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SUBMITTED VIA WWW.REGULATIONS.GOV

Tonia Moultry-Pace
Interim President & CEO
National Network to End Domestic Violence
1325 Massachusetts Ave NW
Washington, DC 20005

**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:

Thank you for the opportunity to provide comments on the Department of Housing and Urban Development's (HUD) Equal Access to Housing in HUD Programs Revisions Proposed Rule; Docket No. FR-6518-P-01.

The National Network to End Domestic Violence (NNEDV) submits this comment in strong opposition to the aforementioned Proposed Rule from HUD.

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 in close partnership with its members to identify the evolving needs of survivors and the programs that serve them. NNEDV elevates those experiences and priorities to inform federal policymakers and strengthen national policy responses. In addition, NNEDV provides training and technical assistance nationwide on housing and shelter issues, including implementation of federal funding and programs administered through the Department of Housing and Urban Development (HUD), the Violence Against Women Act (VAWA), and the Family Violence Prevention and Services Act (FVPSA).

This proposed rule would undermine longstanding protections that have allowed survivors to access HUD-funded housing without discrimination, create conflicts with existing federal law and regulations, and make it more difficult for providers to deliver trauma-informed services.

We respectfully urge HUD to withdraw the Proposed Rule and maintain the current Equal Access Rule.

I. The Equal Access Rule Provides Critical Protections for Both Domestic Violence and Sexual Assault Survivors and Providers Who Serve Them.

NNEDV has long supported policies that ensure every survivor can safely access shelter and housing without discrimination. Safe housing is one of the most critical needs identified by survivors fleeing abuse, and federal policies should remove—not create—barriers to accessing those life-saving services.

The Equal Access Rule (EAR) has played an important role in ensuring that HUD-funded housing and shelter programs are accessible regardless of a person's sexual orientation, gender identity, or marital status. By establishing clear, consistent nondiscrimination protections, the EAR has provided certainty for both survivors seeking safety and the providers responsible for delivering housing and shelter services. It has helped ensure that families can remain together, that transgender survivors are able to access shelter consistent with their gender identity, and that providers can focus on meeting survivors' needs rather than navigating inconsistent eligibility standards.

The EAR also aligns with federal protections and legal requirements established under the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA), core federal programs that fund domestic violence and sexual assault services across the country. VAWA protections ensure access to services regardless of sex and explicitly prohibits discriminating against survivors based on their sexual orientation and gender identity. EAR protects universal access to HUD resources, whether it's keeping a family united with their teenage son or protecting access to life-saving resources for a transgender person. This means that both shelter and housing programs, as well as survivors, have clear guidance and expectations under the law.

HUD asserts the Proposed Rule is intended to protect women in shelter settings. However, there is no evidence of increased harm or compromised safety to women in shelters since the implementation of the Equal Access Rule. Nondiscrimination laws protecting transgender people have existed for almost fifty years. Over 200 municipalities and 18 states have nondiscrimination laws protecting transgender people's access to facilities consistent with their affirmed gender. These laws have protected transgender and nonbinary people from discrimination without any evidence that they jeopardize others' safety. No jurisdiction has seen a rise in sexual violence or other public safety issues due to these nondiscrimination laws.

Spreading anti-transgender rhetoric, however, increases harm to a vulnerable community that already experiences high rates of physical and sexual violence. Transgender and nonbinary individuals already suffer higher risks of domestic violence and sexual assault resulting from discrimination, stigma, and barriers to financial and housing security they endure. Prohibiting people from facilities consistent with their affirmed gender further increases their vulnerability to assault and abuse.

The Equal Access Rule has provided a consistent and effective framework for ensuring HUD-funded programs remain accessible to all survivors while allowing providers to focus on their primary mission: helping survivors achieve safety, stability, and long-term housing security. HUD should preserve these longstanding protections rather than replace them with a framework that creates confusion, increases barriers to services, and places survivors at greater risk.

II. HUD's Proposed Rule Would Undermine the Safety and Well-being of Survivors of Domestic Violence and Sexual Assault.

Access to safe shelter and housing is essential for all survivors of domestic violence and sexual assault, including LGBTQIA+ survivors. NNEDV's annual survey consistently finds that safe,

accessible housing is one of the greatest unmet needs facing survivors. For example, NNEDV's 20th Annual Domestic Violence Counts Report found that in just one day of 2025 over 8,100 requests from survivors for emergency shelter, transitional housing, and other safe housing went unmet.¹ The challenge of finding safe housing is particularly severe for transgender, nonbinary, and gender-nonconforming survivors, who experience disproportionate high rates of domestic violence, sexual assault, housing instability, homelessness, and discrimination. Removing existing protections would only deepen these barriers, increasing the likelihood that survivors will remain in unsafe situations or be unable to access life-saving shelter when they need it most.

The consequences of the Proposed Rule extend beyond transgender survivors alone. Policies that require providers to scrutinize a person's sex assigned at birth or make subjective determinations about who belongs in a shelter undermine the trust that is fundamental to survivor-centered services, and run afoul to legal requirements that prohibit such actions. This creates uncertainty for providers, discourages survivors from seeking help, and weakens the coordinated federal framework that has supported access to housing and shelter for years.

The Proposed Rule would dismantle longstanding protections against discrimination based on actual or perceived sexual orientation or gender identity. It would also effectively require providers to discriminate based on sex assigned at birth and require providers to seek "reasonable assurances or evidence" to determine an individual's sex. In practice, this creates an unworkable and deeply harmful standard for providers while introducing significant barriers for survivors who are simply trying to access safety.

The Proposed Rule offers no meaningful guidance regarding how providers are expected to determine or verify an individual's sex. Domestic violence and sexual assault providers are neither equipped nor appropriate entities to make such determinations. Programs could feel compelled to request identity documents that many survivors do not possess, particularly after fleeing abuse, or documents that do not accurately reflect a person's gender identity. Staff may instead rely on subjective judgments based on appearance, voice, mannerisms, or other gender stereotypes, creating inconsistent and discriminatory outcomes while exposing survivors to humiliating and invasive questioning during one of the most vulnerable moments of their lives.

These requirements fundamentally conflict with the trauma-informed principles that guide victim services. Survivors come to shelter seeking safety, dignity, and support, not scrutiny over their bodies, identities, or personal documents. Policies that force providers into the role of policing gender identity undermine the trusting relationships that are essential to providing lifesaving services and create additional trauma for survivors who have already experienced violence and abuse.

The Proposed Rule's harmful effects would not be limited to transgender survivors. Creating uncertainty about whether survivors will be questioned, required to produce documentation, or subjected to invasive inquiries before receiving services is likely to discourage many people from seeking shelter altogether. Survivors may reasonably fear that they or their family members will face discrimination or mistreatment during the intake process and may instead choose to

¹Link: <https://nnedv.org/about-us/dv-counts-census/>

remain in dangerous situations rather than risk being turned away or subjected to degrading treatment.

These concerns are particularly significant for survivors with children. Many survivors fleeing abuse are making decisions not only for themselves but also for their families. Parents of transgender, nonbinary, or LGBTQIA+ children may be unwilling to seek shelter if they believe their child could face discrimination, invasive questioning, exclusion, or family separation. Policies that create uncertainty about whether every member of a family will be welcomed and treated with dignity make it harder—not easier—for survivors to escape abuse safely.

The Proposed Rule would also place significant burdens on domestic violence and sexual assault programs. For years, providers have relied on the existing Equal Access Rule to create policies that focus on survivor safety and healing rather than identity verification. Reversing these protections would require programs to revise policies, retrain staff, navigate uncertainty about compliance, and develop procedures for making determinations they are neither qualified nor intended to make. These administrative burdens would divert already limited resources away from providing life-saving services, all while jeopardizing core VAWA and FVPSA funding that prohibits such discrimination.

At the same time, reducing access to shelter for transgender, nonbinary, and gender-nonconforming survivors will not reduce the need for services—it will simply shift that need elsewhere. Providers across the country are already operating with limited capacity and insufficient resources to meet the overwhelming demand for shelter and housing assistance. Any policy that excludes survivors from one program increases pressure on other community providers while leaving many survivors with nowhere safe to turn.

NNEDV is deeply concerned that the Proposed Rule would make it more difficult for survivors to access life-saving shelter and housing, undermine trauma-informed service delivery, increase administrative burdens on providers, and ultimately place more survivors at risk of continued violence and homelessness. Rather than strengthening survivor safety, the Proposed Rule creates new barriers to protection and is inconsistent with HUD's mission of expanding access to safe, stable housing.

III. The Proposed Rule Conflicts with Existing Nondiscrimination Protections, Including Those Codified in the Violence Against Women Act (VAWA).

NNEDV is deeply concerned that HUD's Proposed Rule would create significant conflicts with existing statutory and regulatory requirements that govern domestic violence and sexual assault services, resulting in uncertainty for providers and creating unnecessary barriers for survivors seeking safety.

For more than a decade, victim service providers have implemented the nondiscrimination protections established under the Violence Against Women Act (VAWA), which expressly prohibits discrimination on the basis of actual or perceived sex, sexual orientation, and gender identity. VAWA permits sex-segregated programming only in limited circumstances when necessary to the essential operation of a program, while requiring that individuals who cannot

access those services be offered comparable services in order for the grantee to maintain compliance with VAWA's nondiscrimination mandate. Domestic violence and sexual assault programs have built policies, trained staff, and developed practices around these longstanding federal requirements.

HUD's Proposed Rule moves in the opposite direction. By removing protections based on gender identity and sexual orientation and directing single-sex programs to make determinations based on sex assigned at birth, the Proposed Rule creates an apparent conflict with VAWA's nondiscrimination requirements. Rather than providing clarity, it leaves providers to navigate inconsistent federal expectations regarding who may access services and under what circumstances. Programs should not have to choose between complying with one federal funding requirement and risking noncompliance with another.

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 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.

NNEDV regularly provides training and technical assistance to domestic violence coalitions and local programs on implementing federal housing and victim services requirements. Our experience shows that providers rely on consistent federal guidance to develop policies, train staff, and ensure survivors receive access to services. Introducing conflicting standards across federal programs will create confusion, increase administrative burdens, and require substantial additional technical assistance at a time when providers are already operating with limited capacity and resources. The Proposed Rule will undermine the coordinated federal framework that victim service providers have relied upon for years and be forced to navigate these conflicting obligations or even be chilled from seeking certain funding opportunities.

Conclusion

For decades, the Equal Access Rule has provided providers with a clear framework for ensuring survivors can access safe housing without discrimination. Replacing that framework with one that creates uncertainty, invites discrimination, and conflicts with existing federal statute and regulations would undermine survivor safety and place unnecessary burdens on victim service providers. NNEDV respectfully urges HUD to withdraw the Proposed Rule and preserve the existing Equal Access Rule.

Sincerely,

A handwritten signature in cursive script that reads "Tonia Moultry-Pace". The signature is written in a dark ink and is positioned below the word "Sincerely,".

Tonia Moultry-Pace
Interim President & CEO