

**UNITED STATES DISTRICT COURT
DISTRICT OF THE DISTRICT OF COLUMBIA**

OPEN COMMUNITIES ALLIANCE, *et al.*,

Plaintiffs,

v.

BEN CARSON, *et al.*,

Defendants.

Civ. Action No. 1:17-cv-02192 (BAH)

Chief Judge Beryl A. Howell

DECLARATION OF ERIN BOGGS

1. My name is Erin Boggs. I am the Executive Director of the Open Communities Alliance (OCA). OCA's office is located in Hartford, Connecticut. OCA focuses its work throughout the state of Connecticut, including the Hartford metropolitan region.

2. OCA's mission is to promote access to opportunity for all people, and specifically to address the disproportionate isolation from opportunity experienced by Blacks and Latinos in Connecticut due to residential segregation. OCA's central focus in this work is leveraging affordable and subsidized housing programs to enable low-income families to access housing outside of areas with concentrated poverty and segregation. Our approach aims to increase housing choices in higher opportunity neighborhoods, with features such as thriving schools, healthy and safe neighborhoods, and promising employment prospects. OCA also works to improve conditions for lower-opportunity areas, especially through supporting local partners exclusively focused on that work.

3. In addition to its staff who work toward this mission, OCA comprises an urban/suburban interracial membership coalition. Our membership includes a number of

residents of both Hartford and the Hartford suburbs. Upon joining, our members take a pledge as to their belief that, inter alia: “Where people live can have a significant impact on health outcomes, education, and job access, exposure to crime, and food security, among other opportunity factors...I am one of a broad cross section of Connecticut residents from all areas of the state [who] care about diversity and want their children to grow up with others who reflect the full racial and ethnic diversity of our state... I will work with the Alliance and its partners to advocate for housing policies that promote access to opportunity, housing choice, and racial and ethnic integration...” Two of OCA’s eleven board members are elected by its coalition members.

4. In order to effectively advance its mission, OCA uses the combined strategies of education, organizing, advocacy, research, and partnerships. These strategies are primarily targeted at the expansion of affordable housing options for low-income families in high-opportunity, non-concentrated areas. Our specific activities include policy development and negotiations with state and local government entities, public education and outreach, policy analysis, data production and presentation, development of web-based opportunity maps for use by voucher households and counselors, technical assistance for counseling agencies and other agencies that formulate and implement housing policy, and fair housing enforcement and advising. All of this work expands locational options for low-income families in areas of opportunity.

5. We devote significant resources toward enabling moves by Housing Choice Voucher holders to higher-opportunity areas – including suburbs in the Hartford region – and to addressing the concentration of voucher households in high-poverty, segregated areas. For example, OCA works directly with the Connecticut Department of Housing (DOH) and its contracted mobility counseling agencies to advise on the design and implementation of housing

mobility programs for voucher households. For example, over the last several years, we produced fact sheets on mobility counseling and educated hundreds of stakeholders about this effective strategy. We have also provided technical assistance to both the DOH and the agencies contracted to provide the counseling. We research the impacts of Section 8 policies on voucher concentration and access to neighborhood opportunity, based on data analysis which we generate; develop related best practices and policy recommendations; and hold meetings and trainings on these topics. It has long been, and continues to be, one of our main advocacy recommendations for voucher administration in Connecticut that rent levels for voucher holders be determined by small-area data – a shift which would enable moves outside concentrated areas of poverty and provide access to opportunity.

6. OCA also focuses our work on expanding the supply of rental housing that low-income households can afford outside of primarily segregated and resource-poor areas, and within higher-opportunity areas that include suburbs of Hartford. We hold meetings and trainings on this topic, and produce data analysis and policy recommendations at the state and local levels. We engage directly with agency and legislative staff, as well as conduct outreach to build public understanding and support. This work entails technical assistance, public education, and advocacy efforts.

7. OCA supports the work of developers who express interest in creating additional units of housing outside of concentrated areas, including in the Hartford suburbs, for Housing Choice Voucher holders to rent. For example, we are currently partnering with the National Housing Trust (NHT), a nonprofit developer, on our “Opportunity Link” project. This project involves the acquisition of market-rate rental properties in high-opportunity Hartford suburbs and conversion of these properties to rent to voucher families. OCA is providing data analysis

and facilitating NHT's connections with local investment and management partners on this project. Because the financing of these projects depends on adequate rental income, without small-area fair market rents, these projects will be more difficult to implement.

8. OCA also engages with other developers to encourage the acquisition and construction of housing that is affordable to voucher holders in non-concentrated, high-opportunity areas in the Hartford metropolitan area. These transactions are made much more challenging, and are often impossible, where voucher rent levels do not reflect the local market rents. The anticipated income from voucher holders will not support financing of such development while these rents are being calculated on a metropolitan-wide basis, rather than with a small-area calculation. This dynamic further reduces the units available to voucher holders in these areas, even where mission-driven developers endeavor to create them, and thwarts moves to opportunity.

9. In order to facilitate the creation of units of affordable housing in higher opportunity areas, OCA has created a subsidiary non-profit organization called Open Communities Trust, tasked with acquiring land in higher opportunity areas for affordable housing development and shepherding it through the host municipality's zoning process. Once the land is zoned for multifamily development, the land will be sold to a developer. This effort relies upon more accurate rent calculations for the areas where the land is purchased and thus has a greater likelihood of success if the Housing Choice Voucher program applies rent standards that reflect market conditions.

10. HUD's suspension of the mandatory Small Area Fair Market Rent regulation directly and immediately interferes with OCA's efforts to enable voucher households to move into high opportunity areas in the Hartford region. We have consistently held up the effect of low "fair

market rent” levels capping the value of vouchers as a primary driver of voucher concentration and isolation from opportunity among Black and Latino households in Connecticut, and the Hartford metropolitan area specifically, and have made this a target of our work because of its severe impact on our mission. With the suspension in effect, OCA will need to spend significant resources on research, outreach, public education, and advocacy to implement small area market rents “voluntarily” on a PHA-by-PHA basis across the Hartford metropolitan area, a multi-year effort that may ultimately prove futile. Because fewer units will be affordable in high-opportunity areas - and rents will be inflated in lower-opportunity, concentrated areas – OCA’s work with counseling agencies, developers, and state and local housing agencies will be more difficult and demand more of our resources than if the mandatory SAMFR rule were to take timely effect. Our efforts to develop more affordable housing developments in high-opportunity areas will also be undermined by the absence of adequate rents to support developments in these areas.

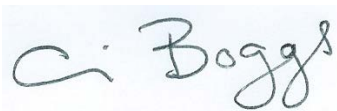
11. Already, OCA has changed our activities as a result of this suspension. For example, we planned to produce a Small Area Fair Market Rent web portal which would have included (a) an analysis of the difference between SAFMRs and FMRs across the state, (b) an explanation of SAFMRs, (c) data on the current location of voucher holders, and (d) the results of a time consuming rent study that highlighted the additional units that would become available under the new rent calculation formula. We are now taking steps to revise the content of this portal and to instead produce an advocacy piece, based on this data, explaining why the program freeze is detrimental.

12. We have also been required to explain the suspension of the program to our community partners whose programs would have been affected by higher SAFMRs. These

partners include the Connecticut Council of Family Service Agencies (CCFSA) and Imagineers, an HCV contracting agency for Hartford area Housing Authorities. We will be required to engage in further meetings and other communications with stakeholders to ensure that the impact of this policy suspension is fully understood. We have also spent time conducting outreach to our coalition members to explain the freeze and its consequences for voucher holders. OCA's partners, particularly CCFSA, expected and relied upon small area FMRs going into effect on January 1, 2018, and we now need to spend time ensuring that they are aware that their expectations have been unsettled.

13. If HUD's action is not enjoined, and the SAFMR Rule is not implemented on January 1, 2018, I anticipate that OCA will have to divert further resources to finding ways to advance our mission nonetheless. Right now, given the uncertainty, we are necessarily planning for both a world in which the rule is implemented and one in which it is not. We are being harmed every day by having to plan for both contingencies rather than being able to rely on HUD following its own regulation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



C. Boggs

Executed: 10/16/2017