

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

OPEN COMMUNITIES ALLIANCE *et al.*,

Plaintiffs,

v.

BEN S. CARSON, SR., *Secretary of Housing
and Urban Development, in his official
capacity, et al.*,

Defendants.

Civil Action No. 17-2192 (BAH)

Chief Judge Beryl A. Howell

ORDER

Upon consideration of the plaintiffs Open Communities Alliance, Crystal Carter, and Tiara Moore's Motion for Preliminary Injunction, ECF No. 15, the related legal memoranda in support of and opposition to this motion, the exhibits and affidavits attached thereto, and the entire record herein, for the reasons set out in the accompanying Memorandum Opinion, it is hereby

ORDERED that the plaintiffs' Motion for Preliminary Injunction is GRANTED; and it is further

ORDERED that the Memorandum, entitled *Suspension of Small Area Fair Market Rent (FMR) Designations* (Aug. 10, 2017), by which the defendants Ben. S. Carson, Sr., Secretary of Housing and Urban Development, in his official capacity, and U.S. Department of Housing and Urban Development delayed by two years the effective date of the final rule *Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in the Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs*, 81 Fed. Reg. 80,567 (Nov. 16,

2016), is held unlawful and set aside as arbitrary, capricious or otherwise not in accordance with law and as without observance of procedure required by law. *See* 5 U.S.C. § 706(1)–(2)(A), (D).

SO ORDERED.

This is a final and appealable order.

Date: December 23, 2017

BERYL A. HOWELL
Chief Judge