



The Colorado Health Foundation™

January 30, 2024

Honorable Marcia L. Fudge
Secretary
Office of the Secretary
U.S. Department of Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

Submitted electronically via [Regulations.gov](https://www.regulations.gov)

RE: Comments on 30-Day Notification Requirement Prior to Termination of Lease for Nonpayment of Rent, Docket Number HUD–2023–0098

Dear Secretary Fudge,

Thank you for the opportunity to provide comments on the Department of Housing and Urban Development (HUD) proposed rule on notification requirements prior to termination of lease for nonpayment of rent. The Colorado Health Foundation is the state's largest private foundation and the third largest health foundation in the nation. We work closely with partners in the private, public, and nonprofit sectors to bring health within reach for all Coloradans. Housing is a top issue for individuals in our state: more than 80 percent of Coloradans report cost of living and housing affordability as their top concerns on our foundation's fourth annual [Pulse Poll](#) in 2023. At the same time, Pulse found that 68 percent of Coloradans believe that improving protections from eviction for renters would be effective at improving housing affordability in our state. We strongly support HUD's proposed rule to require public housing agencies (PHA) and owners of properties participating in HUD Multifamily project-based rental assistance programs to provide tenants with a written 30-day notice before filing for eviction due to nonpayment of rent.

This rule is a significant step towards safeguarding tenants' opportunity to catch up on rent, avoid eviction, and maintain stability for themselves and their families. It also seeks to prevent costly unit vacancies for landlords and PHAs, thereby enhancing the efficiency of HUD's programs. We are encouraged that the proposed rule aligns with the Biden Harris Administration's efforts to enhance renter protections and fairness in the rental market. The Foundation commends HUD for the steps this proposed rule takes to simplify requirements across its programs by creating one clear floor and simple standards regarding how and when notice for lease termination due to non-payment of rent should be provided. The Foundation strongly supports the proposed rule as an important step towards addressing housing inequities that negatively impact Colorado's low-income communities.

The Foundation supports the proposal to require specific details to be included in the 30-day notice, such as instructions regarding how tenants can rectify lease violations related to nonpayment of rent, information about income recertification, guidance regarding how to request a minimum rent hardship exemption if applicable, and information outlining individuals' rights to request reasonable accommodations for

1780 Pennsylvania Street, Denver, CO 80203

P 303-953-3600 **F** 303-322-4576

www.coloradohealth.org

disabilities. We also urge you to further strengthen this proposal by requiring contact information for each area to be included.

The Foundation supports HUD's recommendation to include the option for rental repayment agreements as an alternative to lump-sum payments for past due amounts and urges the Department's final rule to require rather than solely recommend this as an option. We also support HUD's encouragement for PHAs to include information regarding how to switch from flat rent to income-based rent. Such changes can help avoid evictions in the future. As a foundation that is committed to equity, we are pleased to see that HUD is requiring notices to be provided in accessible formats that will ensure meaningful access for individuals with disabilities and those who have limited English proficiency (LEP).

In Colorado, where COVID-19 eviction protections [helped](#) cut evictions by nearly 60 percent in 2020, the proposed rule would provide additional protections for renters and ensure stable housing, which is crucial to physical, mental, and economic well-being. As outlined in a 2022 [report](#) supported by the Foundation, pandemic era eviction filings were concentrated in neighborhoods with predominantly lower income immigrants and renters of color. These communities are at higher risk for eviction because of structural discrimination and racial inequities in the housing system. More recent [data](#) shows that statewide eviction filings are nearly back to pre-pandemic levels, with approximately 46,000 in 2022. As noted in the report, court filings capture only a portion of evictions and housing instability, as evictions occur in many ways outside the legal process.

The Foundation shares HUD's concerns regarding the negative impact of evictions on all people, including families with children who experience education disruptions and adverse health outcomes when evictions occur. Additionally, evictions place a strain on the nation's already overburdened shelter systems, including those in Colorado.

According to recent data from the Census Bureau, a staggering 32 percent of adults in Colorado are living in households where the likelihood of eviction or foreclosure within the next two months is distressingly high. Additionally, in Colorado [nearly](#) 56,000 households are behind on rent, impacting approximately 45,000 children in those households. This underscores the critical necessity for extended notice periods to prevent abrupt displacement and provide opportunities for renters to secure their housing stability.

Thank you again for the opportunity to provide input to this proposed rule. We urge HUD to finalize and implement the rule in an expedited manner. If you have any questions or we can be of assistance in any way, please contact Kyle Rojas Legleiter, Senior Director of Policy, at klegleiter@coloradohealth.org or (303) 953-3618.

Sincerely,




Kyle Rojas Legleiter

1780 Pennsylvania Street, Denver, CO 80203

P 303-953-3600 F 303-322-4576

www.coloradohealth.org



Senior Director of Policy
Colorado Health Foundation

1780 Pennsylvania Street, Denver, CO 80203

P 303-953-3600 **F** 303-322-4576

www.coloradohealth.org