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June 29, 2026

RE: HUD [Docket No. FR-6518-P-01], RIN 2501-AE12: Equal Access to Housing in HUD Programs Revisions

To whom it may concern,

By notice issued on April 28, 2026, the Department of Housing and Urban Development ("the Department", "HUD") has published a proposed rule rescinding requirements that virtually the entire gamut of federally supported housing programs operate in ways that do not discriminate based on gender identity and sexual orientation ("the Rule.") **Hispanic Federation (HF)** respectfully submits the following comment in response to HUD request for comment on the proposed rulemaking, HUD [Docket No. FR-6518-P-01], RIN 2501-AE12. Ultimately, Hispanic Federation urges the Department withdraw the Rule as likely discriminatory via harmful impact, and out of concerns over incomplete or inadequate regulatory impact analysis (RIA), and the apparent negative consequences that the Rule would cause on families, businesses, and communities, without any discernible or quantified benefit.

1. **Hispanic Federation Interest in Rule**

Hispanic Federation has decades of experience operating our own nonprofit, community-driven programming, and supporting that of our many partners. Indeed, Hispanic Federation plays a pivotal role in communities across the country as a vital lifeline for over 840 Latino community-based organizations in 43 states and territories. Last year alone, we invested over $27 million to strengthen our frontline service institutions, provided legal assistance to 60,000 immigrants, fed more than 340,000 vulnerable individuals and mobilized over 130 CBO leaders to improve community health, climate resilience, and educational opportunities nationwide. Through those efforts and more, we have attained a robust base of experience and expertise which inform our recommendations on the proposed rulemaking.

Per HUD's invitation to interested parties to submit relevant written data, views, or arguments on the proposed rule, we address here the Rule's likely harmful effects on housing access among the LGBTQ+ community, with commensurate downstream deleterious impacts upon households irrespective of protected qualities, local economies, and community health, particularly in light of the heightened vulnerability of communities targeted by HUD within the Rule. The elimination of the underlying protections and programmatic availability to LGBTQ+ households will ultimately lead to aggravated harm to vulnerable populations and communities at large. As such, the Rule should be withdrawn.

2. The Status of Housing Access among Latino and LGBTQ+ Communities

Housing access is a pressing problem for all Americans, but Latino and LGBTQ+ communities in particular. In general, Latinos are less likely to own their homes than their peers, with the Latino homeownership rate roughly 15pp lower than the national average according to data from the St. Louis Fed.[1] Latinos are almost 50 percent more likely to embrace multigenerational living, which contribute to increased strength of familial connections[2] and can boost health outcomes among participants.[3] However, the U.S. housing stock is largely not designed to facilitate multigenerational living,[4] which can lead to exacerbated maintenance requirements and infrastructural challenges. Latinos are more likely to live in older, less-effectively maintained dwellings, that are themselves more likely to be termed legally "inadequate." Simultaneously, Latino families are more likely to live in less desirable neighborhoods, and in buildings with more people living in the dwelling than the population at large.[5] Each of these concerns adds up to lower home values, increased health challenges, and decreased standard of living.

Such obstacles are in keeping with elevated poverty and decreased home occupancy durations among Latinos than their peers.[6] These inequities will only increase with rising housing costs. Reduced access to quality, affordable housing is troubling in its own right in terms of daily standard of living. Moreover, these housing shortfalls enable dire long-term ramifications. Poor domicile conditions contribute to worsened health outcomes, reduced disaster preparedness, and Latinos' general lack of financial capital.[7] As climate change and disasters further tax home maintenance infrastructure (and therefore pocketbooks), the fiscal and housing burden on the Latino community will only increase, perpetuating housing injustice, unless robust, proactive measures are implemented.

The situation is still more dire for LGBTQ+ households. Meta-analysis has shown that LGBTQ+ individuals may comprise anywhere from 20 to 40 percent of the unhoused population, despite

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[1] https://fred.stlouisfed.org/graph/?g=wZHP (Accessed 5/2/25)
[2] Jennifer Reid Keene and Christie D. Batson, "Under One Roof: A Review of Research on Intergenerational Coresidence and Multigenerational Households in the United States," *Sociology Compass*, 4/8, 2010.
[3] Emre Sari, "Multigenerational Health Perspectives: The Role of Grandparents' Influence in Grandchildren's Wellbeing," *International Journal of Public Health*, Vol. 68, 2023.
[4] Stephanie H. Shin, "Planning for a Multi-Generational Future: Policies, Regulations, and Designs for Multi-generational Housing in the United States," Master's Thesis: Massachusetts Institute of Technology (Boston: Mass), 2010.
[5] For instance, Katrin B. Anacker, *Housing in the United* States, (Routledge: New York), 2024; Friedman and Fussell.
[6] Friedman and Fussell, 12.
[7] Joshua H. West et a., "Does Proximity to Retailers influence Alcohol and Tobacco Use Among Latino Adolescents?" *Journal of Immigrant Minority Health*, 2010; Abdulrahman Jbaily et a., "Air pollution exposure disparities across US population and income groups," *Nature,* Vol. 601, 2022. Arthur Acolin, Desen Lin, and Susan M. Wachter, "Endowments and Minority Homeownership," *Cityscape*, Vol. 21, No. 1, 2019.

comprising a far lower rate of the general population.[8] Rates of homelessness are likewise alarmingly high among LGBTQ+ youth, of whom 28 percent have experienced homelessness in their lives; that rate skyrockets to above 35 percent for transgender youth.[9] Discrimination and inadequate access to supported housing are both key factors in these outcomes.[10] Such rates have historically tended to be only higher still among racial-ethnic minority LGBTQ individuals only underscoring the potential harms and disparate impacts of the Rule.

These trends have perpetuated for decades. A 1999 review of housing challenges facing the Latino community concluded that working Latino families confront "several problems in obtaining 'safe, sanitary, and decent' housing" with those problems having only been exacerbated in the years leading up to that review.[11] Across the United States, rates of housing cost burden (defined as a household spending 30% or more of monthly income on housing costs) are high, and on the rise.[12] Even against a backdrop of a universal crisis in housing affordability, Latinos and LGBTQ+ Americans have been harder hit than other groups. During the Great Recession, Latinos were affected by the highest rate of home foreclosure in the country,[13] sending more Latino families away from homeownership to the pernicious rental market. Furthermore, research affirms that Latino households face greater rates of housing insecurity and cost burden than non-Hispanic White households, even when factoring in socioeconomic capacity and education.[14]

So too have LGBTQ+ households been faced with higher rates of rent burden and eviction threats than their peers, with the Census's Household Pulse Survey finding disproportionate threat to LGBTQ+ families' housing stability throughout the pandemic.[15] Furthermore, LGBTQ+ individuals and households are horrifyingly exposed to poor health outcomes and violence when subjected to housing insecurity.[16] [17] Consequently, it is no leap of the imagination to conceive that an expansion of avenues for intentional or disparate discriminatory housing policies could prove devastating to LGBTQ households. With the rapid,

[8] Brodie Fraser et al., "LGBTIQ+ Homelessness : A Review of the Literature," *International Journal of Environmental Research and Public Health*, Vol. 16: 2019.

[9] https://www.thetrevorproject.org/research-briefs/homelessness-and-housing-instability-among-lgbtq-youth-feb-2022/

[10] Alex Abramovich et al., "Building a comprehensive understanding of 2SLGBTQ+ youth homelessness: a scoping review," *Int J Equity Health,* 22:24(1), 2025.

[11] Raul Yzaguirre, Laura Arce, and Charles Kamasaki, "The Fair Housing Act: A Latino Perspective," *Cityscape*, vol. 4, No. 3, 1999.

[12] Aarti C. Bhat, Andrew Fenelon, and David M. Almeida, "Housing Insecurity Pathways to Physiological and Epigenetic Manifestation of Health Among Aging Adults: A Conceptual Model," *Frontiers in Public Health*, 2025.

[13] Jacob S. Rugh, "Double Jeopardy: why Latinos Were Hit Hardest by the US Foreclosure Crisis," *Social Forces*, Issue 93, No 3. 2015.

[14] Claudia Aiken, Vincent Reina, and Dennis P. Culhane, "Understanding Low-Income Hispanic Housing Challenges and the Use of Housing and Homelessness Assistance," *Cityscape*, Vol. 23, No. 2. 2021.

[15] https://williamsinstitute.law.ucla.edu/publications/lgbt-renters-and-eviction-risk/

[16] Adam P Romero, Shoshana Goldberg, and Luis Vasquez, "LGBT People and Housing Affordability, Discrimination, and Homelessness," University of California, 15, citing (Conron, 2019; Conron et al., 2015; McLaughlin, 2012); Mitsdarrfer et al., "LGBTQ+ Youth Homelessness in Delaware: Building a Case for Targeted Surveillance and Assessment of LGBTQ+ Youth Needs and Experiences," Doi: 10.32481/djph.2023.06.014.

[17] https://www.translatinacoalition.org/blog/2026/6/22/tgihipresentation

nationwide increase in rents has come a steady, national increase in rental evictions[18]the Department fails to consider.[19]

3. **Likely Discriminatory Impact of the Rule**

The Fair Housing Act of 1968 as amended in 1988 is a hard-won prize of the American civil rights movement, and has enjoyed repeated bipartisan investment in its terms as Americans of all political stripes have come to recognize that the prosperity of our nation as a whole depends on the nondiscriminatory housing of its people.[20] Enacted after the assassination of Martin Luther King Jr., fresh off the coattails of his Chicago Freedom Movement which urged the adoption of Open or Fair Housing policies nationwide, the Fair Housing Act provided a blueprint by which the nation's housing stock could exit the rigors of *de jure* and *de facto* segregation in both South and North.[21]

The Fair Housing Act as drafted and amended has proven effective at eliminating the worst versions of housing segregation, including not only racially restrictive covenants and egregious marketing and real estate showing practices, but also wider spread challenges to fair housing, many stemming from what Orlando Patterson referred to as "Acts of History,"[22] including redlining, necessitated the legislation cast a wider net, including through disparate impact considerations. In drafting the legislation and its subsequent amendments, Congresses recognized that these histories of housing discrimination expanded beyond race and ethnicity, in turn extending protections from discrimination to individuals and households on the basis of sex, national origin, (dis)ability, and family status. In support of the goals of nondiscriminatory access to housing, the federal government has implemented programs designed to facilitate the entry of lower-income households into the housing market, including public housing funding, section 8 housing vouchers, and project-based housing. The resultant capacious understanding of disparate impact in housing access has undergirded housing legislation and regulatory enforcement, including the statutes whose implementation the Rule seeks to modify.

The expansion of these protections has been a triumph of American civil rights. In the same fashion that the growth of Reconstruction-era civil rights protections to women, disabled Americans, and new Americans was a necessary and positive step in realizing their underlying intent, so too was the 2012 guidance establishing protections based on sexual orientation and gender identity a key step in meeting the intent of Fair Housing Act. Indeed, these specific expansions are sensible extrapolations of the statutes

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[19] https://evictionlab.org/ets-report-2023/ (Accessed 5/2/25)

[20] For instance, Jorge Andres Soto and Deidre Swesnik, "The Promise of the Fair Housing Act and the Role of Fair Housing Organizations," *Publications of the American Constitution Society for Law and Policy*, 2012, 8; as well as Charles S. Bullock III and Charles M Lamb, "Race, Fair Housing Enforcement, and the Fair Housing Assistance Program," *Rutgers Race & the Law Review*, 25, no. 2, 2025. 236.

[21] Charles L. Nier III, "Perpetuation of Segregation: Toward a New Historical and Legal Interpretation of Redlining Under the Fair Housing Act," *John Marshall Law Review*, 32, no. 3 (Spring: 1996), 617-666.

[22] Nier, 664.

protections based on family status and sex. This same line of argument was upheld by the Supreme Court in 2020's landmark *Bostock v Clayton County*, in which a 6-member majority of the Court found that employment policies discriminating against LGBTQ+ individuals violated Title VII protections against negative employment outcomes "because of sex." This ruling stemmed from the logical conclusion that discrimination against a person for their gender identity or sexual orientation is, necessarily discriminating against them for actions, qualities, or characteristics that would not be subject to discrimination were they held by those of another gender identity or sexual orientation. In turn, the Court determined that "[i]t is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex." These same findings would logically apply to housing nondiscrimination.

Nor is housing discrimination an abstract reality. Recent research has evidenced that violations of housing protections continue to be reported to HUD and FHAPs under FHA terms, and indeed, that these reports are becoming more important as obviously discriminatory housing practices have given way to more insidious approaches.[23] Furthermore, despite assertions that Fair Housing Act violations are on the decline, quantitative research demonstrates that not only cases but judgments in favor of plaintiffs have held relatively steady throughout the life of the Act, with some fluctuation according to national circumstances and occasional amendments to the Act and its enforcement mechanisms.[24] With LGBTQ+ households, and LGBTQ+ Latinos in particular, already facing higher rates of housing discrimination and concomitant housing instability than other groups, it is only to be expected that the Rule will exacerbate rent burden, housing instability and inaccessibility, and subsequent homelessness as discrimination rises. Indeed, the Department itself notes that a rise in discriminatory housing is likely, and possibly even intentional under the Rule.

HUD contends that implementation of the Rule would permit certain housing groups to enact bans on certain LGBTQ populations, primarily transgender women, from domiciling at shelters, under guise of religious practice. In turn, the only anticipatable outcome would be an exacerbation of many of the public- and private-discrimination factors against LGBTQ+ households, spurring increased rent burden, increased advertising and mortgage discrimination, and decreased access to HUD-supported housing, all of which would only worsen the underlying crisis of homelessness among and concomitant violence against the LGBTQ+ community. That HUD would knowingly advance a Rule that could facilitate increased discrimination is itself concerning, but that this discrimination may be plausibly read as an intent of the Rule while simultaneously undermining the establishment of religion clause of the First Amendment is only doubly so. The Fair Housing Act and its amendments were expressly designed to prevent such plausible discrimination, and the Rule would exacerbate rather than mitigate these risks.

4. **Objections to Impact Analysis**

[23] Vincent Reina and Claudia Aiken, "Fair Housing: Asian and Latino/a Experiences, Perceptions, and Strategies," Russell Sage Foundation Journal of the Social Sciences, 72(2), 201-223. 217. See also Bullock (2025), 226

[24] Charles S. Bullock III, Charles M. Lamb, and Erik M. Wilk, "Race, Ethnicity, and Fair Housing Enforcement: A Regional Analysis," *Brigham Young University Journal of Public Law,* No. 187, (2023).

Despite acknowledging the Rule as a significant regulatory intervention, the Department fails to provide any meaningful regulatory analysis, whether on its own terms or according to federalism impacts, small entities impacts, or familial impact. The Department's own impact analysis undermines any sensible basis for the Rule. The Department not only recognizes that implementing the Rule would increase housing instability, but also notes that "reduced housing instability is beneficial both for the directly affected nonpaying tenants and for society in general."[25] Indeed, any policy like the Rule that reduces housing stability would have wide-ranging ramifications, from public health consequences to economic deprivation.[26] Evictions, and even threats of eviction, are particularly pernicious, however. Research has suggested that evictions lower household earnings and increase "long-term residential instability,"[27] and pose risks to both physical and mental health.[28] These findings suggest that the Rule would therefore constitute a societal net negative.

Notably, the Department fails to calculate plausible effects of the Rule on surrounding communities. Rates of homelessness and rent-burden are directly correlated with decreased economic activity,[29] lowered educational attainment,[30] public health outcomes,[31] and increased rates of intimate partner violence,[32] across entire communities.[33] Each of these would bear financial consequences for small entities, which HUD has not factored into its rulemaking. Notably, small businesses, schools, and houses of worship would all likely face decreased revenue and increased logistical and service costs downstream of increased local economic disruption stemming from the more frenetic pace of evictions the Rule would cause. Likewise, the rulemaking does not present a meaningful consideration of the potential impact of the Rule on family well-being, despite the obvious entanglements between eviction, homeliness, and family well-being and the Rule's targeting of a specific class of family. As such, the Rule should be withdrawn until such an analysis is duly conducted.

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[25] RIA, 7.

[26] E.g. Alexander Miller et al., "Understanding the Mental Health Consequences of Family Separation for Refugees: Implications for Policy and Practice," *Am J Orthopsychiatry*. 2018 ; 88(1): 26–37; Joanna Dreby, "U.S. immigration policy and family separation: The consequences for children's well-being," *Social Science & Medicine*, Vol. 132: 2015, 245-251; Eva-Lisa Palmtag, "Like ripples on a pond: The long-term consequences of parental separation and conflicts in childhood on adult children's self-rated health," *SSM Population Health*, Vol. 18: 2022.

[27] Robert Collinson and Davin Reed, "The Effects of Evictions on Low-Income Households," 2018.

[28] Bruce Ramphal et al., "Evictions and Infant and Child Health Outcomes: A Systematic review," *Pediatrics*, April, 2023; Megan E Hatch and Jinhee Yun, "Losing Your Home Is Bad for Your Health: Short- and Medium-Term Health Effects of Eviction on Young Adults," *Housing Policy Debate*, Vol. 31: 2021.

[29] E.g. Caroline Julia von Wurden, "The Impact of Homelessness on Economic Competitiveness," *American Security Project*, 2018. https://www.americansecurityproject.org/impact-homelessness-economic-competitiveness/

[30] John W. Fantuzzo et al., "The Unique and Combined Effects of Homelessness and School Mobility on the Educational Outcomes of Young Children," *Educational Researcher*, Vol. 41, No. 9: 2012, 393-402.

[31] E.g. findings from special issue of the *International Journal of Environmental Research and Health* on "Homelessness and Public Health: A Focus on Strategies and Solutions," Vol. 18, No. 21: 2021.

[32] Anita S. Hargrave et al., "The Impact of Intimate Partner Violence on Homelessness and Returns to Housing: A Qualitative Analysis From the California Statewide Study of People Experiencing Homelessness," *Journal of Interpersonal Violence*, Vol. 4: 2024, 1248-1270.

[33] Again, von Wurden, "The Impact of Homelessness," is instructive.

Moreover, these negative consequences will be disproportionately borne by Latino and other minority households in ways that the Department does not consider. As noted above, LGBTQ+ Latino and Black households already face greater rates of discrimination, rent-burden, and harm from brushes with homeliness, which would necessarily be amplified by the sudden removal of their gender- and sexuality-based housing protections. This astonishing disproportionality raises clear disparate impact concerns. Furthermore, implementation of the Rule would almost certainly result in disproportionate exposure to natural disasters in violation of FEMA's disparate impact standard.[34] Latinos are already disproportionately vulnerable to natural disasters as a result of both geographic vulnerability[35] and built-environment factors.[36] Research has demonstrated that substandard (or nonexistent) housing increases the risks of natural disasters. That the Rule would disproportionately expose Latino households to augmented risk of already natural disasters would therefore position the Department to violate FEMA's disparate impact protections. For all of these reasons, the Rule must be withdrawn.

5. **Hispanic Federation Serving Relevant Initiatives**

Hispanic Federation and its network have been serving mixed-status families and Latino communities for decades through programs coordinating legal aid, representation, and culturally and linguistically competent support upon arrival. As an umbrella organization, Hispanic Federation and our network have a proven track record of designing and launching national, state-wide, and locally focused housing and LGBTQ+ oriented initiatives, including direct legal, case management, and navigation services to vulnerable migrants and asylum seekers. Programs include:

- *Advancing Change Together Initiative*: Latinx LGBTQ+ nonprofits receive 3 percent of overall LGBTQ+ nonprofit funding. In response to this funding gap, Hispanic Federation launched The Advance Change Together (ACT) Initiative in 2022, a much-needed Latinx LGBTQ+ advocacy and capacity building initiative that empowers and supports organizations working on the front lines to protect and serve Latinx LGBTQ+ communities. Through the ACT Initiative, HF has distributed more than $1 million to 31 Latinx LGBTQ+ organizations across the country and Puerto Rico.
- *Financial Education:* Informed financial management is a key skill for pursuing and maintaining stable housing security. Hispanic Federation's Economic Empowerment team remains committed to directly providing Hispanic individual families with essential tools for wealth building through

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[34] FEMA has assessed under self-review that the administration is subject to disparate impact standards under 44 CFR Subpart A. https://www.usccr.gov/files/2022-09/2022-statutory-report-fema.pdf, 35, which also highlights holding precedent Franks v. Ross, 293 F.Supp.2d 599 (E.D.N.C.,2003).

[35] Environmental Protection Agency, *Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts*, U.S. Environmental Protection Agency, EPA 430-R-21-003. 78-80. www.epa.gov/cira/social-vulnerability-report

[36] Melinda L. Lewis et al., "Stay or Go! Challenges for Hispanic Families Preceding Hurricanes: Lessons Learned," Journal of Family Strengths, Vol. 19: Issue 1, Article 3. 2019; Samantha Friedman et al., "Hispanic Disaster Preparedness in the United States, 2017: Examining the Association with Residential Characteristics," Cityscape, Vol. 23, Issue 3. 2021. 205-239.

our ongoing financial education programming throughout New York City and State on themes such as credit building, budgeting, savings, and affordable banking.

- *Rental Assistance and Shelter Programming:* In partnership with the United Way of New York City's (UWNYC) Emergency Food & Shelter Programs (EFSP), Hispanic Federation provides crucial homelessness prevention resources in the form of rental assistance, allowing New Yorkers to become current on their rental arrears and ultimately keep their homes.

6. **Conclusion**

By Department's own admission, the Rule would permit greater latitude of discrimination against LGBTQ+ households in securing housing assistance, as well as reducing the array of regulatory protections in access to housing. These changes would come even as the LGBTQ+ population faces inordinate rates of housing instability, with racial-ethnic minority LGBTQ+ households confronting particularly dire exposure to rent burden, homelessness, and downstream harassment and violence with scant quantified benefits. Bereft of any further extenuating circumstances, that determination would serve as suitable basis for rejection of the Rule. However, the mechanism underlying the Rule would almost certainly lead to disproportionately greater rates of eviction based on protected classes, including on sex and family status. The Rule seems further ill-considered in the utter neglect of examination of external costs, including those upon small entities and families. These proposed changes fly in the face of our nation's Fair Housing legacy, statutes, and sensible economic policy. For all of these reasons among others listed above, Hispanic Federation urges the Department to withdraw the Rule.

Sincerely,

Julietta Lopez

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Vice President for Federal Advocacy and Network Mobilization
Hispanic Federation

cc. The Honorable Scott Turner, Secretary, Department of Housing and Urban Development
Andrew D. Hughes, Deputy Secretary, Department of Housing and Urban Development
David Woll, General Counsel, U.S. Department of Housing and Urban Development
The Honorable Mike Johnson, Speaker of the United States House of Representatives, U.S. House of Representatives
The Honorable Hakeem Jeffries, Minority Leader, U.S. House of Representatives
The Honorable John Thune, Majority Leader, United States Senate
The Honorable Charles Schumer, Minority Leader, United States Senate
The Honorable Cindy Hyde-Smith, Chair, THUD Subcommittee, Committee on Appropriations, United States Senate
The Honorable Kirsten Gillibrand, Ranking Member, THUD Subcommittee, Committee on Appropriations, United States Senate

The Honorable Richard Durbin, United States Senate
The Honorable Chris Murphy, United States Senate
The Honorable Mike Flood, Chairman, Subcommittee on Housing and Insurance, Committee on Financial Services, U.S. House of Representatives
The Honorable Monica De La Cruz, Vice Chairwoman, Subcommittee on Housing and Insurance, Committee on Financial Services, U.S. House of Representatives
The Honorable Maria Elvira Salazar, U.S. House of Representatives
The Honorable Andrew Garbarino, U.S. House of Representatives
The Honorable Mike Lawler, U.S. House of Representatives
The Honorable Emanuel Cleaver II, Ranking Member, Subcommittee on Housing and Insurance, Committee on Financial Services, U.S. House of Representatives
The Honorable Nydia M. Velazquez, U.S. House of Representatives
The Honorable Ritchie Torres, U.S. House of Representatives
The Honorable Rashida Tlaib, U.S. House of Representatives