

August 31, 2026

HUD Desk Officer
Office of Management and Budget
Office of Information and Regulatory Affairs
New Executive Office Building
725 17th Street NW
Washington, DC 20503

The Honorable Scott Turner
Secretary
United States Department of Housing and Urban Development (HUD)
451 7th St SW
Washington, DC 20410

*Submitted via reginfo.gov and by email to: OIRA_Submission@omb.eop.gov,
FHEO903Comments@hud.gov, and PaperworkReductionActOffice@hud.gov*

Re: Docket No. FR-7107-N-15; OMB Control No.: 2529-0011; 30-Day Notice of Proposed Information Collection: Housing Discrimination Complaint Form HUD 903

Dear HUD Desk Officer and Secretary Turner,

The National Fair Housing Alliance (NFHA) and the undersigned civil rights, housing, domestic violence prevention, and consumer advocacy organizations thank you for the opportunity to comment on the 30-day Paperwork Reduction Act (PRA) notice¹ (HUD 2026 30-Day Notice) related to changes to the Housing Discrimination Complaint Form HUD 903 (HUD Form) (HUD Form Changes) that is used by HUD's Office of Fair Housing and Equal Opportunity (FHEO). NFHA leads a coalition that works to build inclusive, well-resourced, and resilient communities; expand equitable opportunities; and end housing discrimination.

The HUD Form Changes principally consist of a wholesale removal of access to the Fair Housing Act and Violence Against Women Act (VAWA) complaint process for persons who are limited English proficient (LEP). LEP individuals are a substantial portion of the population needing access to these statutory rights from HUD. The HUD Form Changes therefore are inconsistent with HUD's statutory duties under these laws and fail to comply with the PRA. Further, HUD's failure to acknowledge the additional burden and other issues

¹ HUD, 30-Day Notice of Proposed Information Collection: Housing Discrimination Complaint Form HUD 903, 91 FR 48401 (Jul. 31, 2026), available at: <https://www.federalregister.gov/documents/2026/07/31/2026-15487/30-day-notice-of-proposed-information-collection-housing-discrimination-complaint-form-hud-903>



it is placing on LEP individuals resulted in a procedurally and substantively deficient PRA clearance process. HUD has also failed to wait for additional guidance from the Attorney General and to complete its own rulemaking agenda related to the complaint process, which it should do before making changes to the form.

For these reasons, OMB should not approve the HUD Form Changes. Additionally, HUD should restore translated forms; include LEP, language access, and language discrimination in its description of legal protections; collect applicants' preferred language; and clarify access to interpreter services for fair housing and VAWA complaints.

I. The HUD Form Changes Relate to Language Access

Many of the HUD Form Changes relate to language access or have concerning implications for LEP individuals. Based on American Community Survey data, 22.3 percent of households speak a language other than English at home, and 8.6 percent of individuals in the United States speak English less than very well;² they are typically classified as LEP.³

A. English Official Language Notice

HUD has added a bold, all capital letter, bordered disclaimer that "HUD WILL SOLELY BE USING ENGLISH AS THE OFFICIAL LANGUAGE FOR ALL BUSINESS AND SERVICES." No other text on the HUD Form is given such prominence and emphasis. HUD's implementation of this text provides greater prominence and emphasis than, for example:

- The description of how a complainant's rights may have been violated;
- The section for describing the alleged discrimination; and
- The oath or affirmation and disclaimer about potential civil and criminal penalties.

B. Discontinuation of Translated Versions

The HUD 2026 30-Day Notice compared with prior PRA notices related to the HUD Form and the OMB website make clear that the Spanish, Chinese, Arabic, Vietnamese, Khmer/Cambodian, Korean, and Somali versions of the HUD Form have been discontinued

² U.S. Census Bureau. "Selected Social Characteristics in the United States." *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP02*, <https://data.census.gov/table/ACSDP5Y2024.DP02>. Accessed on 14 Aug 2026.

³ <https://www.census.gov/acs/www/about/why-we-ask-each-question/language/>

and are not being renewed.⁴ Notably, these changes are not mentioned in HUD’s supporting statement⁵ or the public notices.

C. Removal of Preferred Language

The HUD Form removes the current form’s collection of a complainant’s preferred language from the contact information section of the form. Combined with the above change, this change makes clear that HUD does not intend to provide any interpretative services or translation for LEP persons. Notably, this change is not mentioned in HUD’s supporting statement⁶ or the public notices.

D. Removal of limited English proficiency

The HUD Form removes “(including limited English proficiency)” after “Because of national origin” as a selection for the prohibited basis on which the complainant alleges discrimination occurred. The HUD Form retains the other parentheticals related to familial status and retaliation, indicating that this particular change is intentional to its content, and not made for any reasons relating to space or simplification. Notably, this change is not mentioned in HUD’s supporting statement⁷ or the public notices.

E. Acknowledgment, Oath or Affirmation, and Criminal/Civil Penalty Disclaimer

Three additional HUD Form Changes are not specifically related to language access, but they have concerning implications for LEP individuals.

First, the HUD Form includes an acknowledgement that appears directly under the English Official Language Notice. By completing the form, the complainant “acknowledge[s] that [they] have read the protections enforced by FHEO and would like to file a complaint alleging a violation of one (1) or more of these laws.” The protections enforced by FHEO refers to the first page of the form, which summarizes the Fair Housing Act, VAWA, and other civil rights statutes enforced by HUD. Second, the HUD Form includes a signature and a declaration under penalty of perjury.⁸ Third, the HUD Form includes a warning that

⁴ Compare HUD Notice to HUD, 60-Day Notice of Proposed Information Collection: Comment Request; “Report Housing Discrimination” Form HUD– 903.1, HUD–903.1A, HUD–903.1B, HUD–903.1C, HUD–903.1F, HUD– 903.1CAM, HUD–903.1KOR, HUD– 903.1RUS, HUD–903–1_Somali; OMB Control No.: 2529–0011, 88 FR 53507 (Aug. 8, 2023), available at: <https://www.federalregister.gov/documents/2023/08/08/2023-16916/60-day-notice-of-proposed-information-collection-comment-request-report-housing-discrimination-form> (HUD 2023 60-Day Notice). See also https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202604-2529-001.

⁵ https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202604-2529-001

⁶ https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202604-2529-001

⁷ https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202604-2529-001

⁸ NFHA understands this to be related to the statutory requirement under 42 U.S.C. § 3610. However, NFHA understands previous practice to have been obtaining signature and oath or affirmation after initial

“HUD may refer for prosecution false claims and statements. Conviction may result in criminal and/or civil penalties. (See 18 U.S.C. 1001, 1012; 31 U.S.C. 3729, 3802).”

These three elements combined with the HUD Form Changes related to language access raise concerns that LEP complainants are being required to do several things under penalty of perjury that they cannot do without interpretation or translation assistance, namely:

- swear that they have read the entirety of the English description of statutes;
- write their complaint in English; and
- swear that they have read their complaint and swear to its accuracy.

This puts additional burdens on LEP complainants to exercise their rights. Additionally, some LEP complainants may be chilled from filing out of fear that they may face negative consequences. While it is unclear from the form and HUD policy, the combination of these elements and the English-only disclaimer may even imply that an LEP person could not make use of a formal or informal translator or interpreter in filling out the form and interacting with HUD regarding a complaint of discrimination.⁹

II. The HUD Form Changes are Inconsistent with the Law

A. Inconsistency with the Fair Housing Act

The Fair Housing Act prohibits discrimination because of race or national origin.¹⁰ The close nexus between language, LEP status, and the Fair Housing Act protected classes of national origin and race is well established in case law, and imposing language-related restrictions warrants very careful scrutiny.¹¹ The close nexus is also supported by statistics.

submission of the form. See, e.g., HUD, 60-Day Notice of Proposed Information Collection: Comment Request Housing Discrimination Complaint Form HUD-903, 91 FR 17979 (Apr. 9, 2026) (“This complaint is subsequently signed by the aggrieved person(s) under penalty of perjury and is served on the respondent(s) by personal service or by certified mail”), available at:

<https://www.federalregister.gov/documents/2026/04/09/2026-06834/60-day-notice-of-proposed-information-collection-comment-request-housing-discrimination-complaint> (HUD 2026 60-Day Notice); HUD 2023 60-Day Notice; HUD Title VIII Handbook 8024.01 REV-2, Chapter 4 Complaint Intake (May 2005), available at: <https://www.hud.gov/sites/documents/80241c4fheh.pdf>. It is unclear if the new addition to the form is intended to be duplicative or additional to this practice, replace it, or something else.

⁹ NFHA notes that if HUD were to apply such a requirement, it would be inconsistent with HUD regulations which provide that an organization, individual, or attorney may help someone file a complaint. 24 CFR 103.20.

¹⁰ 42 U.S.C. § 3601 *et seq.*

¹¹ See *Olagues v. Russoniello*, 770 F.2d 1511, 1520–21 (9th Cir. 1985) (“an individual's primary language skill generally flows from his or her national origin”); *Veles v. Lindow*, 2000 U.S. App. LEXIS 27672, *2 (9th Cir. 2000); *Faith Action for Cmty. Equity v. Hawaii*, No. 13-00450 SOM/RLP, 2014 U.S. Dist. LEXIS 58817 at *32 (D. Haw. Apr. 28, 2014) (finding it “relatively intuitive” that an “English-only policy disproportionately adversely affects people of national origins other than the United States.”); *EEOC v. Premier Operator Servs.*, 113 F. Supp. 2d 1066, 1073 (N.D. Tex. 2000) (“English-only rules . . . disproportionately burden national origin minorities because they preclude many members of these groups from speaking the language in which they are best able to communicate, while rarely, if ever, having that effect on non-minority employees.”); *EEOC v.*

Based on American Community Survey data, 1.5 percent of non-Hispanic Whites are LEP, compared to 17.4 percent of American Indians and Alaska Natives, 29.3 percent of Asians, 12.3 percent of Native Hawaiian and Other Pacific Islanders, and 27.7 percent of Hispanics and Latinos.¹² 27 percent of Black immigrants in the United States are LEP.¹³

The HUD Form Changes establish an apparent English-only policy for making a complaint of housing discrimination. As described above, they appear to make clear a HUD policy not to provide any translation or interpretation for individuals experiencing discrimination who wish to exercise their statutory rights to file a complaint, and may even imply that an LEP complainant cannot make use of translation or interpretation assistance in filing a complaint and interacting with HUD.

It is difficult not to read the HUD Form Changes and HUD's English-only policy in connection with recently reported internal comments by HUD Assistant Secretary for FHEO Craig Trainor that changes to HUD policy are part of furthering a "noble tradition" of "Anglo-Saxons" and "the first Americans."¹⁴ In contrast to these comments, the Fair Housing Act protects people in the United States regardless of their race or national origin.¹⁵

Synchro-Start Prods., 29 F. Supp. 2d 911, 912 (N.D. Ill. 1999) ("[A]ny English-only rule unarguably impacts people of some national origins (those from non-English speaking countries) much more heavily than others."); *Saucedo v. Bros. Well Serv., Inc.*, 464 F. Supp. 919, 922 (S.D. Tex. 1979) ("A rule that Spanish cannot be spoken on the job obviously has a disparate impact upon Mexican-American employees. Most Anglo-Americans obviously have no desire and no ability to speak foreign languages on or off the job."); *Colindres v. Quietflex Mfg.*, Nos. H-01-4319, -4323, 2004 U.S. Dist. LEXIS 27981, at *36 (S.D. Tex. Mar. 23, 2004) ("[c]ourts have found a nexus between language requirements and national origin discrimination."); *Aghazadeh v. Me. Med. Ctr.*, No. 98-421-P-C, 1999 U.S. Dist. LEXIS 23538, at *12 (D. Me. July 8, 1999) ("lack of English proficiency is used as a proxy for national-origin discrimination."); *Rivera v. Nibco, Inc.*, 701 F. Supp. 2d 1135, 1141 (E.D. Cal. 2010) (language-related restrictions are "worthy of close scrutiny"); *Fragante v. Honolulu*, 888 F.2d 591, 596 (9th Cir. 1989) (language-related restrictions are worth of "a very searching look"); *Smothers v. Benitez*, 806 F. Supp. 299, 306 (D.P.R. 1992) (language-related restrictions "should be examined in the most careful possible"); *Cabrera v. Alvarez*, 977 F. Supp. 2d 969, 977 (N.D. Cal. 2013) (denying a motion to dismiss as to plaintiffs' intentional Fair Housing Act claim where the plaintiffs, LEP tenants, alleged, *inter alia*, that their landlord failed to provide translation services as required by their lease); *Almendares v. Palmer*, 284 F. Supp. 2d 799, 808 (N.D. Ohio 2003) (finding that one could "logically infer" discriminatory intent where the defendant "chose to continue a policy of failing to ensure bilingual services" as required by Title VI "knowing that Spanish-speaking applicants and recipients . . . were being harmed as the consequence").

¹² Source: U.S. Census Bureau, American Community Survey, Table B16005 (race/ethnicity iterations A-I). Nativity by Language Spoken at Home by Ability to Speak English. Native and Foreign-Born populations combined for analysis.

¹³ Pina et al, Pew Research, Key findings about Black immigrants in the U.S. (Mar. 20, 2026), available at: <https://www.pewresearch.org/short-reads/2026/03/20/key-findings-about-black-immigrants-in-the-us/>

¹⁴ Cassandra Dumay, POLITICO, HUD official vows 'transformation' of civil rights office in internal email (Jul. 08, 2026), available at: <https://subscriber.politicopro.com/article/2026/07/hud-official-vowstransformation-of-civil-rights-office-in-internal-email-00990824>

¹⁵ 42 U.S.C. § 3604.

Under the Fair Housing Act, any “aggrieved person” may file a complaint with HUD alleging a discriminatory housing practice.¹⁶ The definition of aggrieved person is broad and includes “any person” who “claims to have been injured by a discriminatory housing practice” or believes that a practice is about to occur.¹⁷

While HUD does have authority to establish the form of written complaints under the Fair Housing Act,¹⁸ surely a form that effectively denies access to the complaint process to approximately 9 percent of individuals in the United States (and up to 29 percent of certain racial groups who have historically experienced high rates of discrimination based on HUD’s own research¹⁹) is not consistent with HUD’s basic statutory duty to take and process complaints from aggrieved persons under the Fair Housing Act.

B. Inconsistency with the Violence Against Women Act

The HUD Form incorporates changes to take complaints of discrimination, coercion, intimidation, and retaliation under the Violence Against Women Act, as reauthorized in 2022 (VAWA 2022).²⁰ Under VAWA 2022, HUD is required to implement and enforce the housing provisions of VAWA consistent with, and in a manner that provides the same rights as remedies as those provided for in the Fair Housing Act.²¹ VAWA requires certain notices of VAWA rights and forms for certifying domestic violence, dating violence, sexual assault, or stalking.²² It also requires that such forms be translated into languages other than English and provided in accordance with guidance under prior Executive Order 13166, which implemented Title VI of the Civil Rights Act of 1964.²³

When HUD issued its English-only policy in August of 2025 and began to remove translated material from its website, it promised it would not depart from “statutorily mandated requirements” such as “expectations required by the Violence Against Women Act.”²⁴ And yet, HUD is clearly departing from those statutory expectations. HUD’s VAWA website provides information on how individuals and housing providers can obtain translated copies of the relevant forms and notices.²⁵ The VAWA notice of rights provides a direct link stating that individuals who may be experiencing domestic violence can read translated VAWA forms, which does not appear to be true anymore based on a review of the link and

¹⁶ 42 U.S.C. § 3610(a)(1)(A).

¹⁷ 42 U.S.C. § 3602(i).

¹⁸ 42 U.S.C. § 3610(a)(1)(B).

¹⁹ See, e.g., Turner, Levy, Wissoker, Aranda, Pitingolo, Santos, Urban Institute, *Housing Discrimination Against Racial and Ethnic Minorities 2012* (June 2013), available at: https://www.huduser.gov/portal/publications/fairhsg/hsg_discrimination_2012.html

²⁰ See generally Pub. L. 117-103, Division W, 136 Stat. 49 (2022). 34 U.S.C. 12393.

²¹ 34 U.S.C. § 12393(c).

²² 42 U.S.C. § 14043e-11(c), (d)(1).

²³ 42 U.S.C. § 14043e-11(d)(2)(D).

²⁴ <https://www.hud.gov/espanol>

²⁵ <https://www.hud.gov/vawa>

HUD's website.²⁶ It appears that these forms are only available by contacting HUD's Office on Gender-Based Violence by email (a statement on the website that is now only available in English after HUD's removal of espanol.hud.gov).²⁷ The VAWA notice of rights directs individuals who has had their VAWA rights violated to file a complaint with HUD, and provides a link to where the HUD FORM is located.²⁸ On another page related to VAWA about filing a complaint with FHEO, HUD now falsely states on its website that the FHEO complaint page for filing a VAWA complaint "provide[s] information in multiple languages."²⁹

The HUD Form Changes pull the rug out from under LEP survivors of domestic violence, dating violence, sexual assault, or stalking. These individuals are in highly dangerous situations. Even if they have been provided with translated notices of their rights and been able to make the required VAWA certification, they are effectively denied access to their right to file a complaint for violation of their VAWA rights by the HUD Form Changes which establish a strict English-only policy, not in accord with VAWA's statutory translation mandate.³⁰ If they have not been provided with the appropriate translated forms as is their statutory right under VAWA, it would be difficult for them to obtain such translations from HUD given the current English-only website and difficult for them to enforce that right through the HUD Form and the process it establishes. The HUD Form Changes and HUD's current failure to publicly provide translated resources for VAWA-protected individuals effectively deny LEP individuals the right to file complaints about violations of their VAWA rights. In addition to not being in accord with the VAWA statute, denying LEP survivors who have experienced domestic violence, dating violence, sexual assault, or stalking their ability to complain that their rights have been violated is deeply troubling.

C. Inconsistency with Executive Order 14224 and Implementing Guidance

HUD's Form Changes are not required to comply with Executive Order 14224 declaring English the official language of the United States, and in some cases are inconsistent with it.³¹ That executive order was issued in March of 2025, and followed by guidance from the Attorney General in July of 2025.³² Notably, the executive order provides that "[a]gency heads are not required to amend, remove, or otherwise stop production of documents,

²⁶ <https://www.hud.gov/sites/dfiles/OCHCO/documents/5380.pdf>

²⁷ <https://www.hud.gov/vawa> ("Translated versions of Form HUD-5380, 5381, 5382, 5383, 5484 are available. To receive a translated form, please contact HUD's Office on Gender-Based Violence at ogbv@hud.gov.")

²⁸ <https://www.hud.gov/sites/dfiles/OCHCO/documents/5380.pdf>

²⁹ <https://www.hud.gov/hud-partners/fair-housing-vawa>

³⁰ 42 U.S.C. § 14043e-11(d)(2)(D).

³¹ 90 FR 11363 (Mar. 6, 2025), available at: <https://www.federalregister.gov/documents/2025/03/06/2025-03694/designating-english-as-the-official-language-of-the-united-states>

³² Office of the Attorney General, Implementation of Executive Order 14224 (Jul. 14, 2025), available at: <https://www.justice.gov/opa/pr/justice-department-releases-guidance-implementing-president-trumps-executive-order>

products, or other services prepared or offered in language other than in English.” The Attorney General implementing guidance provides the same.

The Attorney General guidance also cautions against discriminatory use of language restrictions. It provides that “language can be used as a proxy or a vehicle to intentionally discriminate based on national origin. If a language classification is used as a proxy for national origin discrimination, then discrimination based on language may be tantamount to discrimination based on national origin.”³³ The guidance notes that “intent to discriminate” is a key factor in the assessment.³⁴ Unfortunately, there is evidence that HUD’s Form Changes are based on an intent to discriminate on the basis of the race and national origin. Examples of this evidence are discussed above including the prominence and emphasis of the English-only disclaimer compared to other elements of the form, removal of the reference to language-based discrimination under national origin when no other parentheticals were changed, and the Assistant Secretary for FHEO’s comments regarding “Anglo-Saxons.”³⁵ HUD’s simultaneous retirement of translated forms in Spanish, Chinese, Arabic, Vietnamese, Khmer/Cambodian, Korean, and Somali and channeling those LEP complainants to an English form and English-only process further supports intent.³⁶

The Attorney General’s implementing guidance also explicitly defers to other laws which require translation or prohibit English-only policies, noting that agencies should limit consideration of English-only services to instances “[w]here allowed by law.” As discussed above, VAWA 2022 requires translation, and an English-only complaint policy would be inconsistent with HUD’s duty to take complaints under the Fair Housing Act.

III. The HUD Form Changes Should Be Disapproved by OMB for Failing to Meet the Paperwork Reduction Act Approval Standards

OMB should disapprove the HUD Form Changes for all of the reasons set forth in this comment. However, this section will lay out the OMB approval standard and draw attention to specific deficiencies and reasons for disapproval not described elsewhere.

A. The OMB Approval Standard

OMB’s standard for approval is set forth in 5 CFR §§ 1320.5 and 1320.9. In evaluating a submission for approval, “OMB [] consider[s] necessary any collection of information

³³ *Id.*

³⁴ *Id.*

³⁵ Cassandra Dumay, POLITICO, HUD official vows ‘transformation’ of civil rights office in internal email (Jul. 08, 2026), available at: <https://subscriber.politicopro.com/article/2026/07/hud-official-vowstransformation-of-civil-rights-office-in-internal-email-00990824>

³⁶ See *Olagues v. Russoniello*, 770 F.2d 1511, 1520–21 (9th Cir. 1985) (noting that while a non-English-speaking classification could be facially neutral, when combined with evidence of targeting at specific languages it is not).

specifically mandated by statute or court order, but will independently assess any collection of information to the extent that the agency exercises discretion in its implementation.”³⁷ HUD’s Form Changes substantially depart from the prior OMB approved versions of this information collection. Therefore, while the HUD Form does implement statutory requirements, it is appropriate for OMB to exercise its own judgement in evaluating HUD’s changes. The HUD Form Changes fail the OMB approval standard in several ways.

B. The HUD Form Changes Impose Increased, Unaccounted-For Burden on LEP Individuals

The burden hour estimate for the HUD 2026 30-Day Notice and 60-Day Notice is .75 hour per response, the same as provided in HUD’s 2023 60-Day Notice. However, maintaining the same estimate is not logical for LEP complainants who will no longer be able to use the discontinued Spanish, Chinese, Arabic, Vietnamese, Khmer/Cambodian, Korean, and Somali versions of the HUD Form. As discussed above, LEP individuals represent 8.6 percent of the U.S. population, and likely a substantially higher proportion of the population who need to make use of the HUD Form because of the higher incidences of discrimination against their race and national origin groups. OMB’s regulations are explicit that “[a]djusting the existing ways to comply with any previously applicable instructions and requirements” is included in the definition of burden.³⁸ Therefore, having to go through the process of finding an interpreter to assist the LEP individual with the English form where a translated form was previously available and receiving that assistance is burden that should be accounted for. OMB regulations are also clear that obtaining and using technology to assist the user must also be accounted for in burden, which would include translation technology.³⁹

If such burden on LEP individuals is accounted for, HUD’s Form Changes would result in an increase in collection burden. HUD’s failure to account for this increase in burden leads to failures of several parts of the PRA implementing regulations and the OMB approval standard. It should also result in disapproval under § 1320.5(d)(1)(i) (failing to be the “least burdensome necessary” collection),⁴⁰ § 1320.5(d)(1)(iii) (“shifting disproportionate costs or burdens onto the public”),⁴¹ § 1320.9(c)(2) (failing to “reduce to the extent practicable and appropriate” the burden of collection through simplification of compliance

³⁷ 5 CFR § 1320.5(e)(1).

³⁸ 5 CFR § 1320.3(b)(1)(v).

³⁹ 5 CFR § 1320.3(b)(1).

⁴⁰ Modifying the 2023 60-Day Notice forms with HUD’s new desired content would be the least burdensome, by not imposing any additional burden on English speakers while reducing burden on LEP individuals compared to the proposed collection by using forms that HUD already had approved, available, and in use.

⁴¹ HUD’s Form Changes shift the burden previously absorbed by HUD through translated forms to the public.

requirements),⁴² § 1320.9(e) (failing to be “consistent and compatible” with existing reporting practices).⁴³

C. The HUD Form Changes Are Not Understandable to Those Who Are to Respond

Section 1320.9(d) of the OMB approval standard requires that the information collection be “understandable to those who are to respond.” HUD’s Form Changes plainly fail this standard because the HUD Form is now not “understandable” to LEP individuals when it previously was. HUD previously provided translated versions of the information collection in Spanish, Chinese, Arabic, Vietnamese, Khmer/Cambodian, Korean, and Somali. The statistics discussed above clearly establish the need for translated materials based on the number of LEP individuals who need access to their basic statutory right to file a housing discrimination or VAWA complaint with HUD. HUD’s Form Changes therefore fail this OMB approval standard.

D. The HUD Form Changes Are Inconsistent with the Proper Performance of the Agency’s Functions to Comply with Legal Requirements and Achieve Program Objectives

As discussed above, the HUD Form Changes are inconsistent with both the Fair Housing Act and VAWA 2022 by effectively removing prior access. The HUD Form Changes deny individuals who are protected from language-based discrimination or lack of language access by those laws the ability to exercise their complaint rights.⁴⁴ Thus, the HUD Form Changes are not in compliance with section 1320.5(d)(1)(i) of the OMB approval standard. Also as discussed above, by removing existing access based on previously approved translation forms the HUD Form Changes are not “the least burdensome necessary” information collection for the public and fail to comply with section 1320.5(d)(1)(i) for this reason as well.

IV. The HUD Form Changes Should be Paused and Resubmitted for Public Comment After the Attorney General Issues Follow-Up Guidance for Executive Order 14224 and HUD Completes Other Planned Amendments to Fair Housing Rules

⁴² The 2023 60-Day Notice language access and translation standards represent a practical and appropriate alternative to the HUD Form Changes because they were already available, approved, and in use. They could be modified easily as a group to account for HUD’s new desired content.

⁴³ HUD’s Form Changes fail to meet this standard, because they add burden while breaking consistency and compatibility with previous versions of the information collection.

⁴⁴ *Almendares v. Palmer*, 284 F. Supp. 2d 799, 808 (N.D. Ohio 2003) (finding that one could “logically infer” discriminatory intent where the defendant “chose to continue a policy of failing to ensure bilingual services” as required by Title VI “knowing that Spanish-speaking applicants and recipients . . . were being harmed as the consequence”).

In addition to the failures to meet the PRA approval requirements noted above, there are several pending rules and agency guidance documents which HUD and OMB should wait to be finalized before HUD modifies the existing form.

The Attorney General's implementing guidance for Executive Order 14224 noted that it intended to issue new guidance for public comments with "clear, practical guidelines that help agencies prioritize English while explaining precisely when and how multilingual assistance remains necessary to fulfill their respective agencies' mission and efficiently provide Government services."⁴⁵ This has not occurred. OMB should not consider HUD's current submission before that guidance has been issued for comment and then finalized, so that the HUD Form may be revised to take it into account.

In the 2026 Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions, HUD recently identified a new rulemaking that "will update HUD's current regulations to promote efficiency in the Department's processing of complaints regarding potential fair housing violations. The rule will address conciliation and investigation procedures, cause determinations, *complaint submission requirements*, and the referral of complaints to FHAP agencies."⁴⁶ HUD intends for this to be a direct final rule targeted for November of 2026. Setting aside whether HUD's designation of this rule as not warranting public comment is correct, HUD should delay the PRA approval of the HUD Form until after it completes this rulemaking to change "complaint submission requirements." To do otherwise would potentially require a follow-up amendment to the information collection and new PRA notices. OMB should not approve HUD's current submission for this reason.

V. If OMB Approves the HUD Form Changes, HUD Should Apply the Civil and Criminal Penalties Disclaimer Equally to Respondents, Ensure Reasonable and Fair Amendments are Permitted, and Ensure Complainants are Not Intimidated, Threatened, or Retaliated Against by HUD or Other Parties

The statutory requirements for a complaint to be made under oath or affirmation apply equally to a respondent as well as a complainant.⁴⁷ As far as NFHA is aware, HUD has not sought to similarly add civil and criminal penalty disclaimers to standard forms for respondents in filing answers to Fair Housing Act complaints. Adding such warning to complaints and not adding them and applying them equally to respondents may chill complainants from coming forward and does not fully implement HUD's statutory duty under the Fair Housing Act. It therefore represents an additional reason why HUD has failed to comply with the "proper performance of the agency's functions" standard in section 1320.5(d)(1)(i) of the OMB approval standard.

⁴⁵ Office of the Attorney General, Implementation of Executive Order 14224 (Jul. 14, 2025), available at: <https://www.justice.gov/opa/pr/justice-department-releases-guidance-implementing-president-trumps-executive-order>

⁴⁶ Updating Fair Housing Compliant Processing Requirements, RIN 2529-AB16, available at: <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202510&RIN=2529-AB16>

⁴⁷ 42 U.S.C. § 3610(D).

Complainants and respondents both are permitted by the Fair Housing Act to reasonably and fairly amend complaints and answers at any time,⁴⁸ which is included in HUD's regulations.⁴⁹ Further, complainants under the Fair Housing Act are protected from interference, coercion, or intimidation related to exercising rights under the Fair Housing Act,⁵⁰ including filing a complaint.⁵¹ If OMB does approve the HUD Form Changes, HUD should ensure it does not violate these provision when considering referrals for civil and criminal penalties.

For the reasons described above, NFHA and the undersigned civil rights, housing, domestic violence prevention, and consumer advocacy organizations urge OMB not to approve the HUD Form Changes. Additionally, HUD should restore translated forms; include LEP, language access, and language discrimination in its description of legal protections; collect applicants' preferred language; and clarify access to interpreter services for fair housing and VAWA complaints.

Sincerely,

NATIONAL ORGANIZATIONS

National Fair Housing Alliance
African Communities Together
American Civil Liberties Union Foundation
Asian Real Estate Association of America
Center for Responsible Lending
Consumer Action
Integrated Community Solutions, Inc.
Lawyers' Committee for Civil Rights Under Law
National Association of Hispanic Real Estate Professionals
National Coalition for Asian Pacific American Community Development (National CAPACD)
National Consumer Law Center (on behalf of its low-income clients)
National Housing Law Project
National Low Income Housing Coalition
Poverty & Race Research Action Council
The Legal Defense Fund
The National Network to End Domestic Violence
The Redress Movement
UnidosUS

STATE/LOCAL ORGANIZATIONS

⁴⁸ 42 U.S.C. § 3610(D)

⁴⁹ 24 CFR § 103.40.

⁵⁰ 42 U.S.C. § 3617.

⁵¹ 24 CFR § 100.400(c)(5)-(6).

Alabama

Alabama Coalition Against Domestic Violence

Arizona

ACLU of Arizona

Southwest Fair Housing Council

California

California Partnership to End Domestic Violence

Centro Legal de la Raza

Fair Housing Advocates of Northern California

Public Interest Law Project

Connecticut

Connecticut Fair Housing Center

Connecticut Legal Rights Project

CT Coalition Against Domestic Violence

Open Communities Alliance

Delaware

Housing Alliance DE

District of Columbia

DC Coalition Against Domestic Violence

DC/Maryland/Virginia

Equal Rights Center

Florida

Fair Housing Center of the Greater Palm Beaches

Georgia

Georgia Advancing Communities Together, Inc.

Georgia Coalition Against Domestic Violence

Metro Fair Housing Services

Idaho

Intermountain Fair Housing Council

Illinois

Access Living of Metropolitan Chicago

Open Communities

South Suburban Housing Center

Tenant Advocacy Clinic

Indiana

Fair Housing Center of Central Indiana
Prosperity Indiana

Louisiana

Louisiana Fair Housing Action Center

Maryland

Maryland Legal Aid
Maryland Network Against Domestic Violence
Public Justice Center

Massachusetts

Community Teamwork

Michigan

Fair Housing Center of West Michigan

Minnesota

Housing Justice Center
Metropolitan Interfaith Council on Affordable Housing
Mid-Minnesota Legal Aid
Neighborhood Development Alliance, Inc.
Tubman
Violence Free Minnesota

New Jersey

Housing and Community Development Network of New Jersey

New York

Greater Syracuse Tenants Network
Housing Opportunities Made Equal, Inc.
Hudson Valley Justice Center
Long Island Housing Services, Inc.

North Carolina

North Carolina Coalition to End the Homeless

North Dakota

High Plains Fair Housing Center

Ohio

Advocates for Basic Legal Equality, Inc.
Fair Housing Advocates Association
Fair Housing Center for Rights & Research
Fair Housing Resource Center
Miami Valley Fair Housing Association, Inc.
Ohio Domestic Violence Network
The Fair Housing Center

Rhode Island

Rhode Island Coalition Against Domestic Violence

Tennessee

Fair Housing Council of Metropolitan Memphis

Texas

Texas Appleseed

Virginia

Housing Opportunities Made Equal of VA
Legal Aid Justice Center

Washington

Coalition Ending Gender-Based Violence
Washington Housing Alliance
Washington State Coalition Against Domestic & Sexual Violence

Wisconsin

End Domestic Abuse Wisconsin
Metropolitan Milwaukee Fair Housing Council