



Housing Assistance Council

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Branch Chief
Regulations and Paperwork Management Branch
U.S. Department of Agriculture
STOP 0742
1400 Independence Ave., S.W.
Washington, DC 20250-0742

Re: Rural Development Voucher Program Proposed Rule [RIN 0575-AC-96]

To Whom It May Concern:

The Housing Assistance Council (HAC) appreciates this opportunity to submit comments to the U.S. Department of Agriculture Rural Housing Service (Agency) in response to the Rural Development Voucher Program proposed rule [RIN 0575-AC-96] published in the *Federal Register* on August 14, 2013.

HAC is a national nonprofit organization that has supported affordable housing efforts in rural areas of the United States since 1971. With more than 40 years of experience supporting and developing affordable housing across rural America, HAC is uniquely positioned to comment on this proposed rule.

HAC is pleased that the Agency has proposed rules for its voucher program. The proposal, however, omits many protections for tenants, some of which are legally required.

Deadlines

The proposed rule defers numerous important matters – including deadlines for tenant applications, Agency eligibility notices, tenant identification of units, and more – for eventual publication in the Agency's handbook. Yet the handbook is not subject to review and comment by the public. Public review is required by the Administrative Procedure Act (APA) and by fairness for these provisions, which are essential for the program to function.

Leaving these provisions out of the proposed rule seems unnecessary as well, since the Agency has been administering this program for several years and therefore has experience with deadlines that have been used in the past. For example, deadlines were set out in the funding notice published on June 18, 2013. The Agency's prior experience could be used to determine deadlines for the regulations.

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At least one change is needed in a deadline now used: currently residents are not notified that vouchers are available until after a prepayment or foreclosure occurs. The Agency should provide notice in advance, so that tenants have full information about all their options and do not move out unnecessarily.

Lease and Contract Provisions

The proposed rule also leaves most provisions of tenant leases and Agency/owner contracts for the handbook. Again, this violates the APA and is both unfair and unnecessary. The June 2013 NOFA provides for Agency use of forms developed by the Department of Housing and Urban Development (HUD), including the Housing Assistance Payments contract between the Agency and the landlord and the HUD Tenancy Addendum to be appended to each lease. The proposed regulation indicates that the Agency intends to develop its own Rural Development Assistance Payments contract and Rural Development Tenancy Addendum. If the Agency has decided that it does not want to rely on HUD's documents, it must have some idea what differences it wants to institute in its own documents.

To the extent that contract and lease provisions are listed in the proposed rule, they omit a number of legal protections for tenants. For example, landlords should be required to have good cause for terminating tenancies; rent increases during the least term should be prohibited; added fees to tenants should be prohibited; and landlords should be required to give tenants advance notice of proposed rent increases at the end of the lease term.

Citizenship

The proposed regulations state that all members of a tenant household must be legally present in the United States. This requirement violates Section 214 of the Housing Act of 1980, which requires that only one member of a family prove legal status. If other family members choose not to prove their status, the voucher aid can be prorated.

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Thank you for this opportunity to submit comments on the voucher program regulations. The proposal should be revised and published again as a proposed rule to provide an opportunity to comment on the important changes needed.

Sincerely,



Moises Loza
Executive Director