



April 10, 2024

GENERAL NEWS

HUD Issues Proposed Rule on Reducing Barriers to HUD-Assisted Housing

Today in the *Federal Register*, the Department of Housing and Urban Development ([HUD](#)) published a [proposed rule](#) titled "Reducing Barriers to HUD-Assisted Housing," which would amend regulations for certain Public and Indian Housing ([PIH](#)) and Housing programs. The proposed amendments would revise existing regulations that govern admission for applicants with criminal records or a history of involvement with the criminal justice system and eviction or termination of assistance of persons based on illegal drug use, drug-related criminal activity, or other criminal activity. Specifically, the proposed rule would:

- Clarify what counts as relevant criminal activity and how recently it must have occurred and would establish a "lookback period" to limit the reliance on old convictions.
- Specify procedural requirements before denying admission, such as providing at least 15 days to challenge the accuracy and relevance of the information and to provide any relevant mitigating information.
- Require a fact-specific and individualized assessment before making a discretionary decision to deny tenancy or admission based on criminal history, considering factors like the nature and severity of the conviction, length of time since the conviction, and what the applicant has done since the conviction.
- Require owners to update their tenant selection plans to reflect the relevant policies they employ within six months following this rule's effective date.
- Require PHAs and owners to make their administrative plans and tenant selection policies more widely available.
- Provide additional guidance for PHAs and owners conducting screenings. The proposed rule would broaden the existing protections and would specify that, except in circumstances where housing providers and PHAs rely exclusively on an applicant's self-disclosure of a criminal record, they may not bar admission for failure to disclose a criminal record unless that criminal record would have been material to the decision.
- Clarify mandatory admission denial standards, including greater clarification to the definition of "currently engaging in." The proposed rule would provide that a PHA or assisted owner may not rely solely on criminal activity that occurred 12 months ago or longer to establish that behavior is "current."
- Specify standards of proof in admissions and terminations decisions based on criminal activity. The proposed rule would prohibit considering arrest records alone as evidence for exclusion from housing and require a preponderance of evidence standard for exclusionary decisions.
- Implement limited changes affecting owners who participate in the Housing Choice Voucher (HCVs) and Project-Based Voucher (PBVs) programs in order to avoid discouraging owner participation.

The proposed revisions would require that prior to any discretionary denial or termination for criminal activity, PHAs and assisted housing owners take into consideration multiple sources of information in order to minimize unnecessary exclusions from the programs while allowing providers to maintain the health, safety, and peaceful enjoyment of their residents, their staffs, and their communities. The proposed rule is also intended to both clarify existing PHA and owner obligations and reduce the risk of violation of nondiscrimination laws. Comments are due no later than **June 10, 2024**. For further information, please refer to the [notice](#).

CHOICE NEIGHBORHOODS NEWS

HUD Publishes FY 2024 Planning Grants NOFO

Yesterday on [Grants.gov](#), the Department of Housing and Urban Development ([HUD](#)) [published](#) the notice of funding opportunity ([NOFO](#)) for the FY 2024 [Choice Neighborhoods planning grants](#). The NOFO makes up to \$10 million available for approximately 20 grants of up to \$500,000 each to assist communities with severely distressed public housing or HUD-assisted housing in developing a comprehensive neighborhood transformation plan. Applications are due by **June 10, 2024**. You can find a link to the NOFO and additional information on [this page](#) at HUD's [Funding Opportunities](#) website.



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