

Supporting Statement for Paperwork Reduction Act Submissions
2577-0286
Implementation of the Violence Against Women Reauthorization Act of 2013

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Public Law 113-4, 127 Stat. 54, reauthorized and amended the Violence Against Women Act of 1994, as previously amended (title IV, sec. 40001-40703 of Public Law 103-322, 42 U.S.C. 13925 et seq.). In doing so, VAWA 2013 expanded the VAWA protections that applied to HUD's Section 8 and Public Housing programs and widened the range of HUD's housing programs that are subject to VAWA protections.

The provisions of VAWA 2013 that afford protections to victims of domestic violence, dating violence, sexual assault, or stalking are statutory and statutorily directed to be implemented. Accordingly, on November 16, 2016, HUD published a final rule at 81 FR 80724 (VAWA Rule), implementing VAWA 2013's provisions in its housing programs.

VAWA was reauthorized by the Consolidated Appropriations Act, 2022, Public Law 117-103, on March 15, 2022. HUD is continuing to seek PRA approval of this information collection and related forms to implement the prior 2013 reauthorization, see Public Law 113-4, and will make the necessary adjustments to account for the 2022 reauthorization at a later time.

The HUD programs that include VAWA protections as required by VAWA 2013 and the VAWA Rule include:

- Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q);
- Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013);
- Housing Opportunities for Persons with AIDS (HOPWA) program (42 U.S.C. 12901 et seq.);
- HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.);
- Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants (ESG) program; the Continuum of Care (CoC) program; and the Rural Housing Stability Assistance program;
- Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5);
- Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1);
- HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 9 of the 1937 Act (42 U.S.C. 1437g), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f), and the Section 8 Moderate Rehabilitation Single Room Occupancy; and
- The Housing Trust Fund (12 U.S.C. 4568).

To ensure covered housing providers (CHPs) under the programs listed above comply with VAWA 2013 and the VAWA Rule, the Department proposes to provide certain documents for use as follows:

- *Form HUD-5380: Notice of Occupancy Rights Under the Violence Against Women Act.* HUD must provide this notice to CHPs, which must, in turn, distribute it to tenants and to applicants, at minimum, at the times specified in the VAWA Rule to ensure that tenants and applicants are aware of their rights under VAWA and its implementing regulations.
- *Form HUD-5381: Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.* HUD must provide this model document to CHPs. CHPs must develop their own emergency transfer plans, as required by the VAWA Rule, must make their emergency transfer plan available upon request, and, when feasible, must make their plan publicly available. CHPs may, at their discretion, use HUD-5381 to develop these plans.

- *Form HUD-5382: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation.* HUD must provide this certification form to CHPs, which must, in turn, distribute it to tenants and applicants as a required complement and extension of the required Notice of Occupancy Rights Under the Violence Against Women Act (Form HUD-5380). An individual may then submit and sign certifying that they or a member of their household are a victim of domestic violence, dating violence, sexual assault, or stalking and that the information provided on the form is true and correct to the best of their knowledge and recollection. The certification form serves as one tool for documenting the incident or incidents of domestic violence, dating violence, sexual assault, and stalking. (Note: This supersedes forms HUD-50066 and HUD-91066. VAWA 2013 required that the form be updated and made applicable to all covered housing programs.)

Applicants or tenants may provide third-party documentation along with or in lieu of form HUD-5382. The VAWA regulation stipulates that one such document –

- a) Be signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse or violence;
 - b) Be signed by the applicant or tenant; and
 - c) Specify, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for VAWA protection and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking in 24 CFR 5.2003.
- *HUD-5383: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.* HUD provides this form to CHPs, which may, at their discretion, distribute it to tenants. This form serves as a model for use by a CHP to accept requests for emergency transfers under its required VAWA Emergency Transfer Plan.
 - *Emergency Transfer Data Collection Form:* HUD must provide the Emergency Transfer Data Collection Form to CHPs, and it is the responsibility of CHPs to complete and submit this form to HUD, for purposes of fulfilling recordkeeping and reporting requirements. CHPs must keep a record of all emergency transfers requested under its emergency transfer plan, the outcomes of such requests, and retain these records for a period of three years, or for a period as specified in program regulations. Requests and outcomes of emergency transfers must also be reported to HUD annually. See 24 C.F.R. 5.2005(e)(12). HUD may tailor this form to ask certain questions by selecting different areas of this form that are relevant to specific covered housing programs.
 - *Lease Addendum:* The VAWA regulation includes certain requirements that must be incorporated into tenants’ leases.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

- CHPs will use the Notice of Occupancy Rights (form HUD-5380) to inform individuals who may be covered under VAWA of their rights.
- CHPs may use the Model Emergency Transfer Plan (form HUD-5381) for their own planning purposes—to establish VAWA emergency transfer plans.
- CHPs may use information gathered in the Self-Certification form (form HUD-5382) to determine whether individuals are entitled to protections under VAWA, after those individuals have used the same document to request such protections.
- CHPs may use the information gathered on the Emergency Transfer Request form (form HUD-5383) to determine whether individuals are entitled to emergency transfers under VAWA, after those individuals have used the same document to request such an emergency transfer.

- CHPs will also be required to complete the Emergency Transfer Data Collection Form (HUD-####) to report the number of transfer requests and outcomes from VAWA emergency transfers. Only CHPs will be required to fill out certain parts of the Data Collection Form and will need to report outcomes of such requests to HUD annually and keep records for three years or as specified by program regulations and guidance.
- CHPs will distribute lease addenda (or the equivalent) that contain the updated VAWA protections to their tenants.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

With respect to the Notice of Occupancy Rights and the Certification form (forms HUD-5380 and HUD-5382), VAWA 2013 mandates that CHPs provide both of these documents to tenants and to applicants at the times specified in the VAWA Rule (for example, when an applicant is denied rental assistance). Providing such documents in paper form is consistent with leasing practice and ensures all individuals have unmediated access to the documents. Thus, it is logical to provide them in this way. With respect to the Model Emergency Transfer Plan (form HUD-5381), HUD provides the document as a tool for use by CHPs and its use is discretionary. Whether or not CHPs choose to use HUD’s model emergency transfer plan, CHPs must establish VAWA emergency transfer plans, as required by the VAWA Rule, and must ensure those plans contain the required elements outlined in 24 CFR 5.2005(e) and any applicable program regulations. CHPs must make their emergency transfer plan available upon request and may disseminate it via their website or any other means in which ensures access by their tenants or participants. With respect to the Emergency Transfer Request form (form HUD-5383), use of this document is also discretionary—thus, HUD is not requiring it to be distributed via a particular method.

HUD expects that CHPs will report emergency transfer data to HUD in an electronic format. The Department plans to include data elements in program-specific database programs that will allow CHPs to easily submit and HUD to easily obtain the data.

I. HUD’s Public and Indian Housing Division will use:

DocuSign

Our VAWA emergency transfer data will be collected via DocuSign eSignature, specifically through the use of a DocuSign electronic self-service “PowerForm” template with fillable form fields. Participants in this data collection will click a hyperlink to launch this electronic form within a secure (https) web browser, manually enter questionnaire data into the form and submit the results via the secure connection.

Collected VAWA emergency transfer data can only be accessed and viewed in DocuSign by authorized internal HUD users. HUD user access to view collected VAWA emergency transfer data is granted exclusively by each departmental DocuSign Program Area Administrator (PAA). PAAs must be nominated by their DAS and complete DocuSign administration training in order to receive system administrator access.

DocuSign eSignature provides the following security measures to ensure privacy and data security for this process:

Physical security

- Geo-dispersed data centers with active and redundant systems and physical and logically separated networks
- Commercial-grade firewalls and border routers to detect IP-based and denial-of-service attacks
- Malware protection
- Secure, near real-time data replication
- Around-the-clock onsite security

Platform security

- Data encryption in transit and at rest with TLS connections and AES 256-bit encryption
- Data access and transfer via HTTPS

- Use of Security Assertion Markup Language (SAML), giving users the latest capabilities for Web-based authentication and authorization
- PKI tamper-evident seal
- Certificate of completion
- Signature verification and unalterable capture of signing actions and completion status
- Multiple authentication options for signers

Security certifications/processes

- Compliance with applicable laws, regulations and industry standards, governing digital transactions and electronic signatures, including:
 - [ISO 27001:2013](#): the highest level of global information security assurance available today
 - [SOC 1 Type 2 and SOC 2 Type 2](#): both reports evaluate internal controls, policies and procedures, with the SOC 2 report focusing on those directly related to security, availability, processing integrity, confidentiality and privacy at a service organization
 - [Payment Card Industry Data Security Standard \(PCI DSS\)](#): ensures safe and secure handling of credit card holder information
 - [Cloud Security Alliance \(CSA\) Security Trust Assurance and Risk \(STAR\) program](#): comprises key principles of transparency, rigorous auditing and harmonization of standards
 - [Asia-Pacific Economic Cooperation \(APEC\) Privacy Recognition for Processor \(PRP\) System](#): comprises Cross-Border Privacy Rules (CBPR) and Framework to protect the privacy and security of personal information at rest and in transit
- Ability to help support compliance obligations with specialized industry regulations, such as HIPAA, 21 CFR Part 11 and specified rules from the FTC, FHA, IRS and FINRA

SharePoint

DocuSign is the system that will “collect” the VAWA data, but the data will be stored in a HUD-owned internal SharePoint site/list, to be created after finalization of the electronic data collection form. A dynamic Microsoft Power Automate workflow will be configured to extract the submitted data in real time from DocuSign and populate the responses in the dedicated SharePoint list. Access to both the SharePoint site/list where the data will be stored will be granted by the internal HUD site owner to specific HUD users with the business need to view this data.

II. HUD’s Housing Division: Multifamily Housing

MFH intends to update their monthly voucher to collect transfer data. For NI Section 236 IRP projects, we will develop a form to collect the data annually. Here’s a link to the form (“voucher”) that owners who have entered into rental assistance contracts with HUD submit monthly: <https://www.hud.gov/sites/documents/52670.PDF>. What we envision is adding fields such as:

1. Number of emergency transfer requests initiated (during the month);
2. Number of emergency transfer requests open since previous voucher;
3. Number of emergency transfer requests closed during the month and, for these, length of time since each closed request was initiated.

All of this information can be anonymized, with owners retaining specifics in their own files.

We will need to update the instructions as well: <https://www.hud.gov/sites/documents/52670ins.doc>

III. HUD’s Office of Community Planning and Development, Office of Affordable Housing Programs (OAHP): HOME Investment Partnerships Program (HOME)/Housing Trust Fund (HTF)

The Office of Affordable Housing Preservation (OAHP) intends to collect VAWA data through the Consolidated Annual Performance and Evaluation Report (CAPER).

The CAPER process is already familiar to HOME participating jurisdictions and HTF grantees to report on accomplishments and progress toward Consolidated Plan goals. Logistics would need to be worked out with current the Integrated Disbursement and Information System (IDIS) / programming, but it is possible that VAWA forms could be attached to the CAPER in IDIS.

IV. HUD’s Community Planning and Development Division Housing Opportunities for Persons With AIDS (HOPWA)/Emergency Solutions Grant/Continuum of Care

ESG recipients will report VAWA data through the Consolidated Annual Performance and Evaluation Report (CAPER). CoC recipients will report VAWA data through the Annual Performance Report (APR) or the equivalent annual reporting form. HOPWA formula and competitive grantees will report VAWA data through the HOPWA Consolidated APR/CAPER form.

In most cases, CHPs will distribute lease addenda (or the equivalent) in paper, consistent with program-specific leasing policies. Typically, tenants must sign leasing documents and these processes are currently done in person and with paper documents.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Similar notices, model plans, and certification/request forms related to these purposes are not already available for the covered housing programs included in the regulation.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83 I) describe any methods used to minimize burden.

This rule implements the protections of VAWA 2013 in all HUD-covered housing programs. These protections are statutory and statutorily directed to be implemented. The statute does not exempt CHPs that may qualify as small entities from providing such protections to its applicants or tenants or provide fewer protections than covered entities that are larger entities. However, with respect to processes that may be found to be burdensome to small covered housing providers—such as the emergency transfer plan— HUD provides an emergency transfer plan for entities to use as a template in creating their own plan.

Regarding the emergency transfer data, HUD is disclosing a public reporting burden that the collection of information is estimated to take 30-minutes to one hour per response depending on the program including collecting, reviewing and reporting information.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The protections afforded under VAWA 2013 are statutory and statutorily directed to be implemented by HUD. Thus, HUD is statutorily required to provide relevant resources and information to be provided, collected, and distributed. In its final VAWA Rule, HUD not only articulated the burdens to be imposed upon CHPs, but also aimed to alleviate those burdens by providing forms, some of which, can be adopted by the CHPs for additional specificity. HUD has also developed an additional form for Emergency Transfer Data Collection that CHPs will be required to complete and submit to HUD annually or as specified by program regulations and guidance. HUD will be providing technical assistance (TA) around VAWA implementation and compliance including TA as related to completing said forms when published. HUD will be translating the documents into multiple languages.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- Requiring respondents to report information to the agency more than quarterly;
 - As mentioned above, the Office of Multifamily Housing (MFH) intends to update their monthly voucher to collect VAWA emergency transfer data from owners on a monthly basis.
- Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
 - **Form (HUD-5382) only: As statutorily mandated by VAWA 2013, at the request of the CHP or the option of the covered individual, a covered individual must provide a completed certification form (or alternate documentation as appropriate) within 14 business days (or any extension of that date provided by the CHP) after receiving a written request for documentation from the CHP. Without some certification (or alternate documentation as appropriate), a CHP may determine that the individual is not covered by VAWA 2013 and thus is not entitled to its protections.**
- Requiring respondents to submit more than an original and two copies of any document; **Not Applicable**

- Requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years; **Not Applicable**
- In connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study; **Not Applicable**
- Requiring the use of a statistical data classification that has not been reviewed and approved by OMB; **Not Applicable**
- That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or **Not Applicable**
- Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law. **Not Applicable**

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping disclosure, or reporting format (if any) and the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that preclude consultation in a specific situation. These circumstances should be explained.

For Form HUD-5380, Form HUD-5381, Form HUD-5382, Form HUD-5383, and VAWA Emergency Transfer Data Collection Form, HUD published a Notice of Proposed Information Collection for Public Comments in the *Federal Register*, 87 FR 66723, dated November 4, 2022. The public was given until January 3, 2023 to submit comments on the proposed information collection. There was a total of 10 public comments received.

HUD also hosted two consultation sessions concerning VAWA implementation. HUD held the first consultation with survivor advocates and victim service providers on June 22, 2023, in which participants from 61 organizations participated in the online session. HUD held the second consultation on June 23, 2023, with housing providers and trade associations in which participants from 49 different organizations participated.

For Form HUD-5380, Form HUD-5381, Form HUD-5382, Form HUD-5383, and VAWA Emergency Transfer Data Collection Form, HUD published a Notice of Proposed Information Collection for Public Comments in the *Federal Register*, 89 FR 57927, dated July 16, 2024. The public was given until August 15, 2024 to submit comments on the proposed information collection.

Comments for which HUD asked specific questions or made changes in response to are addressed in HUD's 30-day Notice of Proposed Information Collection for Public Comments in the *Federal Register*. All other comments are discussed here:

60-Day Public Comments and Response

General Comments

Form readability. Commenters had suggestions to make the forms easier to read and understand. Commenters noted that the forms should be accessible, readable, and understandable for people with low literacy and those who have disabilities, are cognitively impaired, are color blind, or have visual impairments. Another suggested that the forms should be written such that someone who knows nothing about VAWA can understand the housing protections and rights. Some commenters suggested that HUD should strike repetitive or unnecessary words and should streamline the forms to give essential information. Another suggested that HUD should use simpler sentences or a chart form, including for illustrating program-specific terminology. Commenters noted

that HUD should ensure it is using consistent language throughout the forms, such as referring consistently to “violence/ abuse” instead of just “abuse,” and not alternating between “perpetrator” and “abuser.” Another commenter noted that the distinction between “tenant” versus “household member” is unclear, as is the status of minors. Other commenters suggested that HUD should refer to the Notice of Occupancy Rights by form number and title when it’s referenced in the other forms, and HUD should hyperlink documents and resources when referring to them. A commenter noted that HUD should encourage covered housing providers to use plain language and accessible practices in the development of the forms for their use.

HUD response: HUD appreciates these suggestions from commenters. HUD has made edits throughout the forms to address these concerns about readability, including the specific edits described later in this Notice. Housing providers are encouraged to use plain language to the extent possible as they customize these forms.

Language access. Commenters suggested that HUD translate the forms into other languages. One commenter suggested that HUD translate into the top 15 most commonly spoken languages. Commenters stated that HUD should prominently place the language access requirements for the VAWA forms as a stand-alone provision so survivors who have limited English proficiency (LEP) can easily see it and be informed of their right to have the forms interpreted or translated to them if necessary. Currently, the information is too low down on the form and is likely to be missed. A commenter suggested that HUD could create a cover document containing a simple statement in all relevant languages stating that it is an important VAWA document and providing information about where to seek language assistance.

HUD response: HUD anticipates translating the forms into multiple languages, consistent with its Language Access Plan (LAP). The previously published versions of these forms are available in multiple languages on HUD’s website. HUD has also revised the forms to emphasize language-access requirements, including placing information about language-access prominently and early on the HUD-5380 proposed form. HUD reminds covered housing providers that they have an obligation to take reasonable steps to ensure meaningful access to their programs and activities by LEP individuals. Covered housing providers should follow their LAPs and conduct the four-fact analysis described in HUD and DOJ guidance to understand the reasonable steps they are required to take, and they must provide language assistance as required.

Administrative burden. Commenters suggested that HUD’s estimate of the administrative burden is too low.

HUD response: HUD thanks commenters and has reviewed the burden estimate and does not think further revisions are necessary.

Funding. A commenter asked for funding to assist some VAWA survivors in escaping violence/abuse and for shelters for survivors.

HUD response: HUD appreciates the need for funding to assist VAWA survivors, but it is beyond the scope of this proposed information collection.

Safety and resources for survivors. According to commenters, HUD should ensure information about whether to seek additional help is on each form (5380, 5382, and 5383) because consistent information across all forms will strengthen survivor’s access to and awareness of the resources and service options available. Commenters also suggested that the forms provide information about local and culturally specific services, such as by including a link to culturally specific hotlines. Some commenters urged HUD to ensure the forms and related training underscore the danger that survivors face when taking steps to end the abusive relationship and ensure safe housing because housing providers often disregard the danger that survivors face and the urgency of their circumstances, and there must be safety protocols in place when a survivor asserts their rights. Commenters noted that to meet safety planning needs, housing providers need to competently refer the survivors to a provider that understands and is trained on the escalation of violence, lethality indicators, or cultural nuances in the way violence may be described. One commenter supported that the forms list national hotlines, but suggested that HUD should consider whether such groups need training on specific VAWA rights. A commenter proposed that HUD should create a safety planning form for family break-ups and lease bifurcation processes that considers both short-term and long-term needs. Commenters throughout noted that HUD has an obligation to ensure that, whenever possible, survivors are empowered to choose what works best for them, their families, and their situation, and safety planning should take this into consideration.

HUD response: HUD thanks commenters for these suggestions. Where appropriate in the forms, HUD has included information about where to seek additional help, and covered housing providers are strongly encouraged to customize the Notice of Occupancy Rights and Emergency Transfer Plan to include information

about local resources and other resources for survivors, consistent with Federal requirements. HUD agrees that it is critical to empower survivors and encourages covered housing providers to work with survivors to best meet their needs and ensure that their VAWA rights are protected so that they do not need to choose between their safety and their housing. HUD will take these comments into consideration as it issues future VAWA guidance.

Lease bifurcation and family breakup. Commenters had suggestions for the lease bifurcation and family breakup processes in general. Some commenters want HUD to make bifurcation more available or otherwise mandatory. A commenter suggested that HUD should make family break-up and lease bifurcation rights available to all survivors, regardless of what program they participate in. A commenter stated that 24 CFR § 982.315 empowers the survivor to request that the perpetrator be removed from their Housing Choice Voucher by requiring that following a family-break up, the survivor retain the assistance. The commenter states that all VAWA covered housing survivors, not just those in the HCV program, should be prioritized in this way to retain the subsidy. Another noted that survivors should be able to affirmatively request to have their lease bifurcated and covered housing providers must process those requests and offer, but not mandate, safety planning. A commenter stated that HUD must reverse its position that the availability of lease bifurcation depends on “applicable state law” because it’s resulting in inconsistent access to this protection. HUD has the authority to mandate specific lease provisions to allow for lease bifurcation regardless of state law. If HUD does this, it should amend its forms as necessary. Another suggested that HUD should issue guidance to clarify that covered housing providers must have a lease bifurcation policy and should provide lease bifurcations to survivors who are able to verify their status as a survivor.

A commenter asked HUD to clarify that no additional certification besides the HUD-5382 is required for a lease bifurcation. According to a commenter, covered housing providers are interpreting HUD’s regulation at 24 CFR § 5.2009(a) to elevate the proof requirements when considering bifurcation by putting the burden on survivors to demonstrate a nexus between criminal activity and VAWA violence/abuse. If a bifurcation is denied, all a survivor can do is grieve the decision, but bifurcation is not mandatory and such grievances are not expedited. The commenter states that, therefore, HUD should remove the “criminal activity” requirement.

Commenters suggest that the forms should provide information about lease bifurcation and family break-up, and how it interrelates to emergency transfers. Since emergency transfers are not successful when the perpetrator is on the lease and receiving subsidy, it’s important to make survivors aware of bifurcation and family break-up rights. A commenter suggested that the three options need to be viewed collectively as a spectrum of housing retention options for survivors.

HUD response: HUD thanks commenters for this feedback. Many of the suggestions go beyond the scope of this information collection, but HUD will consider them as it engages in rulemaking to implement the most recent reauthorization of VAWA and for future VAWA guidance. HUD directs covered housing providers, survivors, and the public to existing VAWA guidance, specifically PIH-2017-08 (Violence Against Women Reauthorization Act of 2013 Guidance) and H-2017-05 (Violence Against Women Act (VAWA) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents). HUD also reminds covered housing providers that they must comply with the documentation requirements described at 24 CFR 5.2007 when seeking information about an individual’s status as a survivor of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfers. Commenters had suggestions for the emergency transfer requirements under VAWA. Commenters asked HUD to stop distinguishing between internal and external transfers, since internal transfers rarely protect safety or reduce trauma and external transfers rarely occur. Instead, they request that HUD require transfers when there is an available, safe unit within the same subsidy program (or, in the case of RAD converted projects, also to public housing units) regardless of waitlist. Others suggested that HUD should consider transfers to other properties owned and/or managed by the same entities as internal transfers, requiring providers to coordinate across their own portfolios to facilitate survivor relocation. Commenters also noted that HUD should mandate that covered housing providers cover moving expenses for an emergency transfer. A commenter recommended that HUD should encourage providers to utilize their resources or partner with community organizations to alleviate survivors’ cost burdens when there’s a transfer.

HUD response: HUD thanks commenters for these suggestions, but they go beyond the scope of this proposed information collection. With respect to moving costs, while HUD’s regulations do not make covered housing providers responsible for covering moving costs for survivors, HUD encourages covered housing providers to bear these costs where possible, or to work with victims to identify possibilities for funding transfers.

Confidentiality. A commenter noted that HUD must do more to protect survivors' confidentiality and hold accountable providers who violate confidentiality rules. The commenter directed HUD to available resources on confidentiality practices.

HUD response: HUD reiterates that complying with the confidentiality requirements in HUD's VAWA regulations is critical for protecting survivors' safety. If a survivor believes their VAWA confidentiality rights have been violated, they may file a complaint with HUD's Office of Fair Housing and Equal Opportunity (FHEO).

Failure to issue notices and forms. A commenter requested that HUD make clear that compliance and occupancy reviews of HUD covered housing programs will flag covered housing providers who fail to issue required HUD VAWA notifications and plans and will cite them for corrective action.

HUD response: HUD thanks commenters for their feedback. Covered housing providers are required to comply with HUD's regulations implementing VAWA at 24 CFR Part 5, subpart L, which include requirements for when these forms must be provided or otherwise made available, and HUD will enforce these requirements as applicable.

Lease addendum. A commenter stated that HUD should require covered housing providers to use a VAWA lease addendum, and covered housing providers should have to certify that they are using it and that households are informed about the terms of the addendum during initial lease signing and subsequent renewals.

HUD response: HUD's existing VAWA regulations require descriptions of VAWA protections in leases, lease addendum or contracts, as specified in the regulations for the HOME, HOPWA, ESG, and CoC programs. For the Housing Choice Voucher program under 24 CFR part 982, the project-based voucher program under 24 CFR part 983, the public housing admission and occupancy requirements under 24 CFR part 960, and renewed funding or leases of the Section 8 project-based program under 24 CFR parts 880, 882, 883, 884, 886, as well as project-based section 8 provided in connection with housing under part 891, the HUD-required lease, lease addendum, or tenancy addendum, as applicable, must include a description of specific protections afforded to the victims of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations implementing VAWA at 24 CFR Part 5, subpart L.

Technical assistance. Commenters noted a need for VAWA training and technical assistance on various topics, such as VAWA's housing provisions, facilitating emergency transfers, partnering with victim service providers, and meeting reporting requirements.

HUD response: HUD appreciates the commenters' feedback and is working closely with VAWA Technical Assistance Providers to provide training and technical assistance that will address these needs.

Form HUD-5380

Form readability. A commenter states that the revisions to the form are an improvement and make it easily readable. The commenter believes the question-and-answer format will assist residents in understanding what is required of them to assert their rights.

Other commenters had suggestions to make the form more readable. A commenter notes that the question "What is the Violence Against Women Act (VAWA)" is followed by information that does not answer the question, and it does not explain that VAWA is a federal law that provides survivors rights in housing. Additionally, the definition of VAWA violence contains terms not defined in the form. To keep the document short and simple, a commenter suggested including an appendix or cross-referencing the definitions in HUD-5382, since that form must be provided at the same time. Another commenter recommended that HUD should include a chart addressing the answer to the question, "how can I remove an abuser from my household" by each program. A commenter notes that due in part to confusing language in the form, some housing providers may think that survivors of sexual assault are only eligible for an emergency transfer if the assault occurred on the property in the prior 90 days, but such survivors are also eligible if they have a reasonable fear of further violence if they remain in the housing.

HUD response: HUD thanks commenters for their responses and agrees that the forms should be as simple as possible and accessible to a wide audience. HUD has made edits to the response to the question on the form that asks "What is the Violence Against Women Act (VAWA)" to better explain that it is a Federal law that protects survivors' housing rights. HUD has also included additional definitions; an answer to the question, "Can the perpetrator be evicted or removed from my lease?", and has added a chart to provide responses by program to the

question, “What happens if the lease bifurcation ends up removing the only tenant who qualified for the housing or assistance?”

HUD also made edits to emphasize that survivors of sexual assault are eligible for an emergency transfer either based on a fear of imminent harm from further violence or because the assault occurred on the property in the prior 90-days. These edits include capitalizing and bolding the words “either” and “or,” and including a designated note that reiterates this point.

Form title. A commenter recommends changing the title to “Rights for Survivors” or “Help for Survivors” because these are public facing documents and this will inform more survivors and help them understand that the Notice contains rights they have under Federal law. The Commenter notes that other Federal agencies have simplified titles of documents to help members of the public understand their rights.

HUD response: HUD appreciates commenter’s recommendation but declines to make this change. The title of this form is included in HUD’s regulations implementing VAWA at 24 C.F.R. § 5.2005(a), limiting HUD’s ability to make this change through the Paperwork Reduction Act process. Additionally, such a change is likely to cause confusion.

Confidentiality. A commenter states that HUD should include confidentiality requirements in Form 5380, particularly the requirement prohibiting personally identifying information about survivors without informed, time-limited written consent. The form should clarify that the release must be in writing and time-limited.

HUD response: While the form already included some information about confidentiality, HUD has now expanded the discussion of confidentiality to include the requirements that commenters mentioned.

Bifurcation. A commenter states that the bifurcation language, while it helps survivors understand that their housing provider may remove the abuser from the lease, is too dense. The commenter recommends streamlined language. Additionally, HUD should amend the answer to the question, “How can I remove an abuser from my household?” to make clear that survivors can affirmatively request their lease bifurcated and that covered housing providers are required to have a lease bifurcation policy.

HUD response: HUD has amended the question, “How can I remove an abuser from my household?” to instead ask, “Can the perpetrator be evicted or removed from my lease?” and provided a simplified response that explains that depending on the specific situation, a covered housing provider may be able divide the lease to evict just the perpetrator and this is called “bifurcating the lease.”

Adverse factors. A commenter notes that VAWA prohibits covered housing providers from denying admission to, denying assistance under, terminating participation in, or evicting a tenant based on an adverse factor, if the adverse factor is determined to be a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. HUD should include the list of adverse factors that it has included in its guidance in the form in order to provide notice to survivors.

HUD response: HUD thanks commenters for this suggestion but declines to add the list of adverse factors to form HUD-5380. HUD has included a list of examples of adverse factors in guidance, specifically PIH-2017-08 (Violence Against Women Reauthorization Act of 2013 Guidance) and H-2017-05 (Violence Against Women Act (VAWA) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents). This guidance includes non-exhaustive lists of potential adverse factors that could be a direct result of domestic violence, dating violence, sexual assault, or stalking. Covered housing providers and survivors are encouraged to use this guidance, but there may be other adverse factors, in addition to those included in these lists, that are also a direct result of domestic violence, dating violence, sexual assault, or stalking. The determination of an adverse factor will be fact specific. Because of this, and to limit the length of these forms, HUD has not added a list of adverse factors to HUD-5380.

Reasonable accommodations. Commenters recommend changes to better address reasonable accommodations that may be necessary for individuals with disabilities. HUD should revise the form to inform survivors that individuals with a disability may make a reasonable accommodation request at any time, including for the first time in an eviction. Also, the form should inform survivors that the law prohibits the housing provider from inquiring about the nature of the survivor’s disability and that in the event of a denial of a reasonable accommodation, the housing provider may need to engage in the interactive process to determine the accommodation that will work to allow survivors to submit their forms. Additionally, HUD should include a footnote to joint HUD-DOJ guidance about reasonable accommodations.

HUD response: HUD appreciates commenter’s suggestions and has added much of this information to the form while still ensuring that it is consistent with relevant fair housing and civil rights laws, including the Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

Actual and imminent threat. Commenters state that HUD needs to make clear that the actual and imminent threat exception to VAWA is quite limited by regulation and sub-regulatory guidance. HUD should include the factors under 24 C.F.R. § 5.2003 that a PHA or housing provider must consider in determining whether a situation involving a survivor falls under the “actual and imminent” exception. Without clarification, it appears that evicting a survivor without examining if there are mitigating circumstances is lawful. As boldly and prominently as HUD can make it, HUD should state that evictions should only occur if there is no other action to be taken that would reduce or eliminate the threat.

HUD response: VAWA does not limit covered housing providers’ authority to terminate assistance or evict a tenant under a covered housing program in the limited circumstances in which a covered housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property of the covered housing provider would be present if that tenant or lawful occupant is not evicted or terminated from assistance. An actual or imminent threat is one in which there is physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. Only if no other action can be taken to reduce or eliminate the threat should a covered housing provider evict or end the assistance of the survivor. HUD has edited the answer to the question, “Are there any reasons that I can be evicted or lose assistance?” to better convey that this is a limited circumstance, and that eviction or termination should only be used as a last resort.

Documentation. Commenters are concerned that the HUD-5380 does not adequately explain the types of documentation that a survivor may provide to establish their status as a survivor of VAWA violence/ abuse, as described at 24 C.F.R. 5.2007. HUD needs to revise the documentation section to include that a statement or other evidence can be used to satisfy a documentation request, and the housing provider must describe it in detail. Another commenter stated that this option (“any other statement or evidence that can be provided as documentation the applicant or tenant is a victim”) should be separated from the third option in the list of available documentation and have its own section. Additionally, the Notice needs to be clear that a covered housing provider is not required to request documentation when a survivor requests protections. Further, HUD needs to clarify that it is the survivor’s choice about what form of documentation to provide and that the covered housing provider must accept this documentation and may not seek additional documentation. HUD also needs to clarify on the forms that only one form of documentation is required unless the documentation does not meet the criteria or there is conflicting information, as provided in HUD regulations.

HUD response: HUD regulations provide a list of permissible types of documentation that a covered housing provider must accept from a tenant or applicant when the covered housing provider requests documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. To address commenter’s concerns that the fourth type of acceptable documentation (“at the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant”) be appropriately accounted for, HUD has revised the form to list this option on a separate line with its own numbering. HUD has also revised the response to the question, “What do I need to document that I am a victim of VAWA abuse/violence?” to clarify that only one form of documentation is required and that the survivor chooses which type of documentation to provide. HUD also added more information about the requirements that apply when a covered housing provider receives conflicting information.

Failure to issue the HUD-5380. A commenter suggests that HUD should state that a failure to send the Notice with any notification of termination of subsidy or tenancy renders the termination notice defective under HUD regulations.

HUD response: Where the form discusses the limited circumstances in which a survivor can be evicted or lose their assistance, HUD has included a reminder that covered housing providers must provide a copy of Form HUD-5380 and Form HUD-5382 with eviction or termination notices and prior to termination of tenancy.

VAWA complaints. Commenters suggest that HUD should add information on the Office of Fair Housing and Equal Opportunity (FHEO) new complaint process for potential VAWA violations under “have your protections

under VAWA been denied?” The current information about contacting HUD field offices is insufficient because field offices are rarely equipped to process complaints.

HUD response: HUD has revised the form to include a link to FHEO’s website which provides more information about filing a complaint and the link to the complaint form.

Form HUD-5381

Readability. Commenters state that the drafting notes are helpful and will help correct the issue of housing providers failing to provide necessary specific information.

HUD response: HUD thanks commenters for this feedback.

Use as a model form. Commenters are concerned that housing providers cannot rely on the model plan to be fully in compliance with the law. The intent of the statute was to make it easier for housing providers to comply with VAWA, but HUD’s template requires each provider to “reinvent the wheel” and thus is not a “model” plan. Housing providers do not have equal level of resources and smaller ones are relying on their ability to adopt HUD’s form. A commenter suggested that HUD provide a model plan for each applicable program that can be effectively used with only minor customization. Another suggestion is to provide a “key elements” notice that informs tenants of the key elements that need to be present in emergency transfer plans.

A commenter recommends specific jurisdictions for HUD to evaluate emergency transfer policies as it considers its model plan because commenter believes these jurisdictions’ plans demonstrate a level of commitment, innovation, and partnership to support survivors.

HUD response: HUD appreciates this feedback from commenters. HUD’s Model Emergency Transfer Plan serves as a model, but it is inherently necessary for covered housing providers to customize the form to their program and their housing portfolio to account for the distinctions among both program requirements and the discretionary choices made by covered housing providers. HUD has revised some drafting notes and customization instructions to clarify the necessary elements that covered housing providers must fill in.

Burden estimate. A commenter thinks the number of hours required to tailor the HUD model plan is closer to 24 hours, not 8 as HUD suggests.

HUD response: HUD thanks commenters and has reviewed the burden estimate and does not think further revisions are necessary.

Defining timeframes. Commenters state that HUD should require providers to provide a timeframe for processing Emergency Transfer requests. Further, covered housing providers should identify a time frame by which they will confirm receipt or respond to a survivor’s request.

HUD response. While the form already prompts covered housing providers to insert time frames as part of their policies, HUD has clarified that it means time frames “for approving or denying an emergency transfer request.”

Availability of emergency transfer plans. A commenter states that Emergency Transfer Plans must be publicly available, including being displayed prominently on housing provider websites and tenant-accessible bulletin boards. They further suggest that any member of the public should be able to receive a free copy of the plan in whatever format is accessible to them, and HUD should give further guidance on how to make plans publicly available using these methods.

HUD response: HUD thanks commenters for these suggestions but declines to make changes to the form. HUD regulations at 24 CFR § 5.2005(e)(11) require emergency transfer plans to be made publicly available when feasible, and the forms already conform to this standard. However, HUD notes that it is not aware of any instances in which it has been infeasible to make a plan publicly available, such as by posting it on a covered housing provider’s website or having a physical copy available in the covered housing provider’s office, and HUD will consider issuing further guidance on this subject.

Safety. Commenters suggest that Emergency Transfer Plans must allow survivors to consent in writing for a victim service provider, culturally specific organization, legal aid organization, friend, or family to be their point of contact to protect safety.

HUD response: HUD declines to make this a mandatory requirement, but covered housing providers are encouraged to include a section on “Safety and Security of Tenants” in their emergency transfer plans. HUD

reminds covered housing providers that survivors may have different needs based on their circumstances and that they should strive to communicate with survivors in the way that best meets the survivor’s safety needs.

Memoranda of understanding. A commenter states that HUD should include more details in its drafting notes about what a memorandum of understanding should include, why it’s important to establish cross-provider partnerships, and that covered housing providers who are establishing these memoranda should work with victim service providers, culturally-specific organizations, and local HUD offices. This is particularly important because emergency transfers are difficult in project-based Section 8 housing and other HUD multifamily housing.

HUD response: HUD thanks commenters for these suggestions but declines to make these changes. HUD believes this information is more appropriately conveyed in guidance and technical assistance, and HUD will consider future information the agency can release on this subject.

Transfer prioritization. A commenter states that HUD needs to provide more guidance on how to prioritize emergency transfer requests. The commenter points out an example of how a large public housing agency considers such transfer requests “resident-initiated” and thus low-priority, and, as a result of their policies for processing such transfers, VAWA survivors may have to wait over a year to move after an emergency transfer request has been approved.

HUD response: HUD will consider issuing guidance on this topic.

Protection of emergency transfer rights. A commenter states that HUD should include language in the forms that better explains to survivors the difference between an internal and an external transfer. The language from the Notice of Occupancy Rights should be included in the model plan regarding what a household can do if their transfer request is denied or other VAWA rights are otherwise violated.

HUD response: The forms provide space for covered housing providers to describe their policies for internal and external emergency transfers. HUD expects that covered housing providers will fill in information with respect to their specific policies. Survivors should also be provided with the Notice of Occupancy Rights at all required times, and that document also elaborates on emergency transfer requirements and information, if a survivor believes their rights have been violated.

Status in “good standing.” Commenters state that HUD needs to more directly state that whether a survivor is in good standing is irrelevant to the determination of whether they qualify for an emergency transfer. The current use of the words “should not” suggests that a provider may, if they choose, consider whether the survivor is in good standing when making the determination. They further suggest that HUD should provide examples of not being in good standing and explain that sometimes, this is due to VAWA violence/ abuse, and HUD guidance such as PIH-2017-08 provides clear explanations of adverse factors that might be a direct result of VAWA violence/abuse, including examples that directly connect to good standing.

HUD response: HUD thanks commenters for these suggestions. Where the form notes that covered providers should not evaluate whether a tenant is in good standing when assessing eligibility for an emergency transfer, HUD has added, “Whether or not a tenant is in good standing does not impact their ability to request an emergency transfer under VAWA.” HUD notes that survivors, covered housing providers, and others are encouraged to review existing HUD guidance, including PIH-2017-08 (Violence Against Women Reauthorization Act of 2013 Guidance) and H-2017-05 (Violence Against Women Act (VAWA) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents) for further guidance on adverse factors.

Form HUD-5382

Confidentiality. Commenters suggest that HUD should adopt protocols to ensure the safety of the survivor and the confidentiality of their status as a VAWA survivor, including but not limited to clarifying the question that asks a survivor to identify the best method of contact. It should be reframed to ask through which method of contact they can “safely and securely receive communications” regarding their rights and options, and should leave additional space for other circumstances to consider when communicating with a survivor. The form should note that survivors can regularly update their contact information as needed for safety purposes. The form should also permit a survivor to offer written consent and a release of information to another person, such as an advocate or lawyer, as the point of contact.

HUD response: HUD has revised the section of the form that asks a survivor to provide contact information in response to these comments. The question now asks for the “safest and most secure way” to contact a survivor and allows them to select multiple options. It also provides space for survivors to include other information in response to a newly added question, “Are there any additional circumstances your covered housing provider should consider to ensure your safety before communicating with you?”

Reasonable accommodations. Commenters state that the form should inform survivors that the law prohibits the housing provider from inquiring about the nature of the survivor’s disability and that in the event of a denial of a reasonable accommodation, the housing provider may need to engage in the interactive process to determine the accommodation that will work to allow survivors to submit their forms.

HUD response: HUD thanks commenters for these suggestions. HUD has revised the response to the question, “Can I request a reasonable accommodation?” to provide more information regarding reasonable accommodations that may be necessary for individuals with disabilities.

Actual and imminent threat. A commenter suggests that as boldly and prominently as HUD can make it, HUD should state that evictions should only occur if there is no other action to be taken that would reduce or eliminate the threat.

HUD response: As explained elsewhere in this Notice, HUD has revised Form HUD-5380 to address commenter’s suggestions regarding actual and imminent threat. Form HUD-5380 must be provided to survivors along with the HUD-5382.

Failure to issue the form. A commenter states that HUD should make clear that failure to send the 5382 with any notification of termination of subsidy or tenancy renders the termination notice defective under HUD regulations.

HUD response: As noted above, where the HUD-5380 form discusses the limited circumstances in which a survivor can be evicted or lose their assistance, HUD has included a reminder that covered housing providers must provide a copy of Form HUD-5380 and Form HUD-5382 with eviction or termination notices and prior to termination of tenancy.

Form HUD-5383

Readability. A commenter recommends removing the check boxes under number 9 (“Note”) because they’re confusing and suggested using bullets instead.

HUD response: HUD retains the check boxes so survivors can indicate which features they are requesting.

Requesting contact information. Commenters support changes made to this form regarding the best contact method for survivors and encourage further changes including allowing contact information to be updated, and providing space for survivors to list additional considerations, such as calling at certain times of day and not identifying the reason for the call if the survivor is not alone. The form should include space for survivors to give consent to speak with or work through a third-party, as allowed by confidentiality provisions, to support survivors who are under surveillance from the person harming them and offer additional safety means to communicate. Under the Best Method of Contact section, the form should allow space to list this third-party contact and consent to communicate with that contact.

HUD response: HUD has revised the section of the form that asks a survivor to provide contact information in response to public comments. The question now asks for the “safest and most secure way” to contact a survivor and allows them to select multiple options. It also provides space for survivors to include other information in response to a newly added question, “Are there any additional circumstances your covered housing provider should consider to ensure your safety before communicating with you?” HUD reminds covered housing providers that survivors may have different needs based on their circumstances and that they should strive to communicate with survivors in the way that best meets the survivor’s safety needs.

Additions to the form. Commenters suggest additions to the form. The form should provide space for survivors to identify if they will be temporarily absent from the unit to eliminate common issues caused by the survivor’s absence, including a housing provider issuing an eviction notice or considering the unit vacant.

Commenters further suggest that HUD should explicitly identify space for survivors to request a reasonable accommodation, including space to describe what is needed. The form should also explain what a reasonable accommodation is in the explanatory section at the beginning of the form.

Commenters also state that the form should include a section for survivors to request bifurcation of the lease. This section should be at the top of the form so survivors understand they have options to address both short-term and long-term needs. The form should make clear that is not either/or when it comes to bifurcation and emergency transfers, and both can be requested at the same time.

HUD response: HUD thanks commenters for their suggestions but believes the Form HUD-5383 should be tailored as narrowly as possible for use as an emergency transfer request form to minimize confusion and be as simple for use as possible. HUD has edited the form to provide space for additional circumstances for the covered housing provider to consider so as to ensure safety before communicating with a survivor, and survivors can include additional information in that space, such as if they will not be reachable in the unit for safety purposes. Similarly, HUD has provided space in the section that asks a survivor what features they are requesting for a safe unit, and survivors may write-in other applicable considerations here that would facilitate a suitable transfer, such as accessibility needs. The other forms in this package also explain that individuals can request a reasonable accommodation for a disability, and covered housing providers remain subject to obligations to provide reasonable accommodations as applicable under laws including the Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

Safety considerations. Commenters support HUD's options for survivors to identify features of a safe unit. They note additional factors include whether a unit allows essential parts of their safety network to remain accessible, such as job, childcare, healthcare, family, or victim service providers, and HUD should include access to safety network supports as an option in the section. The list reads as an exclusive list as written, even though it does provide an option for "other."

HUD response: HUD does not intend for the list of potential requested features to be an exclusive list. HUD regulations at 24 CFR 5.2005(e)(1)(iii) establish that a safe unit is one that the survivor believes is safe. HUD anticipates that survivors will have varied, fact-specific safety needs that will impact whether a unit for transfer is safe, and, therefore, the list provided in the form is intended to capture common potential features, but it cannot include every potential feature that a survivor may need. To address commenter's concern, HUD has included additional space for a survivor to write in "other" requested features. While the form included limited space before, HUD has revised the form to provide more room for survivors to write-in their needs when they select the "other" box.

Confidentiality. Commenters note that confidentiality is critical to ensure safety and to alleviate fear of reporting violence. They further suggest that consequently, HUD should inform survivors that they can request a compliance review from HUD if their information is improperly shared.

HUD response: If a survivor believes their VAWA confidentiality rights have been violated, they may file a complaint with HUD.

Use as an optional form. A commenter states that while the form is optional, HUD should make clear that all information contained in the form must be asked in writing by covered housing providers as survivors seek help.

HUD response: HUD's regulations and guidance do not address this specific issue. HUD will consider releasing further guidance on this matter in the future.

VAWA Emergency Transfer Data Collection Form

Support for the information collection. Commenters state that they support HUD's collection of this information and in defining what data covered housing providers must collect and report to HUD regarding emergency transfers. They further indicate that if done correctly, it will inform owners, agents, program offices, and HUD on both the effectiveness of existing emergency transfer plans and barriers to providing survivors such transfers.

HUD response: HUD thanks commenters for this feedback.

Submission of reports. Commenters raise concerns regarding methods for data collection suggesting that the data collection should be streamlined and not entail a new system. They also suggest that HUD develop standardized tools for covered housing providers. A commenter recommends that HUD review this information during Management and Occupancy reviews (MORs) performed at assisted housing sites and record the

information in the appropriate HUD database. According to a commenter, for the Voucher program, HUD should coordinate the submission of data with other data collection requirements and record the information in the appropriate HUD database.

HUD response: HUD appreciates commenters' concerns about efficiently collecting this information in a way that minimizes burden on covered housing providers to the extent possible. HUD intends to collect the information in the form through different methods depending on the program so that it can tailor the collection method to address this concern. Methods may include email communication, DocuSign, Microsoft Forms, or any other survey method collection.

Accuracy of the burden estimate. A commenter notes that the proposed information collection may require new systems to be developed, which will take time and resources. The commenter states that HUD needs to develop standardized tools for covered housing providers to use to facilitate the process to ease burden. Another commenter suggests that burden estimate will vary based on factors such as the internal structure of the program, whether the covered housing program has an operable and streamlined emergency transfer plan, and whether HUD will develop an electronic tracking sheet.

HUD response: HUD thanks commenters for this feedback and has considered it in its burden estimate.

Ways to enhance the quality, utility, and clarity of the information to be collected. Commenters state that HUD should use a standardized data collection form. HUD should use close-ended questions with standardized answer options because it will allow for better evaluation of the data. A mix of quantitative and qualitative information will allow for a more robust assessment. A commenter reminds HUD that it will need to make sure there is consistency among responses within a given report, to ensure reliable information is being collected.

HUD response: HUD has taken these suggestions into account in developing the questions in the form. The questions seek to collect both quantitative and qualitative information and aggregate data, and some questions are broken into parts that are intended to build on each other to ensure internal consistency.

Is HUD's list of potential outcomes adequate or are there outcomes that should be added or modified? A commenter states that the list of potential outcomes is adequate. Another commenter notes that the list of outcomes is great, and HUD can add additional outcomes. This includes adding process outcomes by program to capture the steps and processes used to develop best business practices. For example, looking at whether the covered housing provider has a VAWA coordinator, whether there's a step-by-step process for conducting transfers, whether there's software for searching housing across a portfolio, are there alerts when a unit becomes available, and the relationships that exist. For internal transfers, HUD should consider collecting data on how many requests resulted in transfers and did other transfers take precedence over the VAWA emergency transfer, and if so, why? For external transfers, HUD should collect information on how many requests resulted in transfers and of those, how many were to units in the covered housing provider's portfolio and how many not in their portfolio, as well as whether the receiving location had a VAWA preference.

HUD response: HUD appreciates commenters' suggestions and has included many of them in the form. HUD proposes to ask about whether a covered housing provider has a VAWA coordinator, the relationships that exist for facilitating transfers, and other process questions.

What is an appropriate measure for "length of time" for emergency transfers? Should a covered housing provider only measure from when the emergency transfer was requested to approval/denial and/or should it be measured to move-in date? If a victim is issued a Housing Choice Voucher (HCV) as a result of their emergency transfer request, should the length of time be measured from request to voucher issuance and/or lease-up date? A commenter suggests that the length of time should be based on the initial request and approval/ denial decision or voucher issuance. Basing the measurement on move-in date or lease-up date would be an inaccurate reflection of the housing provider's obligations, since they do not have control over when the tenant can move. Another commenter said that a covered housing provider should measure both from when the request was made either orally or in writing to both the approval date and move-in date. The obligation continues past the approval of the transfer, but measuring only by move-in date does not facilitate the prompt processing of requests. For survivors who are issued Housing Choice Vouchers (HCVs), the length of time should be measured from the transfer request to both the issuance of the voucher and lease-up date. This will help identify barriers to using vouchers and if there are patterns of discrimination.

Commenters note that the appropriate measure may vary. A reasonable timeframe depends on multiple factors, including whether the program has flexibility because it is inherently mobile or allows for short-term placements

for a survivor; the covered housing provider's housing portfolio, both in terms of size, number of management companies, internal waiting lists, preferences, and other criteria; and the housing stock available for the unit size and type in the appropriate geographic area, including turnover, waitlists, and preferences. Timeframe should be established by providing program-specific best practices.

HUD response: HUD thanks commenters for this feedback. Based on these responses, HUD proposes to use multiple metrics to measure the timeframe. The form asks covered housing providers how long it took for VAWA emergency transfer requests to be approved, denied, or determined to be incomplete after they were received (i.e. the time between when a request was expressly made to when the housing provider finished its review and (1) approved the request, (2) denied the request, or (3) determined that the request was incomplete). The form also asks how long it took for VAWA emergency transfer requests to be completed after they were approved (i.e. the time between when a request was approved to when the tenant has moved into a safe unit). The form then asks for length of time for VAWA emergency transfer requests to be completed after they were received (i.e. the time between when a request was expressly made to a housing provider to when the tenant has moved into a safe unit).

Should covered housing providers be able to explain the circumstances that affected the length of time for emergency transfers (e.g., the victim turned down offered units due to safety concerns)? A commenter asserts that covered housing providers should not be required to explain the circumstances that affected the length of time for emergency transfer but should be able to offer that voluntarily for HUD to document. Other commenters assert that covered housing providers should be required to explain the circumstances that affected the length of time for emergency transfers. Documenting efforts to comply with legal requirements is standard operating procedure and holds the covered housing provider accountable. It also protects staff and prevents liability. Similar processes are used for tracking reasonable accommodation requests. Understanding the reasons why is key for covered housing providers to self-evaluate their policies and practices and take corrective steps as necessary, and allows HUD to identify best practices.

HUD response: HUD appreciates commenters' feedback. In the form, HUD asks questions to collect data on the circumstances that affected the length of time for emergency transfers, but the questions are designed such that covered housing providers will report aggregate data instead of explaining each request individually. HUD believes this will minimize burden on covered housing providers while still allowing for the collection of vital information that can be used to improve the emergency transfer process and ensure that survivors are receiving their VAWA protections, and their safety is prioritized.

Additional emergency transfer information for HUD to collect. Commenters suggest other categories and types of data for HUD to collect about emergency transfers. Commenters recommend that HUD track the number of survivors who leave a housing program while their emergency transfer is pending. Since emergency transfers can take months to years to complete and survivors are left in unsafe housing, HUD should track whether the survivor gave up the subsidy, abandoned the unit, or was evicted while the transfer was pending. Another commenter suggests tracking the safety measures requested and provided while the transfer is pending. Covered housing providers should report on the average length of time between an emergency transfer request and approval and average length of time between approval and the tenant moving-in to the new housing unit. HUD should also collect whether the tenant was denied an emergency transfer and the reason why if so. If the denial occurred, did the covered housing provider identify another unit? A commenter suggests tracking the geographic location of the site being requested to transfer from and the parameters of the requested geographic area.

Commenters suggest that covered housing providers should identify partnerships with local victim service providers and culturally specific organization and the amount of referrals made through that partnership. A commenter suggests tracking whether the survivor was working with an advocate and including a "no-knowledge" checkbox if the housing provider doesn't know. HUD should also ask if the covered housing provider had a working relationship with a service provider who assisted in the process.

Commenters note that providers should identify if they have a VAWA coordinator on staff, including the number of hours the staff person has dedicated to this role and how many survivors have utilized this service. If they do not have a coordinator, they should identify who facilitated the emergency transfers.

Commenters further recommend that providers should report if they have or have considered an admission preference, and if they determined not to provide a preference, the covered housing provider should explain the analysis it used. Covered housing providers should also describe the priority given to VAWA transfer requests

relative to other transfer requests, such as overcrowding, reasonable accommodations and non-tenant initiated emergencies, and to waitlist applicants.

Commenters also state that providers should report on how many emergency transfer requests are coupled with requests for an accessible unit or a reasonable accommodation request, and how many emergency transfers are requested in this situation and whether needs are met. Providers should also report if residents needed reasonable accommodations to participate in the emergency transfer request process. Providers should also report on whether the requestor had limited English proficiency and if so, what language they requested be used.

A commenter suggests that providers should report on how many emergency transfer requests are provided to survivors of sexual assault that are not premised on fear of imminent threat of future violence.

A commenter recommends that HUD should collect from providers a list of explanations for why admission to a housing program is denied and track whether decisions are later reversed for a VAWA-related reason, such as by tracking how many applicants submitted a VAWA 5382 and were later admitted.

A commenter further notes that providers should list all moving resources/ transfer costs they provide and the number of survivors who have utilized these resources for a VAWA emergency transfer.

A commenter recommends that providers should use a point-in-time count to track the number of internal and external units they have available for transfer. HUD should collect data on both inter- and intra- development transfers separately. Public Housing Agencies (PHAs) should be required to report how residents in former public housing units converted to project-based vouchers under the Rental Assistance Demonstration (“RAD”) program have access to both RAD and public housing units within the housing authority’s jurisdiction in the event they need to seek an emergency transfer, since there is a statutory obligation that former public housing tenants in RAD converted properties retain the same rights and protection they had prior to conversion.

HUD response: HUD thanks commenters for these suggestions. As explained elsewhere in this Notice, HUD designed this form to collect aggregate information about emergency transfers, as opposed to collecting information on each individual transfer request. HUD believes that this will produce the most useful data, minimize burden on covered housing providers, and protect the confidentiality of individual survivors. To that end, HUD has incorporated commenters’ suggestions to the extent possible within this framework.

The form asks covered housing providers to report on why emergency transfer requests were not completed, which includes an option for “victim vacated unit.” The form also collects information about why an emergency transfer request was denied. There is also space for housing providers to indicate types of safety measures they offer, such as offering interim housing for survivors waiting for emergency transfers.

As explained elsewhere in this Notice, HUD also seeks to collect information about timeframes throughout the emergency transfer process. As commenters suggested, the form proposes to collect information about how long it takes for a VAWA emergency transfer request to be completed after it is approved. The form also asks about incomplete and denied emergency transfer requests.

HUD also proposes to collect other information suggested by commenters, including whether covered housing providers: collaborate or coordinate with public housing authorities, Continuums of Care, owners/managers, consortiums, or other providers for purposes of providing housing and services for victims; offer interim housing for VAWA victims waiting for emergency transfers; provide a waitlist preference for victims of domestic violence, sexual assault, dating violence, and stalking; have a VAWA service coordinator or someone who functions as a VAWA service coordinator; and conduct outreach activities to organizations that assist or provide resources to VAWA victims. HUD declines to collect all of the information suggested by commenters, as the form must prioritize collection of certain emergency transfer information to maximize the utility of the data collected while balancing concerns about burden on covered housing providers. HUD thanks commenters for these suggestions and will consider other ways to issue guidance on these and related matters.

30-Day Public Comments and Response

General Comments

Form Readability. Commenters requested that all forms receive a review to ensure that the forms were using plain language and were accessible. Commenters provided suggestions for specific sections of the forms that required edits to improve clarity and simplify language.

HUD Response. HUD has made edits throughout the forms to address these readability concerns. Housing providers are encouraged to use plain language to the extent possible as they customize these forms.

Form Accessibility. Commenters broadly stated that the number of times that the forms needed to be shared was an administrative burden and suggested other ways to make the forms accessible (e.g. link to forms, forms posted in community areas).

HUD Response. HUD appreciates the comments highlighting the administrative burden. Providing a copy of certain forms, including Form HUD-5380 and 5382, at specific junctures is a requirement, although making the forms publicly available so it can be easily accessed at other times is a good business practice.

Funding. A commenter highlighted the lack of housing as a barrier to successful emergency transfers and asked for funding to expand the affordable housing supply.

HUD Response. HUD appreciates the need for funding additional affordable housing. However, this issue is beyond the scope of this proposed information collection.

Failure to Provide Forms. Commenters requested clarification that covered housing providers must issue the Forms HUD-5380 and HUD-5382 as required. Commenters shared experiences of survivors failing to receive Forms HUD-5380 and HUD-5382 at the appropriate times. Commenters suggested that failing to do so should prevent a covered housing provider from possessing the unit and evicting that tenant.

HUD Response. HUD thanks the commenters for their feedback. Covered housing providers are required to comply with HUD's regulations implementing VAWA at 24 CFR Part 5, subpart L, and any program-specific regulations, which include requirements for when Forms HUD-5380 and HUD-5382 must be provided, and HUD intends to provide training and technical assistance on as well as enforce these requirements as applicable.

Expand Eligibility Period for Victims of Sexual Assault. A commenter requested that covered housing providers be informed that they could extend the eligibility period for victims of sexual assault beyond the 90-day required minimum.

HUD Response. This suggestion goes beyond the scope of this information collection. HUD will consider it for future VAWA rulemaking and guidance. Housing providers are reminded that survivors of sexual assault are eligible for an emergency transfer even if the assault did not occur on the property in the prior 90-days, because survivors of sexual assault are also eligible for an emergency transfer if they have a reasonable fear of imminent harm from further violence if they remain in their current dwelling unit.

Clarify Who Can Speak on Behalf of Survivor. A commenter requested that HUD include language about permitting others to speak on behalf of survivors, including a process for how that can occur. Commenters suggested that Form HUD-92006 be used to designate another to speak on their behalf.

HUD Response. HUD retains the edits it previously proposed in Forms HUD-5382 and 5383 that ask survivors to provide contact information. The question asks for the "safest and most secure way" to contact a survivor and allows them to select multiple options. It also provides space for survivors to include other information in response the question, "Anything else your housing provider should know to safely communicate with you?" HUD reminds covered housing providers that survivors may have different needs based on their circumstances and that they should strive to communicate with survivors in the way that best meets the survivor's safety needs. Making other suggested changes, such as the use of Form HUD 92006 goes beyond the scope of this information collection. HUD will consider it for future VAWA rulemaking and guidance.

VAWA Lease Addendum. Commenters stated that HUD must update the Office of Housing's VAWA Lease Addendum (Form HUD-91067).

HUD Response. HUD appreciates the comments and, while that form is not part of this information collection, HUD anticipates updating Form HUD-91067 soon.

HUD Multifamily Handbook 4350.3. Commenters stated that HUD must update the VAWA compliance requirements in the Office of Housing's Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs.

HUD Response. HUD appreciates the comments and anticipates providing additional formal guidance for covered housing providers. HUD is also working closely with VAWA Technical Assistance Providers to provide training and technical assistance that will address these needs.

Emergency Transfers. Commenters had suggestions for the emergency transfer requirements under VAWA. Commenters asked HUD to stop distinguishing between internal and external transfers, since internal transfers

rarely protect safety or reduce trauma and external transfers rarely occur. Commenters also shared that internal/external transfer language was confusing and unclear. Others suggested that HUD should consider transfers to other properties owned and/or managed by the same entities as internal transfers, requiring providers to coordinate across their own portfolios to facilitate survivor relocation. A commenter recommended that HUD should encourage providers to utilize their local resources or partner with community organizations to alleviate survivors' cost burdens when there's an emergency transfer.

HUD Response. HUD thanks commenters for these suggestions, but they go beyond the scope of this proposed information collection.

Technical Assistance. Commenters noted the need for VAWA training and technical assistance on various topics, such as VAWA's housing provisions and how they intersect with housing operations at both admission and during tenancy, facilitating emergency transfers, maintaining confidential records, and meeting reporting requirements.

HUD Response. HUD appreciates the commenters' feedback and is working closely with VAWA Technical Assistance Providers to provide training and technical assistance to covered housing providers that will address these needs.

Form HUD-5380

Form Readability. Commenters shared additional thoughts regarding the readability of Form HUD-5380. A commenter shared that the Form HUD-5380 is extremely lengthy and difficult to understand, highlighting that it appears to be geared towards advocates/lawyers over tenants/applicants. A commenter also shared that since the Form is required to be provided to all applicants and tenants when they are admitted or provided assistance, denied assistance or admission, or with a notice of eviction or termination of assistance, this ends up being a lot of paper. A commenter requested additional guidance on how housing providers could provide the Form in non-paper formats, such as a link included on a termination or eviction letter. A commenter also requested that the Form be generic enough to use without edits, stating that non-generic forms were more challenging to translate.

HUD Response. HUD appreciates the comments regarding the readability of Form HUD-5380. Housing providers are required by statute and regulations to provide this form to each tenant/applicant, to ensure that applicants and tenants have the best possible access to understanding their VAWA housing rights. HUD also maintains that including localized information (e.g. covered housing provider-specific or local victim service provider information) is critical for supporting survivors.

Failure to Issue Form HUD-8350. A commenter requested language outlining the times when Form HUD-5380 must be provided to be moved to the first page of the Form. The commenter shared concerns that this important language was located near the bottom of page three and, therefore, could be easily missed.

HUD Response. HUD appreciates the comment and agrees that this language is important. HUD has reiterated the requested language as a new question-and-answer at the top of the first page. Additionally, HUD has expanded that section to include information on all the times when housing providers must provide Forms HUD-5380 and HUD-5382. HUD maintained the language on page three as well for the question, "Are there any reasons that I can be evicted or lose assistance?," as that section outlines protections specifically available when a tenant receives a notice of eviction or termination of assistance before terminating tenancy, which include receiving Forms HUD-5380 and HUD-5382.

Lease Bifurcation. A commenter indicated that the chart outlining reasonable time for continued assistance to establish eligibility or identify alternative housing after a lease bifurcation included the Continuum of Care permanent supportive housing (PSH) program, but did not mention Rapid Rehousing (RRH) rental assistance. Another commenter stated that the lease bifurcation section requires clarity on how it applies to permanent supportive housing tenant-based rental assistance versus leasing projects.

HUD Response. The first row of the chart includes the following text: "HOME and Housing Trust Fund, Continuum of Care Program (except for permanent supportive housing), ESG program, Section 221(d)(3) Program, Section 221(d)(5) Program, Rural Housing Stability Assistance Program." Rapid Rehousing Rental Assistance would be included under a Continuum of Care Program, and, therefore, is already noted. More specific information on how lease bifurcation applies to different covered housing programs is highlighted in program specific regulations and guidance.

Adverse Factors. A commenter noted that VAWA prohibits covered housing providers from denying admission to, denying assistance under, terminating participation in, or evicting a tenant based on an adverse factor, if the adverse factor is determined to be a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. The commenter requested that HUD include the list of adverse factor examples in the VAWA Notices PIH-2017-08 and H-2017-05.

HUD Response. HUD thanks the commenters for this suggestion. HUD included a short list of adverse factors in the draft Form. Additionally, HUD included several pages of examples of adverse factors in Notices PIH-2017-08 (Violence Against Women Reauthorization Act of 2013 Guidance) and H-2017-05 (Violence Against Women Act (VAWA) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents). Covered housing providers, survivors, advocates, and other stakeholders are encouraged to use this guidance. For the purposes of preserving a shorter length of the Form, HUD declines to reiterate the entire list of adverse factors from the Notices into the Form.

Conflicting Information. Commenters shared examples of housing providers requiring additional third-party documentation without evidence of conflicting information and highlighted how this was a violation of VAWA documentation requirements. These commenters suggested that HUD define what conflicting information is and is not, to limit this type of misuse of the documentation requirements. Another commenter stated that HUD should 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. A commenter requested that HUD include additional language defining conflicting information as situations where the perpetrator and survivor provide different descriptions of the circumstances or events that led to the domestic violence, dating violence, sexual assault, or stalking

HUD Response. HUD thanks the commenters and notes that the Form includes a description of conflicting information in plain language. HUD anticipates providing additional information on conflicting information in future guidance and is working closely with VAWA Technical Assistance Providers to provide training and technical assistance that will provide additional assistance on this topic.

Failure to Issue Form HUD-5380. Commenters suggested that HUD state that a failure to send the Notice with any notification of termination of subsidy or eviction renders the termination notice defective under HUD regulations.

HUD Response. Where the Form discusses the limited circumstances in which a survivor can be evicted or lose their assistance, HUD has included a reminder that covered housing providers must provide Forms HUD-5380 and Form HUD-5382 with any eviction or termination notices and prior to termination of tenancy.

VAWA Complaints. A commenter suggested that HUD link directly to the FHEO VAWA website as it includes additional information specific to VAWA in addition to what FHEO’s primary complaint website includes.

HUD Response. HUD appreciates the comment and incorporated the additional link to FHEO’s VAWA website into the existing text.

Covered Housing Programs Outside of HUD. A commenter suggested that the form could be improved by specifically acknowledging that there are other covered housing programs outside of HUD, including the Low-Income Housing Tax Credit, that must follow VAWA requirements and are outside the scope of the HUD rules.

HUD Response. HUD has incorporated a footnote to the portion of the Notice that outlines covered housing programs. This footnote links to an Interagency Statement on the Violence Against Women Act’s Housing Provisions that was issued in September 2024 and, in part, outlines all the covered housing programs under VAWA.

Form HUD-5381

Add Language. One commenter requested that the following language be incorporated into the Model Emergency Transfer Plan: “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.”

HUD Response. HUD appreciates the comment, and declines to incorporate the additional language into the Model Emergency Transfer Plan at this time.

Emergency Transfer Prioritization. One commenter raised questions about the prioritization of VAWA emergency transfers versus other emergency moves. Similarly, another commenter requested that HUD provide guidance on the prioritization of VAWA emergency transfer requests, outlining confusion between the prioritization of VAWA emergency transfers, reasonable accommodations, or transfers related to a disaster. Another commenter suggested that HUD include additional instructions that emergency transfer plans should instruct covered housing providers that VAWA emergency transfers should take priority over non-emergency transfers or new applications.

HUD Response. These suggestions exceed the scope of this information collection. HUD will consider them for future VAWA rulemaking and guidance.

Internal Versus External Transfers. One commenter expressed confusion over the difference between internal and external transfers, and that this language should be removed. Another commenter expressed that the definition of internal transfers should be expanded to include properties under the same umbrella of developer or ownership groups, and applications should not be required for these types of emergency transfers. The commenter highlighted that application fees and security deposits were barriers to survivors transferring to safe housing.

HUD Response. HUD appreciates these comments. However, the current distinction between internal and external transfers is outlined in regulations. Therefore, these suggestions go beyond the scope of this information collection. HUD will consider them as the Department engages in rulemaking and develops guidance to implement the 2022 reauthorization of VAWA.

Emergency Transfer Plans Publicly Available. Commenters expressed frustration that emergency transfer plans were not available publicly and requested greater clarification that emergency transfer plans must be made publicly available, or a copy must be made available upon request. Commenters shared that many survivors are not aware of the emergency transfer policies or protections within their covered housing program due to emergency transfer plans not being accessible. A commenter suggested that covered housing providers could include hyperlinks in the Notice of Occupancy Rights, post on a central bulletin board within the property, and provide copies to any residents asserting VAWA rights.

HUD Response. The Model Emergency Transfer Plan provided in this package includes a section requiring the covered housing provider to include information on how to access the emergency transfer plan and how it will be made publicly available. HUD anticipates providing additional information on how covered housing providers can make emergency transfer plans available in future guidance and is working closely with VAWA Technical Assistance Providers to provide training and technical assistance that will provide additional assistance on this topic.

Emergency Transfer Plans Are Too Boilerplate. One commenter noted that available Emergency Transfer Plans are underdeveloped and lack a plan for facilitation of transfers across programs or properties.

HUD Response. The updated Model Emergency Transfer Plan in this information collection includes additional sections that more explicitly prompt covered housing providers to fully outline their own VAWA emergency transfer procedures and processes instead of filling in sections of template language. HUD anticipates that these edits will help covered housing providers meet their obligation to adopt an emergency transfer plan that complies with regulatory requirements.

Emergency Transfers and Evictions. Commenters highlight that emergency transfers included lengthy wait times and noticed a pattern of housing providers filing eviction cases against survivors after receiving an emergency transfer request. The commenters suggested that any terminations or evictions should be put on hold until a transfer request is completed, and the survivor has secured safe housing.

HUD Response. This suggestion goes beyond the scope of this information collection. HUD will consider it for future VAWA guidance. If a survivor believes their VAWA rights have been violated, they may file a complaint with HUD's Office of Fair Housing and Equal Opportunity (FHEO).

Tenant Absence from Unit. Commenters requested clarification that survivors can temporarily leave their units while waiting for an emergency transfer without the risk of abandonment of the unit. Commenters also requested additional guidance from HUD on whether a survivor must continue to pay rent towards a unit that is unsafe. One commenter cited that abatement of rent is permitted (24 CFR 966.4(h)) when a housing authority is unable to make housing habitable or secure alternative accommodations, and a similar process should apply to allow a

covered housing provider to abate rent until alternative, safe housing can be secured. Another commenter raised questions as to whether a subsidy would continue if an individual was temporarily absent from their unit, and how long would a survivor be allowed to be temporarily absent from their unit.

HUD Response. These suggestions go beyond the scope of this information collection. HUD will consider them for future VAWA implementation.

Recordkeeping Requirements. One commenter requested that recordkeeping requirements (such as keeping VAWA emergency transfer data for 3 years) be listed in the Model Emergency Transfer Plan, to inform covered housing providers on how long they need to keep records and ensure they develop a plan to comply with this requirement.

HUD Response. The Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, is a starting point for covered housing providers to develop VAWA emergency transfer plans for units assisted or subsidized by covered housing programs. These plans are intended to convey emergency transfer policies and procedures to tenants who are survivors and need VAWA emergency transfers. The plans do not provide instructions to covered housing providers on VAWA recordkeeping requirements. As part of this information collection, HUD is issuing a separate form on Emergency Transfer data collection.

Clarity on Emergency Transfer Plans within Continuums of Care. One commenter requested additional information on who was responsible for creating an emergency transfer plan in a Continuum of Care (CoC). They requested additional clarity around whether both the CoC and the direct housing provider could adopt separate emergency transfer plans and still work within the Coordinated Entry system effectively. Another commenter expressed that HUD's implementing VAWA regulations for the Continuum of Care program requires that the emergency transfer plan specify "(i) For families receiving tenant-based rental assistance, the plan must specify what will happen with respect to the non-transferring family member(s), if the family separates in order to effect an emergency transfer." They requested that the Model Emergency Transfer Plan require a prompt for covered housing providers to include this information, so the requirement is not missed.

HUD Response. Specific information on how emergency transfer requirements apply in the Continuum of Care program is highlighted in program-specific regulations and is not incorporated into this Form. Further, covered housing providers must customize their VAWA Emergency Transfer Plan to take into account their program-specific requirements. Additionally, HUD is also working closely with VAWA Technical Assistance Providers to provide training and technical assistance.

Strict Confidentiality. One commenter requested additional clarification in the confidentiality section that explicit language be included that VAWA disclosures and emergency transfer requests should not be kept in shared tenant files and must be kept in separate locked files. Another commenter requested additional guidance on how to track a VAWA preference for a survivor in a safe and confidential manner on the waitlist, which is kept electronically. Another commenter requested additional guidance on how confidentiality intersects with coordination amongst owning entities when trying to locate an external transfer.

HUD Response. HUD appreciates these comments, and incorporated additional language in the Form to reflect how tenant-specific information regarding VAWA can be kept in a confidential manner. HUD will consider this subject for future guidance.

Emergency Transfers and Good Standing. One commenter requested that HUD provide additional clarification that a covered housing provider cannot impose additional conditions for eligibility for an emergency transfer, such as being in "good standing" at the property. Another commenter requested this language be added, "VAWA does not allow a CHP to require that a tenant be in "good standing" to pursue an emergency transfer."

HUD Response. HUD appreciates the comments and notes that the Model Emergency Transfer Plan includes language outlining that a tenant cannot be evaluated on whether they are in good standing as part of the assessment or provision of an emergency transfer, and whether or not a tenant is in good standing does not impact their ability to request an emergency transfer.

Form HUD-5382

Clarify Who Can Use this Form. A commenter shared that the Form was extremely unhelpful, stating that the Form is frequently turned in to their office without any clarification on what protections an individual is asking for under VAWA. The commenter suggested an additional question be added for an individual to share why they

are submitting this Form. A commenter felt that it would be more appropriate for an individual to coordinate with a victim service provider to complete the Form.

HUD Response. HUD appreciates the comment and notes that the first portion of the form highlights when an individual can use the Form and the purpose of the Form. HUD cannot mandate that an individual coordinate with a victim service provider to receive VAWA protections.

Language Adjustment to Question 2. A commenter requested the language on Question 2 of the Form be returned to “Your name (if different from victim’s):”.

HUD Response. HUD notes that Form HUD-5383 maintains the language suggested by this commenter. HUD has elected to change the language to match the commenter’s suggestion.

Form HUD-5383

Clarify Who Can Qualify for an Emergency Transfer. A commenter highlighted concerns that the Form is not clear about who can request an emergency transfer. This has resulted in the Form being brought in by several people ineligible for emergency transfers, including non-residents.

HUD Response. HUD appreciates the comment and notes that the first portion of the Form highlights when an individual qualifies for an emergency transfer.

Additional Questions. A commenter requested a question be added stating, “Is there anything in your background that would prevent you from being rehoused in a safe unit?” and “Number of Bedrooms Needed?”. Other commenters requested a question be added stating, “Do you need to temporarily leave your unit while you await a transfer?”.

HUD Response. HUD incorporated an additional question on the current bedroom size. HUD declines to include the other two questions.

Confidentiality. Commenters appreciated the expansion of confidentiality language, and requested it be moved to the top of the form to highlight the requirements.

HUD Response. HUD added a section at the top of the Form highlighting confidentiality.

Safety Planning Regarding Contact Information. Multiple commenters requested additional questions clarifying how to safely contact a survivor. Multiple commenters also highlighted their appreciation of the addition of the question asking if a voicemail could be left on the phone number provided. Commenters also suggested adding a question about whether a survivor required a blank envelope when receiving mail communication from their housing provider. Commenters requested clarity that the survivor could update their contact information with their covered housing provider at any time. Many commenters highlighted that the question requesting other ways a covered housing provider can communicate safely could be re-written to improve clarity.

HUD Response. HUD has incorporated a question regarding whether it was safe to leave a voicemail. HUD also has added a question as to whether it is safe for a survivor to receive mail from their housing provider. HUD further incorporated language clarifying that a survivor could update their contact information with their covered housing provider. HUD rewrote the question asking what other safety considerations the covered housing provider should have when contacting a survivor.

Reference to Notice of Occupancy Rights. A commenter requested adding, “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.”

HUD Response. HUD has incorporated similar language to that requested by the commenter into the Form.

VAWA Emergency Transfer Data Collection Form

Collect Experiential Information from Survivors/Tenants or Victim Service Providers/Legal Aid

Providers. Commenters suggested the creation of an anonymous survey for survivors/tenants and/or victim service providers/legal aid providers to collect information on their experiences with emergency transfers. A commenter highlighted that several Continuums of Care already collect this information.

HUD Response. This suggestion goes beyond the scope of this information collection. However, HUD acknowledges data collection on survivor experiences is critical to monitoring compliance with VAWA implementation. HUD anticipates coordinating with VAWA Technical Assistance Providers to conduct listening sessions for survivors on their experiences with VAWA protections.

Confidentiality. Although the Form is collecting aggregate information, one commenter highlighted that additional guidance was necessary on how to comply with collecting required information and maintain it in compliance with VAWA's strict confidentiality. Additionally, a commenter requested information on how covered housing providers' requirements to provide this information would interact with other HUD systems.

HUD Response. HUD appreciates the concerns around how to comply with data collection requirements. HUD anticipates providing future guidance or toolkits to support covered housing providers in accurately and confidentially collecting information related to emergency transfers.

Clarify Minimum Number of Contact Attempts. One commenter highlighted that two questions ask the covered housing providers to report if they are unable to reach a survivor for follow-up. The commenter recommended that HUD specify a minimum number of contact attempts be added before a covered housing provider can count a tenant as being unable to be reached. The commenter recommended a minimum number of three contact attempts.

HUD Response. HUD appreciates the concern raised by this commenter, and HUD will consider it for future VAWA guidance.

Add Data Collection Questions. Commenters stated that an additional question should be added allowing covered housing providers to list factors that contributed to the total length of time for an emergency transfer, and included examples such as unit size requested, unit type requested, or location to which the survivor wanted to move to. Another commenter asked for a question regarding the steps covered 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 commenter requested questions for covered housing providers to expand on how they collaborate or coordinate for the purpose of providing services for victims and what outcomes have resulted from that collaboration and coordination. A commenter expressed that it would be helpful to know the types of outreach activities that were conducted to assist or provide resources to survivors, how frequently those outreach activities occurred, and what outcomes have resulted from the outreach. A commenter suggested that covered housing providers should report on safety planning options that were offered to tenants who did not complete a transfer. A commenter stated that the shortest and longest wait times for an emergency transfer should be recorded.

HUD Response. HUD appreciates the comments on additional data that could inform the experience of survivors when seeking an emergency transfer. Many of the questions suggested would require the data collection to include qualitative answers. At this time, HUD is restricting data to quantitative responses. In future revisions of the Form, HUD will consider incorporating more qualitative questions. HUD notes that a question on the shortest and longest wait times for emergency transfers is already included in the Form.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift will be made to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation or agency policy.

Confidentiality is a requirement in the VAWA statute. In drafting its final VAWA Rule, HUD considered confidentiality and included regulations specifically addressing it at 24 CFR §§ 5.2005(a)(1)(i), 5.2005(e)(4), 5.2007(c), and 574.604(b)(1)(i)(D), (b)(1)(ii)(A), (b)(2)(i)(D), and (b)(2)(ii)(A).

Information collected by HUD about providers or in aggregate about survivors will not be held confidential, although HUD typically only releases this type of information pursuant to the FOIA. HUD does not collect personally identifiable information about survivors in this information collection request and therefore, the Privacy Act does not apply. Survivor data collected by a provider shall, however, be held in strict confidence and HUD will work to enforce this through regulations and compliance therein.

11. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

VAWA 2013 provides that, at the written request of a CHP, an individual may certify, via a HUD-approved self-certification form or certain alternative documentation, that the incident or incidents of VAWA violence/abuse are true and accurate for purposes of determining VAWA protection. The VAWA Rule also establishes a 14-business day deadline (plus any extensions granted by the CHP) from the date of such a written request, to complete and return the self-certification form. The Department therefore considers these forms and their contents necessary in order for victims of VAWA violence/abuse to receive the protections of VAWA. Recognizing that the forms of violence covered by VAWA are sensitive topics and that victims of such violence/abuse may be reluctant to provide information, the Department has tried to develop forms that clearly and concisely explain their purpose and what information is required. To that end, each form has a section that explains its purpose and another section that explains how to use the form, the timeline for submitting the form to the CHP, and a statement that the protections of VAWA may not apply if the form is not submitted in a timely manner. The form also informs the individual of alternate documentation that may satisfy the CHP’s written request for documentation as well as provides a confidentiality statement.

Additionally, the Emergency Transfer Data Collection form differs in a few ways from the forms mentioned above. Unlike the other HUD forms, the Data Collection form is required to only be filled out by providers, not survivors, and collects aggregated data. Additionally, the questions are related to VAWA emergency transfer requests and outcomes of these emergency transfers for reporting requirements, and further aim to refrain from questions sensitive in nature.

12. **Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices;**
- **If this request covers more than one form, provide separate hour burden estimates for each form, and aggregate the hour burdens in Item 13 of OMB Form 83-I; and**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

24 C.F.R. Section and Description of Activity	Number of Respondents	Frequency of Response (Annual, per respondent)	Annual Responses	Est. Avg. Time for Requirement (Hours)	Annual Hour Burden	Cost per Hour	Total Cost
5.2005(a) Form HUD-5380: Notice of Occupancy Rights and form HUD-5382: Certification Form-Distribution and Review							
Public Housing and Housing Choice Voucher (HCV)							
Annual Average of Denied Admissions	3,918	7	27,426	0.08	2,194.08	\$24	\$52,657.92
Annual Average of	3,918	55	215,490	0.08	17,239.20	\$24	\$413,740.80

new Households that Move In							
Annual Average of Eviction Notices Sent	3,918	3	11,754	0.08	940.32	\$24	\$22,567.68
Multifamily Housing							
Annual Average of Denied Admissions	23,000	15	345,000	0.08	27,600.00	\$24	\$662,400
Annual Average of new Households that Move In	23,000	9	207,000	0.08	16,560.00	\$24	\$397,440
Annual Average of Eviction Notices Sent	23,000	10	230,000	0.08	18,400.00	\$24	\$441,600
HOME/HTF							
Annual Average of Denied Admissions	1,874	20	37,480	0.08	2,998.40	\$24	\$71,961.60
Annual Average of new Households that Move In	1,874	16	29,984	0.08	2,398.72	\$24	\$57,569.28
Annual Average of Eviction Notices Sent	1,874	8	14,992	0.08	1,199.36	\$24	\$28,784.64
HOPWA							
Annual Average of Denied Admissions	255	20	5,100	0.08	408.00	\$24	\$9,792.00
Annual Average of new Households that Move In	255	20	5,100	0.08	408.00	\$24	\$9,792.00
Annual Average of Eviction Notices Sent	255	10	2,550	0.08	204.00	\$24	\$4,896.00
Homeless (CoC, ESG, and Rural Housing Stability)							

Annual Average of Denied Admissions	6,350	5	31,750	0.08	2,540.00	\$24	\$60,960.00
Annual Average of new Households that Move In	6,350	1	6,350	0.08	508.00	\$24	\$12,192.00
Annual Average of Eviction Notices Sent	6,350	1	6,350	0.08	508.00	\$24	\$12,192.00

5.2005(e) Form HUD-5381: Emergency Transfer Plan-Completion

Public Housing and Housing Choice Voucher (HCV)	3,918	1x to establish with updates as needed	3,918	8	31,344.00	\$24	\$752,256.00
Multifamily Housing	23,000	1x to establish with updates as needed	23,000	8	184,000.00	\$24	\$4,416,000.00
HOME/HTF	11,874	1x to establish with updates as needed	1,874	8	14,992.00	\$24	\$359,808.00
HOPWA	255	1x to establish with updates as needed	255	8	2,040.00	\$24	\$48,960.00
Homeless (CoC, ESG, and Rural Housing Stability)	6,350	1x to establish with updates as needed	6,350	8	50,800.00	\$24	\$1,219,200.00

5.2007(b) Form HUD-5382: Certification Form--Documentation by Survivor

Public Housing and Housing Choice Voucher (HCV)	3,918	10	39,180	0.33	12,929.40	\$7.25	\$93,738.15
Multifamily Housing	23,000	6	138,000	0.33	45,540.00	\$7.25	\$330,165.00
HOME/HTF	1,874	15	28,110	0.33	9,276.30	\$7.25	\$67,253.18
HOPWA	255	5	1,275	0.33	420.75	\$7.25	\$3,050.44
Homeless (CoC, ESG, and Rural Housing Stability)	6,350	4	25,400	0.33	8,382.00	\$7.25	\$60,769.50

5.2005(e) Form HUD-5383: Emergency Transfer Request—Documentation by Survivor							
Public Housing and Housing Choice Voucher (HCV)	3,918	5	19,590	0.33	6,464.70	\$7.25	\$46,869.08
Multifamily Housing	23,000	5	115,000	0.33	37,950.00	\$7.25	\$275,137.50
HOME/HTF	1,874	5	9,370	0.33	3,092.10	\$7.25	\$22,417.73
HOPWA	255	5	1,275	0.33	420.75	\$7.25	\$3,050.44
Homeless (CoC, ESG, and Rural Housing Stability)	6,350	5	31,750	0.33	10,477.50	\$7.25	\$75,961.88

5.2005(a) Lease Addendum—Distribution and Review							
Public Housing and Housing Choice Voucher (HCV)	3,918	59	231,162	0.5	115,581.00	\$24	\$2,773,944.00
Multifamily Housing	23,000	24	552,000	0.5	276,000.00	\$24	\$6,624,000.00
HOME/HTF	1,874	18	33,732	0.5	16,866.00	\$24	\$404,784.00
HOPWA	255	50	12,750	0.5	6,375.00	\$24	\$153,000.00
Homeless (CoC, ESG, and Rural Housing Stability)	6,350	403	2,559,050	0.5	1,279,525.00	\$24	\$30,708,600.00

NEW: VAWA Emergency Transfer Data Collection Form							
Public Housing and Housing Choice Voucher (HCV)	3,918	1	3,918	1	3,918	\$24	\$94,032.00
Multifamily Housing	23,000	1	23,000	.5	11,500	\$24	\$276,000.00
HOME/HTF	1,874	1	1,874	1	1,874	\$24	\$44,976.00
HOPWA	255	1	255	1	255	\$24	\$6,120.00
Homeless (CoC, ESG, and Rural Housing Stability)	6,350	1	6,350	1	6,350	\$24	\$152,400.00

Grand Total	293,176	Varies	5,044,764	Varies	2,230,480.58	Varies	\$51,270,938.82
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Notes:

- This matrix amends the one of the same title provided in the OMB Emergency PRA approval, 2577-0286, approved 12/13/2016, which provided for 3,622,370 hours.
- For each category, HUD assumes the following breakdown of Covered Housing Provider respondents in covered housing programs: 3,918 public housing agencies that administer either or both public housing and HCV; 23,000 Multifamily Housing properties; 1,874 HOME Participating Jurisdictions (PJs) and housing owners; 255 HOPWA grant recipients, and 6,350 Homeless (CoC, ESG, and Rural Housing Stability) grant recipients.
- The “Frequency of Response (annual, per respondent)”, provides the estimated average of actions anticipated for each CHP in each program area. For example, HUD estimates that each Multifamily Housing property will deny assistance to 20 applicants each year. Therefore, the total number of responses and total number of Multifamily Housing assistance denials in one year is 23,000 x 20 = 460,000. Similarly, HUD estimates that each of the 255 HOPWA grant recipients will receive 5 completed Certification forms each year. The total number of responses and total number of certifications received in the HOPWA program in one year is 255 x 5 = 1,275.
- The \$24 hourly rate is based on an average salary of \$50,000 per annum. An internet search on 11/5/2020 shows housing specialist positions with an average of \$40,000 per annum and \$55,000 per annum for residential property managers. This dollar amount is a reasonable average for employees of CHPs at differing levels of seniority.
- \$7.25 is used as the cost to tenants, as it is the federal minimum hourly wage amount.

13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the collection of information (do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s) and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities;**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10) utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
 - o **Generally, estimates should not include purchases of equipment or services, or portions thereof made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

We do not estimate that there will be any additional costs to respondents or record-keepers beyond those identified in Item 12.

14. **Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

We do not estimate that there will be any additional costs to the Federal government for this information collection.

15. **Explain the reasons for any program changes or adjustments reported in Items 13 and 14 of the OMB Form 83-I.**

HUD used a larger set of program specific data to calculate respondents, frequency of response, responses, burden hours, and costs in this package. The data used are a more accurate estimate of program operation. As a result, the following numbers have been reduced:

- Number of respondents: from 1,103,365 to 293,176
- Number of annual responses: from 19,777,290 to 5,044,764
- Number of burden hours: from 3,622,370.00 to 2,230,480.58
- Total cost: from \$86,936,880.00 to \$51,270,938.82.

16. **For collection of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

There will be no publication of information collections.

17. **If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

HUD is not seeking approval to avoid displaying the OMB expiration date.

18. **Explain each exception to the certification statement identified in item 19.**

There are no exceptions to the certification statement identified in item 19 of the OMB 83-I.

B. Collections of Information Employing Statistical Methods

This collection of information will not be used for statistical purposes.