



August 31, 2020

Submitted via www.regulations.gov

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

Re: HUD Docket No. FR-6152-P-01, RIN 2506-AC53 Comments in Response to Proposed Rulemaking: Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs

Dear Office of General Counsel,

I am writing on behalf of the Kalamazoo Community Foundation in response to the Department of Housing and Urban Development's (HUD) proposed rule change published in the Federal Register on July 24, 2020 (RIN 2506-AC53; HUD Docket NO. FR 6152-P-01) entitled, "Making Admission or Placement Determinations Based on Sex In Facilities Under Community Planning and Development Housing Programs." The Equal Access Rule created in 2012, in its current form, ensures that shelters and programs dedicated to supporting the housing needs of homeless individuals are unable to discriminate based on an individual's sexual orientation or gender identify, without exception, and a 2016 update was created explicitly to protect transgender individuals from discrimination. This proposed rule change would strip the protections the Equal Access Rule currently has in place for all LGBTQ+ members of the Kalamazoo community, and specifically strips the protections in place for transgender and gender non-conforming individuals in our community more broadly. Allowing institutions currently utilizing HUD programs and resources to determine individual policies and practices regarding the placement of individuals based on their sex and gender identity would be harmful to vulnerable communities across the country and especially in our Kalamazoo community. The Kalamazoo Community Foundation urges that this proposed rule change be withdrawn in its entirety.

This proposed rule weakens and undermines fair housing protections and permits blatant discrimination against members of the LGBTQ+ community and especially

creates barriers for homeless LGBTQ+ youth, further marginalizing them. Individuals from the LGBTQ+ community are already disproportionately affected by homelessness. Further, up to 40% of all homeless youth identify as LGBTQ+. In Kalamazoo County, over 4,800 individuals are experiencing homelessness and over 70% of these individuals are in the City of Kalamazoo alone. These individuals are experiencing homelessness in the midst of a pandemic where critical housing needs have become exacerbated. An annual survey conducted by HUD shows the number of homeless individuals in Kalamazoo county rose for the fourth straight year. It showed in January 2019 the county's homeless population had risen by almost 24% from the 2018 survey. It also shows an increase of nearly 90% since 2016. The Kalamazoo Community Foundation been involved in numerous community initiatives to support shelters and housing needs such as providing support to our local Continuum of Care operations and funding our local HMIS agency work to de-congregate shelters and provide temporary housing to individuals in shelters due to COVID19. As the Kalamazoo Community Foundation continues to prioritize equity, this proposed rule raises serious concerns about the impact of additional barriers to shelters and housing will have on our community and its most marginalized residents.

Moving forward with this purposed rule change in a global pandemic is particularly egregious. Limiting access to safe and healthy shelters for the LGTBQ+ community, HUD's rulemaking will inevitably create additional barriers for individuals to safely physically distance and self-isolate. The Kalamazoo Community Foundation urges HUD to immediately withdraw its current rule change proposal and dedicate its efforts to mitigating the current effects that COVID-19 has had on housing stability, not only for the LGBTQ+ community but for all individuals. The country is experiencing an economic, health, and housing crisis, and the administration should devote its resources to facilitating housing options not creating additional barriers.

As organizations, groups and individual residents are working tirelessly every day to ensure that everyone in this community has access to housing, the Kalamazoo Community Foundation strongly opposes this harmful policy proposal that undermines ongoing efforts to address the housing needs of our residents. We believe that the LGBTQ+ community, specifically transgender and gender non-conforming individuals most impacted by this policy have a right to equal protection under the law and to choose placement in line with their identity. These equal protections should continue to include government-funded shelters. We urge the Department of Housing and Urban Development to maintain the protections of the Equal Access Rule and ensure that shelters receiving public dollars through government agencies are obligated to adhere to inclusive and welcoming policies and practices that provide access to housing for every member of our community.

Sincerely,

Martha Gonzalez-Cortes, Vice President of Community Investment