



## **Wisconsin Balance of State Continuum of Care Involuntary Family Separation and Non-Discrimination Policy**

### **Section 1: Purpose**

1. The purpose of this Involuntary Family Separation and Non-Discrimination Policy is to serve as a family, any family identifying as a family without discrimination or involuntary separation.
2. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest relevant to nonprofit and charitable organizations.

### **Section 2: Definitions**

#### **1. Family**

Federal guidance in the Rule FR-5359 Equal Access to Housing in HUD Programs—*Regardless of Sexual Orientation or Gender Identity* defines family as follows:

- a. Family: A group of persons residing together, and such group includes, but is not limited to:
  - i. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family)
  - ii. An elderly family
  - iii. A near-elderly family
  - iv. A disabled family
  - v. A displaced family
  - vi. The remaining member of a tenant family.

To comply with Rule FR-5359, a project shall not discriminate based on family composition.

#### **2. Involuntary Family Separation**

In compliance with CoC Program interim rule 24 CFR 578.93(e) and ESG Program Interim Rule 24 CFR 576.102(b), involuntary separation is prohibited in projects funded through CoC and ESG dollars. CoC- and ESG-funded projects (including all programs with EHH funding) may not deny admission to any household on the basis of:

- a. The age or gender of a child under 18, or
- b. The gender of a parent or parents
- c. The marital status of the parent or parents



### 3. Gender Identity (24 CFR 5.100)

Gender identify 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. 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.

### **Section 3: Procedures**

1. Families at family shelters must not be separated when entering shelter.
2. There can be no inquiry, documentation requirement, or "proof" related to family status, gender identification and/or sexual orientation. The prohibition on inquiries or documentation does not prohibit inquiries related to an individual's gender identity for the limited purpose of determining placement in temporary, singles-only emergency shelters which are limited to one sex because they have shared bedrooms or bathrooms, or for determining the number of bedrooms to which a household may be entitled.
3. The age of a child under 18 must not be used as a basis for denying any family's admission to a program which uses COC and EHH funding or services if those programs serve families with children under age 18.
4. Agencies must allow for a grievance process for families who feel they have been involuntarily separated or have experienced discrimination.
5. Agencies in the WI Balance of State CoC must comply with all requirements pertaining to this policy. Additional training and technical assistance are available through WIBOS. Reports of non-compliance will be reviewed per WIBOS policy. A review may lead to additional monitoring and may result in a finding.

### **Section 3: Records and Proceedings**

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