

NAHMA HUD Update: Revision of Tenant Participation Requirements

Dear NAHMA Member,

HUD recently issued the following notice which restates requirements and revises penalties for non-compliance. Specifically, the revisions expand the property types that may be assessed civil money penalties to include non-insured projects that have a Project-Based Section 8 contract that has been renewed under the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA). Additionally, the notice expands on the discussion of accessible meeting spaces and clarifies the role of HUD-initiated reconciliation in resolving tenant complaints. Information on possible sanctions and the use of civil money penalties as tools to enforce the Department's commitment to tenant participation is included in this notice.

The revised penalties outlined in this notice apply to a mortgagor or owner of any multifamily housing project that is subject to a HUD insured or Secretary-held mortgage under the National Housing Act and any project that meets the following:

- Receives Project-Based Assistance under Section 8
- Receives enhanced vouchers under the Low-Income Housing Preservation and Resident Homeownership Act of 1990, the Emergency Low-Income Housing Preservation Act of 1987, or the Multifamily Assisted Housing Reform and Affordability Act of 1997
- Receives assistance under the Section 202 Direct Loan program or the Section 202 Supportive Housing for the Elderly Program;
- Receives assistance under the Section 811 Supportive Housing for Persons with Disabilities Program;

Or which has a mortgage assisted through:

- Section 236
- The Section 221(d)(3)/(d)(5) Below Market Interest Rate (BMIR) Program
- The Rent Supplement Program
- The Section 8 Loan Management Set-Aside Program (LMSA) (after conversion from the Rent Supplement Program)

Tenants of a covered multifamily housing project the right to establish and operate a tenant organization to address issues related to their living environment as well as activities related to housing and community development. Through this notice, HUD outline current policy related to protected organizing activities of tenants within property common spaces and revised penalties for actions which obstruct residents or resident associations from attempting to exercise their rights. Enforcement sanctions and processes that O/As could face are included as well.

Please find this notice attached to this message, or [click here](#) to view the notice at NAHMA.org.

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