**Open Communities Alliance Successfully Blocks U.S. Department of Housing and Urban Development Suspension Of Rule Assisting Low-Income Families**

**FOR IMMEDIATE RELEASE**

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**Washington, D.C.** – On Saturday morning, the U.S. District Court for the District of Columbia, **granted** the request of a broad coalition of civil rights organizations to bar the U.S. Department of Housing and Urban Development’s (HUD) suspension of a rule aimed at assisting low-income families in securing affordable housing in higher-opportunity areas.  Plaintiffs, two individuals who want to move to such areas as soon as possible and **Open Communities Alliance, a Connecticut-based organization devoted to creating such opportunities**, seek an injunction ordering HUD to implement the program immediately.

The civil rights coalition representing those plaintiffs includes the Lawyers’ Committee for Civil Rights Under Law, the NAACP Legal Defense and Educational Fund, Inc. (LDF), the Relman, Dane & Colfax PLLC law firm, the Poverty & Race Research Action Council (PRRAC) and the Public Citizen Litigation Group.  The lawsuit challenges HUD’s decision to suspend the Small Area Fair Market Rent (SAFMR) rule, which would have helped low-income families using housing vouchers to access a broader market of rental properties.

“The suspension of this regulation by the Department of Housing and Urban Development is one more indication of this Administration’s retreat from vigorous civil rights enforcement,” said Kristen Clarke, President and Executive Director of the Lawyers’ Committee for Civil Rights Under Law. “Many years of study and work went into the adoption of this rule, one that promotes greater opportunity in housing choice for low income and minority families and greater residential integration. This challenge to its suspension is crucial to the historical fight for a more integrated society.”

The federal government’s Housing Choice Voucher program—formerly known as the Section 8 voucher program—subsidizes the private housing costs of more than two million low-income American households.  Beginning on January 1, 2018, HUD’s SAFMR rule was scheduled to increase the value of housing vouchers in higher-cost neighborhoods, thus allowing low-income families access to a broader market of rental properties.  By allowing voucher holders, who are disproportionately Black and Latino, to obtain quality affordable housing outside certain poorer and often racially segregated neighborhoods, implementation of the rule promised to greatly improve the housing choices available to minority families and help breakdown racial segregation and unhealthy concentrations of poverty.  The Trump Administration’s suspension of the rule jeopardizes that much-needed progress.

“Our lawsuit is critical to ensure that HUD moves forward with this rule, which was designed to give families access to higher-opportunity neighborhoods and to break the cycle of concentrated poverty and segregation,” said **Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc.**  “HUD’s delay unnecessarily limits opportunity, not only for safe, secure and affordable housing but also the opportunity to choose better schools, jobs, and healthcare.”

HUD issued the Small Area FMR rule in 2016 after years of study and several rounds of notice and comment.  The rule changes the housing voucher formula in 24 carefully selected metropolitan areas which collectively cover more than 200,000 voucher families.  In those areas, voucher values that were previously calculated based on the average private rent for an entire area (despite enormous differences in the prevailing rents from neighborhood to neighborhood) now are to be based on the average rent values by zip code.

“HUD’s abrupt and arbitrary change of position will deprive thousands of families of their fair housing opportunities.  We are hopeful that the federal court can help us set this important policy back on course,” **said Philip Tegeler, PRRAC’s Executive Director.**

The new formula, in effect, raises the allowable rent amount for thousands of participating families should they choose to move to higher-rent, higher-opportunity areas.  HUD’s decision, however, delays enforcement of the new rule until January 2020, in 23 of the 24 jurisdictions, thus depriving thousands of families including the individual plaintiffs of the choice to make life-changing moves immediately.

“Time and time again, this administration has acted to pull back public benefits and public protections provided by law,” **said Allison Zieve, director of Public Citizen Litigation Group.**  “Here again, it has done so without following well-established legal requirements that exist to protect Americans from unreasonable and unlawful agency action.”

The lawsuit claims that HUD and Secretary Ben Carson unlawfully suspended implementation of the SAFMR rule without following required administrative procedure rules such as prior notice and an opportunity for public comment.  It also claims that the agency failed to provide reasonable justification for the delay.  Finally, the lawsuit alleges that HUD’s action violates its duty under the Fair Housing Act to spend federal funds in a way that affirmatively furthers fair housing, rather than increasing racial segregation and concentrated poverty.

Sasha Samberg-Champion of Relman, Dane & Colfax PLLC will argue the motion for preliminary injunction on Tuesday before the Hon. Judge Beryl A. Howell in the D.C. District Court.

“The suspension of the SAFMR Rule is one more example of lawless activity by the Trump Administration,” **said John Relman, managing partner of Relman, Dane & Colfax.**  “We are pleased to join this effort to secure the benefits of that Rule for our clients and other households waiting for the chance to live in quality neighborhoods throughout the country.”