



June 10, 2024

Regulations Division
Office of the General Counsel
U.S. Department of Housing and Urban Development
451 Seventh Street SW, Room 10276
Washington, DC 20410-0500

RE: Docket No. FR-6362-P-01, FR-6362-P-01 Reducing Barriers to HUD-Assisted Housing

Thank you for your leadership to expand affordable housing access for individuals with criminal convictions. The Department's April 10 proposed rule is titled "[Reducing Barriers to HUD-Assisted Housing](#)" and builds on an [agency-wide directive](#) from former HUD Secretary Marcia Fudge in April 2022 to improve housing access for people who have been involved with the criminal justice system.

As America's leading voice for aging, LeadingAge supports improved access to safe and affordable housing for older adults with low incomes, including people who experience heightened barriers to housing access, such as returning citizens and people with prior convictions. LeadingAge also supports adjusted tenant screening approaches as a way to advance housing justice for racial and ethnic minorities because, according to HUD, certain screening practices have a disparate impact based on race and other protected classes because of systemic inequalities in areas such as credit, housing, and criminal justice.¹

HUD's proposed rule begins with the following statement: "**Everyone deserves to be considered as the individual they are, and everyone needs a safe and affordable place to live.**" LeadingAge agrees with the sentiment of the proposed rule. To effectively achieve improved housing access, LeadingAge strongly supports reducing barriers in ways that are feasible and practical for housing providers to implement.

As HUD moves forward with rulemaking, **we recommend certain adjustments to the proposed rule that elevate a practical and consistent framework for fairness, transparency, feasibility, and safety related to applicant screening in affordable senior housing.** We recommend the following proposed rule adjustments:

- **Reducing Barriers to Housing Access:** LeadingAge strongly supports reducing barriers in a way that is feasible and practical for housing providers to implement.
- **Individualized Assessments:** LeadingAge strongly supports a requirement for individualized assessments, and we urge additional specificity from HUD.
- **Lookback Periods:** While LeadingAge supports limiting the lookback period for criminal convictions, we disagree with HUD's proposal to adopt a policy of presumptive unreasonableness beyond three years, and we urge the agency to allow both longer and more nuanced lookback periods.

¹ April 29, 2024 Guidance from HUD's Office of Fair Housing and Equal Opportunity, "[Guidance on Application of the Fair Housing Act to the Screening of Applicants for Rental Housing](#)," page 7

- **“Current” Criminal Activity:** LeadingAge asks that HUD adopt an approach to “current” criminal activity by in-place residents in a way that gives housing providers more discretion. Overall, we ask that HUD address the issue separately from tenant screening.
- **Housing Decision Disputes:** LeadingAge agrees that more specificity and transparency are needed within housing decision appeals processes, and we support the broad application of due process requirements to all types of tenant screening.
- **Implementation Feasibility:** LeadingAge urges HUD to allow more time for rule changes to be implemented, and requests that HUD reconsider its proposed approach to certain types of tenant involvement in Tenant Selection Plan changes.
- **Broader Housing Access:** LeadingAge recommends that HUD broaden the proposed rule to establish consistent requirements applicable to other forms of tenant screening; additionally, LeadingAge recommends that HUD’s Office of Multifamily Housing develop implementation resources for the Office of Fair Housing and Equal Opportunity’s new guidance documents.

Thank you for considering our general comments below, our principles for addressing housing access barriers, and our answers to HUD’s specific questions for comments.

About LeadingAge

LeadingAge represents more than 5,000 aging services providers, including non-profit owners and managers of federally-subsidized senior housing properties. Alongside our members and 38 state partners, we use applied research, advocacy, education, and community-building to make America a better place to grow old. Our membership encompasses the continuum of services for people as they age, including those with disabilities. We bring together the most inventive minds in the field to lead and innovate solutions that support older adults wherever they call home.

General Comments

Property-level tenant selection is a key component of access to affordable housing for older adults. HUD’s current regulatory framework for Multifamily Housing programs sets out only basic requirements and prohibitions for criminal background screening, beyond which each property currently has broad leeway in establishing screening criteria for applicants. This includes what information to consider relevant to tenancy, as well as whether and how to use individualized assessments that consider mitigating circumstances of a conviction, and how far back into a person’s life housing providers can and should look.

LeadingAge supports the sentiment of HUD’s proposed rule and supports action to create consistent, fair, and practical requirements for affordable housing access. In addition, LeadingAge fully supports amending tenant screening rules as a way to address racial inequity in housing access. Finally, many LeadingAge members report that they are already using screening practices that mostly align with HUD’s proposed rule, in part due to state and local ordinances – including Cook County’s “Just Housing”

Ordinance² and New Jersey’s “Fair Chance in Housing” law³ – that curtail a housing provider’s ability to consider criminal history when evaluating housing applications.

According to HUD’s proposed rule, as many as 1 in 3 Americans in the United States has a criminal record⁴; individuals with criminal histories face barriers to obtaining and maintaining housing, and homelessness among formerly incarcerated individuals is significantly higher compared to non-incarcerated households. In an article published in May 2022, HUD’s Office of Policy Research and Development (PD&R) outlined the racial equity considerations in criminal background screening for housing access: While tenant screening raises the bar to entry for all renters, “disproportionate patterns of arrests in poor communities and communities of color mean that using criminal background checks to screen tenants disadvantages renters who are people of color.”⁵

Under the current regulatory framework, HUD reports seeing years of **overreliance on criminal background screening that does not reflect the applicant’s current fitness for tenancy**.⁶ This includes what HUD calls “stale convictions” that date back 25 years or more, as well as low-level, non-violent offenses. This also includes the use of “overbroad screening criteria”⁷ that may have little bearing on whether someone will comply with their lease and imprecise data that may unjustifiably exclude an older adult from critical housing access. In addition, an April 2024 HUD guidance document from the Office of Fair Housing and Equal Opportunity (FHEO) reports widely-used tenant screening that is discriminatory under the Fair Housing Act, such as the use of proxies to screen out protected classes or unintentional racial impacts of facially neutral screening practices.⁸

While many LeadingAge members have begun to adopt screening policies that rely less on criminal records, practices seem to vary significantly across the country. LeadingAge welcomes HUD’s stated goal to **“provide clear, common-sense rules and standards to help HUD-assisted housing providers maintain safety without engaging in overbroad or discriminatory denials of housing.”**

In other words, the intent of HUD’s proposal is to improve housing access while retaining some practical discretion for property owners and Public Housing Authorities. The general rule would be that **housing**

² Chicago’s “Just Housing” Ordinance: On April 25, 2019, the Cook County Board of Commissioners amended the Cook County Human Rights Ordinance to prohibit a housing provider from considering criminal history that is more than three years old. For any criminal history that is less than three years old, housing providers are required to conduct an individualized assessment of the criminal record, including to consider mitigating circumstances and evidence of rehabilitation.

³ In 2021, the New Jersey Governor signed the Fair Chance in Housing Act (FCHA), which bars housing providers from asking about criminal history on housing applications in most instances. In cases where a housing provider evaluates criminal history, it may do so only after a conditional housing offer has been made, may only consider certain types of criminal records, and must assess mitigating circumstances.

⁴ April 10, 2024 HUD Proposed Rule “Reducing Barriers to HUD-Assisted Housing,” Prevalence of Criminal Justice System Involvement in General Population, <https://www.federalregister.gov/d/2024-06218/p-96>

⁵ “Tenant Screening With Criminal Background Checks: Predictions And Perceptions Are Not Causality,” HUD PD&R, <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-051722.html>, May 2022

⁶ April 10, 2024 HUD Proposed Rule “Reducing Barriers to HUD-Assisted Housing,” <https://www.federalregister.gov/d/2024-06218/p-16>

⁷ HUD [FHEO guidance](#) from April 2024 defines “overbroad criminal records screenings” as those that “do not differentiate between offenses based on their nature, severity, or how long ago they occurred; those that consider records, such as arrest records, that did not result in a conviction, and those that do not provide an opportunity for the applicant to provide evidence of rehabilitation or other mitigating factors” (page 21)

⁸ April 29, 2024 FHEO guidance, page 6

providers would retain the authority to screen out individuals who they determine, based on consideration of relevant information, pose a threat to health and safety of other tenants. The emphasis for HUD is on the definition of “relevant information;” PHAs and assisted owners would not be permitted to make decisions based on criminal history that research indicates is not predictive of future criminal activity, that is irrelevant to safety, health, or fitness for tenancy, or that is based on incomplete or unreliable evidence of criminal activity.

To achieve these goals, the rule proposes several key changes to the current regulatory framework related to screening for criminal convictions in HUD-assisted housing. HUD’s proposed changes include:

- Defining and limiting types of criminal activity and lookback periods.
- Specifying procedural requirements related to admissions denials.
- Establishing standards of proof for denials and terminations related to criminal activity; and
- Requiring individualized assessments of criminal history before denying tenancy or admissions.

Again, LeadingAge supports the intent of the proposed rule, and **we recommend certain adjustments to the proposed rule that elevate practical and consistent requirements related to applicant screening in affordable senior housing.**

Principles for Advancing Inclusive Housing Access

Overall, LeadingAge believes that while some property-level discretion is necessary – both to tailor the screening to the property and to the individual applicant’s history and mitigating circumstances – guidance from HUD is needed to create more consistent requirements and protections that ensure inclusivity, fairness, and safety related to tenant screening.

LeadingAge urges HUD to consider the following principles for improving access to housing while maintaining the safety of residents and properties throughout the HUD-assisted portfolio:

- **Ensure equitable housing access for qualifying individuals** with mitigated or irrelevant criminal or credit histories.
- **Promote safety of federally-assisted residents while retaining property-level discretion** to tailor screening while following consistent requirements.
- **Ensure due process for applicants** denied housing based on criminal or credit history.
- **Provide clear and consistent guidance to housing stakeholders**, including housing providers, applicants, and tenants, to enable fair and transparent property policies on tenant screening.

In addition to our general support for HUD’s proposal, LeadingAge welcomes the chance to weigh in on the following specific questions posed by HUD in its April 10 proposed rule.

Individualized Assessments

As stated by HUD, the primary purpose of HUD’s April 10 proposed rule is to require a fact-specific, individualized assessment approach. The goal of this proposal is to implement more fairness and improved housing access while also maintaining practical discretion for housing providers.

While HUD has previously said that it is likely discriminatory to implement a blanket ban on housing someone with any kind of conviction history, housing providers are currently not required to undergo an individualized assessment for applicants with a conviction record. In addition, housing providers are not

required to consider mitigating circumstances of a conviction. It is critical that housing providers be required to take a “second look” at the history of an applicant to determine which information – and what kind of mitigating circumstances – should be considered in housing decisions, as proposed by HUD.

HUD Question for comment #4: Mitigating factors. The proposed rule would provide that PHAs and owners consider the following set of mitigating factors when a decision to deny or terminate assistance or to evict is predicated on consideration of a criminal record: the facts or circumstances surrounding the criminal conduct, the age of the individual at the time of the conduct, evidence that the individual has maintained a good tenant history before and/or after the criminal conviction or the criminal conduct, and evidence of rehabilitation efforts. Are there other mitigating factors that should be considered? Should HUD define these mitigating factors in greater detail in regulation or guidance? Please provide suggested definitions or standards.

HUD Question for comment #5: Justifying denial of admissions. The proposed rule would provide that criminal activity in the past can be the basis for denying admission only if it would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or PHA/property employees. Should HUD provide additional specificity in the rule or in subsequent guidance on this requirement, and if so, on what aspects?

LeadingAge Recommendation: LeadingAge strongly supports a requirement for individualized assessments, and we urge additional specificity from HUD.

While individualized assessments are key for determining criminal background relevance to fitness for tenancy, HUD’s proposal retains broad leeway for housing providers to make decisions based on criminal background, and it gives general categories for consideration but establishes no specific guardrails around the kinds of conclusions that are drawn from the assessment.

Just requiring a “second look,” without placing clear expectations from HUD on what to look for and how it should be considered relevant or irrelevant will likely lead to continued unjustified housing denials, as well as deepened inconsistencies in housing access across the country. While LeadingAge supports some property-level discretion, we also urge the agency to move forward with proposals that establish a clear vision for what type of mitigating circumstances should generally be accepted by the housing provider, or scenarios that should be presumptively considered as evidence of rehabilitation (for example, successful completion of a drug and alcohol program and no repeated convictions within the established lookback period leads to a drug-use conviction to be seen as presumptively “mitigated”).

In addition, to foster transparency and consistency, HUD should recommend a clear path for decision-making among housing providers and require housing providers to outline their individualized assessment decision-making rationally publicly and ahead of time in Tenant Selection Plans. This will help make the tenant screening process more clear for applicants and make the individualized assessment process more consistent and fair. Lastly, HUD should more clearly define what types of records indicate a threat to the health and safety of the premises by other residents.

Lookback Periods

Older adults would be heavily impacted by lookback period provisions in the proposed rule change, both because they are overrepresented in the applicable HUD programs⁹, and because their advanced age makes them more impacted by housing denials due to stale convictions that are decades old. In addition, homelessness among older adults is rising faster than that of other groups and is increasing faster than the share of older adults is growing as part of our population;¹⁰ because of these demographic trends, an increase in the criminalization of homelessness gives the lookback period heightened importance in screening older adults.

HUD has proposed that any lookback period of longer than three years be considered presumptively unreasonable. HUD's proposed rule states that "the relationship between a past conviction and the risk of future criminal justice system involvement declines over time and with age. Most people who are released from incarceration never return to prison. Studies have shown that a person with a prior criminal conviction that has not committed a subsequent offense within four to seven years is no more likely to be arrested for a crime than a person in the general population. As time passes, a person's criminal history becomes less likely to determine their risk of future criminal justice system involvement. After a period of time, a person with a criminal history is no more likely to commit another offense than a person of the same age without a criminal history."¹¹

HUD's proposed rule goes on to state that "denying housing assistance to people with prior criminal justice system involvement can increase the risk of housing instability and homelessness, which can, in turn, increase their risk of recidivism."¹²

HUD Question for comment #2: Lookback period for criminal activity. The proposed rule would provide that it is presumptively unreasonable for PHAs and owners to consider convictions that occurred more than three years ago in making admissions decisions. This is based in part on research on recidivism that indicates that people's risk of committing a crime drops precipitously after the person has not reoffended for a period of three years. The proposed rule would provide, however, that this presumption can be overcome based on evidence that, with respect to specific crimes, older convictions are relevant to individualized assessments of current suitability for tenancy.

2a. Is three years the appropriate time period for this presumption? Are there specific crimes for which a longer lookback period should be considered? If so, what are those crimes, how long of a lookback period would be recommended, and what is the supporting rationale? In general, what should HUD consider to be adequate "empirical evidence" that, for a specified crime of conviction, would overcome the presumption that a lookback period of longer than three years is unreasonable?

2b. By the same token, are there certain offenses for which a lookback period that exceeds three years may be presumptively unreasonable? HUD seeks specific comment on all aspects of the proposal to presumptively but not conclusively cap the lookback period for any given offense at three years.

⁹ The change in regulation would apply to public housing and project-based Section 8, Section 221(d)(3), Section 202, Section 811, and Section 236 participants.

¹⁰ [HUD 2021 Annual Homelessness Assessment Report \(AHAR\) to Congress](#), July 2023

¹¹ April 10, 2024 HUD Proposed Rule "Reducing Barriers to HUD-Assisted Housing," Research Demonstrates That Risk of Recidivism and Future Criminal Activity Decreases Significantly Over Time and With Age, <https://www.federalregister.gov/d/2024-06218/p-144>

¹² April 10, 2024 HUD Proposed Rule "Reducing Barriers to HUD-Assisted Housing," <https://www.federalregister.gov/d/2024-06218/p-157>

LeadingAge Recommendation: While LeadingAge supports limiting the lookback period for criminal convictions, we disagree with HUD’s proposal to adopt a policy of presumptive unreasonableness beyond three years, and we urge the agency to allow both longer and more nuanced lookback periods.

HUD’s proposed rule indicates that a period of four to seven years is more predictive of the probability of future conviction than three years. LeadingAge urges HUD to adjust the timeframe of presumptive unreasonableness to align with this data. In addition, housing providers should be able to implement nuance within the lookback period for different conviction severities (for example, a longer lookback period for relevant felonies and a shorter lookback period for relevant misdemeanors).

Additional considerations include backlogs in the court system. A lookback period of three years may not allow enough time for a sentencing procedure to have been completed, which would leave the housing provider with incomplete information for screening to ensure the safety of other residents or the opportunities for mitigation. Additionally, HUD should consider that the start of the lookback period is often considered to begin at the time of the criminal incident, meaning that the person in question may still be in the process of rehabilitating (serving a prison sentence or imminently returning, etc.). In a final rule, HUD should consider the impact of these types of scenarios on the screening and lookback periods to allow sufficient discretion to housing providers.

Lastly, HUD’s proposed rule emphasizes that housing assistance is particularly effective in reducing recidivism rates when paired with supportive services that address core needs.¹³ Housing providers participating in HUD’s Section 202 and project-based Section 8 programs are likely not equipped to provide the wrap-around services that may be needed to help returning citizens reintegrate successfully and find stability in all core areas of need.

We urge HUD to commit to increased access to supportive services for HUD-assisted residents, including mental health services that can help prevent both initial and repeat convictions, as well as continued collaboration with the Department of Justice to advance housing opportunities that are specifically tailored to returning citizens.

Current Criminal Behavior

While most of the proposed rule applies to prospective residents, HUD included a proposed provision that would apply to in-place residents that are “currently engaged in” criminal activity. This phrase is used in the HUD handbook but is currently not well-defined.

HUD Question for comment #1: “Currently engaging in or engaged in.” The proposed rule would provide that, for purposes of determining whether criminal activity that may be the basis for termination or eviction is “current,” a PHA or owner may not rely solely on criminal activity that occurred 12 months ago or longer to establish that behavior is “current.” Should HUD establish such a rule and, if so, is less than 12 months an appropriate timeframe?

¹³ April 10, 2024 HUD Proposed Rule “Reducing Barriers to HUD-Assisted Housing,” <https://www.federalregister.gov/d/2024-06218/p-109>

LeadingAge Recommendation: LeadingAge asks that HUD adopt an approach to “current” criminal activity by in-place residents in a way that gives housing providers more discretion. Overall, we ask that HUD address the issue separately from tenant screening.

LeadingAge agrees with the need to clarify what “currently engaged-in” means and what standards of proof and procedure need to be followed prior to termination of assistance for in-place residents. However, LeadingAge asks that HUD revisit their policy approach in a way that gives housing providers more discretion; we also ask HUD to address this issue separately from the rule on tenant screening.

LeadingAge members have identified challenges with HUD’s proposed approach, including issues with delays in resident reporting of criminal activity (an incident may have occurred between residents at a certain time of year, and the impacted resident chose not to report the incident at the time. On the anniversary of the incident, the resident decides to report the criminal activity of the other resident; a 12-month “statute of limitations” would limit the housing provider’s ability to take action).

Overall, housing providers need more flexibility with respect to terminating assistance or occupancy for in-place residents that violate community standards and lease provisions, and these provisions need to be addressed in separate guidance.

Disputing Housing Decisions

In addition to criminal background screening procedures, HUD is also proposing changes to the dispute and appeals process related to housing decisions.

HUD Question for comment #3: Opportunity to dispute criminal records relied upon by PHA or owner (Denials). The proposed rule would provide that PHAs and owners provide applicants with relevant criminal records no fewer than 15 days prior to notification of a denial of admission, as well as an opportunity to dispute the accuracy and relevance of the records relied upon. Is 15 days prior to notification of a denial of admission an appropriate timeframe? Do the processes described in §§ 5.855(c), 882.518, 960.204, and 982.553 adequately balance the needs of applicants and housing providers? If not, what additional processes or measures would be helpful?

LeadingAge Recommendation: LeadingAge agrees that more transparency and specificity is needed within housing decision appeals processes, and we support the broad application of due process requirements to all types of tenant screening.

We are generally supportive of establishing a specific timeframe for residents to respond in an effort to strengthen due process. However, we urge HUD to be mindful of the overall impact on the timeframe for housing decisions at subsidized properties; some housing providers report navigating already unmanageable amounts of time for certain processes.

Additionally, HUD’s proposed requirement for more specificity in the appeals process speaks only to criminal background screening. However, we urge HUD to apply any new requirement consistently to all screening-related housing decisions, including credit history considerations.

Implementation Feasibility

Housing providers and tenants are currently navigating a broad swath of rule changes, most notably changes under the Housing Opportunity and Modernization Act (HOTMA) and a rule related to eviction

notification, both of which require updates to property-level Tenant Selection Plans (TSPs) and, in most cases, to accompanying House Rules. TSPs have become long, technical documents upwards of fifty pages long; requiring another major set of changes should be done thoughtfully and with enough lead time prior to effective dates and implementation dates so that housing providers can fully understand and incorporate changes and effectively communicate with impacted residents.

HUD Question for comment #6: Ensuring consistency of tenant selection plan. The proposed rule would amend [24 CFR part 5](#) to add a new section, § 5.906. Proposed § 5.906(a) would require an owner of federally assisted housing as defined at § 5.100, other than an owner of a property receiving tenant-based assistance and project-based voucher and moderate rehabilitation owners, to amend the tenant selection plan required by § 5.655 within six months after the effective date of the final rule to ensure its consistency with §§ 5.851 through 5.905. HUD seeks comment on whether the six months proposed for amendment of the tenant selection plan is reasonable.

HUD Question for comment #9: Owner responses to tenant comments on tenant selection plans. Proposed revisions to [24 CFR 245.115\(b\)\(3\)](#) would give tenants the right to comment on proposed changes to the tenant selection plan, with or without the help of tenant representatives, and submit them to the owner and to the local HUD office. Should owners be required to respond to comments received from tenants on proposed changes to the tenant selection plan prior to finalizing those changes? If so, what is a reasonable time frame for an owner to respond?

LeadingAge Recommendation: LeadingAge urges HUD to allow more time for rule changes to be implemented, and requests that HUD reconsider its proposed approach to tenant involvement in TSP changes.

Providing enough time between a final rule and an effective date, as well as an implementation date within Tenant Selection Plans, will also help housing providers communicate better about changes to tenant screening practices with applicants, people on their waitlists, partners in the community, and in place tenants. LeadingAge suggests a period of one year between the publication of a final rule and the effective date.

We also ask that HUD be more clear about how the agency expects housing providers to engage with residents on TSP changes, including to clarify proposed requirements around accepting and potentially considering or responding to tenant comments, and to proceed with caution. Tenant Selection Plans are already public documents that are available for tenants and applicants. Requiring tenant comments on lengthy, technical documents may likely turn out to be an impractical and ineffective method for engaging with residents on community policies (especially policies that mostly impact applicants, not in-place residents). It would also establish a new precedent that could make TSP changes (including changes that are specifically required by HUD) much more difficult and time-consuming, and HUD has not defined how housing providers should handle any submitted comments, leaving the housing provider open to differing compliance interpretations during file reviews.

We recommend that HUD make resident-facing resources available to explain HUD-required changes to tenant screening practices. We also recommend that HUD increase capacity building support for tenant organizations so that housing providers can more effectively engage with residents about community policies.

Further, we strongly encourage HUD to make implementation resources available for providers that cover requirements under a “Reducing Barriers” final rule and FHEO’s April 2024 guidance documents

on tenant screening, including the use of Artificial Intelligence (AI).¹⁴ HUD should consider issuing an implementation guide for housing provider, similar to the implementation guide developed in conjunction with the Office of Fair Housing and Equal Opportunity (FHEO) in 2022 related to compliance with Title VI of the Civil Rights Act.¹⁵

Broad Housing Access Improvements

While HUD has proposed several key improvements to tenant screening, including to require individualized assessments and to improve transparency in the denial, dispute, and appeals process related to criminal background screening, there are still many gaps in housing access protections.

HUD's April 29, 2024, FHEO guidance document titled "Guidance on Application of the Fair Housing Act to the Screening of Applicants for Rental Housing" outlines several areas where people are unjustifiably denied housing in the screening process, often in discriminatory ways. The guidance highlights not just criminal background screening, but also credit checks and eviction history checks as barriers to accessing housing that disproportionately and unjustly impact minority renters.

According to the guidance, "racial disparities in credit scoring exist, in part, because Black and Brown persons lack access to equitable credit and homeownership opportunities, and credit scores generally do not capture timely rent, utility, and other bill payments... many households prioritize paying the rent over other debts during times of financial hardship."¹⁶

The guidance goes on to highlight the "significant and recognized limitations of credit scores as a predictor of likelihood to pay rent," stating that housing providers should avoid denials based on credit score, especially when a government agency will be guaranteeing a significant portion of an applicant's income and rent payments. Similar unjustifiable housing denial occur due to eviction history.

LeadingAge Recommendation: LeadingAge recommends that HUD broaden the proposed rule to establish consistent requirements applicable to other forms of tenant screening; additionally, LeadingAge recommends that HUD's Office of Multifamily Housing develop implementation resources for FHEO new guidance documents. LeadingAge urges HUD to allow more time for rule changes to be implemented, and requests that HUD reconsider its proposed approach to tenant involvement in TSP changes.

We look forward to working with HUD on a practical approach to ensuring fairness, access, transparency, feasibility, and safety in affordable senior housing. Please direct questions to [Juliana Bilowich](#), LeadingAge's Director of Housing Operations and Policy.

Sincerely,

Juliana Bilowich
Director, Housing Operations and Policy

¹⁴ April 29, 2024 Guidance from HUD's Office of Fair Housing and Equal Opportunity, "[Guidance on Application of the Fair Housing Act to the Screening of Applicants for Rental Housing](#),"

¹⁵ "[Implementation Sheet for HUD's Title VI Guidance Regarding Marketing and Application Processing at Subsidized Multifamily Properties](#)"

¹⁶ April 29, 2024 [FHEO Guidance](#), page 17