

NAHMA Fair Housing Update: Final Rule - Equal Access in Accordance with Gender Identity; and AFFH Tool for PHAs Comments

Dear NAHMA Member,

HUD has issued its final rule regarding considerations for gender identity in “Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs.” This final rule will be formally published in the Federal Register tomorrow.

On February 3, 2012 HUD issued its Equal Access Rule, which defined the terms “sexual orientation” and “gender identity,” and required that HUD-assisted housing be made available to individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status. The 2012 rule did not address how transgender and gender nonconforming individuals should be accommodated in temporary, emergency shelters, and other buildings.

Then on November 20, 2015, HUD proposed a second Equal Access rule, entitled “Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs.” In this proposed rule, HUD sought to add a new section to its regulations that would require owners, operators, and managers of shelters and other buildings and facilities and providers of services funded in whole or in part by Office of Community Planning and Development (CPD) programs—to provide equal access to programs, benefits, services, and accommodations in accordance with an individual’s gender identity.

This final rule follows HUD’s November 2015 proposed rule and formalizes equal access for individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD’s Office of Community Planning and Development.

The final rule is attached to this message and may also be found on the NAHMA website [here](#)

HUD has also issued a notice for public comment on the Affirmatively Furthering Fair Housing Assessment Tool for Public Housing Agencies (PHAs). Comments are due by October 20, 2016.

On July 16, 2015, HUD published the Affirmatively Furthering Fair Housing (AFFH) final rule to provide HUD program participants with a new process for planning for fair housing outcomes that will assist them in meeting their statutory obligation to affirmatively further fair housing. This process includes an assessment tool that must be used by program participants and is intended to evaluate fair housing in their jurisdictions, to identify barriers to fair housing choice and opportunity at the local and regional levels, and to set fair housing goals to overcome such barriers and advance fair housing choice. HUD committed to issue three assessment tools for its program participants covered by the AFFH final rule.

The comment solicitation issued by HUD is also attached to this message and may be found online [here](#)

Scott McMillen
Government Affairs Manager
The National Affordable Housing Management Association (NAHMA)
(703) 504-9616
<http://www.nahma.org/>