



June 29, 2026

Submitted via www.regulations.gov

Regulations Division, Office of General Counsel
U.S. Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-500

RE: Docket No. FR-6518-P-01; Comments in Response to Proposed Rulemaking on Equal Access to Housing in HUD Programs Revisions

Dear Office of the General Counsel:

The undersigned members of the Consortium for Constituents with Disabilities (CCD) Housing Task Force are writing to respond to the U.S. Department of Housing and Urban Development (HUD)'s Notice of Proposed Rulemaking (NPRM) on Equal Access Rule Revisions.

CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The Housing Task Force works to ensure that all people with disabilities have safe, stable, accessible, affordable, and integrated housing that enables people to live in communities of their choosing, with full access to home and community-based services and supports.

The CCD Housing Task Force strongly opposes HUD's NPRM. This NPRM seeks to undermine HUD's 2012 and 2016 Equal Access Rules, which ensure equal access to HUD programs for LGBTQ+ individuals. HUD's proposal will especially harm transgender people by requiring HUD-funded shelters to exclude transgender people from single-sex facilities that align with their gender identity. If implemented, the NPRM will reduce access to HUD-funded shelters and housing for LGBTQ+ individuals, many of whom are people with disabilities and/or family members of people with disabilities. People with disabilities already face acute barriers to housing, and this proposal would only create more barriers and more housing insecurity for LGBTQ+ people with disabilities.

The NPRM is an unfounded attack on LGBTQ+ individuals, including people of all ages with disabilities. HUD's proposed rule also violates HUD's duty to affirmatively further fair housing and Section 504 of the Rehabilitation Act. We urge HUD to withdraw this NPRM and retain current regulations protecting equal access for LGBTQ+ individuals in HUD-funded shelters and housing programs.

HUD's NPRM will cause significant harm to LGBTQ+ communities, including LGBTQ+ people with disabilities

LGBTQ+ people face many inequities – including problems accessing housing – as a result of discriminatory policies, practices, and behaviors. Studies show that 17% of people in the LGBTQ+ community experienced homelessness at some point in their lives, and transgender people in particular report even higher rates at 30%.¹ Housing insecurity for LGBTQ+ people, especially trans and gender nonconforming people, is tied to stigma and hostilities against the LGBTQ+ communities. Rampant homophobia and transphobia in families and social circles—as well as discrimination within systems like renting, employment, lending, and healthcare—contribute to the conditions that lead to LGBTQ+ individuals becoming unhoused.

By mandating and allowing discrimination against LGBTQ+ individuals, HUD's proposed rule will only increase these inequities and homelessness. Research has shown repeatedly that LGBTQ+ individuals are driven to prolonged homelessness when encountering shelters and support programs that are actively hostile toward them, are not culturally responsive, or fail to respond when cisgender/heterosexual peers harass LGBTQ+ service seekers.²

HUD's proposed rule will particularly harm LGBTQ+ people with disabilities, who often need access to shelters and affordable housing through HUD programs. The intersection of disability, sexual orientation, and gender identity is clear: 48% of LGBTQ+ people and 70% of transgender people have a disability.³ Research also shows that there is a higher prevalence of LGBTQ+ identity among disabled people with long-term services and supports (LTSS) needs.⁴ Adults with disabilities overall experience poverty at twice the rate as those without a disability – both because people with disabilities are more likely to enter into poverty, and people in poverty are more likely to be born with or acquire a disability.⁵ Therefore, LGBTQ+ people with disabilities are more likely to experience housing insecurity, homelessness, and institutionalization.

HUD's Proposed Rule Will Increase Housing Barriers for People with Disabilities

People with disabilities face significant housing barriers. The major lack of accessible, affordable housing makes it difficult for people with disabilities to move from segregated facilities into the community, and puts many at risk of homelessness. The stark reality is that over 7 million older adults and people with disabilities who rely on Supplemental Security Income (SSI) — with a maximum federal benefit rate of just \$994 per month — cannot afford housing in any U.S. rental market.⁶ Moreover, each year the majority of fair housing complaints involve discrimination based on

¹ National Coalition for the Homeless, "Homelessness Among the LGBTQ Community" (2023), available at <https://nationalhomeless.org/lgbtq-homelessness/>; UCLA Williams Institute, "LGBT People and Housing Affordability, Discrimination, and Homelessness" (April 2020), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Apr-2020.pdf> (page 14).

² See, e.g., Brodie Fraser, et al., "LGBTIQ+ Homelessness: A Review of the Literature" (July 2019), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC6695950/>.

³ Center for American Progress, "The State of Disabled LGBTQ+ People in 2024" (July 2025), available at <https://www.americanprogress.org/article/the-state-of-disabled-lgbtqi-people-in-2024/>.

⁴ Ian Moura, et al., "Prevalence of LGBTQ+ Identity Among People with Disabilities and Long-Term Services and Supports Needs in the United States" (December 2025), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC12723858/>.

⁵ National Disability Institute, "Financial Inequality: Disability, Race, and Poverty in America" (2019), available at <https://www.nationaldisabilityinstitute.org/wp-content/uploads/2019/02/disability-race-poverty-in-america.pdf>.

⁶ Technical Assistance Collaborative, "Priced Out: The Housing Crisis for People with Disabilities," available at <https://www.tacinc.org/resources/priced-out/>.

disability.⁷ Physical or mental health issues also often contribute to homelessness by, for example, leading to loss of employment and income.⁸

HUD programs offering shelter and affordable housing options are a lifeline for low-income LGBTQ+ people with disabilities. As previously discussed, both LGBTQ+ and disabled people face higher risks of homelessness. Additionally, LGBTQ+ people with disabilities are more likely to be renters and rely on housing assistance than their non-LGBTQ+ or non-disabled counterparts. They also report experiencing more discrimination in housing situations.⁹

Yet in addition to mandating and allowing discrimination, HUD's proposed rule will increase administrative barriers for disabled people who are LGBTQ+ and seeking access to HUD programs. Shelters that require people to verify their sex before accessing services may require identification, if not an invasive process. A person in crisis may not have official identification, and documentation requirements have historically presented a barrier for people with disabilities. A significant share of people with disabilities may not have these types of documents, including people who have experienced homelessness and people moving out of institutions. People with disabilities often face more obstacles to accessing proof of identity, including challenges with transportation to government offices and other barriers. For example, some people with disabilities do not drive and are less likely to have state-issued identification. In one national survey, 20% of adults who identified as having a disability did not have a current driver's license, compared to 6% of non-disabled adults.¹⁰ For LGBTQ+ disabled people without ID, HUD's proposed rule will potentially result in denial of services.

HUD's Proposed Rule Violates Its Duty to Affirmatively Further Fair Housing (AFFH)

HUD's proposal violates HUD's statutory duty to administer its programs and activities in a manner that affirmatively furthers fair housing (AFFH). As HUD itself has stated, "[f]rom its inception, the Fair Housing Act...has not only prohibited discrimination in housing related activities and transactions but has also provided, through the duty to affirmatively further fair housing, for meaningful actions to be taken to overcome the legacy of segregation, unequal treatment, and historic lack of access to opportunity in housing."¹¹ For people with disabilities – including those who are LGBTQ+ – communities need to proactively address multiple unique barriers to ensure fair housing. These barriers arise from the interaction of poverty, inaccessibility, a lack of supportive services, and a disability policy system rooted in segregating disabled people from the community mainstream.

⁷ See, e.g., National Fair Housing Alliance, "2025 Fair Housing Trends Report" (November 2025), available at <https://nationalfairhousing.org/resource/2025-fair-housing-trends-report/>.

⁸ UCSF Benioff Homelessness and Housing Initiative, "Toward a New Understanding: The California Statewide Study of People Experiencing Homelessness" (June 2023), available at https://homelessness.ucsf.edu/sites/default/files/2026-04/CASPEH_Report_62023_v4.pdf.

⁹ Center for American Progress, "The State of Disabled LGBTQI+ People in 2024" (July 2025), available at <https://www.americanprogress.org/article/the-state-of-disabled-lgbtqi-people-in-2024/>.

¹⁰ Center for Democracy and Civic Engagement, "Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge" (January 2024), available at <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%202023%20survey%20Key%20Results%20Jan%202024%20%281%29.pdf>.

¹¹ HUD, Affirmatively Furthering Fair Housing Final Rule (2015), available at <https://www.federalregister.gov/documents/2015/07/16/2015-17032/affirmatively-furthering-fair-housing>.

HUD's proposed rule, however, imposes new housing barriers, promotes discrimination, and will reduce housing opportunities for LGBTQ+ people with disabilities.

HUD's Proposed Rule Violates Section 504 of the Rehabilitation Act

Finally, HUD's rule, if finalized, constitutes impermissible disparate treatment against people with gender dysphoria, who qualify as people with disabilities under Section 504. Section 504 prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance or conducted by federal agencies.¹² In *Williams v. Kincaid*, the Fourth Circuit held that the Americans with Disabilities Act (ADA) and Section 504 protect individuals with gender dysphoria.¹³ The Court distinguished gender dysphoria – which is characterized by clinically significant distress felt by some transgender people – from “gender identity disorder,” which is the mere fact of cross-gender identification and explicitly excluded from coverage under the ADA and Section 504.

Under this proposed rule, HUD would require HUD-funded shelter providers to bar transgender people's access to single-sex facilities or spaces when their biological sex does not match the sex served by the facility. Because HUD's proposed rule intentionally discriminates against transgender people, it necessarily discriminates against all people with gender dysphoria. Only transgender people experience gender dysphoria (though not all do), and all people with gender dysphoria are transgender. This proposed rule therefore violates Section 504.

Conclusion

We strongly urge HUD to withdraw this proposed rule and retain current protections for LGBTQ+ individuals, which include people with all types of disabilities nationwide. Thank you for consideration of our comments.

Sincerely,

Autistic Self Advocacy Network
Disability Rights Education and Defense Fund
Justice in Aging
The Kelsey
TDIforAccess
The Arc of the United States

¹² 29 U.S.C. § 794(a).

¹³ *Williams v. Kincaid*, 45 F.4th 759, 779–80 (4th Cir. 2022). This case involved both Section 504 and ADA, with the two statutes providing identical protections with respect to the matters in the case. For simplicity, the court principally analyzed the ADA claim.