

December 23,2022

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Reports Management Officer, REE  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 4176  
Washington, DC 20410-5000  
Via: Federal Register.gov

**RE: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [Docket No. FR-7061-N-18] 60-Day Notice of Proposed Information Collection: Implementation of the Violence Against Women Reauthorization Act of 2013, OMB Control No.: 2577-0286**

To Whom It May Concern:

The undersigned organizations represent a diverse group of housing providers, including private property owners and managers and public housing authorities (PHAs), who are directly affected by the implementation of the Violence Against Women Reauthorization Act of 2013. Our industry is committed to providing high quality, affordable and safe homes. We believe that preserving housing for victims of domestic violence, dating violence, sexual assault, and stalking (“domestic violence”) is critically important. Therefore, we strongly support the goals of the Violence Against Women Act (VAWA or “the Act”) and appreciate the opportunity to comment on HUD’s prospective guidance and regulations.

Our organizations actively participated in the legislative development of VAWA, the regulatory implementation of the 2005 Act, the reauthorization in 2013, and the reauthorization in 2022. Throughout the process we have worked to ensure that the Act provided important protections for survivors of domestic violence, while balancing the needs of survivors, their communities and housing providers alike. As such, we are offering comments on the collection of information and proposed data submission.

**Feedback on HUD Form Numbers: HUD-5380, HUD-5381, HUD-5382, and HUD-5383.**

**HUD-5380 Notice of Occupancy Rights:** The revisions to this form are an improvement and are easily readable. Further, the Question-and-Answer format will assist residents in understanding what is required of them to assert their rights.

**HUD-5381 The Model Emergency Transfer Plan:** We believe HUD has attempted to improve this form and the addition of drafting notes are helpful. However, we are concerned that housing providers cannot rely on the model plan to be fully in compliance with the law. The law requires that “each appropriate agency shall adopt a model emergency plan for use by public housing agencies and owners and managers of housing assisted under covered housing programs.” The intent was to make it easier for housing providers to comply with VAWA. HUD’s template requires each provider to reinvent the wheel. This is not our definition of a “model”

plan. As provided in [our comments](#) on the 2015 proposed rule, we recommend HUD provide a model plan for each applicable program (vouchers, PBRA, HOME, Public Housing, etc.) that with minor customization can be effectively used.

We recognize that many covered housing providers will develop their own forms, but some housing providers do not have an equal level of resources. Many providers, in particular, small owner/agents and PHAs, are relying on their ability to adopt HUD's form. Further, the 8-hour estimate is not realistic to adopt each model plan by program. We believe the minimum number of hours to tailor HUD's model plan to each applicable program is 24 hours.

**HUD-5383 Emergency Transfer Request:** We recommend removing the confusing check boxes, under number 9 ("NOTE"). Bullets would be more appropriate.

### **Emergency Transfer Reporting**

**Emergency Transfer Request Reporting** – Housing providers are able to keep a master file of requests, their outcomes, and 3 years recordkeeping duration. However, our members are concerned about the requirement to submit an annual report to HUD. We recommend HUD review this information during the Management and Occupancy Reviews (MORs) performed at assisted housing sites and record/log the information in the appropriate HUD database. For PHAs administering the voucher program, HUD should coordinate the submission of such data with other data collection requirements and again record in the appropriate HUD database.

### **Solicitation of Public Comment**

#### **Question 5**

- HUD solicits comment on the implementation of the requirement that covered housing providers must keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and that such data must be reported to HUD annually. Specifically, is HUD's list of potential outcomes adequate or are there outcomes that should be added or modified?  
**Yes, the list of potential outcomes is adequate.**
- Further, HUD proposes to collect data on the "length of time" for emergency transfers to be implemented. 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?

**The measure of “length of time” should be based on the initial request and approval/denial decision or voucher issuance. A measurement, based on move-in-date or lease-up date, would be an inaccurate reflection of the housing providers obligations, as we do not have control over when the tenant can move.**

- 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)?

**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.**

Thank you for the opportunity to comment.

Please contact Denise B. Muha at the National Leased Housing Association at [dmuha@hudnlha.com](mailto:dmuha@hudnlha.com), Larry Keys at the National Affordable Housing Management Association at [lkeys@nahma.org](mailto:lkeys@nahma.org), or Lisa Blackwell at the National Multifamily Housing Council at [lblackwell@nmhc.org](mailto:lblackwell@nmhc.org) with any questions.

Sincerely,

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Manufactured Housing Institute  
National Affordable Housing Management Association  
National Apartment Association  
National Association of Home Builders  
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