

Department of Housing and Urban Development (HUD)

Presidential Transition Regulatory Recommendations



Department	Regulatory or Subregulatory	Action	Recommendation
Fair Housing and Equal Opportunity	Regulatory	Implement the 2023 AFFH Rule	Fully implement the Proposed 2023 Affirmatively Furthering Fair Housing Rule (AFFH). The proposed 2023 AFFH rule would create a more streamlined fair housing planning document for jurisdictions to use in consultation with community members to analyze residential segregation, concentrations of poverty based on race and a range of other factors affecting housing conditions and economic well-being. Additionally, the rule would require localities receiving federal housing funding to redress issues of residential segregation, discrimination, and housing inequality in their communities. This regulation is crucial for advancing racial equity in the housing market on a national scale.
Public & Indian Housing, Housing	Regulatory & Subregulatory	Expand Access to HUD’s Housing Programs for People with Criminal Records	Finalize the HUD Criminal History Rule, “Reducing Barriers to HUD-Assisted Housing.” Rules that limit access to housing based on criminal records have a disproportionate impact on people of color, especially Black men. In practice, many landlords apply these rules unevenly based on the race of the applicant. HUD has regulations in place that authorize housing authorities and owners to deny housing based on an applicant’s criminal history. These regulations go far beyond the few categories of ineligibility codified in statute. Recently, HUD released a proposed rule to revise these harmful regulations to minimize unnecessary exclusion from HUD-assisted housing programs. Codifying the “Reducing Barriers to HUD-Assisted Housing” Rule will put an end to certain discriminatory admissions practices.
Community Planning and Development	Regulatory	Finalize New HOME “Program Updates and Streamlining Rule”	Finalize the new HOME “Program Updates and Streamlining Rule.” This rule will strengthen tenant protections in the HOME Investment Partnerships Program and will require the HOME and TBRA program to adopt tenancy addendums with more robust tenant protections.
Public & Indian Housing, Multifamily Housing	Regulatory	Finalize and Implement HUD’s 30 day Notice Requirement	Finalize “30-Day Notification Requirement Prior to Termination of Lease for Nonpayment of Rent.” This proposed rule requires owners to provide 30 day notice of a lease termination for nonpayment to tenants residing in public housing or receiving project-based rental assistance. Finalizing this rule is a crucial component of strengthening eviction diversion efforts in HUD-assisted housing.

Public & Indian Housing, Multifamily Housing	Regulatory & Subregulatory	Protect Survivors of Gender-Based Violence by Implementing the Violence Against Women Act (VAWA)	Issue VAWA 2022 regulations so that all survivors of gender-based violence are protected from discrimination, homelessness, and further harm. The regulations will provide critical protections for survivors participating in HUD programs.
			Implement VAWA by determining when survivors are eligible for Housing Choice Vouchers. When survivors need to move for safety or trauma reasons, the safest and often quickest option is to issue a Housing Choice Voucher. Since VAWA 2013, HUD has had the authority to establish policies and procedures under which a survivor requesting an emergency transfer may receive a voucher. HUD should issue guidance so that survivors requesting emergency transfer may be eligible for a voucher.
Community Planning & Development	Regulatory & Subregulatory	Protect the Right to Report Crime and Seek Emergency Assistance	Implement Sec. 603 of VAWA to protect the right to report crime or seek emergency assistance. HUD should issue guidance or regulations on Section 603 of VAWA 2022, which prohibits state and local governments of Community Development Block Grant funding to interfere with the right to report crime or seek emergency assistance through the enforcement of local crime free programs and nuisance property ordinances.
Public & Indian Housing, Multifamily Housing	Regulatory	Implement the VAWA Housing Provisions of the Justice For All Act of 2016	Promulgate VAWA regulations pursuant to the Justice for All Act in 2016. These regulations will protect survivors who have been prevented from formally joining a household due to violence from evictions and terminations.
Public & Indian Housing	Regulatory & Subregulatory	Maximize Choice and Mobility in the Voucher Program	Revise SEMAP regulations to incentivize voucher deconcentration in high poverty communities. HUD uses the Section 8 Management Assessment Program (SEMAP) to measure housing authorities' performance and assess whether the voucher program efficiently operates. Unfortunately, HUD's current assessment protocol does not sufficiently measure deconcentration, i.e. how well a Public Housing Authority is providing housing opportunities in low poverty, high-resourced neighborhoods. HUD should revise SEMAP to increase points awarded for deconcentration and add a measure of locational outcomes.
			Reform Fair Market Rent (FMR) calculations via subregulatory guidance. Some voucher holders simply cannot compete for private housing because their vouchers are worth less than market rent. One of the main factors that determines the value of a HUD voucher is calculation of the FMRs and Small Area Fair Market Rent (SAFMRs) where the voucher is allocated. HUD's methodology for determining FMRs and SAFMRs is deeply flawed and often results in inaccurate assessments of market rent. Raising the value of vouchers to accurately reflect market rents will give households access to low poverty, less racially segregated neighborhoods. HUD should revise its FMR and SAFMR methodology to allow the use of private data in calculating FMRs via subregulatory guidance.

<p>Public & Indian Housing</p>	<p>Regulatory & Subregulatory</p>	<p>Maximize Choice and Mobility in the Voucher Program</p>	<p>Finalize the 2015 “Streamlining Requirements Applicable to Formation of Consortia by Public Housing Agencies” Rule. Two or more housing authorities can form a consortium for the purposes of administering housing programs across communities and regions. Consortium members maintain independent legal identities but work jointly to meet HUD’s reporting requirements. Consortia and regional housing authorities can improve operation of the voucher programs by eliminating portability requirements (which are bureaucratic hurdles to moving) and consolidating waitlists, along with other benefits for applicants and tenants. HUD released a proposed rule “Streamlining Requirements Applicable to Formation of Consortia by Public Housing Agencies” in July 2015, but never issued a final rule. The proposed rule primarily addressed consortia for agencies administering voucher programs. HUD should issue the final rule for voucher programs and should introduce a proposed consortia rule for public housing. Alternatively, HUD should issue subregulatory guidance to Public Housing Authorities laying out the various ways to form partnerships that eliminate barriers to effective voucher administration.</p>
			<p>Issue a regulation that requires Public Housing Authorities to extend the minimum search time to 180 days to increase voucher success rates. Voucher lease-up rates are higher in areas that allow for search times longer than the current 60-day minimum. HUD should require housing authorities to extend minimum search times to 180 days to increase lease-up rates.</p>
			<p>Publish data on voucher success rates and issue guidance that requires Public Housing Authorities to increase success rates at or above the national average. Success rates (lease-up rates) among new voucher holders attempting to rent a unit hover around 60% for most Public Housing Authorities throughout the country, highlighting the difficulty tenants face using a voucher in the private market. HUD should publish data on success rates and require Public Housing Authorities with lower than average success rates to consult with HUD to determine what policies could be put in place to improve them. Additionally, HUD should take enforcement actions against Public Housing Authorities that do not improve within a specified period of time.</p>
			<p>Collect and publish data on voucher inspection wait times and issue guidance on reducing inspection wait periods. Even after receiving a voucher, many families experience lengthy inspection wait times and may lose their chosen unit during the delay. HUD should collect data on inspection wait times and require Public Housing Authorities to adopt policies to improve them, such as key (Housing Opportunity Through Modernization Act) HOTMA provisions that provide for alternative inspections.</p>

<p>Public & Indian Housing</p>	<p>Regulatory & Subregulatory</p>	<p>Maximize Choice and Mobility in the Voucher Program</p>	<p>Collect and publish data on project-based voucher utilization. HUD should identify how many project-based units are currently being subsidized through the HCV Program, and in which jurisdictions. In the event that Congress lifts the PBV cap, HUD should require Public Housing Authorities to demonstrate they have employed all of HUD’s evidence-based methods to increase voucher success rates, prior to applying a heightened cap.</p>
			<p>Finalize new Section 504 regulations. Section 504 provides important rights and protections to federally-assisted families with a member who experiences a disability. The current 504 regulations are decades old and outdated. HUD should issue new Section 504 regulations so that people with disabilities can more easily obtain and maintain housing with their voucher and other subsidies.</p>
			<p>Revise the HUD regulations to eliminate the mandatory termination of voucher families facing eviction. HUD regulation 24 C.F.R. 982.552(b)(2) is not authorized by statute and should be rescinded. This regulation mandates termination of a voucher participant for eviction for a serious lease violation. Because the regulation is broadly interpreted by Public Housing Authorities, it is common for families to lose their subsidy for a range of alleged violations, without due process under the law.</p>
			<p>Issue subregulatory guidance to Public Housing Authorities about conducting a rent reasonableness analysis. Individual Public Housing Authorities currently conduct rent reasonableness analyses in vastly different ways and in many cases, the methodology limits families’ searches to high-poverty, low-rent neighborhoods. HUD should reform its rent reasonableness analysis so that Public Housing Authorities are using comparable rent data that more accurately reflects the market.</p>

<p>Public & Indian Housing</p>	<p>Subregulatory</p>	<p>Protect Public Housing Tenants and Preserve Their Communities</p>	<p>Issue subregulatory guidance that requires Public Housing Authorities to explore preservation solutions before applying to remove their public housing. Public Housing Authorities should be required to evaluate their actions for compliance with civil rights laws and the jurisdiction’s Housing Needs Assessment and Public Housing Authority Plans. HUD’s new guidance should state it will reject or condition the approval of any removal application if there are discriminatory impacts, including by requiring one-for-one replacement or mobility counseling assistance for relocating residents.</p>
<p>Multifamily Housing</p>	<p>Subregulatory</p>	<p>Preserve and Improve Project-Based Section 8 Housing</p>	<p>Through subregulatory guidance, condition any increased funding to repair troubled project-based Section 8 properties on long-term affordability and tenant consultation. HUD should obligate owners to consult with tenants on any rehabilitation or preservation plans and ensure that owners actually comply with submitted rehabilitation plans.</p> <p>Through subregulatory guidance, adopt a more rigorous approval process when assessing buyers of project-based Section 8 properties. New guidance would require that before approving any sale, HUD would independently assess whether the purchaser has sufficient experience to effectively manage the property and rehabilitate it within a reasonable timeframe. HUD would also confer with the tenants on the property’s needs and would require a purchaser to develop any rehabilitation plan in consultation with the tenants.</p> <p>Through subregulatory guidance, improve enforcement practices to intervene earlier when a property is in non-compliance, and work with tenants to improve and preserve the project-based housing. This includes restructuring the Project Based Contract Administrator (PBCA) system to ensure there is adequate oversight over and meaningful enforcement of program requirements, as well as improved communications with tenants.</p>

<p>Multifamily Housing, Public & Indian Housing</p>	<p>Subregulatory</p>	<p>Preserve Federally-Assisted Housing</p>	<p>Convene and establish an Interagency Council to preserve federally-assisted housing, improve housing conditions, and reduce the impacts of harmful displacement. HUD should invite federal agencies operating the federal housing programs to jointly develop and implement a National Action Plan to preserve federally-assisted housing, enforce conditions standards, and protect tenants from harmful displacement. As part of this, each federal agency should develop a Tenant and Community Engagement Plan to include tenants and communities as stakeholders in efforts to assess, improve, and preserve their own housing.</p>
<p>Multifamily Housing, Public & Indian Housing</p>	<p>Regulatory & Subregulatory</p>	<p>Protect Federally-Assisted Tenants from Harmful Displacement</p>	<p>Through regulations and subregulatory guidance, mandate that Public Housing Authorities and owners provide high quality mobility counseling and additional support for families who receive replacement vouchers when their federally-assisted housing ends. These mandates are necessary in order to overcome the likelihood the family will end up in a low-resourced, segregated neighborhood with their voucher or lose their voucher all together.</p>
			<p>Through subregulatory guidance, develop protocols to track and report on what happens to households who are involuntarily displaced from public housing, RAD housing, or project-based Section 8 housing. HUD can use this data to better evaluate and address the impact of involuntary relocation and the loss of site-based federally-assisted housing.</p>
<p>Multifamily Housing, Public & Indian Housing</p>	<p>Regulatory & Subregulatory</p>	<p>Protect Public Housing and PBRA Tenants from Harmful Displacement</p>	<p>Through regulations and subregulatory guidance, develop policies that obligate Public Housing Authorities and owners to demonstrate that involuntarily displaced residents will be successfully relocated consistent with civil rights laws. Measuring success includes the tracking of relocating households, giving them informed choice about their housing replacement options, examining whether families can maintain their new housing subsidy, and determining if relocation outcomes are consistent with civil rights laws.</p>
<p>Public & Indian Housing, Housing</p>	<p>Regulatory & Subregulatory</p>	<p>Build and Sustain Tenant Organizing Efforts</p>	<p>Through guidance or NOFA, expand the eligible grantees and activities covered by Section 514 grant funding. Although Section 514 funding is now available, the scope of eligible properties and activities remains limited. Through guidance or the Notice of Funding Availability, HUD should further expand the list of the eligible grantees and covered activities to optimize the impact of Section 514 grant funding.</p>

<p>Public & Indian Housing, Housing</p>	<p>Regulatory</p>	<p>Ensure that HUD Tenants are Safe from Lead Poisoning</p>	<p>Amend the Lead Safe Housing Rule to prevent lead hazard exposure and lead poisoning among federally-assisted housing tenants. Federally-assisted housing is typically concentrated in areas with high risk of lead poisoning. HUD finalized regulations that amended the Lead Safe Housing Rule (24 C.F.R. Part 35) in January 2017 and proposed amending the definition of Elevated Blood Lead Level to match the Centers for Disease Control and Prevention reference value in 2024. Combined, the amended rules are designed to provide greater protection to children exposed to lead hazards; however, the rules are not comprehensive or based in primary prevention practices. HUD should further amend this rule to require pre-occupancy lead hazard risk assessments across all programs; support tenant-based landlords in remediation of lead hazards; give preference to uniform physical conditions standards (UCPS) inspections; require the automatic and immediate update of the EBLL definition when the CDC updates its reference value; update lead hazard standards based on health standards and the prevailing science; remove the zero-bedroom dwelling unit exemption to comply with federal law that repealed the exemption in May 2017; allow families to elect to move on an emergency basis where a lead hazard is identified; identify and remove lead service lines; and increase data collection, training, compliance, and oversight over Public Housing Authorities' implementation of the rule.</p>
<p>Public & Indian Housing</p>	<p>Regulatory</p>	<p>Implement Tenant Protections Pursuant to HOTMA</p>	<p>Fully implement regulations pursuant to HOTMA that will streamline the federal housing programs and create new and important protections for tenants. HUD finalized HOTMA rulemaking but delayed implementation of Sections 102 and 104. These sections apply new rules to income and asset calculations for all HUD programs and make housing more affordable for participant families. HUD should cease its delay and require Public Housing Authorities to adopt the new rules immediately so that families can remain stably housed.</p> <p>Implement the HOTMA provision that prevents tenants with disabilities from paying more than 30% of their income in rent when they request an accommodation. HOTMA Section 102(d)(1) prohibits housing authorities from requiring a tenant who receives an accommodation for a higher payment standard to pay 40% of their income in rent. HUD should implement this HOTMA provision and make clear that tenants with disabilities should not be charged for requesting a reasonable accommodation.</p>
<p>Public & Indian Housing, Multifamily Housing</p>	<p>Subregulatory</p>	<p>Regulate Energy Efficiency Upgrades in HUD-Assisted Housing</p>	<p>Issue clarifying guidance that utility allowances should not be lowered based upon energy efficient upgrades to rental units. HUD should not count the financial benefits of participation in a community solar program or presence of an on-site solar facility as income.</p>