

**BEFORE THE  
OFFICE OF INFORMATION AND REGULATORY AFFAIRS  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, DC**

|  |   |                           |
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| _____                                  | ) |                           |
| Agency Information Collection          | ) |                           |
| Activities; Submission for OMB Review; | ) |                           |
| Comment Request;                       | ) |                           |
| Proposed Information Collection:       | ) |                           |
| Standardization Form for "Race and     | ) | FR Doc. 7051-N-03         |
| Other Demographic Data Reporting       | ) | OMB Control No. 2535-0113 |
| Form – HUD-27061"                      | ) |                           |
| _____                                  | ) |                           |

ATTN: Colette Pollard

**COMMENTS OF SAGE  
(SERVICES & ADVOCACY FOR LGBT ELDERS)**

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## STATEMENT OF INTEREST

SAGE (Services & Advocacy for LGBT Elders) is the country's oldest and largest organization dedicated to improving the lives of lesbian, gay, bisexual, transgender, and queer ("LGBTQ+") older adults. In conjunction with more than two dozen partners in 21 states, SAGE offers supportive services and consumer resources to LGBTQ+ older adults and their caregivers, advocates for public policy changes that address the needs of LGBTQ+ older people, and provides training for agencies and organizations that serve LGBTQ+ older adults.

Pursuant to a grant from the Department of Health and Human Services' Administration for Community Living, SAGE, in collaboration with 18 leading organizations nationwide, operates the National Resource Center on LGBTQ+ Aging ("NRC"), which is the country's first and only technical-assistance resource center aimed at improving the quality of services and supports offered to LGBTQ+ older adults. The NRC provides training, technical assistance, and educational resources to aging providers, LGBTQ+ organizations, and LGBTQ+ older adults. In addition, the NRC has published, and made widely available, best practice guides, such as *Inclusive Questions for Older Adults: A Practical Guide to Collecting Data on Sexual Orientation and Gender Identity*.<sup>1</sup>

With its National LGBTQ+ Housing Initiative, SAGE works to address the challenges LGBTQ+ older adults face in finding welcoming, affordable places to live. SAGE is addressing these challenges on several fronts by: advocating nationally against housing discrimination; training eldercare providers to be culturally competent; educating LGBTQ+ older adults about their housing rights; building LGBTQ+ friendly housing; and helping developers replicate such housing across the country.<sup>2</sup>

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<sup>1</sup> NAT'L RES. CTR. ON LGBT AGING, *Inclusive Questions for Older Adults: A Practical Guide to Collecting Data on Sexual Orientation and Gender Identity* (2016), available at [https://www.lgbtagingcenter.org/resources/pdfs/Sage\\_CollDataGuidebook2016.pdf](https://www.lgbtagingcenter.org/resources/pdfs/Sage_CollDataGuidebook2016.pdf).

<sup>2</sup> *National LGBTQ+ Housing Initiative*, SAGE, <https://www.sageusa.org/what-we-do/national-lgbt-housing-initiative/>.

## INTRODUCTION AND SUMMARY

SAGE submits these comments in support of HUD's proposal to add sexual orientation and gender identity ("SOGI") questions to Form 27061-H, and to collect SOGI responses via Form 27061. SOGI information is necessary for HUD to address rampant housing disparities and discrimination against LGBTQ+ older adults. And integrating SOGI questions into the existing demographic questionnaire would impose a minimal burden on respondents.

LGBTQ+ older adults fare worse in many measures of socioeconomic wellbeing than their straight and cisgender peers. The same is true for older adults living with HIV or AIDS. Despite their significant need, these older adults are disproportionately unlikely to receive the services and supports they need to live independently. LGBTQ+ adults across the life span, especially adults identifying as trans and gender non-conforming who are also racially and ethnically marginalized, experience significant discrimination in housing. For example, LGBTQ+ older adults are less likely to hear back about inquiries for housing, are at greater risk of being turned away from housing or being charged higher rents, and are less likely to be notified about available units.

While SOGI data collection has historically been absent from population-based surveys and other administrative data collection protocols, several federal entities have more recently recognized the need to collect this data, including the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, The Joint Commission, and the National Institutes of Health. As HHS has explained, "[g]athering data on LGBT individuals will help researchers, policy makers, health care providers and advocates identify and address health disparities affecting the LGBT population."<sup>3</sup>

Likewise, for HUD, collecting SOGI data will allow the agency to fully understand the extent of disparities in grant-subsidized housing, and to better understand whether HUD is effectively assisting vulnerable LGBTQ+ adults. Including SOGI questions on HUD applications signals to LGBTQ+ individuals that their identities and experiences are valued, ultimately leading to greater participation and engagement with HUD's programming.

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<sup>3</sup> DEP'T OF HEALTH & HUM. SERVS., Better Health and Well-Being: Making Improvements for Lesbian, Gay, Bisexual, and Transgender (LGBT) Americans 4–5, *available at* <https://www.hhs.gov/sites/default/files/lgbt-health-update-2011.pdf>.

In addition to those benefits, HUD is required by law to collect SOGI data. Sections 121.1 and 121.2 of the CFR requires participants in HUD's programs to provide "data concerning the . . . sex" of "applicants for, participants in, or beneficiaries or potential beneficiaries of" HUD's programs that HUD's Secretary determines are "necessary and appropriate" to carry out her responsibilities under certain statutes, such as the Fair Housing Act and the Civil Rights Act of 1964. Those statutes prohibit discrimination on the basis of sex, which the President has interpreted to include sexual orientation and gender identity. HUD must therefore collect SOGI data to ensure that applicants for, participants in, or beneficiaries of HUD's programs are not subjected to discrimination on the basis of their sexual orientation or gender identity.

And given HUD's extensive existing data-collection protocols, collecting SOGI data will be a relatively light lift for the agency. Forms 27061 and 27061-H already collect racial and ethnic data through a self-report questionnaire. Adding SOGI questions to that form imposes a minimal burden on HUD, potential tenants, and landlords participating in any of HUD's programs.

#### **COLLECTING SOGI DATA ON FORMS HUD-27061 AND HUD-27061-H IS NECESSARY FOR THE PROPER PERFORMANCE OF HUD'S FUNCTIONS**

Economic outcomes are generally worse for LGBTQ+ adults than their straight counterparts.<sup>4</sup> LGBTQ+ persons have "at least 15% higher odds of being poor than cisgender straight adults."<sup>5</sup> Roughly one-third of all LGBTQ+ persons ages 65 or older live at or near the federal poverty level.<sup>6</sup> That poverty rate rises to roughly 48% for bisexual and transgender persons.<sup>7</sup>

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<sup>4</sup> There are over nine million LGBTQ adults in the United States, nearly one-third of whom are over the age of 65. Christy Mallory & Brad Sears, WILLIAMS INST. ON SEXUAL ORIENTATION AND GENDER IDENTITY L. & PUB. POL'Y, Evidence of Housing Discrimination Based on Sexual Orientation and Gender Identity 1 (2016), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Discrimination-US-Feb-2016.pdf>, at 1; SAGE, Understanding the Affordable Housing Development Process 1 (2d ed. 2020), available at <https://www.sageusa.org/wp-content/uploads/2020/07/understanding-the-affordable-housing-development-primer-2nd-edition.pdf>.

<sup>5</sup> Mallory & Sears, *supra* note 4, at 3.

<sup>6</sup> SAGE, *supra* note 4.

<sup>7</sup> *Id.*

Those economic difficulties are compounded by discrimination. Nearly half (48%) of older same-sex couples have suffered some form of “adverse, differential treatment” when searching for housing.<sup>8</sup> Numerous studies have shown that LGBTQ+ couples “face system-wide discrimination” by mortgage lenders in the form of lower approval rates and, if they are approved, higher interest rates and fees.<sup>9</sup> Research has also shown that housing providers or agents are less likely to respond to a rental inquiry made by an LGBTQ+ person.<sup>10</sup>

Transgender persons and LGBTQ+ persons of color are particular targets for discrimination.<sup>11</sup> According to the U.S. Transgender Survey, transgender persons are three times more likely than other LGBTQ+ persons to be discriminated against because of their gender identity and five times more likely to be denied housing or evicted on that basis.<sup>12</sup>

Those social and economic realities manifest as greater housing insecurity for LGBTQ+ persons compared to their straight counterparts. Less than half of all LGBTQ+ adults own their own home, as opposed to 70% of non-LGBTQ+ adults.<sup>13</sup> The rental

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<sup>8</sup> *Id.* at 2; see also *National LGBTQ+ Housing Initiative*, SAGE, <https://www.sageusa.org/what-we-do/national-lgbt-housing-initiative/>; *LGBTQ Equity and Housing Fact Sheet*, OPPORTUNITY STARTS AT HOME, <https://www.opportunityhome.org/resources/lgbtq-rights-and-housing-fact-sheet/>; DEP’T OF HOUS. & URBAN DEV., *An Estimate of Housing Discrimination Against Same-Sex Couples*, at vi–viii (2013), available at [https://www.huduser.gov/portal/Publications/pdf/Hsg\\_Disc\\_against\\_SameSexCpls\\_v3.pdf](https://www.huduser.gov/portal/Publications/pdf/Hsg_Disc_against_SameSexCpls_v3.pdf); *Housing Discrimination Remains a Big Barrier for the LGBTQ+ Community*, ACLU ILL. (June 28, 2021, 11:00 AM), <https://www.aclu-il.org/en/news/housing-discrimination-remains-big-barrier-lgbtq-community>.

<sup>9</sup> Mallory & Sears, *supra* note 4, at 4.

<sup>10</sup> *Id.*

<sup>11</sup> See generally Adam P. Romero, Shoshana K. Goldberg, & Luis A. Vasquez, WILLIAMS INST. ON SEXUAL ORIENTATION AND GENDER IDENTITY L. & PUB. POL’Y, *LGBT People and Housing Affordability, Discrimination, and Homelessness* (2020), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Apr-2020.pdf>; see also Diane K. Levy et al., URBAN INSTIT., *A Paired-Testing Pilot Study of Housing Discrimination Against Same-Sex Couples and Transgender Individuals* 58–62 (2017), available at [https://www.urban.org/sites/default/files/publication/91486/2017.06.27\\_hds\\_lgt\\_final\\_report\\_report\\_finalized\\_0.pdf](https://www.urban.org/sites/default/files/publication/91486/2017.06.27_hds_lgt_final_report_report_finalized_0.pdf).

<sup>12</sup> Romero et al., *supra* note 11, at 20; Levy et al., *supra* note 11, at 37–49.

<sup>13</sup> Romero et al., *supra* note 11, at 3.

market reflects similar concerns,<sup>14</sup> and again, LGBTQ+ persons of color suffer more. In 2021, nearly 30% of black LGBTQ+ respondents in the Census Bureau's survey were behind on their rent, compared to only 9.7% of white LGBTQ+ respondents.<sup>15</sup> Members of the LGBTQ+ community are more likely to be homeless, and "once homeless, more likely to endure discrimination and harassment that extends their homelessness."<sup>16</sup> All of which makes LGBTQ+ individuals particularly likely to need housing assistance from HUD or HUD-funded programs.<sup>17</sup>

While there has been some progress toward HUD's goal of ensuring that every person has the ability "to secure a roof over their head free from discrimination,"<sup>18</sup> actively collecting SOGI data will help facilitate faster, more impactful results. Recent legal and administrative developments, such as the U.S. Supreme Court's decision in *Bostock* and President Biden's Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation, have settled the question that, under federal law (including the Fair Housing Act), discrimination on the basis of sex includes SOGI discrimination.<sup>19</sup> But the mere fact that SOGI discrimination is prohibited under the Fair Housing Act and various administrative rules, however, has not stopped it from occurring.

Collecting SOGI data can help.

SOGI data will provide HUD with the information necessary to conduct crucial research regarding housing and the LGBT community. In February 2022, HUD published

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<sup>14</sup> Erik Gartland, *High Hardship Among Black and Latinx LGBTQ Renters Underscores Need for More Housing Vouchers*, CTR. ON BUDGET & POL'Y PRIORITIES (Oct. 17, 2022, 1:19 PM), <https://www.cbpp.org/blog/high-hardship-among-black-and-latinx-lgbtq-renters-underscores-need-for-more-housing-vouchers..>

<sup>15</sup> Veronica Helms, Emily Molfino, & Ben Winter, *Examining Housing Experiences by Sexual Orientation and Gender Identity*, DEP'T OF HOUS. & URBAN DEV.: EDGE (Feb. 23, 2022), <https://www.huduser.gov/portal/pdredge/pdr-edge-spotlight-article-022222.html>.

<sup>16</sup> *LGBTQ Homelessness*, HUD EXCHANGE, <https://www.hudexchange.info/homelessness-assistance/resources-for-lgbt-homelessness/#resources-for-homeless-lgbtq-individuals-in-crisis>.

<sup>17</sup> *LGBTQ Equity and Housing Fact Sheet*, *supra* note 8; Gartland, *supra* note 14.

<sup>18</sup> Press Release, Dep't of Hous. & Urban Dev., HUD No. 21-021, HUD to Enforce Fair Housing Act to Prohibit Discrimination on the Basis of Sexual Orientation and Gender Identity (Feb. 11, 2021), *available at* [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_21\\_021](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_21_021).

<sup>19</sup> Exec. Order No. 13988, 86 Fed. Reg. 7023 (Jan. 20, 2021).

its first estimate of housing insecurity among LGBTQ+ persons, examining the “intersection of SOGI, race, ethnicity, and housing status.”<sup>20</sup> In doing so, HUD acknowledged the research community’s “poor track record” of studying the LGBTQ+ community’s housing experiences, as well as policymakers’ tendency to “too often overlook” this “historically marginalized population.” Failing to collect SOGI data will only exacerbate that historical trend, “hindering” policymakers and service providers from “understand[ing] the experiences of the LGBTQI+ communities.”<sup>21</sup> Although other housing data—such as marital status or living arrangements—allow researchers to infer same-sex relationships, that data imprecisely captures only the one in six LGBTQ+ persons who happen to live with a same-sex spouse or a same-sex domestic partner. SOGI-specific questions are therefore needed to capture the other 83% of the LGBTQ+ community, including single persons, LGBTQ+ persons in a relationship but not living with their partner, and transgender persons.<sup>22</sup> Collecting that data through Forms 27061 and 27061-H will capture a larger sample size than private surveys, which will “provide greater comprehension of the experiences of populations that are living at the intersection of multiple marginalized identities.”<sup>23</sup> More data regarding those intersecting populations will develop “insights [that] can lead to potential resources and interventions needed to better serve the community.”<sup>24</sup>

Indeed, armed with accurate SOGI data, HUD can identify specific areas of need for LGBTQ+ potential tenants. Just as HHS relies on SOGI data to “identify and address health disparities affecting the LGBTQ+ population,”<sup>25</sup> so too will that data help HUD address housing disparities. For instance, if the percentage of LGBTQ+ persons in an area is disproportionate to the number of LGBTQ+ persons receiving HUD assistance in that

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<sup>20</sup> Helms et al., *supra* note 15.

<sup>21</sup> Caroline Medina & Lindsay Mahowald, *Collecting Data About LGBTQI+ and Other Sexual and Gender-Diverse Communities*, CTR. FOR AM. PROGRESS (May 24, 2022), <https://www.americanprogress.org/article/collecting-data-about-lgbtqi-and-other-sexual-and-gender-diverse-communities/>.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Jennifer M. Ortman & Karen L. Parker, FED. COMM. ON STAT. METHODOLOGY, *Why Do Federal Agencies Ask About Sexual Orientation and Gender Identity (SOGI) on Surveys?* 1 (2021), [available at https://nces.ed.gov/FCSM/pdf/FCSM\\_21\\_01\\_062221.pdf](https://nces.ed.gov/FCSM/pdf/FCSM_21_01_062221.pdf).

<sup>25</sup> DEP’T OF HEALTH & HUM. SERVS., *supra* note 3.



area, HUD will be alerted to possible discrimination. Likewise, if HUD discovers that a particular developer houses a relatively high number of LGBTQ+ individuals, HUD can learn what makes that developer’s housing so attractive, and can facilitate future projects with that developer. That is how cities with robust LGBTQ+-centric housing programs use SOGI data—to help them plan “future programming for LGBT[Q+] older people” and to “understand the outcomes and effectiveness” of their existing housing developments.<sup>26</sup>

Simply put, without SOGI data, HUD’s ability to carry out its core functions is significantly impaired. Such data is necessary to craft policy solutions that advance housing equity and the policy directives President Biden announced in Executive Order 13988.

**HUD SHOULD INTEGRATE SOGI QUESTIONS WITH OTHER DEMOGRAPHIC QUESTIONS,  
MINIMALLY BURDENING RESPONDENTS**

Just as important as HUD collecting SOGI data is *how* HUD collects that data. HUD should add SOGI questions to Form 27061-H alongside existing questions regarding ethnicity and race. That is, SOGI questions should be integrated with the other demographic questions so as to underscore the message that SOGI information is a key part of the whole individual. Separating SOGI questions from other demographic information may inadvertently enforce feelings of stigma and discrimination in LGBTQ+ persons.

HUD should add questions to Form 27061-H targeting three discrete data points, which would then be compiled on Form 27061: (1) applicants’ sex assigned at birth, (2) which gender they identify as now, and (3) their sexual orientation. SAGE recommends the following questions and definitions:

| Sex assigned at birth | Select One |
|-----------------------|------------|
| Male                  |            |
| Female                |            |
| Don’t know            |            |
| Prefer not to answer  |            |

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<sup>26</sup> SAGE, *supra* note 4, at 6–7, 49; *see also* Medina & Mahowald, *supra* note 21.

**Sex assigned at birth:** Answer this question based on the sex designation—male, female, or intersex—given by a doctor at your birth and as indicated on your birth certificate.

| Gender Identity*     | Select One |
|----------------------|------------|
| Male                 |            |
| Female               |            |
| Transgender          |            |
| Non-binary           |            |
| Something else       |            |
| Don't know           |            |
| Prefer not to answer |            |

**Gender identity:** Answer this question based on your inner sense of being male, female, or another gender. This may or may not be the same as the sex assigned to you at birth.

- **Male/Man:** You identify as a boy/man/male.
- **Female/Woman:** You identify as a girl/woman/female.
- **Transgender:** Your gender identity differs from the sex you were assigned at birth.
- **Non-binary:** Your gender identity does not fall into the category of male or female.
- **Something else:** Your gender identity is not male, female, transgender, or non-binary (*i.e.*, genderqueer).

| Sexual Orientation*  | Select One |
|----------------------|------------|
| Gay or lesbian       |            |
| Straight             |            |
| Bisexual             |            |
| Something else       |            |
| Don't know           |            |
| Prefer not to answer |            |

**Sexual orientation:** Answer this question based on your primary physical, romantic, or emotional attraction to others.

- **Gay:** You identify as a man and are primarily attracted to other men.
- **Lesbian:** You identify as a woman and are primarily attracted to other women.
- **Straight:** You identify as a man and are primarily attracted to women, or you identify as a woman and are primarily attracted to men.
- **Bisexual:** You identify as either a man or a woman and are primarily attracted to both men and women.
- **Something else:** Your sexual orientation is not gay, lesbian, straight, or bisexual. This includes but is not limited to a person primarily attracted to people regardless of gender identity (pansexual); a person who experiences little or no attraction to other people (asexual); or a person who describes their sexual orientation as “queer.”

These questions largely mirror the National Academies of Sciences, Engineering, and Medicine’s recommended questions for collecting SOGI data, as laid out in their comprehensive 2020 report.<sup>27</sup> One notable difference is the proposed sexual-orientation question, which here omits the phrase “that is, not gay or lesbian.”<sup>28</sup> As noted by the

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<sup>27</sup> NAT’L ACADS. OF SCIS., ENG’G, & MED., Understanding the Well-Being of LGBTQI+ Populations 83–85 (2020), available at <https://nap.nationalacademies.org/catalog/25877/understanding-the-well-being-of-lgbtqi-populations>.

<sup>28</sup> Compare with *id.* at 83–84.

Center for American Progress, clarifying “straight” with the phrase “that is, not gay or lesbian” wrongly and inaccurately “reinforces” heterosexuality as the normative sexual orientation.<sup>29</sup> Not to mention that clarifying what is meant by “straight” is likely unnecessary to achieve accurate answers.<sup>30</sup>

Asking these questions and collecting their responses will impose a minimal burden on all involved. As indicated in its request for comment, HUD anticipates a minimal burden to respondents—30 minutes to complete the form—and to HUD staff—1.5 hours total for three staffers to review each form. The anticipated financial cost (\$561,918.75) is a miniscule slice of HUD’s \$62.7 billion budget.<sup>31</sup>

Those minor costs will be more than offset by an anticipated high response rate. Although the conventional thinking was that LGBTQ+ persons are hard to survey or unlikely to participate in demographic surveys, recent studies have shown the opposite.<sup>32</sup> One study found no additional burden in surveying LGBTQ+ persons compared to non-LGBTQ+ persons.<sup>33</sup> In fact, LGBTQ+ persons are likely to participate in demographic surveys at a higher rate than non-LGBTQ+ persons.<sup>34</sup> While social stigma used to be a roadblock to gathering accurate SOGI data, and still remains a concern—especially for transgender persons—it no longer prevents most LGBTQ+ persons from answering

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<sup>29</sup> Medina & Mahowald, *supra* note 21.

<sup>30</sup> *Id.*

<sup>31</sup> Press Release, House Comm. on Appropriations, Appropriations Committee Releases Fiscal Year 2023 Transportation, and Housing and Urban Development, and Related Agencies Funding Bill (June 22, 2022) (HUD’s SOGI collection accounts for .00000896% of the Department’s 2023 budget), *available at* [https://appropriations.house.gov/news/press-releases/appropriations-committee-releases-fiscal-year-2023-transportation-and-housing#:~:text=Department%20of%20Housing%20and%20Urban%20Development%20\(HUD\)%E2%80%9494For%20fiscal,the%20President's%202023%20budget%20request](https://appropriations.house.gov/news/press-releases/appropriations-committee-releases-fiscal-year-2023-transportation-and-housing#:~:text=Department%20of%20Housing%20and%20Urban%20Development%20(HUD)%E2%80%9494For%20fiscal,the%20President's%202023%20budget%20request).

<sup>32</sup> Sunghee Lee et al., *Are Sexual Minorities Less Likely to Participate in Surveys? An Examination of Proxy Nonresponse Measures and Associate Biases with Sexual Orientation in a Population-Based Health Survey*, 30 FIELD METHODS 208, 209 (2018), *available at* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6519959/pdf/nihms-990437.pdf>.

<sup>33</sup> Nancy Bates, Yazmin A. Garcia Trejo, & Monica Vines, *Are Sexual Minorities Hard-to-Survey? Insights from the 2020 Census Barriers, Attitudes, and Motivators (CBAMS) Survey*, 35 J. OFF. STATS. 709, 718 (2019), *available at* <https://sciencemag.org/article/10.2478/jos-2019-0030>.

<sup>34</sup> *Id.*

survey questions about their sexual orientation or gender identity.<sup>35</sup> LGBTQ+ individuals' high response rate holds steady no matter how the survey is conducted,<sup>36</sup> so collecting SOGI data from applicants or tenants via either electronic or hard copies of Form 27061-H should not affect whether LGBTQ+ persons participate. HUD could leave the method of collating that data to the discretion of each housing owner or agent, as owners and agents are responsible for completing Form 27061 and submitting it via TRACS.<sup>37</sup>

SAGE recommends that HUD collect SOGI data at each “interim or annual re-certification,”<sup>38</sup> as it does for ethnic and racial data. If HUD were to ask SOGI questions only at a tenant’s initial application or lease signing, those responses could become inaccurate as a person’s understanding of their sexual orientation or gender identity evolves. For just one example, at the time of the initial application, a person who is attracted to both men and women may nevertheless not identify as bisexual, for myriad reasons, including an unwillingness to “put a label on” their sexuality, discomfort with it, or because they simply had not thought about it. Years later, however, that person may identify as bisexual, and HUD asking SOGI questions at each interim or annual re-certification will make sure that such a person is accounted for. Plus, SOGI can be fluid over a person’s lifetime.<sup>39</sup> A recent study surveying transgender persons found that more than half of respondents reported some shift in attraction in their lifetime, a number that rises to nearly 65% for transgender persons who have socially transitioned.<sup>40</sup> Potential fluidity is a reason why the CDC recommends that SOGI “should be reassessed

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<sup>35</sup> Sunghee Lee et al., *supra* note 32.

<sup>36</sup> Medina & Mahowald, *supra* note 21.

<sup>37</sup> See Form 27061-H (“Owners/agents must offer the opportunity to the head and co-head of each household to ‘self-certify’ during the application interview or lease signing. In-place tenants must complete the form[] as part of their next interim or annual re-certification.”).

<sup>38</sup> *Id.*

<sup>39</sup> *Collecting Sexual Orientation and Gender Identity Information*, CTRS. FOR DISEASE CONTROL & PREVENTION (Mar. 9, 2022), <https://www.cdc.gov/hiv/clinicians/transforming-health/health-care-providers/collecting-sexual-orientation.html>.

<sup>40</sup> Sunghee Lee et al., *supra* note 32, at 215.

periodically.”<sup>41</sup> For that same reason, HUD should collect SOGI data as often as it collects ethnic and racial data.

### CONCLUSION

For the foregoing reasons, SAGE supports HUD’s proposal to add SOGI questions to Form 27061-H and to collect SOGI responses via Form 27061.

Respectfully submitted,



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<sup>41</sup> *Collecting Sexual Orientation and Gender Identity Information*, *supra* note 39.