



September 15, 2020

Submitted via www.regulations.gov

Regulations Division, Office of General Counsel
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 Raikes 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." We urge that this proposed rule change be withdrawn in its entirety.

The Raikes Foundation ("the Foundation") recognizes that every year, more than 4.2 million young people, ages 13 to 25, experience homelessness in the United States. Overwhelmingly, they are youth of color and young people who identify as LGBTQ. The Foundation believes that every young person deserves a safe, stable place to call home, and it is working to make that vision reality. We work with our partners to help schools, child welfare services and the juvenile justice system recognize the early warning signs of young people in crisis and prevent homelessness. We also work to ensure the community has the systems and tools in place to respond effectively if young people find themselves in crisis. Since 2016, the Foundation has invested over \$19 million at the national, state and local levels to prevent and end youth homelessness.

Many of these investments have focused on the disproportionate impact of youth homelessness on young people of color, youth who are LGBTQ+, or both. For example, the Foundation funded Project eQuality which seeks to, in part, reduce youth homelessness by creating safer and more affirming juvenile justice and child welfare systems for LGBTQ+ youth. The Foundation supports efforts that analyze data and policy with particular attention to the specific experiences of LGBTQ+ youth who are experiencing homelessness, such as the National Youth Forum on Homelessness, the State Index on Youth Homelessness, and Voices of Youth Count.

Through these engagements and many more, the Foundation has come to understand that communities will never end youth homelessness without safe, accessible, and affirming housing, shelter and services for youth who are LGBTQ+, and especially for those who are transgender or gender nonconforming.



Most communities' system of support for people experiencing homelessness incentivizes young people to avoid seeking services for fear of being further traumatized. This is exceptionally acute for young people who are transgender or gender nonconforming, whose experiences with service providers and other agencies may not have been positive. The providers and agencies who have the most success supporting young people experiencing homelessness are those who offer a safe, supportive and affirming environment.

To be safe and affirming, shelters should accept a person's assertion of their own gender identity. Unfortunately, HUD's proposal allows temporary, emergency single-sex shelters to ask someone to provide evidence of their sex "based on a good faith belief" that the person seeking shelter is not of the biological sex that the shelter serves.

The Foundation believes strongly that asking a person to provide evidence of their sex will limit the rights and protections of the LGBTQ+ community, particularly transgender people. Instead of helping young people exit homelessness, this rule would remove protections for transgender and gender non-conforming people seeking HUD-funded shelter. This result would push young people away from shelters, endangering their lives. This runs contrary to the interests of all our communities.

Disincentivizing individuals from accessing services in the midst of a pandemic is particularly dangerous and will create additional barriers for individuals to safely physically distance and self-isolate, be connected to critical health services, or stay healthy. Our partners and grantees universally report that COVID-19 has been particularly devastating for young people experiencing homelessness, and the key to serving them in the pandemic is making services more, not less accessible.

In summary, this rule will thrust more young people into unsafe situations, unnecessarily risking their lives when they might have otherwise been in shelter. We urge HUD to withdraw the proposal and pursue a course that makes shelters more accessible, safe and affirming in the midst of a pandemic.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me.

Regards,

A handwritten signature in black ink that reads 'Dennis Quirin'. The signature is fluid and cursive, with the first name 'Dennis' and last name 'Quirin' clearly distinguishable.

Dennis Quirin
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