



National Association of Housing and Redevelopment Officials

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June 29, 2026

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

Re: Equal Access to Housing in HUD Programs Revisions [FR-6518-P-01]

To Whom It May Concern:

On behalf of the National Association of Housing and Redevelopment Officials (NAHRO), I offer the following comments in response to HUD's proposed rule, "Equal Access to Housing in HUD Programs Revisions."

Established in 1933, NAHRO is a membership organization of 26,000 housing and community development providers and professionals throughout the United States. Our members create and manage affordable housing for low- and middle-income families and support vibrant communities that enhance the quality of life for all. NAHRO members administer more than 3 million homes for more than 8 million people.

Background

Over the past decade, several changes have been made to the rule regarding Equal Access to Housing in HUD Programs. In 2012, the final rule titled "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity," made changes to ensure that HUD-assisted housing or FHA-insured housing programs were open to all eligible families and individuals "without regard to actual or perceived sexual orientation, gender identity, or marital status." The rule provided several new definitions, most notably it defined gender identity and sexual orientation and it prohibited eligibility determinations based on actual or perceived sexual orientation, gender identity, or marital status.

Sean Gilbert, PHM, SPHM, NCC, NAHRO Fellow, President; **Ivory Mathews**, Senior Vice President; **Marsha Parham-Green, CME, CPHM, CSI-HQS**, Vice President - Budget & Administration; **Joe Grisson, NCC**, Vice President - Commissioners; **Taryl Bonds**, Vice President - Community Revitalization & Development; **Angie Garcia-Nguyen**, Vice President - Housing; **Lisa Baker**, Vice President - International Research and Global Exchange; **Beverly Banks**, Vice President - Member Services; **Diane Cohen, CME, NCC**, Vice President - Professional Development; **Mark Thiele, C-PHM, CME, CMVO, NCC**, Chief Executive Officer

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After moving forward with the 2012 rule, HUD conducted a review determining that “the 2012 Equal Access Rule did not adequately address the significant barriers faced by transgender and gender nonconforming persons when accessing temporary, emergency shelters and other facilities with physical limitations or configurations that require and are permitted to have shared sleeping quarters or bathing facilities.” They found that transgender and gender nonconforming persons continued to experience significant violence, harassment, and discrimination in attempting to access programs, benefits, services, and accommodations. In a session conducted by the U.S. Interagency Council on Homelessness (USICH), service providers reported that individuals who identify as transgender were often discriminatorily excluded from shelters or faced dangerous conditions in the shelters that correspond to their sex assigned at birth. Comments to the 2012 rule noted that fear of discrimination and physical danger was so severe that transgender shelter-seekers would rather live on the streets than a shelter designated for the sex they were assigned at birth.

In 2016, HUD expanded on the rule updating it to add Community Planning and Development (CPD)-assisted programs, which include Homelessness Assistance Grants (Continuum of Care program, Emergency Solutions Grants, Youth Homelessness Demonstration Program). It also amended HUD's definition of “gender identity” to more clearly reflect the difference between actual and perceived gender identity and eliminated the prohibition on inquiries related to sexual orientation or gender identity, so that service providers could stay in compliance with the rule. These changes provided greater protections to LGBTQ+ individuals who faced and may still face discrimination when seeking shelter or housing assistance due to homelessness.

Since 2020, there has been a back and forth between changing administrations regarding this issue. In 2020, under the Trump administration, HUD proposed changes to the 2016 rule that would allow shelter providers to deny admission or access to services consistent with an individual’s gender identity, however the rule was never finalized. Under the Biden administration, these proposed changes were withdrawn.

Today, the proposed changes seek to remove prohibitions on service providers from seeking information to confirm the sex of applicants. This would preempt any conflicting state or local laws, non-compliance, and violations of said requirements to be subject to applicable penalties, including loss of federal funding. Additionally, it would remove references to “gender” and “gender identity” from HUD regulations or replace them with “sex.”

General Comments

The proposed rule changes have the potential to create a number of negative impacts that will result in the displacement of individuals experiencing or at risk of homelessness. NAHRO opposes any effort that would create discriminatory barriers preventing individuals from housing and or shelter and cause future homelessness. According to the 2025 Annual Homelessness Assessment Report (AHAR) to Congress, HUD estimated that there were 745,652 people experiencing homelessness on a single night—a 3% decrease from 2024. While this is a decrease, this is the second largest recorded number of people experiencing homelessness since reporting began in 2007.

Since the COVID-19 pandemic, homelessness has reached unprecedented levels. Many driving factors of this rise include housing affordability/supply challenges, increasing financial constraints, and natural disasters. While HUD has emphasized their commitment to ensure safe shelter environments for women and freedom of religion, this focus should not outweigh safety for all people. There should be a balance that makes all people feel safe, while increasing housing opportunities for all. The proposed changes should not assist in displacing individuals from existing shelters nor prevent future placement into shelters.

Conclusion

The National Association of Housing and Redevelopment Officials supports ways to decrease homelessness and expand housing opportunities for all. We recommend that HUD find ways to achieve this without risking displacement or physical danger of individuals (as described in HUD's review of the 2012 rule), which could be a direct result of HUD's proposed changes.

NAHRO appreciates the opportunity to comment on this topic and implores HUD to further assess the proposed changes.

Sincerely,

A handwritten signature in black ink that reads "Steven Molinari". The signature is written in a cursive, flowing style.

Steven Molinari
Policy Analyst