



November 23, 2020

Connecticut Emergency Shelter Provider:

As legal advocacy organizations that regularly hear from transgender people experiencing homelessness, we write to remind you of your responsibility to provide access to transgender clients on equal terms with others whom you serve. Under clear and long-established Connecticut Civil Rights and Fair Housing law, equal access means housing transgender women in women’s shelters and transgender men in men’s shelters.

Connecticut law has recognized the importance of validating and affirming transgender people for decades.¹ In 2011, the Connecticut legislature codified this rule by requiring equal treatment of transgender people across all areas of Connecticut law that already prohibited discrimination on the basis of sex.²

In a Supreme Court opinion issued on June 15, 2020, the nation’s highest court explained what it means to be transgender.³ Simply, a transgender woman is a woman “who was identified as a male at birth but now who identifies as a female.” Similarly, a transgender man is someone assigned female at birth who identifies as male. The case involved a transgender woman who was fired from her job because she was transgender, which the Court ruled was impermissible sex discrimination.

Under Connecticut law, discrimination because of gender identity or expression is prohibited in places of public accommodation⁴ and in housing,⁵ which applies to shelter housing and institutional care settings. This means that a transgender woman must be housed in a women’s shelter with access to facilities provided by the shelter—including bedding, restroom, and shower access—on equal terms with other women housed there. The same rule applies for a transgender man.

¹ In a 1975 decision, a federal court in the District of Connecticut recognized that it is important for a transgender person to have a birth certificate that matches her gender identity. *Darnell v. Lloyd*, 395 F. Supp. 1210, 1214 (D. Conn. 1975).

² See Public Act 11-55.

³ *Bostock v. Clayton County*, 140 S. Ct. 1731, 1741 (2020)

⁴ See Conn. Gen. Stat. Sec. 46a-64(a).

⁵ See Conn. Gen. Stat. Sec. 46a-64c.



The need for transgender people to have fair and equal access to shelters is dire. One fifth of transgender individuals report experiencing homelessness at some point in their lives due to discrimination or family rejection.⁶ Of those who have attempted to access an emergency shelter, nearly one third have been turned away because of their gender identity.⁷ Our organizations regularly receive calls from transgender people who are turned away from or harassed and assaulted in homeless shelters. And while they may be able to pursue claims under Connecticut law, the sad reality is that most will never be able to seek redress because of how vulnerable they are. This makes policy that ensures their access at the front end all the more urgent.

The goal, of course, is to make sure that shelters are open to all who need them, as you all so well know. This needs to include the most vulnerable members of our community, including transgender people, and especially transgender people of color, who experience violence on the streets at unacceptably and disproportionately high levels.⁸

Our organizations know from experience that strong policies of inclusion and leadership at all levels must be in place to ensure fair and equal access to emergency shelters for marginalized people. The best way to protect the rights of transgender people experiencing homelessness is to have a clear inclusive policy, with regular training for staff, along with a prompt and proportional response to any improper or hostile conduct from other shelter residents causing discomfort or distress to a transgender person.

⁶ National Center for Transgender Equality and National Gay and Lesbian Task Force, Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, p. 112 (2011), available at https://www.transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf.

⁷ Id. at 116.

⁸ The American Medical Association describes violence against transgender people of color as an “epidemic of violence against the transgender community.” American Medical Association, AMA adopts new policies on first day of voting at 2019 Annual Meeting (Jun. 10, 2019), available at <https://www.ama-assn.org/press-center/press-releases/ama-adopts-new-policies-first-day-voting-2019-annual-meeting>.



We ask that your shelter adopt a written policy to foster an inclusive environment for all transgender individuals seeking access to the benefits or services provided by your facility.

For examples of inclusive policies, please see:

- GLAD Gender Identity Non-Discrimination Best Practices for Homeless Shelters, available at <http://www.glad.org/cases/ending-gender-identity-discrimination-in-homeless-shelters/>; and
- Transgender Law Center Model Policy & Legal Guide for Homeless Shelters & Housing Programs, available at <http://transgenderlawcenter.org/wp-content/uploads/2016/02/02.29.2016-Model-Homeless-Shelter-TG-Policy-single-pages.pdf>.

For additional resources and training, please see:

- Connecticut Coalition to End Homelessness (CCEH), <https://cceh.org/provider-resources/lgbtq-resources/>; and
- Connecticut Fair Housing Center, <https://www.ctfairhousing.org>.

Please contact us if you have any questions or if we can otherwise support you in providing necessary emergency services to some of the most vulnerable members of our community. We thank you for your commitment to providing shelter, protection, and dignity to all those in need.

Thank you for your attention to this letter.

Sincerely,

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