



## NASH and NHLP Release Toolkit for Survivor Advocates

The National Alliance for Safe Housing and the National Housing Law Project published a **toolkit** to help advocates who work with survivors of domestic violence understand the housing rights of survivors, and how to help survivors access these rights. The toolkit, geared at community-based, non-legal advocates, addresses common questions and complex scenarios that advocates encounter while serving survivors. The toolkit begins with an overview of federal, state, and local protections for survivors. The overview provides the background of each law, what protections it provides, the limitations on those protections, and when it is appropriate to apply each law.

The toolkit also contains housing scenarios commonly faced by survivors. The scenarios fall into several categories: the survivor who needs temporary shelter, the survivor who wants to stay in temporary shelter, the survivor who wants to stay in their permanent housing, and the survivor who needs help to keep their perpetrator out of housing. The response to each scenario discusses the survivor's rights, the applicable laws, and the necessary steps to assert those rights.

Additionally, the toolkit addresses scenarios such as requesting lock changes, damages caused by an abuser, and the survivor who needs shelter but does not have proof of citizenship or immigration status. The toolkit further contains sample demand letters and forms for survivors in public housing, Section 8, and other subsidized housing who need to remove their abuser from a lease agreement. The toolkit also provides references, additional resources, and information on HUD and VAWA. ■

## Spotty Implementation: VAWA Housing Protections in LIHTC Properties

In 2005, for the first time, the Violence Against Women Act (VAWA) included housing protections for survivors of domestic violence, dating violence, and stalking accessing and maintaining federal housing assistance. In 2013, VAWA's housing protections (VAWA 2013) expanded to protect sexual assault survivors and cover properties financed by the federal Low Income Housing Tax Credit (LIHTC) program. LIHTC is an affordable housing program administered by the Internal Revenue Service (IRS). Unlike traditional housing programs, LIHTC does not directly provide housing subsidies to tenants. Instead, the IRS allocates tax credits to states, which, in turn, use the tax credits to incentivize developers to build and rehabilitate affordable housing. LIHTC is the largest housing program in the U.S., creating over 3.1 million units nationwide since its inception in 1986.

A forthcoming article in the American Bar Association's *Journal of Affordable Housing and Community Development Law* examines the ways in which VAWA's housing protections have been or, as is the case in the majority of states, have not been implemented in LIHTC housing. Gathering data and statistics from various sources, the article outlines the methods that state housing finance agencies (HFAs)—the entities tasked with locally administering the LIHTC program—have taken to implement VAWA. The following highlights major points made in the article.

Under VAWA 2013, Congress tasked three federal agencies in charge of administering the covered federal housing programs with creating rules and guidance to implement VAWA's housing protections. While the Department of Housing and Urban Development (HUD) and the Department of Agriculture's

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Office of Rural Development (RD) have created rules or issued guidelines to instruct housing providers in their programs on VAWA implementation, the IRS, which administers the LIHTC program, has not issued any regulations or guidance on VAWA implementation in LIHTC properties. As a result, HFAs have been left to their own devices, resulting in a majority of states taking no steps whatsoever to implement VAWA's housing safeguards. This inaction not only jeopardizes survivors' housing and safety, it also opens up LIHTC providers to liability.

However, a growing number of states are taking steps to implement VAWA's housing protections in LIHTC properties. In 2016 and 2018, a number of national and state advocacy groups created and distributed two surveys to HFAs, asking HFAs what methods (if any) they used to implement VAWA in LIHTC properties. The results highlighted the fact that without IRS guidance, states' implementation of VAWA in LIHTC properties has been uneven. The survey revealed a wide spectrum of practices that varied in the level of information and assistance they provide survivors. However, some important trends were identified:

- Fourteen states have implemented VAWA by including VAWA's requirements in their Qualified Allocation Plan (QAP—the document in which each state outlines the process and requirements for distributing tax credits to developers). For example, states:
  - Included survivors of domestic violence, sexual assault, dating violence, and stalking as a special population in their selection criterion
  - Required VAWA 2013 compliance as a condition for applicant approval
  - Specified that a tenant's survivor status does not qualify as a good cause for eviction
- Eighteen states required providers to use lease addendums that inform tenants of their VAWA rights
- Almost all of the survey participants indicated that they were planning to, or had already, give notice to LIHTC owners and property managers of VAWA's requirements
- Seventeen states required VAWA compliance procedures in their compliance manuals
- Nine states included notice of VAWA compliance in their annual owner certification forms

While uniform VAWA compliance in LIHTC properties is unlikely until the IRS fulfills their duty to issue regulations to implement the law, several states are taking concrete steps to ensure that survivors know their rights and that providers are aware of their obligations under VAWA. ■

## New Maps from NIWAP Chart Benefits for Immigrant Survivors

The National Immigrant Women's Advocacy Project has published several Interactive Benefits Maps along with State-by-State Public Benefits Charts that lay out eligibility for public benefits by immigration status. The maps are a useful resource for immigrant survivors as they cover the eligibility of VAWA Self-Petitioners, T-, and U-Visa holders for a number of state and federal benefits, including housing programs.



Starting at the [main page](#), users can select the map for the public benefit they are interested in. After users click on their state in the map, the page displays a list of immigration statuses. Next to each immigration status is the short answer describing whether the individual may be eligible, not eligible, or eligible with conditions for the selected benefit in that state. Eligible with conditions means the individual must meet additional requirements before they can access services. At the bottom of the page, there is a link to the corresponding State Public Benefits Chart, which provides more detailed information on the eligibility for all of the covered benefits programs.

The maps also point out the existence of federal protections in certain programs that apply across the entire country. For example, everyone has a right to access emergency shelter regardless of immigration status and immigrant survivors of domestic violence are eligible for legal services in every state. Self-petitioners under the Violence Against Women Act have the right to remain in public housing or continue receiving rental assistance in HUD-covered programs and rural housing programs operated by the Department of Agriculture.

The State-By-State Public Benefits Charts outline an immigrant crime victim's eligibility for federal- and state-funded benefit programs. The charts include information on the following immigration statuses:

- VAWA Self-Petitioners
- T-Visa Holders
- T-Visa Applicants and Family Members
- Individuals with Continued Presence
- Refugees
- Asylees

- Undocumented Individuals
- Deferred Action for Childhood Arrivals (DACA) Participants
- Individuals with Special Immigrant Juvenile Status (SIJS).

The charts cover the eligibility of each immigration status for a number of state and federal public benefits programs including:

- Cash Benefits
- Child Care Programs
- Nutrition Programs
- Health Care

- Education Benefits
- Driver's Licenses
- Housing
- Tax Credits
- Weatherization Assistance
- FEMA.

The charts not only present straight-forward answers in a clean format, they also contain accompanying footnotes that provide links to more detailed and still user-friendly resources, such as webinars, toolkits, and charts published by other organizations like NHLP and the National Immigration Law Center. ■

## HUD Reaches Settlement with California Housing Provider for Discrimination against Survivor

The U.S. Department of Housing and Urban Development (HUD) has announced the approval of a **settlement agreement** between the owners of a Sunnyvale, California, apartment building and a former tenant. **Project Sentinel**, a fair housing advocacy organization, filed a complaint with HUD on behalf of the tenant, a survivor of domestic violence with two young children. The complaint raised a Fair Housing Act claim alleging that the property managers discriminated against the tenant on the basis of sex when they refused to remove her abusive husband from her lease and ignored her requests to have her locks changed.

The tenant moved into the Sunnyvale apartment building with her then husband in 2012. During her time living there, her husband verbally and physically abused her. The tenant's husband moved out of the apartment in August 2017 after police escorted him off the premises. Shortly thereafter, the tenant's husband contacted the building property manager and requested to have his name taken off the lease, but the property manager did not remove his name. In November 2017, the tenant submitted a request to have the locks changed along with a copy of a court-issued protection order, an action permissible under California law. When the property manager refused, stating he could not change the tenant's locks because her husband was still on the lease, the tenant requested to have her husband taken off the lease. The property manager responded that he could not remove the husband from the lease because the tenant's income was not enough to qualify her for her current unit, despite the tenant having demonstrated her ability to pay through income verification.

With the support of staff from Project Sentinel, the tenant met with her property manager again in December 2017. The manager told her that he would change her locks "as a courtesy" but that he would provide her husband with a key if her husband ever requested it because he was still on the lease. After the property manager failed to follow through on his promise to change the locks, representatives from Project Sentinel contacted the building owner, Essex Property Trust, Inc., numerous times. While the company's regional managers made empty promises twice, the tenant's locks were never changed. In February 2018, the tenant received notice that her lease would not be renewed because of a failure to complete the recertification of her income. By the time the tenant moved out in March 2018, she had requested to have her locks changed five times and had produced updated copies of her protection order on multiple occasions. Neither the on-site property manager nor employees from Essex Property Trust had taken any steps towards preventing the tenant's husband from accessing her apartment, and instead forced the tenant to live in fear for her and her children's safety for over six months. The tenant ultimately relocated, at great personal expense, to another property over 40 miles away.

The settlement agreement orders Essex Property Trust to pay the tenant \$20,000. The settlement also requires the company's regional manager and property manager of the tenant's building to participate in fair housing training. Additionally, the company must implement a domestic violence policy at all of its properties, and educate its employees on how to address the safety and housing needs of survivors of domestic violence. Because Essex Property Trust is a continually growing publicly traded real estate investment trust with over 240 multifamily apartment complexes, the mandate has the potential to help a multitude of domestic violence survivors and set a precedent for housing providers. ■

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