

May 6th, 2025

Secretary Scott Turner
U.S. Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410
Via: <https://www.regulations.gov/commenton/HUD-2023-0009-0546>

Re: Docket No. FR-6519-I-01; Affirmatively Furthering Fair Housing Revisions

Dear Secretary Turner:

Howard Brown Health is the largest LGBTQ+ health center in the country, serving more than 40,000 patients across seven clinic locations in Chicago. Howard Brown serves adults and youth in its diverse health and social service delivery system focused around seven major programmatic divisions: primary medical care, behavioral health, research, HIV/STI prevention, youth services, elder services, and community initiatives. As a federally qualified health center, Howard Brown provides services regardless of a patient's ability to pay or insurance status. A majority (58.8%) of Howard Brown's patients identify as LGBTQ+, while 29.9% utilize Medicaid and around 20% are uninsured. As such, many of our patients come from communities that have historically struggled with fair housing access.

The Affirmatively Furthering Fair Housing (AFFH) provision is a provision of the 1968 Fair Housing Act that requires government entities receiving federal funding to take actions to overcome patterns of segregation and foster inclusive communities. Unfortunately, the AFFH provision as originally written was quite vague with no actual evaluation or implementation requirements included. As such, a 2015 AFFH regulation was enacted to greatly strengthen the AFFH and ensure that HUD grantees were considering issues of LGBTQ+ status and race/ethnicity in providing fair access to housing and eliminating discrimination. The 2015 AFFH regulation instituted a much-needed community-centered process to analyze and address systemic racism, homophobia, transphobia, and segregation in our communities. **We urge HUD to immediately withdraw the 2025 Interim Final Rule titled "Affirmatively Furthering Fair Housing Revisions" which will again weaken the AFFH by reverting the 2015 regulation.**

LGBTQ+ Housing Discrimination

This issue is of paramount importance to our patients at Howard Brown. LGBTQ+ people are more likely to experience discrimination when seeking housing. In fact, a 2013 HUD study showed that same-sex couples experience significant levels of discrimination when responding to advertised rental housing in metropolitan areas nationwide. In this study, heterosexual couples were favored over same-sex couples by sixteen percent.¹ For transgender people, housing discrimination is even more prevalent. According to 2022 US Trans survey of 92,329 transgender Americans, nearly one-third (30%) of respondents reported experiencing homelessness in their lifetime.² Between 2016 and 2019, the number of homeless

¹ Friedman, Samantha, et al. "An Estimate of Housing Discrimination against Same-Sex Couples." *Huduser.gov*, 2013, www.huduser.gov/portal/publications/Hsg_Disc_against_SameSexCpls_v2.epub. Accessed 5 May 2025.

² "US Trans Survey." *US Trans Survey*, 2022, ustranssurvey.org/.

transgender people in the U.S. increased 88 percent, according to the 2020 HUD Point-in-Time Count.³ In a time where anti-LGBTQ+ and especially anti-transgender sentiments are being stoked nationally at the same time as a national affordable housing crisis, we need the federal government now more than ever to ensure equitable access to housing opportunities.

As a healthcare provider, we see firsthand how housing instability significantly impacts the physical and mental health of our patients. Research shows that lack of stable housing is correlated with increased rates of chronic disease, anxiety, depression, and substance use.⁴ Housing instability also makes it difficult for patients to consistently see a doctor, make follow-up appointments, or afford and store medications that they are prescribed. This is especially true for unhoused youth. According to the Trevor Project's research on homelessness and housing stability among LGBTQ+ youth (2022), 81% of LGBTQ+ youth who reported housing instability and 84% of LGBTQ+ youth who reported homelessness also reported symptoms of anxiety and depression.⁵

How AFFH helps eliminate discrimination

The 2025 Interim Final Rule titled "Affirmatively Furthering Fair Housing Revisions" seeks to revert the AFFH to a vague general commitment that significantly weakens the implementation and evaluation requirements within the 2015 AFFH regulation. The AFFH as it currently stands requires HUD grantees to submit a formal Analysis of Impediments (AI), which is a comprehensive review of barriers that hinder fair housing choices. It also requires HUD grantees to specifically address public and private policies, practices, and procedures that affect access to housing. Additional memoranda for implementing the 2015 AFFH strengthened it even further by ensuring commitment to fair housing for LGBTQ+ populations and other marginalized communities. The requirement to submit AIs is vital in ensuring that HUD grantees are continuously evaluating how they are promoting fair housing and are taking into consideration issues such as race, gender, and sexual orientation.

Housing stability is essential in supporting people access healthcare and decrease health disparities. The Affirmatively Furthering Fair Housing and its subsequent provisions continues the legacy and intent of the Fair Housing Act of 1968 to ensure all Americans have equitable access to affordable housing. It is vital that the AFFH remains intact so communities most vulnerable to housing insecurity and discrimination, such as the LGBTQ+ community, are not forgotten. **We urge HUD to immediately withdraw the 2025 Interim Final Rule titled "Affirmatively Furthering Fair Housing Revisions" and reinstate the 2015 AFFH regulation.**

We greatly appreciate the opportunity to provide comments on this proposed rule. Should you have any questions about our comments, please feel free to contact Timothy Wang, Director of Policy and Advocacy at timothyw@howardbrown.org

Sincerely,

³ HUD 2019 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations. 2019.

⁴ Taylor, Lauren. "Housing and Health: An Overview of the Literature | Health Affairs Brief." *Healthaffairs.org*, 7 June 2018, www.healthaffairs.org/content/briefs/housing-and-health-overview-literature.

⁵ The Trevor Project. "Homelessness and Housing Instability among LGBTQ Youth." *The Trevor Project*, 3 Feb. 2022, www.thetrevorproject.org/research-briefs/homelessness-and-housing-instability-among-lgbtq-youth-feb-2022/.



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