

## SUPPLEMENTAL INFORMATION

This is in response to OMB's action disapproving the VAWA Certification Form on October 27, 2006.

Thank you for your comments on the HUD submission of form HUD xxxx. The form will be used to implement certain provisions of the Violence Against Woman Act of 2005, Pub. L. 109-162. Based on your comments and our subsequent review and substantial revisions to the form, we believe that this revised form now addresses your concerns.

HUD has addressed the concerns raised in the 9/25/06 email from Maurice Champagne to Lillian Deitzer. The issues raised by that email and HUD's responses are summarized below:

Issue 1: The first concern is that the form would be mailed to the victim in their home, which the victim may share with the abuser. Commenters point out that the perpetrator often monitors the mail of the victim and would be likely to find the form and abuse the victim for attempting to report the perpetrator's misconduct.

HUD Response: We have removed the requirement that the form be mailed to the victim in his or her home, recognizing that this could pose a threat to the victim's safety. Instead, HUD has opted to give the PHAs the administrative discretion in determining how best to notify the tenants of the VAWA protections and provide the form to them in a manner that minimizes the threat to the individual's safety. The Notice accompanying the form provides that a PHA may choose to make the certification form available to all eligible families at the time of admission, so that the families are aware of the VAWA protections and the existence of the form from the time they enter the program. PHAs may also include the form with a notice to terminate assistance or occupancy rights. Also, the PHA may send notices to all tenants that inform them of VAWA protections and explain that a tenant who believes he/she is entitled to such protections may come to the PHA to pick up a form.

Issue 2: The second concern relates to confidentiality. The form originally submitted to OMB for review stated that all information provided would be kept confidential. However, there was no statutory citation authorizing the office to assure confidentiality of the form or the supporting statement. OMB commented that the office needs statutory authority to certify the form's confidentiality.

HUD Response: HUD has removed the original language relating to confidentiality and instead has inserted the statutory language in the form as follows:

"All information provided to an owner relating to the incident(s) of domestic violence, including the fact that an individual is a victim of domestic violence shall be retained in

confidence by an owner and shall neither be entered into any shared database nor provided to any related entity, except to the extent that such disclosure is (i) requested or consented to by the individual in writing; (ii) required for use in an eviction proceeding or termination of assistance; or (iii) otherwise required by applicable law.”

Issue 3: The form provided that the respondent must complete the certification form and attach supporting documentation or obtain a third party statement in order to receive the protections of VAWA. OMB’s concern was that this was in conflict with the statutory language that provided these were alternatives to the HUD certification form.

HUD Response: The initial form did require that the victim also submit either a police record or victim services statement in addition to completing the certification in order to receive VAWA protections. HUD agrees that the form initially submitted to OMB was not in concert with the statutory provisions and has revised the form to state the following:

Note that a family member may provide, in lieu of this certification (or in addition to it):

- (1) A Federal, State, tribal, territorial, or local police or court record; or
- (2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C. 1746) to the professional’s belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

Further, the Notice accompanying the form explains further that the PHA is not required to ask victims to submit the form and may, at its discretion, provide assistance to an individual based solely on the individual’s statement or other corroborating evidence. Nothing in the VAWA provisions require that an individual produce physical proof or official documentation in order to receive the protections of VAWA.