



June 26, 2026

Office of the General Counsel - Regulations Division  
Department of Housing and Urban Development  
451 Seventh Street SW, Room 10276  
Washington, DC 20410-0500

**Re: Housing and Urban Development Department Proposed Rule “Equal Access to Housing in HUD Programs Revisions”; Docket No. FR-6518-P-01**

To whom it may concern,

We appreciate the opportunity to provide comments on the proposed Equal Access to Housing in HUD Programs Revisions rule.

Texas Housers is a 501(c)(3) nonprofit organization founded in 1988 that advocates alongside low-income Texans for housing that is affordable, stable, dignified, and fair. Our mission is to support low-income Texans’ efforts to achieve the dream of a decent, affordable home in a quality neighborhood of their choosing. We work toward these goals through research, policy, and collaboration with community organizations.

Resource Center is one of the largest LGBTQIA+ community centers in the United States, serving over 60,000 people in North Texas every year. Established in 1983, our mission is to pursue societal equity by proudly offering LGBTQIA+ affirming resources that improve health and wellness, strengthen families and communities, and provide transformative education and advocacy.

Equality Texas is the largest statewide organization working to secure full equality for lesbian, gay, bisexual, transgender and queer Texans. Since 1978 Equality Texas has advocated for the rights and dignity of the LGBTQIA+ community in Texas through political action, education, community organizing, and collaboration.

We strongly oppose the proposed rule to roll back the Equal Access Rule and urge HUD to withdraw this rule in its entirety. We offer the following comments.

## **The proposed rule will have severe and harmful impacts for many low-income Texans who HUD programs are meant to help.**

The proposed unraveling of the Equal Access Rule removes protections that ensure vulnerable people are not denied assistance based on sexual orientation or gender identity.

Individuals who benefit from those protections and will be harmed by the proposed rule are some of those most in need of housing assistance. About 30% of cases the Equality Texas help desk has received so far in 2026 have related to housing (rental assistance, evictions, homelessness and shelter needs, etc.), highlighting the importance of housing assistance to LGBTQ Texans. According to a 2022 nationwide survey, nearly one-third of transgender and nonbinary people have experienced homelessness, eight times the rate of the general population.<sup>1</sup> These rates were even higher for Black and Native American respondents (50% and 39%, respectively). Despite comprising 5-10% of the overall population, LGBTQ individuals make up between 20% and 40% of homeless populations.<sup>2</sup>

Homelessness has devastating impacts on individuals and families. Homelessness can create new health issues or exacerbate existing ones by exposing people experiencing homelessness to communicable diseases, violence, malnutrition, and exposure due to extreme weather.<sup>3</sup> Recovery without housing is more difficult, trapping people in cycles of illness and housing instability. These impacts can be particularly severe for trans and nonbinary individuals, who are already more likely to experience intimate partner violence compared to cisgender individuals.<sup>4</sup> Over half of the respondents to the 2022 survey indicated they had been denied access to shelter due to their gender and nearly one-third left shelter due to poor treatment. Discrimination and stigma are long-term drivers of homelessness, keeping trans and nonbinary individuals homeless longer.<sup>5</sup> Discrimination protections like those in the Equal Access Rule help reduce overall rates of homelessness; removing the Equal Access Rule will increase rates of homelessness. Blocking trans and nonbinary people from housing programs doesn't reduce the demand for or increase the supply of assistance, it merely shifts who is being assisted and who is in need of assistance.

Many enter homelessness as a result of family rejection, meaning these individuals lack important support systems that others have access to and may be more reliant on assistance programs like those funded by HUD. For example, we heard from a young trans woman in Texas who was kicked out by her family months before starting college. She is still a teenager, but will need to secure a job, find housing, and figure out financial aid for school without the help of family. Assistance programs like those funded by HUD can help fill in the gaps left behind in these situations, but the removal of the Equal Access Rule threatens the ability to access appropriate assistance without fear of discrimination.

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<sup>1</sup> [https://endhomelessness.org/wp-content/uploads/2026/05/US-Trans-Survey-Brief-V4\\_Working-File.pdf](https://endhomelessness.org/wp-content/uploads/2026/05/US-Trans-Survey-Brief-V4_Working-File.pdf)

<sup>2</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC6695950/>

<sup>3</sup> <https://nhchc.org/wp-content/uploads/2025/10/homelessness-and-health-connection-fact-sheet.pdf>

<sup>4</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC7427218/>

<sup>5</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC6695950/>

Harm is not limited only to those who benefit directly from protections against discrimination based on sexual orientation or gender identity. The rule as written requires individual HUD-funded facilities to develop their own procedures to confirm an individual's sex, as defined by HUD, without any specific guidelines for how that confirmation occurs.<sup>6</sup> This will inevitably lead to invasive questioning and processes. This practice would be counter to the needs of vulnerable people who are often in the middle of a traumatic crisis and has the potential to harm a broader population than those targeted by the proposed rule.

It would be up to individual facilities to deem what verification is required and what that verification would entail. This will inherently lead to individual shelter workers relying on their own internal standards of gender presentation. If a person's outward appearance – including cisgender individuals – does not align with an individual workers' beliefs, it could easily result in eligible individuals being denied access to assistance. This is further complicated by the fact that the proposed definitions do not account for those who don't neatly fit within "male" or "female" such as intersex individuals.

The rule may also lead to difficult decisions for HUD-funded facilities that cannot comply with the proposed rules while still fulfilling their mission and providing assistance to their communities. This could lead to HUD-funded facilities exiting the programs impacted by the proposed rule or shutting down entirely, resulting in less assistance available in those communities. A diversity of service providers is necessary to ensure that people who need assistance – a diverse population with varying needs – feel comfortable accessing that assistance. Without that, more vulnerable Texans are guaranteed to fall through the cracks.

### **The proposed rule is based on weak, unrelated evidence and false claims about LGBTQ individuals.**

The primary basis for this proposed rule is a single Executive Order (EO), EO 14168. There is no justification provided for the removal of protections against discrimination based on gender identity across non-CPD HUD programs. There is no justification provided for the removal of protections against discrimination based on sexual orientation – this is not even justified by the EO, which does not mention sexual orientation at all.

The rule suggests trans women pose a physical threat to cisgender women in shelters. The rule provides no evidence showing that cis women experience assault by trans women at significant rates in shelters because it does not exist; this is simply not true. Per a 2024 statement by hundreds of anti-sexual assault and domestic violence organizations, "Claims that allowing

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<sup>6</sup> The wording that providers "may require" evidence suggests flexibility that in reality does not exist. The rule requires facilities with shared sleeping or bathing facilities to admit individuals based on HUD's proposed strict sex. Providers cannot ensure HUD's rules are followed without invasive questioning or processes.

transgender people to access sex-separated spaces aligning with their gender identity threatens the safety or privacy of women and girls are false.”<sup>7</sup>

The rule summary explicitly states that the proposed requirements for verification at shelters are “...in order to protect the safety of other individuals in the facility.” As mentioned previously, trans individuals experience a greater risk of violence. If the proposed rule claims to center the safety of individuals served by HUD programs, it should not misrepresent and endanger those individuals. The current proposal – and the invasive questions and procedures it would require – would in fact increase the risk of direct violence at shelters for people who may be actively escaping a dangerous situation.

There is no evidence provided that HUD-funded facilities have issues complying with current gender and sexual orientation-based protections. The single case of a faith-based shelter mentioned in the rule is not about a HUD-funded facility. The rule claims that faith-based organizations “have the right to operate in ways consistent with their belief,” but even across religious denominations, there is general acceptance of protections for the LGBTQ community.<sup>8</sup> If this is truly an issue for faith-based providers, those providers should be given an exception or waiver.

### **The rule contradicts and conflicts with federal, state, and local anti-discrimination protections.**

The existence of conflicting federal, state, and local laws and regulations will further complicate the implementation of new definitions and standards.

The Fair Housing Act still protects against discrimination based on sexual orientation and gender identity in HUD-assisted and -insured housing and, contrary to what the rule claims, some shelters.<sup>9</sup> In the employment discrimination case *Bostock v. Clayton County*, the Supreme Court held that discrimination on the basis of sexual orientation or gender identity is discrimination based on sex in violation of Title VII, which uses the same language as the Fair Housing Act.<sup>10</sup> Per the majority decision written by Neil Gorsuch, “...it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.”<sup>11</sup>

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<sup>7</sup> <https://endsexualviolence.org/wp-content/uploads/2025/09/NTF-Statement-in-Support-of-Transgender-Community-Anti-SV-and-DV-Orgs.pdf>

<sup>8</sup> <https://prri.org/press-release/new-survey-finds-strong-majorities-of-americans-including-nearly-all-major-religious-groups-support-nondiscrimination-protections-for-lgbtq-people/>

<sup>9</sup> <https://www.nhlp.org/wp-content/uploads/Shelters-and-the-Definition-of-Dwelling-43-Hous.-L.-Bull.-225-230-31-Nov-Dec-2013.pdf>

<sup>10</sup> While the proposed rule does not mention *Bostock v. Clayton County*, EO 14168 does note that *Bostock* doesn't apply to “single-sex spaces” because that interpretation is “legally untenable and has harmed women.” No evidence is provided for these claims in the EO or the proposed rule, which goes well beyond removing protections in just “single-sex spaces.”

<sup>11</sup> [https://www.supremecourt.gov/opinions/19pdf/17-1618\\_hfci.pdf](https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf)

The proposed rule contradicts statutory language in place since 2013 prohibiting Violence Against Women Act (VAWA) grantees from discriminating on the basis of sex, gender identity, or sexual orientation.<sup>12</sup> If an individual cannot access services because of essential “sex-specific programming,” by law VAWA requires that they be provided with comparable services. HUD’s proposed regulation seeks to block those individuals from assistance entirely without requiring alternatives, even for those with VAWA protections.

The proposed rule is also guaranteed to create situations where state or local laws and federal regulations conflict, and it is not clear that HUD can preempt state and local laws with regulation as stated in the proposed rule. HUD-funded facilities risk losing federal funding if they follow relevant state and local laws. This threat could lead to HUD-funded facilities exiting HUD programs, ultimately reducing the amount of assistance available locally and harming not just those targeted by the proposed rule, but all local beneficiaries of HUD-funded facilities.

**The proposed rule will result in unacknowledged costs to local governments and HUD-assisted facilities.**

The proposed rule claims that it is not economically significant, will result in reduced regulatory costs, and would not impose substantial direct compliance costs on state and local governments. It is unclear what potential costs HUD considered in drafting the rule, but the proposed changes will absolutely result in costs to both local governments and HUD-funded facilities.

Local governments will have to bear the costs of unsheltered homelessness as a result of individuals no longer being able to access HUD-funded facilities or losing assistance due to lack of anti-discrimination protections. Local communities absorb the costs associated with housing and providing services to unhoused individuals. For example, a study in Dallas and Collin counties found that annual costs associated with homelessness in 2023 were \$43,901 per person.<sup>13</sup>

Local HUD-funded facilities and providers will incur costs associated with new procedures for gender verification. This process will likely require training and could include ongoing costs like background checks.

Local governments and providers may also experience legal costs associated with untangling the conflict between state and local protections and the proposed rule. Although the proposed rule states that it “...would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law,” the rule also clearly states that “these requirements preempt any conflicting state or local laws.” If the

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<sup>12</sup> <https://www.govinfo.gov/content/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf>

<sup>13</sup> <https://www.dallascounty.org/Assets/uploads/docs/hhs/data-reports/The-Cost-of-Homelessness-in-Dallas-and-Collin-Cos.pdf>

proposed rule preempts state law as it claims to, it will likely result in direct compliance costs on state and local governments, including the cost of dealing with private lawsuits from individuals experiencing sex-based discrimination in HUD-funded facilities.

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