

# United States Senate

WASHINGTON, DC 20510

October 28, 2019

The Honorable Benjamin S. Carson, Sr., M.D.  
Secretary  
United States Department of Housing and Urban Development  
451 Seventh Street S.W.  
Washington, DC 20410

Dear Secretary Carson:

We are writing to express our concern about your recent comments regarding the rights of transgender individuals seeking to access federally-funded shelter services. We are deeply concerned that your comments undercut protections provided to transgender people under HUD's rules, undermine basic respect for transgender individuals seeking housing assistance, and create an environment that further marginalizes this vulnerable population. In addition, your comments indicate that you will seek to remove protections for transgender people based upon the biased views you have expressed.

On September 19, 2019, the *Washington Post* reported that you made dismissive remarks about transgender individuals in a meeting with staff of the Department of Housing and Urban Development (HUD).<sup>1</sup> According to the Post's report, you made remarks indicating that a transgender person seeking to be served in a shelter corresponding to their gender identity would be seeking "extra rights." Rather than recognizing transgender women seeking shelter as vulnerable people at high risk of homelessness, you also repeated speculative stories of fears that "big, hairy men" would claim to be transgender women in order to infiltrate women's shelters for unknown purposes. Since then, you have gone on to make similar comments in communications with HUD staff and in the media.

These comments run counter to HUD's mission to connect vulnerable people with essential housing and services they need to stay safe. It is clear that transgender individuals face bias and discrimination that endanger them and limit their basic access to shelter. In developing its 2016 Equal Access Rule, HUD found that transgender and gender nonconforming persons experience "significant violence, harassment, and discrimination in attempting to access programs, benefits,

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<sup>1</sup> Tracy Jan and Jeff Stein, "HUD Secretary Ben Carson makes dismissive comments about transgender people, angering agency staff," *Washington Post*, September 20, 2019. Available at: <https://www.washingtonpost.com/business/2019/09/19/hud-secretary-ben-carson-makes-dismissive-comments-about-transgender-people-angering-agency-staff/>

services, and accommodations.”<sup>2</sup> HUD also reported that “transgender persons are often discriminatorily excluded from shelters or face dangerous conditions in the shelters that correspond to their sex assigned at birth.”<sup>3</sup> Some commenters on HUD’s rule reported that, if given the choice between a shelter designated for their sex assigned at birth or sleeping on the streets, many transgender individuals experiencing homelessness would choose to sleep on the street.<sup>4</sup>

In addition, your comments run counter to the views of major organizations representing survivors of sexual and domestic violence. In 2016, the National Task Force to End Sexual and Domestic Violence Against Women issued a “National Consensus Statement of Anti-Sexual Assault and Domestic Violence Organizations in Support of Full and Equal Access for the Transgender Community.”<sup>5</sup> This document, signed by over 300 local, state, and national organizations, strongly supports protections that ensure transgender people are able to access public facilities consistent with their gender identity.

Your reported comments reveal that HUD’s recent actions in the area of transgender protections are rooted in bias against transgender people. These include a decision made early in your tenure to remove from HUD’s website guidance to housing service providers that was intended to protect transgender individuals, as well as the Department’s planned changes to the 2016 Equal Access Rule. According to HUD staff who spoke to the *Washington Post*, you told a group that you think that single-sex shelters should have the discretion to turn away transgender people. In light of this evident bias, we call on you to immediately suspend any efforts at your Department to amend the 2016 Equal Access Rule. We also call on you to direct your staff to repost guidance designed to help local homelessness services providers carry out this rule, which was pulled down from the HUD website in 2017.

In communications with HUD staff regarding your remarks about transgender people, you wrote that “[my] belief system tells me that all people are valuable, and we should recognize and try to cultivate dignity.”<sup>6</sup> Your remarks dismissing the validity and very existence of transgender people certainly do not cultivate their dignity. Instead, they give license to those who seek to discriminate against this vulnerable population based upon prejudice.

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<sup>2</sup> Federal Register, “Equal Access in Accordance With an Individual’s Gender Identity in Community Planning and Development Programs” (FR 5863-F-02), September 21, 2016. Available at: <https://www.federalregister.gov/documents/2016/09/21/2016-22589/equal-access-in-accordance-with-an-individuals-gender-identity-in-community-planning-and-development>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> “National Consensus Statement of Anti-Sexual Assault and Domestic Violence Organizations in Support of Full and Equal Access for the Transgender Community.” April 29, 2016. Available at: <http://www.endsexualviolence.org/wp-content/uploads/2017/09/STATEMENT-OF-ANTI-SEXUAL-ASSAULT-AND-DOMESTIC-VIOLENCE-ORGANIZATIONS-IN-SUPPORT-OF-EQUAL-ACCESS-FOR-THE-TRANSGENDER-COMMUNITY.pdf>

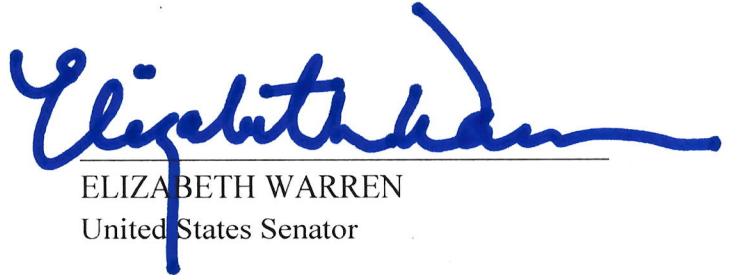
<sup>6</sup> Katy O’Donnell, “Ben Carson defends transgender remarks, blames media ‘mischaracterizations,’” Politico, September 20, 2019. Available at: <https://www.politico.com/story/2019/09/20/ben-carson-defends-transgender-remarks-1506883>

If you are truly committed to recognizing the value of the people you are charged to serve as HUD Secretary, you must publicly retract your statements about the rights of transgender individuals, support their basic rights to seek shelter consistent with their identity, and take no actions that undermine these rights.

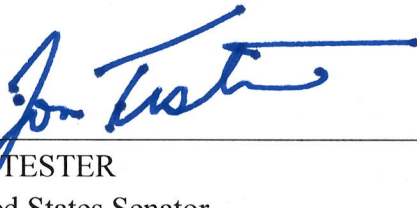
Sincerely,



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JON TESTER  
United States Senator



EDWARD J. MARKEY  
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United States Senator



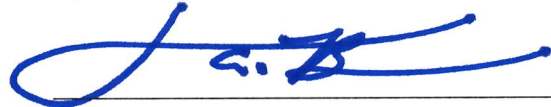
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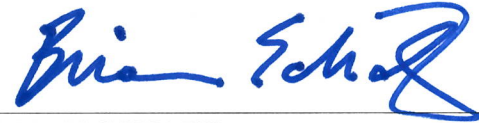
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United States Senator



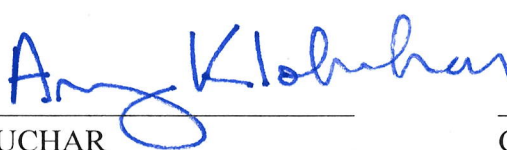
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United States Senator



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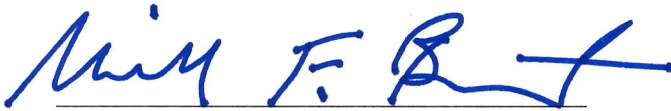
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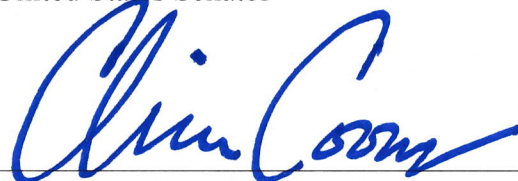
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