



September 22, 2020

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

Submitted via online portal: <https://www.regulations.gov/comment?D=HUD-2020-0047-0001>

Re: FR-6152-P-01 Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs

To Whom It May Concern:

SchoolHouse Connection (SHC) is a national nonprofit organization working to overcome homelessness through education. Our national network is composed of school district and charter school homeless education liaisons designated under the education subtitle of the McKinney-Vento Act, as well as early childhood programs, institutions of higher education, and local homeless service providers.

The “Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity” rule implemented by HUD in 2012 recognized and sought to address the discrimination and housing challenges faced by transgender persons. The additional protections provided by the 2016 Equal Access rule allowed greater numbers of transgender individuals to have access to the same shelter and housing options as non-transgender individuals. By removing these protections, the proposed rule would put transgender people, including youth and young adults, at heightened risk of violence, predation, infection and transmission of COVID-19, educational failure, and prolonged homelessness.

The proposed rule is of particular concern to SchoolHouse Connection because of its harmful effects on the health, safety, education, and life outcomes of youth and young adults. Many youth and young adults experience homelessness, without a parent or guardian. National research from the University of Chicago’s Chapin Hall found that approximately 4.2 million

youth ages 13-25 experienced homelessness on their own during a 12-month period.¹ This number is expected to increase. The current economic crisis and family stress related to prolonged sheltering-in-place are expected to create new waves of youth and family homelessness.

In a 2014 data collection project conducted with homeless youth who were on the streets, 6.8% of youth self-identified as being transgender, which is three times the percentage of youth who identified as such in a national survey around the same time, showing an overrepresentation of transgender youth among those experiencing homelessness.²

Providing gender-identity inclusive housing options to transgender persons does not endanger the safety of those who are not transgender; *not* providing these options, however, *does* endanger the safety of those who are transgender. The National Center for Transgender Equality reported that 65% of transgender people who had experienced homelessness at some point in their lives were more likely to have been sexually assaulted. LGBTQ youth who are experiencing homelessness also experience bullying in schools at a disproportionate rate compared to their non-LGBTQ peers, which then puts these youth at increased risk of depression, suicide ideation and academic underperformance.³

High school students experiencing homelessness, including those who are transgender, are 4.63 times more likely to miss school due to safety concerns.⁴ This disruption in learning may have severe, long-term consequences for these students, including becoming involved with the criminal justice system, and dropping out of high school. In fact, students experiencing homelessness have a graduation rate of 64%, which is 13% below other low-income students(77.6 %), and 20% below all students (84.1%).⁵ Lack of a high school degree or GED, in

¹ Morton, M. H., Dworsky, A., and Samuels, G.M. 2017. Missed Opportunities: Youth Homelessness in America. National Estimates. Chicago, IL: Chapin Hall at the University of Chicago. [https:// voicesofyouthcount.org/wp-content/uploads/2017/11/VoYC-National-Estimates-Brief-Chapin- Hall-2017.pdf](https://voicesofyouthcount.org/wp-content/uploads/2017/11/VoYC-National-Estimates-Brief-Chapin-Hall-2017.pdf).

² Dr. Whitbeck, L., Welch Lazowitz, M., Crawford, D., Hautala, D. 2014. Street Outreach Program Data Collection Project Executive Summary. https://www.acf.hhs.gov/sites/default/files/fysb/fysb_sop_summary_final.pdf; Durso L.E. & Gates, G.J. (2012). Serving Our Youth: Findings from a National Survey of Service Providers Working with Lesbian, Gay, Bisexual, and Transgender Youth Who are Homeless or At Risk of Becoming Homeless. Los Angeles: The Williams Institute with True Colors Fund and The Palette Fund.

³ Student Homelessness: Lessons from the Youth Risk Behavior Survey (YRBS). (2020). Retrieved from <https://www.schoolhouseconnection.org/student-homelessness-lessons-from-the-youth-risk-behavior-survey-yrb>

⁴ Student Homelessness: Lessons from the Youth Risk Behavior Survey (YRBS). (2020). Retrieved from <https://www.schoolhouseconnection.org/student-homelessness-lessons-from-the-youth-risk-behavior-survey-yrb>

⁵ National Center for Homeless Education. 2017. Federal Data Summary School Years 2014-2015 to 2016-17: Education for Homeless Children and Youth. Retrieved from <https://nche.ed.gov/wp-content/uploads/2019/02/Federal-Data-Summary-SY-14.15-to-16.17-Final-Published-2.12.19.pdf>

turn, is the single greatest risk factor associated with experiencing homelessness as a young adult.⁶

By further reducing housing options, repealing the protections of the 2016 rule will exacerbate the effects of the emerging strains on emergency and transitional housing caused by the COVID-19 pandemic. This is ultimately counterproductive to the federal government's efforts to suppress the spread of the coronavirus. Transgender people are already disproportionately represented among persons experiencing homelessness, and, as noted above, the homelessness numbers are expected to rise significantly within the next year. For many people, shelters are the only way to safely and effectively self-quarantine. The proposed rule threatens to take this option away from vulnerable youth and young adults, forcing them to either stay on the streets, or stay temporarily with other people in crowded, unstable situations that put them at risk of COVID-19 transmission and infection, trafficking, and other harm.

Through our work, we have seen the devastating effects of the COVID-19 pandemic on children, youth, and families experiencing homelessness, and the tremendous barriers that they face to health and safety. These barriers are exacerbated by systems that fail to account for their lived realities, including their mobility, fear of authorities, heightened vulnerability to physical and sexual violence and trafficking, and inability to access shelter or housing due to restrictive eligibility criteria. We urge you not to promulgate a new rule based on the proposed rule, but rather to leave the existing protections for transgender people in effect, to ensure their safety in housing, and the safety of others, as we work to curb the effects of the COVID-19 pandemic.

Thank you very much for considering these comments. Should you have any questions, please do not hesitate to contact me at barbara@schoolhouseconnection.org.

Sincerely,



Barbara Duffield
Executive Director

⁶ Morton, M. H., Dworsky, A., and Samuels, G.M. 2017. Missed Opportunities: Youth Homelessness in America. National Estimates. Chicago, IL: Chapin Hall at the University of Chicago. [https:// voicesofyouthcount.org/wp-content/uploads/2017/11/VoYC-National-Estimates-Brief-Chapin- Hall-2017.pdf](https://voicesofyouthcount.org/wp-content/uploads/2017/11/VoYC-National-Estimates-Brief-Chapin-Hall-2017.pdf).