



Submitted via regulations.gov

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Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street SW, Room 10276, Washington, DC 20410-0500

Re: Industry Associations' Comments on HUD's Proposed Rule, *Revocation of the 30-Day Notification Requirement Prior To Termination of Lease for Nonpayment of Rent*, Docket No. FR-6529-I-01 (91 Fed. Reg. 9449, Feb. 26, 2026)

Dear Secretary Turner:

The undersigned national real estate organizations ("the Associations") represent a broad coalition of housing providers that are committed to finding solutions to America's housing challenges. The firms in our memberships are engaged in all aspects of the rental housing landscape and represent small, medium and large for-profit and non-profit owners, operators, builders, developers, and property managers involved in the provision of rental housing, across all market segments, including conventional, affordable, military, student and seniors. On behalf of the Associations, we submit these comments in strong support of the Department of Housing and Urban Development (HUD) Proposed Rule, *Revocation of the 30-Day Notification Requirement Prior To Termination of Lease for Nonpayment of Rent* – FR-6387-P-01 ("Proposed Rule Revocation").

I. The Proposed Rule Revocation is Necessary to Reduce Federal Interference into States' Authority Over Evictions

Due to the COVID-19 pandemic, HUD adopted its rule providing renters in assisted-housing with opportunity to access federal rental assistance and extending the time period required for notice to at least 30 days prior to filing for eviction, often contrary to established state (and sometimes local) law. Subsequent HUD rulemaking made the 30-day notice no longer contingent on the existence of a national emergency or the availability of emergency rental assistance, and prescribed certain information to be included in termination notices and timing limitations on such notices.

When judges enforce HUD's 30-day notice in eviction cases for covered housing, contrary to existing state law (the required pre-filing notice is 6 days on average), the result is housing providers accumulate more lost, potentially unrecoverable rent while both parties must wait for their day in eviction court. The financial impact on housing providers can be severe. As HUD notes in the Proposed Rule Revocation, public housing agencies (PHAs) and property owners experienced a 200 percent increase in rental arrearages during the pandemic which have not returned to pre-2019 levels. The Associations agree that this reflects the practical realities faced by many of our members.

Meanwhile, impacted renters become increasingly unable to repay mounting rent debt, ultimately impacting their credit and future housing opportunities. Long after the end of federal eviction moratoria and the federal COVID-19 public health emergency declaration terminated, it is important for the Department to move beyond previously imposed emergency measures and return notice requirements to the pre-pandemic environment.

The Proposed Rule Revocation will ensure that states' (or localities') established eviction processes apply uniformly to all rent-related disputes. Importantly, landlord-tenant protections in existing law remain unaffected by this change, including grace periods to avoid late fees, opportunities to cure lease defaults for non-payment, and other avenues for renters to avoid eviction.

II. The Rule Revocation Reverses Strong Disincentive to Participate in PBRA

Affordable housing communities, including properties subsidized through the Section 8 Project Based Rental Assistance (PBRA) Program, operate under razor thin margins due to unique funding and regulatory constraints. Because of continued enforcement of HUD's 30-day notice in eviction courts, these properties now commonly carry substantial debt unabated which makes them much less desirable assets to investors and discourages utilization of important federal housing programs like PBRA. The result is fewer, quality affordable housing options for renters and their families.

HUD's 30-day notice has created confusion, hampered private sector investment in the affordable housing market, and presented a major disincentive to these housing providers participating in HUD-assisted programs, especially when it conflicts with existing state and local requirements. The Proposed Rule Revocation would resolve these issues.

CONCLUSION

The Associations appreciate the opportunity to provide industry perspective on HUD's Proposed Rule Revocation which will alleviate financial pressures on PBRA-assisted rental communities and lend greater certainty in eviction courts for housing providers and renters. HUD's prior rulemaking has had devastating ripple effects by disincentivizing participation in PBRA, ultimately resulting in more housing scarcity and higher rents. The Associations urge HUD to implement the Proposed Rule Revocation, and we remain committed to collaborating with HUD on responsible and pragmatic solutions to help renters avoid eviction and encourage private sector participation in federal rental assistance programs.

Thank you for considering our views.

Sincerely,

Council for Affordable and Rural Housing

Institute of Real Estate Management

National Affordable Housing Management Association

National Apartment Association

National Association of Home Builders

National Association of Realtors

National Multifamily Housing Council