



## City of Colorado Springs Community Development Division Equal Access Rule Policy

### Program Overview

The 2016 CPD Equal Access Rule requires that HUD grantees funded in whole or in part by any Office of Community Planning and Development (CPD) program ensure equal access to community planning and development programs, shelters, other buildings and facilities, benefits, services, and accommodations. The City of Colorado Springs (City) and/or subrecipients and providers must ensure shelter access be provided to a person in accordance with that person's gender identity, and in a manner that affords equal access to the person's family. Per the 2016 final rule Equal Access Rule the City and/or subrecipient or provider must also ensure that, when consideration of sex is prohibited or not relevant, individuals will not be discriminated against based on actual or perceived gender identity, and where legitimate consideration of sex or gender is appropriate. Please see [24 CFR Part 5.106](#) for more details.

### Purpose

This certification form certifies that on September 21, 2016, HUD published a final rule entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs." This Equal Access rule ensures that all individuals regardless of sexual orientation or gender identity have access to the Department's Office of Community Planning and Development programs, shelters, other buildings and facilities, services, and accommodations ([24 CFR Part 5.106](#)). As such, any organization who has contracted with the City and/or subrecipient to utilize HUD funds for any contracted purpose, must certify their understanding and adherence to the following:

- As a HUD funded subrecipient the organization must establish, amend, or maintain program admissions, occupancy, and operating policies and procedures (including policies and procedures to protect individuals' privacy and security), so that equal access is provided to individuals based on their gender identity. This requirement includes tenant selection and admission preferences.
- As a HUD funded subrecipient all HUD funded programs, shelters, buildings, facilities, benefits, services, and accommodations must be provided to individuals or families in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.
- As a HUD funded subrecipient the organization has completed the City's Equal Access Assessment form and been provided with their Assessment score by the Community Development Division. (Please see attached).

### Subrecipients will complete the following process:

- Subrecipients will review the City of Colorado Springs Equal Access Policy and complete attached certification form, agreeing to disclose any policies, procedures, and/or related documents as they pertain to the adherence of the Equal Access Rule.
- Subrecipients will receive an assessment score from City Community Development Division compliance staff (CDD) based on the certification responses and a full review of application documents and materials.
- Based on the Assessment score, City Community Development Division staff (CDD) and subrecipients will outline any goals and/or next steps towards meeting compliance with the Equal Access Rule.
- Equal Access Rule documentation will be recorded electronically in the Community Development Division grant tracking software or equivalent system of record. These records will be accessible to HUD and other regulatory agencies.



## City of Colorado Springs Community Development Division Equal Access Rule Policy

### **Project Delivery**

A full review of all application documents, including verification of eligibility, financial management capability, policies and procedures, and/or intake documentation will be completed by CDD. Upon award issuance, a contractual agreement is executed between each subrecipient and the City. Throughout the life cycle of the grant, CDD compliance staff are responsible for receiving and tracking project status reports, invoices, and related policies and procedures for each grant, reviewing documentation for contract compliance.

### **Project Closeout**

Contracts will be considered non-compliant for late or incomplete reports, unresolved programmatic issues, lack of financial management, lack of communication, monitoring findings, and / or audit findings. The contract shall remain out of compliance until all issues have been satisfactorily resolved. Once any non-compliance has been resolved, all expenses have been classified and paid, and all beneficiary data has been collected and reviewed, the CDD compliance staff will notify the CDD manager the contract is complete and eligible for closeout. Once the closeout process is complete, a Certificate of Completion is issued to the subrecipient.

### **Document Control**

All grant documentation shall be standardized, properly documented, recorded, and auditable, retained for the greater of seven years from close-out of the grant award, final audit acceptance, or the period required by other applicable laws and regulations.

### **Equal Access Rule Certification Requirements for Participating Governments and Lead Agencies**

The Equal Access Rule Assessment and Certification form is recorded by the City in each subrecipient file, listing all responses to the Equal Access Rule Assessment form, the assessment score, and any outlined goals and next steps. The purpose is to certify in one document how subrecipients were evaluated in terms of the adherence and compliance with the HUD Equal Access Rule.

### **Equal Access Rule Questions or Inquiries**

For all questions or inquiries on the Equal Access Rule Policy please contact the Community Development Division by email at [communitydevelopment@coloradosprings.gov](mailto:communitydevelopment@coloradosprings.gov) or by mail at City of Colorado Springs, 30 South Nevada Avenue, Suite 701, Colorado Springs, Colorado 80903.

Item #	Equal Access Goal	Agency/Project has a Written Policy	Staff, Volunteers and Vendors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
1	Agency is committed and intends to comply with HUD's Equal Access Rule (if your agency receives HUD funding for shelter or services, your agency is required to meet these standards) and State and municipal laws.			
2	For an agency or project <b>legally permitted</b> to segregate services based on gender, the agency serves all eligible clients who identify with that gender or whose gender identity aligns most closely with that gender.			
3	For an agency or project <b>legally permitted</b> to segregate services based on gender, the agency will not deny access because the client identification documents have a different gender marker than the client or potential client presenting for service.			
4	Agency or project will not consider a client or potential client ineligible because their appearance or behavior does not conform to gender stereotypes.			
5	Agency or project does not ask questions or seek information concerning a person's anatomy or medical history beyond elements necessary for the purpose of providing services.			
6	For an agency or project prohibited from to segregate services based on gender, the agency will serve all individuals who are eligible for the project.			
7	If the Agency operates a family shelter, the Agency does not expel or decline a client of any gender if they are otherwise eligible for services.			
8	If the Agency operates a family shelter, the Agency does not expel or decline clients based on their male gender identity, regardless of age.			
9	Agency uses appropriate, inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirms the agency's commitment to serving all eligible clients in adherence with the Equal Access Rule.			
10	Agency makes Equal Access Rule policies and procedures publicly available on the agency's website and through other commonly used public notification processes.			
11	Agency ensures staff, volunteers and contractors are provided a copy of the Agency's policies and practices regarding Equal Access requirements.			

12	Agency includes "gender identity" and "gender expression" to the list of attributes that are protected from discrimination in the Agency's Policies and Procedures.			
<b>Harassment Policy</b>		Agency Has Written Policy	Staff, Volunteers and Vendors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
13	Agency includes transgender and nonbinary in the list of groups vulnerable to harassment and/or list of protected groups.			
14	Agency identifies harassment as a range of behaviors that are experienced as offensive, aggressive, or intimidating regardless of physical location or proximity to the project. For LGBTQ clients, this can include: consistently or maliciously not using the client's preferred name or affirmed gender pronoun, asking any questions about a client's body or appearance, disclosing that a client is transgender or gender non-conforming, or physical intimidation.			
15	Agency ensures the client understands their rights if they are experiencing harassment and discrimination, and expectations for non-harassment and non-discrimination behaviors, respect for other clients and the importance of maintaining confidentiality.			
16	Agency requires project staff, contractors, volunteers and clients to use a client's preferred name, gender and pronoun.			
<b>Managing and Resolving Violations</b>		Agency Has Written Policy	Staff, Volunteers and Vendors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
17	Agency has a formal grievance process that is prompt, transparent and consistent. The grievance process will be resolved in ____ [timeframe].			
18	Agency takes immediate action to resolve inappropriate behavior, harassment, or equal access issues by any person (staff, volunteers, contractors or clients). Staff training includes role play on interventions (staff to staff, staff to resident, and resident to resident).			
19	Agency mediates and resolves conflicts between clients in a way that is respectful, fair and equitable.			
20	Agency has policy that if a client needs to be moved for harassment and safety concerns, the agency will have a preference to move the client with a bias.			

21	Agency has a sanction process for violations committed by staff, volunteers or vendors (for example, formal documentation in employee's file, suspension, firing or legal action based on the type(s) and severity of harassment). Sanctions are enforced every time there is a violation and sanctions are consistently applied.			
22	Agency develops partnerships with organizations that can provide expertise around the process of changing gender markers on identification and benefit applications or ensures subject matter expertise among staff.			
23	Agency ensures the clients without ID understand the resources available to obtain ID, including the process for obtaining IDs which list the clients' preferred name and affirmed gender, as IDs are required for obtaining employment, accessing benefits and many other services important to self-sufficiency.			
24	Agency has policy to correct any misinformation or inaccurate conclusions that the presence of transgender clients threaten the health or safety of other clients solely based on their non-conforming gender expression during risk-based conversations.			
	<b>Confidentiality Practices</b>	<b>Agency Has Written Policy</b>	<b>Staff, Volunteers and Vendors are Trained to Comply with the Written Policy</b>	<b>All Clients are Aware of the Agency/Project Policy</b>
25	Agency keeps information related to a client's gender identity confidential, unless the client gives permission to share this information.			
26	Agency ensures that only essential staff, identified by administrators, are given information related to a client's gender identity to ensure equal access and safety.			
27	Agency ensures that when a client's gender identity and sex assigned at birth differ, that difference is treated as confidential medical information and may not be disclosed without specific, time-limited written client consent			
28	Agency supports all clients in understanding their privacy rights, the way in which information in HMIS can be viewed by multiple agencies, and the implication of releasing information.			
29	Agency ensures staff, volunteers and contractors understand that a client's sex assigned at birth is confidential information and the potential impact that disclosure can have on a client's progress to self-sufficiency.			
30	Agency is committed to and complies with federal, state and local privacy laws.			

31	Agency keeps the client's legal name and/or sex at birth confidential unless the client gives written permission otherwise. Written and verbal consent are different. Written consent is a document that articulates the manner and extent to which the client's information will be shared and the client signs the document to confirm their permission. The staff should make sure the client understands the written permission they are giving. Verbal consent requires the staff and client to discuss the manner and extent to which the client's information will be shared in a way that is understood by the client and the client verbally affirms some level of sharing.			
<b>Data Collection</b>		Agency Has Written Policy	Staff, Volunteers and Vendors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
32	Agency permits clients to request a private space to complete intake and data collection.			
33	Agency ensures that gender identity is not required to match the gender listed on the ID or documents			
34	Agency ensures staff, volunteers and contractors understand that a client may not present the same way that they identify; staff, volunteers and vendors will respect the client's identity.			
35	Agency intake materials allow for client's to indicate both their legal name and the name they prefer to go by.			
36	If intake materials include gender identity, that gender identity is supported by the Agency.			
<b>Safety Practices</b>		Agency Has Written Policy	Staff, Volunteers and Vendors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
37	Agency ensures that clients with prescribed hormones or other medications as part of their gender-affirming healthcare regime have access to those medications.			
38	Agency will respect the client's evaluation of their own safety with regard to proposed housing options and accommodate reasonable client requests regarding safety. For example, a transgender man who does not feel safe in a men's congregate sleeping area could request assignment to the bed closest to staff. Staff, volunteers and contractors should reasonably defer to client's request.			
39	Client has a right to request accommodations based on their personal safety and privacy concerns.			
40	Staff will recommend accommodations based on safety concerns to residents.			

41	Agency ensures that if a physical search or urine test is required for admission, the client can choose the gender of the staff person conducting the search. If someone of that gender is not available, the Agency will select a staff person who understands the concerns of the client, will be respectful and will uphold the agency's policies and procedures with regard to transgender clients.			
<b>Facility Enhancements</b>		Agency Has Written Policy	Staff, Volunteers and Vendors are Trained to Comply with the Written Policy	All Clients are Aware of the Agency/Project Policy
42	Agency will take measures to create a safe environment for transgender and non-binary clients. When possible the Agency will ensure construction or rehabilitation of the physical property, including sleeping area, bathrooms, and showers promote privacy and safety.			
43	Agency has a single check-in area for all genders.			
44	If the Agency only offers congregate bathrooms, all urinals/toilets are in individual stalls to support client safety.			
45	If the Agency only offers congregate showers, each shower head will have individual stalls to support client safety.			
46	Agency offers at least one all-gender, individual-use bathroom for use by clients.			
47	Agency offers at least one all-gender, individual-use shower for use by clients.			

By executing this Certification, Applicant(s) acknowledge and understand that Title 18 United States Code Section 1001: (1) makes it a violation of federal law for a person to knowingly and willfully (a) falsify, conceal, or cover up a material fact; (b) make any materially false, fictitious, or fraudulent statement or representation; OR (c) make or use any false writing or document knowing it contains a materially false, fictitious, or fraudulent statement or representation, to any branch of the United States Government; and (2) requires a fine, imprisonment for not more than five (5) years, or both, which may be ruled a felony, for any violation of such Section. The City of Colorado Springs Reserves the right to change the terms of this certification at any time. By signing below, party acknowledges adherence to current and/or updates terms in the future.

\_\_\_\_\_ Applicant Signature

Dated this the \_\_\_\_ day of \_\_\_\_\_, 2022. \_\_\_\_\_ Date

\_\_\_\_\_ Co-Applicant Signature

\_\_\_\_\_ Date

## Glossary of Gender Identifying Terms and Definitions

### Assigned/Designated Sex at Birth:

Frequently a binary designation of “male” or “female”  
Assigned at birth typically by a medical professional (e.g., sex listed on birth certificate)  
Based on the person’s internal or external anatomy at birth  
May or may not correspond to one’s gender identity or expression

### Cis-Gender:

Refers to a non-transgender person  
The prefix “cis” means “matches”  
Thus, this means that one’s sex assigned at birth “matches” one’s gender identity

### Gender Identity:

Internal or innate sense of being male, female, or another gender  
May or may not match their assigned sex at birth  
May not be visible based on outward appearance

### Gender Expression:

External expression of gender identity  
Exhibited through: behavior, clothing, hairstyle, body language, voice  
Does not always correspond to a person's gender identity  
May change over time or even day-to-day

### Sexual Orientation:

Describes who an individual experiences physical or emotional attraction to.  
Distinct from one’s gender expression or identity

### Gender Non-Conforming:



Someone who does not conform to traditional gender roles or stereotypes (by way of gender identity and/or expression)

Traditional roles and stereotypes vary based on different cultural and societal ideals

Individuals may be perceived as having a different gender based on outward appearances (behavior, clothing, hairstyle, body language, voice).

### Non-Binary Person:

A person who does not identify as male or female (male and female are the two ends of the gender spectrum)

### Gender-Neutral/Inclusive:

Language used to describe “all gender” or unisex spaces, (i.e., gender-neutral or all gender bathrooms), language about relationships (spouse or partner, instead of wife/husband or boyfriend/girlfriend), etc.

### Transitioning (Gender Transition):

Process that some (but not all) transgender people go through to begin living as the gender with which they identify, rather than the sex assigned to them at birth. Transitioning does not require medical treatment.

### Transgender/Transsexual:

Umbrella term for people whose gender identity and/or gender expression is different from their assigned sex at birth.

Occasionally, as individual may determine they no longer identify as transgender after they transition.

### Trans Woman:

Assigned male at birth, but now identifies and lives as a female

May or may not have undergone medical treatments or surgeries

Sometimes referred to as “Male-to-Female” or “MTF,” this may not be preferred as it can over-emphasizes that the person was born male rather than her current identity.

### Trans Man:

Assigned female at birth, but now identifies and lives as a man

May or may not have undergone medical treatments or surgeries

Sometimes referred to as “Female-to-Male” or “FTM,” this may not be preferred as it can over-emphasizes that the person was born male rather than his current identity.