



Protecting the Equal Access Rule, 2026

What is EAR and why does the new proposed rule matter for the HIV movement?

The U.S Department of Housing and Urban Development (HUD) has announced a plan to revise the Equal Access Rule (EAR). The EAR currently guarantees equal access to programs and services funded by HUD regardless of sexual orientation, gender identity, or marital status.

The new proposal seeks to upend hard-fought LGBTQ+ protections across HUD programs, increasing the likelihood of HIV transmission for our most vulnerable populations. Stable housing is a key structural intervention for preventing HIV transmission and supporting successful HIV treatment.¹ When people lose safe access to housing or emergency shelter, HIV risk increases and health outcomes worsen.²

What would the proposed EAR changes mean for non-binary, transgender, and gender non-conforming individuals seeking shelter?

The proposed rule would remove housing qualifications based on gender identity and revert to only considering one's sex assigned at birth. In effect, HUD would require shelters and housing providers who operate single-sex housing to make housing placement decisions based on sex assigned at birth, rather than gender identity. For people who are intersex, transgender, non-binary, and gender non-conforming and experiencing homelessness, this can create an impossible choice: enter housing where they face harassment or violence - or remain unsheltered. Because transgender women already experience one of the highest burdens of HIV in the United States³, any policy that increases barriers to safe housing or emergency shelter places an already disproportionately affected community at even greater risk.

Under the proposed rule:

- HUD-funded shelters and any single-sex housing program would be required to house people based on their sex assigned at birth.
- Shelters are expected to require proof of gender, like a birth certificate or even physical evidence.
- People who are trans, gender non-conforming, or non-binary who are experiencing homelessness would have to risk their lives in shelters that are not safe for them or risk their lives on the street which further increases their risk of exposure to HIV.

HIV Impacts the LGBTQ+ community disproportionately

- Transgender women have among the highest HIV burdens in the United States.³
- Gay and bisexual men account for about 67% of all new HIV infections in the United States despite representing a small fraction of the total population.⁴
- Transgender women are 49 times more likely to be infected with HIV than cisgender individuals.³

Housing Instability Impacts the LGBTQ+ community disproportionately

- Homeless individuals are 16x more likely to acquire HIV than the general population.⁵
- LGBTQ+ youth are over 120% more likely to experience homelessness than their non-LGBTQ+ peers⁶
- Transgender or Nonbinary young people experience homelessness at a rate 73 percent greater than cisgender LGB young people.⁵
- 55% of transgender women who reported being denied housing or evicted because of their gender identity experienced prolonged homelessness.³
- 58% of transgender women who experienced incarceration during the previous year also experienced prolonged homelessness.³
- Among adults living with HIV, transgender people experience the highest rate of unstable housing or homelessness (29%), compared with 18% among cisgender men.³

People experiencing homelessness are more likely to delay or even avoid medical care, including stopping their HIV treatment.⁶ Housing instability is also associated with increased exposure to violence, trauma, poor mental health, substance use disorders, and survival strategies—things like exchanging sex for money, shelter, or life necessities—that are associated with increased HIV acquisition risk.

HUD's Proposed EAR Changes: Impact on HIV



What You Can Do

- **Submit a Public Comment**

Before the proposed rule can be implemented, HUD is required by law to receive public comments. The proposed rule is open for public comments **through June 29, 2026**. The National HIV/AIDS Housing Coalition encourages housing providers, health care professionals, researchers, advocates, people living with HIV, and community members to submit comments (*even anonymously*) to HUD explaining why equal access to safe housing is essential to ending the HIV epidemic in the United States.^{7,8}

- **Share this Information**

Please share with your friends, family, and allies.



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About the National HIV/AIDS Housing Coalition

The National HIV/AIDS Housing Coalition (NHAHC) advocates for housing, policies, and resources to advance the health of people living with HIV. Through policy leadership, technical assistance, research, and partnerships, NHAHC works to ensure that safe, stable, and affordable housing remains a central component of the national response to HIV.

Sources:

1. Aidala AA, et al. *Housing Status, Medical Care, and Health Outcomes Among People Living With HIV/AIDS: A Systematic Review*. *American Journal of Public Health*. 2016.
2. 2024-ryan-white-annual-data-report.pdf
3. *CDC. Transgender Women Experiencing Homelessness — National HIV Behavioral Surveillance Among Transgender Women, Seven Urban Areas, United States, 2019–2020* (MMWR, 2024).
4. Fast Facts: HIV and Gay and Bisexual Men | HIV | CDC
5. Storholm, E. D., Klein, D. J., Pedersen, E. R., D'Amico, E. J., Rodriguez, A., Garvey, R., & Tucker, J. S. (2024). Sociodemographic and Behavioral Risk Correlates of PrEP Interest and Use Among Young Adults Experiencing Homelessness in Los Angeles. *AIDS and behavior*, 28(4), 1216–1226.
6. *CDC. Individual-level Social Determinants of Health and Quality of Life Among Persons with Diagnosed HIV Infection* (Medical Monitoring Project, 2024).
7. U.S. Department of Health and Human Services. *National HIV/AIDS Strategy*.
8. U.S. Department of Health and Human Services. *Ending the HIV Epidemic in the U.S. Initiative*.