
Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence

In Opposition to LD 1238, “An Act to Protect Women’s Single-sex Shelters”

Before the Joint Standing Committee on Judiciary, Thursday, May 6, 2021

Senator Carney, Representative Harnett, and distinguished members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ in opposition of LD 1238, “An Act to Protect Women’s Single-sex Shelters.”

Maine’s eight domestic violence resource centers operate a network of 11 emergency shelters throughout the state.* In 2020, these programs provided shelter to 612 people, including 245 children – every one of them having experienced some form of acute trauma. Our shelters are to be safe places for *all* survivors of domestic abuse and violence and their children – supportive environments that also offer comprehensive services to help survivors meet their both immediate needs for safety and stability and to also help survivors address the physical and emotional trauma they have experienced. In doing so, we *unequivocally oppose* any discriminatory barriers to any of these services and hold ourselves to account when we fail in that goal. Emergency shelter providers do not need to be exempted from the mandates of the Maine Human Rights Act in order to ensure the safety of our facilities and our services for all survivors in Maine.

The current application of the non-discrimination mandates of the Maine Human Rights Act to the sheltering programs of Maine’s victim services providers, which LD 1238 proposes to erode, aligns with the non-discrimination and accessibility mandates that our providers are already legally obligated to follow under the federal Violence Against Women Act (VAWA) and the federal Family Violence Prevention and Services Act (FVPSA). The current alignment of these mandates provides clear guidance and expectations under the law for shelter and housing programs and, most importantly, for survivors. Clarity and consistency make it easier for the domestic violence resource centers to understand and meet their obligations.

¹ MCEDV represents a membership of the eight regional domestic violence resource centers across Maine as well as the Immigrant Resource Center of Maine. Last year, our programs provided services to more than 12,000 survivors of domestic abuse and violence and their children in our state.

We are acutely aware that Maine is not unique in considering whether to rollback non-discrimination protections in shelters, specifically as it regards the access of transgender people to gender-specific facilities. MCEDV believes it is important for this Committee to understand the national conversation around this and how domestic violence services providers across our country have uniformly rejected any assertion that sheltering transgendered individuals in the facility that matches their gender identity is a danger to those survivor residents that are cisgender female. Maine's network of domestic violence shelter providers join our colleagues across the country in the certainty that transgender survivors of domestic abuse and violence can be and should be safely sheltered in the single-sex or sex-segregated facilities that match their gender identity.

In 2016, the U.S. Department of Housing and Urban Development (HUD) published a final rule, "Equal Access In Accordance with an Individual's Gender Identity in Community Planning and Development Programs,"² commonly referred to as the "Equal Access Rule." This federal Rule requires recipients of certain HUD funding to grant equal access to facilities and services in accordance with an individual's gender identity, and in a manner that affords equal access to the individual's family. In addition to those non-discrimination mandates under VAWA and FVPSA referenced above, our network of shelter providers are also obligated under this Equal Access Rule. In July 2020, under the previous federal administration, HUD proposed changes to roll back the 2016 protections in the Equal Access Rule. Though these changes were never finalized before the change in federal administrations this past January, over the last several years, states across the country have seen an increase in legislation proposing a repeal of non-discrimination protections to restrict transgender people's access to gender-specific facilities. As a result, the national network of domestic violence services providers has been called upon to continue to support the merits of equal access regardless of biological gender.

At the time the Equal Access Rule was proposed in 2016, MCEDV joined together with over 300 national, state and local anti-sexual assault and domestic violence organizations (including both of Maine's other victim services coalitions – the Maine Coalition Against Sexual Assault and the Wabanaki Women's Coalition) in issuing a Consensus Statement³ to support the need to protect transgender people's access to shelter consistent with their gender identity, as well as to dispel the myths that doing so is in anyway dangerous to other shelter residents. The Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community, and transgender people specifically, face alarming rates of domestic and sexual violence.⁴ While we acknowledge our network still has work to do to improve inclusivity of services to

² Available at: <https://www.federalregister.gov/documents/2016/09/21/2016-22589/equal-access-in-accordance-with-an-individuals-gender-identity-in-community-planning-and-development>.

³ Available at: <http://www.4vawa.org/ntf-action-alerts-and-news/2018/4/12/national-consensus-statement-of-anti-sexual-assault-and-domestic-violence-organizations-in-support-of-full-and-equal-access-for-the-transgender-community>.

⁴ The Report of the 2015 U.S. Transgender Survey. (December 2016). National Center for Transgender Equality. Retrieved from <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF> on September 20, 2020.

meet the needs of LGBTQ survivors, we are committed to those efforts, and we affirm our commitment to this Consensus Statement. It is attached hereto.

To the extent a concern that is trying to be addressed in this proposal is that allowing transgender people to access shelters in accordance with their gender identity will open the floodgates for men to infiltrate women-only shelters, and in doing so perpetrate additional violence against other residents, that concern is based either on a flawed understanding of what it means to be a transgender woman or a misrepresentation of the law. We know from decades of experience that perpetuating discriminatory policies against any group of identity does not increase safety in shelter programs.⁵ Assaulting another person in an emergency shelter remains against the law in Maine, regardless of the biological gender of the victim and perpetrator. Further, any disruptive behavior that might occur at a shelter, regardless of the resident's biological gender, can be dealt with under existing shelter policies that apply to all residents equally.

MCEDV and our member programs are experts in attending to the safety needs of survivors in our state. This is the work we are engaged in daily with survivors across Maine. Safety for many survivors depends on access to safe, immediate shelter. The threat of violence against women has been used as a reason, nationally, to perpetuate discrimination against transgender people. So, we hope that you will consider the perspectives of those in the field in Maine working with survivors every day. We do not need to be exempted from Maine Human Rights Act and its call for all Maine people to be able to access shelter and services, including those that might be life-saving, free from discrimination.

We hope that you will vote ought not to pass on LD 1238. If MCEDV or any of our member programs can be of assistance to you in this process, please do not hesitate to let me know.

***Maine's Domestic Violence Shelter Network:**

Caring Unlimited, serving York County (operating one shelter)

Through These Doors, serving Cumberland County (operating one shelter)

Safe Voices, serving Androscoggin, Oxford and Franklin Counties (operating two shelters)

⁵ To the extent the concern is not physical safety but atmospheric comfort of other shelter residents, we oppose the idea that the comfort of a cisgender survivor should be prioritized above the physical safety of a transgender survivor. Our shelters and broader services must attend to the need to provide a trauma-informed space universally and in a way that holds the needs of both cisgender and transgender women.

Family Violence Project, serving Somerset and Kennebec Counties (operating two shelters)
Partners for Peace, serving Penobscot and Piscataquis Counties (operating one shelter)
Next Step DV Project, serving Hancock and Washington Counties (operating one shelter)
Hope and Justice Project, serving Aroostook County (operating three shelters)

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