

Message

From: Langmack, Scott [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=77CBECDA466749CF8F409380C4952D24-D9F7F6EB-B9]
Sent: 6/2/2025 2:27:38 PM
To: Thurman, Todd M [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=02eed94058cb4d66bf5f308a04f01f89-Thurman, To]
Subject: FW: <External Message> Re: HUD Dereg Spreadsheets >> All of them
Attachments: Regulatory Analysis, Program Group Instructions (2).docx; Master_Department of Housing and Urban Development, Regulatory Analysis.xlsx; Office of Federal Housing Enterprise Oversight, Regulatory Analysis.xlsx; Office of Secretary (Housing Assistance Programs and Public and Indian Housing Programs), Regulatory Analysis.xlsx; Office of Inspector General, Housing and Urban Development, Regulatory Analysis.xlsx; Office of Housing and Multifamily Housing Assistance Restructuring, Regulatory Analysis.xlsx; Office of Assistant Secretary for Equal Opportunity, Regulatory Analysis.xlsx; Government National Mortgage Association, Regulatory Analysis.xlsx; Department of Housing and Urban Development, Regulatory Analysis.xlsx; Office of Assistant Secretary for Community Planning and Development, Regulatory Analysis.xlsx; Office of Assistant Secretary for Housing - Federal Housing Commissioner, Regulatory Analysis.xlsx; Office of Assistant Secretary for Public and Indian Housing, Regulatory Analysis.xlsx

From: Langmack, Scott
Sent: Tuesday, May 27, 2025 9:00 PM
To: Brown, Amy L <Amy.L.Brown@hud.gov>
Cc: Knittle, Scott A <Scott.Knittle@hud.gov>
Subject: FW: <External Message> Re: HUD Dereg Spreadsheets >> All of them

Exemption 5

The deregulation goal is to eliminate any regulatory provisions that may represent potential overreach or impose unnecessary burdens beyond what Congress has legislated. The spreadsheet you have received represents the system's thorough analysis conducted on the regulatory sections relevant to your program group's operations; this analysis has identified specific sections/clauses for complete or partial elimination based on established criteria.

The process for program groups:

1. We start with the position that the proposed regulatory eliminations are the default case. If you disagree with all or part of an elimination, please note it and your rationale in the columns provided in the spreadsheet
2. Please flag any additional regulatory eliminations that we have not identified, also providing the recommended action and rationale in the spreadsheet columns. This includes regulations tied to defunct programs, outdated requirements, or provisions that impede efficiency without providing significant value.
3. We will then review your suggested changes with you, and at times, with one or more attorneys when they are available.

The spreadsheet is structured so that each row corresponds to a specific regulatory section that has been analyzed. Please provide your review comments and suggestions in the yellow columns, which are described below—you may adjust the width of the columns as you see fit to accommodate the length of your responses. The spreadsheet starts with full regulation elimination suggestions, and as you move across, you'll see the partial regulation elimination suggestions. We advise that you approach the review in that same order, addressing the feedback columns in the order they are presented. If multiple individuals are commenting on the same section analysis, please ensure that you **change the font color** of your response to differentiate between the reviewers. An analysis with sample comments has been provided in a separate tab.

1. **Statutorily Required Column:** Review the finding (YES or NO) for the regulatory section (row) being reviewed. Based on this analysis, choose your response in the Policy Group Response to 'Statutorily Required' column and follow the instructions below.
 - a. If the analysis indicates **Statutorily Required = 'YES'**, you have two options:
 - i. If you agree that the section is required, select **AGREE**. Then, proceed with evaluating whether or not any potential partial eliminations are possible within the section.
 - ii. Alternatively, if you disagree and find the section not to be statutorily required (i.e., recommend eliminating the entire section) or disagree with the necessity of the core subject matter of the regulatory section for another reason, despite the system's 'YES' finding, select **DISAGREE**. Then provide a justification in the 'Statutorily Required Explanation' column. After this, no further review of this section is needed beyond completing the Legal Recommendation and Agency POC columns.
 - b. If the analysis indicates **Statutorily Required = 'NO'**, you also have two options:
 - i. If you agree with the finding and agree that the section can be eliminated, select **AGREE**. This confirms the recommendation for elimination, and no further

review of this section is needed beyond completing the Legal Recommendation and Agency POC columns.

- ii. If you disagree with the 'NO' finding and find the section to be statutorily required in some capacity or necessary for another reason (i.e., recommend keeping the section), select **DISAGREE** and then proceed with the analysis to evaluate whether any partial eliminations are possible. Provide your justification for its necessity in the "Policy Group response to Statutorily Required" column and proceed to evaluate potential partial eliminations within the section.
- c. Lastly, select **EXCLUDE** if you wish to exclude this section from the regulatory elimination process entirely for a reason which might include, but is not limited to:
 - i. The elimination is already being addressed in a separate NPRM process,
 - ii. The section was established through negotiated rulemaking and cannot be directly eliminated via this initiative,
 - iii. Or when other unique procedural constraints apply. (Provide rationale in the "Policy Group Explanation" feedback column.)

2. Statutorily Required Explanation Column:

- a. If you recommend keeping any regulatory section despite the analysis indicating it lacks a statutory basis, please provide rationale (approx. 3-4 sentences), ideally explaining why the core subject matter of the regulatory section is essential for core mission functions, statutory obligations, or program integrity.
- b. If you recommend eliminating any regulatory section, due to either a lack of statutory basis or another reason, despite the analysis to keep it, please provide a concise (approx. 1 sentence) rationale for the elimination.

3. Additional Elimination Column: If applicable, list the specific additional subclause number(s) or specific text segments you recommend eliminating (e.g., § 110.5(c), § 110.5(d)). To eliminate only part of a clause, use the format: § 110.5(b): ["specific text to eliminate"] or simply indicate the text if the section is organized by clause. Please format your response as a comma-separated list.

4. Elimination Reversal Column: If applicable, list the subclause number(s) or specific text segments (identified in the original analysis's "Non Compliant..." fields) that you recommend keeping despite the proposal to eliminate them. Use the same format as the "Additional Elimination" column (e.g., § 110.5(b), § 110.5(c): ["specific text flagged but should be kept"]). Please format your response as a comma-separated list. Then append a justification for the reversal in the subsequent "Explanation" feedback column.

5. Partial Elimination Explanation Column:

- a. If you recommend keeping any regulatory subclause despite the analysis to eliminate it, please provide an explanation (approx. 3-4 sentences) on why the section/clause/text is essential for core mission functions, statutory obligations, or program integrity.
- b. If you recommend eliminating any subclause despite the analysis to keep it, please provide a concise (approx. 1 sentence) rationale for the elimination.

6. **DFR/IFR/NPRM Recommendation Column:** Please recommend for the reviewing lawyers whether a Direct Final Rule (DFR), Interim Final Rule (IFR), or Notice of Proposed Rulemaking (NPRM) is the most appropriate.
 - a. **NPRM:** choose an NPRM if the elimination might be controversial, impactful, or needs public feedback.
 - b. **DFR:** Choose this option for regulatory eliminations or changes that are expected to be non-controversial and routine. This expedited process is appropriate for minor technical corrections, removal of clearly obsolete provisions, or actions where significant adverse public comment is highly unlikely.
 - c. **IFR:** This IFR is akin to an expedited version of the DFR. Choose this option when immediate regulatory changes are necessary—typically to address urgent needs or emergencies—allowing the rule to take effect upon publication while still soliciting public comment afterward.

7. **Agency POC Column:** Provide the email address of the designated employee responsible for this feedback and any follow-up questions regarding this specific section's review.

8. **Policy Group / Policy Review Complete?:** Mark 'YES' once the Policy Group leads sign off on the decision for this regulatory section. As a last resort, if the policy group determines that a full or partial elimination is not feasible and the primary path to reduce regulatory burden is a substantive rewrite/revision of the section, mark SUBSTANTIVE REVISIONS NECESSARY here. This also signifies the completion of policy review, flagging the section for a different follow-up process. If any subsequent reviewer has a conflict with a recommendation made by a previous reviewer, please mark 'CONFLICT TO BE RESOLVED' and reach out to the POC listed for that section analysis to finalize a decision for the proposed regulatory action.

9. **Legal Review Complete?:** Mark 'YES' once the program group lead counsel signs off on the decision for this regulatory section. If any subsequent reviewer has a conflict with a recommendation made by a previous reviewer, please mark 'CONFLICT TO BE RESOLVED' and reach out to the POC listed for that section analysis to finalize a decision for the proposed regulatory action.

Reference Criteria: For your reference, the following analysis criteria for determining compliance were derived from *The Loper Bright Enterprises v. Raimondo* decision and Executive Order 14219:

- Criterion 1: The regulation lacks a clear basis in the best reading of the underlying statutory authority. It may extend beyond the scope granted by the statute.
- Criterion 2: The regulation raises serious constitutional concerns or potentially exceeds the federal government's vested power.
- Criterion 3: The regulation is based on an unlawful delegation of legislative power, lacking a clear statutory guiding principle. It makes fundamental policy decisions not specified by Congress.
- Criterion 4: The regulation addresses major social, political, or economic issues without clear statutory authorization. This implicates the major questions doctrine.

- Criterion 5: The regulation imposes significant costs on private parties that appear to outweigh public benefits, based on a high-level policy consideration.
- Criterion 6: The regulation harms national interests by unjustifiably impeding areas like innovation or economic development, reflecting a high-level policy judgment.
- Criterion 7: The regulation imposes undue burdens on small businesses or private enterprises, based on a high-level policy consideration.
- Criterion 8: The regulation is redundant, merely restating statutory language without adding substantive clarification or implementation detail.
- Criterion 9: The regulation explicitly uses race-based classifications or treats individuals/groups differently based on race, regardless of intent.