

A RESOLUTION OPPOSING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S ("HUD") PROPOSED RULE CHANGE TO THE EQUAL ACCESS RULE, HUD DOCKET NO. FR-6152-P-01, RIN 2506-AC53 "MAKING ADMISSION OR PLACEMENT DETERMINATIONS BASED ON SEX IN FACILITIES UNDER COMMUNITY PLANNING AND DEVELOPMENT HOUSING PROGRAMS"; INSTRUCTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION TO CERTAIN PERSONS AND ENTITIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, according to the 2015 US Transgender Survey, nearly one-third of transgender people experience homelessness at some point in their life and 70 percent reported mistreatment in shelter due to their gender identity; and

WHEREAS, only 50 percent of the LGBTQ+ population lives in states prohibiting housing discrimination based on sexual orientation and gender identity; and

WHEREAS, transgender individuals are far more likely than the general population to experience homelessness and discrimination while seeking emergency sheltering services; and

WHEREAS, the Equal Access Rule of 2012 ensured that HUD's Community Development and Planning Programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status; and

WHEREAS, the Equal Access Rule of 2016 further clarified these protections by providing notice to shelter providers of their responsibility to grant equal access in accordance to an individual's self-expressed gender identity, further ensuring that hundreds of thousands of people have access to a basic human necessity, safe shelter; and

WHEREAS, the Equal Access Rule of 2016 filled a gap by providing substantive protections nationwide and ensuring that transgender people can pursue safe sheltering that is consistent with their gender identity without fear of discrimination; and

WHEREAS, HUD's proposed rule change to the Equal Access Rule, HUD Docket No. FR-6152-P-01, RIN 2506-AC53 "Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs" proposes to change the Equal Access Rule by weakening protections for transgender individuals experiencing homelessness and empowering federally funded emergency homeless service providers to discriminately turn them away; and

WHEREAS, HUD's proposed rule change would spread confusion among service providers as to their responsibilities to serve transgender people under the law, and further,

would empower shelter providers that want to discriminate against transgender people to do so; and

WHEREAS, for transgender people who are experiencing homelessness, the lack of confidence in the existence of protections against discrimination is likely to result in many people feeling forced to remain on the street, where they are at further risk of physical violence, abuse and other physical and mental health effects of homelessness; and

WHEREAS, proposing a rule that targets an already marginalized group is especially egregious as we are amidst a global pandemic, where economic, health and housing insecurity are at an all-time high, and removing these protections puts individuals living in states without protections at risk of being left on the streets; and

WHEREAS, the Pinellas Continuum of Care Board (formerly, the Homeless Leadership Board) voted on August 7, 2020 to oppose the proposed rule change.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that City Council opposes HUD's proposed rule change to the Equal Access Rule, HUD Docket No. FR-6152-P-01, RIN 2506-AC53 "Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs."

BE IT FURTHER RESOLVED that this Council strongly urges HUD to rescind the proposal and instead focus efforts on ensuring adequate and equitable solutions to mitigate the effects that COVID-19 has had on housing stability and shelter access for not only the transgender community, but for all individuals in need.

BE IT FURTHER RESOLVED that this Council hereby instructs the City Clerk to transmit a copy of this Resolution to:

Regulations Division, Office of General Counsel
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

This Resolution shall become effective immediately upon its adoption.

Approved as to form and content:

/s/ Jane Wallace
City Attorney (designee)
Citylaw 524039