



September 22, 2020

submitted via www.regulations.gov

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

Re: HUD Docket No. FR-6152-P-01, RIN 2506-AC53 Comments in Response to Proposed Rulemaking: Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs

Dear Office of General Counsel:

We are writing as individuals and on behalf of the organizations listed below in response to the Department of Housing and Urban Development's (HUD) proposed rule change published in the Federal Register on July 24, 2020 (RIN 2506-AC53; HUD Docket No. FR-6152-P-01) entitled, "Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs." We urge that this proposed rule change be withdrawn in its entirety.

Brave Space Alliance, AIDS Foundation Chicago, and the Chicago Coalition for the Homeless are all organizations dedicated to working with and on behalf of marginalized communities. Brave Space Alliance (BSA) is the first Black-led, trans-led LGBTQ Center located on the South Side of Chicago, dedicated to creating and providing affirming, culturally competent, for-us by-us resources, programming, and services for LGBTQ individuals on the South and West sides of Chicago. BSA strives to empower, embolden, and educate each other through mutual aid, knowledge-sharing, and the creation of community-sourced resources while building toward the liberation of all oppressed peoples. AIDS Foundation Chicago (AFC) mobilizes communities to create equity and justice for people living with and vulnerable to HIV or chronic conditions. AFC envisions a future where people living with HIV or chronic conditions will thrive, and there will be no new HIV cases. Chicago Coalition for the Homeless (CCH) organizes and advocates to prevent and end homelessness, because housing is a human right in a just society. Staffed by public policy specialists, legal aid attorneys, and community organizers, CCH works with those impacted by homelessness or at-risk of homelessness, including families, unaccompanied youth,

people in reentry, and low-wage workers. BSA, AFC, CCH and the below individuals and organizations are calling on HUD to withdraw this proposed rule.

As organizations and individuals living in and around Chicago who support equity, access to care, and the belief that housing is a human right, we know the proposed rule will cause unnecessary and catastrophic harm to our communities. Specifically, we are opposed to this rule and the ways that it will harm transgender people, gender non-conforming people, and people living with or vulnerable to HIV. Additionally, this proposed rule will endanger people in our most marginalized communities at a time when we are facing a global health pandemic due to the novel coronavirus, and the subsequent economic downturn as a result.

We are clear and understand that this targeted attack on transgender and non-binary people does nothing to improve public health or safety for any person experiencing homelessness or housing insecurity. Nearly 1 million people in the United States identify as transgender.¹ Trans people, especially trans women, are at high risk for HIV infection, with evidence suggesting that, in relation to their population size, trans women are one of the groups most affected by HIV in the United States. Stigma against both trans people and people living with HIV causes social alienation and often leads to housing discrimination, ultimately resulting in a greater risk of being unstably housed. In Chicago alone, approximately 5,290 people are without permanent, stable housing.² This number includes disproportionate representation of transgender and gender non-conforming (TGNC) people, as well as people living with or vulnerable to HIV. People living with or vulnerable to HIV and TGNC people in the City of Chicago, the state of Illinois, and all across this country deserve equitable access to services, care, and housing.

We recognize that the proposed rule change is a part of the current administration's ongoing efforts to limit the rights and protections for the LGBTQ+ community, particularly transgender people. This Proposed Rule would strip protections for TGNC people seeking HUD-funded shelter and is rooted in harmful and dangerous stereotypes about transgender persons, particularly transgender women.

HUD's anti-transgender proposal allows temporary, emergency single-sex shelters to ask someone to provide evidence of their sex "based on a good faith belief" that the person seeking shelter is not of the biological sex that the shelter serves. Adopting this "good faith belief" approach, as opposed to simply accepting someone's assertion of their own gender identity, invites sex stereotyping and invasive questioning by program staff.

We believe that moving forward with this proposed rule change in the midst of a global pandemic is particularly egregious and cruel. By limiting access to safe and healthy shelters for transgender persons, HUD's rulemaking will create additional barriers for individuals to safely physically distance and self-isolate.

¹ Meerwijk EL, Sevelius JM. Transgender population size in the United States: a meta-regression of population-based probability samples. *Am J Public Health* 2017 Feb; 107(2):e1-e8

² City of Chicago 2019 Homeless Point-in-Time Count & Survey Report, page 4, https://www.chicago.gov/content/dam/city/depts/fss/supp_info/Homeless/2019PITReportFinal110819.pdf

As we stated above, housing is a human right. For people experiencing homelessness or unstable housing, access to shelters can mean protection from violence, extreme weather conditions, or COVID-19. We urge HUD to immediately withdraw its current rule change proposal and dedicate its efforts to mitigating the current effects that COVID-19 has had on housing stability for not only the LGBTQ+ community but for everyone. The country is in the midst of an economic, health, and housing crisis. The administration should not be devoting scarce agency resources to facilitating discrimination and perpetuating stereotypes.

Thank you for the opportunity to submit comments on the proposed rulemaking. For more information, please do not hesitate to contact Aisha Davis at adavis@aidschicago.org.

Sincerely,

Brave Space Alliance
AIDS Foundation Chicago
Chicago Coalition for the Homeless

Affinity Community Services
All Chicago Making Homelessness History
Alliance to End Homelessness in Suburban Cook County
Alternatives
The ARK
Association for Individual Development (AID)
BEDS Plus Care, Inc.
Broadway Youth Center (BYC)
Center for Housing and Health
Center on Halsted
Chicago House and Social Service Agency
Connections for the Homeless
Covenant House of Illinois
DePaul USA's Chicago Dax Program
EverThrive Illinois
Equality Illinois
EZRA Multi-Service Center
Getting to Zero Illinois
GreaterWorks, Inc.
The Harbour
Heartland Alliance
Illinois Public Health Association
Illinois Public Health Institute
James B. Moran Center for Youth Advocacy
La Casa Norte – Solid Ground

Lakeview Pantry
Legal Council for Health Justice
Mother and Child Alliance
The Night Ministry
North Cook Intermediate Service Center
North Side Housing & Supportive Services
Outlook Academy
Pride Action Tank
Respond Now
Sertoma Centre, Inc.
Shelter, Inc.
Sinai Infectious Diseases Center
Social Action Committee of the Carbondale Unitarian Fellowship
VNA Foundatoin
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