



**NNEDV**  
NATIONAL NETWORK  
TO END DOMESTIC  
VIOLENCE

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July 1, 2022

Via Email

Karlo Ng

Director on Gender-based Violence Prevention and Equity  
U.S. Department of Housing and Urban Development  
451 7th Street S.W., Washington  
Washington, D.C. 20410

RE: Addressing Comparable Databases and Confidentiality Requirements for Victim Service Providers

Dear Ms. Ng:

The National Network to End Domestic Violence (NNEDV) and the 36 undersigned state and territorial domestic violence coalitions, congratulate you on your appointment as Director of Gender-based Violence Prevention and Equity at the U.S. Department of Housing and Urban Development (HUD). You are a proven leader on these issues and we are delighted to work with you and your colleagues on ensuring that survivors' housing needs are addressed across all HUD components. Today, we respectfully submit this letter to discuss some of the longstanding challenges and current confusion regarding HUD's comparable database requirements for victim service providers (VSPs) and our recommendations. We look forward to working with you on resolving these issues.

Domestic and sexual violence are significant drivers of homelessness for women, families, and in particular communities of color and the LGBTQ+ community. HUD CoC and Emergency Solutions Grant (ESG) Program funds play a critical role in enabling communities to equitably address and prevent homelessness among survivors of violence. Victim service providers (VSPs) participating in homelessness assistance programs use comparable databases<sup>1</sup> to collect data and report to HUD and their Continuums of Care (CoC). We would like to formally request a meeting with you and your colleagues at HUD to discuss and recommend workable solutions to these requirements.

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<sup>1</sup> HUD regulations define a comparable database as "a database that victim service providers and legal services providers may use to collect client-level data over time and to generate unduplicated aggregate reports based on the data, and that complies with the requirements of this part. Information entered into a comparable database must not be entered directly into or provided to an HMIS," according to § 580.3 Definitions and § 580.25 (d)(1) retrieved from <https://www.govinfo.gov/content/pkg/FR-2011-12-09/pdf/2011-31634.pdf> and § 576.400 (f) retrieved from <https://www.hudexchange.info/resource/1927/hearth-esg-program-and-consolidated-plan-conforming-amendments/>

Despite HUD’s recent and welcome efforts to provide more clarification on the requirements for comparable databases via the Comparable Database Manual<sup>2</sup> and ongoing engagement with domestic violence advocates and vendors, barriers and confusion still exist.

VSPs throughout the country continue to struggle to acquire comparable databases that:

- meet HUD requirements while allowing VSPs to fulfill their other funder obligations (specifically confidentiality requirements under the Violence Against Women Act (VAWA), Victims of Crime Act (VOCA), and Family Violence Prevention and Services Act (FVPSA) and engage in best practices for survivor services);
- adequately prevent unauthorized access to survivor information; and
- are accessible, affordable and manageable for the organization with current staffing capacity.

Moreover, recent confusion about HUD required data fields, and technical and reporting requirements for comparable database users has only magnified the challenges facing VSPs, Homeless Management and Information (HMIS) leads, and CoCs, and comparable database vendors.

The most recent Comparable Database Manual and other communication from HUD to VSPs appears to be requiring VSPs to program their databases for all data fields required for all homeless assistance programs. The result is that VSPs would be required to program fields they will never use and, in some cases, could never share in a report due to VAWA and related confidentiality obligations<sup>3</sup> — siphoning resources from serving survivors and creating unnecessary costs. Additionally, data fields are required to be collected by VSPs are not in alignment with the FVPSA voluntary services requirement.<sup>4</sup> This confusion has thrust VSPs throughout the country into massive database overhauls or procurement processes, with no additional resources, as they attempt to ensure their databases can include these otherwise unnecessary elements.

In the midst of the global pandemic and housing crisis, as victim service providers are serving more survivors with higher needs, VSPs’ ongoing ability to provide vital housing resources to survivors is threatened by a one-size-fits all approach to data collection and reporting.

In order to meet survivors’ needs by investing in survivor-centered housing, we urge HUD to take swift action to remedy long-standing data collection and reporting barriers for VSPs. Ultimately, many VSPs, those best suited to provide survivor-centered housing, are not applying

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<sup>2</sup> [HMIS Comparable Database Manual](#)

<sup>3</sup> VAWA (34 USC §12291(a)(20) & (b)(2) [VAWA confidentiality](#)), McKinney-Vento as amended by VAWA 2005 (42 U.S.C. 11363), [FVPSA](#) (42 U.S.C. 10406(c)(5)), and [VOCA regulations](#) prohibit Victim Service Providers (VSPs) from disclosing, revealing, or releasing victims’ personally identifying information (PII)—including entering information into shared databases like a Homeless Management Information System—VSPs receiving CoC and ESG funding are required to maintain their own, separate database that is comparable to an HMIS (“comparable database”).

<sup>4</sup> A voluntary services model means that access to shelter or other supports cannot be conditioned on participation in any supportive services nor on consent to disclose personal information.

for HUD funds because of this issue. The issue is even more pronounced for rural, smaller and culturally specific programs, which also face limited staff capacity and high barriers to access the funding. An additional barrier to culturally specific programs impacts equity of services and access to housing for survivors of color. System-wide, unless this issue is resolved, we anticipate a reduction in housing options for survivors and the systems will have a reduced capacity to meet survivors' unique and urgent housing needs.

In light of the long-standing difficulties programs have navigating comparable database requirements, as well as the confusion about data standards, we respectfully request that HUD and VSPs work together to craft a new, clearer framework for comparable database standards and aggregate reporting that can facilitate data-driven responses to survivors of violence.

We recommend that this framework:

- be consistent with confidentiality obligations under, and best practices encouraged by, federal anti-violence programs (VAWA, VOCA, and FVPSA), specifically the use of a voluntary services model and survivor-centered, trauma-informed practice;
- include robust measures to prevent unauthorized access to survivor information and minimize danger to survivors related to data breaches;
- recognize the unique challenge of VSPs around confidentiality and navigating various federal laws and practices; and
- clarify that VSPs only need to program data fields in their databases that they are required collect or report.

We are grateful for HUD's leadership in addressing homelessness for survivors of violence and look forward to working together to ensure that comparable databases and data collection requirements are manageable for VSPs, safe for survivors, and meet HUD's needs. We have included with this letter a memorandum that outlines our ongoing concerns with comparable databases. We look forward to meeting with you and your team to discuss the issue further and develop workable solutions. If you have any questions, please feel free to contact Monica McLaughlin, Director of Public Policy, National Network to End Domestic Violence at [mmclaughlin@nnedv.org](mailto:mmclaughlin@nnedv.org).

Thank you for your leadership and dedication to ensuring everyone can access decent, safe, and affordable housing.

Sincerely,

National Network to End Domestic Violence  
Arkansas Coalition Against Domestic Violence  
California Partnership to End Domestic Violence  
Violence Free Colorado  
Connecticut Coalition Against Domestic Violence  
DC Coalition Against Domestic Violence  
Illinois Coalition Against Domestic Violence

Indiana Coalition Against Domestic Violence  
Iowa Coalition Against Domestic Violence  
Kansas Coalition Against Sexual and Domestic Violence  
Kentucky Coalition Against Domestic Violence  
Louisiana Coalition Against Domestic Violence  
Maine Coalition to End Domestic Violence  
Maryland Network Against Domestic Violence  
Massachusetts Coalition Against Sexual Assault and Domestic Violence (Jane Doe Inc.,)  
Michigan Coalition to End Domestic and Sexual Violence  
Violence Free Minnesota  
Mississippi Coalition Against Domestic Violence  
Montana Coalition Against Domestic and Sexual Violence  
Nebraska Coalition to End Sexual and Domestic Violence  
New Hampshire Coalition Against Domestic and Sexual Violence  
New Jersey Coalition to End Domestic Violence  
New York State Coalition Against Domestic Violence  
North Carolina Coalition Against Domestic Violence  
Ohio Domestic Violence Network  
Oregon Coalition Against Domestic and Sexual Violence  
Pennsylvania Coalition Against Domestic Violence  
Rhode Island Coalition Against Domestic Violence  
South Dakota Network Against Family Violence and Sexual Assault  
Texas Council on Family Violence  
Utah Domestic Violence Coalition  
Vermont Network Against Domestic and Sexual Violence  
Virginia Sexual and Domestic Violence Action Alliance  
Washington State Coalition Against Domestic Violence  
West Virginia Coalition Against Domestic Violence  
End Domestic Abuse Wisconsin

CC:

Richard Cho, Senior Advisor for Housing and Services, HUD  
Lisa Coffman, Senior Advisor, Office of Special Needs, HUD  
Norman Suchar, Director, Special Needs Assistance Program, HUD  
Fran Ledger, Senior Program Specialist, HUD  
William Snow, Senior Program Specialist, HUD  
LaToya Young, Specialist, Special Needs Assistance Program, HUD  
Jeff Olivet, Executive Director, U.S. Interagency Council on Homelessness

ENCLOSURE: Memo, Addressing Comparable Databases and Confidentiality Requirements for  
Victim Service Providers

## Memorandum

**To:** Karlo Ng, Director on Gender-based Violence Prevention and Equity and SNAPS Office, U.S. Department of Housing and Urban Development

**From:** Monica McLaughlin, Director of Public Policy, National Network to End Domestic Violence with signatory State and Territorial Domestic Violence and Dual Domestic Violence and Sexual Coalitions

**DATE:** July 1, 2022

**RE:** Addressing Comparable Databases and Confidentiality Requirements for Victim Service Providers

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Domestic and sexual violence are significant drivers of homelessness for women, families, and the LGBTQ+ community and Communities of Color are disproportionately impacted by this intersection. Meeting the housing needs of survivors of violence can be complex, given continued threats from abusers, survivors' history of trauma, and the invasive control and surveillance that they often experience. The U.S. Department of Housing and Urban Development (HUD) Continuum of Care (CoC) and Emergency Solutions Grant (ESG) Program funds play a critical role in enabling communities to address and prevent homelessness among survivors of violence.

This memo outlines how comparable database requirements are challenging for VSP organizations and proposes recommendations for an effective comparable database framework that maintains confidentiality and meets HUDs needs, while increasing survivors' access to resources.

Despite HUD's recent and welcome efforts to provide clarification on comparable databases via the Comparable Database Manual, the Comparable Database Vendor Checklist and stakeholder engagement, victim service providers (VSPs) throughout the country continue to struggle to maintain, operate, update, or acquire comparable databases that:

- meet HUD requirements while allowing VSPs to fulfill their other funder obligations (specifically confidentiality requirements under the Violence Against Women Act (VAWA), Victims of Crime Act (VOCA), and Family Violence Prevention and Services Act (FVPSA) and engage in best practices for survivor services);
- adequately prevent unauthorized access to survivor information; and
- are accessible, affordable and manageable for the organization with current staffing capacity.

Moreover, recent confusion about HUD required data fields, and technical and reporting requirements for comparable database users has only magnified the challenges facing VSPs, Homeless Management and Information (HMIS) leads, CoCs, and comparable database vendors. This has disrupted the field as VSPs scramble to ensure they are in compliance without affecting the quality of the services that they provide.

## Background: Comparable Databases

A VSP is a nonprofit organization with the primary mission to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.

Organizations that receive HUD CoC and ESG Program funds are required to collect project and client-level data in an HMIS administered by the local CoC.

VAWA, FVPSA, and VOCA contain confidentiality provisions that prevent victim service providers from disclosing, revealing, or releasing victims' personally identifying information (PII), including entering information into shared databases like HMIS. Disclosures are only made pursuant to written, informed, time-limited consent from the survivor. The Office of Violence against Women also requires that VSPs work to prevent inadvertent release of client information.<sup>5</sup>

This increased attention to confidentiality and protection of client information under VAWA and FVPSA is warranted.

- Domestic abusers and stalkers often use extraordinary measures to locate their victim after the victim takes steps to cut off access and prevent further mistreatment;
- Survivors of violence often have their daily movements and social interactions controlled by the abuser; regaining control in their lives, including control of their personal information, is important to moving forward; and
- Advances in technology, especially in the ability to remotely access information, have only increased these risks for victims, creating “new and greater opportunities to monitor and control survivors, magnifying the harms of domestic violence.”<sup>6</sup>

As a result, VSPs that receive CoC or ESG Program funds are required to maintain their own, separate database that is comparable to an HMIS, but that is not shared with other partners in the community<sup>7</sup>.

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<sup>5</sup> 34 U.S.C 12291(b)(2)(D)(ii) and 28 C.F.R. 90.4(b)(5).

<sup>6</sup> Madison Lo, *A Domestic Violence Dystopia: Abuse via the Internet of Things and Remedies Under Current Law*, 109 Cal. L. Rev. 1 (Feb 2021). See also Alexandra Katechakis, *Cyberstalking: The Fastest Growing Crime*, Psychology Today (March 10, 2015).

<sup>7</sup> VAWA (34 USC §12291(a)(20) & (b)(2) [VAWA confidentiality](#)), McKinney-Vento as amended by VAWA 2005 (42 U.S.C. 11363), [FVPSA](#) (42 U.S.C. 10406(c)(5)), and [VOCA regulations](#) prohibit Victim Service Providers (VSPs) from disclosing, revealing, or releasing victims' personally identifying information (PII)—including entering information into shared databases like a Homeless Management Information System—VSPs receiving CoC and ESG funding are required to maintain their own, separate database that is comparable to an HMIS (“comparable database”). HUD regulations define a comparable database as “a database that victim service providers and legal services providers may use to collect client-level data over time and to generate unduplicated aggregate reports based on the data, and that complies with the requirements of this part. Information entered into a comparable database must not be entered directly into or provided to an HMIS,” according to § 580.3 Definitions and § 580.25 (d)(1) retrieved from <https://www.govinfo.gov/content/pkg/FR-2011-12-09/pdf/2011-31634.pdf> and § 576.400 (f) retrieved from <https://www.hudexchange.info/resource/1927/hearth-esg-program-and-consolidated-plan-conforming-amendments/>

Mainstream homelessness service providers are integrated into a broader HMIS data collection and reporting system and have a clearly designated HMIS administrator to support the system. They typically are provided general training and support without any additional effort or financial resources on the part of their agency. Because each VSP must maintain its own comparable database, rather than using a shared system, the financial and administrative burden of collecting data and producing reports falls entirely on each VSP.

**I. We recommend and would ask HUD to confirm that VSPs are not required to have their comparable databases be programmed with all HUD data fields, particularly the data that is never collected or reported by VSPs.**

HUD's [Vendor Checklist](#) provides that a comparable database should contain "all of the common Program Specific Data Elements (PSDE) and response categories," and "all of the individual federal partner Program Specific Data Elements and response categories" or, more simply, the database must be programmed with all the data fields for all of the different homeless assistance programs.<sup>8</sup> HMIS materials, however, indicate that projects should only be collecting the data needed for their specific HUD program, not all programs.<sup>9</sup>

Presumably, this means that a VSP must purchase, modify and maintain a comparable database and program it to collect information in response to all questions for all the other homeless assistance programs, even though it only receives funding for one or two of the homeless programs (and therefore will only collect information on a portion of those programmed questions).

The recent HUD Comparable Database Manual, unfortunately, creates additional confusion: it refers to the Vendor Checklist, but then states "HMIS Data Standards means that the comparable database must be able to collect all fields (data elements) required for an HMIS by the kind of project it is (e.g., Emergency Shelter, Rapid Re-housing),"<sup>10</sup> implying that a comparable database need only be programmed to collect the data for the relevant programs.

The result of the policy and guidance is:

- a higher cost for comparable databases, which must be programmed with the ability to collect data they will never actually collect and cannot report; and
- confusion among VSPs about what information they must collect from the people that they serve.

We think it is better for VSPs not to have to program in fields that they may never use – it is costly, diverts resources from survivors, and is confusing and difficult to manage for VSPs. But this confusion has thrust VSPs throughout the country into database overhauls or procurement

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<sup>8</sup> See e.g. Comparable Database Vendor Checklist, available at <https://files.hudexchange.info/resources/documents/Homeless-System-Response-Comparable-Database-Vendor-Checklist.pdf>

<sup>9</sup> "Funder Program Component" HMIS Data Dictionary, (providing that projects only collect data specific to their specific federal program), available at <https://files.hudexchange.info/resources/documents/FY-2022-HMIS-Data-Dictionary.pdf>

<sup>10</sup> United States Department of Housing and Urban Development, *Comparable Database Manual* (April 2021), available at <https://files.hudexchange.info/resources/documents/HMIS-Comparable-Database-Manual.pdf>

processes, with no additional resources, as they search for a new database or modify their current database to include these otherwise unnecessary elements.

**We therefore ask** that HUD immediately clarify that comparable databases need only program data fields relevant to their specific HUD program. Building toward the future, we look forward to discussing what ought to be required of comparable databases to avoid unnecessary expense and complication for VSPs.

**II. We recommend that data collection standards for comparable databases should a) be consistent with best practices for serving survivors of violence and b) not be a barrier for VSP program participation.**

As VSPs throughout the country work to acquire and maintain comparable databases within HUD standards, the following guideposts should be used to guide the efforts:

**A. Data Collection Standards Should Be Consistent with Best Practices for Serving Survivors**

Survivors of violence have a unique set of needs when working with providers. Survivor safety is often predicated on confidentiality and they must maintain control over their personal information to plan for their safety and regain autonomy. Survivor-centered, trauma-informed services—best practices for serving survivors of violence—ensure that survivors feel that their privacy is protected, that they can safely exercise control over their information and choices, and that they are free to refuse to share information. Importantly, best practices also facilitate better working relationships with survivors, which may ultimately lead to survivors more quickly finding stability and permanent housing.

Federal anti-violence programs (VAWA, VOCA, and FVSPA) have recognized these unique survivor needs and best practices.<sup>11</sup> Survivor control is paramount in these programs. For example, FVPSA requires a voluntary services model, where access to shelter cannot be conditioned on participation in any supportive services nor on consent to disclose personal information.<sup>12</sup> Indeed, VAWA, VOCA, and FVPSA all make clear that victims cannot be required to consent to release personally identifiable information outside the program as a condition of receiving services.<sup>13</sup>

The current HUD approach to data collection for VSPs, however, focuses on what *must* be asked of survivors rather than *best practices for collection* from survivors.

VSPs are required to ask survivors a broad set of questions (a set of universal questions for all homeless assistance programs plus program specific questions). But while survivors are allowed to refuse to answer under the law, CoCs (under HUD oversight), NNEDV state coalition

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<sup>11</sup> See e.g. Office for Victims of Crime Model Program Standards glossary, *available at* <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/model-standards/6/glossary.html> (“Trauma-informed approaches place priority on restoring the survivor’s feelings of safety, choice, and control.”)

<sup>12</sup> See 45 CFR § 1370.10 (b)(10) and 45 CFR § 1370.4(a)(3).

<sup>13</sup> See 34 U.S.C 12291(b)(2)(D)(ii), 28 CFR § 94.115(d)(1), and 45 CFR § 1370.4(a)(3).



membership, and the local VSPs they work with, report to us that they are frequently pressured to collect answers or be downgraded in the competitive funding process. Struggling to ensure their programs are funded, CoCs and VSPs find it difficult to understand how to navigate the fact that VSPs' data will, if they are giving meaningful choice to survivors, include missing data.

As a result of the current approach:

- VSPs ask survivors a broad range of questions, often before developing trust, which may make the provision of quality services and the work to move survivors to permanent housing more difficult; and
- VSPs may feel pressure to get survivors to agree to share information, resulting in survivors only having token, rather than meaningful, ability to refuse sharing their information.

**We therefore ask** that HUD work with VSPs and CoCs to a) clarify that VSP programs should not be penalized for honoring their obligations not to share survivor information without permission, b) make clear that allowing survivors meaningful choice about whether information is shared will—by definition—mean that VSPs will have less complete data, and c) ensure that the information collected from survivors is limited to only that information that is relevant to addressing homelessness for violence survivors.

#### B. Comparable Databases Should Not be a Barrier for Program Participation

Finally, for many VSPs, acquiring and managing a comparable database is a continued costly and time-consuming challenge. Unlike other CoC providers, who can use the shared HMIS administered by the CoC, the VSP must manage their data systems entirely on their own. Operating a comparable database includes:

- researching systems
- procuring a database
- funding the purchase and maintenance of the database
- customizing the database for organizations
- providing system administration
- reporting
- training staff
- keeping up with regular HUD updates to data elements

State and territorial domestic violence coalitions and VSPs, and comparable database vendors contact NNEDV and HUD for technical assistance with significant concerns and report that organizations are giving up HUD funding or not pursuing additional ESG and CoC funding because of the burden and cost of the fulfilling the web of comparable database requirements. NNEDV hosts regular meetings with state DV coalition comparable database leads and ad hoc meetings with the two main comparable database vendors to provide peer support and address comparable database field challenges. At current count, there are five states where VSPs are in jeopardy of losing or are no longer pursuing their HUD ESG and CoC funding due to threats of defunding from their CoCs. In these states they are being penalized for confidentiality related issues such as not switching to a non-confidential HMIS vendor (third party access), not sharing dating, not deduplicating across the VSP system, and not collecting social security numbers (that

cannot be aggregated). VSPs braid together a number of federal funding streams to provide holistic support to survivors and HUD ESG and CoC funds play a central role. If entire states disinvest from VSP survivor-specific housing resources, it will destabilize their shelter and housing networks for survivors.

Creating low-barrier, accessible database frameworks is particularly important from an equity lens. HUD has long recognized the overrepresentation of Black, Indigenous and other people of color in the homeless system and has committed to reimagining housing with a foundation of racial equity.<sup>14</sup> But grassroots, community-based, rural, and culturally specific programs—frequently in Communities of Color—often have limited capacity to create new database systems and are therefore the most likely to be deterred by the complicated comparable database framework. The more complicated and costly the basic requirements of the program, the less likely these organizations will be able to participate. As a result, HUD funding requirements, including the sizable requirements of comparable databases, may inadvertently be keeping the programs most rooted in the very communities HUD aims to serve out of the program. The changes requested throughout this document would benefit all VSPs, including culturally specific programs.

**We therefore ask** HUD to work with VSPs to craft a new, clearer framework for comparable database standards and aggregate reporting that can facilitate data-driven responses to survivors of violence.

We recommend that this framework:

- be consistent with confidentiality obligations under, and best practices encouraged by, federal anti-violence programs (VAWA, VOCA, and FVPSA), specifically the use of a voluntary services model and survivor-centered, trauma-informed practice;
- include robust measures to prevent unauthorized access to survivor information and minimize danger to survivors related to data breaches;
- recognize the unique challenge of VSPs around confidentiality and navigating various federal laws and practices; and
- clarify that VSPs only need to program data fields in their databases that they are required collect or report.

## **Conclusion**

HUD, in partnership with VSPs, should create a more workable framework for comparable databases that will help advance equity by ensuring that grassroots, community-based, rural, small, culturally specific and other VSPs can confidentially provide survivor access to HUD CoC and ESG funds. The database standards should meet the needs of survivors and the VSP's they reach out to, provide clean aggregate usable data, and not exclude VSPs from funding competition/participating in their CoC and coordinated entry.

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<sup>14</sup> United States Department of Housing and Urban Development, *COVID 19 Homeless System Response: Part 1 Equity as the Foundation*, available at: <https://files.hudexchange.info/resources/documents/COVID-19-Homeless-System-Response-Rehousing-Activation-and-Racial-Equity-Part-1-Equity-as-the-Foundation.pdf>