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Subject: HOPWA In Focus: Equal Access Rule

HOPWA In Focus: Equal Access Rule

On April 22, 2021, U.S. Department of Housing and Urban Development (HUD) Secretary Marcia L. Fudge announced that HUD is withdrawing the proposed rule that would have weakened the Equal Access Rule and reaffirming HUD's commitment to the 2016 Equal Access Rule. The Equal Access Rule ensures that all individuals – regardless of sexual orientation or gender identity - have equal access to the Department's Office of Community Planning and Development programs, shelters, other buildings and facilities, benefits, services, and accommodations. HUD has submitted its action withdrawing that rule to the [Federal Registry](#).

This action reaffirms HUD's mission and commitment to creating inclusive communities and quality housing for all. Excluding any eligible person from HUD's Office of Community Planning and Development funded emergency shelters, temporary housing, buildings, housing, or programs because of a person's gender identity is counter to HUD's mission. [Read HUD's press release on this action here](#).

The [Equal Access Rule applies](#) to the Housing Opportunities for Persons With AIDS (HOPWA) program. HOPWA grantees and project sponsors must ensure access to HOPWA assistance be provided to a person in accordance with that person's gender identity, and in a manner that affords equal access to the person's family. We encourage HOPWA programs to take the following actions as we work together to ensure equal access to all persons seeking HOPWA assistance:

- Ensure staff are familiar with the [Equal Access Rule](#) and understand the following:
 - Housing and services should be made in accordance with clients stated gender identity without regard to actual or perceived sexual orientation, gender identity or marital status.
 - Families may not be excluded because one or more members of the family may be LGBTQ or perceived to be LGBTQ.
 - Services should be provided without clients being subject to intrusive questioning or being asked to provide documentation of gender.
 - Facilities are prohibited from segregating or isolating transgender individuals solely based on their gender identity.
- Review and update your policies and procedures to ensure equal access to your HOPWA program. Make sure anti-discrimination and inclusive policies are adopted and implemented at the agency level and HOPWA program level. . The Technical assistance (TA) guidebook, [Equal Access for Transgender People: Supporting Inclusive Housing and Shelters](#), can assist you with transgender-inclusive language and what to include in your project site's anti-discrimination policy to be in compliance with the Equal Access Rule.
- Review and update programmatic documents including intake forms, client handbooks, personnel handbooks and any other publicly posted policies or notices where residents, volunteers, visitors, and staff can view them. Consider whether these documents:

- State that language and actions that are discriminatory in nature will not be tolerated by clients or staff;
- Acknowledge the agency’s Inclusive Policy Standards;
- Use gender neutral and inclusive language;
- Provide procedures to report and address incidents of discrimination and harassment should they occur; and
- Include spaces for gender pronouns and clients’ preferred name.
- Share your updates with staff and train them to properly implement the updated policies and procedures in compliance with the Equal Access Rule. TA material, [Equal Access Expectations: Training Scenarios for Use with Project Staff](#), provides a variety of training scenarios and discussion points to be used with staff.
- Take a look at the composition of the staff at your agency and consider whether they reflect all populations being served. If needed, make a plan to increase staff diversity going forward.
- Undertake an assessment of the organization’s client intake spaces, conference rooms, meeting rooms, and other spaces to be occupied by clients to determine whether your agency is providing safe, affirming, supportive and welcoming spaces for everyone. Consider whether posters or other wall hangings include statements and images that are inclusive of LGBTQ clients.
- Consider including sex assigned at birth on agency list of confidential information.
- Request TA as needed. There are a variety of TA resources available on the [LGBTQ Homelessness page](#). Specific questions requesting formal HUD program guidance can be submitted to the [Ask A Question \(AAQ\) portal](#). Select the HOPWA: Housing Opportunities for Persons With AIDS program and enter “Equal Access Rule” for the subject.

Gender identity and sexual orientation must not be a barrier to safe, stable housing. We know how detrimental HIV stigma and discrimination can be to a person’s life before it is compounded by other forms of discrimination due to that person’s identity. Together we have the opportunity to provide housing and services to people living with HIV regardless of their gender identity or sexual orientation. Thank you for your continued work and dedication to the HOPWA program.

Respectfully,

Rita Harcrow
 Director, Office of HIV/AIDS Housing



Housing is a structural intervention in ending the AIDS epidemic in the United States. Each year, HOPWA ensures housing stability for more than 100,000 American households that are low-income and living with HIV.

Want to know more about HOPWA? Go to
https://www.hud.gov/program_offices/comm_planning/hopwa

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