



August 15, 2024

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Reports Management Officer, REE
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To Whom It May Concern,

Maloney Properties Inc. (MPI) respectfully submits the below comments regarding the 30- Day Notice of Proposed Information Collection: Implementation of the Violence Against Women Reauthorization Act of 2013 and expresses our gratitude for the opportunity. We believe the proposed comments are important to HUD's implementation of VAWA and will greatly benefit survivors. MPI is a large property management company that manages 80 affordable housing communities, consisting of 10,000 units, in multiple states in New England. We take our obligation to fully implement VAWA very seriously, and welcome HUD's further implementation of VAWA. Before discussing comments specific to each form, MPI would like to express its thanks to HUD for 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 and in providing owners/agents necessary guidance to fulfill our responsibilities under VAWA.

VAWA Emergency Transfer Data Collection Form:

MPI believes that the proposed collection of information is important and may prove helpful in understanding the effectiveness of current emergency transfer policies and procedures. To further ascertain information regarding this topic, and barriers to providing emergency transfers, MPI recommends

- there be a place to list factors that contributed to the total length of time for the VAWA Emergency Transfer from the time it was received to the time the survivor moved into a safe unit. We believe that we cannot just look at the number of days to understand the totality of the transfer, and how we can improve the transfer process.

Factors include but are not limited to unit size requested, unit type requested, location to which the survivor wants to move, etc.

HUD 5380 Notice of Occupancy Rights:

- MPI appreciates the changes made to HUD Form 5380 - the Notice of Occupancy Rights, including making it easier to read, 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, as well as the additional language regarding reasonable accommodations and the new FHEO complaint process. These changes provide clarity to both survivors and housing providers. MPI requests further clarification and guidance be provided on what constitutes conflicting information and what does not, to alleviate the misuse of documentation requirements. We also request clarification on what HUD determines to be adverse factors so that O/As can advise survivors appropriately. MPI requests guidance on what HUD considers documentation of the nexus between adverse factors and VAWA violence/abuse. Examples would be very helpful. We recognize that information on this topic is provided in the Notices HUD issued in 2017: HUD Notice PIH-2017-08 (HA) Violence Against Women Reauthorization Act of 2013 Guidance; and HUD Notice 2017-05 Violence Against Women Act (VAWA) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents. However, survivors are unfamiliar with this, and site staff responsible for providing this notice to survivors will review with survivors only what is contained in the notice. Given the importance of adverse factors related to VAWA violence/abuse in relation to housing barriers at admission and lease compliance this is crucial for all parties involved. It will also serve as an important reminder to housing providers. In addition, the guidance is enormously helpful in listing adverse factors, but is void of examples of documentation a survivor would use to establish the nexus between the adverse factors and VAWA violence/abuse.

HUD 5381: Model Emergency Transfer Plan:

MPI is grateful for the changes made to the Model Emergency Transfer Plan, including the clarity around timeframes, the increased detail O/As should have in their plans surrounding safe and secure conversations with tenants, the commitment to issue guidance on Memorandums of Understanding, transfer prioritization and the further guidance around the fact that covered housing providers should not deny a tenants request for a VAWA emergency transfer on the

basis that they are not in good standing. These changes provide clarity to both survivors and housing providers.

- MPI requests additional guidance on how to incorporate/track a VAWA preference for a survivor in a safe and confidential manner on the waiting list which is kept electronically as well as TRACs
- We also request guidance and technical assistance around VAWA requirements and how they intersect with housing operations at both admission and during tenancy.
- Internal Transfers: MPI requests additional guidance on what HUD is saying regarding priorities. Per the updated Emergency Transfer, it states: “Tenants who qualify for an emergency transfer under VAWA will be given the following priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists.” Does this mean for example if a policy has 5 categories of emergency transfers, with one being VAWA, that VAWA must be the first category or does a O/A have the right to rank them? Should all be based on date and time of request? Is this the same for reasonable accommodation requests?
- External Transfers: Admission Preference: we request additional guidance from HUD on documentation certifying the Domestic Violence preference regarding keeping survivors’ information confidential. For example, if two sites from two separate O/As are working together to house a survivor.
- The following language was removed from the current HUD 5381 Model Transfer Plan and MPI suggests that this language be added back into the updated draft version: “If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred.”
- We request HUD issue guidance surrounding terminations and evictions being put on hold until the VAWA emergency transfer is complete, and the survivor has secured safe housing.
- We request HUD issue additional guidance in the Emergency Transfer Plan and Notice of Occupancy Rights regarding survivors’ ability to temporarily leave their units while waiting for a transfer without the risk of being accused of abandonment. We request that HUD issues policies and procedure to facilitate this. MPI is concerned in this case regarding subsidy payments and encourages HUD to address whether this would affect the sole residency requirements. Will the O/A still receive subsidy payments if survivors are temporarily out of their unit? How long can someone be temporarily out of the unit for?

HUD 5382: Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, and Alternate Documentation:

MPI is grateful for the improved safe contact language and the reasonable accommodation language. MPI suggests the following change to facilitate a survivor's emergency transfer request:

- The following question was changed from the current HUD 5382 and MPI suggests that this language be added back into the updated draft version:
 - o Current Version: #3 Your name (if different from victim's)
 - o Updated Draft Version: #3 Name of Applicant or tenant making (signing) this certification: * Please note: the applicant or tenant does not need to be the one filling out of the form. Someone can fill out the form on behalf of the applicant or tenant.

HUD 5383: Transfer Request Form:

MPI is grateful for the steps HUD has taken to ensure survivors' safety by modifying the Transfer Request Form with including additional options for safe and secure ways to contact and communicate with survivors as well as a place for survivors to list other considerations or features required for a safe and suitable transfer.

- We suggest additional language on the form regarding mailing options. We believe it is important for a survivor to be able to designate whether it is safe for mailings to be in the O/A's logo envelope or if they request a blank envelope.

Failure to Issue HUD-5380: Please confirm HUD's position regarding if failure to send the notice with any notification of termination of subsidy or tenancy renders the termination notice defective under HUD regulations.

Thank you for your review and consideration of the above comments.

Respectfully Submitted,
Ingelcia Lewis

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