



Wisconsin Balance of State Continuum of Care Policy on Equal Access and Gender Identity Rule

Section 1: Purpose

1. The purpose of this Equal Access and Gender Identity Policy is to ensure CoC and EHH funded agencies are compliant with HUD's final rule, 24 CFR Part 5, *Equal Access in Accordance With an Individual's Gender Identity in Community Planning and Development Programs*.
2. The policy ensures CoC and EHH funded agencies are compliant with:
 - a. The final rule requiring 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.
 - b. The final rule also prohibits recipients or subrecipients of HUD funds from inquiring about sexual orientation or gender identity to determine eligibility for programs, benefits, housing, or services.
3. This policy is intended to establish the standard for WIBOSCO in regards to equal access and gender identity rights. This policy will remain a WIBOSCO requirement regardless of any change at the federal level.

Section 2: Definitions

1. Gender identity means 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.
2. Perceived gender identity means 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.
3. Sexual orientation means one's emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality, heterosexuality, or bisexuality).

Section 3: Procedures

1. WIBOS HUD COC and EHH grant recipients must develop in writing, implement, and document procedures to ensure implementation of the Equal Access Rule. Specifically, agencies must include:
 - a. Placement and accommodation in projects are made in accordance with an individual's gender identity.
 - b. Implement an anti-harassment policy that includes transgender and non-gender conforming in the list of groups vulnerable to harassment and/or list of protected groups.



- c. Have a formal grievance process that is prompt, transparent and consistent in managing and resolving violations.
 - d. Include confidentiality practices that keep a project participant's transgender status confidential, unless the participant gives permission to share this information.
 - e. Allow for project participants to request a private space for intake and data collection.
 - f. Outline safety practices including respecting the project participant's evaluation of their own safety with regard to proposed housing options and accommodating the project participants' reasonable requests regarding safety.
2. All HUD COC funded and EHH funded projects in the WIBOS will use appropriate, inclusive language in communications, publications, trainings, personnel handbooks, and other policy documents that affirms the CoC's commitment to serving all eligible clients in adherence with the HUD Equal Access Rule.
 3. All HUD COC funded and EHH funded projects in the WIBOS will ensure all project participants understand their rights to equal access, including privacy rights and the implication of releasing information.

Section 4: Records and Proceedings

1. Agencies will incorporate the policy into their program procedures. WIBOS will ensure compliance through monitoring.