

Office of General Counsel, Rules Docket Clerk  
U. S. Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

June 26<sup>th</sup>, 2026

BY EMAIL

Re: HUD Docket No. HUD-2026-0529-0001  
Comments in Response to Proposed Rulemaking: Equal Access to Housing in HUD Programs  
Revisions (FR-6518-P-01) (April 28<sup>th</sup>, 2026)

Dear Sir/Madam:

These comments are submitted on behalf of the Leaders and Organizers for Tenant Empowerment (LOFTE) Network and the National Alliance of HUD Tenants (NAHT) in response to the U. S. Department of Housing and Urban Development's (HUD) proposed rule. We write to express our strong opposition to the changes proposed by HUD regarding "Equal Access to Housing in HUD Programs Revisions," as published in the Federal Register on April 28<sup>th</sup>, 2026.

The rescission of the Equal Access not only enables but mandates the humiliation and rejection of our neighbors, neighbors that this administration has sought at every opportunity to imperil in its pursuit of an alleged physical and moral security whose premises an overwhelming majority of Americans reject. The proposed rule—inconsistent in its own reasoning—imperils the populations it claims to defend and infringes on the freedoms it claims to uphold. It impedes housing and shelter administrators on several levels, and in effect conscripts them as enforcers of those archaic limits on human identity and expression that this federal administration has chosen to exhume. At a minimum, the proposed rule institutionalizes, as matters of ordinary bureaucracy, harassment and discrimination against all those seeking emergency and shelter services.

Formed in 2022, Leaders and Organizers for Tenant Empowerment (LOFTE) is a national tenants coalition representing 5.5 million families in privately-owned, federally-assisted multifamily housing. LOFTE's mission is to empower residents to save and improve their homes as affordable housing. Since 1992, NAHT has been the national tenants' membership union representing tenants in HUD-assisted multifamily housing.

**The proposed rule enables and promotes harassment, and discrimination against all those seeking emergency or shelter services, including cisgender individuals.** The directive to replace all references to gender identity and expression with a narrow and incorrect conception of "biological sex" mandates discrimination against transgender and gender nonconforming individuals. Such individuals are already disproportionately more likely to experience poverty or homelessness, with nearly one-third (29%) of transgender individuals in a 2022 survey indicating that they were living in poverty. A variety of factors account for this difference, including discrimination in policing, discrimination in employment, and rejection from their immediate communities. The rule change would at best prevent such individuals from

accessing the resources that best align with their needs, such as single-sex shelters, and at worse discourage them from seeking shelter out of fear of further discrimination or rejection.

To further grant permission to facility providers to require “reasonable assurances or evidence to establish a person’s sex” is to relocate the responsibility of identifying an individual seeking shelter from the individual themselves, to the housing provider. HUD’s conception of “biological sex” leaves undefined the criteria to be used by the housing provider in making such judgements. In effect, the rule exposes all those seeking emergency or shelter services to an undefined range of invasive and humiliating procedures, to be imposed and satisfied at the discretion of the housing provider. Such requirements are therefore just as likely to lead to discrimination against cisgender individuals who do not present in ways a particular housing provider might expect, as they are against transgender or gender nonconforming individuals. Men with traits commonly associated with femininity, or women with traits commonly associated with masculinity—both may face additional barriers to shelter and emergency access depending on the arbitrary preconceptions and stereotypes of any one housing provider.

**The proposed rule—inconsistent in its own reasoning—imperils the populations it claims to defend and infringes on the freedoms it claims to uphold.** Housing and shelter providers remain chronically under-resourced, operating extensive emergency and shelter services on extremely limited budgets. The imposition of additional bureaucratic and discriminatory requirements will further strain resources for all those seeking services, among which women and children are disproportionately represented. Longer wait times and expanded documentation requirements, rather than protecting women, disadvantage them and their children in particular. Women and children fleeing domestic violence, for example, are directly endangered by extended time outside shelter, and often cannot access the standard identity documents such as state IDs or licenses that could be used to satisfy the proposed rule’s verification requirements as they are possessed by their abuser.

The proposed rule further indicates that its provisions preempt any conflicting state or local laws, and that violations may result in loss of federal funding, among other penalties. This forces housing providers, and municipal and state authorities to choose between leaving its residents on the streets, or losing federal dollars for housing programs that already face inadequate funding.

Moreover, the state or local laws preempted by the proposed rule are often the result of extensive grassroots campaigns led by broad coalitions that more often than not include faith-based organizations interested in the advancement of rights for transgender and gender nonconforming individuals. Those that worked to advance nondiscrimination regulations and protections on the basis of some pillar of their faith—to bring the homeless into one’s house, for example—would under the proposed rule be forced to enforce regulations contrary to that faith. Similar concerns would be raised by practitioners of protected spiritual disciplines that encourage either or both of harm prevention or empirical inquiry into the natural world. Indeed, data collected by the UCLA School of Law in the years following the introduction of the EAR showed no increase in public

safety concerns as a result of similar nondiscrimination protections in restrooms, locker rooms, changing rooms, or any other area identified by the opponents of such protections. HUD's conception of biological sex is wholly inconsistent with leading medical and scientific authorities, nearly all of whom recognize that treatment in accordance with one's gender identity is necessary to deliver the best health outcomes for transgender and gender nonconforming individuals.

**We urge HUD to withdraw this proposal now.** Despite what the actions of this administration may suggest, a majority of Americans are in favor of protecting transgender individuals from discrimination. A 2022 poll by the Pew Research Center indicated that 64% of Americans favor laws protecting such individuals, 25% were undecided, and only 10% opposed such laws. We urge HUD to leave intact the EAR and its associated protections, which a majority of Americans support, and instead rededicate itself to providing housing assistance to all who need it.

Thank you for the opportunity to submit these comments on the proposed rulemaking. Please do not hesitate to contact [michaelkane@saveourhomes.org](mailto:michaelkane@saveourhomes.org) if you have any questions or Yolanda Stokes at [Yolandastokes515@gmail.com](mailto:Yolandastokes515@gmail.com) .

Sincerely,

Michael Kane, Co-Chair  
LOFTE Network

Yolanda Stokes, President  
NAHT