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Submitted via Regulations.gov

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 Seventh Street, S.W.
Room 10276
Washington, D.C. 20410-0500

Re: Docket No. FR-6529-1-01, Revocation of the 30-Day Notification Requirement Prior to Termination of Lease for Nonpayment of Rent

To the Office of General Counsel, Regulations Division:

The National Low Income Housing Coalition (NLIHC) and the undersigned organizations write to express strong opposition to the Department of Housing and Urban Development's (HUD) proposal, entitled "Revocation of the 30-Day Notification Requirement Prior to Termination of Lease for Nonpayment of Rent" (Proposal).¹ HUD's Proposal gives tenants who are struggling to afford their rent less time to catch up and less information to assess their options. HUD should rescind its Proposal so that families are not thrust into eviction court and possible homelessness amidst a nationwide housing affordability crisis.

NLIHC advocates for policies that ensure people with the lowest incomes have quality homes that are accessible and affordable in the communities of their choice. Our members include state and local affordable housing coalitions, residents of public and assisted housing, nonprofit housing providers, homeless service providers, fair housing organizations, researchers, faith-based organizations, public housing agencies, private developers and property owners, local and state government agencies, and concerned citizens. While our members include the spectrum of housing interests, we do not represent any segment of the housing industry. Rather, we work on behalf of and with low-income people who receive or need federal housing assistance, especially extremely low-income people and people who are homeless.

¹ 91 Fed. Reg. 9449 (Feb. 26, 2026).

It is in everyone’s interest that families in federally assisted housing programs remain housed and avoid eviction. Addressing the shortage of affordable, accessible housing should not come at the expense of the lowest income tenants. We urge HUD to work with stakeholders and Congress toward solutions such as widely available and accessible emergency rental assistance that can help families stay stably housed even if they suffer financial setbacks while ensuring federally assisted housing providers can afford to operate.

A. Shortening the Time that Tenants Have to Catch Up on Rent Will Place HUD-Assisted Families at Risk of Eviction and Possible Homelessness During an Affordable Housing Crisis.

i. The United States Faces a Housing Affordability Crisis.

Simply stated, there are not enough rental units affordable to people with the lowest incomes. According to NLIHC research, in the United States, there are 11 million renter households with extremely low incomes, yet only 3.8 million rental units affordable and available to such households.² People of color, specifically Black, Latino, and American Indian or Alaska Native (AIAN) households, “are disproportionately extremely low-income renters and disproportionately impacted by the housing shortage.”³ In 2025, NLIHC’s analysis revealed that a worker would need to make \$33.63 per hour to afford a modest two-bedroom rental, and \$28.17 per hour for a modest one-bedroom.⁴ Nearly half of workers in the United States make less per hour than needed to afford a modest one-bedroom rental.⁵ In fact, the average worker making minimum wage would need to work 116 hours a week – or almost three full-time jobs – to afford a modest two-bedroom rental paying Fair Market Rent.⁶ Because the gap between wages and affordability represents a market failure for tenants with the lowest incomes, federally assisted housing provides a crucial safety net for millions of Americans. Yet only 1 in 4 eligible households in the United States receive federal housing subsidies.⁷

ii. HUD’s Proposal Will Not Broadly Improve Access to Affordable Housing Opportunities.

HUD’s Proposal will not broaden access to affordable housing; it will only punish already very low-income families who are facing difficulties affording rent. Contrary to HUD’s framing, falling behind on rent is not a matter of being “willing” to pay it,⁸ but the

² NLIHC, *The Gap: A Shortage of Affordable Homes*, at 11 (2026), available at: <https://nlihc.org/gap>.

³ *The Gap* at 4 (noting that “[e]ighteen percent of Black non-Latino households, 16% of AIAN households, and 13% of Latino households are extremely low-income renters compared to just 6% of white households”).

⁴ NLIHC, *Out of Reach: The High Cost of Housing* (2025), at 11, available at: <https://nlihc.org/oor>.

⁵ *Out of Reach* at 11.

⁶ *Out of Reach* at 13.

⁷ *Out of Reach* at 26.

⁸ Regulatory Impact Analysis (RIA), FR-6529-I-01, Revocation of the 30-Day Notification Requirement Rule, at 7, available at: <https://www.regulations.gov/document/HUD-2026-0265-0002>.

product of systemic barriers, including low wages that provide no cushion for one-time emergencies. HUD tries to justify its proposal by stating that revoking existing protections via this rulemaking “will improve access to affordable housing by timely addressing nonpayment of rent and opening up housing opportunities for families on waiting lists.”⁹ This approach falsely represents a zero-sum game between low-income families as a solution to the affordable housing crisis. As the discussion below outlines, implementation of HUD’s Proposal will do nothing to meaningfully advance affordable housing opportunities or eliminate waitlist backlogs for affordable housing.

Giving renters less time to address arrears will increase evictions and exacerbate homelessness, all while failing to address the systemic barriers people with the lowest incomes are facing to stay housed. Importantly, evicting families in the HUD programs covered by this rulemaking would not make any discernable dent in our nation’s affordable housing shortage. NLIHC research estimates a shortage of 7.2 million rental units that are affordable and available to extremely low-income people.¹⁰ HUD’s Proposal would not create new affordable housing units or additional rental subsidies to address this shortage, just disruption of existing HUD-assisted households. As HUD acknowledges, “[d]eveloping new housing is not currently a primary use of the programs affected.”¹¹ More rapidly evicting households for nonpayment of rent simply displaces one group of very low-income families and replaces them with other very low-income families who would also be at risk of rapid eviction if they also fell behind on rent. HUD’s proposal would do nothing to address the structural barriers that cause very low-income families to fall behind on rent in the first place.

Shortening the amount of time families have before an eviction would also not address the chronic underfunding of federal affordable housing programs. The RIA acknowledges that “the level of housing provided is generally constrained by the availability of federal appropriations and not by a lack of interest from housing providers.”¹² In this acknowledgement, HUD identifies a main driver of the affordable housing shortage for the lowest income people – insufficient congressional appropriations. We urge HUD to work with Congress to secure sufficient funding so that all eligible households across the United States can access federally assisted housing.

B. Existing Protections for HUD-Assisted Tenants are Needed to Keep Families Stably Housed.

Existing HUD regulations provide several crucial protections for HUD-assisted tenants. We urge HUD to retain these protections.

At least 30-day notice for nonpayment of rent. Current regulations require public housing agencies (PHAs) and project-based rental assistance (PBRA) owners to provide households with at least a 30-day termination notice prior to filing an eviction

⁹ 91 Fed. Reg. at 9451.

¹⁰ *The Gap* at 11.

¹¹ RIA at 6.

¹² RIA at 6.

action for nonpayment of rent. However, HUD seeks to remove this baseline protection. Having at least a 30-day notice affords tenants more time to: catch up on rent owed, apply for local rental or emergency assistance, initiate the interim recertification process to account for a loss of income, or find legal representation.

HUD's own analysis acknowledges the benefits of current HUD regulations, as well as the consequences of removing current 30-day notice protections. For example, HUD recognizes the relationship between the current longer notice requirement and lower rates of tenant displacement, as the longer notice period has afforded "tenants additional time to cure their nonpayment by getting their subsidized rent adjusted or otherwise finding the money."¹³ HUD also notes that current protections "can prevent formal eviction filings and the generation of other records, such as the reporting of unpaid rent debts to a collection agency and credit bureaus."¹⁴ The analysis references the downstream consequences of such records (i.e., preventing tenants from obtaining new housing). HUD then admits that "[h]aving less time to cure a nonpayment of rent or to find new housing would likely cause some households to experience homelessness."¹⁵ The RIA recognizes the "well established" association between evictions and homelessness, and notes associated societal costs such as "increases in use or prevalence of emergency shelters, emergency rooms, inpatient medical care, juvenile offending, and child welfare services like foster care, among other costly services."¹⁶

HUD attempts to argue that the "costs from increased housing instability among tenants losing the extended notice period would be mitigated by decreased housing instability among the otherwise unassisted households that move into the units vacated by the nonpaying tenants."¹⁷ Yet the RIA for this rulemaking makes an important acknowledgement: HUD cannot definitively say that the supposed benefits of HUD's proposal to incoming tenants would outweigh the costs of the likely homelessness caused by current tenant evictions. Rather, HUD is "uncertain which would be greater: the external costs from worsened housing instability among nonpaying assisted tenants or the external cost savings from otherwise unassisted households gaining assistance."¹⁸ And, as noted above, incoming tenants who would replace tenants evicted due to this rulemaking would themselves be vulnerable to eviction if they happened to fall behind on their own rent.

Additional tenant protections. HUD regulations also require that PHAs and owners provide certain information in the 30-day termination notice, such as an itemized listing of rent owed and how to recertify income. Additionally, if a tenant pays back rent owed during the 30-day period, PHAs and PBRA owners cannot evict the tenant for nonpayment of rent. Current HUD regulations also include protections such as requiring PHAs and PBRA owners to wait until the day after the rent is due to serve the 30-day

¹³ RIA at 5.

¹⁴ RIA at 7.

¹⁵ RIA at 7.

¹⁶ RIA at 7.

¹⁷ RIA at 7.

¹⁸ RIA at 7.

notice. Under current regulations, HUD can also require additional information be provided in the notice during a presidentially declared emergency.

Each of these protections is individually important from the standpoint of improving the probability of a tenant retaining their housing and should be retained. For example, an itemized listing of rent owed and information about recertifying income both give tenants much needed informational resources at a stressful time. The information may help prompt tenants to seek assistance from legal aid, to identify errors in the itemized listing of owed rent, and/or to seek an interim income recertification. According to HUD's RIA, HUD assumes that PHAs and PBRA owners have already updated their notices, and so rescinding HUD requirements regarding this additional information would not save the already spent compliance costs of updating tenant notices.¹⁹ It is unclear what benefit would follow from removing a mandate to include information (e.g., itemized listing of rent owed, or information regarding income recertification) that is currently being provided to tenants.

Furthermore, current HUD regulations include a federal right to cure nonpayment of rent such that tenants who catch up during the notice period are shielded from a nonpayment eviction. Such a right to cure is not uniformly provided at the state level. It is unclear why HUD is removing this protection, as retaining it would improve a tenant's chance of remaining housed if they are able to address rental arrears, and avoid the downstream consequences of eviction that HUD acknowledges in its own analysis. HUD does not identify any specific benefits regarding removing the right to cure for nonpayment, and thus it is unclear why HUD is removing this important protection.

Finally, it is also unclear how rescinding two additional tenant protections – waiting until the day after the rent is due to serve notice of eviction for nonpayment, and allowing HUD to require additional information to tenants in the event of a presidentially declared emergency – would offer any benefit to PHAs or PBRA owners that would outweigh the importance of (1) ensuring that tenants are not unnecessarily and prematurely being served termination for nonpayment notices, and (2) the information tenants would need to know in the event of a presidentially declared disaster. The RIA does not discuss these specific protections.

C. HUD Should Disclose the Use of Artificial Intelligence (AI), Including Generative AI Tools, in the Rulemaking Process.

HUD should disclose and describe any role AI, including generative AI tools such as ChatGPT, has played in: (1) drafting the initial Interim Final Rule and accompanying regulatory impact analysis; (2) reviewing, analyzing, and summarizing comments, attachments, and research submitted in response to the Proposal's comment period; and (3) drafting the Final Rule.

D. HUD Should Withdraw this Proposal and Retain Current Protections.

¹⁹ RIA at 8.

In closing, NLIHC and the undersigned organizations strongly oppose HUD's rescission of current tenant protections that give tenants more time to address rental arrears and information that can help them stay in their homes. We urge HUD to withdraw this Proposal and work with policymakers and stakeholders to more holistically address our affordable housing crisis.

Sincerely,

National Low Income Housing Coalition

National Coalition for the Homeless

The Kelsey

West Indianapolis Development Corporation

Integrated Community Solutions, Inc; Metropolitan Interfaith Council on Affordable Housing (MICAH); Our Spring Lake Store, LLC

Community Economic Development Association of Michigan (CEDAM)

Virginia Housing Alliance

Homeless and Housing Coalition of Kentucky

Housing Network of Rhode Island

Urquhart Development LLC

Washington Low Income Housing Alliance

Treasure Coast Homeless Services Council

Indy Hunger Network

Forgotten Stones

Homeward Bound Villages

Texas Housers

Housing & Homelessness Alliance of Vermont

Mid MN Legal Aid

Phoenix Legal Action Network

Ohio Olmstead Task Force

Greater Hartford Legal Aid