



Eligibility Criteria: Sample Policy Chicago Continuum of Care

Introduction

This sample policy provides basic language that can be used by HUD funded projects in the Chicago Continuum of Care (CoC) to help ensure compliance with non-discrimination and the Fair Housing Act.

All Chicago recommends this sample policy as a starting point for agencies without a policy on this topic. For agencies that have already established a policy, we recommend reviewing this sample and incorporating any components that will help strengthen your policy. We recommend agencies expand beyond the language provided to further identify in your own policies and procedures how these actions are incorporated within your own unique program operations.

For any agencies that choose to incorporate language from this sample policy into their own policy, ensure that it accurately represents the work carried out by staff. This most likely requires educating staff on the policy and procedures and reviewing files regularly for completeness and accuracy.

The policy and procedure examples below would only be part of an eligibility section. Complete eligibility policy and procedure should include the necessary homeless definition and other eligibility criteria that fit your program.

Equal Access Rule, Fair Housing and Eligibility

A. Policy

[The Agency] acknowledges the imperative to adhere to HUD's Equal Access Rule and the Fair Housing Act. In establishing program eligibility criteria, [The Agency] will uphold both HUD policies, and the methods of implementation are detailed below. Specifically, [The Agency] acknowledges HUD's stipulation that "access to CPD programs, shelters, other buildings and facilities, benefits, services, and accommodations is offered to an individual in alignment with the individual's gender identity, ensuring equal access for the individual's family" ([HUD, 24 CFR 5.106](#)).

Outside of compliance, [The Agency] uses Equal Access and Fair Housing to further the overall mission of our programming. This includes eligibility procedures that reflect respect for all, including people who identify as transgender, gender non-conforming, or any other label that falls under the transgender umbrella.

It is imperative for staff of [The Agency] to respect the gender of each person as they **self-identify** it. [The Agency] also understands that gender identity is fluid, and that changing gender identity multiple times can be an integral part of identity.

B. Definitions



[The Agency] follows the HUD definitions of **gender identity**, which states is the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity ([HUD, 24 CFR 5.100 "Gender identity"](#)).

[The Agency] follows the HUD definition of **family** ([HUD, 24 CFR 5.403 "Family"](#)).

Family Includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child temporarily away from the home because of placement in foster care is considered a member of the family.

Therefore, [The Agency] recognizes any group of people that presents together for assistance and identifies themselves as a family is considered to be a family and must be served together as such if they meet other program eligibility requirements.

C. Procedure

By incorporating the following procedures, [The Agency] strives to create an environment that is not only legally compliant but also reflective of our commitment to inclusivity, respect for self-identified gender identities, and the promotion of equal access for all participants and their families. Congruent with agency policy regarding Equal Access and Fair Housing, [Agency Name] requires the following practices:

1. Eligibility Determinations, Program Access, and Services: Eligibility determinations, access to programs or facilities, and provision of services are conducted in strict accordance with the participant's self-identified gender identity. This ensures a respectful and inclusive approach to program engagement. [Agency Name] does not make eligibility decisions based on the sexual orientation, gender identity, or marital status of a participant, nor whether they conform to gender or sex stereotypes.

2. Coordinated Entry Referrals: All participants accepted into the program are referred from Coordinated Entry. Coordinated Entry referrals undergo screening without discrimination based on sexual orientation, gender identity, marital status, or conformity to gender or sex stereotypes. This approach fosters a more inclusive and nondiscriminatory access to essential services.

3. Avoidance of Assumed Gender Identity: Staff members, particularly those handling referrals or conducting intake/assessment, are instructed not to assume the gender identity of participants. As a result, participant placement in facilities or programs is not influenced by presumed gender identity but rather respects the individual's self-identification.

4. Alignment with Participant's Gender Identity: [The Agency] staff will not place participants in facilities or programming that directly contradict the participant's self-identified gender identity. This practice ensures that all individuals are placed in environments that affirm and respect their gender identity.



5. Equal Access to Family: Programming is designed and provided in a manner that ensures equal access not only to the individual but also extends to their family. This comprehensive approach recognizes the importance of family inclusivity within our programs.

The age and gender of a child under the age of 18 will never be utilized as grounds for denying admission to a program for any family. [The Agency] stands firm against discrimination, ensuring that families are welcomed without regard to the age or gender of their children.

6. Documentation: HUD compliance mandates documentation and maintenance of records involving Equal Access Rule requirements for a period of 5 years ([HUD Equal Access Rule, 2016](#)). All intake documents, program information, and eligibility policy and procedure are applicable under this guidance.