

LGBTQ Advocacy Groups Sue Trump's HHS for Refusing to Enforce Anti-Discrimination Rules, Leaving Community Especially Vulnerable Amid COVID-19 Pandemic

Trump Administration's Unlawful Decision Invites Service Providers to Use \$500 Billion in Grant Funds to Discriminate

Homeless LGBTQ Youth, Older People, Foster Children Now at Greater Risk When Seeking Life-Saving Services Like Shelter and Medical Care

New York, NY — Today, three organizations serving vulnerable populations — Family Equality, True Colors United, and SAGE — [sued](#) the U.S. Department of Health and Human Services for its unlawful November 2019 announcement that it would stop enforcing anti-discrimination protections against federal grantees that deny services to, or otherwise discriminate against, individuals. The administration's unlawful action endangers already vulnerable populations, especially as the country confronts the coronavirus pandemic. Today's lawsuit was filed by Democracy Forward and Lambda Legal.

As the coronavirus pandemic continues to spread rapidly throughout the U.S., LGBTQ individuals of all ages are left vulnerable by the Trump administration's illegal action, which implicitly permits discrimination when providing critical services. This unlawful federal abandonment of the LGBTQ community is particularly dangerous now, and could have catastrophic, even deadly consequences. This license to discriminate could facilitate denial of services, such as home-delivered meals, access to shelters, and fostering a homeless child.

Now, because of the Trump administration's decision to no longer enforce these non-discrimination protections:

- Students experiencing homelessness are susceptible to discrimination as they seek shelter through HHS' Runaway and Homeless Program, at a time when colleges and universities have shut down housing to help halt the spread of COVID-19.
- Federally funded foster care agencies can refuse to place children with families because of a prospective host family's sexual orientation or gender identity, limiting the pool of potential homes for kids who need them.
- Child welfare agencies and homelessness service providers can engage in abusive and discriminatory practices, including verbal and physical abuse, conversion therapy, and forcing LGBTQ youth to accept services that deny their sexual orientation or gender identity.
- A federally funded adult daycare provider could put a sign on the door saying, "No Trans People May Enter."

- Entities administering falls prevention grants could choose to serve only straight people at risk of falling.
- LGBTQ older adults are now vulnerable to providers that subject them to harassment or refuse to offer services, such as home delivered meals, on the basis of their sexual orientation or gender identity, at a time when senior centers are shutting down in major metropolitan centers to help combat the spread of COVID-19.

“In November 2019, the U.S Department of Health and Human Services acted illegally by choosing, unilaterally and without justification, to ignore existing law that prevented HHS grantees from discriminating on the basis of sexual orientation and gender identity,” said **The Rev. Stan J. Sloan, CEO of Family Equality**. “This action runs counter to HHS’ mission — to enhance the health and well-being of all Americans — and instead places the well-being of millions of vulnerable LGBTQ Americans at risk. As a result, Family Equality joins with our friends at True Colors United and SAGE to ask that the court overturn this illegal and discriminatory HHS action. Family Equality takes no pleasure in suing HHS — rather, we wish the federal government were responsive to the needs of vulnerable LGBTQ Americans — but under the circumstances we have no choice but to ask the courts to intervene to ensure LGBTQ people are afforded the protections we deserve.”

“The Federal Government has a duty to protect the most vulnerable among us – especially with regard to our youth. By abdicating its responsibility to protect LGBTQ Americans from discrimination in accessing critical programs, HHS commits a grave violation against the people it exists to serve,” says **Gregory Lewis, Executive Director & CEO of True Colors United**. “LGBTQ youth are 120% more likely to experience homelessness than their straight and cisgender peers. Transgender youth are at especially high risk and face unique types of discrimination and trauma while experiencing homelessness. Young people should never have to fear discrimination or violence in seeking services, and we must not fail them by rolling back the very policies meant to protect them.”

“Now more than ever, we see the critical role that the federal government must play to protect the most vulnerable and at-risk members of society,” said **SAGE CEO Michael Adams**. “Ensuring that all older people have access to critical aging services and supports free from discrimination is vital for the health and well-being of LGBT elders. This is not the time for the Trump administration to eviscerate the rights of LGBT older people. In suing the Trump administration, SAGE and LGBT elders are stating that ‘we refuse to be invisible’ and we will have our day in court.”

“The Trump administration's unlawful abandonment of anti-discrimination protections signals to federal grantees that they can freely discriminate without repercussion,” said **Democracy**

Forward Executive Director Anne Harkavy. “Especially now, we are proud to stand alongside our partners to protect vulnerable people from the Trump administration’s decision to subsidize discrimination with taxpayer dollars.”

“We are suing the Trump Administration because of its cruel effort to make it easier for HHS grant recipients to discriminate against LGBTQ youth, families, and older people, in ways that put their lives at risk,” said **Puneet Cheema, Staff Attorney at Lambda Legal.** “At any moment, but especially at a time of a global pandemic, it is callous to expose already vulnerable populations to discrimination, and allow them to be denied basic, critical services. The federal government should be making sure everyone who receives HHS grant funding does not deny LGBTQ people access to critical, life-saving services like health care, housing and child welfare services, instead of inviting discrimination, as they do here.”

Access to HHS-funded, grantee-provided services, such as home delivered meals and emergency shelters, are a high priority for LGBTQ people, many of whom may be at [heightened](#) risk for COVID-19. The Trump administration’s unlawful refusal to uphold nondiscrimination rules, and its systemic abandonment of civil rights protections, puts these at-risk communities in greater danger.

HHS administers approximately \$500 billion in federal grants. Following the landmark Supreme Court rulings in *U.S. v. Windsor* and *Obergefell v. Hodges*, HHS aligned its regulations to explicitly protect the constitutional rights of LGBTQ people and to prohibit discrimination in HHS grant-funded programs. In November 2019, HHS proposed new rules to weaken the non-discrimination protections in a broad range of HHS-funded programs. Simultaneously, HHS announced that it would no longer enforce its current anti-discrimination protections that govern HHS grants. Today’s complaint charges that HHS violated the law by not providing the public any notice or an opportunity to comment on its refusal to uphold nondiscrimination rules.

The case was filed on Thursday, March 19, 2020 in the United States District Court for the Southern District of New York.

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