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

**Re: Making Admission or Placement Determinations Based on Sex in Facilities Under
Community Planning and Development Housing Programs (FR-6152)**

Dear Office of General Counsel:

On behalf of the 66 undersigned mayors representing 66 municipalities and more than 21 million Americans across this nation, we issue the following comment in opposition to the pending final rule that would reinterpret the HUD's Equal Access Rule in order to empower shelters that want to discriminate against transgender individuals to do so.

As leaders of boroughs, towns, and cities, we oppose rule changes that will impede our ability to protect our constituents and provide necessary shelter. The Equal Access Rule's protections against discrimination are critical to ensure safe access to shelter for transgender people experiencing homelessness, survivors of violence, and fleeing disasters. According to the 2015 [US Transgender Survey](#), nearly one-third of all transgender and gender non-binary people experience homelessness at some point in their life and about one-half of transgender and non-binary people who identify as Black, Middle Eastern, Multiracial, or undocumented experience homelessness at some point in their life.

Discrimination is never okay, but this proposal is particularly dangerous as our nation continues to struggle to suppress a national and global health crisis that has cost the lives of over 180,000 people across this nation.¹

As the death toll continues to rise, we know firsthand how this pandemic has overburdened our social and medical systems and impacted our constituents, many of whom may not have access to stable housing. According to the CDC, people experiencing homelessness are at a greater risk of COVID-19.² In fact, the CDC indicates that connecting people with stable housing "should be a priority" and that homeless shelters "serve a critical function in our communities".³ Therefore, changes to this interpretation would be irresponsible and dangerous as it will encourage discrimination and create unnecessary barriers for transgender people who are in need of shelter

¹ "Cases in the US." CDC. May 19, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>.

² CDC. (2020, June 12). *People Experiencing Homelessness*. Coronavirus Disease 2019 (COVID-19)-CDC.Gov. <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/homelessness.html>

³ *Ibid.* CDC

during a global health crisis. Barriers to safe shelters will only increase the spread of this deadly disease and increase the burden on our already overwhelmed communities.

We know that the LGBTQ community, especially LGBTQ people of color, are disproportionately impacted by this virus. LGBTQ+ populations, and more particularly transgender populations, are amongst the most vulnerable to the ongoing pandemic. In fact, according to the UN's Office of The High Commissioner⁴:

“Lesbian, gay, bisexual, trans and intersex (LGBTI) people may be particularly vulnerable during the COVID-19 pandemic. People living with compromised immune systems, including some persons living with HIV/AIDS, face a greater risk from COVID-19. Homeless persons, a population that includes many LGTBI people, are less able to protect themselves through physical distancing and safe hygiene practices, increasing their exposure to contagion.”

Unfortunately, this vulnerability to the pandemic is a particular concern for LGBTQ+ individuals residing in the US. In fact, the Human Rights Campaign published a brief about COVID-19 indicating that this virus could be detrimental to the livelihood of the LGBTQ+ community—they are at a greater risk of adverse economic and health outcomes compared to non-LGBTQ+ populations because of the high health and economic disparities before the pandemic outbreak.⁵

For many Americans, access to stable housing is a critical component to maintaining access to healthcare services. For transgender people, increasing barriers to health care and health care coverage is especially harmful during this public health crisis. Over 300,000 of the nearly 2 million transgender individuals in the US have one or more of the following chronic conditions: diabetes, asthma, heart disease, and HIV, conditions of which are fatally vulnerable to COVID-19⁶. Increasing barriers will only exacerbate the spread of this highly contagious virus.

For all of these reasons, we urge the administration to suspend this rule change. We urge you to focus on the current crisis that is impacting our neighborhoods instead of exacerbating negative health outcomes from this deadly pandemic.

Sincerely,

⁴ See UN's Office of The High Commissioner. (2020). Retrieved 12 May 2020, from <https://www.ohchr.org/Documents/Issues/LGBT/LGBTpeople.pdf>

⁵Human Rights Campaign, The LGBTQ Community is at Risk Amidst COVID-19 Crisis Human Rights Campaign, <https://www.hrc.org/resources/the-lives-and-livelihoods-of-many-in-the-lgbtq-community-are-at-risk-amidst> (last visited May 12, 2020)

⁶ Williams Institute, Vulnerabilities to COVID-19 Among Transgender Adults in the U.S. (2020), <https://williamsinstitute.law.ucla.edu/publications/transgender-covid-19-risk/>

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