Dear --------------

We are writing because it appears that the ---------------- Housing Authority has not yet sent out a notice to its Housing Choice Voucher tenants notifying them of the new opportunities presented by the Small Area FMR rule, enabling them to move to lower poverty areas in the future. We understand that you have notified some tenants of the possibility of lower SAFMRs in lower rent neighborhoods in the future, which is important, but this is only half of your obligation.

Failure to send out a notice to HCV tenants about their new opportunities conflicts with the Fair Housing Act, 42 USC §3601 et seq (including your agency’s obligation to affirmatively further fair housing). Failure to inform tenants of their new housing opportunities under the Small Area FMR rule will have a foreseeable discriminatory impact on the basis of race, depriving your clients of information about opportunities in lower poverty, less segregated areas, and will perpetuate segregation in your HCV program, as well as in the metropolitan region generally.

Failure to affirmatively inform tenants of their new housing opportunities also violates HUD’s portability rule, 24 CFR 982.301, and portability guidance, Notice PIH 2016-09, which require that PHAs inform tenants of the advantages of living outside of high poverty neighborhoods, and require PHAs to provide tenants with information on apartments outside high poverty areas. The final rule also mandates that the “[PHA](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3b4d5083a1b40906b99b82eff55c2461&term_occur=4&term_src=Title:24:Subtitle:B:Chapter:IX:Part:982:Subpart:G:982.301) [may](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e3b0880323aa156a7c5817572c88fd3c&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:IX:Part:982:Subpart:G:982.301) not discourage the [family](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=c53cf78cbf206c9ab3ef77db1a2fe6f6&term_occur=6&term_src=Title:24:Subtitle:B:Chapter:IX:Part:982:Subpart:G:982.301) from choosing to live anywhere in the [PHA](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3b4d5083a1b40906b99b82eff55c2461&term_occur=5&term_src=Title:24:Subtitle:B:Chapter:IX:Part:982:Subpart:G:982.301) [jurisdiction](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=47a4a2eaac685aa11234b3836889de9a&term_occur=3&term_src=Title:24:Subtitle:B:Chapter:IX:Part:982:Subpart:G:982.301), or outside the [PHA](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3b4d5083a1b40906b99b82eff55c2461&term_occur=6&term_src=Title:24:Subtitle:B:Chapter:IX:Part:982:Subpart:G:982.301) [jurisdiction](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=47a4a2eaac685aa11234b3836889de9a&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:IX:Part:982:Subpart:G:982.301)” – and keeping this important new opportunity hidden from your clients will have the same effect.

In its training for PHAs, HUD also emphasizes that “PHAs will need to inform voucher holders” about SAFMRs, and recommends that PHAs should particularly note that Small Area FMRs “may make it easier for tenants to afford housing in high cost areas,” and that PHAs should convey to tenants “the advantages of moving to areas with low concentrations of low-income families.”[[1]](#footnote-1)

For all of these reasons, we request that the ------------------ Housing Authority immediately send out a notice to all of its Housing Choice Voucher clients residing within the mandatory Small Area FMR region indicating that the new rule has substantially increased rent caps in lower poverty neighborhoods throughout the region, and reemphasizing the advantages of living in a lower poverty area. A sample letter to tenants and map is attached – we hope you will use these with your client list.

Sincerely,

1. See HUD webinar on SAFMRs, at <https://www.hudexchange.info/resources/documents/Implementing-HUDs-SAFMRs-Rule-Webcast-Transcript_12.pdf> [↑](#footnote-ref-1)