

**Notice of Submission of Proposed Information Collection to OMB;
Implementation of the Violence Against Women (VAWA) and
Justice Department Reauthorization Act of 2005
Docket Number FR-5124-N-01**

Comments were submitted by the following persons/entities:

1. Legal Momentum; New York, NY
2. National Network to End Domestic Violence; Washington, DC
3. Texas Advocacy Project, Inc.; Austin, TX
4. American Civil Liberties Union (ACLU); Washington, DC
5. Law Office of Texas Rio Grande Legal Aid, Inc.; Austin, TX
6. Texas Council On Family Violence; Austin, TX
7. Collaboration of groups [Institute of Real Estate Management, National Affordable Housing Management Association, National Apartment Association, National Association of Home Builders, National Leased Housing Association, National Multi Housing Council, Public Housing Authorities Directors Association]

Comments and HUD Proposed Responses

1. **Comment:** PIH Notice 2006-42 and form HUD-50066 omit critical elements of the certification requirements imposed under the law. The respondent states the following: both the form and notice only require the individual to self-certify that they are a victim; and the notice allows a tenant to provide additional information listed in the law, but does not require it. The respondent interprets the law as the law not requiring a tenant to provide the information listed, but allows the PHA, owner or manager to require the information. The respondent indicates that the legislative intent behind the certification requirement is to prevent fraud and to relieve PHAs, owners, and managers from the burden of determining who is and is not an “actual victim” of domestic violence; and to standardize the information being provided under the certification. The respondent indicates that HUD’s form does not provide PHAs, owners and managers the opportunity to obtain objective, third party verification of an act of domestic violence.

HUD Response: The form HUD-50066 is designed as a uniform tenant declaration form to be completed by the victim. It is not intended as a third party verification form. The certification form is not required for a victim to be afforded the VAWA protections. An individual may satisfy the certification requirement by providing documentation, which is derived from a third party source; or complete a HUD-approved certification form. However, it is not mandatory that the victim provide it and the program administrator may not demand the victim to provide it. The form HUD-50066 is standardized and collects limited and relevant information from victims.

Consistent with Section 606, PHAs, owners and managers may also use their discretion in providing benefits to the domestic violence victim solely on the individual’s statement

2. **Comment:** HUD should clarify who may complete and/or submit form HUD-50066. The form states “A family member must complete and submit this certification, or the information that may be provided in lieu of the certification, within 14 business days of receiving the written request for this certification by the PHA, owner or manager.” The respondent is concerned that the use of term “a family member” in this context may generate unnecessary confusion. The respondent indicates that this verbiage casts doubt on whether the tenant her(him)self is permitted to compete and submit the certification. It is also improperly suggests that only a family member may assist an individual in completing a form or may submit a form on behalf of an individual.

HUD Response: HUD agrees with the respondent that the form should be clarified to identify who should complete form HUD-50066. However, it does not matter who submits the form, as long as the form is received by the PHA, owner or manager. HUD proposes to revise the following text on the form:

- a. **Use of Form:** Within 14 business days of receiving the written request for this certification by the PHA, owner, or manager, an individual seeking protection from eviction or termination of assistance as a result of domestic violence may complete and submit this certification form; or in lieu of the certification form, provide information related to his/her domestic violence incident. The certification or alternate documentation or verbal statement of facts must be provided to the PHA, owner, or manager. If the individual has not provided the requested certification or the information that may be provided in lieu of the certification by the 14th business day or any extension of the date provided by the PHA, manager, or owner, none of the protections afforded to victims of domestic violence, who participate in the Section 8 or Public Housing programs will apply. Distribution or issuance of this form **does not** serve as a written request for certification. [Note: the term “family member” has been replaced with “individual”. Thus the form specifies that the form is for individuals who are the victim of domestic violence and seek protection from eviction or termination from the Section 8 or Public Housing programs.]
 - b. The second paragraph under the **Use of Form** section is revised to replace the term “family member” with “an individual”.
 - c. The second paragraph under the **Use of Form** section is revised to include item (3) the victim’s written or verbal statement or other corroborating evidence.
3. **Comment:** Clarify that VAWA requires PHA, owners or managers to make a written request for certification. The respondent states that VAWA only requires tenants to provide a certification in response to a written request from the PHA, owner or manager. Because the certification form is distributed in leasing packages, newsletters, other informational notices to tenants, some tenants may misinterpret the receipt of the form as a written request for certification. The respondent also indicates the need for HUD to provide tenants with a sample “written request” notice from a PHA, owner or manager.

HUD Response: HUD agrees with the respondent's comments and has added the following language to the certification form under the **Use of Form Section:** "Distribution or issuance of this form does not serve as a written request for certification." PHAs, owners, and managers may develop written request documents that include information about resources on domestic violence in addition to information about VAWA's protections and procedures. HUD will not prescribe the format of such a written request. The Department will not adopt this comment.

- 4. Comment:** HUD should develop policies to record receipt of form HUD-50066 or alternative forms of certification; distribution of form HUD-50066 and written request for certification.

HUD Response: PHAs, managers and owners have established policies for the distribution of documents, recordation of received documents and issuance of written requests.

- 5. Comment:** HUD should make form HUD-50066 available for completion on-line. This will ensure the greatest accessibility for victims of domestic violence, who are visually impaired.

HUD Response: HUD agrees with the respondent's recommendation to make the form HUD-50066 available for on-line completion to increase accessibility for visually-impaired victims, and will implement this recommendation.

- 6. Comment:** Require dissemination of form HUD-50066 with all notices of terminations of assistance, tenancy or occupancy rights, and a specific written request for certification. The respondent states that VAWA protections could apply in a variety of contexts, such as termination for noisy disturbances, criminal activity, or property damage. Since domestic violence is by nature, often hidden, PHA, managers and owners have no way knowing whether domestic violence is a factor in a given termination.

HUD Response: HUD's notice PIH-2006-42, recommends that PHAs make the form HUD-50066 available at the time of admission and include the form in termination notices. Since HUD recommends PHAs to distribute information on VAWA protections via routine mailings and informational distributions and will also make the form HUD-50066 available on-line, it is not necessary to require dissemination of the form. It should also be noted that it is a standard practice of PHAs, owners and managers to distribute valuable and useful information via bulletin board postings, regular mailings, leasing appointments, annual and interim reexaminations, periodic newsletters, etc.

- 7. Comment:** Require notice of rights to be posted prominently in all PHA offices, management offices, and appropriate common area.

HUD Response:

The VAWA requires that PHAs, must notify tenants of their rights under VAWA, which includes the existence of the HUD Form and the right to confidentiality and limits thereof. HUD PIH Notice 2006-42 included this information and suggested ways PHAs could make the certification available. As stated in comment 6 above, it is standard practice of PHAs, owners and managers to distribute valuable and useful information via bulletin board postings, regular mailings, leasing appointments, annual and interim reexaminations, periodic newsletters, etc.

- 8. Comment:** Make Form HUD 50066 Available for Completion online. Writers suggested that many visually impaired persons are better able to read and complete documents such as Form HUD 50066 when they are made available in an alternative electronic form, given the availability of programs that enhance the readability of the documents. Making Form HUD 50066 available online for electronic completion will ensure the greatest accessibility for those victims of domestic violence who are visually impaired.

HUD Response: The Department has decided to adopt this comment.