



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 60, 92, 93, 200, 202, 203, 206, 221, 236, 266, 291, 570, 574, 578, 582, 583, 700, 850, 880, 882, 884, 886, 891, 960, 970, 982, 984, 1005, and 1006

[Docket No. FR-6518-P-01]

RIN 2501-AE12

Equal Access to Housing in HUD Programs Revisions

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This proposed rule would harmonize HUD's existing Equal Access regulations with the directions of the Executive Order titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government." The rule would remove references to "gender" and "gender identity" from HUD regulations, or remove and replace it with "sex," as defined by the Executive Order. Through these revisions, the rule would ensure equal access to qualifying facilities would be provided in accordance with the sex of an individual based on his or her immutable biological classification as either male or female rather than the ever-shifting concept of self-assessed gender identity. It would also provide grant recipients, subrecipients, owners, operators, managers, and providers under HUD programs that permit single-sex or sex-specific facilities (such as temporary, emergency shelters or other facilities with physical limitations or configurations that require and are permitted to have shared sleeping quarters or bathrooms) the ability to require reasonable assurances and evidence to confirm the sex of an individual seeking service in order to protect the safety of other individuals in the facility.

DATES: Comments must be received by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Electronic Submission of Comments. Comments may be submitted electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through www.regulations.gov can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that website to submit comments electronically.

2. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410-0500.

Note: To receive consideration as a public comment, comments must be submitted through one of the two methods specified above.

Public Inspection of Public Comments. HUD will make all properly submitted comments and communications available for public inspection and copying during regular business hours at the above address. Due to security measures at the HUD Headquarters building, you must schedule an appointment in advance to review the public comments by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>. Copies of all comments submitted are available for inspection and downloading at www.regulations.gov.

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Andrew Hughes, Chief of Staff, or David Woll, General Counsel, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone number 202-402-2244 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

In 2012, HUD published a final rule entitled “Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity” (2012 Rule) to ensure that its core housing programs are open to all eligible families and individuals “without regard to actual or perceived sexual orientation, gender identity, or marital status.” 77 FR 5662.

The 2012 Rule defined “gender identity” as “actual or perceived gender-related characteristics.” The 2012 Rule generally prohibited inquiries into “gender identity” in determining eligibility or making housing available, but permitted inquiries related to an applicant's or occupant's sex for the limited purpose of determining placement in temporary, emergency shelters with shared bedrooms or bathrooms, or for determining the number of bedrooms to which a household may be eligible.¹ In promulgating the 2012 Rule, HUD relied on the Secretary's general rulemaking authority pursuant to section 7(d) of the Department of

¹ While the 2012 rule permitted limited inquiries, HUD’s guidance on the rule, “Appropriate Placement for Transgender Persons in Single-Sex Emergency 14 Shelters and Other Facilities” (CPD-15-02), suggested that providers rely on self-attestation of sex and that there is “generally is no legitimate reason in this context for the provider to request documentation of a person’s sex in order to determine appropriate placement, nor should the provider have any basis to deny access to a single-sex emergency shelter or facility solely because the provider possesses identity documents indicating a sex different than the gender with which the client or potential client identifies.”

Housing and Urban Development Act of 1965 (42 U.S.C. 3535(d)), rather than the Fair Housing Act or other civil rights and nondiscrimination authorities.

On September 21, 2016, HUD expanded on its 2012 Rule and published a final rule entitled, “Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs” (2016 Rule). 81 FR 64763. HUD mandated that persons with gender dysphoria be given access to Community Planning and Development (CPD)-assisted programs, benefits, services, and accommodations, some of which are permitted to be operated on a single-sex or sex-specific basis (collectively, “single-sex facilities”), in accordance with their “gender identity.” These programs include temporary and emergency shelter programs, such as the Emergency Solutions Grants program and the Housing Opportunities for Persons with AIDS (HOPWA) program. The 2016 Rule amended the definition of “gender identity” included in the 2012 Rule to mean “the gender with which a person identifies, regardless of the sex assigned at birth[.]”

The 2016 Rule removed 24 CFR 5.105(a)(2)(ii), the provision of the 2012 Rule that allowed for lawful inquiries into an occupant's sex in the case of temporary or emergency shelters with shared bathroom or bedroom facilities, or for the purpose of determining the number of bedrooms to which a household may be eligible.² Instead, the 2016 Rule contained a provision that policies and procedures must ensure that individuals are not subject “to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence” of their “gender identity.”

Section 5.106(c) of the 2016 Rule requires that individuals seeking access to single-sex facilities be placed and accommodated in accordance with their self-identified gender identity, expressly declining to adopt a provision of the proposed rule that provided that in certain cases,

² By way of background, before 2023, in determining unit size, children of the opposite sex were not required (though they were allowed) to share a bedroom. In 2023, HUD eliminated this provision. See 88 FR 30445.

an alternative accommodation for persons with gender dysphoria would be appropriate to ensure health and safety.

In addition, the 2016 Rule added the Housing Trust Fund and Rural Housing Stability Assistance programs explicitly to the non-exclusive list of programs covered, and language was added to indicate that the 2016 Rule applies to both recipients of HUD CPD grants and subrecipients, as well as those who administer CPD-funded programs and services.

On January 20, 2025, President Trump issued Executive Order 14168, titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” 90 FR 8615. Section 4(b) of the Executive Order directs HUD to prepare rulemaking to rescind the 2016 Rule. Further, the Order directs agencies to remove “all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology.”

II. Proposed Rule

Consistent with EO 14168, HUD has reconsidered the 2012 and 2016 Equal Access rules and is proposing that the definition of and all references to “gender identity” and “gender” be removed throughout HUD’s regulations and replaced with “sex” to refer to an individual’s immutable biological classification as either male or female as defined in Section 2 of EO 14168. This includes replacing “gender” with “sex” for non-discrimination,³ reporting and recordkeeping,⁴ and other provisions,⁵ and removing references to “gender identity” or “actual or perceived sexual orientation, gender identity” and replacing them with “sex” for non-discrimination,⁶ reporting and recordkeeping,⁷ and other provisions.⁸ Several of the provisions

³ 24 CFR §§ 5.655, 578.93, 850.151, 960.206, 970.21, 982.207.

⁴ 24 CFR §§ 92.508, 202.12, 221.795, 236.1001, 291.440, 570.490, 570.506, 570.904, 582.300, 583.300, 700.175, 880.603, 882.514, 882.810, 884.214, 886.138, 886.321, 886.338, 891.410, 891.510, 891.610, 891.750, 982.158.

⁵ 24 CFR §§ 60.107, 93.407, 891.410, 891.610.

⁶ 24 CFR §§ 200.300, 203.33, 266.220, 891.740, 891.750, 984.201, 984.203, 1005.407, 1005.457, 1005.517, 1006.355.

⁷ 24 CFR §§ 206.37.

⁸ 24 CFR §§ 5.403, 5.2001, 570.3, 574.3.

also specifically incorporate the 2012 Equal Access Rule.⁹ These provisions apply across HUD's programs, including Section 8 housing and other housing programs, fair housing enforcement and administration, mortgage programs, programs to help the homeless and domestic violence victims, and community development programs.

The proposed rule would remove prohibitions on service providers from seeking information to confirm the sex of an individual seeking services. The rule would allow a facility provider to "require reasonable assurances or evidence to establish a person's sex."¹⁰The proposed rule also proposes to add § 5.106(e) stating that these requirements preempt any conflicting state or local laws non-compliance and that violations of said requirements will be subject to all applicable penalties, including loss of federal funding. HUD believes this would advance the important policy objectives of this proposed rule by ensuring maximum uniformity and compliance.

HUD is considering preempting local laws that may conflict with these requirements for state or local entities receiving CPD funds.

III. Justification for the Rule Change

HUD believes that the 2016 Rule impermissibly restricted single-sex facilities without proper congressional authorization while also violating both the privacy and safety of homeless women and the religious liberty of many faith-based service providers. In addition, Executive Order 14168 directs HUD to "prepare and submit for notice and comment rulemaking a policy to rescind the [2016 Rule]."

In the 2016 Rule, HUD did not rely on explicit statutory authorization, such as the prohibition against "sex" discrimination under the Fair Housing Act because that Act does not apply to emergency shelters.¹¹ Rather, HUD in 2016 relied on the Secretary's plenary authority to

⁹ 24 CFR §§ 5.2001, 200.300, 266.220, 1006.355.

¹⁰ HUD intends to provide maximum deference to grantees and recognizes that some grantees may be more flexible or stringent in their policies than others for providing evidence of a person's sex.

¹¹ The 2016 Rule did, however, incorrectly state that "[d]iscrimination because of gender identity is covered within the Fair Housing Act's prohibition of sex discrimination" when noting the larger backdrop of federal laws prohibiting discrimination based on sex. 81 FR at 64770.

issue regulations, indicating that “HUD’s establishment of programmatic requirements for temporary, emergency shelters and other buildings and facilities funded through HUD programs is well within HUD’s statutory authority and an important part of HUD’s mission in ensuring access to housing for all Americans.” 81 FR 64771. HUD now believes that this exceeded the authority granted to HUD by Congress.¹² HUD has reviewed comments on the 2016 rule and now agrees with those commenters that raised concerns about HUD’s statutory authority to adopt that rule. For example, HUD finds it significant that the Fair Housing Act forbids sex discrimination as to covered dwellings, but not as to free, temporary, emergency shelters or other buildings or facilities, which therefore evinces the intent of Congress to permit single-sex housing in the latter case. Furthermore, HUD agrees with commenters who noted that it is beyond HUD’s statutory authority to create a new class of individuals to be protected by federal non-discrimination law. By exceeding its plenary authority from Congress, the 2016 Rule impermissibly imposed an unnecessary and harmful regulatory burden on operators of single-sex facilities.

But even if the 2016 Rule could have been a permissible exercise of HUD’s statutory rulemaking authority, HUD now has serious doubts about the rationale for that rulemaking and proposes to exercise its authority to rescind it.

First, it is not beneficial to institute a national policy that forces homeless women to choose between sleeping alongside and interacting with men in other intimate settings or refusing emergency shelter or other facilities. Homeless women are at increased risk of sexual assault by biological males compared to other women.¹³ Requiring shelters to place biological males with homeless women in shared sleeping, bathroom, and other intimate settings continues to place them at risk of sexual harassment and assault and exacerbates prior traumas for many

¹² See *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) (“It is axiomatic that an administrative agency’s power to promulgate legislative regulations is limited to the authority delegated by Congress.”).

¹³ Lisa Goodman, Katya Fels, and Catherine Glen, *No Safe Place: Sexual Assault in the Lives of Homeless Women*, Applied Research Forum (2006).

homeless women. This is especially true because biological men may exploit the process of self-identification under the current rule to gain access to women’s shelters. The United Kingdom, for example, recently refused to house biological males identifying as females with biological females in prisons; the Ministry of Justice published figures showing that 62 percent of males identifying as females in UK prisons had committed at least one sexual offense.¹⁴ For many homeless women, even the perception that this could jeopardize their safety would harm them because, very reasonably, they would choose to remain homeless. In Alaska, for example, a federal court held that “the public interest would be adversely affected” if an Alaska homeless shelter for women were forced to admit biological men into its spaces.¹⁵ HUD’s 2016 Rule inappropriately dismissed these concerns and the need for certain facilities to serve only those of one sex.¹⁶

Second, requiring homeless shelters and other facilities to house individuals inconsistent with their sex reduces the amount of help available to homeless individuals because it imposes an unacceptable and potentially illegal burden on the religious exercise of many faith-based facilities.¹⁷ Many faith traditions believe that sex is an immutable characteristic determined by a creator, that male and female are the only two sexes, and that it is wrong for a person to deny his or her sex.¹⁸ Accordingly, many faith-based homeless shelters and other providers have sincerely held religious beliefs that they should conduct their ministries in ways that are consistent with this fundamental belief.

¹⁴ Sir Nicholas Dakin, Minister for Prisons, Written Answer to Question 20298, *Prisoners: Transgender People* (Dec. 23, 2024), available at <https://questions-statements.parliament.uk/written-questions-detail/2024-12-16/20298>.

¹⁵ *Downtown Soup Kitchen v. Anchorage*, 406 F. Supp. 3d 776, 799 (D. Alaska 2019); *see also id.*, 3:18-cv-00190, Doc. 34 at 2 ¶ 9 (homeless woman testifying that “I would rather sleep in the woods than sleep in the same area as a biological man”).

¹⁶ 81 Fed. Reg. at 64773, 64778.

¹⁷ *See, e.g., Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, (2017); *Carson as next friend of O.C. v. Makin*, 596 U.S. 767, (2022); *Espinoza v. Montana Dept. of Revenue*, 591 U.S. 464 (2020); *Tandon v. Newsom*, 593 U.S. 61, (2021).

¹⁸ *See, e.g., Pew Research Center, Religious groups’ policies on transgender members vary widely* (December 2, 2015), available at <https://www.pewresearch.org/short-reads/2015/12/02/religious-groups-policies-on-transgender-members-vary-widely/>; Coalition for Jewish Values, *Rabbinic Open Letter on Gender Dysphoria* (February 13, 2025), available at <https://coalitionforjewishvalues.org/2025/02/rabbinic-open-letter-on-gender-dysphoria/>; Navigating Differences, *Navigating Differences: Clarifying Sexual and Gender Ethics in Islam* (Jun 3 7, 2023), available at <https://navigatingdifferences.com/clarifying-sexual-and-gender-ethics-in-islam/>.

For example, Hope Center in Alaska, a faith-based homeless shelter for women, sued in Federal District Court to prevent the application of a local law that would require them to serve biological males who identify as females.¹⁹ Hope Center believes that doing so would violate their sincerely held religious belief that the Bible teaches that God creates people male or female, that it would impair their religious mission and harm the individuals served to deny that belief in ministering to others, and “that it should care for women who lack shelter,” thus excluding men.²⁰ Hope Center believes that the application of laws like HUD's 2016 Rule violate the First Amendment's Free Exercise Clause. HUD's 2016 Rule raises the same potential issue of coercing ministries like Hope to “abandon [their] mission and message” to participate in government-funded programs.”²¹ President Trump’s Executive Order 14168 specifically directed HUD to prepare and submit for notice and comment rulemaking a policy to rescind the 2016 Rule in order to restore biological truth in the federal government. The Order recognized that “efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and wellbeing.” HUD believes this rule would advance the President’s policy to “defend women’s rights and protect freedom of conscience” by ensuring that single-sex facilities are empowered to protect their clients, including those who are seeking shelter from domestic violence or sexual abuse.

¹⁹ See James Brooks, Municipality of Anchorage will pay \$100,001 to settle transgender-discrimination lawsuit involving homeless shelter (October 1, 2019), available at: <https://www.adn.com/alaska-news/anchorage/2019/10/01/municipality-of-anchorage-will-pay-100001-to-settle-transgender-discrimination-lawsuit-involving-homeless-shelter/>.

²⁰ For a full discussion of their religious beliefs, see *The Downtown Soup Kitchen v. Municipality of Anchorage*, No. 3:18-cv-00190-SLG, Dkt. No. 1, “Verified Complaint”, available at: https://adflegal.blob.core.windows.net/mainsite-new/docs/default-source/documents/legal-documents/the-downtown-soup-kitchen-dba-downtown-hope-center-v.-municipality-of-anchorage/hope-center-v-anchorage—complaint.pdf?sfvrsn=9536cb21_4 pp. 8-10; see also Alliance Defending Freedom For Faith and Justice, *Downtown Hope Center v. Municipality of Anchorage, et al.*, available at: https://adflegal.blob.core.windows.net/mainsite-new/docs/default-source/documents/resources/media-resources/cases/the-downtown-soup-kitchen-d-b-a-downtown-hope-center-v.-municipality-of-anchorage/hope-center-v-anchorage—one-page-summary.pdf?sfvrsn=fa9b07be_6.

²¹ *The Downtown Soup Kitchen v. Municipality of Anchorage*, No. 3:18-cv-00190-SLG, Dkt. No. 1, “Verified Complaint”, available at: <https://adflegal.blob.core.windows.net/mainsite-new/docs/default-source/documents/legal-documents/the-downtown-soup-kitchen-dba-downtown-hope-center-v.-municipality-of-anchorage/hope-center-v-anchorage-complaint.pdf?sfvrsn=9536cb21>.

Additionally, Executive Order 14168 instructed agencies to amend agency documents, including regulations, to use the term “sex” instead of “gender.” HUD believes it is beneficial to clarify this across all its operations to clarify that many of its existing regulations which protect “gender” (as opposed to “gender identity”) prohibit discrimination based on sex, not gender identity. In accordance with the Order, this proposed rule would also remove or revise references to “gender identity”²² throughout all parts and sections of HUD’s regulations, including many that were inserted into HUD rules outside of the 2012 and 2016 Equal Access Rules.²³

HUD is considering these revisions that apply to its grantees, especially those relating to single-sex facilities, its program participants, and all other programs because it agrees with Section 2(g) of the Order, which provides “‘Gender identity’ reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.”

HUD acknowledges that this rulemaking would result in denying individuals who claim a different gender identity than their sex being denied access to their preferred single-sex shelters or their preferred accommodations in other shelters. These individuals would need to find other shelter options that are not limited to a single sex or seek admission to a single-sex shelter consistent with their sex. Additionally, this rulemaking would require some organizations to follow rules inconsistent with their beliefs regarding gender and sex, if they continue to use federal funds. HUD has considered these potential impacts and believes they are outweighed by the factors discussed above, especially that HUD must follow the clear meaning of the statute, ensure safe shelter environments for women, and respect the free exercise of religion.

IV. Findings and Certifications

²² This proposed rule also proposes to revise joint references to “actual or perceived sexual orientation, gender identity” to “sex” to avoid the confusion of prohibiting discrimination based both on “sex” and “sexual orientation,” since the latter is often considered a subset of the former.

²³ See, e.g., 81 Fed. Reg. 80989 (2016) (amending 24 CFR § 1006.355); 88 Fed. Reg. 75230 (2023) (amending 24 CFR § 891.740).

Executive Orders 12866 and 13563, Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule has been determined to be a “significant regulatory action,” as defined in section 3(f) of Executive Order 12866, but not economically significant.

Executive Order 14192, Regulatory Costs

Executive Order 14192, entitled “Unleashing Prosperity Through Deregulation,” was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. OMB has determined that this proposed rule would be a repeal of a regulation resulting in reduced regulatory costs for purposes of Executive Order 14192 by providing flexibility for grantees in determining their policies.

Executive Order 13132, Federalism

Executive Order 13132 (entitled “Federalism”), which replaced Executive Order 12612, prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of Section 6 of the Executive Order. This rule would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Environmental Impact

This final rule is a policy document that sets out nondiscrimination standards. Accordingly, under 24 CFR 50.19(c)(3), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Entities affected by this rule are those who operate single-sex facilities and would change or establish policy as a result of this rule. HUD cannot provide the exact number of entities that would be affected. However, in 2024, approximately 2,350 emergency shelters were funded by HUD programs. Out of this 2,350, not all of these operate single-sex shelters, and not all of those that do operate single-sex shelters would establish a new policy. HUD does not have data about the number of these operate single-sex shelters, or how many would issue a new policy, or how many of these are small entities, but only a percentage of the 2,350 would fall into all three of these categories.

Accordingly, for the foregoing reasons, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities. Notwithstanding HUD's determination that this proposed rule would not have a significant effect on a substantial number of small entities, HUD specifically requests from the public any information about the number of small entities that might be impacted and invites comments on whether the proposed rule will not have a significant effect and any less burdensome alternatives to this rule that will meet HUD's objectives.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their

regulatory actions on state, local, and tribal governments, and on the private sector. This rule does not impose any Federal mandates on any state, local, or tribal government, or on the private sector, within the meaning of the UMRA.

List of Subjects

24 CFR Part 5

Administrative practice and procedure, Aged, Claims, Grant programs-housing and community development, Individuals with disabilities, Intergovernmental relations, Loan programs-housing and community development, Low and moderate income housing, Mortgage insurance, Penalties, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 60

Human research subjects, Reporting and recordkeeping requirements, Research.

24 CFR Part 92

Administrative practice and procedure, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 93

Administrative practice and procedure, Grant programs-housing and community development, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Lead poisoning, Loan programs-housing and community development, Mortgage insurance, Organization and functions (Government agencies) Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 202

Administrative practice and procedure, Home improvement, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 203

Hawaiian Natives, Home improvement, Indians-lands, Loan programs-housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 206

Aged, Condominiums, Loan programs-housing and community development, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 221

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 236

Grant programs-housing and community development, Low and moderate income housing, Mortgage insurance, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 266

Intergovernmental relations, Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 291

Community facilities, Conflicts of interest, Homeless, Lead poisoning, Low and moderate income housing, Mortgages, Reporting and recordkeeping requirements, Surplus government property.

24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants, Grant programs-education, Grant programs-housing and community development, Guam, Indians, Loan programs-housing and community development, Low and moderate income

housing, Northern Mariana Islands, Pacific Islands Trust Territory, Puerto Rico, Reporting and recordkeeping requirements, Student aid, Virgin Islands.

24 CFR Part 574

Community facilities, Grant programs-housing and community development, Grant programs-social programs, HIV/AIDS, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 578

Community development, Community facilities, Grant programs-housing and community development, Grant programs-social programs, Homeless, Reporting and recordkeeping requirements.

24 CFR Part 582

Civil rights, Community facilities, Grant programs-housing and community development, Grant programs-social programs, Homeless, Individuals with disabilities, Mental health programs, Nonprofit organizations, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 583

Civil rights, Community facilities, Employment, Grant programs-housing and community development, Grant programs-social programs, Homeless, Indians, Individuals with disabilities, Mental health programs, Nonprofit organizations, Reporting and recordkeeping requirements, Technical assistance.

24 CFR Part 700

Aged, Grant programs-housing and community development, Grant programs-Indians, Indians, Individuals with disabilities, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 850

Grant programs-housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 880

Accounting, Administrative practice and procedure, Government contracts, Grant programs-housing and community development, Home improvement, Housing, Housing standards, Low and moderate income housing, Manufactured homes, Public assistance programs, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 882

Grant programs-housing and community development, Homeless, Lead poisoning, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 884

Accounting, Administrative practice and procedure, Grant programs-housing and community development, Home improvement, Housing, Low and moderate income housing, Public assistance programs, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Rural areas, Utilities.

24 CFR Part 886

Accounting , Administrative practice and procedure, Government contracts, Grant programs-housing and community development, Home improvement, Housing, Lead poisoning, Low and moderate income housing, Mortgages, Public assistance programs, Rent subsidies, Reporting and recordkeeping requirements, Utilities, Wages.

24 CFR Part 891

Aged, Grant programs-housing and community development, Individuals with disabilities, Loan programs-housing and community development, Low and moderate income housing, Public assistance programs, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 960

Aged, Grant programs-housing and community development, Individuals with disabilities, Pets, Public housing.

24 CFR Part 9705

Grant programs-housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 982

Grant programs-housing and community development, Grant programs-Indians, Indians, Public housing, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 984

Grant programs-housing and community development, Grant programs-Indians, Indians, Public housing, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 1005

Indians, Loan programs-Indians, Reporting and recordkeeping requirements.

24 CFR Part 1006

Community development block grants, Grant programs-housing and community development, Grant programs-Indians, Hawaiian Natives, Low and moderate income housing, Reporting and recordkeeping requirements.

Accordingly, For the reasons stated in the preamble, HUD proposes to amend 24 CFR parts 5, 60, 92, 93, 200, 202, 203, 206, 221, 236, 266, 291, 570, 574, 578, 582, 583, 700, 850, 880, 882, 884, 886, 891, 960, 970, 982, 984, 1005, and 1006 as follows:

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

1. The authority citation for part 5 continues to read as follows:

Authority: 12 U.S.C. 1701x; 42 U.S.C. 1437a, 1437c, 1437f, 1437n, 3535(d); 42 U.S.C. 2000bb et seq.; 34 U.S.C. 12471 et seq.; Sec. 327, Pub. L. 109-115, 119 Stat. 2396; E.O. 13279, 67 FR 77141, 3 CFR, 2002 Comp., p. 258; E.O. 13559, 75 FR 71319, 3 CFR, 2010 Comp., p. 273; E.O. 14015, 86 FR 10007, 3 CFR, 2021 Comp., p. 517.

2. Amend § 5.100 by removing the definitions of “Gender identity” and “Sexual orientation” and adding a definition of “Sex” in alphabetical order to read as follows:

§ 5.100 Definitions.

* * * * *

Sex means an individual’s immutable biological classification as either male or female.

Sex is not a synonym for and does not include the concept of gender identity. In addition, the following definitions related to sex apply:

- (1) *Female* is a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova).
- (2) *Male* is a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing sperm.
- (3) *Woman* is an adult human female.
- (4) *Girl* is a juvenile human female.
- (5) *Man* is an adult human male.
- (6) *Boy* is a minor human male.
- (7) *Mother* is a female parent.
- (8) *Father* is a male parent.

* * * * *

§ 5.105 [Amended]

3. Amend § 5.105(a)(2) by removing the words “actual or perceived sexual orientation, gender identity” and adding, in their place, the word “sex”.

4. Amend § 5.106 by:

- a. Revising the section heading, paragraph (b) heading, and paragraphs (b)(1) and (2);

- b. Removing paragraph (b)(3) and redesignating paragraph (b)(4) as paragraph (b)(3); and
- c. Revising paragraph (c); and
- d. Adding paragraph (e).

The revisions read as follows:

§ 5.106 Equal access in accordance with the individual's sex in community planning and development programs.

* * * * *

(b) Equal access in accordance with the individual's sex. * * *

(1) Equal access to CPD programs, shelters, other buildings and facilities, benefits, services, and accommodations is provided to an individual in accordance with the individual's sex, and in a manner that affords equal access to the individual's family, provided that such equal access is subject to paragraph (c) of this section;

(2) An individual is placed, served, and accommodated in accordance with the sex of the individual;

* * * * *

(c) Placement and accommodation in temporary, emergency shelters and other buildings and facilities with shared sleeping quarters or shared bathing facilities. Placement and accommodation of an individual in temporary, emergency shelters and other buildings and facilities with physical limitations or configurations that require and are permitted to have shared sleeping quarters or shared bathing facilities shall be made in accordance with the individual's sex. A facility provider may require reasonable assurances or evidence to establish a person's sex.

* * * * *

(e) Non-compliance. Non-compliance with these regulations by state or local entities due to adherence to conflicting local laws or policies may be considered a violation of federal requirements, subject to appropriate enforcement actions, including but not limited to the

withholding or revocation of federal funds provided through the CPD programs identified in paragraph (a) of this section.

§ 5.403 [Amended]

5. Amend § 5.403 by removing from the definition of “Family” the words “actual or perceived sexual orientation, gender identity” and adding, in their place, the word “sex”.

§ 5.655 [Amended]

6. Amend § 5.655(c)(1)(iv) by removing the word “gender” and adding, in its place, the word “sex”.

§ 5.2001 [Amended]

7. Amend § 5.2001(a) by:

- a. Removing the words “gender identity, or sexual orientation”; and
- b. Removing the words “actual or perceived sexual orientation, gender identity” and adding, in their place, the word “sex”;

PART 60—PROTECTION OF HUMAN SUBJECTS

8. The authority citation for part 60 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v-1(b) and 3535(d).

§ 60.107 [Amended]

9. Amend § 60.107(a) by removing the word “gender” and adding, in its place, the word “sex”.

PART 92—HOME INVESTMENT PARTNERSHIPS PROGRAM

10. The authority citation for part 92 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12701—12839, 12 U.S.C. 1701x.

§ 92.508 [Amended]

11. Amend § 92.508 by:

- a. In paragraph (a)(7)(i)(A), removing the word “gender” and adding, in its place, the word “sex”; and

b. In paragraph (a)(7)(ii)(B), removing the word “gender” and adding, in its place, the word “sex”.

PART 93—HOUSING TRUST FUND

12. The authority citation for part 93 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 12 U.S.C. 4568.

§ 93.407 [Amended]

13. Amend § 93.407(a)(5)(ii) by removing the word “gender” and adding, in its place, the word “sex”.

PART 200—INTRODUCTION TO FHA PROGRAMS

14. The authority citation for part 200 continues to read as follows:

Authority: 12 U.S.C. 1702-1715z-21; 42 U.S.C. 3535(d).

§ 200.300 [Amended]

15. Amend § 200.300(a) by removing the words “sexual orientation or gender identity” and adding, in their place, the word “sex”.

PART 202—APPROVAL OF LENDING INSTITUTIONS AND MORTGAGEES

16. The authority citation for part 202 continues to read as follows:

Authority: 12 U.S.C. 1703, 1709 and 1715b; 42 U.S.C. 3535(d).

§ 202.12 [Amended]

17. Amend § 202.12(a)(8) by removing the word “gender” and adding, in its place, the word “sex”.

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

18. The authority citation for part 203 continues to read as follows:

Authority: 12 U.S.C. 1707, 1709, 1710, 1715b, 1715z-16, 1715u, and 1715z-21; 15 U.S.C. 1639c; 42 U.S.C. 3535(d).

§ 203.33 [Amended]

19. Amend § 203.33(b) by removing the words “actual or perceived sexual orientation, gender identity” and adding, in their place, “sex”.

PART 206—HOME EQUITY CONVERSION MORTGAGE INSURANCE

20. The authority citation for part 206 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715z-20; 42 U.S.C. 3535(d)

§ 206.37 [Amended]

21. Amend § 206.37(b)(3)(i) by removing the words “actual or perceived sexual orientation, gender identity” and adding, in their place, the word “sex”.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE— SAVINGS CLAUSE

22. The authority citation for part 221 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715l, and 1735d; 42 U.S.C. 3535(d).

§ 221.795 [Amended]

23. Amend § 221.795(f)(3) by removing the word “gender” and adding, in its place, the word “sex”.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

24. The authority citation for part 236 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715z-1, and 1735d; 42 U.S.C. 3535(d).

§ 236.1001 [Amended]

25. Amend § 236.1001(f)(3) by removing the word “gender” and adding, in its place, the word “sex”.

PART 266—HOUSING FINANCE AGENCY RISK-SHARING PROGRAM FOR INSURED AFFORDABLE MULTIFAMILY PROJECT LOANS

26. The authority citation for part 266 continues to read as follows:

Authority: 12 U.S.C. 1715z-22.; 42 U.S.C. 3535(d).

§ 266.220 [Amended]

27. Amend §266.220(b) by removing the words “actual or perceived sexual orientation, gender identity” and adding, in their place, the word “sex”, and removing the words “sexual orientation and gender identity” and adding, in their place, the word “sex.”.

PART 291—DISPOSITION OF HUD-ACQUIRED AND -OWNED SINGLE FAMILY PROPERTY

28. The authority citation for part 291 continues to read as follows:

Authority: 12 U.S.C. 1701 et seq.; 42 U.S.C. 1441, 1441a, 1551a, and 3535(d).

§ 291.440 [Amended]

29. Amend §291.440 by removing the word “gender” and adding, in its place, the word “sex”.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

30. The authority citation for part 570 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701 x-1; 42 U.S.C. 3535(d) and 5301-5320.

§ 570.3 [Amended]

31. Amend 570.3 by removing from the definition of “Household” the words “actual or perceived sexual orientation, gender identity” and adding, in their place, the word “sex”.

§ § 570.490, 570.506 and 570.904 [Amended]

32. Remove the word “gender” and add, in its place, the word “sex” where it appears in the following places:

- a. § 570.490(a)(1) and (b);
- b. § 570.506(g)(2), (g)(4), and (g)(6); and
- c. § 570.904(b)(1), (b)(2), and (d).

PART 574—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

33. The authority citation for part 574 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701 x-1; 42 U.S.C. 3535(d) and 5301-5320.

§ 574.3 [Amended]

34. Amend §574.3 by removing from the definition of “Family” the words “actual or perceived sexual orientation, gender identity” and adding, in their place the word “sex”.

PART 578—CONTINUUM OF CARE PROGRAM

35. The authority citation for part 578 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701 x-1; 42 U.S.C. 11381 et seq., 42 U.S.C. 3535(d).

§ 578.93 [Amended]

36. Amend §578.93(e) by removing the word “gender” and adding, in its place, the word “sex”.

PART 582—SHELTER PLUS CARE

37. The authority citation for part 582 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 11403-11407b.

§ 582.300 [Amended]

38. Amend §582.300(d)(1) by removing the word “gender” and adding, in its place, the word “sex”.

PART 583—SUPPORTIVE HOUSING PROGRAM

39. The authority citation for part 583 continues to read as follows:

Authority: 42 U.S.C. 11389 and 3535(d).

§ 583.300 [Amended]

40. Amend §583.300(g) by removing the word “gender” and adding, in its place, the word “sex”.

PART 700—CONGREGATE HOUSING SERVICES PROGRAM

41. The authority citation for part 700 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 8011.

§ 700.175 [Amended]

42. Amend §700.175(d)(3) by removing the word “gender” and adding, in its place, the word “sex”.

PART 850—HOUSING DEVELOPMENT GRANTS

43. The authority citation for part 850 continues to read as follows:

Authority: 42 U.S.C. 1437o, 3535(d).

§ 850.151 [Amended]

44. Amend §850.151(g) by removing the word “gender” and adding, in its place, the word “sex”.

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

45. The authority citation for part 880 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611-13619.

§ 880.603 [Amended]

46. Amend §880.603(b)(3) by removing the word “gender” and adding, in its place, the word “sex”.

PART 882—SECTION 8 MODERATE REHABILITATION PROGRAMS

47. The authority citation for part 882 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

§§ 882.514 and 882.810 [Amended]

48. Remove the word “gender” and add, in its place, the word “sex” where it appears in the following places:

- a. § 882.514(a)(2); and
- b. § 882.810(f)(3).

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

49. The authority citation for part 884 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611-13619.

§ 884.214 [Amended]

50. Amend § 884.214(b)(5) by removing the word “gender” and adding, in its place, the word “sex”.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

51. The authority citation for part 886 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611-13619.

§ 886.138, 886.321, and 886.338 [Amended]

52. Remove the word “gender” and add, in its place, the word “sex” where it appears in the following places:

- a. § 886.138(f)(3);
- b. § 886.321(b)(5); and
- c. § 886.338(f)(3).

PART 891—SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

53. The authority citation for part 891 continues to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 1437f, 3535(d), and 8013.

§ 891.410 [Amended]

54. Amend § 891.410(a) and (f) by removing, where it appears, the word “gender” and adding, in its place, the word “sex”.

§ 891.510 [Amended]

55. Amend § 891.510(e) by removing the word “gender” and adding, in its place, the word “sex”.

§ 891.610 [Amended]

56. Amend § 891.610(a) and (f) by removing, where it appears, the word “gender” and adding, in its place, the word “sex”.

§ 891.740 [Amended]

57. Amend § 891.740(a)(2) by removing the parenthetical “(including actual or perceived sexual orientation and gender identity)”.

§ 891.750 [Amended]

58. Amend § 891.750(b)(3) by removing the parenthetical “(including actual or perceived sexual orientation and gender identity)”.

59. Amend § 891.750(b)(4) by removing the word “gender” and adding, in its place, the word “sex”.

PART 960—ADMISSION TO, AND OCCUPANCY OF, PUBLIC HOUSING

60. The authority citation for part 960 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437d, 1437n, 1437z-3, and 3535(d).

§ 960.206 [Amended]

61. Amend § 960.206(b)(1)(iii) by removing the word “gender” and adding, in its place, the word “sex”.

PART 970—PUBLIC HOUSING PROGRAM—DEMOLITION OR DISPOSITION OF PUBLIC HOUSING PROJECTS

62. The authority citation for part 970 continues to read as follows:

Authority: 42 U.S.C. 1437p and 3535(d).

§ 970.21 [Amended]

63. Amend § 970.21(a) by removing the word “gender” and adding, in its place, the word “sex”.

PART 982—SECTION 8 TENANT-BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

64. The authority citation for part 982 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

§ § 982.158 and 982.207 [Amended]

65. Remove the word “gender” and add, in its place, the word “sex” where it appears in the following places:

- a. § 982.158(f)(1); and
- b. § 982.207(b)(1)(iii).

PART 984—SECTION 8 AND PUBLIC HOUSING FAMILY SELF-SUFFICIENCY PROGRAM

66. The authority citation for part 984 continues to read as follows:

Authority: 42 U.S.C. 1437f, 1437u, and 3535(d).

§ § 984.201 and 984.203 [Amended]

67. Remove the text “(including actual or perceived gender identity and sexual orientation)” where it appears in the following places:

- a. § 984.201(d)(4); and
- b. § 984.203(d)(3).

PART 1005—LOAN GUARANTEES FOR INDIAN HOUSING

68. The authority citation for part 1005 continues to read as follows:

Authority: 12 U.S.C. 1715z-13a; 15 U.S.C. 1639c; 42 U.S.C. 3535(d).

§ § 1005.407, 1005.457, and 1005.517 [Amended]

69. Remove the text “(including gender identity and sexual orientation)” where it appears in the following places:

- a. § 1005.407(b);
- b. § 1005.457(b); and
- c. § 1005.517(a)(1) and (a)(2).

PART 1006—NATIVE HAWAIIAN HOUSING BLOCK GRANT PROGRAM

70. The authority citation for part 1006 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701x-1; 25 U.S.C. 4221 et seq.; 42 U.S.C. 3535(d), Pub. L. 115-141, Pub. L. 116-6, Pub. L. 116-94, Pub. L. 116-260, Pub. L. 117-103, Pub. L. 117-328.

§ 1006.355 [Amended]

71. Amend §1006.355 by removing the words “actual or perceived sexual orientation, gender identity” and adding, in their place, the word “sex”.

Scott Turner,

Secretary.

[FR Doc. 2026-08244 Filed: 4/27/2026 8:45 am; Publication Date: 4/28/2026]