

PRESERVING ACCESS TO HOMELESSNESS RESOURCES

The National Alliance to End Homelessness urges Congress to oppose efforts to repeal or weaken 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 available to all eligible individuals and families, regardless of family composition, sexual orientation, gender identity, or marital status. It also sets a standard definition of family that is self-defined by any group of people presenting for assistance, with or without children, and irrespective of age or relationship.

Current Status

A 2016 update of the [“Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs”](#) rule included a mandate that shelter and housing programs administered under HUD's Office of Community Planning and Development must adhere to an individual's self-expressed gender identity.

THE EQUAL ACCESS RULE IS STILL IN EFFECT. HUD has provided significant guidance and technical assistance over the years to ensure compliance. The rule is enforced by individual reporting to HUD about instances of discrimination and lack of adequate shelter access, and through monitoring of programs by HUD staff. The rule requires that HUD investigate these complaints to uphold 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 updated Equal Access Rule from 2016. In February, Secretary Scott Turner recently directed HUD staff to halt any pending or future enforcement actions.

Why the Equal Access Rule Matters

At a time when unsheltered homelessness [increased](#) more than 17% from 2022 to 2024, **COMMUNITIES CAN'T AFFORD TO CREATE ANY ADDITIONAL BARRIERS TO SHELTER AND PROGRAMS.**

Rescinding the Equal Access Rule will make it harder for people to access shelter and housing, forcing them to live outside and placing them at greater risk of harm:

- Transgender individuals are more likely to experience homelessness and are more likely to be turned away or placed in programs inappropriately.
- Nearly one-third of transgender individuals have [experienced](#) homelessness in their lives.
- Nearly four percent of unaccompanied youth experiencing homelessness [identify](#) as transgender or gender-questioning — a rate four times as high as adult-only households.
- Further, [60 percent](#) of transgender individuals who are sleeping outside have co-occurring physical, mental and/or substance use disorders, as opposed to four percent for those in shelter, making access to shelter even more critical.

Decreased Protections Lead to Increased Homelessness

The Administration and Congress must preserve the Equal Access Rule and oppose efforts to rescind or weaken. Here's why:

- **THE FIELD OVERWHELMINGLY SUPPORTS THE RULE.** During HUD's last attempt to revoke the Rule in 2020, the field submitted a historic and mass outpouring of tens of thousands of public comments to keep the Rule in place. These comments demonstrated the diversity and expansiveness of partners committed to preserving the Rule: elected officials, providers, faith-based partners, domestic violence shelter operators, and more.
- **RULE REMOVAL CREATES RED TAPE FOR PROVIDERS.** Homeless services providers already operate on shoestring budgets, are stretched for time, and lack adequate staffing. Adding another step of bureaucracy distracts them from the real work at hand: getting people off the streets.
- **RULE REMOVAL WILL EXCLUDE PEOPLE FROM SERVICES.** Verifying each client's gender before accessing services requires identification. However, many people living on the streets and shelters [lack](#) ID because of the money, supporting documents, or residential address needed to obtain an ID card. And as cities [increasingly](#) destroy encampments and displace people, people often lose crucial documents such as birth certificates.
- **REMOVING THE RULE WILL INCREASE VISIBLE HOMELESSNESS AND STRAIN ON LOCAL BUDGETS.** As vulnerable populations are rejected from shelters, communities will see increased rates of [costly](#) and deadly homelessness, which will lead to greater strain on emergency services and local budgets.

Recommendation

THE ALLIANCE URGES CONGRESS TO OPPOSE ANY EFFORT to repeal or weaken the Equal Access Rule, a vital tool to ensure that resources and emergency shelters are accessible for everyone.

ULTIMATELY, THERE IS NO BASIS NOR NECESSITY IN DISMANTLING THE EQUAL ACCESS RULE. The role of emergency shelter is to provide a safe place to sleep for all people who lose their housing. With unsheltered homelessness amongst gender expansive people [rising](#) by 16% from 2023 to 2024, communities need every shelter and services tool at their disposal.

While the Rule remains in effect until the completion of the rulemaking process, a chilling effect has already spread. And a narrowly-defeated [amendment](#) to the FY2024 Transportation, Housing and Urban Development and Related Agencies Appropriations Act (sponsored by Rep. Tom Cole) to defund implementation of the Rule also reflects ongoing legislative threats.

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

Why Providers Believe in Protecting the Equal Access Rule

"When shelter admission is determined by the subjective determination of a person's biological sex, all shelter applicants—biological women included—may be subject to additional questioning, scrutiny, and denial of services." – **HOUSING AUTHORITY**

"Intrusive questioning during entrance into a shelter will likely contribute to an increase in the numbers of unsheltered persons and perpetuate the cycles of poverty, homelessness, housing instability, and incarceration." – **OHIO FAITH-BASED SHELTER PROVIDER**

"Placing transgender persons into shelters that do not match their gender identity has historically increased their risk of sexual assault." – **TEXAS HEALTH PROVIDERS**

"People will literally die from having the "wrong" gender characteristics." – **IOWA PROVIDERS**

(All quotes shared from the 2020 comment period and sourced from the Federal Register)