



May 6, 2026

Submitted via www.regulations.gov

To: U.S. Department of Health and Human Services, Administration for Children and Families

Re: Docket ID ACF-2026-0397 – Reducing Bureaucracy and Burden for Children, Youth, and Family Programs

Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”) submits this comment, joined by Advocates for Trans Equality (“A4TE”), in strong opposition to all changes proposed on April 6 by the Administration for Children and Families (ACF) to the Runaway and Homeless Youth (RHY) Program regulations at 45 CFR part 1351 (the Rule). The deletions proposed by the ACF undermine vital civil rights protections for vulnerable youth and weaken foundational tenets for RHY programs and it offers no evidence or legally valid justification in support of the new version of the Rule.

Lambda Legal is the oldest and largest national legal organization dedicated to achieving full recognition of the civil rights of lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) people and everyone living with HIV through impact litigation, education, and policy advocacy. Lambda Legal’s Youth in Out-of-Home Care Project advocates for and with LGBTQ+ youth in foster care, juvenile legal systems, and experiencing homelessness to ensure they are safe, affirmed, and treated equitably while system involved and are ultimately able to live safely with family and in their communities.

A4TE is a nonprofit organization dedicated to advocating for the rights of transgender, nonbinary, and gender diverse individuals across the United States. A4TE seeks to achieve full lived equality for the trans community through policy advocacy, impact litigation, and education. A4TE’s efforts focus on critical areas such as employment, health care, housing, conditions of confinement, education, identity documents, and public places.

I. Section 1351.10

We urge ACF to keep in place § 1351.10 (“What is the purpose of Runaway and Homeless Youth Program grants?”) of the Rule as written. This section incorporates the congressional findings in the Runaway and Homeless Youth Act by defining the population RHY programs serve and outlining RHY program requirements. 34 U.S.C.A. § 11201. ACF does not offer sufficient evidence or a reasoned justification for removing § 1351.10, simply painting § 1351.10 as “unnecessary,” “impos[ing] no obligation,” and lacking “guidance on how to interpret relevant statutory language.” For any regulatory framework governing use of grant funding, clearly establishing the purpose of the grants, including who the beneficiaries are, how beneficiaries are to be supported, and what services they should receive, is an essential foundation and not superfluous. § 1351.10(b) does impose an obligation that RHY “grant services should have a positive youth development approach” and provides explicit and specific guidance that services



can include those that are responsive to youth’s “complex social identities.” IACF’s notice of final rulemaking for the 2016 Rule, justified § 1351.10 as reflecting the RHY program’s increased emphasis on “identifying the vulnerability of these youth” and the program’s “need to serve all runaway and homeless youth.” 81 FR 93041 (2016). In fact, ACF cited studies describing the particular needs of LGBTQ+ runaway and homeless youth in support of its final formulation of § 1351.10. *Id.* at fn. 3-4. ACF has presented no arguments or evidence that this emphasis on inclusion should no longer be a central priority for the agency, and that justifies removing this section of the rule.

Research has shown that Black, Hispanic, Indigenous, and LGBTQ+ youth are at a particularly high risk of homelessness, and that the risk of homelessness compounds for young people who hold multiple marginalized identities.¹ Evidence before the agency in the form of an ACF-solicited and sponsored report analyzing case studies of RHY-funded programs across the country, “Identifying and Serving LGBTQ Youth: Case Studies of Runaway and Homeless Youth Program Grantees,” found that “[a]ccording to staff reports, LGBTQ youth of color and transgender youth are at the highest risk of encountering barriers to accessing appropriate services or resources, especially those related to health and employment.”² LGBTQ+ youth are overrepresented among young people experiencing homelessness, constituting about 40% of the youth homelessness population despite making up 10% of the youth population.³ LGBTQ+ youth are 120% more likely to experience homelessness than their heterosexual and cisgender peers,⁴ and experience “different patterns of risk” (i.e. engaging in survival sex, experiencing family rejection) than their peers.⁵ ACF is aware that LGBTQ+ youth experience specific barriers to accessing RHY-funded services, including hostility or lack of knowledge from providers.⁶ ACF is also aware that strong nondiscrimination policies can help to ameliorate these barriers.⁷ In fact, in the “Identifying and Serving LGBTQ+ Youth” report, ACF has evidence before it in the form of over 46 studies, listed as references by the report’s authors, that support the language in the current Rule.⁸

By listing social identities within the purpose of RHY regulations, ACF implicitly acknowledges the reality that serving homeless youth requires grantees to understand the interplay of racism, homophobia, transphobia, ableism, and other societal prejudice that impacts a large number of

¹ Matthew Morton et. al., *Voices of Youth Count Comprehensive Report: Youth Homelessness in America*, HUD Off. of Policy Dev. & Rsch. (2018), <https://www.huduser.gov/portal/sites/default/files/pdf/Voices-of-Youth-Report.pdf>.

² Andrew Burwick et. al., *Identifying and Serving LGBTQ Youth: Case Studies of Runaway and Homeless Youth Program Grantees*, Mathematica Policy Rsch. viii (2014), https://aspe.hhs.gov/sites/default/files/private/pdf/76766/rpt_LGBTQ_RHY.pdf (submitted to the Department of Health and Human Services Administration for Children and Families Office of Planning, Research and Evaluation).

³ *Homelessness Among the LGBTQ Community*, Nat. Coalition for the Homeless, <https://nationalhomeless.org/lgbtq-homelessness> (last visited May 4, 2026).

⁴ *Id.*

⁵ Burwick at 16.

⁶ *Id.* at 21.

⁷ *Id.* at 23.

⁸ *Id.* at 33-36.



youth experiencing homelessness. Deleting § 1351.10 eliminates an important foundation for nondiscrimination and other critical requirements in the RHY Rule and removes critical direction to programs that they should respond to the needs of youth based on intersectional aspects of their identity, a central purpose of RHY programs.

II. Section 1351.16(b)

ACF has proposed deleting § 1351.16 (“What costs are not allowable under a Runaway and Homeless Youth Program grant?”), which includes a specific prohibition on grant funding “cover[ing] any treatment or referral to treatment that aims to change someone’s sexual orientation, gender identity or gender expression [SOGIE].” This practice, sometimes known as “conversion therapy,” is harmful, ineffective, and unsafe.⁹ Removing § 1351.16 is contrary to RHY’s stated purpose: to provide homeless youth “safety and structure[,] belonging and membership[, and] self-worth and social contribution.” 34 U.S.C.A. § 11201(3). ACF has offered no evidence to support the deletion of this section, despite the fact that the 2016 Final Rule provided extensive evidence to support the inclusion of § 1351.16(b). 81 FR 93046, fn. 8-11 (2016).

Efforts to change a person’s SOGIE are universally harmful. The American Psychological Association has held that “conversion therapy” is associated with “depression, anxiety, suicidality, substance misuse, a range of posttraumatic responses, loss of connection to community, damaged familial relationships, self-blame, guilt, and shame.”¹⁰ Transgender people who were subjected to gender identity change efforts at any point in their lives are twice as likely to attempt suicide than their peers.¹¹ SOGIE change efforts are also not effective: studies have found “conversion therapy” cannot change sexual orientation or gender identity for more than a tiny fraction of participants.¹² ACF should not delete § 1351.16(b), a clause that prohibits government funded providers from engaging in ineffective and deeply harmful “treatment.” Subjecting a young person experiencing homelessness to SOGIE change efforts is especially harmful and offensive because many youth enter homelessness after experiencing family rejection of their LGBTQ+ identity.¹³ In one survey administered by the Williams Institute, 68%

⁹ Brief of Amici Curiae The American Psychological Association, The American Psychiatric Association, and Twelve Other Mental Health and Medical Professional Organizations in Support of Respondents, *Chiles v. Salazar*, 2025 WL 2532655 (2026).

¹⁰ *The evidence against “conversion therapy,”* Am. Psych. Assoc. (Oct. 7, 2025), <https://www.apa.org/topics/lgbtq/evidence-against-conversion-therapy>.

¹¹ Jack L. Turban, et al., *Association Between Recalled Exposure to Gender Identity Conversion Efforts and Psychological Distress and Suicide Attempts Among Transgender Adults*, 77 JAMA Psychiatry 68, 68-76 (2019), <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2749479>.

¹² John P. Dehlin et al., *Sexual orientation change efforts among current or former LDS church members*, 62 J. of Counseling Psych. 95-105 (2014), <https://doi.org/10.1037/cou0000011>; Judith M. Glassgold et al., *Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation*, Am. Psych. Assoc. (2009), <https://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf>.

¹³ *Homelessness Among the LGBTQ Community*, Nat. Coalition for the Homeless.



of LGBTQ+ homeless youth served had a history of family rejection.¹⁴ Telling a young person who has been kicked out of their home for their LGBTQ+ identity that they can and should change their SOGIE is cruel and may lead to LGBTQ+ youth avoiding RHY-funded support systems that could help them. Youth who have been rejected by their families for their LGBTQ+ identity must not be subjected to SOGIE change efforts as they seek out basic shelter and supportive services through RHY grant programs.

ACF justifies deleting this important grant condition by claiming it is “duplicative” of § 1351.1, which excludes conversion therapy efforts from the definition of “counseling services”¹⁵ and “health care services.”¹⁶ While it is helpful that the definitions of counseling and health care exclude this unsafe and harmful practice within the text of the regulation, the prohibitions in § 1351.1 are insufficient to adequately protect young people. We are concerned that this deletion would open the door for staff who work for government-funded providers but are not counselors or health care providers, such as staff who supervise youth in shelters, to engage in efforts to change a young person’s sexual orientation and/or gender identity. Four out of five people who have undergone efforts to change their sexual orientation reported that they received this “treatment” from someone not a healthcare professional¹⁷ Deleting § 1351.16(b) would allow common sources of “conversion therapy” to proliferate unchecked within RHY-funded programs.

Section 1351.16(b) is not redundant. The current explicit, specific, and comprehensive prohibition on all efforts to change SOGIE prevents all potential harm to young people, not just harm that may occur within counseling or health care services specifically. Given the serious negative impact to safety and well-being that SOGIE change efforts pose to vulnerable youth ACF has not provided evidence that benefits of deleting section outweighs potential harm to youth or that it even engaged in a cost/benefit analysis. We strongly urge ACF to make no change to § 1351.16(b).

III. Section 1351.20

ACF proposes deleting § 1351.20 (“What Government-wide and HHS-wide regulations apply to these programs?”), which restates major civil rights obligations that apply to RHY grants in one centralized location within the Act. Removing this section undermines the obligation for grantees to act in a nondiscriminatory manner, even if it does not technically remove the obligation. ACF points to the fact that these regulations still apply whether they are listed in § 1351.20 or not, but

¹⁴ *Id.*

¹⁵ “Counseling services means [...] Any treatment or referral to treatment that aims to change someone's sexual orientation, gender identity or gender expression is prohibited.” 45 CFR 1351.1.

¹⁶ “Health care services means [...] Any treatment or referral to treatment that aims to change someone's sexual orientation, gender identity or gender expression is prohibited.” 45 CFR 1351.1.

¹⁷ John R. Blosnich et. al., *Sexual Orientation Change Efforts, Adverse Childhood Experiences, and Suicide Ideation and Attempt Among Sexual Minority Adults, United States, 2016–2018*, 110(7) *Am. J. of Pub. H.* 1026 (2020), https://dworakpeck.usc.edu/sites/default/files/2020-10/Blosnich%20Henderson%20Coulter_0.pdf.



deleting this centralized list indicates ACF's weakened commitment to civil rights within its programs.

ACF's purported justification of the exclusion of these civil rights obligations in the proposed rule is "arbitrary nature by which the listed regulations were selected for inclusion." However, the list includes regulations that implement vital civil rights laws within HHS, including 45 CFR part 80 (effectuating Title VI of the Civil Rights Act of 1964 within HHS), 45 CFR part 84, (effectuating Section 504 of the Rehabilitation Act of 1973 within HHS), 45 CFR part 86 (effectuating Title IX of the Education Amendments of 1972), and 45 CFR part 92 (effectuating Section 1557 of the Patient Protection and Affordable Care Act). The 2016 Final Rule published by ACF specifically revamped this section to include civil rights information "concerning protection of youth and providing non-discriminatory services that comprehensively address individual needs." 81 FR 93045 (2016). § 1351.20's list does not include every possible regulation that could apply to a RHY program grantee, but it does serve as a meaningful, centralized reminder of civil rights obligations HHS and its grantees carry. Removing this list would signal to applicants an impermissible weakening of ACF's commitment to nondiscrimination in its programs and grants. As such, § 1351.20 must remain within the regulatory framework. Notably, ACF cites no evidence of any benefit to youth beneficiaries themselves of the proposed changes nor challenges on the part of grantees in interpreting and operationalizing civil rights obligations for youth they serve.

IV. Sections 1351.24, 1351.25, 1351.27

ACF proposes deleting § 1351.24 ("What are the additional requirements that the Basic Center Program grantees must meet?"), § 1351.25 ("What are the additional requirements that the Transitional Living Program and Maternity Group Home grantees must meet?"), and § 1351.27 ("What are the additional requirements that both the Basic Center and Transitional Living Program grantees must meet?"), reasoning that requirements in these sections are more appropriate for NOFOs. Enacting these proposed deletions would harm the RHY program by removing the "floor" of requirements that grantees must meet for all programs, eliminating predictable and unchanging standards to secure funding that programs across the country rely on. Using NOFOs to communicate basic standards opens the door to shifting and uneven quality of programs: for instance, if § 1351.26 were deleted, there would be no legal obligation for programs to provide a minimum of three months of aftercare.

Even if ACF intends to include the deleted standards in every NOFO verbatim, the fact remains that grant criteria could be completely overhauled by ACF at any point and for any policy goal. For instance, the Housing and Urban Development Continuum of Care grant program suddenly underwent massive changes by issuing a new NOFO, including new anti-DEI certifications and pledges not to engage in harm reduction around drug use. *Mot. for Prelim. Inj, Nat'l All. to End Homelessness v. United States Dep't of Hous. & Urb. Dev.*, 2025 WL 4093253 (D.R.I. Dec. 1, 2025). These changes were preliminarily enjoined in federal court. *Nat'l All. to End Homelessness v. United States Dep't of Hous. & Urb. Dev.*, 2025 WL 3719641 (D.R.I. Dec. 23,



2025). The First Circuit has kept the injunction in place to date. *State v. United States Dep't of Hous. & Urb. Dev.*, 171 F.4th 473 (1st Cir. 2026). Major changes to grant programs can harm vulnerable people, and programs and the youth that they serve benefit from consistent standards supported by research and evidence and not ones that change based on political priorities. Program standards that vary between NOFOs are not sufficient to protect the vulnerable youth the RHY program was intended to serve. ACF has not offered sufficient justification to show that any possible benefits of removing legal guarantees in place of discretionary grant terms, which may or may not appear, outweigh potential harm to the youth beneficiaries of RHY grants.

We are especially concerned that the deletion of § 1351.24(c) would remove requirements that Basic Center Programs provide services that are trauma informed. 83% of youth experiencing homelessness have had at least one traumatic experience while homeless, including physical and sexual assault.¹⁸ Many youth report serious early traumas before experiencing homelessness.¹⁹ ACF itself defines trauma-informed care as a “strengths-based framework that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both providers and survivors, and that creates opportunities for survivors to rebuild a sense of control and empowerment.”²⁰ Traumatic experiences make it more difficult for homeless youth to navigate services necessary to exit homelessness,²¹ so programs must be prepared to meet young people where they are. The RHY Act states that youth need programs that “acknowledge the environment” they are living in. 34 U.S.C.A. § 11201(2). With trauma a near near-universal experience among youth navigating homelessness, deleting § 1351.24(c) will lead to funding programs that do not adequately respond to the traumatic environment of youth homelessness.

Lambda Legal, joined by A4TE, urges ACF to withdraw this proposed rule. The proposed deletions are framed as removing “duplicative and unnecessary” clauses to “clarify” regulations, but the proposed deletions will have the opposite effect. The proposed rule will undermine the RHY Program’s statutory commitment to “safety and structure[,] belonging and membership[, and] self-worth and social contribution” for youth its grants serve. 34 U.S.C.A. § 11201(3). ACF must not abandon its civil rights obligations or its responsibility to youth, including LGBTQ+ youth, who are the beneficiaries of the guidance and protections contained in the Rule, let alone negatively impact the stability, consistency, and efficacy of its programs. The proposed changes are contrary to all evidence before ACF about the needs of the youth its RHY programs serve. It has not offered any evaluation of the benefits and harms of the proposed changes to youth or

¹⁸ *Trauma-Informed Care Toolkit for Youth Service Providers*, Nat. Network for Youth, <https://nn4youth.org/learn/trauma-informed-care-toolkit/> (last visited May 4, 2026).

¹⁹ Gina Samuels et al., *Missed opportunities in youth pathways through homelessness*, Chapin Hall (2019), https://www.chapinhall.org/wp-content/uploads/ChapinHall_VoYC_Youth-Pathways-FINAL.pdf.

²⁰ *What is Trauma?*, Family and Youth Servs. Bureau (2012), <https://acf.gov/sites/default/files/documents/fysb/trauma20120829.pdf>.

²¹ Holly H. McManus & Sanna J. Thompson, *Trauma Among Unaccompanied Homeless Youth: The Integration of Street Culture into a Model of Intervention*, 16 *J. of aggression, maltreatment, & trauma* 92, 92-109 (2008), <https://doi.org/10.1080/10926770801920818>.





legally valid justification or any supportive evidence at all. For these reasons, we urge ACF to withdraw this proposed rule.

Thank you for your time and attention. Please reach out with any further questions.

Sincerely,

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