out where we're educating clients that are already enrolled in projects but moving forward, there are a variety of other behavioral expectations that clients are informed of when they commit to a project. And what projects that are already, have already implemented these projects- practices and have had them in place for years is it an acknowledgement at that project enrollment that this particular project serves a diverse community and a part of that diverse community is transgender individuals and that this project does not discriminate on the basis of sexual orientation, marital status, or any of the other attributes that projects are not permitted to discriminate on.

Once we're through this transition period that standard, practice, policy, procedure will be part of that enrollment. And again we have lots of projects that are already- have already implemented these practices and this is already happening around the country.

That said, we know there will be conflict. There is- conflict is- happens all the time in shelters around everything. I've worked in a shelter, there are some projects that are less chaotic than others, but there is an element of chaos in a lot of shelter projects. Some projects can do things like accommodate moving beds because somebody snores, or some level of interpersonal conflict and- when a person wants to move within a shelter. You can accommodate them, really regardless of- you know you have lots of space and staff time perhaps it's a transitional housing project that allows you to stay longer and so, if you run a project where that type of accommodation is something that you would do, really regardless of the reason, it may be appropriate to move an individual.

What's critical is that we're not going to a client who is transgender and saying you must move, another client is uncomfortable with you. They said as we implement this rule, there is a transition period where we're setting new standards for our staff, for our volunteers or subcontractors. But once this is in effect, once it is fully implemented at your site we would expect that every client is advised of these same behavioral expectations regarding every other member of the community as there are with every other rule that, as federally funded homeless service projects, they are the last resort for an individual or household and they really need to be designed a way that are open an accessible to every eligible client.

I feel like though that I missed a piece of that question.

Abby: Yeah, I was just going to jump in. I actually think that you addressed it right up front, that this is about expectation setting for everyone. You as a project have to set expectations for your staff, for your volunteers, and for your residents. And the best way to do that is to communicate very clearly, when residents come in that regardless of how they feel, they are expected to act without bias against other clients, regardless of whatever the basis of that bias is.

And I also want to say that for anyone receiving HUD funding, regardless of whether you're a faith-based organization or not. HUD funding indicates that these requirements must be met. We are going to move into the next phase at this point, but there are more scenarios, more spots for questions along the way. So, we'll go onto the next phase.

David: Thanks, Abby. So, you probably- you may have already heard some new language on this presentation, or in conversations between Abby and I, or with other TA providers. One piece that might be new is the use of the word transgender. You will notice that we don't use the construction of the word of transgendered, or a transgender. Both of these terms can convey disrespect by really minimizing an individual to a single attribute rather than recognizing that their status as transgender is part of one of the many attributes that define that person.

For some folks who do go through a transition, upon completing that transition, they may no longer in fact no longer identify as transgender. And much more important to that transition process is that rather than any physical change, the social change is key for many people. That as they adjust hairstyle, or clothing, mannerisms, that they be recognized externally as the individual they identify

with internally. I think we have talked a little bit about some of the great resources, and you saw that video from one of our partners that worked in this area. We want to share another video with that helps to articulate some of these points and that's from the True Colors Fund, and they're breaking apart those different elements of gender identity, sexual orientation and gender expression. So let me go ahead and turn it over to the video.

[Video] [00:37:11] to [00:38:45]

David: We are hopeful that through the variety of methods here and available online, folks are able to access this information and understand how these different attributes may be disclosed by a client as they become familiar with your staff and trust the project to support them with the needs in their life.

Part of what we as TA providers and different folks on the phone are hoping, and this is one of our main opportunities to engage with the community. Abby and I have had a couple of times to present this material in the world. And we are hoping to get a sense from the folks on the phone is if these terms are new in your project, or is this something that you're using regularly, or are these are terms things you've heard before but really aren't in regular use at your project. So Caitlin, I think maybe you have another poll for us?

Caitlin: Yes, so I'm going to launch another poll, you'll see a question, you can answer it. We'll keep it open for about a minute and then show the results. Alright here are the results. David, back to you.

David: Great, thanks so much, Caitlin. So it looks like for most folks on the phone they've at least heard these terms before but may not have used them regularly. And for more than a third of you these are very familiar terms that are in fact used regularly. That's great, and about seven percent of you for these are really new terms.

We wanted to shift into another scenario. This is again, a question based on a- a scenario based on a series of questions that have come up in other presentations, and I have seen some of the relevant questions float by already on the chat box here in this presentation so Caitlin, maybe you could walk us through this scenario.

Caitlin: Absolutely. So I am going to play another individual now, I run a domestic violence project that serves women. We have residents in two different buildings, but they're all on the same property. The residents have access to the same services, but I have decided to house the transwomen in one building, and the other women in the other building. I did this because you know I'm worried about triggering traumatic experiences to the residents of the project as they begin to rebuild their lives. Can I serve transwomen in a different building or project? We're going to launch a poll here for you guys to answer that question. And it's a yes or no question. All right, it looks like we've got the majority of people voted, so I am going to close down the poll and share the results.

David: Thanks so much, Caitlin. And it looks like about three quarters of you voted on this which is great and that- most of you are giving the correct answer which is that you may not require transwomen to be served in a separate or different facility than your main facility. So, this would almost be directly contrary to the rule which is segregating individuals based on their transgender

status. If your project serves women, all women who come to your project must be served with the same services in the same setting, the same staff, all of those elements must be the same for everyone.

There is often a component of this question where we've heard a concern for other residents at the project. For folks who are tuned in to some of the partners in domestic violence advocacy organizations network like the National Network to End Domestic Violence and other folks. You may be aware that this topic has really long been in discussion at projects that they fund like domestic violence shelters.

And that those projects really have progressed in their conversation already, that they are clearly ahead of where some other programs were and it was really an opportunity as HUD looked at some learning around this particular rule to benefit from a lot of that wisdom and experience. One of the clear messages that they shared is that intimate partner violence, domestic violence, happens between a variety of peoples, and that forming that the- that violence can happen in same-sex couples, in you know, between two adult members of a household, between elder parents and adult children there are all forms of domestic violence and that structuring our projects in a way that creates an eligibility requirement that isolates transgender individuals is not that a sustainable method for designing projects. It doesn't in fact remove the risk of somebody being triggered or being concerned about their own safety but that that concern while real and authentic and absolutely needing to be engaged and discussed and supported is not sufficient basis to exclude another eligible individual from that project. Family violence happens, as I said, in all variations within our community. Abby, do you want to pick this up a little bit?

Abby: Well, I think I just want to reinforce and I want to channel our SNAPS office domestic violence expert, Lisa Coffman. She was unable to be on today, but I know that one of the messages that she feels very clearly and strongly about is letting people know that this is something that the DV advocacy community has been out in the forefront on. And they've been driving this work because they understand that violence and abuse does not just occur at the hands of one particular gender against another particular gender it's not always intimate partner it can be family violence as well, it can be generational. So, they're really clear and strong about making sure that we have services to cover everyone who experiences violence. We have a few other questions that are similar in nature that I thought we could move to.

David: Sure, and I wanted to tackle one of them right off the bat, which I don't know that I addressed immediately. Which is, who gets perceived as the threat, and how are staff- are making decisions? We know, as I said, that shelter projects are- can be chaotic places and staff often have to make judgement calls daily, and there's nothing in this rule that changes the responsibility of projects to create safe spaces. What this rule does is help to inform staff with additional information about who's at risk, who's a threat, and how risk is managed in a project. All of the research, Abby talked about the research that HUD consulted informing this rule, and the conversations that HUD had with other partners. All of the research indicates that people who transgender are much more likely to be the victim of assault and discrimination at projects rather than the perpetrator. With a third of homeless transgender people reporting being assaulted by staff or clients at a project, and two thirds of shelters failing to properly enroll a client, these are clear indications that projects are not making these decisions based on things that actually drive risk. Experience with the project staff- experience with project staff have had with an individual who is violent, who has expressed that violence in a project setting, these are perfectly reasonable basis on which to make risk based

decisions. It's these types of questions that drive risk analysis though. Not about how individuals look. Caitlin, are there other questions that have come in?

Caitlin: Yeah, there is and there's one that's really related. So we did one question that came up about potential liabilities if it was a sexual assault that might occur when a transgender person is placed into a communal setting with their identified gender. How do we handle safety?

David: Yeah, that's a great question, and I think that safety is so central to what it is that we're all trying to do. It's clear why that may come up. I think that while we are concerned- we should be concerned about any violence, any assault between any two participants in a project. For many of us who've worked in this field; we know that any type of assault, sexual or not, any type of violence between two participants- that can happen in a variety of ways. But the gender is not really a component that will limit anybody from assaulting anybody else. Unfortunately, we see lots of issues between staff and volunteers, between clients, between staff and clients. They're all variations of conflict that emerge in programs and what our policies and our procedures must focus on is preventing those situations from occurring for anyone in our project and again all of the research indicates that individuals who are transgender are much more likely to be at risk. And so, one of the models that folks have implemented is looking purely at vulnerability risk as a way of offering an accommodation to a transgender client.

As I mentioned in that earlier scenario, there are lots of ways to look at vulnerability, there are lots of attributes that can drive vulnerability. Being elderly, being chronically ill. I've had clients who have had colostomy bags and felt very threatened using open facilities in the bathroom. If projects are designing opportunities for folks to access housing or space set aside for people at increased risk of vulnerability, that's acceptable. Provided, you're not requiring people to use those spaces. That would really be- again, pretty much contrary to the rule. It would be discriminatory based on those features and we can't discriminate based on gender identity, or a variety of other attributes. Abby, did- is there anything you wanted to add to that?

Abby: I want to reinforce a point. There were a couple clarifying questions that came through about the wording of the scenario. The question asked: can I serve transwomen in a different building? The important thing is- to just reinforce what you said, you cannot require people to take separate accommodations. The only time that somebody might take separate accommodations is if they have first requested it. They request it, there is a conversation about what is available. For some of you, there may not be other accommodations to offer. Our first scenario is an old firehouse, a fifty-bed shelter, there may not be other accommodations, and that's okay; but what you must do is take reasonable steps to accommodate people's privacy concerns, and that those reasonable steps are non-discriminatory. Isolating transwomen because of their transgender status is a discriminatory step and one that's prohibited by the rule.

With that clear, I also want to reinforce very clearly a couple of the other points that David was making. I think that we've tended to create a feeling, or a general sense, that trans folks, in particular transwomen, might be aggressors, or that they're committing violence against other people. And I want to point you back to something that I said earlier, that seventy percent of transwomen are not placed appropriately, or placed at all in projects. For trans folks who get in, over a quarter are assaulted themselves and the newest piece of research that we've had come in, the 2015 Transgender Survey that the National Center for Transgender Equality has done, it shows that 70% of trans folks are mistreated in some way while in shelter. So when you're thinking about

vulnerability factors, and who is the aggressor, you know that picture you have in your mind, risk factors to being assaulted, trans folks are the folks who should be included in that list of people who are vulnerable to assault. And I think that it's a really important shift that we need to start to make both with ourselves and with our staff and volunteers, anyone we speak with who is associated with our projects; to change that mental checklist that we have of who might be an aggressor and who might be vulnerable.

David: Thanks for that addition, Abby. And I know we've gotten lots of question about sources for our information and in this presentation and up on HUD's website, the HUDEXchange, all of their research that's been incorporated into the TA materials is available so if folks want to dive into that in more depth it's certainly up for folks. I think- it's important also to- that there is a particular concern for a certain population that comprises a significant portion of homeless youth. As many of you know, this is a focus for HUD in the next year and looking at homeless youth, which is somewhere between, for unaccompanied and homeless youth, somewhere between four hundred thousand and two point two million young people in this country.

LGBT youth, up to age twenty-four, account to up to forty percent of this population. So, these are clearly issues that are contributing to people's homelessness. And those same issues; discrimination, harassment, violence, that contribute to a person's homelessness emerge within our projects and are barriers to getting- for folks getting back on their path to self-sufficiency, and establishing their lives.

I think it can occasionally be difficult to think about what discrimination in our projects looks like and what is it that happens in our programs that have created barriers or what- how have these elements emerged in programs when issues have come up? So, what has come up, things like a staff person hanging up on a client, who- with no discussion, no referral once they identify as transgender. And I think, you know, that can feel- that's incredibly difficult to see from the outside. That we know that this may be the only time an individual reaches out for assistance and that they- if they are met with that kind of response, they may never re-engage. And particularly for young people who- young people who are homeless, the average age that they become homeless is fifteen years old. And that the outcome, the short-term impact of them being homeless within forty-eight hours of becoming homeless, they begin to engage in behaviors that attempt to establish some safety and that those behaviors can be incredibly destructive and that this may be the one and only time they can act with a service provider for help.

Another barrier that comes up is that shelter employees may improperly be thinking that there are requirements about somebody's body, or their particular medical procedures that have or haven't happened. As Abby has talked about, as HUD has really talked about for years; through the prioritization of low barrier projects, there is a need to remove really any barriers that prohibits or delays an eligible client from enrolling in the project. By adding any additional requirements, we are really moving in the opposite direction. So, as Abby mentioned briefly in our- the earlier part of the presentation, having a license or an ID that correctly indicates somebody's gender identity may not be something that folks can get, there are some states that that requires decision by a court in order to be enforced and getting a new license then or a new ID document that reflects that, and I think you know even when you have lots of resources that you're not homeless; it can be difficult to get- to navigate these processes and when you don't have a stable address or you don't have the time set aside to be able to think and focus on these things or you don't have access to computing resources that- that creating that as a barrier to coming into the project is really not- doesn't

reinforce that idea of low-barrier projects and enrolling clients who are eligible in a non-discriminatory way. Caitlin, maybe you could launch our next poll here.

Caitlyn: Absolutely, so I'll launch it now.

David: So, what we're curious about is; are these things that you've seen in your community? And if they are, have they been managed well, or are- is there maybe an opportunity to be managed in a better fashion? So, we're hoping to get a few more of you participating in the poll.

Caitlin: I will mail you all candy.

David: Looks like that helped. So as you can see, about fifty percent of you are indicating that these are not issues that have come up in your community, and about a third of you saying that these issues have come up and have been managed well, with about twenty percent of you saying that these issues come up, but are not managed well. Again, I think this- TA and the series of materials, that are available is all about setting expectations. HUD is making resources available through this presentation, lots of other training opportunities, request for technical assistance, materials on the HUD Exchange, all sorts of resources and we talked a lot about shelters in particular but I think HUD also- this rule impacts and touches on other types of projects and so I want to just briefly talk about a couple of other issues that have come up and how they are handled; and one example, one issue that has come up in housing projects, is with the management of a housing project or facility failing to address complaints from LGBT individuals regarding harassment by residents- by other residents. And I think it's important to remember that if you're making a decision based on an individual's sexual orientation; as this example says LGBT status, to not address the harassment that they've been a victim of that that would violate the Equal Access Rule and Gender Identity Rules that- there are a couple of communities around the country that have really gone and laid out specific guidance to help their programs have really clear understanding of what, let's say harassment looks like and in New York City in particular or Seattle, Kent County. Both have very clear guidance and in fact laws. And some- in New York City's case, that guide non-profit housing projects on how to comply with the Fair Housing Act and other issues around discrimination in non-profit programs; and as we've talked about but at the center of all of this stuff is the people- you must take action, you can't receive complaints and not act on those complaints and so if someone's being harassed in a project really regardless of the reason, staff and management must take action to address this complaint and maybe that action is education; if the behavior of the aggressor or the perpetrator continues it may be requiring no contact between those individuals but that the staff are really engaging to resolve the conflict and ensure that an individual in this particular example, an LGBT individual can access the project in a way that they are free from harassment or discrimination. And I just want folks to understand that the corrective actions need to focus on the aggressor; and we've said that, I think tangentially, in a couple of other scenarios- I just want to focus on that for a moment; that if- occasionally staff can engage with the victim of harassment or assault because they are perceived to be more cooperative or more reasonable, either you are to relocate rather than engaging in a more fraught conflict with the aggressor that may have a more significant negative outcome for that aggressor. But that that would violate the expectations that were established here that all focus- all those efforts around whether it's corrective or educational really need to focus on the aggressor rather than the subject of the harassment, and I think I'm going to have to pick up my pace a little bit because I'm falling behind here. Abby, did you want to add something before I move on?

Abby: Yeah, I want to break in and say one thing about what you were talking about and then address the last bullet on this slide. I know you said earlier that the Gender Identity Rule applies to single sex environments. And I just want to be clear, because we have a lot of people who are covered under the Gender Identity Rule and part of the rule applies to single sex environments, but the Gender Identity Rule as a whole, the part where you have to have policies and procedures that say that you accept people according to their gender identity, that you are not requiring proof of gender identity that applies to all of those projects from that earlier slide, you know, that are funded by the programs that I flashed up. That's HOME, CDBG, HOPWA, CoC, ESG, Housing Trust Fund, Rural Housing; I may have missed one in there. But, I just want to reiterate that because a lot of the examples we're using in this training come from a homeless environment, that's because that's what David and I do, we work in the homeless environment for the most part but please don't forget that all this is very translatable to environments that are funded by these other programs as well. If you're operating a project, it doesn't have to just be for people experiencing homelessness. You can use all these training principles and points that we're bringing up in your own projects.

The other thing I want to say is the last bullet. Project staff excluding individuals based on family composition. This is a type of discrimination we have- we've worked with a lot of projects to overcome because we've had confusion about what it means to accept families. We've historically had projects that have accepted women with children, and only women with children, or single women and women with children. And that has actually been a non-compliant behavior since 2012. The original 2012 Equal Access Rule defines family and it defines it very broadly. Really, as any composition of people who identify as a family and present that way at the time their showing up for services. So, that means if you have a man with children, a woman with children, same sex couples with children, multi-generational families, or even multiple people not related by blood or marital status who identify as a family, those are all legitimate family compositions. And so the problem that we have in a lot of shelters is that folks don't necessarily understand that if you serve any family with minor children you have to serve all families with minor children. So if you're serving women with children that means you're also serving other family compositions that include children as well. And that, again, applies to all of the project types we're talking about.

David: Thanks so much. And I know we have to pick up the pace a little bit and Abby gave a preview to the answer to our next poll question; which is if you serve families, if you serve women and children, must you serve men with children? Of course, as you know, the answer to that is 'yes.'

Caitlin: We're going to say that everybody got a hundred percent on that question.

David: Sounds great, Caitlin.

Caitlin: All right, so I am back in a different role now, it seems for our next scenario. I have a lot of shelters it seems. At my women's shelter where everyone sleeps- where everyone sleeps in a room with three roommates, a person is referred to the project by an outreach worker. We don't have any extra space to house trans clients. When they arrive, the individual refuses to pick a male or female gender identity and they say they do not identify with either. What do I do?

David: This is a good one and I've seen this question come up both a few times across the screen as we've been talking and in- out in the few trainings that Abby and I have had the chance to do. And I think it's important to know that the Gender Identity Rule and the Equal Access Rule apply to

gender expression and anybody who chooses not to identify with either gender. As you may remember from the video with- from the True Colors Fund there are individuals who do not identify with either gender and so the first question I would ask in that situation is we serve women at this project. Do you feel your gender more closely aligns with the housing and services we offer? If the answer from the client is 'yes', enroll the client.

One of the components of this question is about can this client, refusing to select one gender or another, be contrary to expectations around HMIS or other data collection requirements. Lots of projects, CoC, ESG, HOPWA and beyond HUD, the VA and HMIS projects around homelessness require HMIS participation, but if you look at that gender data element that governs this topic and that is- I think it's three point six gender. It allows for clients to identify or indicate whatever their particular affinity is and have that be what gets recorded. So, a client could choose not to disclose anything, that's a choice. And I want to make sure people understand the element of the question that talks about extra space because occasionally we get- we've encountered this situation where folks, project managers or staff, feel like they are going above and beyond.

And non-binary clients, which is the framework we've used to talk about this situation, like transgender clients, must be served at homeless projects and HUD funded projects. These are not clients who are extra or separate or a part from our this work. These are clients who are eligible for our programs and must be enrolled.

Abby: And David, I want to second that, and also echo some feedback that came in from the chat box. And was actually, you know, referencing back to Scenario 2 asking; why are you distinguishing between transwomen and other women, aren't they all women? And I think this gets to this question about 'Well how do we record gender and if somebody says they don't identify as male or female, like what do we do about that?' First of all, in HMIS we have the gender data elements three point six accommodates all those options, so that's first. But to answer this question; why're we distinguishing between transwomen and other women? Well, transwomen are women and the distinction that we make here is to make clearer who is being covered by this rule, and so that is the reason for us to say that transwomen or non-transwomen. But I want folks to hear the point and take it to heart, if somebody is a transwoman that person is a woman, and if somebody identifies as a transman, that person is a man. And that, first and foremost, is the knowledge to go forward with. This doesn't need to be confusing, if you can follow that very central principle and I just want to reinforce that.

David: Thanks so much, Abby. I think we've tried to make this training useful, in a way that can engage to a topic that's interesting and hopefully has value for your particular situations. But I think often it can be sometimes challenging to get up from a training and figure out what do you do next? How- What do I do with this information? What's my responsibility and my role in taking this knowledge and implementing it at the project level? And as Abby mentioned if you're on that list of funding resources, if your project receives any of those funding you are responsible for complying with this rule and it is already in effect as of October 21st of 2016. And so I want to just take a few minutes at the end here to make sure that folks know where to go next and what to do. And the first step for frontline workers who are on this call and really frontline staff, management, board members, projects, anyone is to look at those local projects and see whether the one you work at, your CoC, is make sure that your anti-discrimination policy matches the language that's on the HUDExchange in accordance with the requirements of the Equal Access and Gender Identity Rule, that's a great place to begin. Does it include gender identity, gender expression, sexual orientation,

family composition on the list of protected attributes? Then, the next step could be; are staff, volunteers, and contractors trained on this policy? There is no separate expectation of volunteers or in the example of several of our large, urban shelters that maybe use security subcontractors, there are no exceptions for the policy for different group of staff or different types of staff. If your organization is permitting people access to your site then they must be trained in the same manner to the same set of expectations as every other individual.

We tried to put a lot of useful tools on the HUD Exchange, one of which is the Equal Access Self-Assessment Tool. It's an interactive Excel spreadsheet that has about fifty or so questions that- you don't have to answer them all you can answer five of them if you want, or all fifty of them. And based on your answers it generates the next steps for your organization and it looks at some of the things I just mentioned. Do you have a policy? Are the people trained on it? Do your clients know about it? And based on your answers to those questions, your immediate action steps get updated. So, if you don't have a policy and now you indicate that you do, the first step of your organization would change. So, if you don't have a policy the first step may be to have the board of your organization pass a clear policy that complies, and then if you updated it, the next step might be to ensure that that policy is implemented and the staff are trained on it.

Another great source for additional help in each state is the statewide LGBTQ advocacy organizations and other organizations that help with implementing subject matter expertise on this topic into your training materials and training opportunities for staff. This may include speakers coming to your training; it can include pro bono consulting to assist with language of your policies and procedures. The Equality Federation is one resource that a community may come to for that kind of information.

But another resource is local and state fair housing enforcement agencies. These are organizations that are charged at the local and state level with enforcing the Fair Housing Act, and they have many of the- many resources, and as I mentioned, whether you are frontline staff, a manager or director, or on the CoC board or other planning body, all of these next steps apply to you. Each of you have a role in implementing this standard and we want to make sure we're setting expectations for the entire community that every project must comply.

The HUD LGBT homelessness page that we have talked about a few times now has help for people who are in crisis, guidebooks for developing inclusive policies, the self-assessment tool that I just mentioned. And it has about seven scenarios for frontline staff and management, site managers, to use as training resources to talk about, just as we did on this call, specific scenarios and walk through where there are opportunities to engage with a client, or if you're having a challenge with a coworker or colleague, a supervisor. It can be helpful just to have some language ready to go and to have thought through some of these issues to ensure that everybody has some approach that works in creating the expectations with clients. All of those links will be posted on these slides, so go ahead and click through to any one that you need help with but another important element of this is complaints and violations. The Fair Housing Act prohibits discrimination on the basis of gender identity, and on sexual orientation where the evidence establishes discrimination as based on sex stereotyping. This link, that's available, has lots of information about HUD's Office of Fair Housing. And you can go ahead and click on it, and follow it through. There's even an iPad app for filing discrimination complaints, there's tele-type translations for individuals who need that, there's '800' numbers, there's a variety of ways to file a complaint and there's lots of attention and lots of resources to support projects in addressing these issues as they come up.

I know we're coming to the end of our time together. Abby, do you have any closing thoughts?

Abby: Well we have a little bit of time. And I think that Caitlin has a couple questions queued up for us, that I'd like to get to before we close.

Caitlin: Alright so the question that I've got is; how do we handle harassment against a trans resident at the hands of residents that are not in our housing project? So a lot of providers use a scattered site model where properties are around the community for their permanent supportive housing or for their shelters. How would we handle that?

David: That's a great question, I think- it's important to remember that harassment, stalking, certainly any kind of violence or any type of mistreatment of our neighbors or other community members, are already broadly illegal regardless of any particular attribute of an individual or household. So, to HUD projects in particular, many of them have access to resources like landlord counseling or other types of constructive resolution focused services. Sometimes it's a human rights commission; it may be some other type of conciliation process that is available. That may be the right resource to engage depending on the severity, the repetitiveness, if this is a unique thing or- or not, how egregious the behavior is that happened might be the right route to go.

If it rises to some other type of illegal behavior, it's appropriate to involve law enforcement especially in that particular scenario. I think if we are looking to treat individuals in the same manner as we treat every other individual. If a client is being harassed by their neighbor, what are the expectations would expect for any client or any project in that situation.

Abby: That's right and I want to add a few things, and then I am going to close this out because we do just have a few minutes left. But I am glad that we are on this Fair Housing slide because I think this is a great answer and complements what David has already said.

First of all, we are here to treat everyone with the same protections against harassment, and against assault. The same sorts of safety concerns that everyone has, we are trying to make sure that those are minimized. But the Fair Housing Act also prohibits discrimination based on gender identity, so even if somebody is in a private apartment and the landlord is trying to evict them because this person has discovered that a person is gay, and so they're discriminating against their sexual orientation or that somebody is transgender and so they're discriminating against the gender identity. The Fair Housing Act is there for those private situations and that's a really important thing to know. This is not just HUD funded projects. There are two arms of protection that work here, the Fair Housing Act covers all types of housing, and the Equal Access and Gender Identity Rules cover HUD funded projects, services, segregated facilities, all of those.

So, I think to wrap this up; I do want to remind people that if you have questions that did not get answered today we do have the 'ask a question.' Please submit your questions there. We are having office hours in January, those are region by region a few of them have already taken place, that's a more interactive forum that we won't have to mute everyone because there won't be so many people.

And also if you're using this right now, you're already using the webinar recording already probably for your own training; for CoCs to use to train projects, for projects to use to train staff

and volunteers. The staff training scenarios on our resource page are written specifically for you all to take and use. We really try to create materials where you don't have to reinvent the wheel when you're doing your own training.

I think to the extent that you use these materials, you will find the work ahead of you is a lot easier than you might anticipate. With that, I want to thank you all for joining, for listening, for participating in the polls, for asking questions in the chat box, and for being interested in implementing this rule correctly. Thank you so much.