



Lake County Coalition for the Homeless

Anti-Discrimination Policy for HUD-Funded Programs –

Lake County Coalition for the Homeless requires that HUD-funded programs follow HUD requirements related to family eligibility and separation to assure that families have access to housing and are not separated.

Applicable Projects

Housing projects receiving funding through Emergency Solution Grants (ESG)
Housing projects receiving funding through Continuum of Care (CoC) grants

Policy Standards

All housing projects receiving ESG or CoC funding must have program policies and procedures, including eligibility, which comply with the Fair Housing Act and Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity:

24 CFR Parts 5, 200, 203, 236, 400, 570, 574, 882, 891, and 982

https://www.hudexchange.info/resources/documents/EqualAccess_FinalRule_2.3.12.pdf

Additionally, HUD prohibits involuntary family separation. The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to a project that receives funds under this part (24 CFR 578.93).

Program Eligibility

HUD requires its housing programs to be open to all eligible individuals and families regardless of color, disability, familial status, national origin, race, religion, gender, sexual orientation, gender identity or marital status. HUD recipients and subrecipients must comply with 24 CFR 5.105(a)(2) in connection with determining eligibility for housing assisted with HUD funds.

HUD explicitly prohibits inquiries related to sexual orientation or gender identity for the purpose of determining eligibility. HUD allows inquiries related to gender for the limited purpose of determining placement in temporary, emergency shelters with shared bedrooms or bathrooms, or for determining the number of bedrooms to which a household may be entitled. HUD clarifies that the lawful inquiries as to sex would be permitted primarily for emergency shelters and like facilities. This temporary housing, unlike other HUD subsidized housing, involves no application process to obtain housing, but rather involves immediate provision of temporary, short-term shelter for homeless individuals.

Definition of Family (This section is a direct quote from source:

<https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>)

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or

without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

What this means is that any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Further, a recipient or subrecipient receiving funds under the ESG or CoC Programs cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any member's family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity.

Here are two examples of how this might apply:

1. **An emergency shelter, transitional housing project, or permanent housing project that serves households with children.** While it is acceptable for a shelter or housing program to limit assistance to households with children, it may not limit assistance to only women with children. Such a shelter must also serve the following family types, should they present, in order to be in compliance with the Equal Access rule:
 - o Single male head of household with minor child(ren); and
 - o Any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren).

In this example, the emergency shelter or housing program would not be required to serve families composed of only adult members and could deny access to these types of families provided that all adult-only families are treated equally, regardless of sexual orientation, marital status, or gender identity.

2. **A permanent supportive housing project under the CoC Program rule that serves chronically homeless families.** A permanent supportive housing program that serves families must serve all types of families and cannot discriminate against any family based on marital status, actual or perceived sexual orientation of the family members, or gender identities of the family members. Therefore, if two adults present together as a family, the recipient or subrecipient must serve the two adults as a family and may not require proof of marriage and may not limit assistance to couples in a heterosexual relationship.

Note

HUD is aware of the significant challenges that transgender persons face when attempting to access shelters. By way of this rule, however, HUD is not mandating a national policy related to appropriate placement of transgender persons in shelters limited to one sex. HUD needs additional time to review this issue and determine whether setting national policy is appropriate. Federal Register at 77 FR 5662 (Feb. 3, 2012)