

Sexual Orientation and Gender Identity (SOGI) Data Action Plan for the Department of Housing and Urban Development

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SOGI Data Action Plan for the Department of Housing and Urban Development

The mission of the U.S. Department of Housing and Urban Development (HUD) is “to create strong, sustainable, inclusive communities and quality affordable homes for all” (HUD FY 22-26 Strategic Plan 2022: 4).¹ HUD is committed to affirmatively furthering fair housing, and works to redress the Nation’s long history of discriminatory housing practices “and systemic barriers to safe, accessible, and affordable housing for people of color, immigrants, individuals with disabilities, and lesbian, gay, bisexual, transgender, gender non-conforming, and queer (LGBTQ+) individuals” (86 FR 7477; HUD FY 22-26 Strategic Plan 2022: 14).²

The January 2021 Executive Order 13985 on *Advancing Racial Equity and Support of Underserved Communities Through the Federal Government* communicated a broad mandate to federal agencies to address the persistent discrimination and inequities facing many communities within the U.S.³ This Order, in turn, formed the Equitable Data Working Group (EDWG).⁴ As part of its commitment to equity, HUD has contributed to the National Science and Technology Council (NSTC) Subcommittee on Equitable Data (SED), which was chartered to operationalize the work of the EDWG.

In June 2022, Executive Order 14075 on *Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals*, established a new Subcommittee on Sexual Orientation and Gender Identity (SOGI) data (87 FR 37819).⁵ Throughout the remainder of 2022, the Subcommittee developed its *Federal Evidence Agenda on LGBTQI+ Equity*, “a roadmap for federal agencies as they worked to create their own data-driven and measurable SOGI Data Action Plans to help assess, improve, and monitor the health and well-being of LGBTQI+ people over time” (2023: i).⁶

This document is HUD’s SOGI Data Action Plan, conveying HUD’s commitment and plans to help assess, improve and monitor the health and well-being of LGBTQI+ people over time.

HUD administers programs and develops policies to promote housing stability and housing security, and to mitigate housing-related discrimination, particularly the types identified in the Federal Evidence Agenda on LGBTQI+ Equity. Answers to the following Learning Questions would improve our ability to make evidence-informed decisions related to our programs, policies, operations, and/or regulations, or

¹ U.S. Department of Housing and Urban Development (HUD). March 28, 2022. “Fiscal Year 2022-2026 HUD Strategic Plan,” Pp. 1-83.

² 86 FR 7487. (January 29, 2021.) (<https://www.federalregister.gov/documents/2021/01/29/2021-02074/redressing-our-nations-and-the-federal-governments-history-of-discriminatory-housing-practices-and>).

³ 86 FR 7009 (January 20, 2021). (<https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>.)

⁴ This Order, in turn, formed the Equitable Data Working Group (EDWG). The EDWG first identified deficiencies and areas of improvement within Federal data and has been working to develop plans for “increasing data available for measuring equity and representing the diversity of the American people and their experiences.” (April 22, 2022. “The Release of the Equitable Data Working Group Report.” <https://www.whitehouse.gov/ostp/news-updates/2022/04/22/the-release-of-the-equitable-data-working-group-report/>).

⁵ 87 FR 37819. (June 21, 2022.) (<https://www.federalregister.gov/documents/2022/06/21/2022-13391/advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals>.)

⁶ United States Office of Science and Technology Policy. January 2023. *Federal Evidence Agenda on LGBTQI+ Equity*. <https://www.whitehouse.gov/wp-content/uploads/2023/01/Federal-Evidence-Agenda-on-LGBTQI-Equity.pdf>

would improve the ability of our federal partners to make evidence-informed decisions related to their programs:

1. How can HUD increase housing stability, housing security, and housing safety for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+)⁷ people?
2. How can HUD better detect and reduce the incidence of housing-related discrimination experienced by LGBTQI+ people?
3. How can HUD engage and include LGBTQI+ people in the evidence-building process to co-create evidence building activities, infrastructure, uses, and monitoring that is trauma informed and person centered?
4. In designing and implementing SOGI data efforts, how will HUD address the heightened discrimination, exclusion, abuse, and/or violence faced by LGBTQI+ people?
5. What are the rates of LGBTQI+ individuals experiencing homelessness based on age and race/ethnicity, and how do they vary by household type (i.e., households without children, households with only children, household with children and adults, etc.)?
6. What are the age, LGBTQI+, and race/ethnicity characteristics of homelessness (including youth homelessness), and how do they vary by household type?
7. What are the rates over time for LGBTQI+ individuals experiencing homelessness in sheltered and unsheltered locations, and how do they vary by household type?
8. What aspects of HUD policies and programs supporting aging-in-place for elders need to be tailored to LGBTQI+ elders?
9. How do housing experiences and barriers to accessing and staying in decent, safe, and affordable housing in opportunity neighborhoods vary by sexual orientation and gender identity and vary based on intersecting identities like their race, ethnicity, age, disability status, and household type?
10. How do experiences applying for HUD subsidies and living in HUD-assisted housing for LGBTQI+ people differ based on intersecting identities like their race, ethnicity, age, disability status, and household type?

Evidence-Building Activities

In order to build evidence related to Learning Questions [#1, 3, 4, 8, 9, and 10] listed above, the Department of Housing and Urban Development will explore the following activities over the next [8-18] months:

- As noted in HUD's Learning Agenda 2022-2026,⁸ valid, reliable, and nationally representative data on the housing conditions of LGBTQI+ individuals are essential to HUD's goal of ensuring equitable housing opportunities regardless of sexual orientation and gender identity. In the 2023 American Housing Survey (AHS), HUD's Office of Policy Development and Research (PD&R)

⁷ The SOGI Data Action Plan uses the LGBTQI+ acronym throughout for lesbian, gay, bisexual, transgender, queer, and intersex people from the Federal Evidence Agenda on LGBTQI+ Equity; however, individual HUD data collection and reporting initiatives may not collect data from each of these separate groups.

⁸ <https://www.huduser.gov/portal/sites/default/files/pdf/HUD-Learning-Agenda.pdf>

will ask self-report SOGI questions of adult respondents and test proxy SOGI questions about adult household members. The self-report SOGI questions will be asked of all adult respondents and are similar to questions asked in the National Health Interview Survey (NHIS) and the National Crime Victimization Survey (NCVS). Demographic questions in the AHS, as in other household surveys, are asked of the respondent with the respondent providing answers for all household members. To test the feasibility of asking SOGI proxy questions and assess item nonresponse, respondents in half of the 2023 AHS sample will be asked the SOGI proxy questions. The data collection in the 2023 AHS, along with findings on SOGI proxy questions in the 2024 American Community Survey (ACS) Content Test, research on SOGI proxy response accuracy, and tests of SOGI question wording variations in the 2025 AHS will inform the collection of SOGI proxy data in the AHS and the ACS in 2027 and beyond. The AHS is a voluntary survey. Respondent privacy and confidentiality are protected by Title 13 of the U.S. Code.⁹

- HUD collects 50058 forms for tenants in public housing and Housing Choice Voucher (HCV) units and 50059 forms for HUD-assisted tenants in privately owned multifamily housing. HUD published in the Federal Register a notice¹⁰ requesting comment on proposed changes to the 50058 forms, including comments related to the collection of SOGI data. HUD will consider whether new fields on the 50058 and 50059 forms for Sexual Orientation and Gender Identity (SOGI) may be warranted or desired for purposes of tracking whether HUD's programs are serving LGBTQI+ people equitably. Any data collection must be designed so it does not impede people from accessing federal programs and recognizing that LGBTQI+ individuals have valid historical reasons for not being willing to provide this information to a government entity, particularly individuals who are members of multiple underrepresented and underserved groups. Any SOGI data collection on HUD forms will be informed by the guidelines for collecting SOGI data on the federal administrative forms in the Federal Evidence Agency on LGBTQI+ Equity.¹¹
- Over the next 8-10 months, HUD's program offices will review HUD's information collections and update the gender correspondence codes for both internal and external forms to follow the gender correspondence codes in both the 50058 and 50059.
- Over the next 8-12 months, HUD will participate in a cross-office effort to review current practices and produce a common approach to SOGI data access and confidentiality protections, in alignment with applicable laws, regulations, and policies.
- Over the next 18 months, HUD will participate in an interagency effort to produce a cohesive, longer-term plan to ensure evidence gaps related to LGBTQI+ homelessness and housing are addressed through HUD or other federal agency data collection.

In order to build evidence related to Learning Questions #5-7 listed above, the Department of Housing and Urban Development will explore the following activities over the next 6-15 months:

- Over the next 6 to 8 months, HUD will reconvene the Gender Identity Data Standards working group that includes people with lived experience and expertise, advocates, researchers,

⁹https://www.census.gov/history/www/reference/privacy_confidentiality/title_13_us_code.html#:~:text=It%20is%20against%20the%20law,Security%20Numbers%2C%20and%20telephone%20numbers.

¹⁰ <https://www.federalregister.gov/documents/2023/02/08/2023-02668/60-day-notice-of-proposed-information-collection-family-report-mtw-family-report-mtw-expansion>

¹¹ <https://www.whitehouse.gov/wp-content/uploads/2023/01/Federal-Evidence-Agenda-on-LGBTQI-Equity.pdf>

community and federal partners, HUD Technical Assistance Subject Matter Experts, and HUD staff to support inclusive and responsible SOGI data collection and use practices.

- Over the next 12 to 15 months, HUD will review the updated HMIS SOGI data elements for the 2026 HMIS data standards, and make recommendations based on finding and feedback, a process that will continue to include people with lived experience and expertise, advocates, researchers, community and federal partners, HUD Technical Assistance Subject Matter Experts, and HUD staff.

Evidence-Building Infrastructure

Evidence-building activities often require infrastructure – policies, processes, staff, etc. – in order to successfully execute them. In order to support the evidence-building activities described above, the Department of Housing and Urban Development will explore the following activities over the next [12-24] months:

HUD (Agency-Level):

- Policy: As an agency, HUD is responsible for enforcing the Fair Housing Act, a law that prohibits housing discrimination. Following the Supreme Court decision in *Bostock v Clayton County*, HUD’s Acting Assistant Secretary for Fair Housing & Equal Opportunity sent a memo to the Office of Fair Housing & Equal Opportunity, Fair Housing Assistance Program Agencies and Fair Housing Initiatives Program Grantees. This memo explained that FHEO would accept for filing and investigate all complaints of sex discrimination, including discrimination because of gender identity or sexual orientation, that meet other jurisdictional requirements, and that FHEO shall conduct all other activities involving the application, interpretation, and enforcement of the Fair Housing Act’s prohibition on sex discrimination to include discrimination because of sexual orientation and gender identity.
- Policy: The 2012 Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Rule (2012 Equal Access Rule) was developed to ensure that its housing programs are available and accessible to all eligible persons and families regardless of sexual orientation, gender identity, or marital status (February 3, 2012, 77 FR 5662).
- Policy: The 2016 Final Rule, “Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs Rule” requires that HUD grantees funded in whole or in part by any Office of Community Planning and Development (CPD) program ensure equal access to community planning and development programs, shelters, other buildings and facilities, benefits, services, and accommodations. Grantees must ensure that shelter access be provided to a person in accordance with that person's gender identity, and in a manner that affords equal access to the person's family. The 2016 CPD Equal Access Rule further ensures that, when consideration of sex is prohibited or not relevant, individuals will not be discriminated against based on actual or perceived gender identity, and where legitimate consideration of sex or gender is appropriate, the individual's own self-identified gender identity will govern. September 21, 2016, 81 FR 64763, as codified at 24 CFR 5.106; November 17, 2016 Final Rule, “Equal Access to Housing in HUD’s Native American and Native Hawaiian Programs-

Regardless of Sexual Orientation or Gender Identity (81 FR 80989) (2016 Equal Access Rule for HUD's Native American and Native Hawaiian Programs); 81 Fed Reg. 64763, 64766.

Office of Special Needs Assistance Programs (SNAPS):

- Policy: The FY2022 Homeless Management Information System (HMIS) Data Standards requires the collection of Gender Identity for HUD's Continuum of Care (CoC) and Emergency Solutions Grants (ESG) Programs, and for other homeless service programs using HMIS. It also includes the collection of Sexual Orientation for HUD's Youth Homelessness Demonstration Program (YHDP). The FY2024 HMIS Data Standards will be approved in October 2023 and will include an update to a more inclusive Gender Identity data element and will expand the collection of Sexual Orientation to CoC Permanent Supportive Housing (PSH) projects.
- Process: SNAPS has released the 2021 Annual Homelessness Assessment Report (AHAR) to Congress: Part 1 Point-In-Time Estimates of Homelessness in the US and 2022 AHAR Part 2 Annual Estimates of Homelessness in the US using the current Gender Identity data element. The SNAPS Office will plan for updates to the analysis and reporting process for the 2024 AHAR Part 1 and 2 based on changes to the HMIS Gender Identity data standard.
- Process: The SNAPS Office will convene a Gender Identity Data Standards working group of diverse partners to address discrimination and barriers to homeless services and housing resource by informing and recommending next steps in inclusive and responsible data collection and reporting practices for the 2026 SOGI HMIS Data Standards, Annual Performance Report, and Consolidated Annual Performance and Evaluation Report.
- Staff: The SNAPS Office oversees HUD's homeless data and performance reports connected to the Congressional Annual Homeless Assessment Report (AHAR), local System Performance Measures (SPM) reports, and grant recipient Annual Performance Reports (APR) and Consolidated Annual Performance and Evaluation Reports (CAPER). SNAPS staff overseeing this work include the Division Director, two Senior Program Specialists, and several Special Needs Assistance Specialists. SNAPS staff are responsible for developing and issuing data and technical standards; review data, analysis, and reports prior to release; and aligning SNAPS with Federal partner's shared vision for ending homelessness. Staff from SNAPS currently serve on the Interagency Working Group on SOGI Data and are members of SNAPS' Coordination and Analysis Division.

Office of Policy Development and Research (PD&R):

- Policy: HUD has agency-level requirements that guide collection of SOGI data in the AHS and HUD's recommendation that Census collect SOGI data in the ACS. The agency-level requirements are part of the June 2022 Executive Order, "Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals,"¹² which includes a data component.
 - Specific requirements for HUD include:

¹² <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/15/executive-order-on-advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals/>), which includes a data component

- Section 6(b), which creates an OMB-led process to complete a review of the agency’s current eligibility standards for families and adopt more inclusive eligibility standards.
 - Section 9(a), which mandates that HUD do the following:
 - Establish a Working Group on LGBTQI+ Homelessness and Housing Equity.
 - Identify and address barriers to housing faced by LGBTQI+ individuals, including youth, and families that place them at high risk of housing instability and homelessness.
 - Provide guidance and technical assistance to HUD contractors, grantees, and programs on effectively and respectfully serving LGBTQI+ individuals, including youth, and families.
 - Develop and provide guidance, sample policies, technical assistance, and training to Continuums of Care, established pursuant to HUD’s Continuum of Care Program; homeless service providers; and housing providers to improve services and outcomes for LGBTQI+ individuals, including youth, and families who are experiencing or are at risk of homelessness, and to ensure compliance with the Fair Housing Act, 42 U.S.C. 3601 et seq., and HUD’s 2012 and 2016 Equal Access Rules.
 - Seek funding opportunities, including through the Youth Homelessness Demonstration Program, for culturally appropriate services that address barriers to housing for LGBTQI+ individuals, including youth, and families, and the high rates of LGBTQI+ youth homelessness.
 - Sec. 11, which relates to Promoting Inclusive and Responsible Federal Data Collection Practices.
 - Mandates that the Interagency Working Group on Equitable Data establish a subcommittee on sexual orientation, gender identity, and sex characteristics (SOGI) data (30 days from date of order)”
 - HUD has three representatives to the referenced Interagency Working Group.
 - Sec. 12(d), which mandates HUD to submit a report to the President through the APDP detailing progress in implementing sections 9 and 11 within one-year of the Executive Order.
- Process: Related to Sec. 9(a) of “Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals,” adding SOGI content to the AHS and ACS will allow HUD to analyze the housing data, including data on high housing cost burdens and overcrowding collected for LGBTQI+ individuals and families. Related to Learning Question 10, after SOGI content is added to the AHS and ACS, AHS and ACS data matched at Census with HUD administrative data on HUD-Assisted Households and FHA mortgages will enable HUD to analyze the housing of LGBTQI+ individuals and families who are subsidized compared with those who are unsubsidized.
- Staff: The Housing and Demographic Analysis Division (HDAD) in PD&R oversees all of HUD’s housing surveys, including the AHS, that are collected in cooperation and under Interagency Agreements with the Census Bureau. SOGI data will be collected in the 2023 AHS. HDAD staff overseeing the AHS include the Division Director, an Economist, a Social Science Analyst, and a Survey Statistician. HDAD staff are responsible of developing survey content, developing survey

designs, review the data prior to release, and analyzing the data for research report and departmental policymaking. Staff from HDAD currently serve on the Federal Committee of Statistical Methodology (FCSM) working group on Sexual Orientation and Gender Identity Measurement in Federal Surveys and the OMB SOGI Interagency Working Group. The Office of the Chief Data Officer, the Program Monitoring and Research Division, the Policy Development Division and other Divisions provide staffing within PD&R to collect and analyze administrative data on HUD-Assisted Households and provide input on 50058 and 50059 to collect the data.

Evidence Use Activities

In order to ensure that evidence generated that is related to Learning Questions #1-10 listed above are used in decision-making, the Department of Housing and Urban Development will explore the following activities over the next 12 months:

- In the next 12 months, HUD Technical Assistance (TA) providers will develop products and tools for HUD program recipients, like the CoC Racial Equity Analysis Tool, to assist communities with analyzing and reporting on disparities among LGBTQI+ people. By September 2024, CoCs will have new SOGI data to review for data quality and potential analysis. Depending on the results, communities may be able to use this information for decision making purposes or to inform improved data collection practices.
 - In the next 12 months, HUD TA providers will develop products and materials to assist HUD program recipients with confidential, trauma informed, and person centered SOGI data collection that improves services and outcomes for LGBTQI+ individuals, including youth, and families. These products and materials will explain the data collection implications related to compliance with the Fair Housing Act, 42 U.S.C. 3601 et seq., and HUD's 2012 and 2016 Equal Access Rules. HUD will seek support from the Gender Identity Data Standards working group on homeless data collection needs and standards.
 - FHEO will continue to provide guidance related to SOGI in webinars and TA for their grantees.
 - The Program Evaluation Division in PD&R plans to conduct research that addresses some of the SOGI Data Action Learning Questions, including conducting in-house research on the implementation of Violence Against Women Act (VAWA) related to Learning Question #4, overseeing research grants to develop new and better methods of counting homeless youth, and publishing completed studies on Youth Homelessness related to Learning Questions #5, 6, and 7. The in-house VAWA project has not yet been scoped out, but will consider the data limitations of the VAWA complaint data.
 - Related to Learning Question #2, PD&R funded a paired-testing pilot of housing discrimination against Same-Sex couples and Transgender Individuals.¹³ PD&R is testing innovative methods for measuring housing discrimination and will explore adding sexual orientation and gender identity to tests in the future.
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¹³ <https://www.huduser.gov/portal/publications/paired-testing-pilot-study-of-housing-discrimination-against-same-sex-couples-and-transgender-individuals.html>

Monitoring Progress

Milestones or metrics: The Department of Housing and Urban Development will use the following milestones or metrics to ensure progress is made in implementing the activities laid out in the SOGI Data Action Plan:

- Three to six months after the release of SOGI Data Action Plan, HUD will compile milestones across initiatives to determine potential LGBTQI+ equity opportunities and impacts to the SOGI Data Action Plan.
- 12 months after the release of SOGI Data Action Plan, HUD will assess the number of data collection instruments at HUD with SOGI data elements submitted to OMB for inclusion of SOGI on existing HUD data collection instruments.
- Every three months following the issuance of the SOGI Data Action Plan, HUD will assess whether we are on track to meet our goal of conducting a minimum of three bilateral meetings with the US Census Bureau to explore where the addition of SOGI to Census-fielded surveys would improve HUD's ability to serve LGBTQI+ people in its programs.
- Expected Milestone within 18 months: Issuance of clarification to HUD Equity Action Plan indicating that SOGI data should be collected where feasible in alignment with input from partners and recommendations in the Federal Evidence Agenda.
- Expected Milestone within 12 months: Completion of internal assessment to determine where SOGI data could be aligned across offices to inform program decision-making once it is available.
- Update HUD's Learning Agenda based upon newly available SOGI data in FY24.

Action Plan Team

The following individuals/offices from the U.S. Department of Housing and Urban Development provided leadership in the development of this Data Action Plan:

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