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HUD'S RULEMAKING PROCESS - AN OVERVIEW

Introduction

This Overview was prepared by HUD's Regulations Division in the Office of General Counsel to help members of the public better understand HUD's rulemaking process so that they may more effectively participate in this process. The statutes and authorities that govern the Federal rulemaking process, and are highlighted in this document, are those that are generally applicable to all Federal agencies. However, this document also identifies certain requirements that are unique to the HUD rulemaking process. This Overview is informational only and should not be relied on as a legal document.

This Overview is based on similar summaries prepared by the United States Department of Transportation and the Federal Communications Commission.

HUD's Regulations Division

- What is the Office of General Counsel's Regulations Division?
- What does the Regulations Division do?

Rulemaking 101

- What is rulemaking?
- What is a rule?
- What is the difference between a rule and a regulation?
- Where do Federal agencies derive authority to issue rules?
- When must agencies provide advance notice and opportunity for comment in rulemaking?
- How does HUD issue its rules?
- May an agency supplement the APA rulemaking requirements?
- What is the role of the Office of Management and Budget in the rulemaking process?
- How does the Regulatory Flexibility Act and the Rule of Chief Counsel for Advocacy of the Small Business Administration impact agency rulemaking?
- How does the Paperwork Reduction Act impact agency rulemaking?
- How does the Unfunded Mandates Reform Act impact agency rulemaking?
- Are There Other Statutes and Executive Orders applicable to Rulemaking?
- What is the role of Congress in the rulemaking process?
- What is the role of the courts in the rulemaking process?

HUD Rulemaking

- What is HUD's authority to issue rules?
- How does HUD identify the need for a rulemaking?
- How does HUD initially determine the best solution to a problem?
- How does HUD determine whether its rules are working effectively?
- How do I get information on, or notices about, rulemakings on which agencies are working?

Commenting on HUD Rules

- How do I submit comments to HUD on proposed rules?
- How do I prepare effective comments?
- How do I get access to NPRMs, final rules, or comments filed by others?



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