

# WELCOME

We will begin shortly.

Please mute your line.

Training will be recorded.

**WAKE COUNTY**  
Continuum of Care - NC 507

# Policy Training:

Anti-Discrimination & VAWA Emergency  
transfers

June 30, 2021

# AGENDA

**HUD Mandates**

**Anti-Discrimination Policy & Procedures**

**VAWA Emergency Transfer Plan**

**Next Steps**

# HUD Mandates

Mandatory for all:

- CoC grantees

- ESG grantees

- Other Federal and state grantees

Recommended for all other providers within the CoC



A green graphic consisting of a rectangular box on the left and a horizontal bar extending to the right. The box has a ribbon-like fold effect on its right side, with a darker green shadow underneath. The text is centered within the box.

# Anti-Discrimination Policy & Procedures

# Why it Matters

- Supports diversity within the homeless population
- Responds to the fact that certain populations are over-represented among people experiencing homelessness
- Minimizes stigmatization and trauma
- Stops the cycle of racism, sexism, and homophobia that contribute to poverty and homelessness

**If homelessness services are the last refuge – that is, people have no where else to go – then we must ensure that we do not further contribute to discrimination and marginalization.**

# Policy Overview

# Agency Checklist



Does your agency have an Anti-Discrimination policy?

Is there a stated plan to train new staff and clearly communicate this policy during the onboarding process? Is annual training provided for staff, volunteers, and contractors?

Does the intake process include a copy of the agency's Anti-Discrimination policies to clients or people presenting for services?

# Section 1: Equal Access Policy and Procedures



The CoC and agencies within the CoC will ensure equal access to programs for all individuals and families.

Everyone has the same opportunity for services and housing

- NOTE: Programs can follow eligibility and funding requirements but must not make decisions to deny services to any of the protected classes listed if the person otherwise would be eligible for the program.

## **Programs will not discriminate based on the following:**

Race	Color
Ethnicity	Language
National origin	Religion
Sex	Familial status
Disability: physical, mental, or sensory	Age
Gender identity	LGBTQ+ status
DV/SV Status	Marital status

# The Wake County CoC will:

Maintain policies and procedures prohibiting discrimination

Provide annual training to agencies and staff

Use appropriate, inclusive language in CoC communications, policies, and materials

Develop partnerships with organizations that can provide resources and expertise

Support clients' understanding of privacy rights

Develop, maintain, and publish grievance procedures

# Agencies in the CoC will:

Adhere to Anti-Discrimination Policies and incorporate them into agency policies

Ensure staff, volunteers, and contractors are trained on the policies, at least annually.

Use appropriate, inclusive language with all communication, including taking reasonable steps to ensure meaningful access to programs and activities by people with Limited English Proficiency (LEP)

Provide clear, transparent, and accessible information at intake

Maintain confidentiality policies, ensuring client information, such as legal name and gender at birth, are not shared.

Mediate and resolve conflicts between clients, treating them fairly and equally

Take immediate action to resolve inappropriate behavior, treatment, and harassment

# Staff, volunteers, and contractors at agencies will:



Provide equal access to facilities, services, financial aid, or benefits to everyone and treat them with dignity and respect

Participate in annual training on Anti-Discrimination Policy and Procedures.

Seek assistance from administration if questions about implementation of the policy or procedures arise

Use appropriate language in all communications. Ensure meaningful access to persons with Limited English Proficiency

Adhere to confidentiality policy: Conduct intakes and meetings in a private space to ensure confidentiality. Never share client information outside of the agency without a release of information (ROI)

Inform clients at intake of the Equal Access grievance process. Support clients through the grievance process and inform administration of any concerns

# Transgender and Gender Nonconforming Policy and Procedures



The CoC and agencies within the CoC will prohibit all forms of harassment and discrimination of or by clients, employees, visitors, and volunteers, including harassment and discrimination based on actual or perceived gender identity and expression, or based on an individual's association.

# Transgender and Gender Nonconforming Inclusive Policy:



## Gender Identity

Use clients preferred gender and pronoun, and support clients' gender identity.

Do not make decisions based on appearances.

Do not ask questions or seek information about a person's anatomy or medical history beyond what is necessary for providing services.

Do not require an individual's gender identity to match gender on an ID or other documents.

Give people with prescribed hormones and other medications as part of their gender-affirming health care regime full access to medications.

TGNC = Transgender and Gender Nonconforming

# TGNC Inclusive Policy:

## Confidentiality

Keep client's transgender status confidential.

Tell only essential staff, identified by administrators, a client's transgender status

Ensure all staff, volunteers, and contractors maintain the confidentiality of a client's legal name, gender identity, and sex assigned at birth – treat this information as confidential medical information that cannot be disclosed without specific, time-limited-client consent.

Honor the request of an individual for private space to complete intake & data collection.

# TGNC Inclusive Policy:

## Physical Accommodation

Honor the request of an individual for accommodation based on personal safety and privacy concerns.

Offer individual stalls in congregate showers & bathrooms and/or gender-neutral showers & bathrooms.

Ensure future construction projects include privacy in sleeping areas, bathrooms, and showers.

## Eligibility for Services

Do not consider a client or potential client ineligible because their appearance or behavior does not conform to gender stereotypes.

Ensure agency documents accommodate for legal and preferred name, as well incorporate all gender identities.

# TGNC Inclusive Policy:

## Harassment and Concerns of Clients

Take immediate action to resolve inappropriate behavior, treatment, and harassment.

If someone needs to be moved for harassment and safety concerns: Have a preference to move the client with a bias.

## Training and Education

Build subject matter expertise to increase cultural competency around transgender and gender nonconforming identities.

Correct misinformation or inaccurate conclusions that TGNC clients threaten the health or safety of others.

Ensure staff understand the potential impact that disclosure of a client's legal name and sex at birth can have on a client's progress to self-sufficiency.

# Questions about Identity in HMIS

## Principles:

- Self-reported by clients
- Try to get the accurate information
- Need to Know for services
- Should not be used to deny services

These principles apply to all clients within the requirements set by HUD and other funders

# Agency Checklist



Is there an equal access policy?

Is there a clear statement about non-discrimination because of race, ethnicity, color, national origin, language, ancestry, religion, sex, familial status, age, gender identity, LGBTQ+ status, marital status, domestic or sexual violence victim status, or sensory, mental, or physical disability?

Does the Policy Refer to Department of Housing Urban and Development (HUD) Equal Access Rule, anti-discrimination and privacy laws, and all other federal, state, and local non-discrimination and privacy law?

Does the policy include specific procedures for working with transgender and gender nonconforming persons?

# **Section 2: Involuntary Family Separation Policy**



**Families will not be separated because of marital status or age/gender of children**

# Involuntary Family Separation Policy

No CoC- or ESG-funded project can deny admission of a household based on:

- Age and gender of a child under 18 or
- Gender or marital status of a parent or parents

# Agency Checklist



Is there a family separation policy?

Are procedures spelled out that demonstrate how the clients, agency, staff, volunteers, and contractors will carry out the agency's anti-discrimination policies?

# **Section 3: Faith-Based Activities Policy**

**Programs will not discriminate based on religious belief or failure to participate in religious practices.**

# Faith-Based Activities Policy

Faith-based organizations play an important role in providing services in the CoC. However, no program should:

- Discriminate based on religion or religious belief
- Mandate participation in a religious practice

# Agency Checklist



Is there a faith-based activities policy?

Are procedures spelled out that demonstrate how the clients, agency, staff, volunteers, and contractors will carry out the agency's anti-discrimination policies?

# Section 4: Grievance & Retaliation Policy

Anyone participating in the CoC has the right to file a grievance.

# Grievance and Retaliation Policy

The CoC affirms that people who wish to file a grievance have the right to do so without retaliation from the party accused or any representative associated.

# Grievance Procedures

1. Anyone can submit a complaint form initially to program administration.
2. Program administration will address the grievance with the provider and the client, staff, volunteer, or contractor.
3. If a participant is not satisfied with the outcome or if a participant fears retaliation at the program level, a complaint can be filed with Wake CoC via Raleigh Wake Partnership to End Homelessness staff at [hello@partnershipwake.org](mailto:hello@partnershipwake.org) or 919-443-0098.

# Grievance Procedures

4. Raleigh Wake Partnership to End Homelessness staff will document the grievance and ask how the complainant would like to receive the written grievance, as well as the written response to their grievance.
5. Raleigh Wake Partnership to End Homelessness staff will notify the Executive Committee within 2 of business days of the Grievance.
6. The Wake CoC Executive Committee will appoint a workgroup to review the grievance and respond to it within 15 of days from when the grievance was filed.

# Agency Checklist



Are there grievance and anti-retaliation policies and procedures?

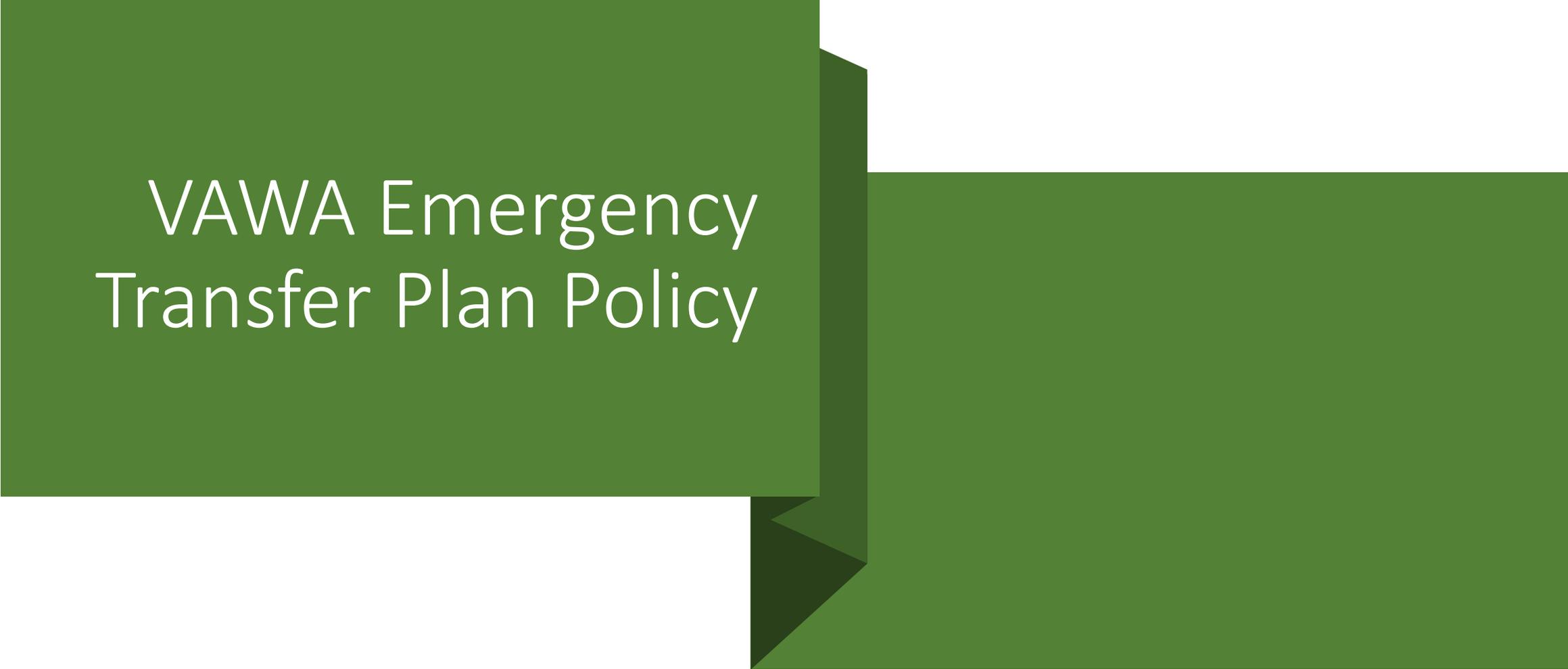
If so, are they shared with each person presenting for services?

# Appendix

Resources & Checklists are tools agencies can use to develop their own policies that align with Wake County CoC's Anti-Discrimination Policy



Questions?



# VAWA Emergency Transfer Plan Policy

# **Violence Against Women Act of 2013**

Re-authorization.

Expanded and enhanced housing protections

Requirements made from HUD

# What is an emergency transfer?

VAWA 2013 requires HUD grantees (including CoC and ESG recipients) to help people experiencing DV move to another unit for their safety, without risking their housing assistance.

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CoCs must make a plan to facilitate those transfers. The policy applies to all housing programs in the CoC.

# Groups VAWA covers

Survivors of domestic violence, dating violence, sexual assault, and stalking

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Survivors of any gender, gender identity, or sexual orientation (not just women, despite the law's name)

# VAWA Housing Protections

A survivor cannot be denied or terminated from housing assistance or evicted based on being a survivor of domestic violence, dating violence, stalking, or sexual assault.

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Covers all HUD-funded housing programs as well as Low Income Housing Tax Credits and ESG-funded shelters (“covered housing programs”)

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These protections extend to factors such as poor credit, criminal history, poor rental history, failure to pay rent, etc. if they are directly related to being a survivor.

# Definitions

- Internal transfer: An internal transfer is a transfer within the same single or scattered site property in which the tenant requesting the transfer resides.
- External transfer: An external emergency transfer refers to a tenant's physical move out of the property in which he or she resides or out of a form of assistance, where the tenant would be categorized as a new applicant.
- Safe unit: A victim determines whether the unit is safe.

(Section 1)

# Eligibility for Emergency Transfers

**Victims of domestic violence, dating violence, sexual assault, or stalking.**

Tenant reasonably believes there is a threat of imminent harm if tenant remains in unit.

Or sexual assault occurred on the premises within 90-calendar-days

(Section 2)

# Notice of occupancy rights

All HUD tenants must be provided the notice of occupancy rights

Any current tenants that have not received this notice must be notified immediately.

Tenants must be notified at admission, denial, AND termination/eviction from programs.

(Section 3)

# Eligibility for Emergency Transfers

Only required documentation: requesting an emergency transfer

Providers MAY require a written request. Appendix III has the HUD-approved form for self-certification.

Providers CANNOT require third party documentation – self-certification is sufficient.

(Appendix III)

(Section 4)

# When documentation of DV conflicts

If there is conflicting evidence of DV, third-party documentation may be required.

(Section 4)

# Confidentiality

**All information related to emergency transfers must be kept strictly confidential unless:**

The tenant signs a ROI (must be time-limited).

Disclosure is required by law.

Disclosure is required by a court or court official.

(Section 5)

# Priority for emergency transfers

## Tenant choice is paramount:

Tenant may choose whether to enter a different program and where they want to live.

Tenants needing emergency transfers have first priority for any available unit in the CoC.

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Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently, if a safe unit is not immediately available.

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Tenants must be otherwise eligible for the unit, but no other requirements should be made.

# Client safety and DV resources

Emergency transfers may not be immediately available.

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All providers must collaborate with local resources (such as DV shelters, sexual assault hotline, rape crisis centers etc.) to help clients stay safe.

(Section 7 & Appendix I)

# Emergency transfers are risky situations

Safety planning, if it hasn't happened already, should start immediately with an emergency transfer request.

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Work with DV resources in your community to help.

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If a transfer cannot happen fast enough for the client to feel safe, client may need to move to DV shelter or access another emergency resource in the meantime.

# Lease bifurcation

A lease may be bifurcated (split) in order to allow an emergency transfer to happen and/or to evict the perpetrator.

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If the perpetrator was the member of the household with eligibility for the program, remaining household members have 90 days (plus an optional extension of 60 days) to establish eligibility or find new housing.

(Section 8)

# Leases, sub-leases & occupancy agreements

Leases between housing provider and tenants must include:

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For Tenant-Based programs, there must be a contract between housing provider and landlord in which landlord agrees to uphold all VAWA protections, at least while receiving HUD assistance.

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Lease Addendum: Appendix V

# Record Keeping

Records of all emergency transfers and requests must be kept for 3 years, including outcomes of each request and transfer.

(Section 10)

# Wake County CoC's VAWA Emergency Transfer Steps

# Emergency transfer steps

- 1 Tenant requests emergency transfer, eligibility established
- 2 Housing provider notifies the By-Name List Coordinator that they are carrying out an emergency transfer, [asickels@partnershipwake.org](mailto:asickels@partnershipwake.org)

# Emergency transfer steps

- 3 Housing provider tries to transfer internally:

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**Tenant-Based** The tenant may move to another unit, anywhere in the CoC, or outside the CoC (if housing provider can meet all statutory requirements).

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**Project-Based** The tenant may move to another unit owned/operated by the provider, if safe and available.

# Emergency transfer steps

- 4 If no units operated by the housing provider are available or no available units are safe, housing provider seeks another available and safe unit in the CoC (external transfer). The Housing Provider will work with the By-Name List coordinator and the Housing Navigation Unit to find another safe and available unit.

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- 5 If there is no safe available unit in the CoC, the housing provider will work with the By-Name List Coordinator to find another safe available unit outside of the CoC's catchment area.

# Every provider must have an ET plan in their policies and procedures

Appendix VI of CoC emergency transfer plan

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Identifies staff who will carry out emergency transfers

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Provides method to request emergency transfer

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Sets procedure for carrying out emergency transfer (timing, housing search, etc)



Questions?

# Next Steps



Review your policies and procedures. Ensure they align with CoC's policies



Incorporate into intake packet and programs materials for client access



Share training with all staff, volunteers, and contractors. Make sure they understand procedures.

## Contact us!

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