



Legal Aid Society
OF THE DISTRICT OF COLUMBIA

MAKING JUSTICE REAL

January 11, 2018

Regulations Division
Office of General Counsel
351 7th Street SW, Room 10276
Department of Housing and Urban Development
Washington, DC 20410-0500
Submitted electronically through www.regulations.gov

Re: Docket No. FR-6070-N-01: "Notice for Suspension of Small Area Fair Market Rent (Small Area FMR) Designations"

To Whom It May Concern:

The following comments are submitted on behalf of the Legal Aid Society of the District of Columbia ("Legal Aid") in response to the rule published on December 12, 2017, "Notice of Suspension of Small Area Fair Market Rent (Small Area FMR) Designations." Legal Aid opposes suspending the mandatory implementation of Small Area Fair Market Rents ("SAFMR") because families with vouchers in all jurisdictions should have access to high-opportunity neighborhoods.

Legal Aid was formed in 1932 to provide civil legal aid to persons living in poverty and to advocate for laws that better protect and serve their needs. Legal Aid's housing practice specializes in representing tenants in eviction proceedings, housing conditions cases, and administrative hearings. Many of Legal Aid's clients are participants in the Housing Choice Voucher Program ("HCVP").

HUD's suspension of the SAFMR rule does not directly impact DC's HCVP participants because the District of Columbia Housing Authority has exercised its Moving to Work authority to adopt several policies that make it easier for HCVP families to move into high-opportunity neighborhoods. One of these policies is the adoption of neighborhood-based payment standards, which are akin to Small Area Fair Market Rents. We are commenting because we have seen first-hand how vital these neighborhood-based payment standards have been in decreasing the barriers low- and no-income families face when moving into neighborhoods they have historically been excluded from. HCVP families across the country should have this same access to high-opportunity neighborhoods.

Moreover, DC's voucher holders that move to the neighboring states of Maryland and Virginia will be hurt by HUD's decision to delay the mandatory adoption of SAFMRs. As DC changes, and three and four bedroom apartments become scarcer, families regularly have to look for homes in DC's suburbs. The adoption of SAFMRs and higher payment standards across the DC metropolitan area, not just within the city limits, would help ensure that these families not only find large enough homes, but also that those homes are located in safe neighborhoods with good schools.

The promise of the voucher program was that it would allow historically marginalized and underserved families to move into resource-rich neighborhoods, but low payments standards have thwarted this ideal from becoming reality across the country. Suspending the mandatory implementation of SAFMRs is another step in the wrong direction. Delaying implementation will perpetuate patterns of metropolitan-wide racial and class segregation. For the sake of all HCVP families, we urge HUD to return to the original rule and mandate adoption of SAFMRs. Please do not hesitate to contact us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'AKO', with a wavy line extending to the right.

Beth Mellen Harrison
Amanda Korber
Legal Aid Society of the District of Columbia