

**MIAMI-DADE COUNTY HOMELESS TRUST**

**POLICY & PROCEDURES  
POLICY NO: HT009**

**SUBJECT: APPROPRIATE PLACEMENT FOR  
TRANSGENDER PERSONS IN SINGLE-SEX  
EMERGENCY SHELTERS AND OTHER FACILITIES**

**EFFECTIVE DATE: 6/30/16**

**REVISED DATE: 6/09/23**

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**PURPOSE:** The purpose of this policy is to define equal access to housing in CoC funded programs regardless of gender identity. This policy is pursuant to the amended final rule (Equal Access Rule) (81 FR 64763) which requires that HUD’s housing programs be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status, and requires that transgender and gender non-conforming individuals be accommodated in temporary, emergency shelters and other facilities that have shared sleeping quarters or bathing facilities based on their self-reported gender identity. The rule amends the definition of “gender identity” to mean “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,” and “perceived gender identity” to mean “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.” The amended rule continues to prohibit owners and administrators of HUD-assisted or HUD-insured housing, approved lenders in an FHA mortgage insurance program, and any other recipients or subrecipients of HUD funds from inquiring about sexual orientation or gender identity to determine eligibility for HUD-assisted or HUD-insured housing.

This policy also provides guidance on appropriate and inappropriate inquiries related to a potential or current client’s gender for the purposes of placing transgender or gender non-conforming persons in temporary, emergency shelters or other facilities with shared sleeping areas or bathrooms.

**SCOPE:** Street Outreach (SO); Emergency shelters or other facilities receiving Emergency Solutions Grants (ESG), Continuum of Care (CoC), or Housing Opportunities for Persons with AIDS (HOPWA) funds.

**HUD GUIDANCE FOR SINGLE-SEX EMERGENCY SHELTERS OR OTHER FACILITIES THAT RECEIVE ESG, HOPWA, OR COC FUNDS:**

**Assignments**

The Miami-Dade County Homeless Trust, hereto referred to as “the Trust” requires a recipient or subrecipient (“provider”) that makes decisions about eligibility for placement into single-sex emergency shelters or other facilities to place a potential client (or current client seeking a new assignment) in a shelter or facility that corresponds to the gender with which the person identifies. A person’s gender does not depend on whether they have had surgery or other medical treatments or whether they are perceived to “pass” as the gender with which they identify. Transgender people presenting for intake shall not be turned away or referred to another agency or facility because of their transgender status, the length or extent of their gender transition, or because they do not meet the expectations of what a man or woman is supposed to look like. . The Trust requires that a provider not make an assignment or re-assignment based on complaints of another sheltered person or shelter staff member, if/when the sole stated basis of the complaint is a client or potential client’s gender identity, gender presentation, and/or non-conformance with gender stereotypes, gender roles, and/or expectations around sex and/or gender.

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**Appropriate and Inappropriate Inquiries Related to Sex**

Gender identity, gender expression, sexual orientation, and marital status shall not be used to deny any services to any individual or household. Staff, volunteers, and contractors may not ask questions or seek information concerning a person's anatomy or medical history beyond those questions that are necessary to determine program eligibility. They also may not choose to consider a client or potential client to be ineligible for services because their appearance or behavior does not conform to gender stereotypes. Transgender and gender non-conforming clients who are approved for services shall be provided with the same range of services available to other similarly situated clients. Staff may not require a person's gender identity to match the gender listed on an ID or other documents, for the purposes of determining gender-appropriate accommodations or entering gender into HMIS.

**Privacy**

If any client expresses privacy concerns, the provider must take reasonable steps to address those concerns. This may include, for example: responding to the requests of the client expressing concern through the addition of a privacy partition or curtain; provision to use a private restroom or office; or a separate changing or bathing schedule. The provider must, at a minimum, permit any clients expressing concern to use bathrooms and dressing areas at a separate time from others in the facility. The provider should, to the extent feasible, work with the layout of the facility to provide for privacy in bathrooms and dressing areas for all clients. For example, toilet stalls should have operable doors and locks and there should be separate shower stalls with curtains and/or locking doors to allow for privacy. (Note: ESG and HOPWA funds may be used to renovate an emergency shelter to maximize privacy and safety.) The provider must ensure that its policies do not isolate or segregate transgender or gender non-conforming clients based upon gender identity, for instance, designating a "transgender bedroom" or other policies that have the effect of isolating or segregating clients based on their transgender status. Clients may, however, ask to be isolated or segregated and reasonable steps should be taken to accommodate the client as facility space allows.

**Training & Monitoring**

The Homeless Trust is responsible to ensure that subrecipients comply with the Equal Access Rule. Subrecipients are required by the 2016 Equal Access Rule to establish or amend, as necessary and in a nondiscriminatory manner, admissions, occupancy, and operating policies and procedures to ensure its requirements. Subrecipients are encouraged to provide and explain this policy to staff members at orientation, regular staff meetings, and to provide ongoing trainings to ensure that employees and contractors who interact directly with clients are aware of it and report/address noncompliance. If the Homeless Trust finds a recipient or subrecipient has failed to meet the aforementioned program requirements, the Trust may place the provider on corrective action to ensure the provider receives adequate training and compliance with this policy.