



March 3, 2025

FEBRUARY FAQ

HCV and PH Question: HUD Passbook Rate

Q: With some HOTMA provisions required to be implemented by July 1, and others on hold, we are confused about which passbook rate we should be using when we calculate imputed income from assets in our public housing and HCV programs. Should we be using the HUD-determined passbook rate of 0.45%, or can we continue to use a PHA-determined number?

A: The short answer is that you are not required to use the HUD-determined amount yet.

The regulations requiring PHAs to use the passbook rate to calculate imputed income are found at 24 CFR 5.609(a)(2). Notice [PIH 2024-38](#) lists the HOTMA regulations PHAs are required to implement by July 1, and the passbook rate regulation is not listed in the notice as one of them.

So, what should PHAs do? Notice [PIH 2023-27](#) on HOTMA says that for reexams that occur before the new passbook rate is required:

PHAs may continue to set their own passbook rates, and MFH Owners must continue to use the 0.05 percent passbook rate. PHAs may also choose to implement the HUD passbook rate before complying with HOTMA as they have the flexibility to set their own passbook rate.

This means that Notice [PIH 2012-29](#), which allows PHAs to set their own passbook rate based on factors listed in that notice, is still applicable when it comes to setting your passbook rate. The notice says, "PHAs may establish a passbook rate within 75 basis points (plus or minus .75 percent) of the Savings National Rate in effect at the time the PHA establishes the passbook rate." Essentially, until this part of HOTMA is implemented, PHAs continue to have flexibility when it comes to setting the passbook rate. Since 0.45% falls within the range listed in Notice PIH 2012-29, you can use 0.45% now if you prefer, or you can continue to use an alternate number established by your PHA in accordance with your PHA's policies and Notice PIH 2012-29.

However, once this part of HOTMA is implemented at some point in the future, it will supersede Notice PIH 2012-29, and the PHA will be required to use the HUD-determined passbook rate.

GENERAL NEWS

HUD Releases Updated and New VAWA Forms (2/7)

The Department of Housing and Urban Development (HUD) has updated the expiration date on the following existing Violence Against Women Act (VAWA) forms:

- [HUD-5380](#), Notice of Occupancy Rights Under the Violence Against Women Act
- [HUD-5381](#), Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- [HUD-5382](#), Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation
- [HUD-5383](#), Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

The expiration date changed from June 30, 2017, to January 31, 2028. Although the forms appear to have different information than their previous versions, particularly the Notice of Occupancy Rights, which has a new format, HUD has not published any information stating the specific changes made. In addition to the updated forms, HUD added Form [HUD-5384](#), VAWA Emergency Transfer Data Collection Form, that was not previously available.

Since HUD hasn't announced the release of these forms, it is unclear when PHAs must begin using the updated forms or what the requirements are for using the new form. NMA will publish additional information as soon as it becomes available. Currently, the updated forms are only available on [HUDClicks](#) as the [VAWA](#) website is showing an error message when attempting to access it.

Secretary Turner Halts Enforcement Actions of Gender Identity Rule (2/10)

In a [press release](#) late last Friday, the Department of Housing and Urban Development (HUD) announced that Secretary Scott Turner issued an [order](#) directing HUD to halt any pending or future enforcement actions related to [HUD's 2016 Equal Access Rule](#), which allowed individuals to self-identify their gender without regard to their biological sex.

According to the announcement, Secretary Turner's action will ensure housing programs, shelters, and other HUD-funded providers offer services to Americans based on their sex at birth: male or female.

"We, at this agency, are carrying out the mission laid out by President Trump on January 20 when he signed an executive order to restore biological truth to the federal government. This means recognizing there are only two sexes: male and female. It means getting government out of the way of what the Lord established from the beginning when he created man in his own image," said Secretary Turner.

The Equal Access Rule was [published](#) in February 2012 to ensure that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. The 2016 Equal Access Rule clarified and expanded the 2012 rule to provide more specific guidance on the treatment of transgender and gender non-conforming individuals.

HUD Posts Updated CY 2025 Per Unit Subsidy by AMP Report (2/12)

On the [HOTMA Resources](#) webpage, the Department of Housing and Urban Development (HUD) has [posted](#) an updated version of the [CY 2025 Per Unit Subsidy by AMP](#) report. The Excel spreadsheet, dated February 3, 2025, will help PHAs establish the alternative rents for the stated calendar year for non-public housing over-income (NPHOI) families.

HUD Secretary Cancels \$4 Million in DEI Contracts (2/21)

In a [press release](#) yesterday, the Department of Housing and Urban Development (HUD) announced that Secretary Scott Turner cancelled \$4 million in contracts promoting diversity, equity, and inclusion (DEI) initiatives. This decision is part of the HUD DOGE task force's comprehensive [review](#) of HUD's contract expenditures.

According to the announcement, "the terminated contracts were intended for DEI culture transformation, including outward mindset training and diversity and inclusion research subscription services." Secretary Turned emphasized that these initiatives were not only costly but also distracted from the HUD's core mission of serving individuals and families in need. The press release also states that this action "builds on President Trump's [Executive Order](#) that ended radical and wasteful government DEI programs and preferential hiring practices."

The Department of Government Efficiency (DOGE) task force was [launched](#) on February 13, 2025, to eliminate waste, fraud, and abuse within HUD.

HUD Terminates AFFH Rule (2/27)

In a [press release](#) yesterday, the Department of Housing and Urban Development (HUD) announced the termination of the Affirmatively Furthering Fair Housing (AFFH) rule citing the need to "cut costly red tape imposed on localities and returning decision-making power to local and state governments."

The AFFH rule was first [introduced](#) in 2015 by the Obama administration, expanding the federal government's role in local zoning decisions through a more stringent certification process. The rule was [terminated](#) by the Trump administration in 2020 but [restored](#) by the Biden administration in 2021. According to HUD Secretary Scott Turner, terminating the AFFH rule will alleviate localities from completing "onerous paperwork" and draining their budgets to comply with federal demands.

The Department has issued a [pre-publication copy](#) of an interim final rule, titled "Affirmatively Furthering Fair Housing Revisions." The regulation states that HUD will deem grantee AFFH certification sufficient if they took actions promoting fair housing, such as eliminating housing discrimination. However, the interim final rule does not restate the obligation to conduct an analysis of impediments or mandate any specific fair housing planning mechanism. Program participants must continue to affirmatively further fair housing as and to the extent required by the Fair Housing Act.

The interim final rule is pending publication in the *Federal Register*. The published version will establish the effective date and comment due date.



For help with your PH Alert subscription, email [Laurie Durrett](mailto:Laurie.Durrett@nma.com). For questions and comments on content, email [Olga Veloz](mailto:Olga.Veloz@nma.com). To view or post job announcements at our website, click [here](#). To view our seminar calendar, click [here](#). To read the NMA blog, click [here](#).



Nan McKay & Associates, 1810 Gillespie Way, Suite 202, El Cajon, CA 92020, USA, 1-800-783-3100
[Unsolicited Message Disclaimer](#)