



Anna Guido
PRA Compliance Officer, Paperwork Reduction Act Division
U.S. Department of Housing and Urban Development
451 7th Street S.W.
Room 8210
Washington, DC 20410

October 17, 2025

RE: 30-Day Notice of Proposed Information Collection: Owner's Certification With HUD Tenant Eligibility and Rent Procedures

Dear Ms. Guido,

Thank you for the opportunity to provide comments to the Department of Housing and Urban Development (HUD) on updated forms and materials that were posted to the federal register on September 17. As the agency continues with implementation of the Housing Opportunity Through Modernization Act (HOTMA), we welcome the chance to provide feedback on the new HOTMA-compliant materials.

The updated materials are used by affordable housing providers and by HUD to determine tenant eligibility for subsidized housing, to verify tenant incomes, rents, and assistance, and to assess program compliance; they represent key documentation where accuracy and usability are critical for residents and providers in HUD-assisted housing. In addition to our general comments below, we have also enclosed a technical review of several core documents, including the model leases that govern HUD's Section 202/8 and Section 202 PRAC programs, as well as resident-directed brochures and notices.

LeadingAge's nationwide membership of affordable senior housing providers rely on high quality materials from HUD to serve older adults as they age independently, in community, with dignity. Due to the current government shutdown, we request that **HUD extend the comment period beyond 30 days** to allow for more detailed review of the materials. Additionally, we urgently request that **HUD communicate with stakeholders about delaying HOTMA compliance past the current January 1, 2026, deadline** – a date that is currently unattainable for housing communities and HUD, given that the forms and materials are not yet finalized and HUD's Tenant Rental Assistance Certification System (TRACS) has yet to be updated.

Lastly, we urgently call on HUD to **reverse and halt any staffing cuts across the agency** so that our country's effective affordable housing programs can continue to operate – including regarding HOTMA implementation.

About LeadingAge

We represent more than 5,400 nonprofit aging services providers and other mission-driven organizations serving older adults that touch millions of lives every day. Alongside our members and 36 partners in 41 states, we use advocacy, education, applied research, and community-building to make America a better place to grow old. Our membership encompasses the entire continuum of aging services, including skilled nursing, assisted living, memory care, affordable housing, retirement communities, adult day programs, community-based services, hospice, and home-based care. We bring together the most inventive minds in the field to lead and innovate solutions that support older adults wherever they call home. For more information visit leadingage.org.

General Comments on the “Owner’s Certification with HUD Tenant Eligibility and Rent Procedures”

Comment and Compliance Extension: We call on HUD to allow more time to review the updated forms and materials. To review the high volume of critical forms, including legally binding model leases, in-depth instructions, and resident-facing brochures, stakeholders should be given more than 30 days’ notice. In addition, because the materials themselves are not final and several outstanding policy questions remain related both to HOTMA itself and to the new materials, HUD should delay HOTMA compliance – currently required starting January 1, 2026 – for at least one year.

Accuracy & Consistency: We kindly request that HUD adjust the proposed changes to forms and materials to introduce consistency and accuracy into the process. For example, some updated forms are missing certain page numbers, and others are missing HUD’s Fair Housing logo; other forms are missing entirely (including forms related to the Violence Against Women Act), despite being previously listed by HUD as needing review.

Electronic Signature and Submission: We encourage HUD to consider the technological advances that continue to streamline documentation and submission of official forms. HUD should make every effort to allow electronic signatures, submission, and storage of all documents included in this information collection and provide other technical modernizations. All electronic approaches should comply with H-Notice-2020-10.

Discretionary Elements of HOTMA: The specific requirements under HOTMA often include both mandatory and discretionary elements. For example, while a housing provider must establish and enforce an asset limit for initial certifications, the provider may adopt different approaches to enforcement of new asset limits for in-place residents. The wide discretion under HOTMA, which is available for many different areas of compliance, introduces complexity into forms, materials, and leases. HUD has attempted to navigate variance and discretion in these updated forms, but the result is, at times, an incomplete, inaccurate, or misleading update to critical documents. For example, some of the materials reference new policies that don’t apply to the program for which the form is intended; other materials (including the model lease) reference a policy that may or may not be in effect for a specific resident, and refer to additional, non-binding documents for clarity. This sets up a legal dilemma should an eviction proceeding occur based on policies not specifically listed in the lease. We call on HUD to revisit the agency’s approach to the discretionary components under HOTMA when updating critical materials. Specifically, we ask that HUD more carefully enumerate the discretionary options available and/or allow providers to select which scenarios apply to a given document, and to make updates when certain thresholds are adapted for inflation. Lastly, HUD should very clearly explain the various discretionary

options to residents so that they can evaluate their options in response to a policy that a housing community may elect to implement or enforce.

Updating, Modernization, and Usability: We applaud HUD for updating materials for usability and readability. However, some updated of the updated language favors readability over accuracy or clarity. We urge HUD to err on the side of specific, technical language that more accurately reflects requirements (for example, specifically using the term household member or family member, whichever aligns with the specific requirement, vs. using the term “family;” other examples include “contract rent” vs. “market rent,” “occupancy” vs. “tenancy,” etc.). We also urge HUD to incorporate updates into the materials that reflect the evolving policies of the agency to preempt the need for additional, imminent updates or to avoid contradictory approaches between the new materials and the current requirements. Examples of evolving policies include HUD’s new language access approach and forthcoming handbook updates. Lastly, because these materials will be new, providers will need to translate them into many languages for them to be used. HUD should provide translated versions to encourage consistency and cost-savings across the portfolio.

Technical Review of Proposed Updates

We have reviewed several of the key documents that HUD is proposing to update. The documents we focus on below include the **90105b 202/8 Lease**, **90105c PRAC Lease**, **90100 Notice of Recertification**, **90101 Certification of Long-Term Care Insurance**, **RRR Brochure**, **Section 8 Fact Sheet**, **Section 202-811 Fact Sheet**, **EIV & You Factsheet**, and certain additional materials.

HUD-90105-B Model Lease for Sections 202/8 and 202/162 Projects	• The model lease should be “fillable” and suited for electronic signature, submission, and storage, in compliance with H-Notice-2020-10. • We are unclear whether this lease applies to 202 SPRAC properties, or whether the HUD-90105-A applies. Depending on applicability, some changes may be necessary related to HOTMA and related to pets. HUD should be clear about which leases to use for SPRACs and Section 236 (to which HOTMA does not apply). • Much of the organization, including paragraph numbers and layout, are out of alignment with the previous version of the lease, and some of the new organization is confusing. • The language used related to “contract rent,” “total rent,” and “market rent” has improved, where the more accurate “contract rent” is used in place of the previous “total rent.” • The PRA estimated burden for filling out the lease is 5 minutes (including reading instructions, setting up meetings with tenants, reviewing the lease and attachments, and finalizing the document). However, it takes significantly longer to complete these actions and to collect signatures. • In its updated forms, HUD has adjusted paragraph 7 related to security deposits. We encourage clarity and synchronicity between the model leases in allowing owners to withhold security deposits, should the tenant
---	--

	not provide the required 30-day move out notice, in specific circumstances. • In paragraphs 6, 27, and 30, HUD refers to “victims” of dating-related violence under the Violence Against Women Act (VAWA). Conventional language now uses the terms “survivor” or “target.” • Section 12.b should likely refer to family composition vs. tenant household, which could include a live-in aide whose income does not impact rent determinations. • We encourage HUD to define the contract rent in opposition to “tenant rent” in paragraph 13. We also urge HUD to clearly define possible changes in tenant rent in paragraph 11 according to H-Notice-2023-10, including rent hardship exemptions, phase-in hardship exemptions, and financial hardship exemptions or general relief. • Section 17 should not list the amount charged for keys not returned because this is provided (and updated) in the house rules or list of maintenance charges. • Paragraph 26 may need additional specificity on the different courses of action related to reviewing earned income in between certifications. • Paragraph 27, which discusses termination of assistance, should clearly delineate and define termination of assistance vs. tenancy. • In 27-7, the lease discusses the termination of assistance impacts related to asset limits under HOTMA. Although non-enforcement and partial enforcement are available options, none are clarified in the lease, and the first sentence under the paragraph (“The Tenant owns net family assets that exceed the threshold established by HUD (24 CFR 5.618”) should be clarified to state that the policy does not apply in those instances. The lease should fully and clearly state which enforcement option(s) the owners has adopted so that they have the full force of a legally binding document (compared to the currently referenced Tenant Selection Plan [TSP]), and/or should refer to the House Rules. In addition, the current asset limit should be specified and the inflationary increases referenced. • Similarly, HUD should not indicate, or give the impression that, the TSP is a legally binding agreement with current residents. Instead, it is a guidance document for applicants to navigate eligibility policies at the property. • HUD has improved references to VAWA requirements, which is helpful. • HUD should specify how this lease interacts with state Assisted Living requirements or leases, or similar requirements. • In 29.c.6, the lease specifies what constitutes unacceptable threatening behavior but limits the recourse to when the situation involves a person living at the property or property management staff. This definition should
--	--

	be expanded to include others who may be visiting, enjoying, or working at the property, like contractors or guests. • In 29.c.7, the reference to New Jersey’s specific state law should be replaced with the “equivalent to a felony at the state level” to avoid issues if the state changes its terminology or other states enact terminology changes. • In 29, related to termination and criminal activity, we should consider clearly enumerating the certain types of criminal activity and sex offender registry status that will preclude a resident from continuing to receive assistance. • HUD should clearly allow leases terms that are longer or shorter than 12 months in order to accommodate proration and practicality for converting to month-to-month leases. • Section 42 likely does not need a witness line.
HUD-90105-C Model Lease for Sections 202/PRAC Projects	• Like other updated forms, the model lease should be “fillable” and suited for electronic signature, submission, and storage, in compliance with H-Notice-2020-10. • Most comments from the 202/8 model lease carry over into the PRAC lease, including the language around VAWA survivors, the PRA burden, and the language related to contract and tenant rent. • In the section on the lease term, it states that the lease is for a term of one year. However, HUD should clearly allow leases terms that are longer or shorter than 12 months in order to accommodate proration and practicality for converting them to month-to-month leases. • The security deposit language should be consistent across leases. • Paragraphs 11 and 26 discussed subsidy termination, but the HUD Handbook 4350.3 states in 8-4 that subsidy termination does not apply to PRACs. Additional clarity is also needed related to termination of tenancy.
HUD-90100 Notice of Recertification	• We are unclear why this exhibit document has been provided for review when others have not. • HUD should clearly state that owners can use different versions of this form and should call this form a “sample.” • There seem to be version control issues between the word and pdf versions of the form currently made available for use, specifically related to the expiration year. • The recertification process, including in the handbook, should be updated to reflect new guidance related to grouping annual recertifications. • HUD should also update the sample to reflect the discretionary streamlined verifications and/or verifications that occur less frequently than annually.

	• Listing the required documents is not done in every notice of recertification; the sample form should allow for use in different scenarios.
HUD-90101 Certification of Long-Term Care Insurance	• We are unclear why this exhibit document has been provided for review when others have not. • HUD should remove this from the current collection and instead add this form to a handbook review instead of this collection. In addition to the inconsistency around exhibits, updating this form without updating the handbook could create confusion. Finally, HUD should align the name of this form with the Handbook exhibit (5-4 of the 4350.3). • HUD should clearly state that owners can use different versions of this form and that not all circumstances require the use of any certification form related to long-term care insurance expenses. • The form is missing the fair housing logo and accessibility indicator. • Does this form need to include missing required Title 18 language? • The form may also benefit from clarity on how insurance expenses are handled under new HOTMA rules related to assets and deductions.
Resident Rights and Responsibilities Brochure	• The brochure is missing pages numbers in certain places. • Under the section titled “Rights Involving Your Apartment”: ○ We appreciate the clarity that the revision has added to the amount of notice a landlord must give before an inspection or other apartment entry. ○ The subsection that describes the “right to protection from eviction except for specific causes stated in your lease” may need to be updated to reflect the Tenant Selection Plan and House Rules (in addition to the lease), which are more likely to spell out the discretionary policy selections under HOTMA. ○ The subsection on repayment needs clarification, because it can currently be interpreted in a way that is inaccurate. For example, “The total amount you are asked to repay per month on top of your current rent at the time the repayment agreement is executed should not exceed 40 percent of your current rent” should be revised to state that the total amount of payment plus rent that a resident is asked to pay should not exceed 40 percent of the current rent, unless otherwise agreed to by the resident, and may include lump sum payments made voluntarily by the resident. ○ The subsection stating, “The right to request an interim reexamination of family income because of any changes in family income since the last reexamination; however, some situations do not require owners to make changes” should instead read that “some situations do not require <i>or permit</i> owners to make changes.” • Under the Section “Responsibilities to the Property and Your Fellow Residents,” the first subsection should read “comply with rules and guidelines that govern your lease <i>and attachments</i>.”

	• The brochure should include a QR code for residents to scan for more up-to-date contact info, including for PBCAs. • The brochure should include the fair housing logo and accessibility indicator.
Section 8 Factsheet & Section 202/811 Factsheet	• We are concerned about the length and readability/usability of the brochure. We also urge HUD to provide translations of this critical brochure. • Under the section “OAs’ Responsibilities,” numbers 6, 7, and 9 do not provide enough information about discretionary policies that may impact the statements, or about hardship provisions that could change scenarios • Under the section “Residents’ Responsibilities”: ○ Number 2 should likely read “report all income <i>and assets</i> as required.” ○ Number 6 should read “report decreases in income timely as required” to reflect specific discretionary policies adopted under HOTMA. ○ Number 7 should read “sign consent forms for income verification <i>all required verifications</i>” to accommodate other types of verifications beyond income, like assets or medical expenses and deductions. • Under “Income and Assets,” the first statement that “HUD assisted residents are required to report all income from all sources to the OA” conflicts with previous statements that say to report as required; the statement may also need some clarity around reporting income from assets, which may not be required or specified in some instances. • Under “Net Family Assets Does Not Include,” number 2 related to the adjusted \$50,000 threshold should read “as verified,” which may include self-certification and other methods. • The factsheet should include the fair housing logo and accessibility indicator.
EIV & You Factsheet	• The factsheet is missing the fair housing logo.
Additional Documents Missing for Review	• We urge HUD to release a more complete set of documents for public comment (HUD-91067 Lease Addendum: Violence Against Women and Justice Department Reauthorization Act; RAD PBRA Model Lease Addendum, etc.). If no RAD PBRA model lease is provided, HUD’s subsidized programs model lease should be adapted to work for RAD PBRA, including by referencing the appropriate guidance for Component 1 and 2. • VAWA language should be updated to utilize the terms “survivor” or “target” instead of “victim.”

On behalf of our affordable senior housing provider members and the older adults they serve, thank you for your commitment to producing high quality materials for housing communities as they implement HOTMA. Please direct any questions to Juliana Bilowich, LeadingAge's Senior Director of Housing Operations and Policy, at jbilowich@leadingage.org.

Sincerely,

A handwritten signature in black ink, appearing to be 'Juliana Bilowich', with a stylized flourish at the end.

Juliana Bilowich

LeadingAge