

[Please delete or replace any items highlighted and in brackets from your comment.]

[Date]

Regulations Division, Office of General Counsel  
U.S. Department of Housing and Urban Development  
451 7th Street SW, Room 10276  
Washington, DC 20410-0500

**RE: Public Comment on U.S. Department of Housing and Urban Development Proposed Rule FR-6518-P-01 - Equal Access to Housing in HUD Programs Revisions**

Attn: Docket No. FR-6518-P-01

Dear Secretary Turner,

[Organization] appreciates the opportunity to provide comments on the Department of Housing and Urban Development's ("HUD") proposed rule on Equal Access to Housing in HUD Programs Revisions (the "Proposed Rule"). [Describe your organization and mission. State your interest in youth and/or the LGBTQ+ community, and why you felt the need to comment.] We oppose the Proposed Rule because it will harm LGBTQ+ youth and young adults experiencing homelessness and/or housing insecurity. Transgender, nonbinary, and gender-diverse (TNGD) youth are especially vulnerable. Therefore, we urge HUD to withdraw the Proposed Rule in its entirety and keep the current Equal Access Rule in place.

[Describe the services you provide and note any services specific to LGBTQ+ youth. Note if your organization runs shelter facilities that are separated by gender. Feel free to plug in any of the following facts as you describe your organization's reasoning for supporting LGBTQ+ youth:

- LGBTQ+ youth comprise up to 40% of youth experiencing homelessness,<sup>1</sup> but only about 10% of the general youth population.<sup>2</sup>
- 47% of LGBTQ+ youth living in shelters identify as a racial or ethnic minority.<sup>3</sup>

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<sup>1</sup> M. H. Morton et al., *Missed Opportunities: LGBTQ Youth Homelessness in America*, Chaplin Hall at the U. of Chicago 7 (2018), <https://www.chapinhall.org/wp-content/uploads/VoYC-LGBTQ-Brief-FINAL.pdf>.

<sup>2</sup> Kerith J. Conron, *LGBT Youth Population in the United States*, The Williams Inst. (2020), <https://williamsinstitute.law.ucla.edu/publications/lgbt-youth-pop-us/>.

<sup>3</sup> Cameron K. Ormiston, *LGBTQ Youth Homelessness: Why We Need to Protect Our LGBTQ Youth*, 9(4) *LGBT Health*, 217, 217-21 (2022), <https://pubmed.ncbi.nlm.nih.gov/35325559/>.

- Providers have reported that two-thirds of transgender, nonbinary, and gender-diverse (TNGD) youth experiencing homelessness were forced out of their homes by their parents due to their sexual orientation and/or gender identity.<sup>4</sup>
- LGBTQ+ youth are less likely than their heterosexual and cisgender peers to stay in shelters or access services designed for homeless youth.<sup>5</sup>
- A 2018 report commissioned by HUD found that LGBTQ+ youth are at higher risk of homelessness than their peers. Belonging to multiple high-risk populations (including marginalized racial groups, young parents, or people without high school diplomas) compounds the risk of homelessness.<sup>6</sup>
- 53% of TNGD youth experiencing homelessness reported attempting suicide compared to 21% of cisgender youth experiencing homelessness.<sup>7</sup>

The Proposed Rule would require facilities to place people according to sex assigned at birth instead of gender identity in “facilities with shared sleeping quarters or shared bathing facilities.” [If your organization runs or works with facilities in this category, please say so.] The Proposed Rule would force [our single-gender or gender-specific programs] to turn away TNGD young people seeking shelter or force them to access programs based on their sex assigned at birth rather than their gender identity. [Explain how implementing the rule would make it impossible to continue serving TNGD youth appropriately.] TNGD youth are not intrinsically dangerous to other youth – in fact, TNGD youth are disproportionately more likely to be victimized by their peers.<sup>8</sup> [If you have housed a young trans person according to their gender identity and no issues arose, please note that.] If [organization] had to turn away a TNGD young person in [area], they would [have to travel a long distance/be unable to access shelter at all]. [Feel free to share how you and/or your coworkers would be affected by having to turn vulnerable young people away. If you have permission and/or are able to anonymize a story from a young person, this would be the place to share that information.]

Under the Proposed Rule, facilities would be able to “require reasonable assurances or evidence to establish a person's sex,” with no limitations about age or vulnerability. [Note if your program requires any verification of other facts disclosed during intake, if any, and emphasize how

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<sup>4</sup> Soon Kyu Choi et al., *Serving our Youth 2015: The Needs and Experiences of Lesbian, Gay, Bisexual, Transgender, and Questioning Youth Experiencing Homelessness*, The Williams Inst., 5 (2015), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Serving-Our-Youth-Update-Jun-2015.pdf>

<sup>5</sup> Deborah Coolhart & Maria T. Brown, *The need for safe spaces: Exploring the experiences of homeless LGBTQ youth in shelters*, 82 *Children and Youth Serv. Rev.* 230, 230-38 (2017), <https://doi.org/10.1016/j.childyouth.2017.09.021>.

<sup>6</sup> Matthew Morton et al., *Voices of Youth Count Comprehensive Report: Youth Homelessness in America*, HUD's Off. of PD&R, 211 (2018), <https://www.huduser.gov/portal/sites/default/files/pdf/Voices-of-Youth-Report.pdf>

<sup>7</sup> Cameron Deal, Riya D. Dashi & Gilbert Gonzales, *Gender Minority Youth Experiencing Homelessness and Corresponding Health Disparities*, 72(5) *J. of Adolescent Health* 763, 763–69 (2023), <https://doi.org/10.1016/j.jadohealth.2022.11.229>.

<sup>8</sup> Alyssa L. Norris & Lindsay M. Orchowski, *Peer Victimization of Sexual Minority and Transgender Youth: A Cross-Sectional Study of High School Students*, 10(2) *Psychol. Violence* 201, 201-11 (2020), <https://doi.org/10.1037/vio0000260>.

important it is for youth to feel as safe as possible during the intake process. Discuss how this clause would be contrary to your policy, developmentally inappropriate, and would violate any ethics requirement as applicable. If placing a youth inconsistent with their identity would cause you to violate state law or municipal ordinance, please share that.] We are concerned that this rule would allow facilities to search or otherwise visually verify the unclothed bodies of young people attempting to access services. This “evidence” would be incredibly inappropriate for a facility to seek, especially considering the high rates of sexual abuse and assault experienced by TNGD youth<sup>9</sup> and youth experiencing homelessness.<sup>10</sup> [If you have permission and/or are able to anonymize a young person’s story, this would be a good place to share that information.]

In conclusion, the Proposed Rule will harm the vulnerable youth [organization] serves. If HUD dismantles the Equal Access Rule, TNGD youth across the country will be forced to experience homelessness without the help of programs designed to serve them. Thank you for your time and attention.

Sincerely,

[Your Name]

[Your Organization]

[Your Contact Information]

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<sup>9</sup> *Sexual Violence and Suicide Risk among LGBTQ+ Young People*, The Trevor Project (Mar. 27, 2024), <https://www.thetrevorproject.org/research-briefs/sexual-violence-and-suicide-risk-among-lgbtq-young-people/>.

<sup>10</sup> Diane Santa Maria et al., *Gaps in Sexual Assault Health Care Among Homeless Young Adults*, 58(2) *Am J. Prev Med* 191, 195 (2022), <http://doi.org/10.1016/j.amepre.2019.09.023>.