

June 26, 2026

Regulations Division
Office of General Counsel
Department of Housing and Urban Development

RE: Proposed Rule on FR-6518-P-01 Equal Access to Housing in HUD Programs Revisions

The National Alliance to End Homelessness (herein referred to as the Alliance) submits these comments in response to FR-6518-P-01 Equal Access to Housing in HUD Programs Revisions. The Alliance strongly opposes this proposed rule because it threatens to disrupt homelessness response across the country, with significant impacts for already vulnerable and marginalized transgender and gender expansive populations. The U.S. Department of Housing and Urban Development's (HUD) proposal would decimate the existing provisions that ensure equal access, regardless of gender identity, to HUD programs.

The Alliance is a nonpartisan, nonprofit membership organization whose sole purpose is to prevent and end homelessness. Our members include nonprofit organizations, people with lived experience of homelessness, service providers, practitioners, researchers, and local and state government entities dedicated to ending homelessness. We work with Continuums of Care and other partners across rural, urban, and suburban communities.

In 2025, homelessness [decreased](#) for the first time in nearly a decade. Instead of working to build on this headway, this proposed Rule threatens people experiencing homelessness and the organizations that assist them in communities across the country.

Proposal Fails to Respond to Community Needs

Federal rulemaking ought to respond to real identified needs across the country based on extensive public consultation. HUD's lack of due diligence and dismissal of both evidence and testimonials instead threatens to magnify harms for people, HUD-funded organizations, and the systems designed to respond to and solve homelessness.

Vulnerabilities Will Worsen for Transgender/Gender-Expansive People Under this Proposal

Systemic discrimination, weak policy protections against discrimination, and social stigma drive disproportionate rates of homelessness for transgender and gender expansive populations, who will face additional barriers to receiving lifesaving assistance.

An [Alliance analysis](#) of data from the 2022 U.S. Trans Survey reveals that nearly one third of respondents have experienced homelessness in their lifetime – eight times the rate than in other, national surveys of

the general population. Additionally, 1 in 14 respondents reported having experienced homelessness just in the prior 12 months. 58 percent have been denied access to shelter due to their gender and 27 percent left shelter due to poor treatment. Nearly all people taking the survey experienced abusive treatment while homeless.

Homelessness is strongly associated with worse health and safety outcomes, especially for transgender and gender-expansive people. Sleeping outside is already dangerous for people experiencing homelessness who [experience](#) high rates of violence, illness and mortality; identifying as transgender or gender-expansive further compounds this risk. For gender-expansive people who face discrimination in [healthcare settings](#) and [targeted violence](#) even when they are housed, homelessness may have even more devastating impacts on their health. Suicide is much more prevalent among formerly homeless, transgender and gender-expansive people than those who have not experienced homelessness. Rapid, affirming interventions that connect people with housing programs and quality supportive services are critical to preventing poor health outcomes for gender-expansive people. Discrimination makes it harder to access these life-saving programs, putting people's lives at risk.

HUD provides no analysis of the anticipated impacts on these populations, and this proposal risks exacerbating these inequities, increasing housing instability, and creating worse health outcomes.

HUD Fails to Substantiate Stated Justifications

In comparison to the significant evidence base detailing the profound vulnerability of transgender and gender-expansive people at risk of or experiencing homelessness, HUD offers no compelling reason to revoke existing protections.

- Religious Liberty: HUD claims that the Equal Access Rule (EAR) violated the rights of faith-based HUD-funded organizations by requiring them to serve individuals against their religious beliefs. Yet:
 - HUD fails to provide evidence to substantiate this claim outside of one example of a *local* ordinance.
 - Numerous faith-based organizations opposed the effort to repeal the EAR in 2020 and continue to affirm the rights of LGBTQ+ people seeking shelter.
 - HUD has failed to respond to an Alliance FOIA request (No. 25-FI-HQ-02481) it received on May 2, 2025, seeking information on requested exemptions from the EAR from faith-based and other HUD-funded organizations. Otherwise, no publicly available information indicates a meaningful number of waivers.
 - Given the existence of viable alternatives, HUD provides no rationale for systematically overhauling policy that is well-established and supported in communities across the country.
- Safety of Women: HUD claims to be acting in defense of the safety of women, particularly in shelters. Yet:
 - HUD fails to provide evidence indicating that the EAR has resulted in women experiencing sexual harassment or assault. Nor does it provide any data showing that transgender women present any threat to cisgender women in shelters.
 - HUD fails to account for the significant victimization experienced by transgender and gender expansive populations. An [Alliance analysis](#) of data from the 2022 U.S. Trans Survey finds, “Nearly all (97%) gender-expansive respondents who had experienced

homelessness were verbally harassed, sexually assaulted, or physically attacked while homeless, including while accessing emergency shelters.”

- The last time HUD attempted to roll back these protections, over 300 domestic violence shelter providers voiced support for the EAR through signing onto a [National Consensus Statement of Anti-Sexual Assault and Domestic Violence Organizations in Support of Full and Equal Access for the Transgender Community](#).

Lack of Community Consultation Reflects Disconnect from HUD-Funded Organizations

HUD also fails to acknowledge the significant support across the country for the Equal Access Rule that was demonstrated in 2020, when [66,000 comments](#) were submitted to HUD in response to its last attempt to modify this rule—the largest volume of comments ever on a HUD regulation. The proposed rule change was never finalized, and ultimately, it was withdrawn by the Biden Administration, keeping the Equal Access Rule in effect. Across the tens of thousands of comments submitted in opposition to HUD’s proposed changes were testimonials from emergency shelters, Domestic Violence providers, faith-based providers, HUD-funded organizations, and other partners working to solve homelessness across the country, reflecting the broad support in the homelessness services space for these protections.

HUD provides no evidence of specific consultations with impacted entities on the issue of equal access to facilities and resources, including but not limited to HUD-funded shelter providers and residents, Continuums of Care, and other HUD-funded organizations which provide housing and/or services. This lack of due diligence and responsive planning stands in stark contrast to the extensive consultation HUD underwent when [updating the Equal Access Rule in 2016](#).

Proposal Threatens Community Response to Homelessness

As a national membership organization, the Alliance regularly hears from thousands of partners working to solve homelessness across the country through our formal councils and advisory groups, two annual conferences, webinars, and regular touchpoints over meetings and emails. Our partners include individuals and organizations with decades of experience working to end homelessness across urban, rural, and suburban communities.

To better understand the impacts of HUD’s proposal, the Alliance surveyed our partners and received 96 responses across 37 states. After consulting with these partners, the Alliance anticipates a broad range of operational, legal, and human impacts stemming from this proposed Rule for both HUD-funded organizations and program participants, including:

Exclusion of people from services: Although HUD provides no assessment of viable options, verifying each client’s sex before accessing services likely require an invasive process, such as a genital check. Another option, identification checks, carries its own significant risks. 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 people often [lose crucial documents](#) such as birth certificates. Every state also has its own ID processes, complicating implementation across the country.

In fact, according to the Alliance’s survey:

- 81% of respondents reported that HUD’s proposal would “Make it more difficult to identify and reach people in need.”

- Only 11% of respondents reported that HUD’s proposal would “Reduce barriers for people seeking assistance.”

Increased administrative burdens for HUD-funded organizations: The proposed rule creates an unworkable environment for HUD-funded organizations due to confusing language, unclear obligations, and problematic provisions, and the Alliance anticipates implementation of a final rule to be functionally inoperable. In the words of one Alliance survey respondent:

“[HUD’s proposal] creates unnecessary barriers for clients, it reduces safety for all clients, and it decreases the amount of time our limited staff have to work on client needs.”

And, from the Alliance’s survey:

- 67% of respondents reported that HUD’s proposal would “Cost my organization additional time and money” despite HUD’s stated “[commitment to being good stewards of taxpayer dollars and ensuring their efficient use.](#)”
- Only 11% of respondents reported that HUD’s proposal would “Make it easier for my community to end homelessness.”
- Only 16% of respondents reported that HUD’s proposal would “Be easy to implement for programs in my community.”

Impossible decisions and risks for HUD-funded organizations: The pre-emption clause of this proposed Rule could put some HUD-funded organizations in the untenable position of having to choose between violating the Proposed Rule or violating existing state and/or local laws, ordinances, or regulations that protect people’s equal access to shelter and housing. Depending on funding streams, this federal mandate could cause facilities to experience a catastrophic loss of funding regardless of whether they comply with federal or state/and or local rules.

Reduced trust in HUD-funded organizations: Service denials and restrictions will jeopardize vital trust in case managers, shelters, and other HUD-funded organizations. This trust is necessary to connect people back to housing and will keep people on the streets for longer, a core element of homelessness response [recognized](#) historically by the federal government.

In fact, only 14% of survey respondents indicated that HUD’s proposal would “Increase participant trust in providers and staff working to end homelessness.”

Increased visible homelessness and a strain to local budgets: As people are rejected from shelters, communities will see more visible homelessness, [costing](#) more to local budgets, straining emergency services, and deteriorating unhoused people’s health and safety.

In fact, only 8% of respondents shared that HUD’s proposal would “Help reduce unsheltered homelessness.”

Other anticipated consequences: According to the Alliance’s survey, HUD-funded organizations across the country worry about the larger implications of HUD’s proposal:

- 82% of respondents reported that HUD’s proposal would “Negatively impact the health of people in my community.”
- Only 8% of respondents reported that HUD’s proposal would “Help advance local strategies and plans to end homelessness.”

- Only 15% of respondents reported that HUD’s proposal would “Make people feel safer in shelter and housing.”

Proposal Fails to Account for Anticipated Impacts

In drafting this proposal, HUD failed to adequately consult impacted parties and assess:

- **Impacts on Transgender and Gender-Expansive Populations:**
 - How many people will avoid shelter due to the policy, and associated costs to communities resulting from increased unsheltered homelessness.
 - The number of people who could be expected to experience violence and/or die due to being unable to access shelter.
 - The racial/ethnic impacts of the policy, given [disparities](#) in rates of homelessness particularly amongst Black and Indigenous gender-expansive people.
 - The [increase](#) in exposure to HIV, particularly among transgender women who already have among the highest HIV burdens in the US.
 - The current and anticipated [safety threats](#) faced by transgender men experiencing homelessness.
 - Steps communities should take to ensure greater protections for all populations given the universal harms of policing gender identity and the risks faced by all people forced to stay in shelters inconsistent with their gender identity.
- **Impacts on HUD-Funded Organizations:**
 - The logistics and costs of precautions needed to be taken to protect people forced to sleep, bathe, and live in facilities not in accordance with their gender identity.
 - The number of federal funding recipients located in states and localities with existing protections that would be superseded by a new HUD regulation.
 - How recipients of HUD dollars would verify “biological sex,” without causing significant disruptions and costs to program operations and extensive discrimination and loss of trust, as well as risk of liability.
 - The anticipated cost and administrative burden on HUD-funded organizations and people experiencing homelessness in securing adequate documentation to prove “biological sex.”
 - How HUD-funded organizations can respond to documented disparities in homelessness without critical data on sexual orientation and gender identity.
 - Implementation of this proposal in the context of men’s shelters.
- **Existing Alternates:** Why faith-based HUD-funded organizations cannot operate under the existing regulatory framework that permits requests for exemptions.
- **Other Consequences:** How verification of “biological sex” would impact cisgender populations, particularly biological females who might not conform to the “conventional appearance of women,” who could face discrimination and stigma.

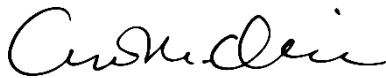
Conclusion

Inevitably, the organizations with which we work closely will be faced with a choice to require intrusive sex verification methods and deny people necessary shelter, or risk losing the federal funding on which they rely. Solving homelessness for everyone requires adequate resources, staffing, trust, data-driven strategies and predictability -all of which this proposal would undermine.

For these reasons, the Alliance stands strongly in opposition to HUD's *Proposed Rule on Equal Access to Housing in HUD Programs Revisions*.

If you have any questions about our comments, please contact Marcy Thompson, Vice President for Programs and Policy, mthompson@naeh.org, 202-942-8246.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Oliva". The signature is fluid and cursive, with a large initial "A" and a stylized "O".

Ann M. Oliva
Chief Executive Officer
National Alliance to End Homelessness