

June 29, 2026

SUBMITTED VIA WWW.REGULATIONS.GOV

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

**Re: Comment on HUD's Equal Access to Housing in HUD Programs Revisions
Proposed Rule; Docket No. FR-6518-P-01**

To Whom It May Concern:

We write to you on behalf of the National Network to End Domestic Violence and the undersigned in opposition to the Department of Housing and Urban Development's ("HUD") proposed rule on "Equal Access to Housing in HUD Programs Revisions," published in the Federal Register on April 28, 2026 ("Proposed Rule").

NNEDV is a national nonprofit organization that represents the 56 state and U.S. territorial coalitions against domestic violence, more than 2,500 domestic violence programs, and the millions of survivors they serve every year. NNEDV works closely with its members to understand the ongoing and emerging needs of domestic violence victims and advocacy programs. NNEDV makes sure those needs are heard and understood by policymakers at the national level. NNEDV also provides technical assistance and training across the nation on housing-related implementation of funding from many federal agencies including HUD, Violence Against Women Act (VAWA), and Family Violence Prevention Services Act (FVPSA). NNEDV is joined by the undersigned organizations, who strongly support full and equal access to shelter for all survivors of violence, regardless of gender identity or sexual orientation

Protecting access to shelter and housing for all survivors of domestic violence and sexual assault, regardless of sexual orientation or gender identity, is necessary and central to HUD's mission. Advocates for survivors have long supported full and equal access to housing and shelter for the LGBTQIA+ community, including transgender survivors, and have rejected the false and harmful claims that allowing transgender people to access spaces consistent with their gender identity threatens the safety or privacy of survivors.¹ We further reject the false and harmful claims that allowing transgender people to access sex-separate spaces consistent with their gender identity threatens the safety or privacy of survivors. HUD's Proposed Rule would

¹ National Task Force to End Sexual and Domestic Violence, *National Statement in Support of Full and Equal Access for the Transgender Community from Anti-Sexual Assault and Domestic Violence Organizations*, Oct. 30, 2024, <https://www.4yawa.org/ntf-action-alerts-and-news/2024/10/30/national-statement-in-support-of-full-and-equal-access-for-the-transgender-community-from-anti-sexual-assault-and-domestic-violence-organizations>; National Task Force to End Sexual and Domestic Violence, *Statement on Housing and Urban Development (HUD) Rollback on Equal Access Rule Protections*, July 2, 2020 [Statement on Housing and Urban Development \(HUD\) Rollback on Equal Access Rule Protections — NTF](#).

threaten the safety and well-being of survivors and result in untenable costs and burdens on service providers, advocates, and communities across the country. We respectfully urge HUD to withdraw its Proposed Rule and preserve the existing Equal Access Rule for the reasons below.

I. HUD’s Proposed Rule Would Undermine the Safety and Wellbeing of Survivors of Domestic Violence and Sexual Assault.

For nearly a decade, HUD’s existing Equal Access Rule has ensured that survivors of domestic violence and sexual assault, regardless of sexual orientation or gender identity, can safely access emergency shelter and housing. These protections are critical and often life-saving, as the lack of safe and affordable housing options is regularly reported as a major barrier to escaping abuse.² Equal access to safe shelter and housing is particularly important for LGBTQIA+ survivors—and especially transgender people, who face alarming rates of sexual and domestic violence and are at increased risk of trafficking.³ Without safe or accessible housing options, LGBTQIA+ survivors will be forced to live on the street or in unsafe living situations where they are susceptible to further violence and victimization.

Despite these threats, the Proposed Rule would remove important protections against discrimination based on actual or perceived sexual orientation and gender identity. Moreover, the Proposed Rule would effectively require single-sex shelter providers to discriminate based on sex assigned at birth and allow providers to “require reasonable assurances or evidence to establish a person’s sex.” These changes would jeopardize access to shelter for survivors, and especially transgender, nonbinary, and gender-nonconforming survivors, who may be unjustly turned away from shelters based on actual or perceived gender identity. The Proposed Rule also fails to explain how providers are expected to determine or verify an individual’s “sex” in practice. Requiring programs to make such determinations raises serious concerns about privacy and the potential for arbitrary or discriminatory decision-making. Providers may feel pressured to request identity documents that do not reflect a person’s gender identity (or that survivors may not have because of their circumstances), ask invasive questions about an individual’s body or medical history, or rely on subjective assumptions and stereotypes based on appearance, voice, mannerisms, or stereotypes about how different genders ‘should’ look or behave. Such practices are fundamentally inconsistent with trauma-informed, survivor-centered approaches to service delivery and risk causing additional harm to survivors seeking safety.

The Proposed Rule could have a chilling effect on all survivors – regardless of gender identity or sexual orientation – from seeking shelter out of fear that they or their family members may be subjected to invasive questioning or scrutiny to verify their sex assigned at birth. The harms of the Proposed Rule would also extend beyond LGBTQIA+ survivors themselves. Many survivors seeking shelter are parents attempting to secure safety not only for themselves, but also for their

² National Network to End Domestic Violence, *The Impact of Safe Housing on Survivors of Domestic Violence*, https://nnedv.org/spotlight_on/impact-safe-housing-survivors/.

³ Jennifer L. Truman, Ph.D., and Rachel E. Morgan, Ph.D., *Violent Victimization by Sexual Orientation and Gender Identity, 2017-2020*, U.S. Dep’t of Justice (June 2022), <https://bjs.ojp.gov/document/vvsogi1720.pdf>; Sarah M. Peitzmeier et al., *Intimate Partner Violence in Transgender Populations: Systemic Review and Meta-analysis of Prevalence and Correlates*, *Am. J. Pub. Health* (Sept. 2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC7427218/>; Polaris Project, *Unique Obstacles Put Transgender People At Risk of Trafficking*, Mar. 10, 2017, [Unique Obstacles Put Transgender People At Risk of Trafficking - Polaris](https://www.polarisproject.org/unique-obstacles-put-transgender-people-at-risk-of-trafficking/).

children. Survivors who have children who are transgender, nonbinary, or otherwise identify as LGBTQIA+ may reasonably fear that their child will face discrimination, invasive questioning, or exclusion in shelter settings as a result of the Proposed Rule. Faced with these concerns, some survivors may decide not to seek shelter at all rather than risk subjecting their child to stigma, mistreatment, or separation from family members during an already traumatic time. For a parent fleeing abuse, the decision to leave an unsafe situation is often shaped by concerns about their children's wellbeing. Any policy that creates uncertainty about whether all members of a family will be treated with dignity and respect in shelter settings undermines survivors' ability to access safety. Rather than expanding pathways to protection, the Proposed Rule risks creating additional barriers that could prevent survivors and their children from obtaining life-saving shelter and services.

In addition, the Proposed Rule may impose increased costs and burdens on service providers, who have long relied on the existing Equal Access Rule in carrying out their programs and who may now be forced to change existing policies and practices or face losing federal funding. Reducing shelter options for transgender, nonbinary, and gender-nonconforming survivors would also put an increased demand for services on other providers, who are chronically underfunded and already struggle with limited resources.⁴

II. The Proposed Rule Conflicts with Existing Nondiscrimination Protections, Including Those Codified in the Violence Against Women Act.

By removing nondiscrimination protections based on gender identity and sexual orientation, HUD's Proposed Rule would conflict with existing statutory and regulatory requirements, including those codified in the Violence Against Women Act ("VAWA"). Since 2013, VAWA has prohibited discrimination on the basis of actual or perceived sex, gender identity, or sexual orientation, while permitting the consideration of an individual's sex only if sex segregation or sex-specific programming is "necessary to the essential operation of a program."⁵ Even then VAWA requires that individuals who are denied access to sex segregated facilities or sex-specific programming must be provided with "comparable services" in order for the grantee to maintain compliance with VAWA's nondiscrimination mandate.⁶

HUD's Proposed Rule – including its requirement for single-sex programs to consider sex assigned at birth and its removal of "gender identity" and "sexual orientation" from its regulations governing "Protection for Victims of Domestic Violence, Sexual Assault, or Stalking" – would not only conflict with VAWA's statutory language, but also result in significant costs and burdens for providers who would be forced to navigate these conflicting obligations or even be chilled from seeking certain funding opportunities.

The Proposed Rule may also conflict with requirements under the Family Violence Prevention and Services Act ("FVPSA"), which requires that services provided by FVPSA-funded programs

⁴ See, e.g., Emily Wright and Claire Ponder Selib, *Cutting Federal Funding for Victim Service Providers Jeopardizes Americans' Safety*, Urban Wire (Mar. 31, 2025), <https://www.urban.org/urban-wire/cutting-federal-funding-victim-service-providers-jeopardizes-americans-safety>.

⁵ 34 U.S.C. § 12291(b)(13)(A).

⁶ 34 U.S.C. § 12291(b)(13)(B).

be voluntary. Under FVPSA, programs may not place conditions on a survivor's receipt of shelter or supportive services beyond those permitted by law. By authorizing providers to require "reasonable assurances or evidence" to establish a person's sex before permitting access to shelter, the Proposed Rule creates a significant risk that providers will interpret these provisions as allowing them to impose additional prerequisites for admission. Such requirements could function as conditions on access to emergency shelter and services, creating confusion regarding providers' obligations under federal law and potentially placing FVPSA-funded programs in the untenable position of attempting to reconcile conflicting requirements. Survivors should not be forced to satisfy invasive or burdensome demands in order to access safety, and providers should not be required to navigate inconsistent federal directives when responding to individuals in crisis.

Conclusion

Providing equal access to shelter and housing helps to ensure the safety, well-being, and autonomy of all survivors, regardless of gender identity or sexual orientation. Reducing shelter and housing options is not only harmful to these populations but is counterproductive to the work of ending homelessness. We respectfully request that HUD immediately withdraw the Proposed Rule and preserve its existing Equal Access Rule. Thank you for your consideration.

Sincerely,

National Network to End Domestic Violence
A Way Out
Abuse and Rape Crisis Center
Advocacy Center of Tompkins County
Alabama Coalition Against Domestic Violence
Alliance of Tribal Coalitions to End Violence
Amani Community Services
ARCC
Arizona Coalition to End Sexual and Domestic Violence
Artemis Center
Asian Pacific Institute on Gender-Based Violence
Asian Services In Action
Auglaize County Crisis Center
Barren River Area Safe Space, Inc.
Beyond Survival
Blackburn Center
California Partnership to End Domestic Violence
Centre Safe
Citizens Against Physical, Sexual, and Emotional Abuse, Inc. (CAPSEA)
Coalition on Human Needs
Community Solutions
Crime Victim Services, Inc.
Crisis Center North
Crisis Intervention Services

CT Coalition Against Domestic Violence
DC Coalition Against Domestic Violence
DeafPhoenix
Diverse & Resilient
Domestic Abuse Project of Delaware County, Inc
Domestic Violence Intervention of Lebanon County
Domestic Violence Services of Southwestern Pennsylvania
Empower Tehama
End Domestic Abuse WI
Esperanza United
FORGE
GA Coalition Against Domestic Violence
HAVEN
Hope's Door
Huntingdon House
Illinois Accountability Initiative
Illinois Coalition Against Domestic Violence
Indiana Coalition Against Domestic Violence
Iowa Coalition Against Domestic Violence
Journey Center for Safety and Healing
Kansas Coalition Against Sexual & Domestic Violence
Lumina Alliance
Lutheran Settlement House
Maine Coalition to End Domestic Violence
Maryland Network Against Domestic Violence
Missions Inc. Programs
Montana Coalition Against Domestic & Sexual Violence
National Organization for Women, Hollywood Chapter
NC Coalition Against Domestic Violence
Nevada Coalition to End Domestic and Sexual Violence
New Mexico Coalition Against Domestic Violence
New York State Coalition Against Domestic Violence
Ni-ta-née NOW (Centre County PA)
Ohio Domestic Violence Network
Oregon Sexual Assault Task Force
PA Religious Coalition for Reproductive Justice
Pennsylvania Coalition Against Domestic Violence (PCADV)
Respect Together
Rhode Island Coalition Against Domestic Violence
Safe Journey
Safe Monroe
Schuylkill Hope Center for Victims of Domestic Violence
Sexual Violence Center
Standpoint
Sullivan County Victim Services
Tahirih Justice Center

Texas Council on Family Violence
The Center for Child and Family Advocacy
The Center for Family Safety and Healing
The Lighthouse, Inc.
The Women's Center, Inc. of Columbia/Montour
The Women's Community
Transitions of PA
Transitions, Inc.
Tri-County Help Center, Inc.
Utah Domestic Violence Coalition
ValorUS
Victim Services Inc.
Violence Free
Violence Free Minnesota
Washington State Coalition Against Domestic Violence & Sexual Assault
Wisconsin Coalition Against Sexual Assault
Women Against Abuse
Women's Center & Shelter of Greater Pittsburgh
Women's Services Inc.
WRC
Wyoming Coalition Against Domestic Violence and Sexual Assault
YWCA McLean County
YWCA of Glendale and Pasadena
YWCA USA
YWCA York