



August 24, 2016

Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

**Re: HHS RIN 0970-AC62, Family Violence Prevention and Services Programs**

Dear OIRA staff,

On behalf of the National Center for Transgender Equality and the National Coalition Against Domestic Violence, we are writing to you concerning the above-referenced final rule, currently under review by OMB. We are particularly concerned with ensuring that this critical rule fully reflects a consistent approach across the federal government of ensuring equal access to shelter and other services for LGBT survivors of violence, without exception.

On May 9, 2016, Attorney General Loretta Lynch announced the Justice Department's legal action against North Carolina House Bill 2 (which excludes transgender people from public restrooms), stating: "This is about the dignity and respect we accord our fellow citizens and the laws that we, as a people and as a country, have enacted to protect them – indeed, to protect all of us. And it's about the founding ideals that have led this country – haltingly but inexorably – in the direction of fairness, inclusion and equality for all Americans." This landmark statement of the federal government's approach to transgender people's civil rights applies with equal force in the context of housing programs. The Departments of Justice, Education, Labor, the Equal Employment Opportunity Commission, as well as HHS's own Office for Civil Rights, have all taken that view that, under federal sex discrimination laws, individuals have a right to equal access to facilities that are consistent with their gender identity.

Crucially, these agencies have made clear that individuals have a right to equal access that cannot be limited by an employer, school, or health care provider. If an entity retained discretion to deny equal access based on the entity's own judgment, as the proposed FVPSA rule provides, this would be fundamentally inconsistent with the principle of equal opportunity. The final FVPSA rule should be fully consistent with the approach of other federal agencies.

Thank you once again for your commitment to equality for all.

Sincerely,

Mara Keisling  
Executive Director  
National Center for Transgender Equality

Ruth M. Glenn  
Executive Director  
National Coalition Against Domestic Violence