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| <div> <div>National Housing Law Project</div> <div>Newsletter December 2011</div> </div>  |   |
| <h2>Bill Would Extend VAWA's Housing Protections to Additional Federally Subsidized Programs</h2> <p>Recently introduced legislation would expand the housing protections of the Violence Against Women Act (VAWA). VAWA's housing protections became effective January 2006 and apply to applicants and participants in the public housing, project-based Section 8, and Section 8 voucher programs. The law prohibits survivors of domestic violence, dating violence and stalking from being evicted or denied housing assistance based on acts of violence committed against them. The proposed legislation is titled "The Housing Rights for Victims of Domestic and Sexual Violence Act" and was introduced as S. 1892. The bill would expand the types of victims and housing covered, address emergency relocation for survivors in subsidized housing, and amend language to ensure that survivors receive notice of their VAWA housing rights.</p> <h3>Expansion of VAWA's Protections</h3> <p>Presently, VAWA covers only the public housing and Section 8 programs, leaving tens of thousands of domestic violence survivors in other subsidized housing programs without protection. S. 1892 would change this by extending VAWA's protections against evictions and denials of housing to the following programs: Low-Income Housing Tax Credit; Section 811 Supportive Housing for Persons with Disabilities; Section 202 Supportive Housing for the Elderly; the McKinney-Vento homelessness programs; Section 236; Section 221</p> | <h3>More Information</h3> <p>For details regarding VAWA's current housing protections, visit National Housing Law Project's website at <a href="http://nhlp.org/OVWgrantees">http://nhlp.org/OVWgrantees</a></p> <p>(d)(3) Below Market Interest Rate; Housing Opportunities for Persons with AIDS; and rural housing assistance provided under sections 514, 515, 516, 533 and 538 of the Housing Act of 1949.</p> <p>Additionally, S. 1892 would extend VAWA's housing protections to sexual assault survivors. Currently, the statute only covers victims of domestic violence, dating violence, and stalking, leaving victims of non-intimate partner sexual assault vulnerable to evictions related to the violence against them. S. 1892 would address these concerns by explicitly including sexual assault victims among those who are covered by the housing protections.</p> <h3>Emergency Relocation</h3> <p>Currently, VAWA provides no specific mechanism for survivors to relocate on an emergency basis to other subsidized or affordable housing. The absence of guidance has left housing providers unclear as to how they can help survivors relocate to other housing without violating other obligations under federal law. S. 1892 would require public housing agencies (PHAs) and subsidized owners and managers to adopt an emergency transfer policy for survivors of domestic violence, dating violence, sexual assault, or stalking. The</p> <p><i>(Continued on page 2)</i></p> |
| <div>IN THIS ISSUE</div> <div> <div>Housing Bill Would Affect Domestic and Sexual Violence Survivors</div> <div>Housing First Program Shows Promising Results for Survivors</div> </div>  |   |

*(Continued from page 1)*

policy must allow survivors of domestic violence, dating violence, and stalking to transfer to another available and safe unit if the survivor expressly requests the transfer, and the survivor reasonably believes that he or she is threatened with imminent harm if he or she remains at the current dwelling. Survivors of sexual assault are not required to demonstrate a reasonable belief of imminent harm and instead can request a transfer within 90 days after the sexual assault occurred. The emergency transfer policy must include reasonable measures to ensure the confidentiality of the survivor's new location. S. 1892 would also require the HUD secretary to establish policies and procedures under which a survivor seeking emergency relocation can receive, subject to availability, a Section 8 voucher.

### **Notice of VAWA Rights**

Current law provides that PHAs must give public housing and Section 8 tenants notice of their VAWA housing rights. S. 1892 would expand these obligations beyond PHAs to subsidized owners and managers. Further, notice of VAWA rights would be provided to both applicants and tenants. The statute also specifies instances in which notice must be provided, including at the time an individual applies for a unit, at the time an individual is admitted to a unit, and with any notification of eviction or termination of assistance. PHAs, owners and managers would be required to provide notices in multiple languages. Additionally, housing providers would be required to post notices of VAWA protections in public areas of their housing projects.

### **Conclusion**

The current VAWA housing protections have saved numerous survivors from needless evictions and denials of assistance. S. 1892 would extend those protections to more survivors by covering additional housing programs and sexual assault victims. ■

## **Housing First Program Shows Promising Results for Survivors**

The Washington State Coalition Against Domestic Violence (WSCADV) created Domestic Violence Housing First in 2009 to meet the unique housing needs of domestic violence survivors. The original pilot program funded four organizations through a grant from the Bill & Melinda Gates Foundation. The purpose of the program was to create sustainable housing for domestic violence survivors and their children. Through a "flexible funding" approach, advocates were able to better serve needs that acted as a barrier to safe and affordable housing for survivors. The pilot program was so successful that in 2011, the WSCADV and the Gates Foundation expanded it to fund nine additional organizations.

According to advocates funded by the Housing First program, the key to the program's success is the flexible use of resources to aid survivors. As one advocate states, "surviving a relationship of power and control often times leaves deep financial holes for people to fill." Advocates have found that, while emergency shelters play an important role, survivors are often forced to return to their abusers when their shelter stay ends. Survivors working with Housing First advocates experience a new kind of advocacy focused on meeting long-term, sustainable goals. WSCADV's Housing First newsletters contain many examples of unique ways that advocates have empowered survivors to find or retain housing by meeting specific needs. In one instance, an advocate was able to help a survivor pay for her first six months of car insurance, which allowed her to take a full-time job offer and pay her rent. Housing First has met a variety of individual needs, including purchasing school supplies, appliances and bus passes, and paying for car repairs and debts. By eliminating underlying barriers to maintaining long-term housing, the flexible funding allows families to escape the cycle of abuse and move forward.

The Housing First program also collects statistics on clients and their needs. For example, recent statistics showed that the majority of clients

*(Continued on page 3)*

(Continued from page 2)

had simple, discrete needs that were met quickly. Twenty-six percent of clients had additional needs for services, and housing was obtained relatively quickly. The remainder required additional services plus long-term planning with an advocate to find housing and maintain economic stability.

WSCADV identified several past and ongoing challenges to finding housing for clients. The lack of affordable housing is the most common barrier for survivors, who may have limited income. The average monthly income for 28 new program clients in June 2011 was \$728. Other challenges to finding housing include lengthy waitlists for public housing and vouchers, denial of housing due to poor credit history, and the involvement of Child Protective Services (CPS). One of the goals of the Housing First program is to cultivate good relationships with public housing authorities and private landlords in order to increase housing opportunities for current and future program clients.

In spite of these challenges, the Housing First program has had great success at finding and maintaining housing for survivors. Of program participants served from July to September, 87% were in permanent housing. This success is a testament to the program's emphasis on flexibility and client-tailored advocacy to meet the unique needs of domestic violence survivors.

**For technical assistance or requests for trainings or materials, please contact:**

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## Technical Assistance Question and Answer of the Month

**Q.** Is there any way to get priority for either a public housing unit or a Section 8 voucher for victims of domestic or sexual violence who are applying for housing?

**A.** After an applicant has completed an application for the public housing and/or Section 8 voucher program, she will be placed on a waiting list. Public housing agencies (PHAs) typically organize waiting lists by either the date and time the application was received or by a random lottery. Applicants may reach the top of the waiting list more quickly if they qualify for an admissions preference. Given the shortage of affordable housing, some PHAs have established preferences to determine who should be first in line to receive assistance. For the most part, PHAs have discretion to set their preferences, and the preferences must be set forth in the PHA's policy documents. Accordingly, preferences differ from jurisdiction to jurisdiction, and advocates will need to contact their local PHAs to determine what their preferences are. Some common preferences that PHAs have adopted include a preference for residents of the community, homeless applicants, and families with members who are working. Domestic and sexual violence survivors who are applying for subsidized housing should carefully review the preferences offered by a particular PHA and seek to qualify for all the applicable preferences.

Some PHAs have adopted preferences specifically for survivors of domestic and sexual violence, although the majority of PHAs do not have such policies. Of the PHAs that have domestic violence preferences, most require that applicants provide some form of documentation, such as a letter from law enforcement or a restraining order, to qualify for the preference. If a PHA does not have a domestic violence preference, advocates should consider meeting with the PHA to discuss the possibility of adopting such a preference. NHLP can provide technical assistance to advocates who want more information on steps for enacting a domestic and sexual violence preference.