

Housing Equity, Fair Housing and Equal Access Training

September 22, 2020

Role Play Scenarios & Sample Answers

Instructions:

Pick the top 3 scenarios that apply to your facility. Try to make these scenarios as realistic as possible and adjust them to fit your situations if you need to. If you finish going through 3, feel free to go through additional scenarios or any real-world examples you've experienced. You have 25 minutes.

1. Discrimination based on Familial Status

I am a housing navigator for an organization that runs a rapid rehousing program. I've been working with a landlord for a few months and have housed a couple of clients at his property. He has been friendly, helpful, and accommodating. When I spoke to him last, I asked if he had a unit for a single mom and her two little kids. He hesitated and told me, "Between you and me, I don't want to deal with children. I've received noise complaints in the past and just don't want to deal with it." What should I tell the landlord?

Sample Answer: "I totally understand your concerns. Children are certainly an additional element to consider as a property owner. Although, I know plenty of adult renters in my life that are way more of a problem than most kids. I think we'd agree that so far things have gone pretty well with our other residents; no worse than a tenant found on Craigslist. I like to think that our program provides a unique level of support focused on housing stability and family well-being that your average tenant probably doesn't have. I'm wondering, given there are fair housing laws that don't permit denying a family that has kid, if we could think through your main concerns and put in a plan in place where you meet the family and hear their story. What do you think?" See slides 41-43.

2. Accommodation of Assistance Animal

I run a permanent supportive housing program and a new client has told me that he must be allowed to bring his pet dog with him. He says that he is a veteran with PTSD and his dog provides him a lot of comfort. We have a no-pet policy at the site. How should I proceed in communicating with the client about his request? What type of proof can I request from him?

Sample Answer: Although the agency has a no-pet policy, it seems as though the client's dog is an emotional support animal. Allowing the client to keep his dog with him would be considered a reasonable accommodation. Based on my observation, I can determine whether the animal alleviates the client's disability and I need not ask for any further verification. If the client's disability is not obvious, I can, but I'm not required to, ask the client for documentation of a disability and a disability-related need for the support animal. This verification can be in the form of a note from a doctor, therapist, or social worker, or any other qualified third party who, in their professional capacity, has knowledge of the client's disability and the need for reasonable accommodation. Request of medical records is not permitted. See slides 33-40.

3. Client Misgendering

You and Samantha have worked together at the front desk for about a year and have become really great friends and coworkers. For the third time, you've heard Samantha misgendering a transgender client, Robin, who prefers "she/her" pronouns. You feel like you need to say something to her, but you're worried that she's going to become upset with you. How do you approach this conversation, and what do you say to Samantha?

Sample Answer: Since you and Samantha have become really good friends, try approaching her by acknowledging her hard work and good intentions. If you think Samantha isn't misgendering the client on purpose, you could remind her by saying, "I think Robin uses she and her pronouns," when you hear Samantha misgendering. If you think Samantha needs more prompting, you could say something like, "Hey, just a heads up, I've heard you use the wrong pronoun when referring to Robin. I totally get it, and I've made the mistake too. Honestly, I felt embarrassed and criticized when it was pointed out to me. But looking back, I'm very grateful for getting the feedback because now I'm seeing this person as they see themselves. I think Robin prefers she and her pronouns." See slides 48-54 and 67.

4. Domestic Violence Scenario

I run a domestic violence project that serves women. We house residents in two separate buildings on the same property. All residents have access to the same services, but I've decided to house trans women in one building and cis women in the other. Is it appropriate (or legal) to serve trans women in a different building or project?

Sample Answer: The key is whether placement and accommodation are provided in a nondiscriminatory manner. It seems as though this policy is separating trans women

solely because they are trans in a separate building. There's no mention of nondiscriminatory factors of placement such as whether clients are given a choice or not or whether a specific trans client is making the request to be housed in a separate building due to privacy or safety concerns. Since this determination is based solely the fact that they are trans women, this is inappropriate and likely in violation of laws protecting transgender clients. See slides 66.

5. Inconsistent Intake Process

I am a case manager for an organization that runs a permanent supportive housing program. During intake, I overhear my colleague say to Cory, a Black man, that he cannot join our program because of his criminal history. However, when speaking to white clients, she does not ask about their criminal history. I am not aware that my organization has a policy restricting individuals with a criminal background. How should I proceed with this issue?

Sample Answer: There are a few options here. First, you may approach your colleague directly and remind her that she should be administering the intake according to how it is written and not creating barriers for some and not others. The Fair Housing Act protects from discrimination on the basis of race in housing transactions and having different procedures for one race and not another is a form of discrimination. Second, you could approach your supervisor to report the incident. Third, if the issue is not resolved, you may file a grievance with the CoC. See slides 25-32 on The Fair Housing Act, and slide 75 on the CoC Grievance process.

6. Non-Binary Clients

My project/shelter/program has facilities where everyone sleeps in a room with 3 roommates. We don't have any extra space to specifically house trans or non-binary clients. A person is referred to the project by an outreach worker. When they arrive, the individual says they don't identify with either male or female. What should I do?

Sample Answer: It would be best practice to speak to the client about what the various housing options are and find or what would be most comfortable for the client. See slide 68.

7. Disparity in Racial Population Served

I am a BIPOC staff member at an organization that serves a community that's majority-BIPOC. However, most individuals who come to us are white, and the higher-ups (who are also white) don't seem to notice or care. How can I broach this topic?

Sample Answer: The staff member could inquire about the program’s outreach methods and/or advertising to make sure that they are reaching out to targeted demographics in an equitable manner. For example, “Hi manager, I’ve been hoping to connect with some of the people who I think could use our services but have not traditionally been coming into our doors. Is anyone doing outreach now, or would you mind if I created some flyers and contacted some local leaders?” In addition, the staff member could also express their concerns to managers by pointing out the disparity between the demographic of the community and the demographic being served. The staff member could also remind the managers that compliance with Fair Housing and Equal Access is required and will be monitored. See slides 73-78.

8. Harassment based on Race

I am a program manager for an organization that runs a permanent supportive housing program. A Black resident named James informed me that another resident, Luke, has been calling him derogatory racial slurs. James had recently made and put up a Black Lives Matter sign outside his door. The next day, James saw Luke write a racial slur over his sign. I consult my program manual and it states that residents should not threaten, coerce, or harass any other resident based on a protected class. What actions should I take in this situation?

Sample Answer: Harassment based on a protected class is a form of discrimination under the Fair Housing Act. Housing providers must ensure clients are free from harassment from not only staff, but other clients as well. In this scenario, the program manager should make sure that the offending client knows that the program has a no-harassment policy and that his actions will not be tolerated. It is useful to have clients sign a document demonstrating that they understand the program’s rules, as well as their rights and responsibilities. This document should be presented to the client when the issue is addressed. Where possible, the program manager could also work with Luke to help them understand the impact of their racism. For example, explain to Luke, “Luke, we’ve been notified that you have been saying racial slurs to another resident, and that you wrote a racial slur over the resident’s Black Lives Matter poster. We would like to remind you that this behavior is unacceptable and will not be tolerated under our program policy rules which you agreed to by signing this document. Are you aware that your behavior is considered harassment and is illegal? We want to make sure every resident is able to use and enjoy their home without harassment or discrimination.” See slides 28-29.

9. Complaints from Other Clients

I have a project that offers 85 units of permanent housing for formerly homeless single male adults. There are two community kitchens, a shared TV room and a desk clerk. One client has approached the desk clerk complaining there is woman who keeps using the kitchen and is making everyone feel uncomfortable. It turns out the person using the kitchen is a trans man named Puck. How do you handle this situation?

Sample Answer: Explain to the client, “I understand you have concerns, but Puck identifies as a man. It is really important in our program to honor everyone’s experience, and if you were not aware, it’s the law. As we will not single out Puck, we will not single out anyone based on their race, age, disability, or national origin; we will not judge based on whether someone works, has been in jail, or is struggling with addiction. If an individual is following the rules and upholding their responsibilities while living here, they pose no threat and have every right to be here.” See slide 70.

10. Religious Freedom as Justification

A faith-based organization is claiming that it should be exempt from serving trans women in its overnight shelter for women since that would put its religious freedom in jeopardy. The shelter is partially funded by a Community Development Block Grant from HUD. What could happen in this situation?

Sample Answer: This would not be permissible. On the federal level, the 2016 Equal Access Final Rule, which is still in effect as of the date of this document, prohibits discrimination on the basis of gender identity. Even if the 2020 HUD proposed rule is finalized, organizations would still be subject to state and local requirements. Therefore, in California, this faith-based organization would not be exempt from serving trans women based on a religious justification as it likely violates the Unruh Civil Rights Act which prohibits discrimination on the basis of “gender” including a person’s “gender identity” in the provision of public accommodations. See slides 55-59.