

NLIHC's HoUsed Campaign for Long-Term Housing Solutions

May 12, 2026

Welcome & Introductions



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Agenda



Welcome & Introductions

- Ramina Davidson, Vice President of Field Strategy & Innovation, NLIHC

Attacks on HUD's Equal Access Rule

- Josh Dubensky, Manager of Housing Policy, SAGE
- Devon Ojeda, Senior National Organizer, Advocates for Trans Equality

Policy Updates

- Renee Williams, Senior Policy Advisor, NLIHC
- Kim Johnson, Senior Policy Director, NLIHC

Take Action

- Ramina Davidson, Vice President of Field Strategy & Innovation, NLIHC

Attacks on HUD's Equal Access Rule



Josh Dubensky

Manager of Housing Policy

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Senior National Organizer

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Equal Access Rule (EAR)

Ensure U.S. Department of Housing and Urban Development (HUD) funded services are not denied based on sexual orientation, gender identity, or marital status.

Originally issued to ensure family members, such as fathers, teenage boys, and grandparents could access the same shelter as their family.

Updated to address barriers faced by transgender and gender nonconforming people.

Protects universal access, whether it's a family at a shelter or a transgender person seeking life-saving resources.

What is HUD Proposing?

Issuing a new
regulatory
definition of
“sex”

Removes all references to “gender,” “gender identity,” and “actual or perceived sexual orientation.” It replaces these terms with a new definition of “sex” which it defines as an “individual’s immutable biological classification as either male or female.”

Prohibiting
access based
on gender
identity

Requires all placement and accommodation in temporary emergency shelters and other facilities with shared sleeping quarters or bathing facilities to be made according to an individual’s biological sex, rather than self-identified gender identity.

Permitting
providers to
require
evidence of
sex

Removes prohibitions on inquiries into gender identity so providers may “require reasonable assurances or evidence to establish a person’s sex.

Forcing
providers to
discriminate

Requires grantees to follow the new definitions or risk the loss of federal funds. This would be enforced even if state and local laws conflict with the new guidance and grantees are faced with a loss of state or local funding.

What are HUD's Justifications?

White House directive to remove "gender identity" policy

The President's Executive Order does not provide sufficient legal authority to change the definition of words and eliminate civil rights protections.

Lack of authority to expand fair housing protections based on gender identity.

The Bostock Supreme Court ruling combined with the Fair Housing Act provides the Congressional and judicial direction required.

Protect women seeking shelter

HUD does not back up this assertion with any evidence that the EAR resulted in women experiencing harassment or assault.

Defense of religious liberty of faith-based service providers

There are no records of complaints from service providers, and HUD has not responded to Freedom of Information Act requests seeking documentation of any service providers requesting a waiver.

Advocacy Resources and Comment Campaign

Public Comment Period

- Open until June 29th

EAR Comment Portal

- <https://action.transequality.org/a/equalaccessrule>

Advocacy Toolkit

- <https://transequality.org/earcomment>

EAR Advocacy Newsletter

- <https://sageusa.tfaforms.net/4664188>

EAR Advocacy Webinar

- May 20th, 2:00-3:00 EST
- https://go.sageusa.org/e/697503/MGSyaVNYamQUAkXA--registration/2b5cn4/1917127134/h/HZIGUiBxNNELRADi9rEvMbnnypP-k_nmGTejhzldicc

Policy Updates



Renee Williams

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HOME Program



- HUD program that is administered by state and local governments and nonprofits.
- Several different activities HOME can be used for, including:
 - Gap financing for the construction or rehab of rental housing.
 - Rental assistance, including security deposit assistance.
 - Homeownership activities (downpayment assistance, and construction and rehab of owner-occupied housing).
- If used for rental housing, at least 90% of units assisted in a jurisdiction must be for households at less than 60% of area median income (AMI), with remainder of assisted units for households at less than 80% AMI.
- Remember that preservationdatabase.org is a resource.

HOME Program Rulemaking



- **July 2013:** HUD finalized [changes](#) to HOME regulations.
- **May 2024:** HUD proposed [additional changes](#).
- **January 2025:** [HOME Final Rule](#) published.
 - As NLIHC [noted at the time](#), the HOME Final Rule reflects many NLIHC recommendations and includes meaningful tenant protections (e.g., security deposit standards).
- HUD has since [indefinitely delayed](#) implementation of aspects of the 2025 Final Rule, including tenant protections.

HOME Supplemental Notice of Proposed Rulemaking



- Published April 30
- Comment period open for 30 days, ends June 1
- Styled as a Supplemental Notice of Proposed Rulemaking
- Submit comments at: [Regulations.gov](https://www.regulations.gov)

Examples of tenant protections HUD seeks to remove



- Regarding HOME rental housing tenants, HUD is now proposing to remove 2025 Rule protections such as:
 - A requirement to relocate tenants if a life-threatening deficiency cannot be resolved the same day.
 - Requirements regarding security deposits, allowing tenants to organize, and confidentiality of personally identifiable information.
 - Protections against “unreasonable interference or retaliation.”
 - Notice requirements regarding a change in property ownership.
 - Source of income protections beyond protections for Housing Choice Voucher holders and participants in HOME tenant-based rental assistance programs.
 - Requirement that the written lease include owner, management staff, and participating jurisdiction contact information.

Additional Provisions



HUD is also proposing to:

- Retain language regarding “good cause” to terminate a tenancy or refuse to renew a tenancy.
- Define “scattered site manufactured housing rental project,” and move to triennial income examinations for scattered site manufactured housing rental projects.
- Permit owners “to limit or provide a preference to persons with disabilities even if the services provided at the HOME project can be provided in a nonsegregated setting.”
- Remove ability for participating jurisdictions to exceed maximum per unit subsidies for projects that meet green building standards.
- Include carbon monoxide detector standards.

What's Next



- Comment period is ongoing, and ends June 1.
- NLIHC is particularly concerned about the elimination of tenant protections included in the 2025 HOME Final Rule.
- Future issues of *Memo to Members* will provide more info about comments.

Policy Updates



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Policy Updates



Bipartisan Housing Supply Bill

- House expected to release text of another bill this week, with vote potentially next week

FY27 Appropriations

- HUD Secretary Scott Turner committee hearings on FY27 budget request
 - May 12: House Appropriations Committee
 - May 14: Senate Appropriations Committee
 - May 21: House Subcommittee markup of FY27 THUD bill
- **Organizations:** Join CHCDF sign-on letter for highest possible funding for HUD & USDA affordable housing, homelessness, and community development programs, and guardrails to ensure funding reaches communities:
<https://nlihc.quorum.us/campaign/160656/>

Take Action



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Resources & Next Steps



- **Contact** your members of Congress: <https://nlihc.quorum.us/campaign/157066/>
- **Become a member** of NLIHC: www.nlihc.org/membership
- **Connect** to your Field Team member: outreach@nlihc.org

**Join our next National HoUsed Campaign Call:
Tuesday, June 9 at 4:00 -5:00 pm ET**