



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

August 15, 2016

Regulations Division  
Office of General Counsel  
Rules Docket Clerk  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW  
Room 10276  
Washington, DC 20410-0500

Via regulations.gov

Re: FR-5855-P-02, Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing Choice Voucher Program Instead of the Current 50<sup>th</sup> Percentile FMRs

To Whom It May Concern:

Thank you for the opportunity to comment on FR-5855-P-02, Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing Choice Voucher Program Instead of the Current 50<sup>th</sup> Percentile. See, 81 Fed. Reg. 116 (June 16, 2016). Please accept this letter as the comments of the Co-Chairs of the Consortium for Citizens with Disabilities (CCD) Housing Task Force. CCD is a working coalition of national consumer, advocacy, provider, and professional organizations working together with and on behalf of the 57 million children and adults with disabilities and their families living in the United States. CCD advocates for national public policy that ensures full equality, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

The CCD Housing Task Force is supportive of the Department of Housing and Urban Development's (HUD) intent to move forward with Small Area FMRs (SAFMRs). The Housing Task Force concurs with the National Low Income Housing Coalition, National Housing Law Project, Center for Budget and Policy Priorities and other organizations that implementing a system of SAFMRs should result in a more effective and efficient Housing Choice Voucher (HCV) program that provides recipients with the range of housing choices and opportunities the program has long promised. SAFMRs will also help facilitate the goals of affirmatively furthering fair housing including *Olmstead* goals of choice and integration for people with disabilities.

Fair housing considerations are important to the success of a SAFMR program and are of significant concern to the Housing Task Force; merely offering a tenant a voucher able to meet higher market rate rents in areas of higher opportunity does not mean a tenant can successfully utilize the voucher. The Housing Task Force urges HUD to consider means of helping to lower the barriers to voucher utilization in higher-opportunity areas, such as:

- Increase incentives in the SEMAP score for successful leasing in higher-opportunity areas.
- Adjust the administration fee formula for SAFMR PHAs that institute or augment opportunity counseling<sup>1</sup>.
- Provide voucher households in areas with SAFMRs an automatic 90-day extension of the search period, and additional time if needed as a reasonable accommodation.
- Provide reasonable accommodations as needed by voucher holders who have disabilities. Examples include:
  - Allow exception payment standards as high as necessary above the SAFMR if needed as an accommodation to help a household lease in place or to move to an appropriate (e.g. accessible) unit in an area of opportunity.
  - Provide a higher utility allowance for tenants who have large amounts of disability-related electric equipment.
  - Provide a larger unit size to accommodate a live-in aide or other overnight supports.
  - Allow voucher holders to rent from relatives if needed.

Although generally supportive of SAFMRs, the CCD Housing Task Force is quite concerned about protecting current voucher holders from rent increases. The Center for Budget and Policy Priorities reports<sup>2</sup> that 50% of all voucher holders in 2015 were households headed by seniors or adults with disabilities; 88% of all voucher holders were seniors, people with disabilities or included young children. As illustrated in *Priced Out in 2014* (TAC and CCD Housing Task Force), persons with disabilities whose sole income source is Supplemental Security Income (SSI) have a national average income of \$8,995 annually or \$750 per month - equal to only 20% of the national median income. The National Housing Law Project has calculated that implementation of the SAFMRs in some areas will result in as much as a \$243 decrease in the payment standard for the average one bedroom unit. For a voucher holder whose sole income is SSI, their monthly rent will increase from \$225 per month or 30% of their income to \$468 per month or 62% of their income! These households cannot accommodate rent increases of even lesser proportions without offsets in other essential items such as food or transportation and will have a higher risk of nonpayment as a result. ***To protect existing voucher holders, including those with and without disabilities, the Housing Task Force strongly urges HUD to categorically exempt tenants from any reduction in the tenant payment standard for as long as the household remains in their existing unit if they have a Housing Assistance Payment contract on the date the SAFMR structure is implemented.***

---

<sup>1</sup> See FR-5874-P-03 Housing Choice Voucher Program New Admin Fee Formula Proposed Rule.ss

<sup>2</sup> <http://www.cbpp.org/research/most-rental-assistance-recipients-work-are-elderly-or-have-disabilities>.

## Responses to HUD's Request for Comments

*3. What additional policies or requirements would mitigate the impact of significant or abrupt decreases in FMRs for certain zip codes on families currently under HAP contract in those impacted areas?*

In order to mitigate the negative impact on families currently under HAP contract, the CCD Housing Task Force urges HUD to hold all current tenants harmless.

*4b. Recommendations on specific policies to or requirements to limit potential decline in the FMR for a ZIP code area as a result of implementation of SAFMRs.*

The CCD Housing Task Force concurs with the National Housing Law Project, Housing Justice Network and National Low Income Housing Coalition that a categorical exemption is the only way to ensure that sufficient housing opportunities remain available to tenants currently under HAP contract.

*7. Would other HUD tenant-based rental assistance programs benefit from implementation of SAFMRs?*

The CCD Housing Task Force believes other HUD tenant-based rental assistance program would potentially benefit from implementation of SAFMRs (assuming current tenants are held harmless). These would include but are not limited to: HOPWA Program, CoC Rental Assistance Program, the Legacy Shelter Plus Care Program and HOME tenant based rental assistance.

*8. Are there certain situations or specific groups of voucher holders where an alternate policy should apply?*

The CCD Housing Task Force urges HUD to protect ALL program participants who are negatively impacted by implementation of the SAFMRs.

*9. Are there specific groups within the general population for whom this policy would be particularly burdensome?*

Although the CCD Housing Task Force urges HUD to HUD to categorically exempt ALL tenants from any reduction in the tenant payment standard for as long as the household remains in their existing unit if they have a Housing Assistance Payment contract on the date the SAFMR structure is implemented, the Housing Task Force also believes that any negative impact of SAFMRs will be particularly burdensome for households with disabilities including seniors with disabilities.

This population is eligible for reasonable accommodations such as exception payment standards and other accommodations to allow these households to continue to lease in place if the SAFMR negatively impacts their tenancy. However, the burden to request a reasonable

accommodation is on the disabled/senior household, a household that may not be well equipped to make such a request.

In the event HUD does not choose to hold all existing tenants harmless, the CCD Housing Task Force urges HUD to provide a blanket accommodation for this population should they be negatively impacted and wish to remain in place. Not only would such a policy better meet the needs of this population, but if automatic, would significantly lessen PHA burden in implementing SAFMRs. As described above, the Center for Budget and Policy Priorities found that in 2015, 50% of voucher households were headed by adults with disabilities or seniors. Responding to requests for accommodations by such a significant portion of voucher holders would be very time consuming for the PHAs.

*13. What additional data or dissemination strategies would be helpful to the public to assess the impact of the implementation of SAFMRs?*

HUD should collect data on rent burdened households. HUD should require PHAs to report the count and distribution of voucher holders that report rent burdens during recertification. The report should include demographic data including but not limited to race, disability, age and family status.

Thank you for the opportunity to comment on Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing Choice Voucher Program Instead of the Current 50<sup>th</sup> Percentile FMRs.

Sincerely,  
Andrew Sperling, National Alliance on Mental Illness  
Co-Chair, CCD Housing Task Force

T.J. Sutcliffe, The Arc of the United States  
Co-Chair, CCD Housing Task Force