

## **Upholding HUD's Equal Access Rule: Ensuring Shelters Provide Equal Access Without Regard to Gender Identity**

### **Summary**

The Administration is considering changes the 2016 Equal Access rule, which ensures that people may not be denied access to federally funded homeless shelters because of their gender identity. While specific proposed changes have not yet been issued, public documents raise concern that the rule change would allow federally funded homeless shelters either to deny services to transgender people, or to require that they use single-sex facilities according to a gender designation that is not their own. The Alliance urges the Administration to maintain the Equal Access rule as-is, and supports Congressional efforts to retain it.

### **Overview**

The U.S. Department of Housing and Urban Development's 2016 "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs (CPD)" rule requires that:

*"recipients and subrecipients of CPD funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program to grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family."*

Recently, the White House website posted a statement on its public agenda that this regulation is under consideration for change. Specifically, the change being considered would allow federally funded shelters to take a different approach to people who are transgender "for religious reasons."

Transgender and gender non-conforming individuals have high rates of unsheltered homelessness. Access to shelter where they will be safe and comfortable is imperative to any community's efforts to end homelessness.

With regard to equal access for transgender and gender non-conforming people, the Alliance subscribes to these three principles:

1. Transgender and gender non-conforming people experiencing homelessness deserve a safe place to stay that is both welcoming and affirming;
2. They deserve to be accepted as they are and helped on their journey back into permanent housing; and
3. They deserve equal access to the life-saving shelter and services that homeless assistance programs can provide.

## **Current Status**

The House FY20 Transportation-Housing and Urban Development (THUD) Appropriations Bill (H.R. 3163) includes two provisions that would prevent the Administration from making these changes.: Section 236 would forbid HUD from changing the Equal Access rule, while Section 237 would give the force of law to the Equal Access rule.

Moreover, in June, the House Financial Services Committee marked up H.R. 3018, a bill introduced by Representative Jennifer Wexton (D-VA) that would prohibit HUD from implementing, “a proposed rule that would allow shelter providers to deny transgender and gender non-conforming people equal access to homeless shelters.” The Committee approved the bill along partisan lines by a vote of 33-26. A vote on H.R. 3018 by the entire House of Representatives may occur later this year.

It is not known if comparable provisions protecting the Equal Access rule will be included in the Senate’s version of the THUD appropriations bill. No legislation comparable to H.R. 3018 has been marked up in the Senate.

## **Recommendation**

The Alliance urges the Administration to continue to observe the Equal Access rule and supports legislation to block attempts to weaken its protections.