



**A Message from Harriet Tregoning,
Principal Deputy Assistant Secretary for Community Planning and Development**

I am pleased to inform you that we have reached an important milestone in HUD efforts to ensure equal access for all persons in our programs. On September 21, 2016, HUD will publish a final rule in the Federal Register entitled [*Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs*](#).

This rule will ensure that all individuals have equal access to many of the Department's core shelter programs in accordance with their gender identity. This rule becomes effective October 21, 2016.

I encourage all CPD grantees to promptly review their policies to ensure consistency with the new rule.

Following what had previously been encouraged practice by HUD, providers using funds awarded through the Department's Office of Community Planning and Development (CPD), including those operating single sex projects, are now required to provide all individuals, including transgender individuals and other individuals who do not identify with the sex they were assigned at birth, with access to programs, benefits, services, and accommodations in accordance with their gender identity without being subjected to intrusive questioning or being asked to provide documentation.

HUD's new rule will require a recipient, subrecipient, or provider to establish, amend, or maintain program admissions, occupancy, and operating policies and procedures (including policies and procedures to protect individuals' privacy and security), so that equal access is provided to individuals based on their gender identity.

Other provisions and changes to the rule include:

- Eliminates the prohibition on inquiries related to sexual orientation or gender identity so service providers can ensure compliance with this rule. The removal of the prohibition on inquiries related to sexual orientation or gender identity does not alter the requirement to make housing assisted by HUD and housing insured by the Federal Housing Administration available without regard to actual or perceived sexual orientation or gender identity.
- Amends HUD's definition of "gender identity" to more clearly reflect the difference between actual and perceived gender identity.
- Makes a technical amendment to the definition of "sexual orientation," which was adopted from the Office of Personal Management's (OPM) definition of the term in 2012 to conform to OPM's current definition.
- NOTE: the definition of "family" remains the same. See [FAQ 1529](#) for specific guidance for projects with CoC and ESG funding.

As a new program regulation, failure to comply with the requirements of this rule will be considered a violation of program requirements and will subject the non-compliant grantee to all sanctions and

penalties available for program requirement violations. HUD has provided a suite of Technical Assistance materials to support final rule implementation, which can be found at <https://www.hudexchange.info/homelessness-assistance/resources-for-lgbt-homelessness/>.

HUD has also provided a document that grantees can publicly post to inform clients and staff of the equal access requirements, which can be found at <https://www.hudexchange.info/resource/5147/notice-on-equal-access-rights/>.

HUD is planning to conduct trainings and provide additional TA materials to assist HUD grantees in understanding the new rule and implementing the policies and procedures appropriately. As these resources become available, you will be able to access them on the [LGBT Homelessness Resource Page](#).

Find more information on HUD's broader work for LGBTQ inclusion in HUD's programs at http://portal.hud.gov/hudportal/HUD?src=/LGBT_resources. Please direct any questions regarding this rule and any requests for technical assistance to your local CPD representative.