**Directions for Use: Please update all fields highlighted in yellow with your agency’s information. Please update at least 30% of this template to ensure your comments receive individual consideration. You can find additional templates** [**here**](https://housingsaveslives.org/resources)**.**

Dear Office of General Counsel:

I am writing on behalf of the YOUR AGENCY NAME in response to the Department of Housing and Urban Development’s (HUD) proposed rule change published in the Federal Register on July 24, 2020 (RIN 2506-AC53; HUD Docket No. FR-6152-P-01) entitled, “Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs.” We urge that this change be withdrawn in its entirety.

As a homeless services provider in Ohio, we promote a range of housing assistance services, including homeless prevention programs, emergency shelters, and affordable housing. We believe that a safe space to lay one’s head at night is a basic human right, made more imperative by the pandemic. The proposed rule not only contradicts the pursuit to make sure that all Americans have this basic human need of shelter but also undermines the Fair Housing Act.

The proposed rule would strip protections for transgender & gender non-conforming people seeking shelter, constitutes an assault on the rights of the LGBTQ population, and is contradictory to our bipartisan goal of providing shelter to protect the safety & freedom of all Americans. **Rooted in harmful stereotypes about transgender persons, particularly transgender women, this proposal allows temporary, emergency single-sex shelters to ask someone to provide evidence of their sex “based on a good faith belief” that the person seeking shelter is not of the biological sex that the shelter serves. Adopting this “good faith belief” approach, as opposed to just accepting someone’s assertion of their own gender identity, invites sex stereotyping & invasive questioning by program staff.** Moving forward with this proposed rule change in the midst of a global pandemic is particularly cruel. By limiting access to safe and healthy shelters for transgender persons, HUD’s rulemaking will create additional barriers for individuals to safely maintain distance.

HUD’s proposal exacerbates the calamitous intersection of housing & COVID-19 by further limiting access to the homeless system. We agree with HUD’s desire for consistency, but a rule that prioritized consistency would not create a hodge-podge of shelters with different access rules. Consistency across the spectrum of homeless providers would ensure that the homeless person would be able to determine their own sex/gender identity without fear of having to choose between betraying their identity or sleeping under a bridge.

The Proposed Rule also emphasizes that homeless systems could just refer a transgender person to another shelter if the first shelter declined to serve them. But in rural communities there is often only one shelter, if that, providing no option to refer someone elsewhere. Many rural communities do not have the resources to offer basic shelter to those who are living without homes, let alone allow them to choose which one fits their preferences as if they’re shopping for a hotel.

Lastly, the Proposed Rule appreciates the religious freedom of faith-based shelters but alienates those outside a shelter’s faith. This violates our country’s core belief in religious freedom. Faith-based shelters that receive federal funding are prohibited from requiring participation in religious activities. Imposing religious beliefs about gender identify would require people seeking shelter to participate in a religious ideology. We are disturbed that an administration with such professed allegiance to religious freedom would permit federally funded shelters to impose religious beliefs about transgender folks on such vulnerable individuals.

Shelter for everyone benefits *everyone*, yet this proposed rule indicates that HUD has little interest in supporting and strengthening communities experiencing homelessness. Over ten thousand people in Ohio are homeless on any given night.[[1]](#footnote-1) Transgender communities are even more vulnerable to experiencing homelessness, with nearly one-third of transgender & gender non-binary people experiencing homelessness at some point in their life.[[2]](#footnote-2) We urge HUD to withdraw its current rule change proposal and dedicate efforts to mitigating the effects that COVID-19 has had on housing stability, as the CDC has done. The country is in the midst of a crisis. The administration should be not devoting scarce agency resources to facilitating discrimination & perpetuating stereotypes.

Thank you for the opportunity to submit comments on the proposed rulemaking.

YOUR NAME

CONTACT INFO

AGENCY NAME

1. <https://www.usich.gov/homelessness-statistics/oh/> [↑](#footnote-ref-1)
2. <http://www.ustranssurvey.org/reports> [↑](#footnote-ref-2)