



## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 247, 880, 882, 884, 886, 891, and 966

[Docket No. FR-6529-N-02]

RIN 2501-AE14

### Revocation of the 30-Day Notification Requirement Prior to Termination of Lease for Nonpayment of Rent; Indefinite Delay of Effective Date

**AGENCY:** Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

**ACTION:** Interim final rule; delay of effective date.

**SUMMARY:** In this document, HUD delays the effective date of the interim final rule published on February 26, 2026, which set an effective date of March 30, 2026, until after HUD issues a final rule in response to received comments. HUD will now treat the interim final rule as a proposed rule.

**DATES:** As of [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], the effective date of the interim final rule published in the *Federal Register* on February 26, 2026, at 91 FR 9449, is delayed indefinitely pending consideration of public comments.

**FOR FURTHER INFORMATION CONTACT:** Scott Knittle, Principal Deputy General Counsel, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone number (202) 402-2244 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

**SUPPLEMENTARY INFORMATION:** On February 26, 2026, HUD published an interim final rule (91 FR 9449) revoking a 2021 interim final rule (86 FR 55693) and a 2024 final rule

(89 FR 101270) that required public housing agencies and owners of properties receiving project-based rental assistance to provide certain tenants with at least 30-days' notification prior to termination of lease for nonpayment of rent. The 2026 interim final rule solicited comments to be submitted by April 27, 2026, and was to become effective March 30, 2026.

Under section 705 of the Administrative Procedure Act (APA), “[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.” 5 U.S.C. 705. On March 2, 2026, a complaint was filed in the U.S. District Court for the District of Columbia challenging the interim final rule.<sup>1</sup> In key part, the complaint alleges that the interim final rule will negatively impact a number of HUD-assisted tenants and will cause irreparable harm to them. The complaint also alleges that further notice-and-comment was required under 5 U.S.C. 553 and that the good cause exception to public comment in 5 U.S.C. 553(b)(B) was inapplicable. In light of the issues currently in litigation, HUD has determined that justice requires postponing the effective date of the 2026 interim final rule.

HUD is now delaying the effective date of the 2026 interim final rule until after issuance of the final rule. The final rule will consider and respond to comments received in response to the interim final rule. HUD will now treat the interim final rule as a proposed rule. As the interim final rule will not come into effect until after the final rule is published and effective, the interim final rule will necessarily be superseded by the final rule and will never come into effect. The April 27, 2026, deadline to submit comments is unaltered by this document.

A delay notice issued under section 705 “does not constitute substantive rulemaking... and therefore is not subject to notice and comment requirements.” *See Sierra Club v. Jackson*, 833 F. Supp. 2d 11, 28-29 (D.D.C. 2012). Even if the APA’s notice and comment requirements could apply to a stay notice issued under section 705, HUD has determined that there is good cause to implement this postponement without notice and comment because it is impracticable to seek comment when the original March 30, 2026, effective date of the interim final rule is imminent. Further, soliciting comments on the propriety of the extension of the effective date

would be “impracticable, unnecessary, and contrary to the public interest” when the purpose of the extension is to allow for members of the public to submit comments on the substantive rule before that rule goes into effect.

**Scott Turner,**  
Secretary

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<sup>i</sup> *Jane Addams Senior Caucus, et al., v. U.S. Department of Housing and Urban Development, et al.*, 1:26-cv-00718 (D.D.C.).