

# COMMUNITY SOLUTIONS

September 11, 2020

Dear Office of General Counsel:

I am writing on behalf of Community Solutions in response to the Department of Housing and Urban Development's proposed rule change published in the Federal Register on July 24, 2020, (RIN 2506-AC53; HUD Docket No. FR-6152-P-01) entitled, "Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs." ***We urge that this proposed rule change be withdrawn in its entirety.***

Community Solutions is a national nonprofit working to end homelessness that leaves no one behind. Our primary initiative is **Built for Zero**, a movement of more than 80 U.S. cities and counties working to measurably end homelessness. Using a rigorous, data-driven approach, we work with our Built for Zero community leaders to:

- build and sustain homeless response systems that can continuously end, rather than manage, homelessness for populations across a geography;
- prevent inflow into homelessness from happening in the first place;
- and implement housing development and financing models that can close the affordable housing gap.

Based on our work with communities across the country, we advocate for policies and regulations that will accelerate efforts to measurably reduce and end homelessness in the U.S. This proposed rule change will not only hinder this work but will erase many of the gains we have made.

**Creating a lasting end to homelessness requires equity is at the core of federal policy. Access to shelters for transgender people must be included.**

The Equal Access Rule's protections against gender identity and expression discrimination are critical to ensure safe access to shelter for transgender people experiencing homelessness, survivors of violence, and fleeing disasters.

LGBTQ people experience higher rates of homelessness and housing instability than their straight counterparts. And this disparity is compounded when they are also Black or brown. Further, transgender adults experience higher rates of homelessness than cis-gender adults.

According to the 2015 [US Transgender Survey](#), nearly one-third of transgender and gender non-binary people experience homelessness at some point in their life; about one-half of transgender and non-binary people who identify as Black, Middle Eastern, Multiracial, or undocumented experienced homelessness at some point in their life. The homeless epidemic cannot be solved without addressing racial inequity and ensuring policies and regulations address those most at-risk.

**Preserving and enforcing the Equal Access Rule is critical to ensure the safety of transgender people in need of shelter.**

The Equal Access Rule, originally implemented in 2012, required “equal access to HUD programs without regard to a person’s actual or perceived sexual orientation, gender identity, or marital status.” The original intention of the rule required all housing providers that receive HUD funding or HUD-backed loans follow this guidance. This rule was updated in 2016 to make clear that these shelters and housing providers must abide by a person’s expressed gender identity when determining shelter options.

Before these nondiscrimination protections were enacted, [a study](#) found that only 30% of shelters across 4 states would appropriately house transwomen with other women, and one in five shelters would turn them away outright.

The Equal Access Rule was designed to protect transgender people from discrimination in homeless shelters by ensuring transgender people can access HUD-funded shelter options consistent with their gender identity. The proposed language change will weaken these protections, allowing shelters to discriminate against transgender people in need. Permitting shelter providers to decide who is eligible for access to single-sex or sex-segregated facilities opens the door to discrimination for this vulnerable and at-risk population.

**Weakening the Department of Housing and Urban Development’s protections for transgender people seeking safe shelter will hinder our ability to solve homelessness.**

To create a lasting end to homelessness that leaves no one behind, access to shelter and housing programs that lead to stable housing must be available to all who need it, especially for those most vulnerable and at-risk. If safe and affirming shelter options are not available, transgender people may not seek services that will help them secure stable housing, which will impede our ability to end homelessness.

In the interest of reducing homelessness and protecting life, we strongly advise HUD and federal agencies to expand access to shelters, temporary housing, and permanent housing to make certain all who need assistance have access to these services. Long-term solutions to homelessness require we have systems in place to quickly identify when people enter

homelessness - and then prevent people from becoming homeless in the first place. We cannot do this if any communities do not have access to safe, stable shelter options.

**Now, during a global pandemic, is not the time to limit access to safe shelter.**

Homelessness has always been a matter of life and death for the people experiencing it. And while discrimination is never okay, this proposal is particularly dangerous as our nation continues to struggle to suppress the coronavirus. Further, the coronavirus pandemic has had a disparate impact on specific communities, including the transgender community.

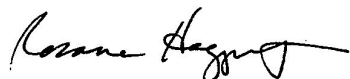
Shelters are often a person's best access-point to programs that provide safe, *individual* housing, which is a critical need during a global pandemic that endangers anyone who must share a living space, whether outdoors or in a shelter. Additionally, homeless service providers can provide those in their care access to other critical resources, such as COVID-19 testing, health care services, food and nutrition resources, and options for quarantine and isolation, if needed. Due to health disparities, transgender people are at higher risk of contracting, developing complications, and dying from COVID-19. Discouraging transgender people from accessing shelters and other services and resources will not help us fight this pandemic, and will only put more lives in danger.

As stated above, imposing barriers to vulnerable communities in need of safe shelter options will not help solve our homelessness crisis. Now more than ever, we need to break down barriers to safe shelter options and increase access for those who need it.

We urge HUD to immediately withdraw its current rule change proposal and dedicate its efforts to mitigating the current effects that COVID-19 has had on housing stability, for not only the LGBTQ+ community but for all of our at-risk neighbors.

We look forward to continuing to partner with our federal partners at HUD, USICH, VA, and other agencies to create a lasting end to homelessness that leaves no one behind. Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact Bethany Snyder, [bsnyder@cmtysolutions.org](mailto:bsnyder@cmtysolutions.org), if you need additional information.

Sincerely,



Rosanne Haggerty  
President  
Community Solutions