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ATTORNEY GENERAL RAOUL URGES FEDERAL GOVERNMENT TO ENSURE EQUAL ACCESS TO SHELTERS, REGARDLESS OF GENDER IDENTITY

AGs Oppose Housing and Urban Development Proposal to Repeal Protections Preventing Shelters from Discriminating Against Transgender & Gender Nonconforming Individuals

Chicago — Attorney General Kwame Raoul led a multistate group of 16 attorneys general in urging the U.S. Department of Housing and Urban Development to rescind its proposal that would prevent transgender and gender nonconforming individuals from having equal access to safe homeless shelters.

[In a letter](#) sent today to Department of Housing and Urban Development (HUD) Secretary Ben Carson, Raoul and the attorneys general argue that HUD's proposal to repeal a 2016 amendment to the Equal Access Rule will compromise the safety of transgender and gender nonconforming individuals staying in homeless shelters. HUD adopted the 2016 amendment after four years of research into transgender and gender nonconforming people's access to shelters and considered the disproportionately high rates of homelessness experienced by transgender youth. According to a survey conducted by the National Center for Transgender Equality, one in three transgender individuals experience homelessness at some point in their lives, and many have had difficulty accessing safe shelters.

"The Equal Access Rule has been successful in helping gender nonconforming and transgender individuals – oftentimes youth – find safe housing in shelters," Raoul said. "HUD's arbitrary proposal is a step backwards and puts people at risk of experiencing discrimination, harassment and violence. This proposal runs counter to HUD's mission of ensuring decent housing for all, and it must not move forward."

In May, Secretary Carson announced HUD would repeal a 2016 amendment to the Equal Access Rule that requires shelters to house and accommodate individuals in accordance with their gender identity. The amendment was crafted to address the high rates of violence, harassment and discrimination many transgender and gender nonconforming individuals experienced in shelters, leading many to sleep on the streets rather than visit shelters that correspond to their sex assigned at birth. Raoul and the coalition argue that repealing the rule is inconsistent with HUD's mission to ensure decent housing for all, and will force more transgender and gender nonconforming individuals to sleep on the streets.

Under HUD's new proposal, shelters that receive federal funds could consider factors the department previously rejected in deciding whether to admit a transgender or gender nonconforming person to a shelter. During the amendment's rulemaking, HUD rejected consideration of shelter providers or residents' religious beliefs serving as a justification for excluding transgender individuals from shelters. HUD determined that the federal government should not fund shelters that refuse to serve all who are in need. In their letter, Raoul and the attorneys general argue that the proposal opens the door to the same discrimination that necessitated the 2016 amendment.

In addition to allowing discrimination, Raoul and the coalition said the rule change will also make shelter access nationwide inconsistent. While many states prohibit discrimination based on gender identity in homeless shelters, many states do not have such protections. Under the proposed rule, access may vary widely between states or from shelter to shelter.

Joining Raoul in submitting the comment letter were the attorneys general from California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Michigan, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and Wisconsin.