

PROTECTING THE EQUAL ACCESS RULE

What is the Equal Access Rule?

The Equal Access Rule ensures that the U.S. Department of Housing and Urban Development (HUD)'s housing programs are open to all eligible individuals and families, regardless of family composition, sexual orientation, gender identity, or marital status.

THE EQUAL ACCESS RULE IS STILL IN EFFECT. As such, providers should continue to admit people experiencing homelessness to their shelters based on their self-identified gender and family composition.

Current Status

Originally, HUD published the Rule in 2012 in response to challenges of families being separated at shelters. Family members — such as fathers, teenage boys, and grandparents — often could not access the same shelter as their other family members. This rule ensures that HUD's core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status.

HUD updated the Equal Access Rule in 2016 to address the significant barriers faced by transgender and gender nonconforming persons when accessing single-sex facilities.

Under the Rule, individuals can contact HUD and report instances of discrimination and lack of adequate shelter access, upholding sexual orientation and gender identity protections in housing and shelter services.

HOWEVER, THESE PROTECTIONS ARE CURRENTLY UNDER THREAT. An Executive Order in January 2025 directed HUD to conduct rulemaking to rescind the "[Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs](#)" rule (Equal Access Rule).

Why the Equal Access Rule Matters

Gender-expansive people (people who are transgender, non-binary, or otherwise identify as a gender not assigned to them at birth) face disproportionate rates of homelessness. It is critical that service providers ensure that shelter and housing sites are welcoming to everyone seeking services, no matter their gender identity: gender-expansive people experience unsheltered homelessness at [higher rates](#), leading to increased vulnerability to violence or hate crimes.

How to Help Uphold the Equal Access Rule

With Equal Access protections under threat, the Alliance and other national partners are preparing for an anticipated **PUBLIC COMMENT PERIOD**. This is a 60-day process where organizations and individuals can weigh in on potential federal rule changes, and submit their input to the relevant agency — in this case, HUD.

TO PREPARE FOR PUBLIC COMMENT AND TO OTHERWISE DEFEND THE EQUAL ACCESS RULE, ORGANIZATIONS CAN BEGIN TO:

- **GATHER STORIES:** If you or someone you know has faced barriers accessing shelter and housing resources based on gender identity, sexual orientation, or marital status — or has benefited from more equal access to housing and services — please fill out [this questionnaire](#).
- **IDENTIFY PARTNERS:** Think about strategic partners in your community (i.e., elected officials, faith-based organizations, and/or domestic violence and sexual assault response service providers) who can lend different kinds of credibility to the issue and who may be willing to submit a public comment.
- **EDUCATE YOUR COMMUNITY:** Start conversations with your staff, board, volunteers, and key decision makers in your community to educate them about the importance of this rule.
- **JOIN ORGANIZING CALLS:** Stay updated on threats to the Equal Access Rule and actions you can take by joining a partner organizing call. Please contact Josh Dubensky, Housing Policy Advocate for SAGE, at jdubensky@sageusa.org.
- **CODIFY PROTECTIONS IN YOUR COMMUNITY:** We need municipalities and states across the country to protect access to housing and homelessness resources for all people. National partners are working on ways to support advocates at the local and state levels to help introduce proactive and protective legislation to serve gender-expansive people. Right now, you can identify gaps in the law in your communities, including through reviewing [state-by-state housing non-discrimination laws](#) for LGBTQIA+ people.

Supporting Gender-Expansive Clients

As homeless services providers, creating safe and welcoming shelter environments for all households remains critical. Ways to do so to support gender-expansive households include:

- Prioritizing a **TRAUMA-INFORMED, PERSON-CENTERED APPROACH** when asking questions about an individual's past. Acknowledge and accept that identities and comfort levels change.
- Ensuring that case managers ask residents for **THEIR PREFERRED NAME** and **PRONOUNS**.
- Ensuring that residents have access to comfortable and **GENDER-AFFIRMING CLOTHING**.
- **BEING TRANSPARENT WITH CLIENTS** about the data collected, who has access to this data, and how it is protected.

For questions, please reach out to Alec Vandenberg at avandenberg@naeh.org. For more data on the experiences of gender-expansive people, please visit the [Alliance's recent report](#).