



## **Anti-Discrimination Policy**

### **Overview**

The Kentucky Balance of State Continuum of Care (KY BoS CoC) is committed to ending homelessness within its geographic area for all people. To ensure people experiencing or at-risk of homelessness have equal access to housing and supportive services free from discrimination, the KY BoS CoC has adopted the following policies and procedures.

For purposes of these policies, “service provider” refers to all housing, shelter, and supportive service providers. “Project” refers to all project types intended to serve people experiencing homelessness including housing assistance, shelter and temporary accommodations, and supportive services. When referencing requirements for projects or providers, this includes all staff and volunteers associated with the projects.

### **Equal Access Policies**

All service providers currently funded or seeking funding through the CoC or Emergency Solutions Grant (ESG) programs as well as other federal programs through the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) are explicitly prohibited from discriminating on the basis of race, color, ethnicity, national origin, language, ancestry, religion, sex, familial status, age (with the exception of youth serving projects), real or perceived sexual orientation or gender identity (LGBTQ+: lesbian, gay, bisexual, transgender, queer/questioning, etc.), marital status, domestic or sexual violence victim status, or disability. Projects must ensure housing and services are provided free from discrimination and are administered in accordance with all federal, state, and local non-discrimination and equal opportunity rules and regulations as well as any additional provisions adopted by the KY BoS CoC. This includes adherence to all Fair Housing laws; HUD Equal Access Rules—2012 *Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity* and the 2016 *Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs*; Section 504 of the Rehabilitation Act; Title VI of the Civil Rights Act; and applicable sections of the Americans with Disabilities Act.

### **Involuntary Family Separation Policy**

While the HUD 2012 Equal Access Rule defines family as a single person or a group of persons residing together, the McKinney-Vento Act, as amended by the HEARTH Act, distinguishes individuals from



families. Therefore, for the CoC and ESG programs, a family, as defined in §5.403(2) of the 2012 HUD Equal Access Rule includes two or more people residing together, including but not limited to: a family with or without children, regardless of actual or perceived sexual orientation, gender identity, or marital status.

In accordance with HUD's CoC and ESG Interim Rules and the 2012 HUD Equal Access Rule, projects receiving ESG or CoC funding that serve families (i.e., households with more than one individual that may or may not include children under the age of 18) are prohibited from denying admission to any family based on:

- the age of a child under age 18;
- the actual or perceived gender identity or sexual orientation of a child under age 18;
- the actual or perceived gender identity or sexual orientation of the parent(s)/adult(s) in the household, or
- the marital status of the parent(s)/adult(s) in the household.

### **Faith-Based Activities Policy**

Housing and service providers are prohibited from discriminating against program participants or prospective participants on the basis of religion, religious belief or non-belief, or refusal to participate in religious activities.

### **Anti-Discrimination Procedures**

#### **The KY BoS CoC will:**

- Provide training, at least annually, to service providers and other stakeholders on the requirements and effective implementation of HUD's Equal Access and Gender Identity Rules.
- Partner with the Fair Housing Council (an agency serving all of Kentucky) or other appropriate partners to provide training on Fair Housing laws and regulations no less than annually.
- Make resources and technical assistance available to service providers to assist in the development and revision of project-level anti-discrimination policies and procedures that are consistent with these CoC-wide anti-discrimination policies.
- Regularly monitor CoC and ESG-funded agencies to ensure compliance with these CoC-wide anti-discrimination policies, which includes adherence to HUD Equal Access and Gender Identity Rules and all other applicable civil rights and fair housing laws.



**Service Providers will:**

- Maintain project-level anti-discrimination policies and procedures that are aligned with the CoC-wide anti-discrimination policies, which includes compliance with all applicable civil rights and fair housing laws and HUD's Equal Access and Gender Identity Rules.
- Provide project-level anti-discrimination policies to program participants at program entry.
- Include anti-discrimination policies and procedures in staff onboarding and refresher trainings.
- Ensure program participant safety, prevent harassment, and address inappropriate behavior, harassment, or other violations of equal access and anti-discrimination policies immediately.
- Ensure an individual is placed, served, and accommodated in accordance with the gender identity of the individual.
- Ensure an individual is not subjected to intrusive questioning or asked to provide anatomical information, physical, or medical evidence of the individual's gender identity.
- Not require an individual's gender identity to match the gender listed on an ID or other documents such as birth certificates.
- Keep an individual's transgender or gender non-conforming status confidential unless the individual wants to share this information.
- Use an individual's personal gender pronouns.