



PROPOSED RULE CHANGES BY HUD

MAY 2019

The Department of Housing and Urban Development and Secretary, Ben Carson have proposed a [rule](#) which will modify the Equal Access Rule. The modification will allow federally funded shelters to deny people admission on the basis of their gender identity. The proposed rule was developed in the name of providing greater flexibility for shelter staff when making decisions about individuals who may misrepresent their sex to access sex-specific shelters.

As outlined in the Continuum of Care Policies, All Home, the Seattle/King County Continuum of Care lead, is committed to ensuring all people, regardless of actual or perceived sexual orientation or gender identity have access to the needed homeless housing and emergency services for which they are eligible. All Home will not be revising the Continuum of Care Interim Policies to align with any proposed change that promotes discrimination, perpetuates disproportionality, or would otherwise harm and further traumatize the most vulnerable members of our community.

LGBTQ+ youth are more than twice as likely to experience homelessness as their non-LGBTQ+ peers, and black LGBTQ+ youth experience the highest rates of homelessness (Center for American Progress). “Transgender people, particularly black trans women, are more at grave risk of violence and discrimination, including when accessing emergency shelter,” (Robin Maril, associate legal director of the Human Rights Campaign). In Washington State, 37% of respondents of the 2015 U.S. Transgender Survey have experienced homelessness at some point in their lives. Another 26% experienced some form of housing discrimination in the previous year because of being transgender, and 33% of respondents who experienced homelessness in the past year avoided staying in a shelter because they feared being mistreated as a transgender person. Survey respondents also reported being denied equal treatment or service, were verbally harassed, or physically attacked at many places of public accommodation.

Here in King County, 23% of the 2019 Count Us In Survey respondents (part of the annual Point-in-Time Count - an annual count of people experiencing homelessness) identified as LGBTQ+, compared to only 4.8% of the general population living in the Seattle-Tacoma-Bellevue region (2015 Gallup U.S. Daily survey). Over one-third (34%) of unaccompanied youth and young adults under 25 years old identified as LGBTQ+, compared to 20% of all other survey respondents.

It is indefensible to perpetuate discrimination for the most vulnerable people in our community in the name of safety, when those targeted by the proposed rule are at the greatest risk of harm. Further, citing examples that serve as the exception as opposed to the norm is to ignore the real needs of our transgender and gender non-conforming neighbors who are disproportionately impacted by homelessness. To this end, we will continue to ensure equal access to housing and services without discrimination which is also aligned with [Washington State](#), [King County](#) and [City of Seattle](#) ordinances to prohibit discrimination against people identifying as transgender in both housing and public accommodations, including emergency shelter.

For more information:

- Proposed Rule: <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201904&RIN=2506-AC53>
- [24 CFR Part 5, § 5.100- § 5.106](#) (The rule begins on page 20 of the Equal Access Rule document)
- All Home [Interim Continuum of Care Policies](#) (Equal Access Rule: Page 48)
- [HUD's Equal Access Rule: What It Is, What's Changed, and What You Need to Know](#) (National Alliance to End Homelessness Webinar)

All Home will be announcing a learning opportunity on the Equal Access Rule in the coming weeks. Sign up for our [newsletter](#) to find out more.

The Department of Housing and Urban Development is also proposing a rule which will effectively displace approximately 25,000 families and 55,000 children residing in Public Housing. This [rule](#) specifies that individuals who are not in eligible immigration status may not serve as a leaseholder, even as part of a “mixed family” whose assistance is prorated based on the percentage of members with eligible status.

This proposed rule is incongruent with our Continuum of Care policies and values. The purpose of a homeless response system is to ensure there are safe housing options for all people experiencing homelessness and excluding any households in those efforts is in direct conflict with those goals.

We are working closely with our partners at King County and Seattle Housing Authorities to track local action and the progress of this proposed rule change.

For more information:

- Proposed rule: <https://www.regulations.gov/docket?D=HUD-2019-0044>