



NCCADV

North Carolina Coalition
Against Domestic Violence

July 2020

On July 24, 2020, the US Department of Housing and Urban Development (HUD) proposed a rule that would remove equal access protections for transgender and gender non-conforming (T/GNC) individuals who are seeking housing in HUD-funded programs.

We echo Equality NC, the NC Coalition to End Homelessness, and other community partners across the state who advocate for LGBTQ liberation, in vehemently opposing this proposed rule. The impacts of this rule on the transgender community would be numerous and profoundly harmful.

This proposed HUD rule allows discrimination against trans people, as it would allow single-gender housing facilities to determine a person's eligibility for housing access to be based solely on their sex assigned at birth, which the proposed rule refers to as 'biological sex', instead of that person's gender identity. This proposed rule would roll back protections from earlier HUD rules in 2016. In practice, this proposed rule means that single-gender facilities could use excess and biased discretion to deny shelter to transgender people based their assumptions of that person's assigned sex at birth, referred to in the policy as as "actual or perceived gender-related characteristics." Under this new rule, shelter staff are also permitted to ask invasive questions to "determine" a person's sex assigned at birth.

Though we know Domestic Violence (DV) shelters in NC are required to house survivors of all gender identities, this rule still has impacts on such facilities, as many of have gender-specific sections. Many counties also have gender-specific shelters for folks experiencing homelessness, which survivors experiencing housing insecurity also might access at some point.

These proposed changes would perpetuate the experiences of violence against the transgender community. Transgender people experience significant rates of homelessness and barriers to accessing housing with nearly one-third experiencing homelessness at some point in their lifetime. In a survey of transgender Americans by the National Center for Transgender Equality, 70% of respondents who stayed in a shelter in the past year reported some form of mistreatment, including being harassed, sexually or physically assaulted, or kicked out because of being transgender.^[1]

These housing barriers were true for the transgender community, and for transgender survivors of DV, prior to COVID-19 and we have seen how this pandemic disproportionately affects the LGBTQ community, in particular transgender folks. The pandemic also correlates with increased rates of DV. Studies have shown that the transgender community experiences disproportionate

vulnerability to domestic violence. According to the 2015 US Transgender Survey, more than half of transgender individuals (54%) experienced some form of intimate partner violence in the last year[2]. Domestic violence survivors experience high rates of homelessness and housing insecurity as a direct result of fleeing homes shared with violent partners, as well as the common experience of economic abuse[3]. Trans and gender non-conforming folks experience significant negative outcomes from COVID and from DV. By denying housing access, these outcomes would be further exacerbated.

The statistics are clear: transgender folks experience high rates of DV, high impacts from COVID19, and low access to safe housing. These proposed rules will render it even less likely that transgender folks would seek help that is so needed when they are in danger.

Emergency housing should be a place of safety for all communities. We need to support all communities who are in danger. Protecting transgender people's access to gender specific facilities could protect them from danger, and does NOT endanger the safety or privacy of others. We have a responsibility to dismantle these barriers to access rather than reinforcing them.

NCCADV stands against HUD's new proposed rule because it will harm trans and gender non-conforming people, including trans and gender non-conforming survivors. We believe that patriarchy, gender inequality, and all oppressions play a central role at the individual, institutional, and cultural levels in creating and maintaining an environment which accepts domestic violence; the proposed rule is rooted in transphobia and thus creates an environment where violence is acceptable.

Starting today, there is a 60 day comment period where members of the public can share why this rule would be a huge mistake because #HousingSavesLives.

Visit to make a comment, and use this toolkit from Equality NC on how to write a comment: <https://docs.google.com/document/d/1XEbOL7QDfJliEEy9WgbOCO1a052IMZMo2Ci8SMw0nq8/edit?usp=sharing>

[1] <https://www.transequality.org/sites/default/files/docs/usts/Executive%20Summary%20-%20FINAL%201.6.17.pdf>

[2] <https://www.transequality.org/sites/default/files/docs/usts/Executive%20Summary%20-%20FINAL%201.6.17.pdf>

[3] <https://www.hudexchange.info/homelessness-assistance/domestic-violence/>

