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To Whom It May Concern:

The members of the Safe Housing Task Force submit these comments to Docket No. FR-7080-N-31, 30-Day Notice of Proposed Information Collection: Implementation of the Violence Against Women Reauthorization Act of 2013. The Safe Housing Task Force is a collective of national, state, and local organizations and advocates devoted to advocating on behalf of and providing services to survivors of domestic violence, dating violence, sexual assault, stalking, and human trafficking. Many of the Safe Housing Task Force members or individuals within their organizations also identify as survivors and have lived experiences relevant to this notice of proposed rulemaking. Safe Housing Task Force Members also drafted key recommendations pertaining to housing protections in the Violence Against Women Act (“VAWA”) and continue to advance the law’s implementation in their training, technical assistance, direct advocacy and policy reform. Previously, the Safe Housing Task Force provided comments to HUD’s earlier Information Collection Notice that previewed proposed changes to VAWA documents.

First and foremost, the Safe Housing Task Force wants to express its deep gratitude and thanks to HUD for considering our comments and incorporating many of our suggested changes. This includes improving language about reasonable accommodations, the features of a safe unit and safe forms of communications, and clarifying that survivors can still seek emergency transfers even if not in good standing. The comprehensibility and accessibility of these VAWA documents are vital to ensuring that all survivors can access VAWA’s housing protections. Our comments here reflect what remaining changes could improve survivor safety, confidentiality, access, and comprehension. We welcome the opportunity to continue to work with HUD to improve VAWA implementation.

The Safe Housing Task Force believes that the proposed collection of information is necessary for the proper performance of the functions of the agency and the information will have practical utility. Our recommendations are intended to improve HUD’s performance in terms of VAWA implementation and offer practical and life saving benefits to survivors. Our recommendations are intended to enhance the quality, utility, and clarity of the information to be collected.

**HUD 5380 - Notice of Occupancy Rights.** Thank you for the changes made to HUD Form 5380 - the Notice of Occupancy Rights, including improved language to make it more readable, the clarity around the additional rights of sexual assault survivors to transfers because the assault occurred on the property in the prior 90 days, the clarity around lease bifurcation,

documentation, conflicting information, and actual and imminent threat, and the additional language regarding reasonable accommodations and the new FHEO complaint process.

We understand the need for this notice to be simple, but urge additional information with respect to conflicting information. Based upon our experience, housing providers are claiming that they don't believe a survivor - without further evidence - and using this alone to serve as a basis to demand third-party documentation. HUD should define what conflicting information is and is not in order to limit this type of misuse of the documentation requirements. We would ask the same in terms of adverse factors, so that survivors are aware that these adverse factors should be considered and are relevant. A few simplified sentences on adverse factors could make the point clear, i.e., violence takes many forms and often has several collateral consequences, including ruining a survivor's credit or rental history or resulting in them having a criminal record. Providers will consider those facts before denying admission, terminating assistance, or evicting. Furthermore, we recommend HUD includes instructions on completion be included on the first page, similar to the certification instructions, that denote when this should be provided.

**HUD 5381 - Emergency Transfer Plan Form.** Thank you for the changes made to the Model Emergency Transfer Plan, including the clarity around timeframes, the greater detail housing providers should have in their plans around safe and secure conversations with tenants, the commitment to issue guidance on Memorandums of Understanding and transfer prioritization, and the further clarity around the fact that covered housing providers should not deny a tenant's request for a VAWA emergency transfer on the basis that they are not in good standing.

However, we urge HUD to require that the plans be publicly available. Without this mandate, covered housing providers will continue to not post, publish, or provide copies of their emergency transfer plans, resulting in most survivors being unaware of their transfer rights or how to exercise them. We continue to hear about survivors leaving their federally subsidized units - apartments that they likely waited years to secure - because they were given no information on what other safe housing options are available to them or how to exercise them. It also prohibits advocates from supporting survivors or improving local and regional transfer policies. This is especially true where the covered housing provider is a private entity not subject to public record act requests, which is now the majority of housing providers in the United States. Advocates sometimes spend months begging for emergency transfer plans or enlisting HUD field office staff to ask a covered housing provider to voluntarily tender a copy. Even then, the advocate has to FOIA HUD for the information, which can be costly and take months. The recently released Government Accountability Office study on emergency transfers underscores that HUD needs to improve implementation of VAWA emergency transfers. Transparency regarding the emergency transfer policies of covered housing providers is key to improving the process and ensuring survivors can actually benefit. As a result, HUD must require that the Emergency Transfer Plan be publicly available and describe how to make it available, which includes that advocates and victim service providers should also be provided copies. HUD could provide providers a variety of options to ensure this information is out, including by suggesting the provider include a hyperlink to the Emergency Transfer Plan in the Notice of Occupancy

Rights, posting the plan on a central bulletin board within the property (for safety reasons however, this cannot be the only posting), and providing a copy to any resident asserting VAWA rights. A resident should also be provided a copy of the Emergency Transfer Plan at critical junctures, including admission, termination, eviction, or any point where the person invokes their VAWA rights, including transfer requests.

We appreciate the emphasis on access to emergency transfers for survivors of sexual assault and expanded eligibility for emergency transfers based on fear of imminent harm or due to the assault occurring on the property within the last 90 days. While it is critical for survivors of sexual assault to have access to emergency transfers and uplift these needs with landlords/PHAs, we would be remiss not to emphasize that limiting emergency transfers to assaults that occurred within 90 days is detrimental to survivors as it is far too limiting. We understand this is far beyond the scope of this request and this would likely require actionable items from numerous federal partners including Congress, but feel strongly that the complex housing needs of survivors of sexual assault are best addressed in the context of over the lifespan, not limiting assistance to arbitrary timeframes.

Thank you for the precise nature of the good standing language. However, we continue to see how providers are granting emergency transfer requests that often languish for months if not longer, while simultaneously filing eviction cases against survivors that normally resolve in only a matter of weeks. We urge HUD to issue guidance that terminations and evictions should be put on hold until the transfer request is completed and the survivor has secured safe housing. At that point, the covered housing provider should evaluate if the alleged infraction has been resolved. Otherwise, this is a dangerous end run around VAWA's emergency transfer provisions and the purpose and intent of VAWA.

HUD should also clarify in the Emergency Transfer Plan and Notice of Occupancy Rights that survivors can temporarily leave their units while waiting for a transfer without the risk of being accused of abandonment. HUD needs to also address the issue of whether a survivor must continue to pay rent on a rent that is unsafe to them. Abatement of rent is permitted via regulation, 24 CFR 966.4(h), in public housing, when the housing authority is unable to make the housing habitable or secure alternative accommodations for the tenant. The same theory should be applied here, and the provider should abate the rent until alternative, safe housing can be secured. This language may also encourage housing providers to more actively engage in the emergency transfer process.

HUD did not include language about permitting others to speak on their behalf and a description of how that can occur (i.e., upon completion of an authorization for release of information). Note that [HUD Form 92006](#) (optional contact information form) could be issued here at other key points (family break-up, transfer, with notice of occupancy rights). HUD would need to also revise [HUD Handbook 4350.3](#) to state that it is required at these other key VAWA events, outside of just the limited mandate of the application stage.

**HUD Form 5382 - VAWA Certification Form.** Thank you for the improved safe contact language and the reasonable accommodation language.

**HUD 5383 - Transfer Request Form.** We appreciate the steps HUD has taken to ensure survivors' safety in this process by modifying the Transfer Request Form to request the "safest and most secure way" to contact a survivor and also giving survivors the opportunity to identify additional considerations relevant to safely contacting them. With regard to the later addition, we would recommend that HUD consider simplifying the question's language to simply ask "Is there anything else your housing provider should know to communicate with you safely?"

Additionally while the form now provides survivors the ability to designate whether it's safe to leave a voicemail it does not provide specific options with respect to mailing. Many housing provider's send mail in an identifying envelope with a logo of the provider. If possible, HUD should include on the form whether a survivor needs a blank envelope from the housing provider to ensure safety. Many survivors share a lease with their perpetrator, it would not be uncommon for a perpetrator who shares a lease with a survivor to open mail with a logo from the housing authority in which they both have a lease with. This could lead to extremely dangerous outcomes for survivors if the perpetrator becomes aware they are seeking an emergency transfer. While there is an "other" section, this more specific addition is an easy way for a survivor to indicate a safer way to be communicated with that may not come to mind. It should also be emphasized that a survivor is allowed and encouraged to update their contact information on this form. Many survivors may be in the midst of fleeing or changing methods of contact due to safety reasons. This is a helpful reminder that they can and should update any changes with contact information or the housing provider may not be able to assist them as expeditiously.

In addition to the changes HUD has made with respect to safe communication, we also appreciate HUD's efforts to acknowledge and quite literally make space for the intersecting needs of survivors by including a space for survivors to write-in other considerations or features required for a safe and suitable unit transfer. As was raised in our prior comments however, we would again emphasize that temporary absence from a survivor's current unit while awaiting a transfer may be necessary to ensure their safety. Therefore, we would encourage HUD to add an additional question between questions eight and nine as follows: "Do you need to temporarily leave your unit while you await a transfer?"

The intersecting needs of survivors require that, as much as possible, survivors be given options and flexibility to determine the manner in which to separate from the harm. While we understand HUD's position that HUD Form 5383 should be tailored as narrowly as possible to address only emergency transfer requests, we believe that it is imperative that survivors be notified at every opportunity that HUD has ensured that they have multiple options when seeking to leave. Therefore, we would recommend that in the "Purpose of Form" section, HUD include a short statement that "You should refer to the Notice of Rights HUD Form 5380 for additional housing rights you may be entitled to, including lease bifurcation and reasonable accommodation of your disabilities."

Finally, with respect to the proposed "Confidentiality" instruction, while the current section is thorough, it lacks plain language and accessibility. "Confidential" should be prominently

displayed (in bold and italicized) at the top of the form with an asterisk referring survivors to the detailed section below. Further, the explanatory section, in addition to modifications adopting plain language, should state clearly that neither the form nor the information it contains will be shared with the perpetrator.

**Emergency Transfer Data Collection**. We agree that the questions HUD is proposing to ask are the right questions but we are concerned HUD is still missing all of the information necessary to give HUD the full story about what is and is not working with respect to emergency transfers. We suggest an anonymous victim/tenant survey and survey of victim service providers and legal aid regarding their experiences with VAWA emergency transfers. CoCs already collect this type of information and so we think it should be possible for other providers to do the same.

While we understand that the information will be gathered and provided in an aggregate form, we urge HUD to offer covered housing providers more guidance on how to both comply with this important mandate and VAWA's confidentiality provisions. Be clear with providers on what they should do to comply with their privacy obligations and how to use [TRACS](#).

Thank you again for HUD's commitment to the effective implementation of VAWA. Please contact Debbie Fox at [dfox@nnev.org](mailto:dfox@nnev.org) or Shenna Morris at [smorris@nrcdv.org](mailto:smorris@nrcdv.org).

**Texas Council on Family Violence**

**South Coastal Counties Legal Services, Inc. along with its subsidiary The Justice Center of Southeast Massachusetts, LLC**

**Family Violence Appellate Project**

**Mid MN Legal Aid**

**National Low Income Housing Coalition**

**National Housing Law Project**

**National Resource Center on Domestic Violence**

**Asian Pacific Institute on Gender-Based Violence**

**Pennsylvania Coalition Against Domestic Violence**

**RESULTS Educational Fund**

**The SAFE Alliance**

**National Alliance to End Sexual Violence**

**Housing Justice for Survivors Project - Legal Services Center of Harvard Law School**

**National Network to End Domestic Violence**

**Iowa Coalition Against Domestic Violence**

**RI Coalition Against Domestic Violence**

**Illinois Coalition Against Domestic Violence**

**Ohio Domestic Violence Network**

**Violence Free Minnesota**

**New Jersey Coalition to End Domestic Violence**

**Zero V- Kentucky United Against Violence**

**Utah Domestic Violence Coalition**

**Nevada Coalition to End Domestic and Sexual Violence**

**California Partnership to End Domestic Violence**

**DC Coalition Against Domestic Violence**

**WA State Coalition Against Domestic Violence**

**New York State Coalition Against Domestic Violence**

**Jane Doe Inc., The Massachusetts Coalition Against Sexual Assault and Domestic Violence**