

Department of Housing and Urban Development (HUD)
Docket ID: HUD-2020-0047

FR-6152-P-01 Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs

The Women's Human Rights Campaign-USA supports FR-6152-P-01 which would allow HUD shelter providers to use biological sex as an admission criterion and urges implementation at the earliest possible opportunity. Women made homeless by poverty and/or violence deserve privacy, dignity and safety. These vulnerable women should not be sheltered with men who identify as women. Research shows that better than 85% of men who identify as women retain their male genitalia and the 2015 US Transgender Survey indicates that a majority retain their sexual interest in women.

Shelters often have communal sleeping and bathing facilities in order to serve a larger number of individuals than separate accommodation would allow. This puts women who are sheltered with men claiming female identity at risk of voyeurism, sexual harassment, and sexual assault. One example is Poverello House in California, where nine women have sued alleging sexual harassment by a man housed with them who identified as a woman. The women allege that the man made lewd comments about their bodies in communal dressing areas outside showers, and that he spied on them through cracks in shower and toilet stalls.¹ In Canada, a man claiming to identify as a woman sexually assaulted women in two Toronto shelters.²

Many women are made homeless when escaping male violence. Studies find that for between 22 and 57% of all homeless women, domestic violence was the immediate cause of their homelessness.³ More than 80% of homeless mothers with children report experiencing domestic violence.⁴ Male presence is detrimental to the recovery of these women. The United Nations *Declaration on the Elimination of Violence Against Women* (1993) calls on states to take all "appropriate measures" to promote the "safety and physical and psychological rehabilitation" of women who have been subjected to male violence. The *Declaration on Women's Sex-Based Rights* (2019)⁵ defines these measures to include "provision of single-sex services and physical spaces." Sex is defined by the United Nations as the "physical and biological characteristics that distinguish males from females" (Gender Equality Glossary, UN Women).

We of the Women's Human Rights Campaign-USA commend and strongly support FR-6152-P-01. Women seeking shelter require privacy, safety, and dignity separate from men, including those who claim female identity. The WHRC is an international group of women organized to affirm rights and protections for women and girls enumerated in the 1979 United Nations *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW). With signatories in 118 countries, and working in collaboration with 215 organizations worldwide, the WHRC is building a global movement to protect and defend these sex-based rights. For more information visit our website: <https://www.womensdeclaration.com>.

¹ Appleton, Rory. October 12, 2018. "Women Accuse Poverello House of Allowing Transgender Resident to Sexually Harass Them." *The Fresno Bee*.

² Pazzano, Sam. February 26, 2014. "Predator Who Claimed to Be Transgender Declared Dangerous Offender." *Toronto Sun*. <https://tinyurl.com/ybaubte2> Last accessed 9/8/2020.

³ Wilder Research Center (2004). *Homeless in Minnesota, 2003*, 22; Center for Impact Research (2004). *Pathways to and from Homelessness: Women and Children in Chicago Shelters*, 3; Nat'l Center for Homelessness & Health Care for the Homeless Clinicians' Network (2003). *Social Supports for Homeless Mothers*, 14, 26; *Inst. for Children & Poverty* (2004). *The Hidden Migration: Why New York City Shelters are Overflowing with Families; Homes for the Homeless and Inst. for Children & Poverty* (1998). *Ten Cities 1997-1998: A Snapshot of Family Homelessness Across America*, 3.

⁴ Aratani, Y. (2009). *Homeless Children and Youth, Causes and Consequences*. New York, NY: National Center for Children in Poverty.

⁵ <https://www.womensdeclaration.com/en/declaration-womens-sex-based-rights-full-text/>