



National Association of Housing and Redevelopment Officials

630 I Street NW, Washington DC 20001-3736
Phone: (202) 289-3500 Toll Free: (877) 866-2476 Fax: (202) 289-4961

June 1, 2026

U.S. Department of Housing and Urban Development
Office of General Counsel
Regulations Division
2415 Eisenhower Ave.
Alexandria, VA 22314

Re: HOME Investment Partnerships Program: Further Program Updates and Streamlining
[FR-6144-P-09]

To Whom It May Concern:

On behalf of the National Association of Housing and Redevelopment Officials (NAHRO), I offer the following comments in response to HUD's proposed rule, "HOME Investment Partnerships Program: Further Program Updates and Streamlining."

Established in 1933, NAHRO is a membership organization of 26,000 housing and community development providers and professionals throughout the United States. Our members create and manage affordable housing for low- and middle-income families and support vibrant communities that enhance the quality of life for all. NAHRO members administer more than 3 million homes for more than 8 million people.

This letter includes general comments on the proposed rule as well as feedback related to the length of the comment period.

Background

The HOME Investment Partnerships program (HOME) provides funds to states and localities to create and improve affordable housing projects for low- and very low-income households. Established in 1990, the program has not seen any major changes since it was created. In its 36-year history, the program has been a primary funding source driving affordable housing production in the U.S. Since 1992, the HOME program has produced and preserved a combined total of more than 1.4 million units of affordable housing. It has also provided tenant-based rental assistance (TBRA) to more than 415,000 households.¹

Sean Gilbert, PHM, SPHM, NCC, NAHRO Fellow, President; **Ivory Mathews**, Senior Vice President; **Marsha Parham-Green, CME, CPHM, CSI-HQS**, Vice President - Budget & Administration; **Joe Grisson, NCC**, Vice President - Commissioners; **Taryl Bonds**, Vice President - Community Revitalization & Development; **Angie Garcia-Nguyen**, Vice President - Housing; **Lisa Baker**, Vice President - International Research and Global Exchange; **Beverly Banks**, Vice President - Member Services; **Diane Cohen, CME, NCC**, Vice President - Professional Development; **Mark Thiele, C-PHM, CME, CMVO, NCC**, Chief Executive Officer

On May 29, 2024, HUD published the proposed rule titled “HOME Investment Partnerships Program: Program Updates and Streamlining” [FR-6144-P-01], which NAHRO provided comments on. The proposed rule included many regulatory changes to the HOME program. Some changes included broader tenant protections; expanded access to Community Housing Development Organization (CHDO) set-aside funds; clarified homeownership requirements; aligned HOME rental housing with other federal rental assistance programs; simplified requirements applicable to small rental housing projects; enhanced flexibility for the HOME TBRA program; established a new method for determining maximum per-unit subsidy limits; provided incentives to incorporate green building technologies; and more.

In our comments, NAHRO addressed many of the proposed changes included in the rule. We provided support for many of the regulatory changes, but had some concern about language as it related to refusal to renew or terminate tenancy for good cause and increasing the notice of termination of tenancy from 30 days to 60 days for nonpayment of rent. The proposed rule included language that would have made it challenging for owners to remove tenants that threaten the safety of residents, staff, or property by requiring a criminal conviction during the tenancy period.

On January 6, 2025, HUD released the final rule, which revised specific good cause provisions by allowing owners to terminate tenancy on the basis that a tenant is a threat to the safety of the tenants or employees or an imminent and serious threat to the property. The requirement removed language as it pertained to a criminal conviction being the basis for termination, but emphasized that strong, specific, and credible evidence is needed to prove claims. The final rule also included green building incentives and made revisions to increase the maximum per unit subsidy to make green building more attractive for developers. NAHRO supported these revisions.

In 2025, HUD delayed the effective date of the HOME final rule. The first delay, which changed the date from February 5, 2025 to April 20, 2025, was meant to provide HUD more time to review any questions of fact, law, and policy that the final rule may have raised. In April of 2025, HUD announced that almost all requirements will go into effect with the exception of tenant protection and selection requirements and green building incentives, which would be delayed until October 30, 2025. On April 29, 2026, HUD indefinitely delayed these requirements pending comments made from proposed rulemaking of the HOME program.

General Comments

NAHRO supports any efforts to strengthen and improve the HOME program so that participating jurisdictions (PJs) can easily manage and access funds to further affordable

¹ HOME National Production Reports, HUD: <https://www.hudexchange.info/programs/home/home-national-production-reports/>.

housing. In our general comments, NAHRO provides some main points that emphasize our support for improving the program while maintaining that common rules and procedures are abided by.

NAHRO Supports Tenant Rights Being Covered in the Lease Agreement

As it pertains to tenant rights regulations, states and localities each have their own rules specifying protections under the law. Those protections, as well as general federal protections, are included under each lease agreement, which are provided to both the tenant and landlord. NAHRO supports HUD's definition of "good cause" included in statute and believes that both parties (tenant and landlord) should be equally protected under the law. In most if not all cases, the lease should be the guiding document that dictates the terms, conditions, and responsibilities of both parties. Generally, disputes of these agreements should be managed locally.

As it pertains to prohibition of unreasonable interference and retaliation by a landlord against a tenant, this is something that seems straightforward. NAHRO does not believe that harassment or retaliation against a tenant should be allowed. There should certainly be protections in place that would prevent that, which should exist in law locally and/or in the lease. However, for cases where these protections do not exist, it is important that HUD have some form of protection in place. NAHRO recommends that HUD provide language that maintains mutual respect between landlords and tenants.

Notice of Ownership and Property Management Changes is Typical and Helpful

As stated in the proposed rule, HUD believes that it is unnecessary and burdensome for PJs to provide notice of ownership and property management changes to tenants and that it should be at the discretion of individual PJs. However, actions like this are typical and may often be legally required. While there are many administrative burdens added onto agencies through regulations, it is important for residents to know when changes in property management or ownership occur. Additionally, this is something that is routine for many PJs and creates clear communication between the PJ and residents.

All Forms of Federal, State, or Local TBRA Should Be Accepted

NAHRO recommends that HUD keep the requirement that obligates landlords to accept all forms of federal, state, or local TBRA. By allowing TBRA to be accepted in all forms, HUD will help prevent housing instability and homelessness, and expand housing options for residents.

Life-Threatening Deficiencies in a Building or Unit Should Not Displace or Harm Tenants

Housing and community development agencies work tirelessly to help and assist their residents. While some life-threatening deficiencies may be caused by a tenant, there may also be some that are not. In cases where a life-threatening deficiency or deficiencies are not caused by the tenant, it is reasonable that the owner/landlord relocate the tenant to another decent, safe, and sanitary unit in good repair or another form of physically suitable lodging at no additional cost to the tenant until the repairs are completed. In cases where a tenant may violate the lease by creating a life-threatening deficiency within their unit, the lease should dictate the terms. However, in any case, housing and community development agencies care about their residents. Life-threatening conditions in a unit, no matter the reason or cause, require swift action, which agencies believe in upholding.

Incentives That Benefit PJs to Build Energy Efficient Affordable Housing Should Be Considered

In our prior comments, NAHRO supported incentives around green building especially when it financially benefits PJs who are interested in investing in building methods focused on energy efficiency and disaster resilience. HUD should consider providing incentives to PJs as it relates to promoting the production of affordable housing.

Aligning NSPIRE Requirements with the HOME Program is Beneficial

NAHRO supports efforts by HUD to align the HOME Program with NSPIRE standards and regulations. This includes alignment of NSPIRE carbon monoxide detector requirements for the HOME program and applying the requirement of immediate correction to projects only for life-threatening deficiencies, not all health and safety deficiencies. This alignment increases clarity for public housing agencies, which are responsible for managing various programs with various rules and regulations.

HUD Should Consistently Follow Statutory Requirements Regarding the Length of the Comment Period

This proposed rule only provides 30 days for the public to submit written comments. The Consolidated Appropriations Act, 2026 (Appropriations Act) includes a provision in division D, title 2, section 242 that states the following:

The Secretary [of HUD] shall conduct all rulemaking in accordance with the policies of part 10 of title 24 of the Code of Federal Regulations and Executive Order 12866, as amended, including providing for public participation and not less than 60 days for the submission of written comments.

This language requires that HUD provide “. . . not less than 60 days for the submission of written comments.” To prevent regulatory uncertainty, NAHRO recommends that HUD comply with the statute by republishing the proposed rule with 60 days for the submission of written comments.

Conclusion

The National Association of Housing and Redevelopment Officials will continue to support efforts that expand affordable housing and promote flexibility of available funds. We recommend that HUD continue to work with Congress to improve and expand the HOME program—one of the most important programs in driving affordable housing production across the U.S.

NAHRO appreciates the opportunity to comment on this topic and implores HUD to move forward with requirements that further allow PJs to better use HOME funds as flexibly as possible.

Sincerely,

A handwritten signature in black ink that reads "Steven Molinari". The signature is written in a cursive, flowing style.

Steven Molinari
Policy Analyst