

# HUD proposes rule critics say would roll back protections for transgender homeless

By [Veronica Stracqualursi](#), CNN

Updated 12:29 PM ET, Thu May 23, 2019

*Washington (CNN)* The Department of Housing and Urban Development is proposing a new rule that would allow federally-funded homeless shelters to consider sex and gender identity when deciding whether to accommodate someone.

The [proposal](#) on Wednesday came a day after Secretary Ben Carson told Congress he is "not currently anticipating" changes to the Equal Access Rule, an Obama-era rule that required shelters provide lodging regardless of gender identity.

The [proposed rule](#) would permit shelters that have facilities, like bathrooms and sleeping quarters, separated by sex to establish policy that considers a person's sex for allowing accommodation or admission to the facility or portion, which critics say would lead to transgender individuals being turned away or discouraged from seeking shelter and lead to a rise in homelessness and discrimination. The rule would let shelters use "privacy, safety, practical concerns, religious beliefs" as a basis for their decision.

In its proposal summary, HUD said the rule would continue the agency's "policy of ensuring that its programs are open to all eligible individuals and families regardless of sexual orientation or gender identity."

CNN has reached out to HUD for comment.

During a House Financial Services hearing Tuesday, Carson said HUD's "responsibility is to make sure everybody is treated fairly."

Asked if HUD has current or future plans to eliminate the Equal Access Rule, Carson replied, "I'm not currently anticipating changing the rule."

[In 2017, HUD had removed](#) from its website links to training materials to prevent LGBT discrimination in homeless shelters.

Carson argued on Tuesday that the guidance was not necessary, because the 2012 and 2016 Equal Access Rules "adequately provide for fairness for all communities."

Rep. Jennifer Wexton, D-Virginia, accused Carson of being untruthful or ignorant of his agency's policy objectives.

"One day after (Carson) told me he isn't anticipating any changes to protections for LGBTQ people in shelters, HUD announced a proposal to gut that very rule," Wexton said Wednesday. "He either lied to Congress or has no idea what policies his agency is pursuing. Either way, it's unacceptable."

Wexton introduced a [bill Thursday](#) that would block HUD from implementing its proposal rule.

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— Rep. Jennifer Wexton (@RepWexton) [May 22, 2019](#)

Mara Keisling, the executive director of the National Center for Transgender Equality, called the HUD proposal a "heartless attack on some of the most vulnerable people in our society."

"The programs impacted by this rule are life-saving for transgender people, particularly youth rejected by their families, and a lack of stable housing fuels the violence and abuse that takes the lives of many transgender people of color across the country," Keisling [said in a statement](#). "Secretary Carson's actions are contrary to the mission of his Department and yet another example of tragic cruelty of this administration."

Julian Castro, the former HUD Secretary who helped finalize the 2016 Equal Access Rule, argued on Twitter that "rescinding this rule is a shameful decision that will result in trans shelter-seekers being forced on the streets."

The HUD rule comes as the Trump administration has [banned transgender recruits from joining the military](#) and [announced a rule aimed at protecting health care workers](#) who cite moral or religious reasons from paying for or participating in certain services, but critics say would allow LGBTQ individuals to be denied care.