

Equal Access & Cultural Competency

Santa Clara County CoC Training

Tuesday, December 15, 2020

The Equal Access Rule

Local Commitment & Federal Requirements

SCC's Commitment to Equal Access

Santa Clara Countywide Quality Assurance Standards for Homeless Housing & Service Programs

- Developed by our community of service providers
- Establish commitment to equal access regardless of sexual orientation or gender identity
- Require non-discrimination & anti-harassment policies & procedures
- Mandate equal access to restrooms, shelter, & housing

Background: HUD Rules & Guidance

- 2012: *Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity*
- 2015: Notice CPD-15-02: *Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters & Other Facilities*
- **Sept. 2016: *Equal Access in Accordance With an Individual's Gender Identity in Community Planning & Development Programs Final Rule***
- Nov. 2016: *Equal Access to Housing in HUD's Native American and Native Hawaiian Programs-Regardless of Sexual Orientation or Gender Identity*

Who Does the Equal Access Rule Apply To?

Recipients and subrecipients of all Community Planning & Development (CPD) Programs:

- Continuum of Care (CoC)
- Emergency Solutions Grants (ESG)
- Housing Opportunities for Persons with AIDS (HOPWA)
- HOME Investment Partnerships Program (HOME)
- Community Development Block Grant (CDBG)
- Rural Housing Stability Assistance Program
- Housing Trust Fund

Key Points in the Equal Access Rule



Clarifies that gender identity is wholly self-identified and separate from legal gender and/or identity documents



Prohibits intrusive questioning and requests for documentation



Requires updates to policies and procedures

Gender Identity is Self-Determined

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

“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*”

Intrusive Questioning is Prohibited

Providers **must not** ask intrusive questions regarding an individual's gender identity, including requests for:

- Documentary, physical, or medical evidence
- Anatomical information; or
- Medical or physical history

Policies and Procedures Must

- ❑ Ensure equal access to programs for all individuals and their families
- ❑ Provide housing, services, and accommodations in accordance with a client's gender identity
- ❑ Determine eligibility without regard to actual or perceived sexual orientation, gender identity, or marital status

Rules Regarding Facilities with Shared Sleeping or Bathing Areas

- ❑ Placements must be made based on an individual's gender identity
- ❑ Providers must take any non-discriminatory steps that are necessary and appropriate to address privacy concerns raised by resident
- ❑ Facility admissions, occupancy, and operating policies must be updated to ensure compliance

Equal Access in Outreach, Engagement, & Assessment Means:

Accepting the name & gender given by the individual

Using the pronoun as indicated by the individual

If ID is required → **Still use the individual's current gender identity** as indicated by the individual, not the ID

Equal Access in Enrollment Means:

Providing a confidential area to describe services that the client may want to access to ensure the client's confidentiality

Not asking about the client's sex assigned at birth during the intake process

If a project segregates services based on gender → Accepting the client whose gender expression does not fit the stereotypical gender expression

Equal Access in Unit/Bed Assignment Means:

Providing confidential space to allow clients to discuss issues related to harassment or other concerns connected to their current gender expression within the project

Modeling appropriate respect & coaching clients that express verbal & non-verbal disrespect

Quickly resolving conflicts severe enough to warrant the expulsion of a harassing client

Equal Access in Ongoing Service Provision Means:

Recognizing the client's right to access all services for which they are eligible

Correcting clients' misperceptions that gender expression creates a safety risk

Ensuring that all clients understand that verbal & physical bullying are not tolerated

Changing the Culture

Expectations should be clear & consistent at every level of the organization

Written policies & procedures

Staff training

Supervision & management of staff

Communication of expectations to clients

Day-to-day interactions with clients

Implementation of written procedures in response to harassment or safety concerns

Thank you!

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