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RE: *OMB Approval Number: 2577-0286*

To Whom It May Concern:

The undersigned organizations 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.

We want to express our gratitude to HUD for making so many changes in response to our previous comments. The changes made, particularly with respect to descriptions of reasonable accommodation rights, the features of a safe unit and safe forms of communication, and the ability for survivors to still seek emergency transfers even if they are not in good standing. The proposed collection of information is necessary for the proper performance of the functions of the agency and will have practical and life saving utility for survivors of domestic violence, dating violence, sexual assault, and stalking. The finalization of these forms will help to further operationalize VAWA and ensure that survivors and housing providers understand their rights and obligations. What we have suggested below aims to enhance the quality, utility, and clarity of the VAWA forms and emergency transfer data collection so that survivors secure and maintain safe housing and housing providers comply with VAWA by effectively meeting survivor needs.

HUD 5380 - Notice of Occupancy Rights. Thank you for the changes made to HUD 5280 - Notice of Occupancy Rights. The changes made to the form to make it more usable and readable for survivors and those helping them to understand their rights as survivors occupying rental housing, which includes informing survivors about VAWA. While we understand the need for this Notice to be simplified, we urge HUD to include information about how PHAs and other covered housing providers should deem that there is conflicting information regarding violence and abuse and then obligate the survivor to produce third-party proof. In our experience, we have dealt with housing providers who have regularly refused to believe survivors and use that as a basis for a conflict. They then demand third-party documentation, such as domestic violence restraining orders or divorce decrees. For example, PHAs in several Southern California cities have routinely informed survivors that to invoke protection under VAWA, the survivor must file for or get a divorce. Not only is such a requirement contrary to VAWA, it has the effects of revictimizing and discouraging survivors from seeking help so they and their families may have access to safe housing. To avoid demanding and unfair standards being placed upon survivors, we strongly suggest that HUD define conflicting information and not

permit a housing provider's unsupported belief that the person is not a survivor to serve as the basis to demand third-party proof. HUD could define conflicting information as situations where the abuser and survivor provide different descriptions of the circumstances or events that led to the domestic violence, dating violence, sexual assault, or stalking.

Additionally, we would recommend adding a simplified sentence on adverse factors to the HUD-5380 form, i.e., domestic violence/sexual assault takes many forms and often ruins a survivor's credit or rental history or results in them having a criminal record. It is important to add this sentence to HUD-5380 because in our experience, providers lack an understanding of the significant power and control that abusers wield against a survivor that impacts them in a variety of harmful ways. Providers regularly use poor credit, criminal, eviction, and rental history to deny admission, terminate assistance, or evict, without first considering the fact that those adverse factors stem from gender-based violence. HUD-5380 may be the only document a survivor is likely to review about their VAWA rights. Therefore, including this information about adverse factors is critical so that they can fully understand the breadth of those protections and exercise them.

HUD 5381 - Emergency Transfer Plan Form. Thank you for the changes made to HUD Form 5381. The ability to request an emergency transfer under VAWA is essential to survivors being able to maintain their housing subsidy when facing ongoing safety risks or trauma, especially if they live in an area where affordable housing is difficult to access due to long waitlists or few VAWA covered affordable units.

There are places where HUD can provide stronger directives to housing providers to ensure that they are complying with VAWA as they implement their emergency transfer plans. Noncompliance with VAWA and inaccessibility of VAWA emergency transfers is highlighted in the recent Government Accountability Office ("GAO") study on emergency transfers, which determined that there were many challenges survivors face when needing an emergency transfer, including meeting eligibility requirements for specific housing programs, finding larger unit sizes, finding units in safe locations, being put on long waitlists, and having limited coordination between housing providers. See GAO Study, available here <https://www.gao.gov/assets/gao-24-106481.pdf>. The GAO report specifically recommends "additional instruction and monitoring from HUD" to address these challenges, so that survivors are not forced to choose between their safety, trauma, and their housing. GAO Study at 2.

First, HUD must emphasize that emergency transfer plans (and other VAWA documents, like the notice of occupancy rights) must be made publicly available and describe ways in which housing providers can do this. Survivors cannot benefit from emergency transfer plans that they and their advocates are not aware of and cannot gain access to. Public accessibility may look different depending on the locality, and HUD should provide examples of ways that housing providers can comply with VAWA's requirement that an emergency transfer plan be made publicly available. Technology has advanced to a point that many housing providers have a website, which would be an easy and feasible place to include and find an emergency transfer plan, and other housing providers rely on on-site offices to connect with their communities, where an emergency transfer plan could be posted on a central bulletin board. HUD should

define what it means by “feasible” by including specific examples of convenient ways to make transfer plans accessible (e.g., if a provider has a website or public office) but to make clear that it must be made publicly available in all cases.

HUD guidance on public accessibility of emergency transfer plans is particularly important, because the data shows that housing providers are currently not complying with this requirement of VAWA. Between June and September of 2023, The Network: Advocating Against Domestic Violence connected with Illinois PHAs statewide to get a better understanding of the landscape of subsidized housing options available to survivors of gender-based violence and determine whether these options were easily accessible. The Network’s [report](#) shows that many PHAs did not have an available VAWA emergency transfer plan and others refused to provide it when requested. 68% of Illinois PHAs either had no transfer plan, refused to provide their transfer plan, or did not have a transfer plan publicly available. As well, in California, advocates in search of VAWA emergency transfer plans found that five housing authority websites they reviewed had no posted emergency transfer plans. HUD should make clear that providers should include their emergency transfer plans on any existing website and in common areas. Providers must also be obligated to provide a copy upon request to advocates, and to survivors seeking to exercise their VAWA rights. Public records act requests will not resolve this information gap, as the bulk of covered housing providers are now private owners not subject to public records laws.

Second, we appreciate HUD’s precise language regarding how a survivor does not need to be in good standing to be entitled to a transfer. We have additional recommendations as to how HUD can support survivors who are not in good standing when trying to transfer. HUD must further explain that providers cannot delay transfers or fast-track survivors for eviction to avoid their responsibility to transfer them under VAWA because they are not in “good standing.” Often survivors who need to transfer are simultaneously evicted by providers. This generally stems from providers failing to consider that the survivors’ not good standing status is based on adverse factors related to the violence, including economic abuse and technological abuse. Housing providers effectively circumvent the rule regarding a survivor not needing to be in good standing to access a transfer by simultaneously pursuing eviction while putting the person on a months to years long transfer list. There are also some providers who explicitly deny transfer requests if a survivor is facing eviction, which legal aid attorneys have seen in Denver, Colorado. As well, the New York City Housing Authority, ch. 4(H) of its Admissions and Continued Occupancy Policy (<https://www.nyc.gov/site/nycha/residents/acop/chapter-4.page>) states that any transferee (including VAWA) will be removed from the waitlist if they do “not satisfy debts, including but not limited to rent owed to NYCHA or to another public housing agency in connection with any assisted housing program within 90 calendar days of date NYCHA notifies the applicant of the requirement to satisfy the outstanding debt(s).”

Because eviction cases work far more quickly than VAWA emergency transfers in most circumstances, survivors often end up abandoning their subsidy (to prevent eviction), agreeing to settle the eviction case through a move out (to avoid an eviction on their record), or, if they can’t move on time, having an eviction order entered against them, which limits their future

housing options even further. In each of these situations, the survivor loses their assistance and right to transfer. In Chicago, a survivor in project-based section 8 agreed to a long move-out date to prevent herself from being evicted and with the understanding that a VAWA transfer would occur within the months-out date they agreed on; the provider did not identify any options to which the survivor could transfer and so she lived for months at the unsafe address and ultimately needed to move out without her subsidy. In another Chicago case, the public housing authority processed a transfer while its private property manager aggressively pursued an eviction. When the eviction lawyer for the private property management company learned that the transfer was going to happen, they filed motions seeking to continue the eviction case even after the survivor moved. HUD must make clear to covered housing providers that they cannot use evictions as an end run to their VAWA obligations.

Third, given the lengthy transfer delays, survivors are also often forced to leave their units for extended periods of time, which is further complicated by local and state law definitions of abandonment. Both covered housing providers and survivors should understand the parameters under which a survivor can be absent from a unit and feel comfortable using those when they cannot stay in a unit due to safety or trauma concerns. HUD can support survivors and covered housing providers here by defining abandonment of a subsidized unit to not include situations under which a tenant is leaving due to violence or the trauma that results, while a transfer is pending. Without guidance from HUD on this issue, housing providers will not exercise their authority to allow a survivor to be absent from a unit, and survivors will stay in unsafe units to preserve their subsidy. Additionally, many providers take the position that the survivor must pay rent to remain a program participant, which is next to impossible for low-income households, especially if they have to pay rent elsewhere. In a Boston case, the survivor was forced to leave her home due to the long delays waiting for a transfer and continue to pay for a unit she could not live in. HUD must clarify that survivors who need to leave their units pending a transfer should not be penalized or removed from a program for not paying rent for a unit they cannot safely live in.

We agree that HUD should issue additional guidance on how VAWA emergency transfers should be prioritized. When it does so, HUD should make clear that VAWA emergency transfers must take priority over any other non-emergency transfers or new applications. But greater clarity could also be included on this topic in the plan itself. For example, instead of reproducing word-for-word the language on the regulation (that VAWA emergency transfers should "receive, at a minimum, any applicable additional priority that housing providers may already provide to other types of emergency transfer requests"), the model plan should instruct covered housing providers to ensure that no non-emergency transfers or new application have a higher priority than VAWA emergency transfers. Many housing providers still view VAWA emergency transfers as voluntary or resident initiated, which then gives them a low priority for moves. For example, the [New York City Housing Authority](#) gives a number of non-emergency transfers (i.e., overhoused households, relocated residents due to repairs, and non-elderly households living in elderly developments) a higher priority than VAWA emergency transfers.

HUD Form 5382 - VAWA Certification Form. We thank HUD for the improved safe contact language and the reasonable accommodation language. We do ask that HUD reconsider explicitly allowing on the form for a survivor to have others speak on their behalf and a description of how that can occur. This could be by including and directly referencing the HUD's existing contact information form - HUD Form 92006 - and updating guidance to reflect that this form must be given out at all times HUD Form 5382 is required to be given out. Safe methods of communication must include using others to convey and receive information.

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. We would recommend that HUD consider further simplifying the question's language to ask "[I]s there anything else your housing provider should know to communicate with you safely?"

While the form now provides survivors the ability to designate whether it's safe to leave a voicemail, it should provide more options with respect to mailing. Housing providers often send mail in an identifying envelope with their logo. HUD should ask on the form if the survivor needs a blank envelope for safety purposes. Many survivors live in the same home as the perpetrator, and given the level of power and control experienced when there is domestic violence, a perpetrator is highly likely to open any mail from the housing provider directed at the survivor. This could escalate the violence if the perpetrator becomes aware that the survivor is trying to leave, especially when it may jeopardize their own housing subsidy. While there is an "other" section, this more specific addition is a more precise way of offering safe communications. As noted with the HUD VAWA Certification form, the survivor should also be notified here of their opportunity to update their contact information. 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 to contact information so that the housing provider can quickly assist them.

In addition to the changes HUD has made with respect to safe communication, we also appreciate HUD's inclusion of space for survivors to write-in other considerations or features required for a safe and suitable unit transfer. We would again emphasize that temporary absence from a survivor's current unit while awaiting a transfer may be necessary to ensure their safety and 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?"

As much as possible, survivors must be given all available options to determine the manner in which to separate from the harm and trauma. While we understand HUD wants to have HUD Form 5383 narrowly tailored to address only emergency transfer requests, it is critical that survivors also have other critical information. In the "Purpose of Form" section, HUD could 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." In this way, all of the VAWA forms work together to provide the survivor all of the information they need.

We appreciate the revisions to the confidentiality language but are concerned that it is not using plain language that is more accessible. “Confidential” should be bold and italicized at the top of the form with an asterisk referring survivors to the detailed section below. The explanatory section should also clearly state clearly that neither the form nor the information in it will be shared with the perpetrator.

Emergency Transfer Data Collection. We appreciate HUD outlining the questions it will ask covered housing providers to annually report regarding emergency transfer requests and outcomes. While the current questions listed are a good start, we believe that more information is needed to understand the full story of survivors’ experiences when they request an emergency transfer. Advocates across the country are seeing patterns where survivors are simultaneously being evicted while awaiting emergency transfers. HUD’s data collection should capture this reality so that policies can be adjusted to keep survivors safely housed while they seek a transfer.

For example, in Chicago, it was found that nearly 50% of the grievances filed for VAWA transfer delays or denials were overturned. Anecdotal evidence from other jurisdictions find similar patterns where providers either routinely deny transfers or approve transfers but then do nothing to move them forward. In one case in Boston, a survivor was killed in her home by her perpetrator. While the provider approved the transfer request, it made no effort to move the surviving family members. After waiting more than a year, the family moved out of their covered housing unit without help or further housing assistance. In New York City, survivors can wait years for a transfer to another site based unit to be finalized. As of 2023, [more than 1,700 survivors](#) were on NYCHA’s lengthy VAWA transfers waitlist. Recent data from Chicago also showed that between January 2022-July 2024, 61 public housing residents were offered more than 1 unit after requesting to relocate. However, the data does not show how many units these residents were offered, nor does it shed light on why more than 1 unit might have been offered. Often the first unit a survivor might be offered is simply too close to the unsafe unit they are trying to leave, but providers might insist there are no other options available. Thus, data collection should inform what steps housing providers have taken to aid survivors in moving to safe units, including by requiring them to report on how many units they offered to the survivor and the basis for offering additional units.

Another important way to get the full story is to survey victim service providers, legal aid agencies, and tenants themselves. Housing providers could be given a sample survey that they issue to the aforementioned groups and turn over all responses to HUD. CoCs already collect this type of information so it should be possible for other providers to do the same. Surveying victim services providers and legal aid will give context to reported numbers. For example, one reported relocation by a covered housing provider is often only achieved after months of advocacy on a survivor’s behalf. Because transfers and VAWA generally are complicated processes and survivors are already managing many other challenges related to the violence, legal aid groups and victim service providers are critical partners in getting the transfers completed. Inviting tenants to also share their experiences can help HUD understand what parts of the emergency transfer process are still acting as barriers for survivors accessing safety.

Measuring timeframes is a helpful metric for HUD to track, but additional questions will also help HUD track qualitative data, or individual survivor experiences, and not just quantitative/aggregate data. HUD should consider including questions that require providers to track and report not just the average wait time between a request and a relocation or denial, but the shortest and longest wait times among the data set. It is important to understand why some transfers take longer than others in order to continue improving the system for survivors.

When looking at transfer outcomes, in addition to reporting on why emergency transfer requests were not completed, providers should report on what safety planning options were offered to tenants who did not complete a transfer, such as referrals to local survivor hotlines or victim services providers. Providers should have to report if they simultaneously sought to terminate the assistance or evict a survivor.

Thank you again for all of the work HUD has done to improve these VAWA forms and the VAWA emergency transfer data collection. If you have any questions about the comments we have shared, please contact Kate Walz at kwalz@nhlp.org or Natalie Maxwell at nmaxwell@nhlp.org.

Sincerely,

National Housing Law Project

National Fair Housing Alliance

Legal Services NYC

Community Legal Services of Philadelphia

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

Public Justice Center

The Network: Advocating Against Domestic Violence

Legal Action Chicago

William E. Morris Institute for Justice

Mid MN Legal Aid

Colorado Poverty Law Project

Greater Boston Legal Services

The Public Interest Law Project

Greater Hartford Legal Aid

Family Violence Appellate Project

Legal Services of Northern Virginia