

**SAMPLE COMMENT LETTER
HUD'S PROPOSED RULE
REQUIRING 30-DAY NOTICE TO TENANTS
BEFORE INITIATING FORMAL EVICTION PROCEEDINGS**

January X, 2024

Regulations Division
Office of General Counsel
U.S. Department of Housing and Urban Development
451 7th Street SW, Room 4176
Washington, DC 20410-5000
Via regulations.gov

Re: FR-6287-P-01
30-Day Notification Requirement Prior to Termination of Lease for Nonpayment of Rent

[Brief description of your organization and perhaps why the 30-day notice matters to your organization's work]

[Your organization] welcomes the proposed rule because it can help to prevent or at least minimize housing instability experienced by public housing and PBRA-assisted residents due to any hasty and perhaps unnecessary or inappropriate initiation of formal judicial eviction proceedings. *[If your organization has local data or anecdotes, it could be helpful to add such information here.]*

However, the proposed rule has one major deficiency that must be corrected if HUD is to work toward its mission. We also urge HUD to adopt six additional recommendations that will greatly improve the effectiveness of a final rule.

Major Deficiency

The proposed rule fails to include tenants assisted with Housing Choice Vouchers (HCVs) and Project-Based Vouchers (PBVs), including tenants in former public housing developments that have converted to PBVs under the Rental Assistance Demonstration (RAD). The National Housing Law Project has presented a compelling argument demonstrating that HUD has the statutory and regulatory authority to include the voucher programs in a final 30-day rule.

Six Additional Recommendations

1. As HUD rightly acknowledges in the preamble to the proposed rule, the CARES Act 30-day notice to vacate requirement for nonpayment of rent is still in effect for all CARES Act covered properties, which include those assisted with vouchers. The final rule must include text stating that the CARES Act 30-day notice requirement remains in effect, including for voucher-assisted tenants. This addition would not be superfluous; rather such text is a crucial

regulatory reminder, because in many instances owners and judges are not aware that this CARES Act provision is still in force.

2. The preamble to the proposed rule merely “recommends” that public housing agencies (PHAs) and owners of PBRA-assisted properties enter into repayment agreements. We urge HUD to require PHAs and owners to enter into repayment agreements.
3. We also urge HUD to create a model repayment plan document using plain language that is easy for tenants to understand. The model should indicate:
 - i) The amount of back rent owed;
 - ii) The amount of current rent plus the portion of back rent owed to be paid per month. The model must clearly state that the total amount per month must not exceed 40% of a household’s adjusted income;
 - iii) The anticipated time period of the repayment plan;
 - iv) The repayment plan must be renegotiated and restructured if a household’s adjusted income decreases by 10% or more; and
 - v) Repayment agreements must not require lump sum repayments.
4. The text of each program’s regulations must require PHAs and/or owners to use HUD-created plain language templates that inform tenants of their right to an interim income recertification and that the subsequent rent adjustment must be applied retroactively.
5. The text of each program’s regulations must require PHAs and/or owners to use HUD-created plain language templates that inform tenants of the right to apply for a minimum rent hardship exemption.
6. The text of each program’s regulations must clearly state a PHA’s and/or owner’s legal obligation to make information provided to tenants in accessible formats to ensure effective communication for people with disabilities and for people with limited English proficiency.

If you have any questions about our comments, please contact *Person’s name, title, email address, and phone number.*

Sincerely,

Person “signing” the letter

Title