



AMERICAN **BAR** ASSOCIATION

Commission on Domestic  
& Sexual Violence



National LGBTQ Institute on Intimate Partner Violence

A PROJECT OF THE LOS ANGELES LGBT CENTER

In partnership with the National Coalition of Anti-Violence Programs and In Our Own Voices, Inc.

# RESOURCE GUIDE FOR COALITIONS

## Helping Member Programs Build Sheltering Capacity to Serve Transgender Survivors

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# INTRODUCTION

The experiences of LGBTQ+ survivors of domestic violence, sexual assault, and/or stalking, especially transgender survivors, are often left out of mainstream understandings of violence. Survivors who are not cisgender women, in particular, often do not see themselves represented in this framework, in the services available, or in the common responses to violence. Though federal law prohibits discrimination based on gender identity and sexual orientation in federally funded programs, the ways in which service providers respond to survivors is often informed by these gendered understandings of violence. This results in services that are not accessible to LGBTQ+ survivors. It can also contribute to service provider bias and stigma against LGBTQ+ survivors, and it can change the quality of services that LGBTQ+ survivors receive, particularly transgender survivors.

This guide discusses the federal protections for transgender survivors in sheltering services, the impact of sex-segregated sheltering services on trans survivors, and coalitions' role in supporting service providers in sheltering trans survivors.

# FEDERAL NON-DISCRIMINATION PROTECTIONS

Federal law prohibits discrimination based on sexual orientation and gender identity in sheltering services under the Violence Against Women Act (VAWA), the Family Violence Prevention and Services Act (FVPSA), and the U.S. Department of Housing and Urban Development (HUD).

**VAWA:** “No person in the United States shall, on the basis of actual or perceived...sex, gender identity, [or] sexual orientation...be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under VAWA.”[1]

**FVPSA:** “No person shall on the ground of actual or perceived sexual orientation” and “no person, on the ground of actual or perceived sex, including gender identity shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part through FVPSA.”[2]

**HUD:** HUD additionally prohibits discrimination in federally funded housing. VAWA specifically prevents discrimination of survivors based on gender identity and sexual orientation in HUD-subsidized housing programs.[3] HUD additionally has issued guidance that the Fair Housing Act, which prohibits discrimination based on sex, extends to sexual orientation and gender identity.[4]

VAWA includes an exception to its nondiscrimination language, stating that programs may consider a survivor's sex if sex-segregated or sex-specific services are "necessary to the essential operation of a program."<sup>[5]</sup> However, service providers must provide "comparable services" to those who cannot be not served by the sex-specific or sex-segregated services.<sup>[6]</sup> Even where programs have sex-segregated or sex-specific services, programs are not permitted to turn away male survivors on the basis of sex or transgender survivors on the basis of gender identity. Sex-segregated sheltering services and their impact on transgender survivors are discussed in greater detail in the next pages of this guide.

Coalitions can ensure that member programs are aware of and equipped to utilize these non-discrimination protections to serve transgender survivors. It can also be helpful to educate member organizations that anti-trans legislation that targets service providers is widely opposed by the field. This is evidenced by the nearly 200 organizations that signed onto a [National Sign on Letter of Domestic Violence, Sexual Assault, and Trafficking Organizations and Programs in Support of Full and Equal Access to Services and Shelter for Transgender Survivors](#).\*

Despite the federal protections for transgender survivors, a number of issues continue to affect their ability to receive equal services.

\* <https://nnedv.org/wp-content/uploads/2023/01/National-Sign-On-Letter-8.7.23.pdf>

# THE IMPACT OF SEX-SEGREGATED SERVICES ON TRANSGENDER SURVIVORS

Many domestic violence, sexual assault, and stalking service providers offer sex-segregated or sex-specific services. Though sex-segregated programs are required by federal law to offer comparable services to all, this is often not what many transgender survivors experience when seeking services.[7] In practice, sex-segregated services often prioritize provision of services to cisgender, heterosexual women, while other people, especially transgender men, transgender women, and nonbinary survivors receive lesser services.

Service providers often offer women-only services with the intention of creating safe spaces where women survivors can connect under shared experience. Though federal law requires service providers to serve transgender women in women-only services, in practice, transgender women are often excluded. Even though federal law requires comparable services for men, many providers offering women-only services do not have a truly comparable equivalent for survivors who are men. If they do, their definition often leaves out transgender men. Sex-segregated services also exclude nonbinary survivors.

The next pages list common ways in which transgender survivors are excluded from sheltering services, both intentionally and unintentionally. Please note that many of these practices violate federal nondiscrimination provisions; they are included below because they are nonetheless common practices seen by coalitions and technical assistance providers.

### ***Using gendered language on website, materials, and in outreach***

- Referring to services as a “women’s shelter” or having other gendered terms in the program name,
- Not mentioning available options for male survivors,
- Using she/her/hers pronouns to discuss victims and he/him/his pronouns to discuss perpetrators,
- Lacking information about LGBTQ+ domestic violence, sexual assault, and stalking, and
- Not including nondiscrimination language.

Exclusive language is a signal to transgender survivors that the program’s services are either unable to serve them, or unlikely to be a safe place for them to access.

### ***Having a lack of training and/or policies on sheltering transgender survivors***

Many programs so not have training in helping transgender survivors, especially within the framework of sex-segregated services. Because of traditional understandings of violence, staff often have training and policies that focuses on serving cisgender, heterosexual women. As a result, programs may

- be unprepared to respond when a transgender survivor seeks help,
- lack procedures for ensuring the safety of transgender survivors in their shelter services, or
- offer inconsistent responses to transgender survivors due to a lack of clear policies and training.

### ***Making assumptions about transgender survivors' sheltering needs***

Sometimes, as a result of the lack of policies and training, well intentioned staff or programs may make assumptions about the best way to respond to transgender survivors that seek their services. This can include:

- deciding to refer transgender survivors to external LGBTQ+ specific sheltering services, assuming that they will be more comfortable or safer there, or
- providing transgender survivors private spaces rather than communal spaces, assuming that this will always be the preferred option.

### ***Denying services to transgender survivors***

Because programs may feel unprepared or unwilling to serve transgender survivors, they might engage in inappropriate or harmful practices, that prevent transgender survivors from accessing sheltering services, such as:

- assigning transgender survivors to sex-specific services that do not align with their gender identity.
- denying shelter outright to transgender survivors.

### ***Not offering culturally relevant responses***

Many services do not offer LGBTQ+ specific support; they may not have any services that prioritize addressing the needs of LGBTQ+ survivors. They may also not be prepared to serve LGBTQ+ survivors, especially transgender survivors, in the services that they offer. This is especially true when those services are sex-segregated. Traditional understandings of domestic violence, sexual assault, and stalking mean that the services themselves may not be responsive to LGBTQ+ experiences of violence. For example, service providers may

- misgender the survivor or perpetrator,
- not take into account LGBTQ+ specific safety planning needs,
- not have LGBTQ+ specific referrals, or not have referrals that they are certain are safe for LGBTQ+ people.



## *TRANSGENDER INTIMATE PARTNER VIOLENCE SURVIVORS & SHELTER ACCESS*

In the context of shelters for survivors, these exclusionary practices often leave transgender survivors without options for leaving unsafe situations.

**Women-only domestic violence shelters are equipped with advocates, case managers, and other supportive staff that can provide support for survivors on-site. If male survivors are sheltered off-site, they may lack the same ease of access to these crucial services.** For example, a service provider may have a women-only domestic violence shelter and place men in short-term emergency hotel stays or refer them to homeless shelters. Though men can access the shelter's support services, they need to have the time, energy, and resources to travel to and engage with these off-site services. Already, this means that many people, including transgender, gay, and/or bisexual men may receive a form of shelter with less access to supportive services than domestic violence shelters typically offer. Though federal law requires equal access to supportive services, the practical reality of not having on-site sheltering services for male survivors adds a barrier to receiving these services.

Additionally, transgender and nonbinary survivors are often not served by sex-segregated programs in an appropriate or affirming way. VAWA's non-discrimination provision requires that when a program has sex-segregated or sex-specific services, transgender survivors are served within the program corresponding to their gender identity. Despite this, service providers may assess transgender people based on the sex they were assigned at birth, meaning transgender women might be assessed incorrectly as men. This means that they might be housed with men, or that they too would be sent to emergency hotel stays or men-only homeless shelters.



Programs may also incorrectly assess transgender men as women, and refer them to hotels or to homeless shelters. Not only does this mean that transgender survivors are not receiving the services that they need, but they are also experiencing an additional harm of being excluded from services that match their gender identity. Sometimes, transgender survivors are provided with hotel options because shelters with communal or dorm-style spaces assume that transgender people will feel safer or more comfortable in a separate space, without confirming this with the survivor.

**If transgender people are sent to homeless shelters, they often receive lesser care there as well.** Homeless shelters do not offer the same level of protection and advocacy services, and are not an adequate substitute for domestic violence shelters. Additionally, if transgender women are sent to men's homeless shelters, not only does this force them to receive services that do not align with their identity and that are fundamentally not equipped to support transgender women, but transgender women also face potential harassment and violence in these spaces. As a result, transgender women have nowhere to turn when they are faced with options that are unsafe and fundamentally not designed for them.

## *SHELTER ACCESS FOR TRANSGENDER SURVIVORS OF SEXUAL ASSAULT AND STALKING*

There are increased barriers for transgender survivors who have experienced non-intimate partner (IP) perpetrated sexual assault and stalking.

**Most shelters house domestic violence survivors exclusively, while not serving non-IP sexual assault or stalking.** However, in some cases survivors of sexual assault seek shelter outside the context of IP violence. Given the high rates of sexual violence against transgender people, especially transgender women of color, non-IP sexual violence is critical to address.

**Additionally, when shelters do accommodate non-IP sexual assault survivors, this is also more inclusive for LGBTQ+ survivors who experience violence from sexual partners.** Many LGBTQ+ people, particularly LGBTQ+ youth, may not describe someone they are having a sexual relationship with as their romantic partner. When they experience violence at the hands of a sexual partner, it can be difficult to identify where to go for support. Some LGBTQ+ people may be more comfortable not disclosing a romantic relationship out of fear of repercussions of outing. Transgender survivors of non-IP stalking similarly face reduced options, despite often having a need for safe housing. If a trans person is stalked by a colleague, or an ex-friend impersonating them online and sending "dates" to their house, where can they seek shelter? Even when survivors come into shelter due to domestic violence, there may be a longer history of sexual assault, stalking, and trauma that they have experienced. Expanding our understanding of who needs and deserves shelter, and opening domestic violence shelter spaces to sexual assault and stalking survivors is therefore essential for transgender survivors' safety.

# COALITIONS' ROLE IN CULTIVATING TRANSGENDER INCLUSIVITY IN SHELTERING SERVICES

Domestic violence, sexual assault, and dual coalitions can play a critical role in ensuring that shelters are providing safe and inclusive services for transgender survivors using the following strategies.

**Educate member organizations on best practices for providing trans-inclusive shelter and services.** Coalitions can directly educate members if they have in-house expertise. If they do not have internal expertise, they can also connect member organizations to technical assistance (TA) providers that can work with them. Coalitions can circulate written resources that can serve as helpful guides to members such as the National LGBTQ Institute on Intimate Partner Violence's [Shelter Access Toolkit](#)\* or FORGE's [Shelter Access Tip Sheets](#)\*\* FORGE also has [a guide for shelters on integrating their services](#)\*\*\*

**Support members in identifying long-term strategies to expand shelter access to transgender survivors.** Coalitions can help shelters identify long-term potential funding sources to establish best practice shelter spaces that are private rooms or studio spaces with a door that closes. Private spaces allow shelters to accept survivors of all gender identities while maximizing privacy, to minimize inter-client transphobia and eliminate concerns that may come with a desire to have a women's only shelter space. Private spaces are best practice not only for LGBTQ+-inclusive services, but trauma-informed services.

\* <https://lgbtqipvinstitute.org/wp-content/uploads/2023/04/Shelter-Toolkit.pdf>

\*\* <https://forge-forward.org/resources/service-providers-2/?tf=shelter&rtf=Tip%20Sheets&lf=&af=>

\*\*\* <https://forge-forward.org/resource/gender-integrated-shelters/>

**Make suggestions for shelter programs to move towards trans-inclusive models and to connect with experienced trans-inclusive shelter providers.** For shelters that provide some survivors with a temporary hotel space instead of the on-site shelter space, coalitions can advise member programs about the importance of all survivors having the same level of on-site access to advocates. This can look like mitigating any added barriers to transportation, accessibility, and ease of accessing the resources and services available to survivors on-site at the shelter that a survivor may face when being sheltered in a separate hotel space.

For shelters that have congregate or dorm-style shelter space, a coalition can provide advice and connection to other shelter programs using more inclusive models. A more inclusive sex-segregated domestic violence shelter model may have “men’s” and “women’s” wings, but also offer an “all gender” wing that is not sex-segregated. Survivors should be able to self-select which wing to stay in based on which option feels most safe for them. For example, a transgender woman could choose to be in the shelter space for women and would not have the all-gender shelter space selected for her by staff. Another example would be a program that has communal rooms with spaces that can be connected or separated using privacy screens or room dividers to create bigger or smaller private rooms as needed.

**Educate member programs on strategies for creating trans-inclusive welcoming and affirming spaces.** This can look like providing members with visual cues of LGBTQ+ inclusivity such as safe space stickers, trans pride flags, gender inclusive restroom signage, and more. Another strategy would be providing members with examples of inclusive intake forms such as the National LGBTQ Institute on Intimate Partner Violence’s [sexual orientation and gender identity data collection guide](https://lgbtqipvoinstitute.org/wp-content/uploads/2024/02/SO-GI_-_DataCollectionGuide_2024-002.pdf).\*

\* [https://lgbtqipvoinstitute.org/wp-content/uploads/2024/02/SO-GI\\_-\\_DataCollectionGuide\\_2024-002.pdf](https://lgbtqipvoinstitute.org/wp-content/uploads/2024/02/SO-GI_-_DataCollectionGuide_2024-002.pdf)

**Provide opportunities and connections for staff training for member programs.** Coalitions can create educational opportunities by sharing out virtual or in-person webinars and training events in the community. Or they can host training sessions themselves from national TA providers like the American Bar Association Commission on Domestic & Sexual Violence, National LGBTQ Institute on Intimate Partner Violence, FORGE, and other national and regional experts as webinars or in-person training events that are open to all members. Trainings should include foundational knowledge that covers essential information about trans identities, history, addressing biases, and best practice inclusive language. Staff training opportunities should be available that address a variety of issues affecting transgender survivors of domestic violence, sexual assault, and stalking. Trainings should include topics such as common victimizations and issues that transgender communities, particularly transgender women of color, face. Training should foster an understanding of various issues that intersect with transgender survivors' experiences of healing, justice, safety and stability, and economic wellbeing.

**Provide sample policies for shelter programs on non-discrimination policies they can implement with clients and staff, that include transphobia.** This should include non-discrimination policies for staff members, that specifically address ensuring transgender survivors' access to services. Policies should also address how programs will respond to inappropriate or harassing behavior against transgender survivors, such as identifying new shelter-client orientation strategies that equip survivors with knowledge and information about those policies, what conduct is expected, and who to go to for support if the client is experiencing discrimination. Staff should receive training on addressing transphobia in shelter work.

## **Educate member organizations on federal non-discrimination**

**protections.** Coalitions can communicate with their member programs about the federal non-discrimination protections under VAWA, FVPSA, and HUD, emphasizing that federal law prohibits shelters from discriminating against transgender survivors. Coalitions can also communicate with member programs about current or proposed state laws, policies, regulations, executive orders, and other actions that may put them at risk of non-compliance. Coalitions can provide education about how to navigate potentially conflicting laws, and work with programs to ensure continued access for transgender survivors.

For example, if a state passed a law saying that public accommodations need to be gender-segregated and that the definition of gender is determined by sex-assigned-at-birth, a state coalition could let member programs know that following this law could put them at risk of federal non-compliance. The coalition can advise member programs on ensuring transgender survivors' access to members' services. This could include working with member programs to move away from sex-segregated or sex-specific services or how to offer equal all-gender services alongside sex-segregated programs. The coalition could help a domestic violence shelter program avoid violating the state law and federal law by offering a de-gendered shelter space to all survivors, rather than a women's only shelter space.

The LGBTQ+ Training for Coalitions Project has a guide for coalitions on this topic. You can access [Navigating Anti-Trans Rhetoric & Discrimination as Domestic Violence, Sexual Assault, & Dual Coalitions at this link](#)\*

\* [bit.ly/guide1\\_forcoalitions](https://bit.ly/guide1_forcoalitions)



# ENDNOTES

[1] U.S. DEPT OF JUSTICE., OFF. OF JUSTICE PROGRAMS, OFF. FOR CIVIL RTS., *Frequently Asked Questions, April 9, 2014, Nondiscrimination Grant Condition in the Violence Against Women Reauthorization Act of 2013, available at* <https://www.justice.gov/archives/ovw/file/29386/download>

[2] 45 C.F.R. § 1370.5(c) (2016).

[3] U.S. DEPT OF HOUSING & URBAN DEV., *Violence Against Women Act (VAWA) Frequently Asked Questions, available at* <https://www.hud.gov/vawa>

[4] U.S. DEPT OF HOUSING & URBAN DEV., *Housing Discrimination & Persons Identifying as Lesbian, Gay, Bisexual, Transgender, and/or Queer/Questioning (LGBTQ), available at* [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/housing\\_discrimination\\_and\\_persons\\_identifying\\_lgbtq#:~:text=HUD's%20Equal%20Access%20Rule%20also,sexual%20orientation%2C%20or%20marital%20status](https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq#:~:text=HUD's%20Equal%20Access%20Rule%20also,sexual%20orientation%2C%20or%20marital%20status)

[5] 34 U.S.C. §12291 (b)(13)(B).

[6] *Id.*

[7] Though there is not comprehensive research on this topic, anecdotal experiences of survivors, service providers, and technical assistance providers indicate that transgenders survivors continue to face significant barriers, which are discussed within this guide. Additional research and publications are also instructive on the issue. See e.g. NAT'L CTR. FOR TRANSGENDER EQUALITY, *THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY 176 (2016), available at* <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf> (discussing transgender peoples' experiences of discrimination in homeless shelters as well as housing broadly); VICTORIA KURDYLA, ADAM M. MESSINGER, AND MILKA RAMIREZ, *TRANSGENDER INTIMATE PARTNER VIOLENCE AND HELP-SEEKING PATTERNS*, 36 *J. Interpers. Viol.* 11046 (2019) (finding low utilization rates among transgender survivors of shelters for intimate partner violence); and CARLA M. SMITH, *EXAMINING ACCESS BARRIERS TO EMERGENCY DOMESTIC VIOLENCE SHELTER SERVICES FOR TRANSGENDER IDENTIFIED SURVIVORS OF INTIMATE PARTNER VIOLENCE IN NEW YORK STATE (2014) available at* [https://fisherpub.sjf.edu/cgi/viewcontent.cgi?article=1182&context=education\\_etd](https://fisherpub.sjf.edu/cgi/viewcontent.cgi?article=1182&context=education_etd) (exploring nine transgender survivors' perceptions of and experiences with shelter services).





## Questions? Contact us.

This Guide was created as part of the LGBTQ+ Training for Coalitions Project to support coalitions' capacity to engage in LGBTQ+ inclusive work and to support member organizations in their LGBTQ+ inclusive work. [You can fill out our form to request support here: https://bit.ly/3PM3HJp](https://bit.ly/3PM3HJp)

Here are some ways that the LGBTQ+ Training for Coalitions Project can support your work:

- Provide trainings to coalition staff and board members on LGBTQ+ inclusivity;
- Review outreach materials for LGBTQ+ inclusivity;
- Review curriculum for trainings you provide on LGBTQ+ inclusivity to your member organizations;
- Assist you in supporting LGBTQ+ survivors despite anti-LGBTQ+ rhetoric and/or legislation in your state; and
- Help you work with your board, funders, and member organizations to understand the importance of LGBTQ+ work.