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

Re: HUD Docket No. FR-6518-P-01 - Comments in Response to Proposed Rulemaking:
Equal Access to Housing in HUD Programs Revisions

Dear Office of General Counsel:

The Massachusetts Union of Public Housing Tenants (Mass Union) and the Massachusetts Law Reform Institute (MLRI) are writing in response to the Department of Housing and Urban Development's (HUD) proposed rule change published in the Federal Register on April 28, 2026 (RIN 2501-AE12; HUD Docket No. FR-6518-P-01) entitled Equal Access to Housing in HUD Programs Revisions.

The proposed rule is an unconscionable attack on LGBTQ+ families rooted in untrue, harmful, and distressing stereotypes. It will cause irreparable harm to applicants and residents in public housing. **We urge that this proposed rule be withdrawn in its entirety and existing regulations protecting LGBTQ+ families in HUD-funded public housing and other HUD-funded programs and shelters remain in effect.**

Mass Union is a statewide non-profit union of public housing residents, including residents who live in federally-subsidized housing programs administered by HUD. Through local tenant organizations, Mass Union's purpose is to advance the shared interests of its members and to protect thousands of individual tenants living in public housing.

MLRI is a nationally recognized nonprofit poverty law and policy center. Our mission is to provide statewide advocacy and leadership in advancing laws, policies, and practices that secure economic, racial, and social justice for low-income people, address the root causes of poverty, and create a path to economic stability and mobility.

The proposed rule will make it intentionally more difficult for very low income people to access desperately needed federally funded public and subsidized housing by subjecting them to discrimination and unequal treatment due to their sexual orientation and gender identity.

With no sufficient explanation, the proposed rule removes language in 24 C.F.R. § 5.105 that prohibits discrimination in HUD programs based on gender identity and sexual orientation. It also removes language throughout HUD regulations prohibiting providers from considering gender identity or sexual orientation in determining whether a group of people constitutes a “family” or “household” for the purpose of program assistance.

This will harm our LGBTQ+ people applying for and living in federally subsidized housing. For example a Public Housing Authority (PHA) could:

- refuse to allow a transgender person to rent an apartment;
- refuse to allow a same-sex couple to live together in a one-bedroom apartment;
- create a hostile living environment for a LGBTQ+ individual or family;
- evict a family after finding out that a family member is gay or transgender;
- could now mandate that a transgender boy share a room with a cisgender girl, meaning the family would be eligible for a smaller unit;
- could require an applicant to provide proof of identity that conflicts with their gender identity before approving an application for assistance; and
- could justify its refusal to use the correct name or pronouns when referring to a program participant.

Tenant Leaders Describe a Rule “Filled with Hate”

Mass Union and Mass Law Reform convened tenant leaders from across Massachusetts, including residents of family public housing, leaders of local tenant organizations, and members of Mass Union’s board, to discuss the proposed rule. The discussion made clear that this proposal would directly threaten the safety, stability, and dignity of people already living in our communities, including longtime neighbors, friends, family members, and children.

One tenant leader described the proposed rule as being “so filled with hate...we can’t allow it.”

Another tenant leader warned that the rule would not stop with one community: “If they get their way with this rule change, there’s going to be another group of people that they’re going to pick on next that they don’t like. It’s not right.”

This Rule Has Nothing to Do with Whether a Tenant Can Pay Rent or Be a Good Neighbor

Tenant leaders repeatedly emphasized that a person's sexual orientation or gender identity has no bearing on whether they are a responsible tenant. One leader, who also serves on Mass Union's board and as an officer of her local tenant association, explained:

"I would just like to challenge their reasoning of how it affects somebody's housing. Does it change how they are as a tenant? Does it make them unable to pay? Their lifestyle and what goes on behind closed doors is truly not their business."

She also raised concerns about the absurdity of the household-composition provisions, noting that if HUD will not allow certain household members to share a bedroom, those families would need more bedrooms. At a time of great need this makes no sense. She also described what the rule would have meant for her and her own family:

"I actually have two moms and two dads. So if my mom got kicked out because of her sexuality, I would be displaced as a child. I don't understand it. It's disgusting, honestly."

Another tenant leader put it simply: "Being gay has nothing to do with paying your rent. You should be able to live safely and live your own life and be able to live happily and securely with no one bothering you for who you are. Why should you be punished for just trying to be who you are?"

A leader from a local tenants' organization in East Somerville described the LGBTQ+ residents in her own building, including a married male couple who have lived together for five years and been a couple for over twenty: "Every person, every individual has the right to have housing no matter what, no matter the sex. This is discrimination. If this proposal passes, everybody's going to be in danger in the neighborhood, in the same building, or community."

Another tenant leader added that a transgender resident in his state-subsidized building, who he considers a friend, "doesn't violate any policies, he's a good tenant and good neighbor." He said about the proposed rule change: "This is not good. They're not doing anything wrong."

The Rule Will Force Families and Children Back Into Hiding, and Will Cause Real Harm to Children

Tenant leaders described, in painful detail, the way this rule would force LGBTQ+ residents, including children, back into hiding for fear of losing their housing. One board member explained that within her community she already knows of fifteen families that would be directly affected, and that the true number is far higher. She described the consequences for children in those families:

"People will go back into hiding their identity and who they are because they won't want to lose their housing. Kids are going to be told, no, you can't be transgender or lesbian or gay, you need to keep that quiet. And kids are going to go to bed and say, I

don't want to be alive because I can't be who I am. Otherwise we would lose our housing."

She also explained that the rule's impact would extend well beyond people who identify as lesbian, gay, bisexual, or transgender, noting that it would also affect asexual people and families formed through sperm donation or adoption:

"This also includes asexuals, people that have no attraction to either. I have a child because I used sperm donation to have her. Should our past choices possibly ruin our futures? What would stop the same reasoning from being applied next to people with mental health diagnoses or autism. Where do you stop from dividing the community? We all should feel respected and we all deserve housing no matter what our sexuality, our religion."

Another tenant leader shared her family's direct experience. Her daughter, who came out as gay as a teenager in the 1990s, was attacked in public for being out, and many of her daughter's friends moved into the tenant leader's home because their own parents would not accept them. Her daughter has since been married for fifteen years and has twin children conceived through sperm donation. The tenant leader explained what this rule would mean if her daughter's family ever needed public housing:

"If she ever lost her job and had to step into housing, it would be devastating if she couldn't get accepted in. The attack is coming back again. We would be reverting back, and it would be devastating."

A leader from another development warned that the harm would not be confined to housing alone:

"I'm thinking about people working, they're going to be harassed in the job, they're going to lose their job. And about the family, if they have an adopted child or their own child, the child is going to suffer more. It's very sad. I don't have any words, really."

This Rule Reflects, and Will Deepen, a Pattern of Discrimination that Tenants Have Already Lived Through

Several tenant leaders connected this proposed rule to histories of discrimination they have personally experienced or witnessed. One leader, who grew up under a dictatorship, explained that LGBTQ+ people, Jews, Roma people, people of color, and poor people were all targeted in the same way political dissidents were targeted, and that the parallel to this proposed rule is not abstract:

"This is something very dangerous, and now the United States is following that path and breaking civil rights that have been gained in this country through the struggle. We are not giving up our houses. We are not giving up our rights. We are going to fight against this."

Another leader described growing up in a military family and witnessing segregation firsthand as a teenager, recalling a “no blacks” sign at a barbershop that prompted him to ask his parents what it meant. He connected that memory directly to the proposed rule, describing it as part of the same pattern of “prejudice.”

A tenant leader who also serves as president of her resident council and as a resident commissioner of her local housing authority summarized the stakes this way:

“We’re walking back laws and things that were fought for many, many years. We really are going to walk back hundreds of years of fighting. For what? And in the middle of a housing crisis, you want to provide more bedrooms now because you’re not going to let people sleep in the same room? They’re taking that choice away and telling you how to live behind closed doors. And that’s not okay.”

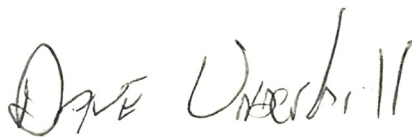
“New Tools to Discriminate”

As these tenant leaders made clear, this proposed rule would not make public housing administration more responsive. Instead, it would give housing authorities new tools to discriminate against LGBTQ+ applicants and residents, to break apart families, to displace children, and to force people back into hiding the most basic facts about who they are and who they love. The harm described by tenant leaders is supported by their own histories and their communities.

We urge HUD to immediately withdraw its current rule change proposal and dedicate its resources to keeping our community’s most vulnerable members housed and sheltered, instead of excluding them and subjecting them to discrimination and violence.

Thank you for the opportunity to submit comments on the proposed rulemaking.

Respectfully submitted,



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Mass Union of Public Housing Tenants



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Annette Duke, Housing Attorney
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