



CREATING LGBTQ- INCLUSIVE PROGRAMMING WITHIN HUDSON COUNTY, NJ'S HOMELESSNESS AGENCIES

A Reflection on Enforcing HUD's Equal Access Rules

Abstract

In this paper, I reflect on my role in implementing HUD's 2016 Equal Access rule as the Program Manager of Homelessness Programs for the City of Jersey City and co-chair of Hudson County's Alliance to End Homelessness. I describe how I communicated the rule's purpose and importance to agencies and city leadership throughout the County and established protocols to advance LGBTQ-inclusive programming and ongoing cultural competency training.

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Between 2015 and 2017, I served as the Program Manager of homelessness program for the City of Jersey City's Division of Community Development (DCD). Holding this role also meant I was the Co-Chair for Hudson County, New Jersey's Continuum of Care (CoC), also known as the Hudson County Alliance to End Homelessness (HCAEH). CoC is a programming approach, led by the U.S. Department of Housing and Urban Development (HUD), to help localities address homelessness. Cities and counties which seek to receive funding through HUD's CoC program are required to meet HUD's programmatic rules and Federal regulations, as well as to devise a targeted, local plan to end homelessness.

Within both roles, I was responsible for ensuring each homelessness service agency funded by HCAEH and the City met local and federal requirements. During this time, HUD published its second Equal Access Rule ("2016 EA Rule"), *"Equal Access in Accordance With an Individual's Gender Identity in Community Planning and Development Programs."* The 2016 EA Rule's purpose was to address the well documented and disparate violence and discrimination endured by those who are transgender and experiencing homelessness when attempting to access shelters across the nation. As most of the shelters in the jurisdiction used HUD funds, this rule was applied to all of the City and County homelessness and housing agencies. Therefore, this meant significant planning and education around the intersection of homelessness and transgender discrimination had to happen, and I was the person who would lead this effort.

A key component was helping the County and City's homeless service and housing organizations better interact and communicate with their LGBTQ clients to create more inclusive environments and programs. This work sought to identify intolerance and misconceptions among

staff towards the LGBTQ community, develop solutions to address these misconceptions, and equip agencies with the training required to better meet the needs of these clients.

Through my leadership, the HCEAH established an annual LGBTQ cultural competency training, required on-site visits to shelters to evaluate policies and programming, and incorporated training and monitoring requirements into its policies and procedures. Existing and new agencies that are funded or seek to partner with HCAEH were required to make a commitment to ensuring LGBTQ inclusive programming. The policy read as following;

“Commitment to Creating LGBTQ Inclusive Facilities and Programming

All agencies that receive Continuum of Care funding must comply with HUD’s Equal Access Rule which states HUD supported housing programs remain open to all eligible individuals regardless of marital status and actual or perceived sexual orientation or gender identity. Due to the increased risk for homelessness among the lesbian, gay, bisexual and transgender and questioning (LGBTQ) community all CoC agencies must meet the following requirements to help ensure all agencies within the continuum provide LGBTQ inclusive facilities and programming:

Policy, Staff, and Residents

- All providers must publicly post information stating they are a HUD equal access program and information about their Fair housing and Anti-Discrimination policies. Such policies must clearly state LGBTQ and gender non-conforming residents as a protected class under these policies.
- All providers must publicly post how a resident may seek redress under the Law Against Discrimination and to develop a system for reporting discrimination.

- All providers must use appropriate transgender and LGBTQ inclusive language in communications, publications, and training. This includes, but is not limited to, addressing residents by their appropriate name and pronoun.
- Policies and procedures relating to healthcare must not discriminate against transgender, non-conforming clients and must also incorporate information on local resources available for LGBTQ specific healthcare resources.
- All agencies must establish and enforce inclusive standards for staff and residents.
- Shelter intake workers must provide clients seeking services with an overview of the protection of residents based on actual or perceived orientation, gender identity, and gender expression, as well as the opportunity to disclose whether an individual requires particular accommodations due to this.
- All programs must offer clients seeking services the opportunity to voluntarily disclose his or her sexual orientation, gender identity, or gender expression only after there is a discussion about the programs policies, accommodations for LGBTQ populations, and the ability to safeguard confidential information. (HCAEH. May 2016)

Furthermore, in partnership with two leading LGBTQ advocacy organizations, Hudson Pride and Garden State Equality, I expanded Hudson Pride's LGBTQ cultural competency training to include regulatory guidance on the Equal Access rules, relevant data on the prevalence of homelessness among the LGBTQ community, and the discrimination transgender persons experiencing homelessness encounter in shelters. This training also included an overview of HUD's Equal Access Rule requirements. The training continues to be offered annually to the County and City's homelessness agencies.

Finally, as the City's Program Manager of homelessness programs, I extended these efforts by taking a similar approach to HCAEH within the City of Jersey City's Division of Community Development (DCD): require all grantees to commit to the Equal Access Rule. DCD adopted the HCAEH's policies and mandated that all City-funded homelessness programs commit to fostering LGBTQ-inclusive programming. The City ultimately integrated the annual training into its grant agreements. Below is an excerpt of this policy as demonstrated in the City's current sub-recipient agreements for grantees under its Housing Opportunities for Persons with Aids (HOPWA) allocation:

“COMPLIANCE WITH EQUAL ACCESS RULE

The subgrantee agrees that it will be committed to creating LGBTQ inclusive facilities and programming in accordance with HUD's Equal Access to Housing in HUD Programs regardless of Sexual Orientation or Gender Identity ruling. This rule states HUD supported housing programs remain open to all eligible individuals regardless of marital status and actual or perceived sexual orientation or gender identity. This regulation was published in the Federal Register notice dated February 3, 2012 implementing 24 CFR Parts 5, 200, 203, 236, 400, 570, 574, 882, 891, and 982.

This commitment also requires HOPWA Subgrantees to participate in any LGBTQ cultural competency and/or HUD Equal Access Rule training held by the local Continuum of Care. Sub-recipients are also required to review current policies and procedures with HUD's Equal Access Self-Assessment Tool. (DCD, 2021)

As described, my dual role with the City and County placed me in a unique position to enforce the 2016 EA rule among all agencies that housed the homeless or other vulnerable

communities. Yet I understood that, to change organizational culture and communicate a commitment to LGBTQ rights, enforcement efforts had to involve agency leadership, grant administration policies, and cultural competency training.

References:

Division of Community Development (DCD). City of Jersey City. "DRAFT HOPWA

Subrecipient Agreement" (March, 2021)

Hudson County Alliance to End Homelessness (HCAEH). "Hudson County Alliance to End

Homelessness Continuum of Care Policies and Procedures". (May, 2016)

Office of the Secretary. (2016) Equal Access in Accordance With an Individual's Gender

Identity in Community Planning and Development Programs. HUD. (2016) Vol. 81. No.

183. (codified at 24 CFR Part 5)