Dear Mr. Compton:

[INSERT AGENCY NAME HERE] submits our opposition to the proposed modifications to the “Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs” Rule (Equal Access Rule) as proposed in Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs as issued in the July 24, 2020 Federal Register (Docket No. FR-6152-P-01).

As such, we strongly oppose this proposed rule change from the U.S. Department of Housing and Urban Development (HUD), as it has the potential to exacerbate the homelessness crisis and put thousands of transgender, gender non-conforming, and gender non-binary individuals experiencing homelessness at further risk.

By mandating that HUD-funded providers serve clients on the basis of gender identity, the current Equal Access Rule is critical in ensuring the safety of our lesbian, gay, bisexual, transgender, queer/questioning, and more (LGBTQ+) clients who have historically been shut out of adequate safe housing and shelter. Nationwide, these groups face disproportionate rates of unsheltered homelessness. In 2019, 62% of the entire transgender population experiencing homelessness and 78.2% of the entire gender non-conforming population experiencing homelessness were unsheltered, compared to just one-third of the overall population experiencing homelessness.¹

The LGBTQ+ community, and particularly transgender individuals, experience higher rates of trauma, violence, poverty, unemployment, and harassment,² all of which are compounded for those who experience unsheltered homelessness. Black/African American, Latinx, multiracial, and American Indian

transgender individuals also face these traumas at higher rates than other racial groups, further deepening disparities for people of color. Should this proposed rule change be enacted, these marginalized groups will face worse and more frequent negative outcomes and disengagement from service systems.

The Administration is touting this proposed rule change as a way to quell privacy and safety concerns for clients (particularly women who are domestic violence survivors) in shelters and other emergency services with shared bathrooms or sleeping facilities. However, in 2018, over 300 domestic violence and sexual violence organizations across the country signed a National Consensus Statement stating that transgender women victims being served alongside other women is appropriate and not a safety issue. Additionally, HUD had previously provided a number of tools and useful guidance to assist providers with navigating these sensitive situations without perpetuating discriminatory practices. [INSERT STORY OR ANECDOTE OF SUCH SITUATION, if applicable].

As a result of the COVID-19 global pandemic and the economic downturn that follows, housing and shelter will be ever more needed for vulnerable populations. In order to adequately serve the growing population of those experiencing homelessness and ensure accessible shelter for all, service providers, including [INSERT AGENCY NAME], will need more resources and guidance from HUD, not harmful proposed rule changes that further traumatize and marginalize LGBTQ+ people experiencing homelessness.

This proposed rule change will allow federally-funded discrimination in emergency services towards those who are particularly at risk of trauma and violence while living unsheltered. For these reasons, [INSERT AGENCY NAME] strongly opposes the proposed changes to the current Equal Access Rule and urges the Administration to withdraw it immediately.

Sincerely,

[INSERT NAME AND SIGNATURE OF EXECUTIVE DIRECTOR OR RELEVANT STAFF MEMBER HERE]

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