

# Shelter for All Genders

Best Practices for Homeless Shelters, Services, and Programs in Massachusetts  
in Serving Transgender Adults and Gender Non-Conforming Guests



Massachusetts Transgender Political Coalition Policy Committee  
December 2013

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This document was informed by the prior work of many researchers and advocates. Citations for these works can be found in the Works Cited section. *Transitioning Our Shelters: A Guide to Making Homeless Shelters Safe for Transgender People* (Mottet & Ohle 2003) was particularly influential.

If you would like to cite this report, we suggest using the following citation:

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**Massachusetts  
Transgender  
Political  
Coalition**

## **Letter from the MTPC Executive Director**

I am pleased to present the Massachusetts Transgender Political Coalition's (MTPC) best practice recommendations to all homeless shelters, services, and programs – and agencies working with shelters – in the Commonwealth. These recommendations address fair treatment, equal rights, and safety of transgender and gender non-conforming persons accessing emergency and transitional shelters and other services in Massachusetts.

Transgender and gender non-conforming people continue to experience overwhelming levels of harassment and discrimination in shelters and programs across the Commonwealth and nation. Homelessness within the trans community is critically common. A 2009 study by the National Center for Transgender Equality and the National Gay and Lesbian Task Force reports about 1 in 5 transgender people have been refused housing, and 19% have experienced homelessness at some point in their lives due to transgender-related discrimination. Of transgender people who have tried to access shelters, 55% have experienced harassment by shelter staff or residents, 29% were turned away altogether, and a staggering 22% experienced sexual assault by residents or staff. Furthermore, those trans people in the study who have experienced homelessness were highly vulnerable to mistreatment in public settings, police abuse, and negative health outcomes. Additionally, the 2011 Institute of Medicine report on the health of LGBT people affirms the significant risk of homelessness among young transgender people. The overwhelming evidence indicates the necessity for safety and accessibility to homeless shelters and programs for transgender and gender non-conforming people. The experiences of homeless transgender people here in Massachusetts reflect the findings from national research.

MTPC applauds Governor Deval Patrick for issuing gender-identity inclusive executive order 526 "Order Regarding Non-Discrimination, Diversity, Equal Opportunity, and Affirmative Action" in February 2011 and the Massachusetts legislature for the passage of the state law An Act Relative to Gender Identity, which went into effect July 1, 2012. In addition to prohibiting discrimination in employment, education, and credit/lending on the basis of gender identity in Massachusetts, this law extends to housing protections.

These recommendations offer suggestions for how shelters and programs can conform to that law and reflect an important step forward in supporting the integrity of all individuals accessing safe housing in Massachusetts. MTPC looks forward to collaborating with shelters, programs, and shelter agencies to implement these best practice recommendations across Massachusetts.

These recommendations were prepared by the Policy Committee of MTPC and reflect the best practices for inclusive shelters and programs used in other areas of the United States; existing laws, policies, and regulations for shelter systems in other states; and policy recommendations devised by transgender and LGBT think tanks and shelter policy specialists.

Thank you,

Gunner Scott  
Executive Director, Massachusetts Transgender Political Coalition, 2008-2013



# CHAPTER I.

## Introduction

### A. PURPOSE

The purpose of these best practices is to ensure the safety, dignity, and well-being of transgender and gender non-conforming persons accessing homeless shelters and programs in Massachusetts. This brief lays out guidelines for homeless shelter and program staff to better assist transgender and gender non-conforming guests to safely access shelters and programs. We begin by providing definitions of key terms in this document that will be important while working with transgender and gender non-conforming guests. We then offer recommendations on policies and practices that shelters and programs can implement to promote a safe and welcoming environment for transgender and gender non-conforming guests. After the recommendations, we present a section on laws that protect transgender and gender non-conforming guests in shelters, as well as information on how to enforce these laws.

### A. COMMON DEFINITIONS

The best advice in this document is to treat transgender and gender non-conforming guests with respect. Respect is key to ensuring safety and equal access for all guests. Use of language is one way that shelter and program staff can show respect. Staff should take care to use words that affirm guests' identities and to avoid words that are offensive.

Transgender and gender non-conforming people vary in what terms they use and prefer to use to describe their experiences. If you are unsure if a term is affirming or offensive to an individual guest, you may ask the guest what terms they prefer. The following list of common definitions will be helpful when working with transgender and gender non-conforming guests:

**Assigned Sex:** A person's sex as assigned at birth, typically by a doctor or midwife, based on the person's internal and/or external anatomy. One's assigned sex may or may not correspond to one's gender identity or expression.

**Gender Affirmation Surgeries:** Also known as "sexual reassignment surgery." A variety of medical treatments that may be recommended by a healthcare provider to a transgender person in order to treat their gender dysphoria. There is not just one surgery but many surgeries. Avoid using the term "sex change surgery."

**Gender Dysphoria:** Discomfort or distress that is caused by a discrepancy between a person's gender identity and that person's sex assigned at birth.

**Gender Identity (legal definition):** A person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held, as part of a person's core identity; provided, however, gender-related identity shall not be asserted for any improper purpose.



**Gender Expression (colloquial definition):** The way in which people express their gender identity. This term also refers to the cues people use to identify another person's gender. This can include clothing, mannerisms, makeup, behavior, speech patterns, and social interactions that are perceived as masculine, feminine, or androgynous.

**Gender Identity (colloquial definition):** The way in which people identify their own gender or inner sense of being male, female, or something else, regardless of the person's assigned sex at birth.

**Gender Non-conforming Person:** An individual who has, or is perceived to have, gender-related characteristics and/or behaviors that do not conform to stereotypical or traditional expectations.

**Gender Transition:** Gender transition is a personal process that a transgender person goes through when they begin to live and identify as the gender they see themselves as. This process includes a social transition, with a person changing their gender expression, such as clothes and hairstyle. It also includes a change in pronouns, and possibly their first name, to be reflective of the gender they are transitioning to. This process may also include support from a therapist and a medical transition, which can be hormone replacement therapy and/or gender affirmation surgeries.

Some transgender people may not have access to gender affirmation medical treatment due to the prohibitive cost, lack of access to providers, physical health issues, lack of health insurance coverage, and/or personal reasons. The reality is that many transgender people live, present, and are accepted as the gender they see themselves as without gender affirmation medical treatment, hormones, and/or gender affirmation surgeries.

**Preferred Name:** The name with which a person identifies and prefers others to use. A person may or may not do a legal name change. Massachusetts law allows people to change their names for honest purposes by simply beginning to use a different name without obtaining a legal name change (see Merolevitz, Petitioner, 320 Mass. 448 (1946)). However, some people choose to complete a name change petition in order to make it easier to change their names on official documents and in other contexts. A fee waiver is available for low-income people. See MTPC's name change kit for more information: <http://www.masstpc.org/get-help/name-change>

**Transgender:** An umbrella term for people whose gender identity and/or gender expression is different from their assigned sexes, whether or not they have had any gender-related medical or surgical treatments. Avoid saying "a transgender" and the spelling "transgendered." See also other associated terms: Transsexual, Trans.

**Transgender Man (or "FTM"):** A person who has transitioned from "female to male," meaning a person who was assigned female sex at birth but now identifies and lives as a male. Transgender men use male pronouns like "he," "him," and "his." Avoid saying "a transgender" and the spelling "transgendered."

**Transgender Woman (or "MTF"):** A person who has transitioned from "male to female," meaning a person who was assigned male sex at birth but now identifies and lives as a female. Transgender women use female pronouns like "she," "her," and "hers." Avoid saying "a transgender" and the spelling "transgendered."

# CHAPTER II.

## Phrases to Avoid

The following terms and phrases are often considered offensive or derogatory to transgender and gender non-conforming people:

- Transvestite
- She-male
- He-she
- It
- Trannie
- Tranny
- Shim
- Brick
- Sex change
- Clocked
- Man in a dress
- Man that wants to be a woman
- Woman that wants to be a man
- Have you had the surgery?
- What was your name before?
- Avoid the spelling “transgendered”



# CHAPTER III.

## Recommended Policies and Procedures for Shelters and Programs to Implement

### Non-discrimination Policies

Programs and shelters should add “gender identity” and “gender expression” to the list of attributes that are protected from discrimination in their internal policies. For example, a shelter or program with an internal policy that no guest can be refused service due to race, religion, ethnicity, gender, sexual orientation, veteran status, or marital status, should revise its policy to state that guests also may not be refused service due to their gender identity or gender expression.

### Respect at All Stages

Shelter and program staff should take steps to show transgender and gender non-conforming guests that they are welcome and respected. At all times, starting with intake and ending with discharge, shelter and program staff should refer to guests by guests’ preferred names and pronouns. In addition, shelter and program staff should not ask probing questions about a guest’s gender identity or gender expression unless the information is relevant to ensuring that the guest has a safe stay at the shelter or a positive experience in other social service programs. For example, a staff member working with a guest to determine sleeping arrangements should not inquire about whether the guest has had any sex reassignment surgeries. If the guest raises a topic, then the staff member could discuss it with the guest, as long as the discussion is respectful and on the guest’s terms.

### Confidentiality

When working with transgender and gender non-conforming guests, it is especially important to respect the guests’ right to privacy. Disclosing a person’s status as transgender may put that guest’s safety at risk. For example, shelter and program staff must be careful to always use the guest’s preferred name and pronouns, since using a former name or the wrong pronoun could disclose a guest’s status as a transgender person. Furthermore, shelter and program staff should discuss in a private/confidential space any matters that could disclose a guest’s transgender status.

If information regarding a guest’s legal name and/or sex at birth is needed and/or collected, it should be kept confidential. A breach in this protocol may endanger a transgender person’s safety. Only staff who must know, in order to keep the guest safe or for essential functions, should be told of the guest’s transgender or gender non-conforming status, unless the guest freely chooses to share this information.

### Harassment

Harassment can be traumatic for any guest. Shelters and programs should revise their existing harassment policies to explicitly cover harassment related to gender identity and expression. Specific forms of harassment that a transgender or gender non-conforming person may confront based on their gender identity or expression include, but are not limited to, the following:

- Deliberately not using the guest’s preferred name, misusing a form of address, and/or not using the preferred gender pronoun
- Asking inappropriate personal questions about the guest’s body, genitals, gender identity or expression, or gender transition, including whether the individual has or plans to have medical or surgical procedures
- Disclosing to others that the guest is transgender or gender non-conforming
- Posting offensive pictures, or sending offensive electronic or other communications related to the guest, including telephone, internet, and text-messaging harassment
- Making derogatory remarks, jokes, insults, threats, or epithets including negative stereotypes about transgender and gender non-conforming people or homophobic comments in the presence of any guest
- Asking a guest’s former name

In addition to taking initiative to ensure that no staff or guests engage in harassment, shelters and programs should take all possible steps to ensure that no outside vendors, service providers, or other third parties harass transgender or gender non-conforming guests.

If any instance of harassment does occur, shelter/program staff and leadership should follow the same policies and procedures as with any other guest issue and with the same level of urgency as they would use for harassment based on race, disability, primary language, or any other category or identity.

### **Preliminary Housing Accommodations**

In circumstances in which shelters, programs, and/or housing is sex segregated, transgender individuals seeking shelter must be placed in the sleeping quarters, programs, and/or housing of the gender the individual lives and identifies as. For instance, a transgender woman (MTF) should be placed in women's programs, and a transgender man (FTM) should be placed in men's programs, unless the individual indicates that they wish to be placed elsewhere. Some transgender and/or gender non-conforming individuals may not feel ready to be in the gendered space with which they identify. A failure to appropriately assign transgender and/or gender non-conforming guests could result in violence, harassment, sexual assault, and other types of abuse, and could be a violation of a federal, state, or local law or policy, as described in Chapter IV in this document.

Transgender and gender non-conforming persons should be allowed to stay in a sex-segregated shelter or program that correlates with the gender with which they identify. The majority of transgender guests will choose women's shelters if they live and identify as women, and men's shelters if they live and identify as men. However, a guest who feels that they would be unsafe in the shelter that matches their gender identity should be allowed to stay in another shelter in which they feel safe. For example, many FTM participants in a study in Toronto reported fearing for their safety when they used men's shelters, leading 29% to use women's shelters instead (FTM Safer Shelter Project Team, 2008).

Men's and women's shelters and programs should post welcoming messages. For example, a women's shelter could post a sign saying: "We have many types of women here: women of different races, religions, sexual orientations, gender expressions, and gender identities."

### **Intake and Screening**

Shelters and programs should eliminate check-in areas designated by gender and have only one area for checking in all guests. Shelters and programs should provide the opportunity for people to indicate their preferred name beginning with the initial intake or sign-in sheet. The sign-in sheet should ask for preferred name. Only preferred names should be called out in public; legal names should be kept confidential.

Throughout the process, intake staff should avoid making assumptions about a guest's gender based on anything other than the guest's description of their own gender. For example, staff should not assume gender based on the guest's voice, clothing, appearance, or documentation or ID.

If the intake procedure includes body searches, urine tests, or other such processes, shelter and program staff should ensure that a guest is comfortable with the staff member who is administering or overseeing these processes. For example, a transgender or gender non-conforming individual may be more comfortable with a staff member whose gender matches the guest's gender identity.

### **Forms and Identification of Individuals**

If the information is collected, intake forms should include a space for "gender identity or preferred gender," "preferred name," and "preferred pronouns," as opposed to "legal name" and "sex." If there are forms that are not within the shelter or program's purview to change, staff should explain the limitations of the form to the guest so that the guest understands that the shelter or program staff supports the guest's identity.





## Accommodations

Sleeping, showering, and using the bathroom in a congregate shelter or program facility are vulnerable experiences for all guests. This can be especially true for transgender and gender non-conforming guests. Respecting rights to privacy and self-determination and providing appropriate options helps ensure everyone's safety, dignity, and comfort. All efforts to ensure safety for transgender and gender non-conforming guests should be made.

A transgender or gender non-conforming guest may choose not to disclose their status to anyone for fear of discrimination, ridicule, harassment, or violence, or they may only disclose to one individual or only after establishing some level of trust and experience with the staff and other guests.

Discuss with transgender and gender non-conforming guests their concerns regarding personal, emotional, and/or physical safety. Review all available options for sleeping arrangements and bathroom and shower facilities, including men's, women's, and gender neutral or single occupant. Conduct these conversations in such a way that they are private and confidential and do not bring unwanted attention to the individual or situation.

Allow transgender and gender non-conforming guests to choose those options that they feel are safest for themselves. These choices should not be made by staff and should not be dependent on gender-related medical treatment or status. In some cases, a guest may for safety reasons choose a sex-segregated space that correlates with their birth sex and not their gender identity.

In instances where another shelter or program guest may object to sharing facilities with a transgender or gender non-conforming guest, consider how the situation would be handled if the objection were based on another form of oppression, such as racism. The same skills and strategies used to effectively deal with a situation involving racism, sexism, or ableism can be applied to situations involving discrimination based on gender identity or expression. A transgender or gender non-conforming guest should not have to accommodate the prejudice of another guest.

Not all transgender people present and live in their preferred gender 100% of the time. Living in one's preferred gender, also known as authentic gender, full-time comes with many risks, including discrimination and violence. Furthermore, an individual may have difficulty obtaining identification documents that match their preferred name and gender, especially if they are low-income or if they are not a U.S. citizen. Without identification documents that reflect the gender and name they are using, the individual may face additional barriers and risks. As a result, many people transition into their preferred gender over time. Consequently, some guests may present as one gender at some points (for example, during the daytime in their work environments) and as a different gender after work, to match their own preferred gender. In these instances, staff should have respectful discussions with the guest to understand their needs and their sense of what accommodations will best promote their safety and well-being. In addition, a guest may change their preferred gender or name during their stay at the shelter. When this occurs, staff should discuss options with the guest and identify whether any changes in accommodations should be made in order to ensure the guest's safety and well-being (Mottet & Ohle, 2003).

Homeless shelters and programs in Boston have been enforcing non-discrimination protections for transgender and gender non-conforming guests for over ten years. Their decade of experience is proof that any challenge that may arise can be managed.

For more suggestions on accommodations, we recommend that you refer to the Mottet and Ohle 2003 *Transitioning Our Shelters* report or Quinn's 2010 *Open Minds Open Doors* report.

## **Sleeping Arrangements**

In some cases, typical sleeping arrangements may not be safe for transgender or gender non-conforming guests. If there is any question of safety, provide transgender and gender non-conforming guests the option of sleeping within sight and hearing of staff. If available, a single room may also be offered. Be aware that these arrangements may draw unwanted attention to the situation, so it's important to allow transgender and gender non-conforming guests to decide for themselves the most appropriate option.

## **Bathrooms**

Allow guests to use bathrooms that correspond to their gender identity. For example, a transgender woman should be allowed to use the women's room, and a transgender man should be allowed to use the men's room. If the guest has concerns, provide bathroom facilities based on a guest's concerns regarding safety and social comfort.

Provide, if possible, gender-neutral bathrooms for all guests to use. Do not require this as the only option for transgender and gender non-conforming guests. Restricting choices in this way may draw unwanted attention to the individual or situation.

Ensure that bathrooms that include stalls have doors on the stalls with functional locks for the privacy and safety of all guests. If the shelter or program facility has bathrooms with stalls that do not have doors with functional locks, consider implementing plans to construct them.

Shelters and programs may wish to post signs in bathrooms reminding all guests to please let other guests use the restroom in peace, as each of us can decide for ourselves which restroom we belong in.

## **Showers**

Allow guests to use showers that correspond to their gender identity. Offer shower facilities based on a guest's concerns regarding safety.

As with bathroom facilities, ensure that shower stalls have doors on the stalls with functional locks for the privacy and safety of all guests.

Where available, allow transgender and gender non-conforming guests to use individual stalls. If only open stalls exist in the facility, staff should make accommodations to ensure the privacy and safety of all guests. For example, staff can divide shower stalls with curtains or make arrangements for guests to use the shower at a time when the shower area is closed to other guests. As with bathroom facilities, do not require this as the only option for transgender and gender non-conforming guests. Restricting choices in this way may draw unwanted attention to the individual or situation. Shelters and programs should incorporate plans to construct individual stalls into their short-term or long-term plans.

## **Health Issues**

Transgender and gender non-conforming guests may experience the same health issues as all guests, in addition to gender-related health needs. Shelter and program staff must remember that medical treatments do not determine any guest's transgender status, as not all transgender individuals are on hormone therapy or undergo gender affirmation procedures.

If a facility has a triage station and intake nurse upon arrival, transgender and gender non-conforming guests should be triaged to Health Services after intake, as any guest would. The nurse on duty should conduct the initial assessment. The nurse should refer to the patient as the preferred name and gender markers indicated on the intake form. The nurse will determine what medications the guest is currently taking, including, but not limited to, hormone therapy. Guests should be assigned to health services based on health need, not solely based on perceived transgender or gender non-conforming gender identity.



Transgender and gender non-conforming guests currently undergoing hormone therapy should have readily available access to these medications, just as any other guest has the right to obtain medications that are currently prescribed. Abruptly stopping hormone therapy results in both mental and physical side effects. If guests are taking hormones inter-muscularly, they will also need access to sterile needles and syringes. Shelters and programs should provide these resources, if possible, or should refer guests to places where they can obtain these free or at low cost. Shelters and programs should use the same protocol for guests who need syringes to take hormones as they use for any guest who needs to use a syringe in order to take any medicine, such as insulin.

Due to the difficulties transgender people face in accessing hormone prescriptions, it may not be uncommon for a transgender or gender non-conforming person to obtain hormones without a doctor's prescription. If guests have obtained hormones in this way, they should be referred to a healthcare professional to obtain a medical treatment plan as soon as possible (see below for health organizations that often serve transgender patients).

The following organizations are good resources for any health-related questions you may have regarding serving your gender non-conforming and transgender guests:

Boston Health Care for the Homeless, <http://www.bhchp.org>

Fenway Health, <http://www.fenwayhealth.org>

Sidney Borum Jr. Health Center, <http://sidneyborum.org>

Baystate Medical Center, <http://www.baystatehealth.com>

For more organizations across Massachusetts, refer to MTPC's resource guide, which is online at [http://www.masstpc.org/mediawiki/index.php?title=MTROLwiki:Community\\_Portal](http://www.masstpc.org/mediawiki/index.php?title=MTROLwiki:Community_Portal).

### **Dress Code**

Shelters and programs that have dress codes should make sure that the dress code is not based on gender or gender stereotypes. For example, a dress code that is not based on gender includes: "Everyone must wear clothing covering their chest to their knees."

This will give all residents more freedom in their dress, gender expression, and presentation.

### **Training**

Each facility is strongly recommended to require that management receive training on diversity, including issues related to transgender and gender non-conforming guests, at least once a year. It is also recommended that all other staff attend yearly training and that management incorporate this information into staff meetings or other general staff trainings. New hires and volunteers should receive diversity training that covers issues related to transgender and gender non-conforming guests within their first six months. The training should at minimum cover the points highlighted in this document.

Training can be coordinated through local transgender organizations that provide comprehensive trainings on transgender and gender non-conforming issues. Providers should take care to identify organizations that are generally reputable and trusted by transgender and gender non-conforming communities. Shelters and programs should also consider hiring these organizations to develop a training curriculum and provide train-the-trainer services to enable the shelter or program to train its own staff after an initial session.

At a minimum, staff trainings should include the following:

- Guidelines for how staff should interact with guests
- Intervention techniques that are sensitive to the needs of transgender and gender-nonconforming guests
- Culturally appropriate intake procedures
- Legal rights and responsibilities

### **Implementation**

Shelters and programs should take steps to create an accepting environment. Doing so will also help educate staff and other guests. The following are specific actions that shelters or programs can take to demonstrate that their environment is accepting:

- Posting welcoming signs that say “transgender people are welcome here” or “we serve many types of women here” (Mottet & Ohle, 2003) and making materials with information about resources available to transgender and gender non-conforming guests freely available and easily accessible to all guests
- Posting the shelter or program’s non-discrimination policy in clear sight of all guests
- Including this protocol in the staff and volunteer handbooks, for the easy reference of both new hires and seasoned staff.



# CHAPTER IV.

## Laws Protecting the Rights of Transgender and Gender Non-conforming Guests

The recommendations and policies spelled out in Chapter III provide for equal access to shelters and programs for transgender and gender non-conforming guests. They are consistent with federal regulations and state and local laws that prohibit discrimination against transgender and gender non-conforming shelter and program guests.

Massachusetts' civil rights law prohibits discrimination against transgender shelter and program guests. State courts interpret the public accommodations statute's proscriptions on sex and disability discrimination to reach discrimination against people because they are transgender (see Mass. Gen. Laws Ann., ch. 272, §98).<sup>1</sup> Furthermore, the housing non-discrimination law now explicitly prohibits gender identity discrimination (see Mass. Gen. Law, ch. 151B, §4). The law's expansive definition of housing is such that this ban should apply to many shelters (see Mass. Gen. Laws Ann., ch. 151B, §1). In addition, Amherst, Boston, Cambridge, and Northampton all have local ordinances prohibiting discrimination against transgender people (see Amherst General Bylaws, et al).

Shelters and programs that receive Department of Housing and Urban Development (HUD) funding must provide equal access to transgender people. A newly promulgated HUD regulation requires that HUD assisted housing "shall be made available without regard to actual or perceived ... gender identity" and specifically disallows inquiry as to a person's gender identity "for the purpose of determining eligibility for the housing or otherwise making such housing available" (see 24 C.F.R. §§5.105(a)(2)(i)-(ii)).

Furthermore, a separate regulation requires all recipients of HUD funds to comply with their state and local non-discrimination laws "proscribing discrimination in housing based on sexual orientation or gender identity" (see Department of Housing and Urban Development, 2011). These two regulations in combination make clear that HUD-funded shelters and programs in Massachusetts must not discriminate against transgender guests (Id.)<sup>2</sup>

The HUD regulation allows, but does not require, inquiry as to a person's sex in certain situations involving emergency accommodations with shared sleeping quarters and/or bathrooms (see 24 C.F.R. §5.105(a)(2)(ii)). In order to avoid conflict with Massachusetts anti-discrimination law, local ordinances, and the Fair Housing Act, shelters and programs should avoid such inquiries. Questioning only those guests whom shelter staff perceive to be transgender about their anatomy or medical history in order to determine sex is impermissible discrimination based on gender identity and sex stereotyping (see *Lie v. Sky Pub. Corp.*, 2002 WL 31492397 (Mass. Super., 2002), et al.).

In certain situations, the Fair Housing Act (FHA) also protects transgender shelter guests. HUD announced that it interprets the FHA's provision against discrimination on the basis of sex to cover transgender people who are discriminated against because of "non-conformity with gender stereotypes" (U.S. Department of Housing and Urban Development, 2012). Thus, shelters covered by the FHA cannot deny admission to or treat guests differently because they are transgender.

1 That provision, however, probably does not cover shelters that only serve guests of one sex. See Mass. Gen. Laws Ann., ch 272, §92A.

2 Id. While the rule explicitly refers only to eligibility, not disparate treatment once a guest is in a shelter, HUD responded to commenter's concerns about disparate treatment by stating that §5.105(a)(2) will "address" that concern. 77 FR 5662-01 at 5667 (Feb 3, 2012).



Massachusetts' non-discrimination law also prohibits gender identity discrimination in employment.

It is illegal for any shelter or program to fire, not hire or not promote a qualified worker based solely on the worker's gender identity or expression (see Mass. Gen. Law, ch. 151B, §4). MTPC recommends that shelters and programs recruit transgender and gender non-conforming staff to promote a welcoming environment for transgender and gender non-conforming guests.

### **Enforcing These Laws and Policies**

Anyone who experiences or witnesses discrimination based on gender identity or expression has the right to report the discrimination to local, state, or federal authorities. Anyone, including transgender and gender non-conforming individuals, can file a complaint with the Massachusetts Commission Against Discrimination (MCAD). MCAD may be able to take action on the grounds that the state protects against discrimination based on sex and gender identity and expression. If the discrimination occurs at a shelter or program that receives funding from the U.S Department of Housing and Urban Development (HUD), HUD can take action based on its own anti-discrimination policy. For more information on these laws and regulations, please refer to the prior section on laws protecting the rights of transgender and gender non-conforming guests.

To contact the Massachusetts Commission Against Discrimination:

#### [Boston Office](#)

(617) 994-6000

(617) 994-6024 (fax)

<http://www.mass.gov/mcad/offices.html#1>

#### [Springfield Office](#)

(413) 739-2145

(413) 784-1056 (fax)

<http://www.mass.gov/mcad/offices.html#2>

#### [Worcester Office](#)

(508) 799-8010

(508) 799-8490 (fax)

<http://www.mass.gov/mcad/offices.html#3>

#### [New Bedford Office](#)

(508) 990-2390

(508) 990-4260 (fax)

<http://www.mass.gov/mcad/offices.html#4>

To report discrimination to HUD, contact:  
Boston Regional Office of FHEO  
U.S. Department of Housing and Urban Development  
Thomas P. O'Neill Jr. Federal Building  
10 Causeway Street, Room 321  
Boston, Massachusetts 02222-1092  
(617) 994-8300  
1-800-827-5005  
TTY (617) 565-5453



# Transgender Youth Resources

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If you are referring a transgender or gender non-conforming guest to a service, refer them to a practitioner or practice that is knowledgeable and affirming of transgender and gender non-conforming issues when possible. MTPC hosts a trans resource wiki online at [http://www.masstpc.org/mediawiki/index.php?title=MTROLwiki:Community\\_Portal](http://www.masstpc.org/mediawiki/index.php?title=MTROLwiki:Community_Portal). This is a great resource to consult.

Other resources include the following:

- Fenway Health's Gay, Lesbian, Bisexual, and Transgender Helpline, 617-267-9001
- Gay & Lesbian Advocates & Defenders (GLAD) legal helpline, 1-800-455-GLAD (4523)
- Boston Healthcare for the Homeless transgender clinic, <http://www.bhchp.org/specialized-transgender.htm>
- Sidney Borum Jr. Health Center, <http://sidneyborum.org>



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# Legal Resources

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- *Lie v. Sky Pub. Corp.*, 2002 WL 31492397 (Mass. Super. 2002) (finding transgender plaintiff's claim of sex discrimination, brought under the state employment discrimination statute, could survive summary judgement)
- *Jette v. Honey Farms*, 2001 WL 1602799 (Mass. Comm'n Against Discrimination Oct. 10, 2001) and *Millett v. Tutco*, 2001 WL 1602800 (Mass. Comm'n Against Discrimination Oct. 10, 2001) (holding that transgender people are protected by state law prohibitions against sex and disability discrimination)
- *Doe ex rel. Doe v. Yunits*, 2000 WL 33162199 (Mass. Super. 2000) (holding that a transgender student had stated viable sex and disability discrimination claims under state law), *aff'd sub nom. Doe v. Brockton School Committee*, 2000 WL 33342399 (Mass. App. Ct. 2000), *Doe ex rel. Doe v. Yunits*, 2001 WL 664947 (Mass. Super. 2001).



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