



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

January 28, 2015

RE: TRIBAL CONSULTATION -- POSSIBLE REGULATORY CHANGES

Dear Tribal Leader:

Through this letter, HUD is notifying all tribal leaders that HUD is proposing to make changes to the regulations for HUD's Indian Housing programs in order to conform to existing rules that require HUD-funded housing be made available regardless of sexual orientation, gender identity, or marital status. HUD is seeking your feedback and opinion on this proposal.

As the Nation's housing agency, HUD administers programs designed to meet the goal of ensuring decent housing and a suitable living environment for all. In pursuit of this goal, it is HUD's responsibility to ensure that all who are eligible to participate in HUD's programs have equal access to the programs and have the opportunity to compete fairly for HUD funds without being subject to arbitrary exclusion. Studies have shown that lesbian, gay, bisexual, and transgender (LGBT) individuals and families have been arbitrarily excluded from some housing opportunities in the private sector.

On February 3, 2012, HUD issued a final rule titled, "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity." A copy of the final rule is enclosed with this letter. The purpose of the rule is to ensure that HUD's core programs do not involve discrimination against LGBT individuals and families who are otherwise eligible for HUD-assisted or HUD-insured housing.

The Federal Government has subsequently broadened protections for LGBT individuals and families where Federal funding is involved. For example, on July 21, 2014, President Obama signed Executive Order 13672, Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity, which prohibits the Federal Government and Federal contractors from discriminating on the basis of sexual orientation or gender identity.

In order to align regulations for HUD's Indian Housing and Community Development programs with those of other HUD programs, as well as with general Federal policies prohibiting discrimination based on sexual orientation or gender identity, HUD proposes to amend regulations for its Native American Housing Activities (Part 1000 in Title 24 of the Code of Federal Regulations), Community Development Block Grants for Indian Tribes and Alaska Native Villages (Part 1003 in Title 24), Loan Guarantees for Indian Housing (Part 1005 in Title 24), the Native Hawaiian Housing Block Grant Program (Part 1006 in Title 24) and Section 184A Loan Guarantees for Native Hawaiian Housing (Part 1007 in Title 24).

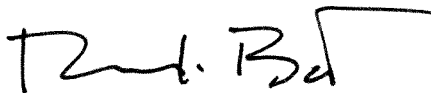
Specifically, these regulations would be amended by adding provisions stating that a determination of eligibility for housing that is assisted or insured by HUD under the relevant program must be made in accordance with the eligibility requirements of the program and without regard to actual or perceived sexual orientation, gender identity, or marital status. Additionally, the new provisions would prohibit recipients or sub-recipients of HUD funds from inquiring about the sexual orientation or gender identity of applicants for, or occupants of, HUD-assisted or HUD-insured housing for the purpose of determining eligibility for the housing or otherwise making the housing available. These provisions would mirror, as applicable and appropriate, the requirements in Section 5.105(a)(2) of Title 24 of the Code of Federal Regulations, which currently apply to other HUD programs

As a tribal leader, HUD would like your opinion and feedback on these issues. You may submit a written response to HUD within 30 days of the date this letter by e-mail to [EqualAccessComment@hud.gov](mailto:EqualAccessComment@hud.gov) or by postal mail to

Emily Wright  
HUD - Office of Native American Programs  
451 Seventh St., SW, Room 4126  
Washington, DC 20410

Thank you for your continued interest and ongoing support of HUD's programs.

Sincerely,



Rodger J. Boyd  
Deputy Assistant Secretary  
for Native American Programs

Enclosure

cc: Executive Director, Tribally Designated Housing Entity