

LOPEZ V. NYC DEPARTMENT OF HOMELESS SERVICES



Are you a **transgender, non-binary, or gender non-conforming (TGNC)** person who has faced **discrimination** by the **Department of Homeless Services (DHS)**? Our client filed a lawsuit against DHS after facing discrimination, harassment, sexual assault, and retaliation at DHS's facilities because she is a transgender woman with disabilities. As a result of the lawsuit, DHS agreed to **change its policies** and to create **shelter units**, and ultimately **shelters**, specifically for **TGNC clients** in Manhattan, Brooklyn, Queens, and the Bronx. **How do these changes impact you?**

*As a TGNC person experiencing homelessness, do I have any **rights** or **protections** under this settlement?*

Yes. You have the right to **not be discriminated** against and to have your **disabilities accommodated**—including service animals and medication. This settlement affects how you should be treated by DHS and the services that should be provided to you, your housing placement options, your ability to file a complaint if you are discriminated against, and your right to not be retaliated against if you file a complaint.

*What can I expect during the **intake process**?*

You have the right to be assigned to a temporary placement in a **single room** or **small dorm**, and to be placed long-term into a **TGNC shelter unit** or a men's or women's shelter, if you request it. DHS is required to explain the TGNC shelter unit placement procedures to you. DHS must put your self-determined **name**, **gender**, and **pronouns** in the system and use them.

*What happens if I request TGNC housing but there are **no available beds**?*

DHS will work with you to **find another placement** that meets your needs and will prioritize placing you in a **small dorm** or **single room** until an appropriate placement is available.

*What **treatment** should I expect from shelter staff?*

DHS staff must keep your legal name, sex assigned at birth, TGNC status, and disability accommodation needs **confidential** by DHS staff, except when they need to be disclosed to provide you with services. You have the right to be referred by and treated according to your **self-determined gender**. Anti-TGNC discrimination and harassment by shelter staff is **not permitted**.

Can DHS force me to accept TGNC housing if I prefer housing in a men's or women's shelter?

No. Housing in TGNC shelter units is **voluntary**. You have the right to not be denied placement in a men's or women's shelter if you request it. You also have the right to move between men's, women's, and TGNC shelter units (once built) if space is available.

*What should I do if I need **disability accommodations** along with TGNC housing?*

You should submit a **reasonable accommodation request** to DHS. If your request is denied, you can **appeal** it. You can also contact the DHS Ombudsman, or file a **complaint**.

*What should I do if I have experienced anti-TGNC **discrimination** or my rights under the settlement are being violated?*

You have the right to file a **complaint** through the DHS complaint process, and to seek review by the Office of Legal Affairs if you are not satisfied with an investigation or resolution of a complaint about anti-TGNC harassment, discrimination, or retaliation by shelter staff. You also have the right to **not be retaliated** against for filing complaints, including through involuntary transfers. You can contact us at dhssurvey@ccrjustice.org to let us know what's happened.

For more information, see our case page at <https://ccrjustice.org/home/what-we-do/our-cases/lopez-v-nyc-department-homeless-services> and contact us at dhssurvey@ccrjustice.org



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Facility Changes:

- Create a **shelter** specifically for TGNC clients and separated **units** for TGNC clients in DHS's current shelters in Manhattan, Brooklyn, Queens, and the Bronx
- Reserve at least **30 beds** for TGNC clients between those four boroughs
- Reserve bathrooms with **single-stalled** toilets and showers and **private bathrooms** with doors that lock for TGNC clients, where possible

Changes to Intake:

- Ensure shelter staff **record** and **use** TGNC clients' **self-determined names, gender, and pronouns**
- Keep TGNC clients' legal names, sex assigned at birth, TGNC status, and disability accommodation needs **confidential**, except when needed to provide services
- Assign TGNC clients to temporary placement in **single rooms or small dorms** while awaiting permanent placement, and explain TGNC shelter unit placement procedures
- Ensure hygiene and sanitary **products** available to TGNC clients meet their **expression of need**, rather than making assumptions based on perceptions of clients' gender

Placement Changes:

- Give TGNC clients the **option** to be housed at a men's, women's, or TGNC shelter unit (once built), if placement is available, on a **voluntary** basis—TGNC clients **may not be denied placement** in a men's or women's shelter if they request it
- Work with clients to **find another placement** that meets their needs if no beds are available at a TGNC shelter, and prioritize placing clients in **small dorms or single rooms** until a better placement is found
- Allow TGNC clients to **move** between types of shelters, and do so as soon as practicable, if space is available

Changes to Clients' Rights:

- **Accommodate** clients' disabilities, including service animals and medications
- **Display posters** at shelters that explain:
 - clients' **rights**
 - that clients must be referred by and treated as their **self-determined gender**
 - how to **submit complaints**, and that **retaliation** is not permitted
 - how clients who are not satisfied with an **investigation or resolution** of a complaint of anti-TGNC harassment, discrimination, and/or relation by shelter staff can seek **review** by the Office of Legal Affairs
 - contact information for **DHS's Ombudsman**, including an email address and a hotline

Policy Changes:

- Ensure all **vendors and shelter staff** are **trained** on and follow DHS's **non-discrimination policy**, which:
 - prohibits **discrimination** because of sex, gender identity, and disability
 - prohibits **retaliation**, including involuntary transfers
 - requires DHS to **take action** against vendors and shelter staff who violate the policy
- Add language regarding non-discrimination and retaliation to **intake forms**
- Collect **feedback** from the TGNC community about clients' needs for TGNC shelters
- Create a system to **track** the number of clients asking to be placed in TGNC shelter units and **complaints** filed about anti-TGNC discrimination, harassment, and retaliation