

June 17, 2026

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

RE: HUD Docket FR-6518-P-01; Comment in Response to Proposed Rulemaking on Equal Access to Housing in HUD Programs Revisions

To Whom It May Concern,

Disability Rights Education and Defense Fund (DREDF) submits this comment to strongly oppose the Proposed Rule, FR-6518-P-01 Equal Access to Housing in HUD Programs Revisions. ("Proposed Rule"). This rule will have far-reaching, negative implications for gender-diverse people, as well as gender-based violence survivors and unhoused people, groups where disabled people are disproportionately overrepresented. DREDF is a national cross-disability law and policy center that protects and advances the civil and human rights of disabled people through legal advocacy, training, education, and development of legislation and public policy. In the more than 40 years that have passed since our founding, we have persistently fought for the right of disabled people to be fully integrated within all aspects of community life. DREDF's work is based on the knowledge that disabled people of varying ages, racial and ethnic backgrounds, genders, and sexual orientations are fully capable of achieving self-sufficiency and contributing to their communities with access to needed services and supports, protection from discrimination, and the reasonable accommodations and modifications enshrined in U.S. law.

DREDF reads this Proposed Rule through the complementary lenses of disability rights and disability justice. A disability rights analysis asks whether the rule complies with the civil rights laws that guarantee disabled people equal access to federally funded programs. It does not. A disability justice analysis insists that we center the people who will be harmed first and worst—disabled transgender people, disabled survivors of violence, and disabled people who are Black, Indigenous, other people of color, and poor—and recognize that their ability to reach safe shelter is inseparable from their survival. Measured against either lens, the Proposed Rule fails. We oppose it for three reasons. First, it will push disabled people, and especially disabled transgender people, out of shelter and into the streets, into institutions, and into avoidable danger. Second, it will retraumatize and endanger disabled survivors of gender-based violence. Third, it is unlawful: by targeting transgender people, the rule discriminates against people with gender dysphoria, who are protected from disability discrimination under Section 504 of the Rehabilitation Act.

The Proposed Rule Would Adversely Affect Disabled Unhoused People

The Proposed Rule would create new barriers to shelter and housing assistance for some of the most vulnerable populations in the country, particularly unhoused disabled people who are gender-diverse. Almost a third of transgender people have experienced homelessness¹ and transgender people are more likely to report a disability than cis people.² The Proposed Rule's practical effect will be to increase unsheltered homelessness.

The populations this rule targets are disproportionately disabled. Nearly half of LGBTQ+ people—and roughly 70 percent of transgender people—report having a disability.³ Disabled adults experience poverty at roughly twice the rate of nondisabled adults—both because disability can lead to poverty and because poverty can cause or deepen disability—and for disabled people who are also transgender, low-income, and people of color, these disadvantages compound.⁴ Disability is already the single largest basis for the fair housing complaints filed each year.⁵ A disability justice lens makes the consequence plain: a rule that adds suspicion and screening at the shelter door will fall hardest on disabled people with multiple marginalized identities, and who have the fewest alternatives and the most to lose.

DREDF sees these harms firsthand. Transgender people have called DREDF for help after being turned away from emergency shelters and left with no option but to sleep outside. Disabled transgender people are among those who most need shelter in the first place: a chronic shortage of affordable,⁶ accessible⁷ housing, layered on top of discrimination based on both disability and gender identity,⁸ leaves them with the fewest safe alternatives when a shelter door closes.

¹ Sandy E. James *et al.*, *Early Insights: A Report of the 2022 U.S. Transgender Survey*, National Center for Transgender Equality 21 (Feb. 2024), available at https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf.

² Madeline B. Smith-Johnson, *Transgender Adults Have Higher Rates of Disability Than Their Cisgender Counterparts*, Health Affairs Forefront (Oct. 3, 2022), available at <https://www.healthaffairs.org/doi/10.1377/hlthaff.2022.00500#abstract>.

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 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>.

⁵ See, e.g., National Fair Housing Alliance, *2025 Fair Housing Trends Report* (Nov. 2025), available at <https://nationalfairhousing.org/resource/2025-fair-housing-trends-report/>.

⁶ National Low Income Housing Coalition, *The Gap: A Shortage of Affordable Homes* 4 (Mar. 2026), available at <https://nlihc.org/gap>.

⁷ *Accessibility of America's Housing Stock: Analysis of the 2011 American Housing Survey (AHS)* 24 (2011) (Less than 5% of housing in the United States is accessible for individuals with moderate mobility disabilities; less than 1% is wheelchair accessible.)

⁸ National Fair Housing Alliance, *2025 Fair Housing Trends Report*, *supra* note 5.

The data confirm what DREDF hears from the people who call. Transgender people experiencing homelessness are far more likely than their cisgender peers to be unsheltered—63 percent compared to 49 percent.⁹ And the transgender people forced to sleep outside are overwhelmingly disabled: roughly 60 percent of unsheltered transgender people have co-occurring physical, mental health, and substance use disabilities, compared to just 4 percent of those able to get into shelter.¹⁰ In other words, the disabled transgender people the Proposed Rule would turn away at the shelter door are the very people least able to survive being left outside.

Prior to the implementation of the 2012 and 2016 Equal Access Rules, transgender people faced harassment, assault, and discrimination in shelters.¹¹ They were often excluded from shelters or forced to stay in a shelter that did not correspond with their gender identity.¹² This mistreatment caused or exacerbated mental health disabilities, such as post-traumatic stress disorder (PTSD), for many unhoused transgender people.

To remedy this situation, the 2012 and 2016 Equal Access Rules were designed to provide housing services to everyone, regardless of their gender identity, and allowed people to participate in programs and stay in shelters that corresponded with their gender identity. The 2016 Equal Access Rule also prohibited intrusive questioning and documentation of a person's anatomy or gender identity. Together, these protections gave gender-diverse people safer shelter conditions and greater access to services. However, the Proposed Rule would eliminate protections based on gender identity and authorize providers to demand “reasonable assurances” or “evidence” of a person's sex—intrusive scrutiny that can extend to questioning about, or inspection of, a person's body. This is likely to increase harassment, assault, discrimination, and exclusion from HUD programs for gender-diverse people, and in turn to increase homelessness.

Unhoused people already face significant obstacles in accessing emergency shelter and housing services, and the added scrutiny and uncertainty the Proposed Rule introduces will deter many from seeking services at all. The consequences are most severe for unhoused disabled people, who are disproportionately represented among the unhoused population and who often depend on shelters for healthcare, case management, disability benefits assistance, supportive housing programs, and other essential services.

⁹ National Alliance to End Homelessness, *Transgender Homeless Adults & Unsheltered Homelessness: What the Data Tell Us 1* (July 2020), available at <https://endhomelessness.org/wp-content/uploads/2020/07/Trans-Homelessness-Brief-July-2020.pdf>

¹⁰ *Id.* at 2.

¹¹ Jaime M. Grant *et al.*, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, National Center for Transgender Equality 106 (2011), available at https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf.

¹² *Id.*

Being shut out of shelter carries real medical risk. A person with mobility disabilities who cannot safely remain outdoors face heightened risks of injury and medical complications. An individual with a serious mental illness may experience worsening symptoms when forced to remain unsheltered. People with chronic health conditions often require stable access to medications, sanitary facilities, electricity for medical devices, and connections to healthcare providers. Any policy that impedes entry into shelter systems can therefore have disproportionate impacts on disabled individuals and may exacerbate existing health conditions.

Beyond the immediate medical risks, shelter exclusion increases the risk of institutionalization. When community-based shelter and housing are foreclosed, disabled people are funneled into nursing facilities, psychiatric institutions, emergency rooms, and jails—the very settings that the Americans with Disabilities Act and Section 504 were enacted to move disabled people out of, not into. The integration mandate and *Olmstead v. L.C.* require federally funded programs to serve disabled people in the most integrated setting appropriate to their needs.¹³ A rule that drives disabled people—and especially disabled transgender people—out of shelter and toward unnecessary institutionalization runs directly counter to that command and to decades of federal disability policy favoring community living.

Federal housing programs should serve everyone regardless of gender identity, because housing is a human right and is essential to health and wellness. Policies that sow fear and confusion or block access to services undermine these programs and leave the most vulnerable individuals without safe shelter.

The Proposed Rule Would Adversely Affect Disabled Survivors of Gender Based Violence

The Proposed Rule will have a devastating impact on disabled survivors of gender-based violence, including domestic violence, intimate partner violence, sexual assault, and rape. Implementing the Proposed Rule risks retraumatizing or deterring disabled survivors, particularly transgender survivors. Disabled survivors need more—not fewer—safe and accessible housing options.

There is a bi-directional relationship between gender-based violence and disability. Disabled people are more likely to experience intimate partner violence.¹⁴ Disabled women have double the lifetime risk for sexual violence compared to nondisabled women.¹⁵ In the other

¹³ *Olmstead v. L.C.*, 527 U.S. 581 (1999); see also 28 C.F.R. § 35.130(d) (ADA integration mandate); 24 C.F.R. § 8.4 (HUD Section 504 regulations).

¹⁴ Matthew J. Breiding & Brian S. Armour, *The Association Between Disability and Intimate Partner Violence in the United States*, 25 *Annals of Epidemiology* 455 (2015), available at <https://www.sciencedirect.com/science/article/abs/pii/S1047279715001271?via%3Dihub>.

¹⁵ Emily Ledingham et al., *Sexual Violence Against Women with Disabilities: Experiences with Force and Lifetime Risk*, 62 *American Journal of Preventive Medicine* 895 (2022), available at

direction, experiencing gender-based violence can cause a disability or exacerbate existing disabilities. Potential health effects include traumatic brain injury, PTSD, anxiety, and depression.¹⁶

Homelessness and gender-based violence are also closely interconnected.¹⁷ Intimate partner violence, domestic violence, and sexual violence are leading causes of homelessness for women and their children.¹⁸ According to the Department of Health and Human Services Office on Women's Health, "[m]any women are forced to leave their homes to find safety because of violence."¹⁹ Military sexual trauma is a significant risk factor for homelessness among women veterans.²⁰ Accordingly, substantial proportions of women who are unhoused or unstably housed report histories of gender-based violence.²¹

Transgender people experience homelessness at disproportionately high rates. Nationally representative data indicate that 8% of transgender adults experienced homelessness in the previous year, compared with 1% of cisgender straight adults, and survey data further show that nearly one-third of transgender adults have experienced homelessness at some point in their lives.²² Transgender people also experience disproportionately high rates of violent criminal victimization,²³ including gender-based violence,²⁴ and are more likely to experience

[https://www.ajpmonline.org/article/S0749-3797\(22\)00049-6/fulltext](https://www.ajpmonline.org/article/S0749-3797(22)00049-6/fulltext).

¹⁶ M. Delara, *Mental Health Consequences and Risk Factors of Physical Intimate Partner Violence*, 12 *Mental Health in Family Medicine* 119 (2016), available at https://www.researchgate.net/publication/318733233_Mental_Health_Consequences_and_Risk_Factors_of_Physical_Intimate_Partner_Violence; U.S. Department of Health & Human Services, Office on Women's Health, *Effects of Violence Against Women*, available at <https://womenshealth.gov/relationships-and-safety/effects-violence-against-women>.

¹⁷ Lisa A. Goodman *et al.*, *No Safe Place: Sexual Assault in the Lives of Homeless Women*, VAWnet: The National Online Resource Center on Violence Against Women (Sept. 2006), available at <https://vawnet.org/material/no-safe-place-sexual-assault-lives-homeless-women>.

¹⁸ *Id.*

¹⁹ Office on Women's Health, *Effects of Violence Against Women*, *supra* note 13.

²⁰ Stephanie Felder & Peter J. Delany, *Life Course Perspective on the Role of Military Sexual Trauma as a Pathway to Homelessness for Female Veterans*, 7 *Journal of Military, Veteran & Family Health* (Supp. 1) (2021), available at <https://doi.org/10.3138/jmvfh-2021-00>.

²¹ Fran Calvo *et al.*, *The Prevalence and Nature of Violence Against Women Experiencing Homelessness: A Quantitative Study*, 28 *Violence Against Women* (2021), available at <https://doi.org/10.1177/10778012211022780>.

²² Bianca D.M. Wilson *et al.*, *Homelessness Among LGBT Adults in the United States 2* (Williams Institute, May 2020); Kathryn O'Neill *et al.*, *Homeless Shelter Access Among Transgender Adults: Findings from the 2015 U.S. Transgender Survey 1–2* (Williams Institute, Nov. 2020).

²³ Flores *et al.*, *Gender Identity Disparities in Criminal Victimization: National Crime Victimization Survey, 2017–2018*, 111 *American Journal of Public Health* 726 (2021), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7958056/>.

²⁴ Sarah M. Peitzmeier *et al.*, *Intimate Partner Violence in Transgender Populations: Systematic Review and Meta-Analysis of Prevalence and Correlates*, 110 *American Journal of Public Health* e1 (2020), available at

trauma-related mental health conditions such as PTSD, anxiety, and depression.²⁵ These overlapping vulnerabilities increase reliance on access to safe, low-barrier, and affirming shelter.

Given these intersecting risks, access to safe and appropriate shelter is essential for disabled survivors of gender-based violence, particularly transgender survivors. The Proposed Rule would undermine that access by allowing shelter providers to “require reasonable assurances or evidence to establish a person’s sex.”²⁶ However, the term “reasonable assurances or evidence” is undefined, and HUD states that it “intends to provide maximum deference to grantees,” permitting the adoption of “stringent” policies for determining sex.²⁷ This ambiguity risks authorizing intrusive and inconsistent screening practices, including invasive questioning and potentially physical examinations.

Such practices are not only medically unnecessary but also potentially traumatic. Survivors of sexual violence with PTSD are more likely to experience distress and avoid necessary pelvic examinations,²⁸ and comparable experiences suggest that invasive searches such as strip searches may similarly trigger trauma responses.²⁹ People who have been strip-searched have described the practice as traumatizing and dehumanizing.³⁰ By authorizing broad discretion to demand “reasonable assurances” or “evidence” of sex, the Proposed Rule creates a risk that survivors will be subjected to humiliating or invasive screening procedures as a condition of accessing shelter. Even when survivors consent, such procedures may inflict additional psychological harm.

Even absent screening practices, transgender survivors face heightened risk of harm within shelters. In a 2015 study, 44% of unhoused transgender people who sought shelter reported mistreatment, including harassment, assault, or being forced to conform to the wrong gender

<https://pmc.ncbi.nlm.nih.gov/articles/PMC7427218/>.

²⁵ Sebastian M. Barr et al., *Posttraumatic Stress in the Trans Community: The Roles of Anti-Transgender Bias, Non-Affirmation, and Internalized Transphobia*, Psychology of Sexual Orientation & Gender Diversity (2022), available at <https://psycnet.apa.org/doiLanding?doi=10.1037%2Fsgd0000500>.

²⁶ 91 Fed. Reg. 22,779, 22,780 (proposed Apr. 28, 2026).

²⁷ *Id.*

²⁸ Jennifer S. Robohm & Margaret Battenheim, *The Gynecological Care Experience of Adult Survivors of Childhood Sexual Abuse: A Preliminary Investigation*, 24 Women & Health (1997), available at https://www.tandfonline.com/doi/abs/10.1300/J013v24n03_04; Iris Gorfinkel et al., *The Trauma-Informed Genital and Gynecologic Examination*, 193 Canadian Medical Association Journal E1090 (2021), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC8315200/>.

²⁹ Gorfinkel et al., *supra* note 25, at E1090.

³⁰ Terri Ricks, *Strip Searches Are Dehumanizing*, ACLU of Connecticut (Apr. 4, 2023), available at <https://www.acluct.org/news/strip-searches-are-dehumanizing/>; Corey Devon Arthur, *I’ve Been Strip-Frisked Over 1,000 Times in Prison, I Consider It Sexual Assault*, The Marshall Project (Feb. 4, 2021), available at <https://www.themarshallproject.org/2021/02/04/i-ve-been-strip-frisked-over-1-000-times-in-prison-i-consider-it-sexual-assault>.

presentation.³¹ Transgender women, nonbinary, and agender people placed in shelters for men under the Proposed Rule would face a particularly elevated risk of sexual assault. A study of California correctional facilities found that transgender residents experienced sexual assault at a rate 13 times higher than the general prison population.³² Although prisons and shelters are distinct environments, this finding underscores the heightened vulnerability of transgender individuals in congregate settings when housed in ways that do not align with their gender identity.

Taken together, the Proposed Rule would expose disabled survivors of gender-based violence to multiple layers of harm: barriers to accessing shelter, intrusive screening practices, and increased risk of mistreatment and assault within shelters. Rather than providing a safe space for recovery and stabilization, the rule would deter access to housing and deepen trauma for an already vulnerable population.

The government should instead ensure that shelter systems provide accessible, affirming, and trauma-informed care that enables survivors to secure safety, rebuild their lives, and access necessary support services.

The Proposed Rule Discriminates Against People with Gender Dysphoria in Violation of Section 504 of the Rehabilitation Act

The Proposed Rule is not only harmful; it is unlawful. Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.³³ HUD-funded shelters and housing programs are squarely covered. Gender dysphoria—the clinically significant distress some transgender people experience because of the incongruence between their gender identity and the sex they were assigned at birth—is a disability protected by Section 504. In *Williams v. Kincaid*, the Fourth Circuit held that the Americans with Disabilities Act and Section 504 protect people with gender dysphoria, distinguishing that diagnosis from the “gender identity disorders” that an earlier statutory amendment excluded from coverage.³⁴

Williams remains the only federal court of appeals decision on the question, the Supreme Court declined to disturb it, and the weight of authority since has agreed that gender

³¹ O'Neill *et al.*, *Homeless Shelter Access Among Transgender Adults*, *supra* note 19, at 2.

³² Valerie Jenness *et al.*, *Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault*, UC Irvine Center for Evidence-Based Corrections (May 16, 2007), available at <https://www.prearesourcecenter.org/sites/default/files/library/55-preapresentationpreareportucijennessetal.pdf>.

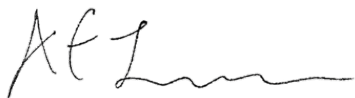
³³ 29 U.S.C. § 794(a).

³⁴ *Williams v. Kincaid*, 45 F.4th 759, 768–72 (4th Cir. 2022), *cert. denied*, 143 S. Ct. 2414 (2023). The ADA and Section 504 provide the same substantive protections relevant here; courts therefore analyze the two statutes together.

dysphoria is not categorically excluded from these statutes.³⁵ Against that backdrop, the Proposed Rule works impermissible disparate treatment. It directs HUD-funded providers to bar transgender people from the single-sex facilities that match their gender identity. Because only transgender people experience gender dysphoria, and because every person with gender dysphoria is transgender, a rule that intentionally targets transgender people necessarily discriminates against people with this disability. That is precisely what Section 504 forbids. The rule's authorization of demands for "reasonable assurances" or "evidence" of a person's sex compounds the problem: it singles out for suspicion people whose bodies, medical histories, or gender presentation do not conform to a provider's expectations—including many disabled people—and conditions a federally funded benefit on submission to intrusive, potentially traumatizing inquiry. A rule that cannot be administered without discriminating against disabled people, and that drives disabled people toward unnecessary institutionalization, cannot be reconciled with Section 504 or with HUD's obligations under it.

For these reasons, DREDF strongly urges HUD to withdraw Proposed Rule FR-6518-P-01 and preserve equal-access protections that reduce barriers to shelter, protect housing rights, and ensure that all eligible individuals can access federally funded housing and shelter programs safely and equitably. The Proposed Rule would push disabled people—especially disabled transgender people and disabled survivors of violence—out of shelter and toward danger and unnecessary institutionalization, and it is independently unlawful under Section 504 of the Rehabilitation Act. HUD should withdraw the Proposed Rule in full and retain the 2012 and 2016 Equal Access Rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A Lewis'.

Ayesha Lewis, Senior Staff Attorney

A handwritten signature in black ink, appearing to read 'Erin Neff'.

Erin Neff, Senior Staff Attorney

³⁵ *Williams* remains the only federal appellate decision on the question, and the overwhelming majority of district courts to consider the issue have likewise held that gender dysphoria is not categorically excluded from the ADA and Section 504. See Disability Rights Education & Defense Fund, *Informational Briefing: HHS's Anti-Trans Proposal to Limit Section 504* (Jan. 2026), available at <https://dredf.org/informational-briefing-hhss-anti-trans-proposal-to-limit-section-504/>.