



## The Community Partnership for the Prevention of Homelessness

### Policy on Serving Transgender and Gender Nonconforming Clients in the District of Columbia Homeless Services Continuum of Care

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The District of Columbia Homeless Services Reform Act of 2005 (HSRA) codifies the rights and responsibilities of clients of homeless service providers, and the standards by which the District of Columbia and homeless services providers must deliver services to clients.

The HSRA, as amended by the LGBTQ Homeless Youth Reform Act of 2013, defines LGBTQ as a person who “self-identifies as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression.”

The Community Partnership for the Prevention of Homelessness (TCP) defines the terms Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning as follows:

- Lesbian: A woman who is emotionally, romantically and/or sexually attracted to the same gender.
- Gay: A man or woman who is emotionally, romantically and/or sexually attracted to the same gender.
- Bisexual: A man or woman who is emotionally, romantically and/or sexually attracted to both genders.
- Transgender: A person whose gender identity differs from the sex assigned to them at birth.
- Queer: A simple label to explain a complex set of sexual behaviors and desires.
- Questioning: A person who has questions about their sexual orientation and/or gender identity.

TCP defines the terms Gender, Sex, Cisgender, Gender Identity, Gender Expression, and Gender Nonconforming as follows:

- Gender: A socially constructed system of classification that ascribes qualities of masculinity and femininity to people.
- Sex: Sex is biological and refers to a person based on their anatomy (external genitalia, chromosomes, and internal reproductive system).
- Cisgender: A person whose sex and gender are congruent by predominant cultural standards.
- Gender Identity: A person’s inner sense of being male, female, or another non-binary gender identity.
- Gender Expression: The outward communication of gender through behavior or appearance.
- Gender Nonconforming: A person whose gender expression differs from expectations associated with the sex assigned to them at birth.



TCP is committed to ensuring the safety, dignity, and well-being of all persons served in the District of Columbia Homeless Services Continuum of Care (CoC).

Gender expression, gender nonconformity, or the fact that a person is transgender shall not be a barrier to service; neither shall a perceived incongruity between a person's physical body and their gender expression be a barrier to service.

TCP's policy on transgender and gender non-conforming clients will explicitly articulate its stance on the following:

- 1. Access to sex-segregated facilities and programs**
- 2. Access to family facilities and programs**
- 3. Access to bathrooms**
- 4. Accommodations for safety and/or privacy**
- 5. Use of preferred names and gendered-pronouns**
- 6. Homeless Management Information System (HMIS) data collection and intake forms**

**1. Access to sex-segregated facilities and programs:**

Without exception, all persons who are eligible to receive homeless services in the District of Columbia CoC have the right to receive services at a facility serving persons of the gender with which they identify regardless of the sex assigned at birth, or whether or not they have had medical or other procedures to align their physical bodies with their gender expression. Service providers may not ask for proof of gender nor may they require proof of gender as a program entry requirement.

In sex-segregated facilities, service providers should make individualized decisions about where to place a person based on their physical and mental well-being, safety needs, and the degree of privacy needed. The safety of transgender and gender nonconforming clients should be protected without unnecessarily isolating or segregating them from the general population.

When a client identifying as transgender presents for services at a sex-segregated facility wherein the gender population served differs from their stated gender identity, the client must be offered a transfer to a facility that serves the gender population with which they identify:

- If the client accepts the offer of transfer, they must be transferred to an appropriate facility. However, if no placement can be made due to a lack of available beds, the client should be allowed to remain until a placement can be made. The provider must make reasonable accommodations for safety or privacy upon request.
- If the client refuses the offer of transfer, they must be allowed to remain. The provider must make reasonable accommodations for safety or privacy upon request.



## **2. Access to family facilities and programs:**

Families shall not be denied services or separated based on the gender expression or gender nonconformity of one or more members or based on the fact that one or more members identifies as transgender.

## **3. Access to bathrooms:**

Without exception, all persons receiving services in the District of Columbia CoC shall have access to bathrooms consistent with their gender identity regardless of appearance, genital or other physical characteristics, or inconsistent legal documentation. Where necessary, providers must make reasonable accommodations for safety and privacy upon request.

Service providers may not ask for proof of gender nor may they require proof of gender of clients to access bathrooms.

Service providers may not institute different bathroom rules for transgender and cisgender clients.

## **4. Accommodations for safety and/or privacy**

It is not the responsibility of transgender or gender nonconforming clients to accommodate facilities and/or programs. Moreover, another client's discomfort is not a reason to deny access to or equal treatment for a transgender or gender nonconforming client. All clients, including transgender and gender nonconforming clients, shall be served based on their self-reported gender identity regardless of appearance, genital or other physical characteristics, inconsistent legal documentation, or concerns (real or perceived) about objections or complaints of other clients.

All clients, including transgender and gender nonconforming clients, who have privacy concerns shall be directed to spaces, where or when available, that allow for greater privacy and spaces that provide equivalent accommodations to those provided to the general population.

- The use of private spaces shall not be reserved solely for transgender or gender nonconforming individuals.
- A space may be requested and utilized by any client including but not limited to transgender or gender nonconforming clients who request additional privacy.
- The unavailability of alternative space shall not be a basis for altering a transgender or gender nonconforming client's sleeping accommodation.

All clients, including transgender and gender nonconforming clients, who have safety concerns shall be directed to spaces where or when available, with equivalent accommodations that are closer to staff.

- The use of such spaces shall not be reserved solely for transgender or gender nonconforming clients.



- Such spaces may be requested and utilized by any client including but not limited to transgender or gender nonconforming clients who request additional privacy because of safety concerns in the main sleeping area.
- The unavailability of such accommodation shall not be a basis for altering a transgender or gender nonconforming client's sleeping accommodation.

***Recourse when an accommodation cannot be made onsite:***

Low Barrier and Severe Weather Shelter providers who are not able to make an appropriate accommodation for safety or privacy onsite shall contact the Shelter Hotline at 1-800-535-7252 so that the client may be transported to a facility that can make such an accommodation. Clients waiting for a pickup by the Shelter Hotline shall be provided with a safe location in which to wait.

Residential Programs shall contact TCP if they are unable to make an appropriate accommodation.

**5. Use of preferred names and gendered-pronouns:**

Service providers must respect transgender clients' preferred names and gendered-pronouns consistent with their gender identity and/or the client's stated preference.

**6. HMIS data collection and intake forms:**

Without exception, all persons receiving services in the District of Columbia CoC should be documented in the HMIS, on intake forms, and all other data collection tools and repositories according to the gender with which they identify.