

51472), which shall remain in full force and effect in accordance with their respective terms. I reserve the authority to execute further waivers from time to time as I may determine to be necessary under section 102 of IIRIRA.

Dated: August 26, 2019.

Kevin K. McAleenan,

Acting Secretary of Homeland Security.

[FR Doc. 2019-18846 Filed 8-29-19; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7011-N-39]

30-Day Notice of Proposed Information Collection: Office of Lead Hazard Control and Healthy Homes Grant Programs Data Collection and Progress Reporting (OMB# 2539-0008)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget

(OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 30, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: OIRA_Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at Anna.P.Guido@hud.gov or telephone 202-402-5535. This is not a toll-free number. Person with hearing or

speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on Monday, May 6, 2019.

A. Overview of Information Collection

Title of Information Collection: Office of Lead Hazard Control and Healthy Homes Grant Programs Data Collection and Progress Reporting.

OMB Approval Number: 2539-0008.

Type of Request: Revision of a currently approved collection.

Form Number: HUD 96006 (electronic equivalent).

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD 96006 (electronic equivalent)	500.00	4.00	2,000.00	12.00	24,000.00	60.98	1,463,520.00

Description of the need for the information and proposed use: Collect data on the progress of grantees' programs.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 15, 2019.

Anna P. Guido,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2019-18799 Filed 8-29-19; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6161-N-02]

Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program, and Other Programs Fiscal Year 2020

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of Fiscal Year (FY) 2020 Fair Market Rents (FMRs) and Response to Public Comments on the June 5, 2019 **Federal Register** notice announcing two method changes in the calculation of FMRs.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 (USHA), as amended by the Housing Opportunities Through Modernization Act of 2016 (HOTMA), requires the Secretary to publish FMRs not less than annually, adjusted to be effective on October 1 of each year. This notice describes the methods used to calculate the FY 2020 FMRs and enumerates the procedures for Public Housing Agencies (PHAs) and other interested parties to request reevaluations of their FMRs as required by HOTMA. This notice also discusses the comments received on the Notice of Proposed Changes to the Methodology Used for Estimating Fair Market Rents (84 FR 26141).

DATES: *Comment Due Date:* September 30, 2019.

Effective Date: October 1, 2019 unless HUD receives a valid request for reevaluation of specific area FMRs as described below.

ADDRESSES: HUD invites interested persons to submit comments regarding the FMRs and to request reevaluation of the FY 2020 FMRs to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410–0001. Communications must refer to the above docket number and title and should contain the information specified in the “Request for Comments/Request for Reevaluation” section. There are two methods for submitting public comments.

1. Submission of Comments by Mail. Comments or requests for reevaluation may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at all federal agencies, however, submission of comments by mail often results in delayed delivery. To ensure timely receipt of comments or reevaluation requests, HUD recommends that comments or requests submitted by mail be submitted at least two weeks in advance of the deadline. HUD will make all comments or reevaluation requests received by mail available to the public at <https://www.regulations.gov>.

2. Electronic Submission of Comments. Interested persons may submit comments or reevaluation requests electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>. HUD strongly encourages commenters to submit comments or reevaluation requests electronically. Electronic submission of comments or reevaluation requests allows the author maximum time to prepare and submit a comment or reevaluation request, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments or reevaluation requests submitted electronically through the <https://www.regulations.gov> website can be viewed by other submitters and interested members of the public. Commenters or reevaluation requestors should follow instructions provided on that site to submit comments or reevaluation requests electronically.

Note: To receive consideration as public comments or reevaluation requests, comments or requests must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments or Reevaluation Requests. Facsimile (FAX)

comments or requests for FMR reevaluation are not acceptable.

Public Inspection of Public Comments and Reevaluation Requests. All properly submitted comments and reevaluation requests and communications regarding this notice submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments and reevaluation requests must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (toll-free number). Copies of all comments and reevaluation requests submitted are available for inspection and downloading at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For technical information on the methodology used to develop FMRs or a listing of all FMRs, please call the HUD USER information line at 800–245–2691 or access the information on the HUD USER website <https://www.huduser.gov/portal/datasets/fmr.html>. FMRs are listed at the 40th percentile in Schedule B. For informational purposes, 50th percentile rents for all FMR areas will be published at <https://www.huduser.gov/portal/datasets/50per.html>.

Questions related to use of FMRs or voucher payment standards should be directed to the respective local HUD program staff. Questions on how to conduct FMR surveys may be addressed to Marie L. Lihn or Peter B. Kahn of the Program Parameters and Research Division, Office of Economic Affairs, Office of Policy Development and Research at HUD headquarters, 451 7th Street SW, Room 8208, Washington, DC 20410; telephone number 202–402–2409 (this is not a toll-free number), or they may be reached at PPRD@hud.gov. Persons with hearing or speech impairments may access HUD numbers through TTY by calling the Federal Relay Service at 800–877–8339 (toll-free number).

Electronic Data Availability. This **Federal Register** notice will be available electronically from the HUD User page at <https://www.huduser.gov/portal/datasets/fmr.html>. **Federal Register** notices also are available electronically from <https://www.federalregister.gov/> the U.S. Government Printing Office website. Complete documentation of the

methods and data used to compute each area’s FY 2020 FMRs is available at https://www.huduser.gov/portal/datasets/fmr.html#2020_query. FY 2020 FMRs are available in a variety of electronic formats at <https://www.huduser.gov/portal/datasets/fmr.html>. FMRs may be accessed in PDF as well as in Microsoft Excel. Small Area FMRs for all metropolitan FMR areas are available in Microsoft Excel format at: <https://www.huduser.gov/portal/datasets/fmr/smallarea/index.html>.

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the USHA (42 U.S.C. 1437f) authorizes housing assistance to aid lower-income families in renting safe and decent housing. Housing assistance payments are limited by FMRs established by HUD for different geographic areas. In the Housing Choice Voucher (HCV) program, the FMR is the basis for determining the “payment standard amount” used to calculate the maximum monthly subsidy for an assisted family. See 24 CFR 982.503. HUD also uses the FMRs to determine initial renewal rents for some expiring project-based Section 8 contracts, initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, rent ceilings for rental units in both the HOME Investment Partnerships program and the Emergency Solution Grants program, calculation of maximum award amounts for Continuum of Care recipients and the maximum amount of rent a recipient may pay for property leased with Continuum of Care funds, and calculation of flat rents in Public Housing units. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities and is typically set at the 40th percentile of the distribution of gross rents. HUD’s FMR calculations represent HUD’s best effort to estimate the 40th percentile gross rent paid by recent movers into standard quality units in each FMR area. In addition, all rents subsidized under the HCV program must meet reasonable rent standards.

On November 16, 2016 (81 FR 80567), HUD published a Final Rule entitled “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” (Small Area FMR final rule), with an effective date of

January 17, 2017. The Small Area FMR final rule eliminated the 50th percentile FMR provisions in the FMR regulations (24 CFR 888.113)¹ and for the first time since FY 2001, there are no designated 50th percentile areas in FY 2020 FMRs. There were three areas still designated as 50th percentile FMRs in FY 2019. Two of the areas, Bergen-Passaic, NJ HUD Metro FMR Area, San Diego-Carlsbad-San Marcos, CA MSA, were identified as Small Area FMR required areas in the November 2016 rulemaking and are required to use Small Area FMRs in the administration of their Housing Choice Voucher programs. PHAs in the Spokane, WA HUD Metro FMR area that meet the deconcentration criteria specified in 24 CFR 982.503(f), available at: <https://www.gpo.gov/fdsys/pkg/CFR-2016-title24-vol4/pdf/CFR-2016-title24-vol4-sec982-503.pdf> may obtain HUD Field Office approval to maintain payment standards based on 50th percentile rents on that basis.

The FMRs values published in Schedule B will be 40th percentile values for FY 2020 for the Bergen-Passaic, NJ HUD Metro FMR Area, San Diego-Carlsbad-San Marcos, CA MSA, and Spokane, WA HUD Metro FMR Area.

II. Procedures for the Development of FMRs

Section 8(c)(1) of the USHA, as amended by HOTMA (Pub. L. 114–201, approved July 29, 2016), requires the Secretary of HUD to publish FMRs not less than annually. Section 8(c)(1)(A) states that each FMR “shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply. . . .” Section 8(c)(1)(B) requires that HUD publish, not less than annually, new FMRs on the World Wide Web or in any other manner specified by the Secretary, and that HUD must also notify the public of when it publishes FMRs by **Federal Register** notice. After notification, the FMRs “shall become effective no earlier than 30 days after the date of such publication,” and HUD must provide a procedure for the public to comment and request a reevaluation of the FMRs in a jurisdiction before the FMRs become effective. Consistent with the statute, HUD is issuing this notice to

notify the public that FY 2020 FMRs are available at <https://www.huduser.gov/portal/datasets/fmr.html> and will become effective on October 1, 2019. This notice also provides procedures for FMR reevaluation requests.

III. FMR Methodology

This section provides a brief overview of how HUD computes the FY 2020 FMRs. HUD is making changes to the estimation methodology for FMRs as discussed in the June 5, 2019 **Federal Register** notice, “Proposed Changes to the Methodology Used for Estimating FMRs” (84 FR 26141), see the online documents tab at <https://www.huduser.gov/portal/datasets/fmr.html#2020>. HUD is replacing the national trend factor with local and regional trend factors in order to improve the accuracy of the FMRs. In addition, for Small Area FMRs, HUD is including the “neighboring policy” as the next step when a ZIP Code Tabulation Area (ZCTA) does not have reliable data. This improvement determines if there is reliable data for bordering ZCTAs and uses this data before going to county-based Small Area FMRs.

In conjunction with the use of 2017 American Community Survey (ACS) data, HUD has implemented the following geography changes: Bedford City, VA is no longer an incorporated city in the Lynchburg, VA MSA, so it is not listed separately in either the Schedule B table or the EXCEL data files; it continues to receive the FMR for Lynchburg, VA MSA.

A. Base Year Rents

For FY 2020 FMRs, HUD uses the U.S. Census Bureau’s 5-year ACS data collected between 2013 and 2017 (released in December of 2018) as the base rents for the FMR calculations. HUD pairs a “margin of error” test² with an additional test based on the number of survey observations supporting the estimate in order to improve the statistical reliability of the ACS data used in the FMR calculations. The Census Bureau does not provide HUD with an exact count of the number of observations supporting the ACS estimate; rather, the Census Bureau provides HUD with categories of the number of survey responses underlying the estimate, including whether the estimate is based on more than 100 observations. Using these categories, HUD requires that, in addition to the “margin of error” test, ACS rent

estimates must be based on at least 100 observations in order to be used as base rents.

For areas in which the 5-year ACS data for two-bedroom, standard quality gross rents do not pass the statistical reliability tests (*i.e.*, have a margin of error ratio greater than 50 percent or fewer than 100 observations), HUD will use an average of the base rents over the three most recent years (provided that there is data available for at least two of these years),³ or if such data is not available, using the two-bedroom rent data within the next largest geographic area, which for a non-metropolitan area would be the state non-metro area rent data.

HUD has updated base rents each year based on new 5-year data since FY 2012, for which HUD used 2005–2009 ACS data. HUD is also updating base rents for Puerto Rico FMRs using data collected between 2013 and 2017 through the Puerto Rico Community Survey (PRCS); HUD first updated the Puerto Rico base rents in FY 2014 based on 2007–2011 PRCS data collected through the ACS program.

HUD historically based FMRs on gross rents for recent movers (those who have moved into their current residence in the last 24 months) measured directly. However, due to the way Census constructs the 5-year ACS data, HUD developed a new method for calculating recent-mover FMRs in FY 2012, which HUD continues to use in FY 2020: HUD assigns all areas a base rent, which is the two-bedroom standard quality 5-year gross rent estimate from the ACS; then, because HUD’s regulations mandate that FMRs must be published as recent mover gross rents, HUD applies a recent mover factor to the base rents assigned from the 5-year ACS data.⁴ The calculation of the recent mover factor is described below.

B. Recent Mover Factor

Following the assignment of the standard quality two-bedroom rent described above, HUD applies a recent

¹ Separately from the Small Area FMR regulations, HUD also calculates and posts 50th percentile rent estimates for the purposes of Success Rate Payment Standards as defined at 24 CFR 982.503(e) (estimates available at: <https://www.huduser.gov/portal/datasets/50per.html>), which policy was not changed by the Small Area FMR rule.

² HUD’s margin of error test requires that the margin of error of the ACS estimate is less than half the size of the estimate itself.

³ For FY 2020, the three years of ACS data in question are 2015, 2016 and 2017. The 2015 data are adjusted to be denominated in 2017 dollars using the growth in Consumer Price Index (CPI)-based gross rents measured between 2015 and 2017. Similarly, the 2016 gross rent data is adjusted to 2017 denominated dollars using the growth in CPI-based gross rents measured between 2016 and 2017.

⁴ HUD’s regulations incorporate recent mover data into FMR calculations because the gross rents of those who most recently moved into their units likely depicts the most current market conditions observable through the ACS. Rents paid by renters renewing existing leases may not reflect the most current market conditions, in part because these renters may have clauses within their leases that predetermine the annual increases in rents paid (*i.e.*, rent escalator clauses).

mover factor to these rents. HUD calculates the recent mover factor as the change between the 5-year 2013–2017 standard quality two-bedroom gross rent and the 1-year 2017 recent mover gross rent for the recent mover factor area. HUD does not allow recent mover factors to lower the standard quality base rent; therefore, if the 5-year standard quality rent is larger than the comparable 1-year recent mover rent, the recent mover factor is set to 1 so the base rent is updated and trended. When the recent mover factor is greater than one, the base rent is effectively replaced with the recent mover rent for that area and that is what is updated and trended. For virtually all metropolitan areas, one-year recent mover data is the basis for the updated and trended FMRs.

The calculation of the recent mover factor for FY 2020 continues to use statistical reliability requirements that are similar to those for base rents. That is, for a recent mover gross rent estimate to be considered statistically reliable, the estimate must have a margin of error ratio that is less than 50 percent, and the estimate must be based on 100 or more observations.

When an FMR area does not have statistically reliable two-bedroom recent mover data, the “all-bedroom”⁵ 1-year recent mover ACS data for the FMR area is tested for statistical reliability. An “all-bedroom” recent mover factor from the FMR area will be used, if statistically reliable, before substituting a two-bedroom recent mover factor from the next larger geography. Incorporating “all-bedroom” rents into the recent mover factor calculation when statistically reliable two-bedroom data is not available preserves the use of local information to the greatest extent possible.

However, where statistically reliable “all-bedroom” data is not available, HUD will continue to base FMR areas’ recent mover factors on larger geographic areas, following the same procedures used historically: HUD tests data from differently sized geographic areas in the following order (from small to large), and bases the recent mover factor on the first statistically reliable recent mover rent estimate in the geographic hierarchy listed below.

- For metropolitan areas that are subareas of larger metropolitan areas, the order is the FMR area, metropolitan area, aggregated metropolitan parts of the state, and state.
- For metropolitan areas that are not divided, the order is the FMR area,

aggregated metropolitan parts of the state, and state.

- In non-metropolitan areas, the order is the FMR area, aggregated non-metropolitan parts of the state, and state.

The process for calculating each area’s recent mover factor is detailed in the FY 2020 FMR documentation system available at: https://www.huduser.gov/portal/datasets/fmr.html#2020_query. Applying the recent mover factor to the standard quality base rent produces an “as of” 2017 recent mover two-bedroom gross rent for the FMR area.

C. Other Rent Survey Data

HUD calculated base rents for the insular areas using the 2010 decennial census of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands beginning with the FY 2016 FMRs.⁶ This 2010 base year data is updated through 2017 for the FY 2020 FMRs using national ACS data.

HUD does not use ACS data to establish the base rent or recent mover factor for 19 areas where the FY 2020 FMR was adjusted based on survey data:

- Survey data from 2017 is used to adjust the FMRs for Seattle-Bellevue, WA HMFA; Hood River County, OR; Wasco County, OR; Hawaii County, HI; Jonesboro, AR HMFA; Santa Maria-Santa Barbara, CA MSA; and Urban Honolulu, HI MSA.
- Survey data from 2018 is used to adjust the FMR for Santa Cruz-Watsonville, CA MSA; Portland-Vancouver-Hillsboro, OR-WA; Burlington-South Burlington, VT; Coos County, OR; Curry County, OR; Oakland-Fremont, CA HUD Metro FMR Area; San Francisco, CA HUD Metro FMR Area; San Jose-Sunnyvale-Santa Clara, CA HUD Metro FMR Area; Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area; Douglas County, OR; and San Diego-Carlsbad, CA MSA.
- Survey data from 2019 is used to adjust the FMRs for Kauai County, HI.

For larger metropolitan areas that have valid ACS one-year recent mover data, survey data may not be any older than the midpoint of the calendar year for the ACS one-year data. Since the ACS one-year data used for the FY 2020 FMRs is from 2017, larger areas may not use survey data collected before June 30, 2017 for the FY 2020 FMRs. Smaller areas without 1-year ACS data, may continue to use local survey data until

⁶ The ACS is not conducted in the Pacific Islands (Guam, Northern Marianas and American Samoa) or the US Virgin Islands. As part of the 2010 Decennial Census, the Census Bureau conducted “long-form” sample surveys for these areas. The results gathered by this long form survey have been incorporated into the FY 2020 FMRs.

the mid-point of the 5-year ACS data is more recent than the local survey.

D. Updates From 2017 to 2018

HUD updates the ACS-based “as of” 2017 rent through the end of 2018 using the annual change in gross rents measured through the Consumer Price Index (CPI) from 2017 to 2018 (CPI update factor). As in previous years, HUD uses local CPI data coupled with Consumer Expenditure Survey data for FMR areas within Class A metropolitan areas covered by local CPI data. In 2018, the Bureau of Labor Statistics (BLS) changed the area definitions of its Class A metropolitan areas from the 1990 definition of Primary Metropolitan Statistical Areas (PMSA) to smaller CBSA-based MSAs. In addition, BLS eliminated some areas from this Class A collection: Pittsburgh, PA MSA; Cleveland-Elyria, OH MSA; Cincinnati, OH-KY-IN MSA; Kansas City, MO-KS MSA; Milwaukee-Waukesha-West Allis, WI MSA; and Portland-Vancouver-Hillsboro, OR-WA MSA. HUD will estimate these areas’ FMRs using regional CPI beginning with the FY 2020 FMRs. HUD uses CPI data aggregated at the Census region level for all Class B and C size metropolitan areas and non-metropolitan areas. Additionally, HUD uses CPI data collected locally in Puerto Rico as the basis for CPI adjustments from 2017 to 2018 for all Puerto Rico FMR areas.

E. Trend Factor Forecasts

Following the application of the appropriate CPI update factor, HUD trends the gross rent estimate from 2018 to FY 2020 using local and regional forecasts of the CPI gross rent data as proposed in the June 5, 2019 **Federal Register** notice (84 FR 26141). Riverside-San Bernardino-Ontario, CA MSA as a newly designated Class A city (it was previously part of the Los Angeles PMSA) has data for a 2018 CPI update, but does not have enough data for a trend factor forecast; therefore, its trend factor is the regional (West) trend factor. The actual model used for each trend factor has been chosen based on which model generates the lowest Root Mean Square Error (RMSE) statistic. As detailed in the June 5 notice, the trend factors were selected from a series of time series models based on national inputs (National Input Model or NIM), local inputs (Local Input Model or LIM) and historical values of the predicted series (Pure Time Series—PTS). HUD will hold the type of model selected (NIM, LIM, or PTS) constant for 5 years and will reassess the model selections during the calculation of the FY 2025 FMRs. For instances when HUD changes

⁵ “All-bedroom” refers to estimates aggregated together regardless of the number of bedrooms in the dwelling unit.

the functional form of the model (NIM, PTS, LIM) for a geographic area that is different from the previous model selection, HUD will ensure the change is not due to overfitting the model or outliers in the data. HUD will update and run the gross rent forecast models annually with updated actual data and newly created input forecasts.

E. Bedroom Rent Adjustments

HUD updates the bedroom ratios used in the calculation of FMRs annually. The bedroom ratios which HUD used in the calculation of FY 2020 FMRs have been updated using average data from three five-year ACS data series (2011–2015, 2012–2016, and 2013–2017). The bedroom ratio methodology used in this update is unchanged from previous calculations using 2000 Census data.

HUD only uses estimates with a margin of error ratio of less than 50 percent. If an area does not have reliable estimates in at least two of the previous three ACS releases, bedroom ratios for the area's larger parent geography are used.

HUD uses two-bedroom units for its primary calculation of FMR estimates. This is generally the most common size of rental unit and, therefore, the most reliable to survey and analyze. After estimating two-bedroom FMRs, HUD calculates bedroom ratios for each FMR area which relate the prices of smaller and larger units to the cost of two-bedroom units. To prevent illogical results in particular FMR areas, HUD establishes bedroom interval ranges which set upper and lower limits for bedroom ratios nationwide, based on an analysis of the range of such intervals for all areas with large enough samples to permit accurate bedroom ratio determinations.

In the calculation of FY 2020 FMR estimates, HUD set the bedroom interval ranges as follows: Efficiency FMRs are constrained to fall between 0.65 and 0.85 of the two-bedroom FMR; one-bedroom FMRs must be between 0.76 and 0.88 of the two-bedroom FMR; three-bedroom FMRs (prior to the adjustments described below) must be between 1.15 and 1.33 of the two-bedroom FMR; and four-bedroom FMRs (again, prior to adjustment) must be between 1.26 and 1.63 of the two-bedroom FMR. Given that these interval ranges partially overlap across unit bedroom counts, HUD further adjusts bedroom ratios for a given FMR area, if necessary, to ensure that higher bedroom-count units have higher rents than lower bedroom-count units within that area. The bedroom ratios for Puerto Rico follow these constraints.

HUD also further adjusts the rents for three-bedroom and larger units to reflect

HUD's policy to set higher rents for these units.⁷ This adjustment is intended to increase the likelihood that the largest families, who have the most difficulty in leasing units, will be successful in finding eligible program units. The adjustment adds 8.7 percent to the unadjusted three-bedroom FMR estimates and adds 7.7 percent to the unadjusted four-bedroom FMR estimates.

HUD derives FMRs for units with more than four bedrooms by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. Similarly, HUD derives FMRs for single-room occupancy units by subtracting 25 percent from the zero-bedroom FMR (*i.e.*, they are set at 0.75 times the zero-bedroom (efficiency) FMR).⁸

F. Limit on FMR Decreases

Within the Small Area FMR final rule published on November 16, 2016, HUD amended 24 CFR 888.113 to include a limit on the amount that FMRs may annually decrease. The current year's FMRs resulting from the application of the bedroom ratios, as discussed in section (E) above, may be no less than 90 percent of the prior year's FMRs for units with the same number of bedrooms. Accordingly, if the current year's FMRs are less than 90 percent of the prior year's FMRs as calculated by the above methodology, HUD sets the current year's FMRs equal to 90 percent of the prior year's FMRs. For areas where use of Small Area FMRs in the administration of their voucher programs is required, the FY 2020 Small Area FMRs may be no less than 90 percent of the FY 2019 Small Area FMRs. For all other metropolitan areas, for which Small Area FMRs are calculated so that they may be used for other allowable purposes if desired (*e.g.*, exception payment standards, public housing flat rents), the FY 2020 Small Area FMRs may be no less than 90 percent of the greater of the FY 2019 metropolitan area-wide FMRs or the applicable FY 2019 Small Area FMR.

⁷ As mentioned above, HUD applies the interval ranges for the three-bedroom and four-bedroom FMR ratios prior to making these adjustments. In other words, the adjusted three- and four-bedroom FMRs can exceed the interval ranges, but the unadjusted FMRs cannot.

⁸ As established in the interim rules implementing the provisions of the Quality Housing and Work Responsibility Act of 1998 (Title V of the FY 1999 HUD Appropriations Act; Pub. L. 105–276). In 24 CFR 982.604.

G. Other Limits on FMRs

All FMRs are subject to a state or national minimum. HUD calculates a population-weighted median two-bedroom 40th percentile rent across all non-metropolitan portions of each state, which, for the purposes of FMRs, is the state minimum rent. State-minimum rents for each FMR area are available in the FY 2020 FMR Documentation System, available at https://www.huduser.gov/portal/datasets/fmr.html#2020_query. HUD also calculates the population-weighted median two-bedroom 40th percentile rent across all non-metropolitan portions of the country, which, for the purposes of FMRs, is the national minimum rent. For FY 2020, the national minimum rent is \$714. The applicable minimum rent for a particular area is the *lower* of the state or national minimum. Each area's two-bedroom FMR must be no less than the applicable minimum rent.

As in prior years, Small Area FMRs are subject to a maximum limit. HUD limits each two-bedroom Small Area FMR to be no more than 150 percent of the two-bedroom FMR for the metropolitan area where the ZIP code is located.

IV. Manufactured Home Space Surveys

HOTMA changed the manner in which vouchers are used to subsidize manufactured home units. Please see HUD's Notice from January 18, 2017 (82 FR 5458) for more detailed information concerning the use of vouchers for manufactured home units. Due to the nature of these changes, HUD will no longer be publishing exception rents for Manufactured Home Space pad rents.

V. Small Area FMRs

PHAs operating the Housing Choice Voucher (HCV) program in the 24 metropolitan areas identified in the November 16, 2016 **Federal Register** notice "Small Area Fair Market Rents in Housing Choice Voucher Program Values for Selection Criteria and Metropolitan Areas Subject to Small Area Fair Market Rents" (81 FR 80678) are required to use Small Area FMRs unless the PHA has received a temporary exemption from the use of Small Area FMRs; HUD has suspended the Small Area FMR designation for the metropolitan area under 24 CFR 888.113(c)(4); or the PHA is an MTW PHA with an approved alternative payment standard policy. For more information on the process for obtaining a temporary exemption or area-wide suspension, please see PIH Notice 2018–01: Guidance on Recent Changes in Fair

Market Rent (FMR), Payment Standard, and Rent Reasonableness Requirements in the Housing Choice Voucher Program, item (9) beginning on page 13, available at: <https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-01.pdf>. Small Area FMRs for all metropolitan areas are listed in the Schedule B addendum. Other metropolitan PHAs interested in using Small Area FMRs in the operation of their Housing Choice Voucher program should contact their local HUD field office to request approval from HUD to do so.

In the FY 2018 FMR **Federal Register** notice (82 FR 41637), HUD announced changes in the way Small Area FMRs are calculated and continues this change for the FY 2020 Small Area FMRs. HUD calculates Small Area FMRs directly from the standard quality gross rents provided to HUD by the Census Bureau for ZIP Code Tabulation Areas (ZCTAs), when such data is statistically reliable, instead of using the current rent ratio calculation. The ZCTA two-bedroom equivalent 40th percentile gross rent is analogous to the standard quality base rents set for metropolitan areas and non-metropolitan counties. For each ZCTA with statistically reliable gross rent estimates, using the expanded test of statistical reliability first used in FY 2018 (*i.e.*, estimates with margins of error ratios below 50 percent and based on at least 100 observations), HUD will calculate a two-bedroom equivalent 40th percentile gross rent using the first statistically reliable gross rent distribution data from the following data sets (in this order): Two-bedroom gross rents, one-bedroom gross rents, and three-bedroom gross rents. If either the one-bedroom or three-bedroom gross rent data is used because the two-bedroom gross rent data is not statistically reliable, the one-bedroom or three-bedroom 40th percentile gross rent will be converted to a two-bedroom equivalent rent using the bedroom ratios for the ZCTA's parent metropolitan area. To increase stability to these Small Area FMR estimates, HUD averages the latest three years of gross rent estimates.⁹

For ZCTAs without usable gross rent data by bedroom size, HUD will continue to calculate Small Area FMRs using the rent ratio method similar to that HUD has used in past Small Area FMR calculations. To calculate Small Area FMRs using a rent ratio, HUD divides the median gross rent across all bedrooms for the small area (a ZIP code)

by the similar median gross rent for the metropolitan area of the ZIP code. If a ZCTA does not have reliable rent data at the all bedroom level, HUD will then check to see if the ZCTA is bordered by ZCTAs that themselves have reliable rent data. If at least half of a ZCTA's "neighbors" have such data, the weighted average of those estimates will be used as the basis for the SAFMR rather than a county proxy, where the weight is the length of the shared boundary between the ZCTA and its neighbor. This is a new step, as proposed in the **Federal Register** notice, "Proposed Changes to the Methodology Used for Estimating FMRs" (84 FR 26141). In small areas where the neighboring ZCTA median gross rents are not statistically reliable, HUD continues to substitute the median gross rent for the county containing the ZIP code in the numerator of the rent ratio calculation. HUD multiplies this rent ratio by the current two-bedroom rent for the metropolitan area containing the small area to generate the current year two-bedroom rent for the small area.

HUD continues to use a rolling average of ACS data in calculating the Small Area FMR rent ratios. HUD believes coupling the most current data with previous year's data minimizes excessive year-to-year variability in Small Area FMR rent ratios due to sampling variance. Therefore, for FY 2020 Small Area FMRs, HUD has updated the rent ratios to use an average of the rent ratios calculated from the 2011–2015, 2012–2016, and 2013–2017 5-year ACS estimates.

VI. Request for Public Comments and FMR Reevaluations

In the next Section, HUD will respond to the comments on its proposed methodology changes, which have been incorporated in the use of more local trend factors and use of more local data for the Small Area FMRs. HUD will continue to accept public comments on the methods HUD uses to calculate FY 2020 FMRs, including Small Area FMRs, and the FMR levels for specific areas. Due to its current funding levels, HUD does not have sufficient resources to conduct local surveys of rents to address comments filed regarding the FMR levels for specific areas. PHAs may continue to fund such surveys independently, as specified below, using ongoing administrative fees or their administrative fee reserve if they so choose. HUD continually strives to calculate FMRs that meet the statutory requirement of using "the most recent available data" while also serving as an effective program parameter.

PHAs or other parties interested in requesting HUD's reevaluation of their area's FY 2020 FMRs, as provided for under section 8(c)(1)(B) of USHA, must follow the following procedures:

1. By the end of the comment period, such reevaluation requests must be submitted publicly through <https://www.regulations.gov> or directly to HUD as described above. The area's PHA or, in multijurisdictional areas, PHA(s) representing at least half of the voucher tenants in the FMR area, must agree that the reevaluation is necessary.

2. In order for a reevaluation to occur, the requestor(s) must supply HUD with data more recent than the 2017 ACS data used in the calculation of the FY 2020 FMRs. HUD requires data on gross rents paid in the FMR area for standard quality rental housing units. The data delivered must be sufficient for HUD to calculate a 40th and 50th percentile two-bedroom rent.¹⁰ Should this type of data not be available, requestors may gather this information using the survey guidance available at <https://www.huduser.gov/portal/datasets/fmr/NoteRevisedAreaSurveyProcedures.pdf> and <https://www.huduser.gov/portal/datasets/fmr/PrinciplesforPHA-ConductedAreaRentSurveys.pdf>.

3. On or about October 2, HUD will post a list, at <https://www.huduser.gov/portal/datasets/fmr.html>, of the areas requesting reevaluations and where FY 2019 FMRs remain in effect.

4. Data for reevaluations must be supplied to HUD no later than Friday January 10, 2020. On Monday January 13, 2020, HUD will post at <https://www.huduser.gov/portal/datasets/fmr.html> a listing of the areas that requested FMR reevaluations but did not deliver data and making the FY 2020 FMRs effective in these areas.

5. HUD will use the data delivered by January 10, 2020 to reevaluate the FMRs and following the reevaluation, will post revised FMRs with an accompanying **Federal Register** notice stating the revised FMRs are available, which will include HUD responses to comments filed during the comment period for this notice.

6. Any data supporting a change in FMRs supplied after January 10, 2020 will be incorporated into FY 2021 FMRs.

7. PHAs operating in areas where the calculated FMR is lower than the published FMR (*i.e.*, those areas where HUD has limited the decrease in the annual change in the FMR to 10

⁹For example, for FY 2020 Small Area FMRs, HUD averages the gross rents from 2015, 2016, and 2017 5-Year ACS estimates. The 2015 and 2016 gross rent estimates would be adjusted to 2017 dollars using the metropolitan area's gross rent CPI adjustment factors.

¹⁰Although there are no 50th percentile FMRs for FY 2020, HUD must calculate 50th percentile rents for the Success Rate Payment Standard under 24 CFR 982.503(e).

percent) may request payment standards below the basic range (24 CFR 982.503(d)) and reference the “unfloored” rents (*i.e.*, the unfinalized FMRs calculated by HUD prior to application of the 10-percent-decrease limit) depicted in the FY 2020 FMR Documentation System (available at: https://www.huduser.gov/portal/datasets/fmr.html#2020_query).

Questions on how to conduct FMR surveys may be addressed to Marie L. Lihn or Peter B. Kahn of the Program Parameters and Research Division, Office of Economic Affairs, Office of Policy Development and Research at HUD headquarters, 451 7th Street SW, Room 8208, Washington, DC 20410; telephone number 202-402-2409 (this is not a toll-free number), or they may be reached at pprd@hud.gov.

For small metropolitan areas without one-year ACS data and non-metropolitan counties, HUD has developed a method using mail surveys that is discussed on the FMR web page: https://www.huduser.gov/portal/datasets/fmr.html#survey_info. This method allows for the collection of as few as 100 one-bedroom, two-bedroom and three-bedroom recent mover (tenants that moved in last 24 months) units.

While HUD has not developed a specific method for mail surveys in areas with 1-year ACS data or in areas not covered by ACS data, HUD would apply the standard established for Random-Digit Dialing (RDD) telephone rent surveys. HUD will evaluate these survey results to determine whether they would establish a new FMR statistically different from the current FMR, which means that the survey confidence interval must not include the FMR. The survey should collect results based on 200 one-bedroom and two-bedroom eligible recent mover units to provide a small enough confidence interval for significant results in large market mail surveys. Areas with statistically reliable 1-year ACS data are not considered to be good candidates for local surveys due to the size and completeness of the ACS process.

Other survey methods are acceptable in providing data to support reevaluation requests if the survey method can provide statistically reliable, unbiased estimates of gross rents paid of the entire FMR area. In general, recommendations for FMR changes and supporting data must reflect the rent levels that exist within the entire FMR area and should be statistically reliable.

PHAs in non-metropolitan areas may survey three-bedroom units, in addition to one- and two-bedroom units and are

only required to get 100 eligible survey responses. In certain circumstances, PHAs may conduct surveys of groups of non-metropolitan counties. HUD must approve all county-grouped surveys in advance. PHAs are cautioned that the resulting FMRs may not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, PHAs are advised that in counties where FMRs are based on the combined rents in the cluster of FMR areas, HUD will not revise their FMRs unless the grouped survey results show a revised FMR statistically different from the combined rent level.

Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn to be statistically representative of the entire rental housing stock of the FMR area. Surveys must include units at all rent levels and be representative by structure type (including single-family, duplex, and other small rental properties), age of housing unit, and geographic location. The current 5-year ACS data should be used as a means of verifying if a sample is representative of the FMR area's rental housing stock.

A PHA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations, HUD may find it appropriate to relax normal sample size requirements, but in no case will fewer than 100 eligible cases be considered.

HUD has developed guidance on how to provide data-supported comments on Small Area FMRs using HUD's special tabulations of the distribution of gross rents by unit bedroom count for ZIP Code Tabulation Areas. This guidance is available at <https://www.huduser.gov/portal/datasets/fmr.html> in the FY 2020 FMR section and should be used by interested parties in commenting on whether or not the level of Small Area FMRs are too high or too low (*i.e.*, Small Area FMRs that are larger than the gross rent necessary to make 40 percent of the units accessible for an individual zip code or that are smaller than the gross rent necessary to make 40 percent of the units accessible for a given zip code). HUD will post revised Small Area FMRs after confirming commenters' calculations.

As stated earlier in this notice, HUD is required to use the most recent data available when calculating FMRs. Therefore, in order to reevaluate an

area's FMR, HUD requires more current rental market data than the 2017 ACS. HUD encourages a PHA or other interested party that believes the FMR in their area is incorrect to file a comment even if they do not have the resources to provide market-wide rental data. In these instances, HUD will use the comments, should survey funding be restored, when determining the areas HUD will select for HUD-funded local area rent surveys.

VII. Public Comments on Notice of Proposed Changes to the Methodology Used for Estimating Fair Market Rents

HUD received 25 comments addressing the proposed changes to the methodology of calculating FMRs. There are three additional comments that appear to be mistakenly filed with this notice as they do not pertain to FMRs. There are two proposed methodology changes to the calculation of FMRs. The first concerns the use of local or regional trend factors in place of the national trend factor that has historically been used. The more local trend factors were proposed to improve FMR estimates to better reflect the rent inflation that occurs between the time that ACS data is collected and the fiscal year for which the FMRs are produced. HUD proposed to use metropolitan and regional Gross Rent Index forecasts to calculate and apply more locally based trend factors to address concerns of FMR accuracy. While several commenters were opposed to this change, primarily due to the belief that HUD did not provide enough information to evaluate the proposal, many of the comments that addressed this proposed change to the trend factor supported the change to more local trend factors. Consequently, HUD replaced the national trend factor with local and regional trend factors in the FY 2020 FMRs.

The second proposed methodology change concerns calculating Small Area FMRs. In calculating Small Area FMRs, HUD attempts to use ZIP Code level estimates where possible. In cases where ZIP Code level estimates are not available or are not sufficiently reliable, HUD's practice was to assign a Small Area FMRs based on the estimate of gross rent for the county of the ZIP Code. However, because metropolitan counties are often much larger than ZIP Codes, this approach has the potential to produce anomalous Small Area FMR values where the county based Small Area FMR is not an accurate proxy for neighborhood-level rents. HUD's new estimation method for a ZCTA without reliable rent data is to check to see if the ZCTA is bordered by ZCTAs that themselves have reliable rent data. If at

least half of a ZCTA's "neighbors" have such data, the weighted average of those estimates will be used as the basis for the Small Area FMR rather than a county proxy, where the weight is length of the shared boundary between the subject ZCTA and its neighbor. Again, many of the comments that addressed this proposal were supportive and this proposal is implemented in the FY 2020 FMRs. Objections to the Small Area FMR proposal were offered by commenters that felt they had insufficient information to evaluate the proposal.

The following summaries of comments and responses also include responses to other comments regarding the calculation of FMRs that were not responsive to the specific methodology changes that were the subject of the notice. No response is provided to comments that did not address FMR estimation methodology.

A. More Local Trend Factors

Comments: Some commenters were concerned that HUD would use its flexibility in selecting from a range of trend factor models to choose the one resulting in the lowest FMRs, while others asked HUD to uniformly choose the model that provides the highest possible FMRs.

HUD Response: The goal of selecting the trend factor from among several models based on RMSE is not to provide the lowest or highest FMR possible, but rather to provide the most accurate forecast of rent. While all of the models will be updated and run annually, HUD will hold constant the models selected for the FY 2020 FMRs for a period of 5 years.

Comments: More information is needed on how the models are selected. How are the Hypothetical FY 2019 FMRs calculated for areas that are based on local surveys?

HUD Response: For each geography, a sample of past quarters of CPI data are used to forecast the most recent 8 quarters of published CPI values. These 8 quarters are the validation set. A forecast is run on the sample CPI data, excluding the validation set. For each quarter in the validation set, the known value is compared to the forecasted value to determine its RMSE. An average of the RMSE in the validation set is assigned to each geography and used in comparison to other models. HUD includes information on which model was selected for each forecast area in the FY 2020 FMR documentation system at https://www.huduser.gov/portal/datasets/fmr.html#2020_query. The models will be reassessed every 5 years. The FY

2019 Hypotheticals are based on ACS data, even in areas where a local survey is used for FY 2019 FMRs.

Comments: The new trend factor methodology does not place enough weight on the impact of local rents in calculating the FMR. The FMR methodology can be improved by increasing the weight of local housing conditions on the formula, or by returning to the policy where local rent survey costs may be reimbursed by HUD. The local surveys being conducted provide more accurate information than the trend factor methodology change, they should be used for 5 years and they should be funded by HUD. Several commenters were concerned that HUD would not continue to use local surveys conducted by the PHAs.

HUD Response: HUD is not eliminating the use of locally conducted surveys and HUD has never reimbursed local survey costs meaning there is no such policy to which to return. HUD has not been appropriated funding to conduct local area surveys for FMR purposes. The only viable avenue for reimbursement of surveys is the Housing Choice Voucher program administrative fee set aside account; however, reimbursement of FMR surveys is not an explicitly authorized category for reimbursement. In the past, when HUD relied on decennial Census data to estimate FMRs, HUD selected and paid for the local surveys that would be conducted in a given year; this contract and source of funds no longer exists. During that time if an unselected local area did its own survey, its survey cost was not reimbursed by HUD. Surveys are used for 5 years when there is no ACS recent mover data available for the FMR area in question. HUD extends the use of surveys to the maximum extent possible with the statutory limitation of using the "most recent data available."

Comments: Commenters were concerned about the Hypothetical FY 2019 FMRs that decline with the new local trend factor models. FMR decreases should be limited to 5 percent. Another commenter requested that FMR decreases should not be applied in the first year of a decline and should be limited to a 5 percent reduction afterward.

HUD Response: The decrease in the hypothetical FY 2019 FMRs means that the rate of growth measured by the more local forecast is slower than the national forecast. The FMR rulemaking that was completed in 2016, instituted a 10 percent limit on FMR decreases. This cannot be changed without undertaking further rulemaking. In cases where there were survey data used in place of ACS

data, the hypothetical FY 2019 FMRs may be lower because the survey rents were not used. PHAs have the authority to maintain their payment standard levels for in place tenants when FMRs decrease.

B. Neighboring ZIP Code Rents

Comments: County-based proxies should continue to be used instead of neighboring ZCTA.

HUD Response: County based proxies do not provide the same level of differentiation in rents and lead to anomalously high and low Small Area FMRs.

Comments: The methodology change for Small Area FMRs should not be implemented without a strict hold harmless policy at the level of the metro FMR. Also, concerns were expressed about decreases in SAFMRs in Qualified Opportunity Zones.

HUD Response: The purpose of using neighboring ZCTA data is to better localize rents and to take advantage of more local data. As for hold harmless policies, PHAs have the right to hold their payment standards harmless for in-place tenants who choose not to move.

Comments: HUD should investigate the spatial relationship between a ZIP Code that does not appear in the ZCTA data set and other neighboring ZIP Codes using the ZIP+4 data set. This could reduce the number of Small Area FMRs that will continue to use a county-based proxy rent estimate even with the proposed neighboring ZIP Code methodology.

HUD Response: HUD will evaluate this proposal and may propose additional changes to the Small Area FMR methodology, but that will require publishing a methodology change notice at a later date.

C. Other FMR Issues

Comments: The proposed methodology continues to be very complicated and does nothing to minimize the administrative burden for agencies to budget and better predict funding levels.

HUD Response: HUD provides detailed documentation and explanations of how FMRs are calculated. HUD has received numerous comments about the inaccuracy of FMRs particularly in housing markets where rents are changing rapidly. The complexity of the FMR calculation methods reflect HUD's best efforts to improve the accuracy of the FMR calculations. HUD's Office of Public and Indian Housing provides tools and support to agencies in their budgeting

activities for the Housing Choice Voucher program.

Comments: FMRs are not high enough, they should be increased. FMRs should be set at the 50th percentile. HUD should use rent reasonableness data, data from all renters not just recent movers, and rental data from additional sources such as Craigslist in setting FMRs.

HUD Response: HUD cannot unilaterally increase FMRs without supporting data. HUD cannot change the FMR percentile without undertaking rulemaking. Rent Reasonableness data are generally not market wide assessments of gross rents paid across the totality of the rental stock in an area and therefore are not suitable for calculating FMRs. HUD does use "All renters" in setting the base rent. The recent mover rent or recent mover adjustment is only used to increase the FMRs—we do not let the recent mover adjustment decrease rents. Craigslist, Axiometrics, and Apartment.com are not sources that can be relied upon for data capturing gross rents paid. HUD is reviewing the possibility of using alternative data sources for update factors but cannot use these sources for baselining FMRs.

Comments: HUD should incorporate vacancy rates and additional geographic data when calculating FMRs.

HUD Response: Vacancy rates were tested and did not add explanatory power to the gross rent index forecasts; further, there are not forecasts of expected vacancy rates as inputs for use in the forecast models.

Comments: Using CPI has unintended consequences; the use of CPI often forces people to choose between housing and Medicaid.

HUD Response: CPI has been the basis of our update of base year data for many years and our trend factors for several years. This proposed change to more local trend factors changes the use of the CPI from national to local and regional to capture differences in rent changes within the nation.

Comments: HUD should increase basic range payment standard flexibilities.

HUD Response: Payment standard ranges cannot be increased without statutory and regulatory changes. This is not something that can be done within the FMR calculation method notices; this may be done as part of a larger package of regulatory reforms.

Comments: How are bedroom sizes calculated and why was the two-bedroom the only one provided for the Hypothetical FY 2019 FMRs?

HUD Response: HUD calculates FMRs directly for two-bedroom units and other

bedroom unit sizes are calculated using bedroom ratios relating the different unit sizes to two-bedroom units. For a given year, the relationship between two-bedroom units and other unit sizes is the same; therefore, the percentage difference between the actual FY 2019 2-bedroom FMR and the Hypothetical two-bedroom FMR will be the same across all unit sizes.

Comments: HUD should discontinue its use of Core Based Statistical Areas (CBSAs) as the basis of metropolitan FMR areas. These areas create distortions in FMRs.

HUD Response: HUD has been using CBSAs as the basis of metropolitan FMRs since the FY 2006 FMRs for all but the New England areas. While the CBSAs were larger than the FMR areas in most metropolitan areas prior to FY 2006 FMRs, HUD instituted a policy of only including new counties to a metropolitan area where there was no rent data of its own that could be used or where the rent data for the new county was within five percent of the metropolitan-wide rent. This was done to mitigate the effects of geography changes on FMRs. Median family incomes were also required to be within five percent for a county to be added to an FMR area under a CBSA definition change. The adjustments made to the FY 2006 area definitions to separate subparts of these areas where FMRs or median incomes would otherwise change significantly are continued. To follow HUD's policy of providing FMRs at the smallest possible area of geography, no counties were added to existing metropolitan areas due to recent updates in metropolitan area definitions. All counties added to metropolitan areas by changes in the CBSA definitions will still be treated as separate counties for FMR calculations; that is, the rents from a county that is a subarea will not be used in the remaining metropolitan sub-area rent determination. All metropolitan areas that have been subdivided by HUD will use ACS data which conforms to HUD's area definition if statistically reliable information exists. If statistically reliable data for the HUD defined area is not available, HUD uses information from larger encompassing geographies, as described elsewhere in this notice. As of 2018, the CPI uses areas based on CBSAs. While CBSAs represented larger areas for the FMRs, for the CPI the CBSAs represent smaller areas.

VIII. Environmental Impact

This Notice involves the establishment of FMR schedules, which do not constitute a development decision affecting the physical

condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this Notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR part 888, are available at <https://www.huduser.gov/portal/datasets/fmr.html>.

Dated: August 21, 2019.

Seth D. Appleton,

Assistant Secretary for Policy Development and Research.

Fair Market Rents for the Housing Choice Voucher Program Schedule B—General Explanatory Notes

1. Geographic Coverage

a. Metropolitan Areas—Most FMRs are market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental-housing units are in direct competition. HUD uses the metropolitan CBSAs, which are made up of one or more counties, as defined by OMB, with some modifications. HUD is generally assigning separate FMRs to the component counties of CBSA Micropolitan Areas.

b. Modifications to OMB Definitions—Following OMB guidance, the estimation procedure for the FY 2020 FMRs incorporates the OMB definitions of metropolitan areas based on the CBSA standards as implemented with 2000 Census data and updated by the 2010 Census in February 28, 2013, including incremental adjustments through July 15, 2015. The adjustments made to the 2000 definitions to separate subparts of these areas where FMRs or median incomes would otherwise change significantly are continued. To follow HUD's policy of providing FMRs at the smallest possible area of geography, no counties were added to existing metropolitan areas due to recent updates in metropolitan area definitions. All counties added to metropolitan areas by the CBSA will still be treated as separate counties for FMR calculations; that is, the rents from a county that is a sub-area will not be used in the remaining metropolitan sub-area rent determination. All metropolitan areas that have been subdivided by HUD will use ACS data which conforms to HUD's area definition if statistically reliable information exists. If statistically reliable data for the HUD defined area is not available, HUD uses information from larger encompassing geographies, as described elsewhere in this notice.

The specific counties and New England towns and cities within each state in MSAs and HMFAs were not changed by the July 15, 2015 OMB metropolitan area definitions. These areas are listed in Schedule B, available online at <https://www.huduser.gov/portal/datasets/fmr.html>.

2. Unit Bedroom Count Adjustments

Schedule B, available at <https://www.huduser.gov/portal/datasets/fmr.html>, shows the FMRs for zero-bedroom through four-bedroom units. The Schedule B addendum shows Small Area FMRs for all metropolitan areas. The FMRs for unit sizes larger than four bedrooms may be calculated by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the zero-bedroom FMR.

3. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in the online Schedule B are listed alphabetically by metropolitan FMR area and by non-metropolitan county within each state and are available at <https://www.huduser.gov/portal/datasets/fmr.html>.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one state can be identified by consulting the listings for each applicable state.

c. Two non-metropolitan counties are listed alphabetically on each line of the non-metropolitan county listings.

d. The New England towns and cities included in a non-metropolitan county are listed immediately following the county name.

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BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R1-ES-2019-N115;
FXES11130100000-190-FF01E00000]

Endangered Species; Receipt of Recovery Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received an application for a permit to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act of 1973, as amended. We invite the public and local, State, Tribal, and Federal agencies to comment on this application. Before issuing the requested permit, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before September 30, 2019.

ADDRESSES: *Document availability and comment submission:* Submit requests for a copy of the application and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name and application number:

- *Email:* permitsR1ES@fws.gov.
- *U.S. Mail:* Marilet Zablan, Program Manager, Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Interior Regions 9 and 12, 911 NE 11th Avenue, Portland, OR 97232-4181.

FOR FURTHER INFORMATION CONTACT: Colleen Henson, Regional Recovery Permit Coordinator, Ecological Services, (503) 231-6131 (phone); permitsR1ES@fws.gov (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite

the public to comment on an application for a permit under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permit would allow the applicant to conduct activities intended to promote recovery of species that are listed as endangered under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes such activities as pursuing, harassing, trapping, capturing, or collecting, in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations (CFR) at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Application Available for Review and Comment

Proposed activities in the following permit request are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing this permit. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to this application. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
TE-25955C-3	Dr. Melissa Price, University of Hawaii at Mānoa, Honolulu, HI.	Aeo, Hawaiian stilt (<i>Himantopus mexicanus knudseni</i>); Alae keokeo, Hawaiian coot (<i>Fulica alai</i>); Alae ula, Hawaiian common gallinule (<i>Gallinula chloropus sandvicensis</i>).	Hawaii	<i>Aeo only:</i> Harass by floating eggs. <i>All species:</i> Harass by nest monitoring; capture, handle, measure, weigh; bio-sample; band, attach radio transmitters; release, and salvage.	Amend.