



Spring 2017

Winston-Salem City Council

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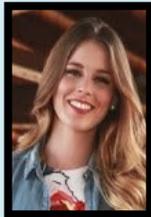
Human Relations Staff

Wanda Allen-Abraha, Director;
Tonya McPhatter, Admin. Asst./Intake
Jayme Waldeck, Specialist/Outreach
Adolfo Briceño, Specialist/
Hispanic Outreach;
Jelani Biggs, Specialist
Michelle Bobadilla, Intern

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Adolfo Briceño



Michelle Bobadilla

If you have any suggestions for a featured service or program, please contact Adolfo Briceño, Human Relations Specialist, at 336.734.1225.

Fair Housing Rights for Transgender Individuals

By Adolfo Briceño

Since October 21, 2016, all shelters that receive funding from the U.S. Department of Housing and Urban Development (HUD), through the Office of Community Planning and Development (CPD), will have to accommodate transgender individuals seeking temporary housing, even if these facilities have permission to operate as single-sex or segregated sex shelters.

The new rule, published by HUD, established that transgender individuals seeking temporary shelter can self-identify their gender verbally and are protected from having to disclose medical history, for authenticating documents, and/or picture identifications to prove their self-identified gender. This new rule means that transgender women (people born as males, but who identify as females) should be accepted in HUD-funded homeless shelters and receive all the benefits and services the facility provides. The rule also prohibits practices requiring transgender individuals to be segregated or isolated in separate sections of the shelter just because they are transgender.

Shelter providers are also prohibited from denying admission based on the complaints of other residents.

Providers are also supposed to keep detailed records of sheltered individuals for up to five years so that HUD may audit them, as needed. The rule also contains a provision that permits the transgender individual to be transferred to another shelter if he or she believes that his or her health and/or safety are compromised. The

transfer should be done to a comparable facility that offers similar conditions as the original shelter. Shelters operated by religious organizations are also bound by this rule as long as they receive HUD funding to operate it.

Finally, the new rule also established that HUD discovered in a national study that transgender individuals suffer high degrees of homelessness and discrimination because of their gender identity. In a survey, many transgender people replied that they would rather sleep on the streets than be in a shelter that based admission on their biological gender. Violating this new HUD-issued rule would also jeopardize funding for homeless shelters. In the rule, HUD also reserved the right to allow for the expulsion of abusive residents as well as transfer or support the termination of shelter employees who violate the rule.



Winston-Salem



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HUD Smoke-Free Housing Rule

By Michelle Bobadilla

The U.S. Department of Housing and Urban Development (HUD) issued new guidance by which all public housing agencies will be smoke-free communities by August 2018.

The new rule established that smoking will be prohibited inside the apartment units, office and common areas up to 25 feet away. HUD clarified that the residents who wish to smoke can do so, but only in designated areas or beyond 25 feet from the nearest building owned or operated by a Public Housing Authority.

Part of the objections that some groups presented against the rule have to do with what some consider the right to smoke, but HUD asserted that there is no constitutional right to this activity. Others voiced concerns regarding people that have a disability and want to smoke, but HUD opined that as long as the designated smok-



ing area that is beyond 25 feet has an accessible pathway, then their right to the quiet enjoyment and full use of the premises should be protected. HUD made it clear that they are unaware of any reasonable accommodation that include smoking as part of any medical treatment. If the tenant needs nicotine, it can always be delivered orally or through dermal applications.

The agency also established that smokers are not a protected category of persons. Nevertheless, for those who need a reasonable accommodation to the policy, the agency in question should consider any possible alternative to accommodate the individual as they would with any other disability-related request.

HUD also recommended that properties adopting this new rule should be specific about what is prohibited (cigarettes, cigars, pipes, water pipes and e-cigarettes) so there is no confusion within these communities. The transition to a smoke-free community won't happen overnight; however, this new rule will be required to be applied in public housing units and complexes.



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