



QLAW FOUNDATION OF WASHINGTON

**LEGAL RIGHTS FOR UNSHELTERED
LGBTQ+ PEOPLE NAVIGATING
SHELTERS IN WASHINGTON STATE**

Legal Rights for Unsheltered LGBTQ+ People
Navigating Shelters in Washington State

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About This Guide

With the COVID-19 Washington Eviction Moratorium ending June 30th, 2021, the LGBTQ+ community will feel the overwhelming impacts. Many are unsure where they will go next. This guide was created to help educate and inform LGBTQ+ communities of our shelter rights in the state of Washington, specifically trans and gender diverse folks, with the understanding that accessing shelters is often a last choice for us due to safety. We hope this is helpful for those who are considering, or are currently navigating, shelters in the state of Washington.

The information contained in this document is not legal advice. If you have questions about the rights outlined in this resource or have experienced discrimination and would like to consult with a lawyer about your situation, please make an appointment at QLaw Foundation's free LGBTQ+ Legal Clinic at [www.qlawfoundation.org](http://www qlawfoundation.org) or by calling 206-235-7235.

This guide was made possible through formal and informal conversations with a number of community organizations, some of which include Lavender Rights Project (WA Black Trans Task Force), API Chaya, NW Network, LGBTQ+ Allyship, U.T.O.P.I.A Washington, and WAISN, and with funding from **Historic South Downtown Community Preservation & Development Authority**.

About QLaw Foundation of Washington

The QLaw Foundation of Washington promotes the dignity and respect of LGBTQ+ Washingtonians within the legal system through advocacy, education, and legal assistance. QLaw provides a full-representation legal clinic for LGBTQ+ families and a twice monthly LGBTQ+ legal clinic for a variety of legal concerns, free of charge.



Know Your Rights

Shelters, transitional housing programs, and non-profit housing cannot discriminate on the basis of sexual orientation and gender identity in Washington State.

The Fair Housing Act (FHA) protects people from discrimination in housing based on race, color, national origin, religion, sex, disability, or family status, which are “protected classes” under the FHA. The U.S. Department of Housing and Urban Development (HUD) enforces the FHA.

The Washington Law Against Discrimination (WLAD) prohibits discrimination on the basis of sexual orientation and gender identity in the areas of (but not limited to) employment, housing, public accommodation, credit, and insurance. In Washington State, the Washington State Human Rights Commission (WHRC) enforces the WLAD, RCW 49.60, and handles complaints anywhere in Washington.

Locally, Seattle Office for Civil Rights (SOCR), King County Office of Civil Rights & Open Government (OCR), and the Tacoma Neighborhood and Community Services Department (TNCS) enforce fair housing ordinances. King County OCR enforces fair housing ordinances in un-incorporated King County. These agencies conduct fair housing investigations in Washington State. For information on how to initiate a fair housing investigation, please see the “Filing a Complaint” section below.

Want to Learn More?

You can learn more about your rights and shelter regulations through these organizations:

- Seattle Office of Civil Rights
 - o **A Guide to Fair Housing** (WA State Edition)
 - https://www.seattle.gov/documents/Departments/CivilRights/FH-Guide-Nonprofits_Shelters.pdf
- NCTE
 - o **Know Your Rights: Housing and Homeless Shelters**
 - <https://transequality.org/know-your-rights/housing-and-homeless-shelters>
 - o **Making Shelters Safe for Transgender Evacuees**
 - <https://transequality.org/issues/resources/making-shelters-safe-transgender-evacuees>
- ACLU-WA
 - o **The Rights of Transgender People in Washington State**
 - <https://www.aclu-wa.org/docs/rights-transgender-people-washington-state>

Common Shelter Concerns

- **Confidentiality:** Shelter providers cannot require you to disclose information about your disability. Any information you share is voluntary. They also cannot “out” you to other staff or residents. Sharing information about your sexual orientation, gender identity, or HIV status with other shelter residents without your permission is against the law.
- **Religiously Affiliated Shelters:**
Shelter providers cannot require you to attend religious services or share negative religious beliefs about your sexual orientation or gender identity, if you do not want them to. Regardless of the shelter’s religious beliefs, you have the right to use restroom, bathing, or other facilities that fit your gender identity. They can reserve shelter space for members of the same religion, but they cannot deny you shelter because of your sexual orientation or gender identity.
- **Mandatory Recovery Requirements:** If you are in a shelter for people in recovery, the shelter provider can require participation in recovery-related services and groups. However, if the recovery program requires belief in a “higher power” or other religious components, you have the right to get a waiver to attend an alternative program.
- **Sex-Segregation:** You cannot be refused shelter, even in a sex-segregated facility, due to being transgender. Shelter providers should treat you as the gender you identify with and cannot require you to show ID to confirm your gender identity. Shelter providers cannot require that you provide information about your body parts, hormones, or whether you have medically transitioned before providing you with housing, restroom, or shower access. You have the right to be treated with respect in your gender by shelter staff, and the right to have shelter staff intervene if you experience harassment from other residents because of your sexual orientation or gender identity. If another resident is uncomfortable sharing facilities with you because of your sexual orientation or gender identity, that is not a lawful reason to deny you access to shelter, shelter activities, restrooms, or showers.
- **Accommodations/Modifications:** Shelter providers must provide accommodations/modifications to make the shelter accessible to all, regardless of ability. If this is not possible, they should offer you alternatives for shelter. Service animals are a reasonable accommodation as long as there is a disability-related need for the animal.

- **Sexual Orientation & Marital Status:** Shelters should not require proof of marriage or ask unmarried couples questions they don't ask of married couples. Any facility that offers shelter to couples or families must provide equal access to LGBTQ+ couples or families. This includes access to activities or services directed at couples or families. Those activities or services should be inclusive of family diversity, including LGBTQ+ families.

It is important to note that one-night shelters may not be covered by fair housing laws, but they are still covered by local, state, and federal public accommodations laws, which require nondiscrimination and disability access.

To learn more about discrimination and harassment and what to do if you have any of these concerns, please read the next section.

What is Discrimination?

Discrimination occurs when people in similar situations are treated differently because of their protected status, which is illegal. Protected status is your race, gender, sexual orientation, religion, or disability status, or other personal characteristics protected by local, state, or federal law. Discrimination can be expressed through harassment, which is language or conduct that is severe and constant enough to affect someone's ability to use and enjoy housing. This includes intimidating, coercing, or threatening other residents because of protected status.

Shelter service providers and other residents must, by law, refrain from doing these things. This includes both staff and volunteers. Shelter service providers also have a legal obligation to protect their residents from discrimination and harassment by other residents.

Harassment can include:

- Refusing to support non-Christian individuals, or making disrespectful comments about religious beliefs
- "Outing" information about your sexual orientation, gender identity, HIV status, dead name, or other private information
- Deliberately or maliciously using incorrect pronouns or names to refer to you
- Asking unwanted personal questions about your sexual orientation, gender identity, HIV status, religious beliefs, disability status, or other private information
- Deliberate blocking of accessible entrances
- Directing transgender individuals to use facilities not in alignment with their identity or requiring that you show ID or answer questions about your body parts or medical transition before accessing facilities
- Negative jokes, slurs, or stereotypes regarding race
- Residents or staff making repeated attempts to get you removed from the shelter for non-legitimate reasons, or for things other residents routinely do without consequences

The possible discomfort of others is not a valid reason to deny access to facilities!

Retaliation

Fair housing laws define retaliation as unlawful coercion, intimidation, threats, or interference with anyone who exercises or enjoys fair housing rights or helps others to do so. It can include things like removing you from shelter or activities because you reported discrimination or harassment or making it harder for you to access shelter services or activities after you report discrimination or harassment. Retaliation is illegal.

Reporting Discrimination to a Shelter

If you have a problem while sheltered, you should report your issue to the shelter service providers right away. This allows an opportunity for quick resolution. If their handling of your concern does not address the issue, or makes it worse, discrimination may be at play.

Sometimes shelter staff mistakenly believe that they do not have the ability to intervene in discrimination or harassment or may sympathize with the discriminatory or harassing person. Or they may mistakenly believe that the shelter's grievance process is not meant to handle discrimination or harassment. If the first person you report your issue to turns you away, it is okay to be persistent. You can ask to file a formal grievance or ask to talk to the person at the shelter who is in charge of handling discrimination complaints. If you are able to file a grievance, be as complete as possible, ask what the next steps to keep you safe will be, and request a copy of the grievance.

If you are not able to talk to someone right away who can resolve your issue, it is important to do what you can to keep yourself safe and calm. If you can, find a quiet place where you can write down what happened to you, what date and time it happened, who saw or heard it, who you told, and what they did. Try to keep what you've written – and if more things happen, you can add to it. This will help you remember the details when you are able to talk to a person in charge, or if you decide to file a formal complaint (see below).

Knowing the policies and guidelines of the shelter you are staying in is helpful. They can be used to help address and de-escalate conflict with other residents and shelter staff. You can ask to be directed to that information.

If shelter staff is not cooperating in addressing your concerns, reach out to other advocacy and community organizations and agencies for assistance.

Filing a Discrimination Complaint with a Fair Housing Agency

If you decide to file a formal discrimination complaint, you should file as soon as possible. In most local and state agencies, filing must be done within one year of the harmful housing action. Filing a complaint will take months to resolve, so this will not fix any immediate issues. However, filing a complaint helps build a written record of discrimination from that service provider. This helps fair housing enforcement agencies to know if there is a particular problem with one service provider, and in some cases where there are many complaints, it can result in penalties. Fair housing enforcement agencies do not represent either the person who files a discrimination complaint or the person/agency/business against which the complaint is filed. They act as a neutral third-party while conducting investigations.

Keep note of all negative actions – what happened, names of those involved, dates, and times. It is also important to have all documents and written communication related to your complaint ready for when you speak with an investigator.

There is currently no way to track grievances or complaints across shelters in Seattle and King County. However, the King County Regional Homelessness Authority is currently creating an ombudsman process with the guidance of the Lived Experience Coalition and others. An ombudsman is an individual who serves as a neutral party that provides problem-solving services and conflict resolution.

The Fair Housing Center of Washington in Tacoma and the Northwest Fair Housing Alliance in Spokane provide fair housing advocacy, education, and outreach services in our state. They can also file complaints; however, they do not conduct enforcement.

Where to File?

<p>City of Seattle Office of Civil Rights (206) 684-4500 File A Complaint (http://www.seattle.gov/civilrights/file-complaint)</p> <p>King County Office of Civil Rights (206) 263-2446 File A Complaint (https://www.kingcounty.gov/elected/executive/equity-social-justice/civil-rights/civil-rights-complaint.aspx)</p> <p>Tacoma Human Rights (253) 591-5151 File A Complaint (https://www.cityoftacoma.org/cms/one.aspx?portalId=169&pageId=38900&rqst=125)</p>	<p>Washington State Human Rights Commission (800) 233-3247 File A Complaint (https://www.hum.wa.gov/file-complaint)</p> <p>U.S. Department of Housing & Urban Development (800) 877-0246 File A Complaint (https://www.hud.gov/program_of_fices/fair_housing_equal_opp/online-complaint)</p>
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Where to Get Legal Help

If you want legal assistance, these are some organizations you can reach out to:

QLaw Foundation of Washington

A by-and-for LGBTQ+ civil legal aid non-profit that promotes the dignity and respect of LGBTQ+ Washingtonians within the legal system through advocacy, education, and legal assistance.

Provides: Twice a month free LGBTQ+ legal clinic, full-representation legal clinic for LGBTQ+ families

Website: <https://qlawfoundation.org/>

General Email: info@qlawfoundation.org

Clinic Email: clinic@qlawfoundation.org

Lavender Rights Project

A by-and-for LGBTQ+ civil legal aid non-profit that, through direct representation and community programming, aims to radically re-image the legal landscape of LGBTQ+ people while building community resilience, encouraging self-advocacy, and asserting the rights of marginalized populations.

Provides: Low-cost civil legal services, direct representation, and community education

Website: <https://www.lavenderrightsproject.org/>

General Email: info@lavenderrightsproject.org

Intake Email: intakes@lavenderrightsproject.org

Lincoln LGBTQ+ Rights Clinic

A civil legal aid clinic focused on promoting reforms that support those who are marginalized and underserved due to being LGBTQ+.

Provides: Civil legal assistance, direct representation, advocacy, education, research, and more

Website: <https://www.gonzaga.edu/school-of-law/clinic-centers/law-clinic/lgbtq-rights-clinic>

Email: lgbtqrighsclinic@gonzaga.edu

King County Bar Association

A voluntary professional association of over 5,600 lawyers; promoting and supporting a diverse and collegial membership; working with the judiciary to achieve excellence, equity, and accessibility in the administration of justice; and benefiting the community through public service and engagement in public policy.

Provides: Free civil legal assistance and lawyer referral

Website: <http://www.kcba.org/For-the-Public/Free-Legal-Assistance>

Intake Form:

https://docs.google.com/forms/d/e/1FAIpQLSdxfaJHFEvvcL8xkyGgaLXf04_cbuTeTAQxk2TpVJK3to_K0g/viewform

Northwest Justice Project

Washington's statewide civil legal aid organization. Offices are located throughout the state.

Provides: Legal information, services, and full representation to low-income folks

Website: www.nwjustice.org

Intake: <https://nwjustice.org/get-legal-help> in King County dial 211, in all other Washington counties dial 1-888-201-1014

Washington Law Help

A legal directory with referrals to additional legal services providers all over Washington, as well as legal information, self-help packets, and online forms for a wide range of legal issues.

Website: www.washingtonlawhelp.org

If you want fair housing advocacy, these are the two organizations you can reach out to:

Fair Housing Center of Washington (Tacoma)

A non-profit dedicated to providing fair housing education, outreach, and advocacy services to residents in Western and Central Washington.

Provides: Complaint Investigation Support, Education

Website: <http://www.fhcwashington.org/>

General Email: info@fhcwashington.org

Intake Email: intake@fhcwashington.org

Northwest Fair Housing Alliance (Spokane)

A non-profit dedicated to providing fair housing education, outreach, and advocacy services to residents in Eastern Washington.

Provides: Complaint Investigation Support, Education

Website: <http://www.nwfairhouse.org/>

Contact Form: <http://nwfairhouse.org/contact>

Community Solutions

The LGBTQ+/QT2BIPOC community has been meeting our needs through mutual aid for forever. Some folks move as collective groups and some have created by-and-for nonprofits, all to fill the gaps that so many of us fall into. We know that rather than staying in shelters, our communities feel safer staying at hotels/motels or couch-surfing, or living unsheltered – in a car, building, tent, or on the street. Together, our communities are creating our own solutions.

Below are a few groups and organizations fighting to create alternative housing options and make shelters safer for transgender and non-binary folks.

Transwomen of Color Solidarity Network (TWOCNS)

A grassroots collective of Black & Brown Trans women femmes and Nonbinary folks. Supporting Two-Spirit, Black and brown trans women and femmes.

Provides: Low to no-barrier funds (basic needs), transitional housing referrals (tiny house villages).

Website: <https://www.facebook.com/TWOCSolidarityNW>

Email: twocsolidarity@gmail.com

WA Black Trans Task Force (WA-BTTF) *project of Lavender Rights Project*

An intersectional, multi-generational project of community building, research, and political action addressing the crisis of violence against Black Trans people. Serving Black Trans, Non-binary, and Gender non-conforming people in the Seattle-Tacoma area. Working to secure permanent supportive housing for Black Trans folks in Seattle.

Provides: Rent assistance, food, housing, mental health, medical support, advocacy, and more

Website: <https://www.lavenderrightsproject.org/wa-bttf>

Email: wabtff@lavenderrightsproject.org

Queer the Land

A collaborative project grounded in the self-determination of QT2BIPOC and the vision of collectively owning our land and labor. Owns a 12-bedroom house on Beacon Hill that is used as transitional and semi-permanent housing and a community center for working-class QT2BIPOC in the greater Seattle area.

Provides: Transitional/semi-permanent housing (must be a member)

Website: <https://queertheland.org/>

Email: info@queertheland.org

Gender Justice League

A gender and sexuality civil and human rights organization non-profit. Works through education, advocacy, and grassroots community building to shift culture and policies

Provides: Short-Term emergency housing (Safe House program), resource navigation, financial assistance (rent/utilities), and food pantry (Thurston County).

Website: <https://www.genderjusticeleague.org/>

Email: safehouse@genderjusticeleague.org

Lived Experience Coalition

A group of homeless and formerly homeless people who advise the King County Regional Homelessness Authority and are represented on its governing board

Provides: Resource navigation

Meetings: Fridays @ 12pm, noon via Zoom

Email: Lamont Green, lamontgr@usc.edu

Additional Advocacy and Community Organizations

If you are looking for more organizations led by and centering LGBTQ+ folks, check out these advocacy and community organizations across Washington. If you do not find something listed that is local to you, it could still exist – **don't give up!**

API Chaya – *survivor resources and support for South Asian, Asian, Pacific Islander, and all immigrant communities*

Website: <https://www.apichaya.org/>

The NW Network of Bi, Trans, Lesbian and Gay Survivors of Abuse

Website: <https://www.nwnetwork.org/>

United Territories of Pacific Islanders Alliance Washington (U.T.O.P.I.A WA)

Website: <https://utopiawa.org/>

Washington Immigrant Solidarity Network (WAISN)

Website: <https://www.waisn.org/>

LGBTQ Allyship – *located in South King County*

Website: <https://allyship.org/>

Yakima Pride

Website: <https://www.yakimapride.org/>

Wenatchee Pride

Website: <https://www.wenatcheepride.org/>

Spectrum Center

Website: <https://www.spectrumcenterspokane.org/>

Tacoma Rainbow Center

Website: <https://www.rainbowcntr.org/>

Spokane Pride

Website: <https://spokanepride.org/>

Kitsap Pride

Website: <http://kitsapride.org/>

Out & Proud Grays Harbor

Website: <https://opghc.com/>

Vancouver U.S.A. Pride

Website: <http://vanusapride.org/>

PFLAG Washington State Council

Website: <https://www.pflagwsc.org/chapter-support>