

June 29, 2026

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

**RE: Equal Access to Housing in HUD Programs Revisions 2026-08244 (91 FR 22779)**

Howard Brown Health is one of the largest community health centers in the Midwest, 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: medical care, behavioral health, dental care, HIV/STI prevention, young adult care, and aging adult care. As a federally qualified health center, Howard Brown provides services regardless of a patient's ability to pay or insurance status. The majority (69%) of our patients are at 100% or below the federal poverty guideline, and 29% of our patients are on Medicaid. Additionally, a majority (58.8%) of Howard Brown's patients identify as LGBTQ+. As such, many of our patients come from communities that have historically struggled with housing instability.

The Equal Access Rule (EAR) is vital for improving access to housing services, especially for transgender and gender diverse people. The EAR requires shelters and other federally funded housing providers to maintain respectful environments by prohibiting invasive questioning, disrespectful behavior, and harassment from staff or other residents based on gender identity. By requiring safe and appropriate placement, the EAR helps to address the disproportionately high rates of homelessness and abuse experienced by the LGBTQ+ community.<sup>1</sup>

As of April 2026, the U.S. Department of Housing and Urban Development (HUD) is revising the EAR to align with a January 2025 Executive Order that defines sex as a binary and immutable biological classification. The revisions would replace references to "gender identity" with "sex" (male or female) in HUD regulations, restricting access to single-sex facilities based on biological sex. **We urge HUD to immediately withdraw the 2026 Interim Final Rule titled "Equal Access to Housing in HUD Programs Revisions" which will weaken non-discrimination protections for transgender and gender-diverse people in housing and shelter systems, putting them at increased risk of negative health outcomes.**

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<sup>1</sup> The U.S. Department of Housing and Urban Development (HUD). "Equal Access for Transgender People: Supporting Inclusive Housing and Shelters – NHC Housing Resource Center." *Nhc.org*, 2026, [hrc.nhc.org/resources/equal-access-for-transgender-people-supporting-inclusive-housing-and-shelters/](https://hrc.nhc.org/resources/equal-access-for-transgender-people-supporting-inclusive-housing-and-shelters/). Accessed 15 June 2026.

### *LGBTQ+ Housing Discrimination and Impact on Health*

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 study conducted by HUD itself 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.<sup>2</sup>

Transgender individuals specifically experience disproportionately high rates of housing discrimination. According to 2022 US Trans survey of 92,329 transgender Americans, nearly one-third (30%) of respondents reported experiencing homelessness in their lifetime.<sup>3</sup> Between 2016 and 2019, the number of homeless transgender people in the U.S. increased 88 percent, according to the 2020 HUD Point-in-Time Count.<sup>4</sup> Given the current national affordable housing crisis, we need the federal government now more than ever to ensure equitable access to housing opportunities, especially for marginalized populations.

As a healthcare provider, Howard Brown sees firsthand how housing instability significantly impacts the physical and mental health of our patients. Lack of stable housing is correlated with increased rates of chronic disease, anxiety, depression, and substance use disorder.<sup>5</sup> 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.<sup>6</sup> Stable housing is a necessity for many patients to seek and engage in routine and emergent healthcare, and this HUD proposal may worsen existing health disparities by making it more difficult for certain populations to access housing services safely.

### *Issues with HUD's Reasoning*

HUD's justification for this proposed rule is not grounded in evidence and relies on assumptions

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<sup>2</sup> 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](http://www.huduser.gov/portal/publications/Hsg_Disc_against_SameSexCpls_v2.epub). Accessed 5 May 2025.

<sup>3</sup> "US Trans Survey." *US Trans Survey*, 2022, [ustranssurvey.org/](http://ustranssurvey.org/).

<sup>4</sup> HUD 2019 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations. 2019.

<sup>5</sup> 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](http://www.healthaffairs.org/content/briefs/housing-and-health-overview-literature).

<sup>6</sup> 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/](http://www.thetrevorproject.org/research-briefs/homelessness-and-housing-instability-among-lgbtq-youth-feb-2022/).

that reinforce harmful anti-transgender narratives.<sup>7</sup> In the rule, HUD asserts that allowing transgender women to share shelters with cisgender women constitutes a safety concern, and that “biological men may exploit the process of self-identification under the current rule to gain access to women’s shelters.” Importantly, there has been no evidence that the 2016 EAR has resulted in increased incidents of harassment, assault, or safety concerns in shelters.

HUD also implies that requiring shelters to accommodate transgender individuals imposes a burden on faith-based providers by conflicting with their sincerely held religious beliefs, thereby reducing the availability of services for people experiencing homelessness. However, this argument overlooks the over 100 faith-based organizations that opposed the proposed rollback of transgender protections in 2020 and continue to affirm the dignity, safety, and equal treatment of LGBTQ+ individuals seeking shelter and support.<sup>8</sup> Rather than creating barriers to services, inclusive policies help ensure that some of the most vulnerable members of our communities can access safe and stable housing without discrimination.

### *Conclusion*

Federally funded housing services are essential in creating and maintaining housing stability, a key social determinant of health. It is vital that the Equal Access Rule remains intact so the communities most vulnerable to housing insecurity and discrimination, such as the LGBTQ+ community, are protected from discrimination. **We urge HUD to immediately withdraw the 2026 Interim Final Rule titled “Equal Access to Housing in HUD Programs Revisions” which will again weaken non-discrimination protections for transgender and gender-diverse people in housing and shelter systems.**

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](mailto:timothyw@howardbrown.org)

Sincerely,  
Dr. Travis Gayles,  
CEO and President Howard Brown Health

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<sup>7</sup> The National Low Income Housing Coalition. “HUD Proposes to Rescind LGBTQ+ Anti-Discrimination Protections in HUD Programs; Advocates 4 Trans Equality Launches Campaign Opposing Rule.” *National Low Income Housing Coalition*, 2026, [nlihc.org/resource/hud-proposes-rescind-lgbtq-anti-discrimination-protections-hud-programs-advocates-4-trans](https://nlihc.org/resource/hud-proposes-rescind-lgbtq-anti-discrimination-protections-hud-programs-advocates-4-trans).

<sup>8</sup> *Ibid.*