

**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

[PROPOSED] ORDER FOR A PRELIMINARY INJUNCTION

Upon consideration of Plaintiffs' motion for a preliminary injunction barring Defendants from suspending without notice-and-comment procedures certain regulatory requirements contained in the duly promulgated Small Area Fair Market Rent (FMR) Rule;

It appearing to the Court that the Plaintiffs are likely to succeed on the merits, that they will suffer irreparable injury if the requested relief is not issued, and that the equities otherwise favor the entry of such an order, it is, therefore,

ORDERED that Plaintiffs' motion for a preliminary injunction is hereby GRANTED; and it is further

ORDERED that Defendants are enjoined to rescind the August 2017 notices sent to Public Housing Agencies (PHAs) stating that HUD will not enforce until January 2020 the Small Area FMR Rule's requirements for affected PHAs; and it is further

ORDERED that Defendants shall take all other necessary steps to timely implement the Small Area FMR Rule's requirements for affected PHAs, including that they use payment standards based on small area FMRs beginning on January 1, 2018, as set forth in 24 C.F.R. § 888.113(c).

Date

Time

The Honorable Beryl A. Howell
Chief Judge
United States District Court for the
District of Columbia