

# Now & Next

## Affordable Housing Alert

February 26, 2026

### **HUD rescinds 30-Day notice requirement for nonpayment evictions in public housing and PBRA programs**

By Rebecca Simon, Deborah VanAmerongen, Harry Kelly, and Nate Cushman

HUD's Interim Final Rule returns Public Housing Authorities and PBRA owners to pre-2021 standards and shifts greater reliance to lease terms and state and local law.



#### **What's the impact?**

- **30-Day Notice Rescinded:** HUD eliminates the uniform 30-day notice for nonpayment, restoring pre-2021 federal minimums and lease-based timelines.
- **Disclosure Requirements Removed:** HUD no longer mandates specific informational content in nonpayment termination notices; state and local law now govern.
- **Compliance and Operational Impact:** Owners must revise notices, align with local eviction laws, and reassess risk management practices. Owners using HUD Model Lease forms should check notice requirements in those documents.

On February 26, 2026, the U.S. Department of Housing and Urban Development (HUD) published an Interim Final Rule (RIN 2501-AE14) that revokes prior notice requirements for terminating

leases due to nonpayment of rent in Public Housing and Project-Based Rental Assistance (PBRA) programs.

This rule rescinds the 2021 Interim Final Rule and the 2024 Final Rule that required 30-day written notice before filing formal eviction proceedings, including specific informational disclosures for residents. HUD's action returns the applicable notice periods and related obligations to the pre-2021 regulatory regime, which was largely in place before the COVID-19 pandemic.

The rule becomes effective 30 days after Federal Register publication and HUD is accepting comments for 60 days post-publication.

## **Elimination of mandatory 30-day notice requirement**

HUD has removed the requirement that Public Housing Authorities (PHAs) and PBRA owners must issue termination notices at least 30 days before filing an eviction action for nonpayment of rent. Instead:

- / Public Housing: A minimum of 14 days' written notice is required before terminating a tenancy for nonpayment of rent, consistent with pre-COVID regulations (24 C.F.R. §966.4).
- / PBRA Programs: Notice timelines will default to what is required under the lease or applicable state/local law, as was the case before the 2021 interim final rule (24 C.F.R. §§247.4(c), 880.607(c)(2)).
- / Section 8 Moderate Rehabilitation Programs: These programs remain governed by a five working days' notice for nonpayment terminations.

This change reduces the federal minimum notice period for nonpayment evictions in most HUD-assisted programs and removes the uniform 30-day federal floor previously required. HUD Model Lease forms contain various notice requirements, including for lease termination and evictions. The elimination of the mandatory 30-day notice requirement does not alter the terms of existing leases.

## **Removal of specific content requirements**

The interim final rule also eliminates HUD's requirements to include detailed information in termination notices, such as:

- / How tenants can cure lease violations,
- / The specific amount alleged to be owed,
- / Instructions for income recertification or hardship exemptions,
- / Emergency rental assistance information.

These informational mandates were introduced in the 2024 final rule but will no longer apply, restoring owner/manager flexibility subject only to lease terms and applicable state/local mandates.

## **Prior reservation on notice timing**

HUD's language that prohibited issuing termination notices before the day after rent is due under the lease has been removed, giving owners discretion to serve notices as soon as rent is late, again subject to lease and local/state law.

HUD states in the preamble that returning to pre-2021 notice requirements will:

- / Reduce administrative and financial burdens on PHAs and PBRA property owners by eliminating extended notice periods and informational obligations.
- / Allow faster responses to nonpayment of rent, potentially reducing tenant accounts receivable that have not returned to pre-pandemic levels.

HUD also contends that longer notice periods may delay unit turnover and access for households on waiting lists.

Although HUD has reduced federal notice requirements, owners should proceed cautiously. Greater reliance on lease language and state or local law increases the risk of procedural missteps and litigation exposure if notices do not strictly comply with jurisdiction-specific requirements. Owners using HUD's Model Lease forms should confirm notice requirements in those documents. Owners should continue documenting tenant communications and monitor public comments or potential legal challenges to the interim rule, because further regulatory adjustments remain possible.

## **USDA also rescinds eviction notice rules**

In a separate but related action, the U.S. Department of Agriculture (USDA) Rural Housing Service (RHS) also published a final rule on February 25, 2026, rescinding its own regulatory requirement for a minimum 30-day written notice for nonpayment of rent before initiating eviction proceedings in Section 514 and 515 Multi-Family Housing (MFH) direct loan properties. RHS determined that the earlier "30-Day Notification of Nonpayment of Rent" final rule (effective April 24, 2024) was unnecessary because compliance with the existing Coronavirus Aid, Relief, and Economic Security (CARES) Act notice requirement already applies to covered dwellings, and longstanding MFH management practices and recertification processes provide adequate tenant protections.

The RHS rescission also removes a requirement that borrowers provide information about federal emergency funding during a presidentially declared national emergency, placing greater

emphasis on existing CARES Act obligations, state/local eviction notice requirements, and standard MFH lease provisions. As with HUD's interim rule change, the RHS action highlights a broader federal shift away from agency-specific 30-day nonpayment notice mandates, but owners and managers of RHS properties should continue to ensure compliance with applicable statutory, regulatory, and state/local eviction process requirements.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

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