

MODEL POLICY & LEGAL GUIDE FOR HOMELESS SHELTERS & HOUSING PROGRAMS



Transgender Law Center

Transgender Law Center works to change law, policy, and attitudes so that all people can live safely, authentically, and free from discrimination regardless of their gender identity or expression.

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Front Cover Design by Benicio Vargas

Purpose of this Guide

The purpose of this policy is to assist staff in shelters and homeless service agencies with providing services to transgender and gender nonconforming individuals in a manner consistent with federal, state, and local laws. Homelessness, shelter access, and client safety are serious issues for the transgender and gender nonconforming communities across the country.

Transgender and gender nonconforming (TGNC) people experience homelessness at much higher rates than the general public because of frequent discrimination and abuse based on their gender identity and presentation. And yet, TGNC people experiencing homelessness often face barriers to shelter services because of the same discrimination that contributed to their homelessness in the first place. In a 2011 survey of 6,500 TGNC people, almost 20% of transgender individuals reported experiencing homelessness at some point in their lives.¹ A majority of those trying to access a homeless shelter reported being harassed by shelter staff or residents; almost 30% of that majority were turned away altogether. This discrimination and abuse impacts their ability to access vital services and support, such as education, employment, mental and physical health services, emotional support, and housing.

TGNC youth are also overrepresented in the homeless population, often as a result of rejection by their families and discrimination in shelters and housing programs.

While it is dangerously common for TGNC people to be turned away from shelters because of their gender identity, those who do manage to gain access to shelters are frequently housed based on their sex at birth rather than their gender identity. This situation is particularly dangerous for transgender women who are inappropriately placed in men's shelters where they often subjected to inhumane and degrading treatment and abuse, including sexual assault. While some transgender people will run the high risk of facing harassment and violence in a shelter that doesn't match their gender identity just so that they can be housed for the night, others in this situation will simply forgo shelter and sleep on street.

Shelters and agencies must work to ensure the safety of these particularly vulnerable groups by enacting TGNC-inclusive policies to address the unique needs of these clients. Ensuring that TGNC people are able to access services means shelter staff at all levels of the organization must be properly trained. To provide a safe and accessible environment to everyone they serve, staff must be able to respond to other clients' objections to the presence of TGNC people by educating clients about who TGNC people are and the agency's inclusive policies.

This model policy provides guidance to shelters and homeless services agencies as well as information about anti-discrimination laws that apply to many of these agencies.

¹ JAIME M. GRANT ET AL, NATIONAL CENTER FOR TRANSGENDER EQUALITY & NATIONAL GAY AND LESBIAN TASK FORCE, INJUSTICE AT EVERY TURN: A REPORT OF THE NATIONAL TRANSGENDER DISCRIMINATION SURVEY 33 (2011), available at http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf.

Definitions

The definitions provided are meant to assist in understanding this policy. This list is not exhaustive. Clients at your agency may or may not use these terms or definitions to describe themselves or their experiences.

- *Gender identity*: A person’s internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.
- *Gender expression*: An individual’s characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.
- *Transgender*: An umbrella term that can be used to describe people whose gender identity and/or expression is different from their sex assigned at birth.
 - A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM).
 - A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female transgender person, or MTF).
 - Some people described by this definition don’t consider themselves transgender – they may use other words, or may identify simply as a man or woman. A person does not need to identify as transgender in order for an employer’s nondiscrimination policies to apply to them.
- *Gender nonconforming*: This term describes people who have, or are perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations. Keep in mind that these expectations can vary across cultures and have changed over time.
- *TGNC*: Transgender and gender nonconforming.
- *Transition*: The process of changing one’s gender from the sex assigned at birth to one’s gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one- or two-step process that happens more quickly. Transition may include “coming out” (telling family, friends, and coworkers); changing the name and/or sex on legal documents; and, for many transgender people, accessing medical treatment such as hormones and surgery.
- *Sexual orientation*: A person’s physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, or straight, just like non-transgender people.
- *LGBT*: A common abbreviation that refers to the lesbian, gay, bisexual, and transgender community.

EVERYONE HAS A . . .

Sex Assigned at Birth
Gender Expression

Gender Identity
Sexual Orientation

Model Shelter Policy Statement and Guidance

The definitions provided are meant to assist in understanding this policy. This list is not exhaustive. Clients at your agency may or may not use these terms or definitions to describe themselves or their experiences.

POLICY STATEMENT

It is the policy of (agency), in accord with federal, state, and local laws, to 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 with a person or group with one or more of these actual or perceived characteristics.

Retaliation against an individual who files a complaint of harassment or discrimination against (agency) employees, visitors, volunteers, or other clients, or who participates in an investigation of such a complaint, is strictly prohibited.

(Agency) shall ensure that all clients, employees, visitors, and volunteers receive notice of this policy.

TGNC-INCLUSIVE INTAKE AND HOUSING PRACTICES

Establishing Gender Identity of Client

The self-identified gender identity of each person shall be respected and is sufficient for the purposes of determining gender-appropriate shelter. A person's gender does not depend on whether or not they have had surgery or other medical treatments or whether or not they are perceived to "pass" as the gender with which they identify. Simply put, a person is the gender that they say they are.

Staff may not inquire into the medical or surgical status of a transgender client's transition outside of what is asked of all clients (i.e.: medications that are to be kept at the administration counter, specific physical and mental health needs being address by the program, and so forth).

Confidentiality and Privacy

A person's transgender status is confidential and private and shall be treated like all other confidential personal and medical information. Staff must never disclose a client's transgender status to other clients or staff, unless such disclosure is specifically necessary for service provision, or authorized with express permission by the client.

Physical Accommodations

(Agency) will make gender-appropriate bathroom and bedroom facilities as well as changing areas available to transgender and gender nonconforming (TGNC) clients.

People who identify as women and who feel safer housed with women rather than with men are to be housed with the women and use the women's showers and bathrooms. Transgender women shall have the same access to bathrooms, showers, changing areas, and bedrooms as persons assigned female at birth.

People who identify as men and who feel safer housed with men rather than women are to be housed with the men and use the men's showers and bathrooms. Transgender

Physical Accommodations continued...

men shall have the same access to bathrooms, showers, changing areas, and bedrooms as persons assigned male at birth.

People who do not feel safe in the shelter that matches their gender identity, or who identify as neither male or female, are to be housed in and use the bathrooms and showers in the section in which they feel safest.

TGNC clients should be subject to the same rules about appropriate behavior in bathrooms and showers as all clients. No additional rules are required.

Safety & Privacy of Physical Accommodations

Reasonable accommodations may be made for any individual, transgender or non-transgender, who has expressed safety or privacy needs. Reasonable accommodations are made according to each individual's needs and the ability of the agency to provide such accommodations. Under no circumstances will a TGNC person be required to use alternative facilities—including as an "accommodation" for another person's discomfort.

Reasonable accommodations may include:

- Doors on bathroom stalls that can be latched or locked
- Curtains or other devices in bathrooms or showers that provide the client with privacy
- Alternate times to use the bathrooms or showers, if requested
- Monitoring of showers or bathrooms to control entrance and exiting
- Alternate housing arrangements, such as "Special Needs" housing
- Set-aside sleeping, such as rooms or beds that are separate from others, if requested
- Segregated sleeping where one wing is set aside
- Availability of beds close to night staff

Eligibility for Services

Gender identity and gender expression will not be used to deny services to any individual.

Provision of Services

TGNC clients who are approved for services shall be provided with the same range of services available to other similarly situated clients.

Pronoun Use

Staff shall only refer to clients using the client's preferred gender pronoun (generally speaking, "she"/"her" for transgender women and "he"/"him" for transgender men). This includes all verbal or written communications with the client, as well as those communications about or in reference to the client with other staff or clients, and in all reports or other documents relating to the client's case.

If staff members are unsure of what pronoun to use with a client they should privately ask that person what pronoun they prefer. If there is no immediate opportunity to speak with the client, in the interim the client's name should be used to substitute the pronoun (for example: Alex told me that Alex was feeling depressed and would like to participate in the support group), or staff can use a gender-neutral pronoun (e.g. "they"/"them") until they have a chance to confirm the client's preferred gender pronoun.

Model Shelter Policy Statement and Guidance

Dress Code

No additional dress code restrictions shall be placed on transgender clients outside of what is asked of all clients.

[If a dress code is deemed necessary by the Agency/Organization, it should be gender-neutral. If there are gendered dress codes, transgender clients should comply with the dress code associated with their gender identity; gender nonconforming clients should be allowed to choose the dress code with which they feel most comfortable.]

Harassment

Harassment of all kinds is prohibited. Discriminatory and prejudice-motivated comments or other behavior that creates a hostile environment will not be tolerated whether from staff, volunteers, or other clients. If clients, staff, or volunteers are harassing any person, including a TGNC person (or someone perceived to be TGNC), staff must intervene and ensure that the harassment stops.

Any staff person's or volunteer's refusal to work with a TGNC client shall result in disciplinary action.

Guidance for Dealing with the Concerns of Other Clients

If clients approach either shelter staff or transgender or gender nonconforming clients with concerns, fears, or objections to the presence of a TGNC client, staff should immediately intervene to explain (Agency's) nondiscrimination policy.

When approached by clients who are concerned about sharing accommodations with TGNC clients, staff should patiently explain to those clients that the TGNC person is not a threat to them and that they should be respectful of all women's/men's (depending on shelter) right to access the shelter, including women/men whom they perceive to be or who identify as transgender or gender nonconforming. Clients need to understand that the shelter is a community where everyone is to be welcomed and respected. Staff can deal with these situations the same way they would deal with a situation where a client does not want to sleep near a person with a disability or a person of a different religion.

Posting and Distribution of Policies

Anti-discrimination policies shall be publicly posted and shall be distributed to staff, volunteers, and clients. Written copies of these policies shall be made available to anyone who requests them or who might benefit from familiarizing or re-familiarizing themselves with them.

Training

In furtherance of these policies, training curricula and educational materials shall be developed for clients, staff, and volunteers. The training curricula and educational materials developed under this policy shall (1) inform clients, staff, and volunteers about the policy, (2) increase cultural competency around transgender and gender nonconforming identities, and (3) inform clients, staff, and volunteers how to comply with the policy and the legal rights all people to be free from discrimination on the basis of gender identity or gender expression.

Questions

Questions about this policy should be addressed to your immediate supervisor. If he or she is not available, contact (...) ...-..... .

Overview of Federal and State Laws Regarding Equal Access to Shelters for TGNC People

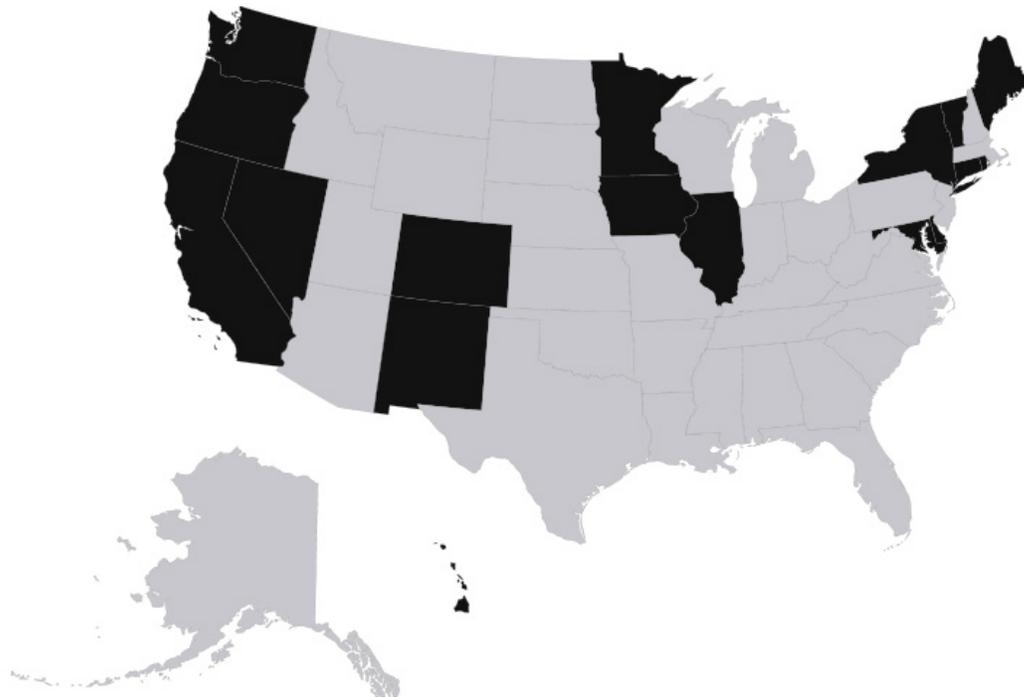
A. FEDERAL LAW

Any shelter or housing agency that receives federal funding may not discriminate against clients based on their gender identity or expression.

In 2012, the United States Department of Housing and Urban Development (“HUD”), released regulations known as the equal access rule, which require that TGNC people equal access to public and assisted housing and rental assistance programs that receive federal funds.¹

HUD issued additional guidance in 2015 that clarified that providers should place clients in shelters or other facilities that correspond to the person’s gender identity. The additional guidance also clarifies that a client’s own views with respect to personal health and safety should be given serious consideration in making the placement.²

HUD will investigate complaints of discrimination against transgender and gender nonconforming people. Complaints can be filed online at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/LGBT_Housing_Discrimination.



¹ EQUAL ACCESS TO HOUSING IN HUD PROGRAMS REGARDLESS OF SEXUAL ORIENTATION OR GENDER IDENTITY, 77 Fed. Reg. 5,662, 5,669 (2012) (to be codified at 24 C.F.R. pts. 5, 200, 203, 236, 400, 570, 574, 882, 891, and 982), available at <http://portal.hud.gov/hudportal/documents/huddoc?id=12lgbtfinalrule.pdf>.

² OFFICE OF CMTY. PLANNING AND DEV., U.S. DEPT OF HOUS. AND URBAN DEV., CDP NO. 15-02, APPROPRIATE PLACEMENT FOR TRANSGENDER PERSONS IN SINGLE-SEX EMERGENCY SHELTERS AND OTHER FACILITIES (2015), available at <https://www.hudexchange.info/resources/documents/Notice-CPD-15-02-Appropriate-Placement-for-Transgender-Persons-in-Single-Sex-Emergency-Shelters-and-Other-Facilities.pdf>.

B. STATE LAW

Generally, homeless shelters and housing programs, as well as any places are generally opened to the public, are governed by public accommodations nondiscrimination laws. Currently 17 states and the District of Columbia have enacted specific public accommodations nondiscrimination laws that cover sexual orientation and gender identity or expression.

These states include: California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Iowa, Maine, Maryland, Minnesota, New Jersey, New Mexico, Nevada, Oregon, Rhode Island, Vermont, and Washington. The statutory language and authority for each state's transgender-inclusive public accommodations policies can be found in the appendix.

These states listed above specifically bar the denial of shelter to transgender and gender nonconforming individuals on the basis of their gender identity or expression as a discriminatory act in violation of state law.

Additionally, virtually all states prohibit discrimination in housing and public accommodations based on sex. People living in states lacking explicit protection for gender identity may also file a claim under state public accommodation nondiscrimination laws on the bases of sex discrimination in addition to filing a HUD complaint.

C. LOCAL LAWS

In addition to federal and state laws and policies, many cities and counties have enacted local ordinances that prohibit discrimination based on gender identity or expression in housing and public accommodations. For information on local ordinances, you may want to contact your city or county government. Additionally, to locate information about local non-discrimination ordinances, go to: http://www.lgbtmap.org/equality-maps/non_discrimination_ordinances.

State Public Accommodations Laws that Prohibit Gender Identity Discrimination

This section lists the specific state laws that prohibit discrimination in public accommodations based on gender identity. It does not list the many local municipal and county anti-discrimination ordinances based on gender identity. Additionally, almost all states prohibit discrimination in public accommodations based on sex, and there is growing legal consensus that discrimination based on gender identity or expression is included in the category of prohibited sex discrimination.

CALIFORNIA

All persons within the jurisdiction of this state are free and equal, and no matter what their sex...are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. CAL. CIV. CODE § 51(b).

..."Sex" also includes, but is not limited to, a person's gender. "Gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. CAL. CIV. CODE § 51(e)(5).

COLORADO

It is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, or deny to an individual or a group, because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or, directly or indirectly, to publish, circulate, issue, display, post, or mail any written, electronic, or printed communication, notice, or advertisement that indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage or presence at a place of public accommodation is unwelcome, objectionable, unacceptable, or undesirable because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry. COLO. REV. STAT. § 24-34-601-2.

"Sexual orientation" means an individual's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another individual's perception thereof. COLO. REV. STAT. § 24-34-301-7.

CONNECTICUT

It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability or physical disability, including, but not limited to, blindness or deafness of the applicant, subject only to the conditions and limitations established by law and applicable alike to all persons; (2) to discriminate, segregate or separate on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, learning disability or physical disability, including, but not limited to, blindness or deafness. CONN. GEN. STAT. § 46a-64(a)

DELAWARE

No person being the owner, lessee, proprietor, manager, director, supervisor, superintendent, agent or employee of any place of public accommodation, shall directly or indirectly refuse, withhold from or deny to any person, on account of race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity or national origin, any of the accommodation, facilities, advantages or privileges thereof[.] 6 DEL. CODE § 4504(a).

DISTRICT OF COLUMBIA

It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, genetic information, disability, matriculation, political affiliation, source of income, or place of residence or business of any individual... [t]o deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations[.] D.C. CODE § 2-1402.31(a)(1).

HAWAII

Unfair discriminatory practices that deny, or attempt to deny, a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of race, sex, including gender identity or expression, sexual orientation, color, religion, ancestry, or disability are prohibited. HAW. REV. STAT. § 489-3.

ILLINOIS

It is a civil rights violation for any person on the basis of unlawful discrimination to... [d]eny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation[.] 775 ILL. COMP. STAT. 5/5-102(A).

It is the public policy of this State... [t]o secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations. 775 ILL. COMP. STAT. 5/1-102(A).

“Sexual orientation” means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person’s designated sex at birth... 775 ILL. COMP. STAT. 5/1-103(O)(1).

Illinois Bill of Rights for Homeless Persons

(a) No person’s rights, privileges, or access to public services may be denied or abridged solely because he or she is homeless. Such a person shall be granted the same rights and privileges as any other citizen of this State. A person experiencing homelessness has the following rights:

- (1) the right to use and move freely in public spaces, including but not limited to public sidewalks, public parks, public transportation, and public buildings, in the same manner as any other person and without discrimination on the basis of his or her housing status;
- (2) the right to equal treatment by all State and municipal agencies, without discrimination on the basis of housing status;
- (3) the right not to face discrimination while maintaining employment due to his or her lack of permanent mailing address, or his or her mailing address being that of a shelter or social service provider;
- (4) the right to emergency medical care free from discrimination based on his or her housing status;
- (5) the right to vote, register to vote, and receive documentation necessary to prove identity for voting without discrimination due to his or her housing status;

(6) the right to protection from disclosure of his or her records and information provided to homeless shelters and service providers to State, municipal, and private entities without appropriate legal authority; and the right to confidentiality of personal records and information in accordance with all limitations on disclosure established by the federal Homeless Management Information Systems, the federal Health Insurance Portability and Accountability Act, and the federal Violence Against Women Act; and

(7) the right to a reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence.

(b) As used in this Act, "housing status" means the status of having or not having a fixed or regular residence, including the status of living on the streets, in a shelter, or in a temporary residence. 775 ILL. COMP. STAT. 45/10.

IOWA

It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof... [t]o refuse or deny to any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges. IOWA CODE § 216.7(1)(a).

MAINE

It is unlawful public accommodations discrimination, in violation of this Act... [f]or any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any place of public accommodation to directly or indirectly refuse, discriminate against or in any manner withhold from or deny the full and equal enjoyment to any person, on account of race or color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin, any of the accommodations, advantages, facilities, goods, services or privileges of public accommodation... ME. REV. STAT. tit. 5, § 4592(1).

The Maine Supreme Court has held that the above applies to transgender people as well. *Doe v. Regional School Unit 26*, 2014 ME 11, 86 A.3d 600, 2014 WL 325906.

MARYLAND

An owner or operator of a place of public accommodation or an agent or employee of the owner or operator may not refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges of the place of public accommodation because of the person's race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability. MD. CODE, STATE GOV'T § 20-304.

Minnesota

It is an unfair discriminatory practice... to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, disability, national origin, marital status, sexual orientation, or sex, or for a taxicab company to discriminate in the access to, full utilization of, or benefit from service because of a person's disability[.] MINN. STAT. § 363A.11, subd. 1(a)(1).

Minnesota continued...

“Sexual orientation” means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult. MINN. STAT. § 363A.03, subd. 44.

Nevada

All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex, gender identity or expression. NEV. REV. STAT. § 651.070.

New Jersey

All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for rental or mortgage payments, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right. N.J. STAT. § 10:5-4.

New Mexico

It is an unlawful discriminatory practice for... any person in any public accommodation to make a distinction, directly or indirectly, in offering or refusing to offer its services, facilities, accommodations or goods to any person because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental handicap, provided that the physical or mental handicap is unrelated to a person’s ability to acquire or rent and maintain particular real property or housing accommodation[.] N.M. STAT. § 28-1-7(F).

OREGON

Except as provided in subsection (2) of this section, all persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older.” O.R.S. § 659A.403.1.

“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth. OR. REV. STAT. § 174.100.6

Rhode Island

No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement shall directly or indirectly refuse, withhold from, or deny to any person on account of race or color, religion, country of ancestral origin, disability, age, sex, sexual orientation, gender identity or expression, any of the accommodations, advantages, facilities, or privileges of that public place. No person shall directly or indirectly publish, circulate, issue, display, post, or mail any written, printed or painted communication, notice, or advertisement, to the effect that any of the accommodations, advantages, facilities, and privileges of any public accommodation place shall be refused, withheld from, or denied to any person on account of race or color, religion, country of ancestral origin, disability, sex or sexual orientation, gender identity or expression, or age or that the patronage or custom at that place of any person belonging to or purporting to be of any particular race or color, religion, country of ancestral origin, disability, age, sex, sexual orientation, or gender identity or expression is unwelcome, objectionable, or not acceptable, desired, or solicited. The production of any written, printed, or painted communication, notice, or advertisement, purporting to relate to any public place and to be made by any person being its owner, lessee, proprietor, superintendent, or manager, shall be presumptive evidence in any action that its production was authorized by that person. R.I. GEN. LAWS § 11-24-2.

Vermont

An owner or operator of a place of public accommodation or an agent or employee of such owner or operator shall not, because of the race, creed, color, national origin, marital status, sex, sexual orientation, or gender identity of any person, refuse, withhold from, or deny to that person any of the accommodations, advantages, facilities, and privileges of the place of public accommodation[.] VT. STAT. tit. 9, § 4502(a).

Washington

It shall be an unfair practice for any person or the person's agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, sexual orientation, sex, honorably discharged veteran or military status, status as a mother breastfeeding her child, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability[.] WASH. REV. CODE § 49.60.215.1

"Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth. WASH. REV. CODE § 49.60.040.26

Resource Library

BEN LUNINE, *TRANSITIONING YOUR SERVICES: SERVING TRANSGENDER VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING*, AMERICAN BAR ASSOCIATION COMMISSION ON DOMESTIC VIOLENCE NEWSLETTER, Summer 2008, *available at* http://www.americanbar.org/content/dam/aba/publishing/cdv_newsletter/LunineSummer2008.authcheckdam.pdf.

BOSTON PUBLIC HEALTH COMMISSION HOMELESS SERVICES, *PROTOCOL FOR SERVING TRANSGENDER GUESTS (2002)*, *available at* <http://www.transgenderlaw.org/resources/transprotocol.pdf>.

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