



Oregon

Governor Kate Brown

Housing and Community Services

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September 15, 2020

The Honorable Benjamin S. Carson, Sr., M.D.
Secretary of the Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410

RE: Opposition to Proposed Rollback of Equal Access Rule

Dear Secretary Carson,

On behalf of Oregon Housing and Community Services (OHCS), I write to comment on the proposed changes to the Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs Rule ("Equal Access Rule"), currently being considered by your department. Here at OHCS, our vision is that all Oregonians have the opportunity to pursue prosperity and live free from poverty. OHCS makes available state and federal resources for Oregonians to reduce poverty and increase access to stable housing. This proposed rule change threatens to undermine the overall well-being and housing stability of low-income Oregonians and their families and further exacerbates the disproportionately negative housing outcomes for LGBTQ+ Oregonians.

Our agency recently commissioned a study on the need for shelter in our state, which has one of the highest rates of unsheltered homelessness in the nation. The Oregon Shelter Study combined qualitative and quantitative data to paint a picture of Oregon's shelter landscape. The picture is distressing. Oregon has less than half the shelter beds needed to provide relief to Oregonians identified in the Point-in-Time Count, and it is worse for LGBTQ+ Oregonians. Through focus groups, we heard directly from individuals experiencing homelessness. Transgender and LGBTQ+ respondents reported that discrimination or barriers related to gender identity, sexual orientation, or LGBTQ+ status was a top impediment to accessing shelter. Focus group discussion indicated that some people who are transgender or gender nonconforming avoid shelter due to expressed concerns for safety and the potential for exposure to further discrimination by staff and/or other guests¹. These fears exist **with** the protections of the Equal

¹ <https://olis.leg.state.or.us/liz/201911/Downloads/CommitteeMeetingDocument/206926>



Access Rule. Changing or weakening the Rule would erode the progress we are hoping to make to create more shelter options for Oregonians.

Unfortunately, Oregon is not an exception. The discrimination transgender and gender nonconforming Americans experience in accessing housing and shelter has been well documented across the nation. Point-in-Time Counts over the past few years have revealed that transgender and gender nonconforming individuals experience homelessness at higher rates, unsheltered homelessness in particular. The National Coalition to End Homelessness has detailed disparities in the “Transgender Homeless Adults & Unsheltered Homelessness: What the Data Tell Us” brief, “Unsheltered transgender people are more vulnerable than their sheltered counterparts across nearly all measures.”²

Rolling back these protections opens the door to overt and blatant discrimination based on gender identity. This will intensify the trauma and abuse for transgender individuals who might be directed to an inappropriate emergency shelter based on prejudice and/or ignorance of the shelter providers. The roll back of the Equal Access Rule may cause those in need to avoid shelter, facing dangerous weather conditions such as smoke, freezing or hot temperatures, wind storms, and more. Now, in the face of a global pandemic, the threats of unsheltered homelessness are even more life-threatening to the homeless individual and every person with which they come in contact.

Oregon will continue to push the standards outlined in the Equal Access Rule as a bare minimum. Oregon Revised Statute 659A.030 provides protections on the basis of gender and sexual identity³, which includes gender identity (ORS 174.100).⁴ In OHCS’ Master Grant Agreement (MGA) with Community Action Agencies, Oregon’s mandated homeless service delivery system, equal access standards are called out and enforced. Program manuals specifically require compliance with all state and federal statutes relating to nondiscrimination. Grantees, subgrantees and subrecipients may not take any action (such as refusing, denying application, setting different terms and conditions, etc) based on race, color, national origin, religion, **gender**, familial status, disability, marital status, sexual orientation, **gender identity** or source of income. Additionally, OHCS reviews nondiscrimination policies before funding is approved.

² <https://endhomelessness.org/wp-content/uploads/2020/07/Trans-Homelessness-Brief-July-2020.pdf>

³ https://www.oregonlegislature.gov/bills_laws/ors/ors659a.html

⁴ https://www.oregonlegislature.gov/bills_laws/ors/ors174.html

As you can see, the state is doing our part to set the standards, offer technical assistance and help our local partners open up choices for transgender and gender nonconforming community members. But the erosion of federal standards creates one more uphill climb for those of us working at the state and local levels to make a dent in unsheltered homelessness. We are partners in this effort with our federal agencies, and we should walk together in this work.

We as a state and as a nation have much more work to do to ensure that transgender and gender nonconforming individuals do not face discrimination and disproportionate outcomes related to housing and other aspects of daily life. OHCS will continue to embed this state law into our operations. We hope this standard is not lost at the national level. Even still, if the federal government leans out, OHCS will continue to lean in on issues of equity.

I hope you reconsider the rollback of the Equal Access Rule. While we know that shelter is not the solution to homelessness, taking away the safety and stability of these sites for our transgender neighbors will only serve to further exacerbate not only their length of homelessness, but also the negative impact and trauma they experience. America must ensure that all people, regardless of gender identity, are able to access the safety of emergency shelter and other vital services without the fear of discrimination.

Sincerely,



Margaret Salazar
Executive Director, Oregon Housing and Community Services

cc: U.S. Senator Ron Wyden
U.S. Senator Jeff Merkley
U.S. Congresswoman Suzanne Bonamici
U.S. Congressman Earl Blumenauer
U.S. Congressman Peter DeFazio
U.S. Congressman Greg Walden
U.S. Congressman Kurt Schrader