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Regulations Division, Office of General Counsel  
Department of Housing and Urban Development  
451 7<sup>th</sup> 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 Texas Council on Family Violence (TCFV) 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in Facilities Under Community Planning and Development Housing Programs."* We urge that this proposed rule change be withdrawn in its entirety due to its harmful effect on communities too often pushed to the margin; those that identify as Lesbian, Gay, Bisexual, Transgender, or Queer/Questioning (LGBTQ+).

The [Texas Council on Family Violence](http://www.tcfv.org) (TCFV) was founded in 1978 and serves as the statewide nonprofit coalition in Texas dedicated solely to creating safer communities and freedom from family violence. With a statewide reach, and direct local impact, TCFV shapes public policy, equips service providers with essential tools and initiates strategic prevention efforts. TCFV is committed to mobilizing people and amplifying voices to make an impact for Texas' tens of thousands of victims and their families. We are one of the largest domestic violence coalitions in the nation, strengthened by a membership of more than 1,300 family violence service providers, businesses and business professionals, communities of faith, concerned citizens, and family violence survivors.

Experiencing violence at the hands of someone who was supposed to love you, someone who was supposed to build a family with you, someone you thought you had trust with is an experience many of us can't imagine. For those who have experienced violence in the home, it is traumatic and can lead to homelessness and the need for shelter or other housing supports. For those survivors of domestic violence who face additional barriers, solely because they identify as transgender, it is imperative that we don't place additional hurdles to a critical safety net solely due to their gender identity. Subtle, and not-so-subtle, homophobia and bias already exist for LGBTQ+ survivor populations, particularly transgender survivors. The family violence movement is actively working to overcome these systemic and interpersonal barriers to LGBTQ+ survivors accessing equitable services. The proposed amendment would complicate,

contradict, and overturn any progress made in building trust and providing services to LGBTQ+ communities, undoing decades of service provision progress.

Research has shown over and over again that transgender individuals face enhanced risks to safety at an alarming rate. TCFV guides its work based on survivor-centered efforts and research and as a result released the 'Texas State Plan' entitled [Creating a Safer Texas: Access to Safety, Justice and Opportunity](#) in 2019. The State Plan contains a report entitled [Understanding the Needs of Underserved Communities in Texas](#).<sup>1</sup> This report underscores that transgender individuals face some of the highest risks of experiencing intimate partner violence.<sup>2</sup> Additionally, the report acknowledges the stigma and fear associated with their gender identity and/or gender expression in conjunction with the transphobia and as a result are less likely to seek services from domestic violence agencies; a reality this harmful proposed rule would validate by allowing for discriminatory practices.<sup>3</sup> The proposed amendment to the Equal Access Rule would serve to codify and exacerbate the lack of access, fear, stigma, and transphobia experienced by transgender, genderqueer, gender non-conforming, gender non-binary, and intersex survivors. The amendment would further isolate these communities and increase their vulnerability. It says to a victim, who has already heard it all too many times from their partner who uses violence, you don't matter and there is no one here to support you.

In addition to this wealth of research, TCFV convenes a multidisciplinary group of LGBTQ+ stakeholders several times a year to assess the needs of LGBTQ+ survivors. One LGBTQ+ stakeholder told researchers, ***"If you're not understanding that trans clients are at a higher risk for being outside a shelter, then you don't have a great danger assessment."*** This stakeholder's comment serves as a testament to the challenges already faced by transgender survivors; by being less likely to seek traditional shelter services, transgender individuals are at an increased exposure to other risk factors. Throughout the United States, we have seen an onslaught of murders of transgender people, particularly transgender women of color, with Texas leading the nation in murders of transgender people.<sup>4</sup>

In Texas, LGBTQ+ and several other underserved population stakeholder groups have told us what is important. They have told us what would allow for them to seek life-saving services.

<sup>1</sup>Brereton, A.I., Serrata, J.V., & Hurtado Alvarado, M.G. (2019). Understanding the Needs of Underserved Communities in Texas, Austin, TX: Texas Council on Family Violence.

<sup>2</sup>Langenderfer-Magruder, L., Whitfield, D. L., Walls, N. E., Kattari, S. K., & Ramos, D. (2014). Experiences of Intimate Partner Violence and Subsequent Police Reporting Among Lesbian, Gay, Bisexual, Transgender, and Queer Adults in Colorado: Comparing Rates of Cisgender and Transgender Victimization. *Journal of Interpersonal Violence*, 1-17.

<sup>3</sup>Jacobson, E. L. (2013). Examining Relationships Among Levels of Victimization, Perpetration, and Attitudinal Acceptance of Same-sex Intimate Partner Violence in Lesbian, Gay, Bisexual, Transgender, and Queer College Students. Dissertation. University of Central Florida.

<sup>4</sup>McGaughy, L. (2019, October 02). Texas leads the nation in transgender murders. After the latest attack, the Dallas trans community asks why. Retrieved September 17, 2020, from <https://www.dallasnews.com/news/2019/09/30/texas-leads-nation-transgender-murders-according-national-lgbtq-organization/>.

They have told us the path to safety and this proposed rule is the opposite. They have asked for simple and accessible intake procedures. Instead of listening to the community, the new HUD amendment would further complicate the intake process for survivors and for program staff by introducing fear, stigma, and unnecessary questions and conversations due to the exclusionary restrictions the amendment proposes. They have shared that structures, such as waitlists, result in many survivors receiving delayed services or never receiving the support that they need when they need it the most. This rule would exacerbate this with processes and questions that not only discriminate but add additional delays. Shelter programs should be encouraged to contextualize the elevated risks of underserved communities, not to ignore the additional risk and reject these survivors, as the amendment would allow.

When we talk about vulnerable Texans, we also must acknowledge the staggering rates of domestic violence LGBTQ+ youth experience. 88.9% of transgender youth reporting experiencing some form of dating violence.<sup>5</sup> These young people may face stigma from their families or communities based on their gender identity or expression and sexual orientation, which creates specific barriers to help-seeking.<sup>6</sup> Texas is an innovator in creating a legal framework to support minor victims of dating or domestic violence and in our state all minors have the right to obtain emergency shelter when in imminent danger.<sup>7</sup> LGBTQ+ youth, experience domestic violence at alarming rates, by instituting its discriminatory amendment to the Equal Access Rule, HUD would strip this right via generating fear and stigma based policies and amplifying systemic practices already perceived to be transphobic and homophobic. This would further endanger young people in Texas, and across the country, who deserve equal access to services without having to navigate newly codified regulations that are discriminatory and hateful.

We know that this is not just an issue in Texas. From a national viewpoint, the National Coalition of Anti-Violence Programs reports a recent three-year trend where hate violence survivors are reporting they knew their assailant. Furthermore, 29% of transgender hate violence survivors were assaulted in their private residence.<sup>8</sup> This trend further underscores the need for trans individuals to have access to safe and affirming shelter. Despite the work of TCFV and our national partners, transgender survivors' access to safe shelter remains an ongoing battle. The *National Report on LGBTQ & HIV Affected Violence in 2017* reports 43% of transgender survivors who sought shelter services were denied based on their gender identity.<sup>9</sup> HUD's proposal will set a dangerous trend of allowing discrimination based on gender identity.

<sup>5</sup>Dank, M., Lachman, P., Zweig, J. M., & Yahner, J. (2014). Dating violence experiences of lesbian, gay, bisexual, and transgender youth. *Journal of youth and adolescence*, 43(5), 846-857.

<sup>6</sup>Break the Cycle (2016). LGBTQ Tip Sheets. Retrieved September 17, 2020, from <https://www.breakthecycle.org/working-lgbtq-youth>.

<sup>7</sup>Texas Family Code, Title 2: Child in Relation to the Family, Subtitle A: Limitations of Minority, Chapter 32: Consent to Treatment of a Child by Non-Parent or Child, Subchapter C: Miscellaneous Provisions, Section 32.201: Emergency Shelter or Care for Minors. Retrieved September 17, 2020, from <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.32.htm>.

<sup>8</sup>Water, E., Pham, L., & Convery, C. (2018). National Coalition of AntiViolence Programs (NCAVP). A Crisis of Hate: A Report on Homicides Against Lesbian, Gay, Bisexual and Transgender People.

As a state domestic violence coalition with over 100 member programs, our charge is to stand aside, and raise voice with, people most in need. We believe that all oppressions are interlinked and that we cannot silo our movements to end violence. Ending violence includes ending violence against the transgender community. As a movement, we openly serve survivors of all gender identities, sexualities, and gender expressions because we advocate for an end to all relationship violence. We have asserted for decades that anyone can be a victim of intimate partner violence and that everyone who experiences violence at the hand of a current or former intimate partner should have access to the full range of safety and healing services available. Their access to these life-saving services should be rooted in equity, dignity, and justice rather than discrimination, hate, and fear as this proposed rule would seek to do. Survivors should not be hindered from seeking services because someone stood in judgment frankly, in a similar manner to their partner who used violence and determined that they are less worthy of safety.

The great Texan, Barbra Jordan, once stated, *“We believe in equality for all, and privileges for none.”* This proposed rule does not honor our Texas values nor our commitment to stand with, and raise voice for, ALL survivors of domestic violence. As a result, our comments reflect our commitment to ensuring that every survivor has access to shelter during a time of crisis and from the deep knowledge from decades of experience that perpetuating discriminatory policies against any group or identity *does not increase safety in shelter programs*. We urge the withdrawal of the rule.

Sincerely,



Gloria Aguilera Terry  
CEO, Texas Council on Family Violence  
[gterry@TCFV.org](mailto:gterry@TCFV.org)

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<sup>9</sup> Tillery, B., Ray, A., Cruz, E., & Waters, E. (2018). National Coalition of Anti-Violence Programs (NCAVP). Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate and Intimate Partner Violence in 2017.