

HOUSING JUSTICE

National Housing Law Project

Newsletter June 2010

HUD Introduces Transformation of Rental Assistance Proposal

The Department of Housing and Urban Development (HUD) has proposed a multi-year program designed to preserve public and assisted housing, improve housing choice for residents, and streamline the rental assistance programs. The proposal is called the Preservation, Enhancement, and Transformation of Rental Assistance Act (PETRA). The proposal may be of interest to those serving domestic violence survivors because it could increase housing options for survivors living in public housing and privately owned HUD-subsidized housing.

Under PETRA, public housing agencies (PHAs) and some private owners managing HUD-subsidized housing would have the option of converting their current subsidy to long-term property-based rental assistance contracts. According to HUD, the new property-based contracts would not require a change in ownership of converted properties. PHAs would retain ownership of the converted properties. HUD states that property-based contracts would enable PHAs to secure private financing to repair and renovate their public housing developments. The initial phase of PETRA would focus on public housing projects.

Resident Rights

In units converted under PETRA, including public housing units, residents would have the right to move out of their homes and maintain rental assistance with a housing choice voucher. However, residents must first reside in the converted unit for two years. Advocates have recommended that HUD create exceptions to the two-year residency requirement where a tenant needs to move for reasons related to domestic violence or disability.

Residents of converted properties would continue to pay income-based rents, typically 30% of adjusted income. Conversion under PETRA would not be grounds for evicting residents, and eviction after conversion would be permitted only for good cause. Leases between tenants and owners of converted units must provide that an incident of domestic violence, dating violence, or stalking shall not be construed as a serious or repeated lease violation by the victim and shall not be good cause for terminating the victim's tenancy.

Eligibility requirements for admission to assisted units in properties converted under PETRA would not change. At least 40% of households moving into a converted property must be extremely low-income (i.e. income

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must not exceed 30% of area median income). HUD states that it will ensure that information about the converted properties and how to apply would be transparent to applicants. HUD also states that it seeks to achieve a “single-stop” application process for rental assistance.

Next Steps

A hearing on PETRA was held by the House Financial Services Committee on May 25, 2010. After this hearing, it became clear that much work remains to be done before PETRA will be enacted, and Committee Chairman Barney Frank indicated that the committee would not act on PETRA this year. The National Housing Law Project will continue to provide advocates with updates on PETRA’s progress. ■

Congress Focuses on Economic Needs During VAWA Hearing

On May 5, 2010, the Senate Judiciary Committee held a hearing about the increased importance of the Violence Against Women Act (VAWA) during the economic downturn. Committee Chair Patrick Leahy stated that the importance of VAWA “could not be clearer than it is today as our country copes with a troubled economy.” Senator Leahy said that the economic pressures of a

Statistic of the Month

Of 731 domestic violence shelters surveyed in March 2010, 77% reported an increase in women seeking assistance from abuse, and 75% attributed this rise in abuse to “financial issues.”

Mary Kay, Truth About Abuse Survey (May 5, 2010), http://www.marykay.com/content/company/pr_pressreleases.aspx

lost job, home, or car can add stress to an already abusive relationship, making it harder for victims to escape violence. He also recognized that “[e]conomic insecurity is among the most formidable obstacles for survivors of domestic and sexual violence” and that “abusers often retain their control through economic dependence.” While praising VAWA’s accomplishments, he acknowledged that there is more work to be done as Congress considers the reauthorization of VAWA.

Judge Susan B. Carbon, Director of the Office on Violence against Women, highlighted the importance of VAWA programs and policies in times of economic stress. Judge Carbon testified that during the economic downturn, victims of domestic violence have faced additional obstacles to leaving their abusers. According to Judge Carbon, state funding cuts and declining charitable donations have threatened the ability of shelters and service providers to continue serving victims. She noted that the National Domestic Violence Hotline, which was created by VAWA, reported that calls to the hotline increased 19.4% in the 12 months following September 2008. She also noted that shelter staff in Dane County, Wisconsin, compared their service numbers for the first quarter of 2008 with the first quarter of 2009 and found a 44% increase in persons receiving shelter, a 74% increase in crisis response, and a 124% increase in calls to the crisis line requesting information about shelter. Judge Carbon concluded by emphasizing the importance of reauthorizing VAWA to sustain, strengthen, and enhance the nation’s efforts to end violence against women.

To watch a webcast of the hearing or read the testimony, visit <http://judiciary.senate.gov/hearings/hearing.cfm?id=4562>. ■

HUD Issues Regulations Implementing Changes to Definition of Homelessness

In May 2009, President Obama signed the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act). Among other changes, the HEARTH Act changed the definition of “homeless”, “homeless individual”, and “homeless individual with a disability.” Pub. L. 111-22 (May 20, 2009). These changes affect who is eligible for the Department of Housing and Urban Development’s (HUD) homelessness programs, create new verification procedures, and raise issues of confidentiality. On April 20, 2010, HUD, as required by the Act, released a proposed rule interpreting the new homelessness definitions, including how to verify a person’s status as homeless. While the proposed rule applies to Emergency Solutions Grants (ESG), HUD plans to use the same criteria for its Continuum of Care and Rural Housing Stability Programs.

The new definition of homelessness included in the HEARTH Act enumerates four broad categories: 1) people who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided; 2) people who are losing their primary nighttime residence, including a motel or hotel or doubled up lodging; 3) families with children or unaccompanied youth who are unstably housed and likely to continue in that state; 4) and people who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain other permanent



“HUD's homeless assistance grants produced an average of 8,878 permanent supportive housing beds annually since 2001, and a cumulative total of 71,000 beds, with an increasing percentage targeted to the chronically homeless.”

Written Testimony of HUD Secretary Shaun Donovan before the Senate Appropriations Subcommittee on May 20, 2010

housing. Only the third category is entirely new.

Advocates should especially note the third and fourth categories of homelessness, as they most directly impact survivors of domestic violence. The third category of homelessness is entirely new to HUD’s definition. In order for families with children or unaccompanied youth to be considered homeless, they must, among other criteria, have at least one of an enumerated set of characteristics that makes them hard to house – including a history of domestic violence or childhood abuse. The fourth category of homelessness directly addresses domestic violence. The definition is changed to include a person who is fleeing not just domestic violence, but also

“dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence.” HUD’s proposed rule, when finalized, will require shelters to change their intake forms and policies. Thus, advocates should be aware that their clients may be eligible for transitional housing programs and shelters that are funded by HUD.

In order to qualify under the domestic violence category of homelessness, the individual or family would have to provide a documented oral statement. While the shelter or transitional housing provider would not need to verify the statement, the documentation requirement may cause confidentiality concerns. The proposed rule does not address confidentiality, but HUD is scheduled to include the issue in an upcoming proposed rule. We will provide updates as HUD’s rules implementing the HEARTH Act are finalized. ■

Other Changes to the Homeless Definitions

In addition to the homeless definitions already discussed in this newsletter, HUD’s proposed definitions would moderately expand who can access HUD programs. For example:

- A person would be considered homeless if she or he has been in an institution for 90 days or less (as opposed to 30 days or less under the prior definition) and was residing in a shelter or place not meant for human habitation immediately prior to entering the institution.
- Persons who are going to lose their housing within 14 days and have no future residence lined up will now be considered homeless. Previously, the person or family would have to have been facing loss of the housing within 7 days.

Looking for More Resources on Housing and Domestic Violence?

Visit National Housing Law Project’s (NHLP) webpage specifically designed for Legal Assistance for Victims (LAV) grantees.

You can access the site at <http://www.nhlp.org/resourcecenter?tid=96>

The webpage contains materials designed to help you address housing issues commonly encountered by survivors of domestic violence, sexual assault, and stalking. Examples of these materials include an advocates’ toolkit on the housing provisions of the Violence Against Women Act (VAWA), training curricula on the housing rights of survivors of domestic violence and sexual assault, and NHLP’s monthly newsletters for LAV grantees. We plan to regularly update this site as we develop more materials for grantees.

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

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