New York City
Continuum of Care (CoC)

HUD EQUAL ACCESS REQUIREMENTS
September 14, 2018

Equal Access to HUD Programs

- Programs must be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status.

- "Any group of people that present together for assistance and identify themselves as a family… are considered to be a family and must be served together as such." (*HUD FAQ ID 1913*)

- Families cannot be separated because of age or gender of household members.

- When projects serve ANY families with children, they must serve ALL families with children (single dad, single mom, same sex couple, multi-generational, non-romantic groups, etc.)

Equal Access to HUD Programs -2

o HUD prohibits inquiring about sexual orientation or gender identity to determine eligibility for HUD-assisted or HUD-insured housing.

o Services for transgendered individuals must correspond to the person's identified gender.

o Requirements for individuals to "prove" gender identity are prohibited.

o Projects must take reasonable steps to address safety and privacy concerns.

o Providers must update policies and procedures to reflect Equal Access requirements.

Limiting access based on gender

Projects may limit access based on gender only if:

- Project has shared bathing and/or sleeping accommodations
- Shared bathrooms = intended for use by more than one person at

(HUD AAQ Response – Question ID 75271)

Is my project required to comply?

All HUD programs must comply with Equal Access Rules. Includes all CPD Programs:

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

Tips for Supporting Equal Access

- Staff accept & use clients' preferred name & gender pro-noun regardless of documents/sex-assigned at birth.

- Staff does not ask about clients' sex during the intake process.

- Staff honors clients' decisions regarding disclosure.

- Staff model respect, coach clients that express disrespect and promote non-discrimination by ensuring all clients understand that verbal/physical bullying are prohibited.

- Staff promptly address complaints regarding harassment.

- Staff focus on the aggressor making changes not the harassed individual.

Tips for Supporting Equal Access - 2

- Staff lead efforts to educate and do not expect LGBTQ clients to educate others about LGBTQ issues.

- Projects require no special procedures for and do not segregate households with a transgender person.

- Staff correct & engage any misperception that non-stereotypical gender expression creates a safety risk.

- Projects make facilities gender neutral and take steps to increase privacy when possible.

- When referring to a single-sex project, staff assists clients to access services for which they are eligible & reports Equal Access violations.

Steps to Ensure Equal Access

- Ensure your project has an anti-discrimination policy that includes gender identity, gender expression, and sexual orientation.

- Ensure the policy is posted publicly.

- Discontinue any policies that are not in accordance with Equal Access requirements.

- Regularly train staff and volunteers on the policy and how to implement.

- Review NYCCCoC new LGBTQI Policy with staff.

- Ensure staff participate in upcoming LGBTQI Policy.

  training (details TBD).

- Connect with local LGBTQ organizations.

Equal Access Resources

NYCCCoC LGBTQI Policy

https://gallery.mailchimp.com/feb6903ecacc697009f3d9ca5/files/643dd344-e5f4-4bf6-9aee-7073d72dcda4/LGBTQI_Policy.pdf

HUD Equal Access Final Rule - https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/

HUD Equal Access in Accordance with Gender Identity Final Rule - https://www.hudexchange.info/resources/documents/Equal-Access-Final-Rule-2016.pdf

HUD Equal Access Resources for Projects - https://www.hudexchange.info/homelessness-assistance/resources-for-lgbt-homelessness/#self-assessment-for-shelters-and-projects

HUD Equal Access Notice for Posting at Sites – (not required pending OMB approval) https://www.hudexchange.info/resources/documents/Notice-on-Equal-Access-Rights.pdf