

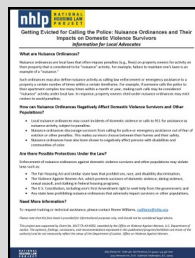
HUD Changes Point-in-Time to Better Understand Domestic Violence and Homelessness

HUD recently circulated a series of guidance documents on the Point-in-Time (PIT) count data collection for Continuums of Care (CoCs). This guidance modifies the standard for reporting on sheltered and unsheltered survivors of domestic violence. The PIT count is a one-night count of all homeless persons within a specified geographic area.

HUD stated that it seeks to establish whether domestic violence is the primary cause of an individual's homelessness. According to HUD, the PIT data count should only report on "those who are currently experiencing homelessness because they are fleeing domestic violence, dating violence, sexual assault, or stalking" instead of reporting on "survivors who have ever experienced these circumstances." The change aims to improve accuracy in counting families and individuals "currently experiencing domestic violence and who qualify as homeless as a result of: 1) Fleeing, or is attempting to flee; 2) Having no other residence; and 3) Lacking the resources or support networks to obtain other permanent housing." Reporting on the number of domestic violence survivors is still optional, but for those CoCs who choose to do so, the new question is required.

The guidance also reminds interviewers to fully respect the safety and confidentiality of domestic violence survivors. To that effect, CoCs are encouraged to partner with local domestic violence

NHLP Releases Q&A on Nuisance Ordinances



The National Housing Law Project is pleased to announce the release of *Getting Evicted for Calling the Police: Nuisance Ordinances and Their Impacts on Domestic Violence Survivors Information for Local Advocates*.

This brief question-and-answer resource provides advocates with an introduction to the topic of nuisance and crime-free ordinances, and how such ordinances can negatively affect survivors of domestic violence.

NHLP provides training and technical assistance about nuisance and crime-free ordinances and policies to jurisdictions, police departments, survivor advocates, and legal aid advocates. For more information, please contact Renee Williams, rwilliams@nhlp.org.

stakeholders, especially providers, to determine best practices.

Please refer to the following resources for more information:

- HUD, [Notice CPD-17-08, Notice for Housing Inventory Count \(HIC\) and Point-in-Time \(PIT\) Data Collection for Continuum of Care \(CoC\)](#)

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Program and the Emergency Solutions Grants (ESG) Program (Sept. 20, 2017).

- [*Point-in-Time \(PIT\) Count of Homeless Persons: Partnering with CoCs on the PIT Count: What Domestic Violence Providers Need to Know*](#)
- [*Point-in-Time \(PIT\) Count of Homeless Persons: Engaging with Domestic Violence Survivors: What CoCs Need to Know*](#)

Survivor Not on Lease Has Right to Intervene in Eviction Action

In October 2009, a mother, her husband, and their children moved into a federally subsidized unit in Boston. Both she and her husband initially signed the lease, but the couple then removed the mother from the lease, since she did not have eligible immigration status for the federal assistance. The mother and the children left the unit for a few months. Two years later, the mother obtained her legal permanent residency. She brought her immigration paperwork to the landlord and requested to be added to the lease. At that point, the landlord should have given her an “add-on application,” which would have added her to the lease. Instead, the landlord told her that only her husband could add her name to the lease. However, the husband refused to do so to control his wife.

In 2015, the mother obtained an abuse prevention order against her husband, which required him to stay away from the apartment and granted her full custody of the children. A few weeks later, the landlord served a notice to evict on the husband and the children. The notice stated that the mother was an “unauthorized individual” living in the apartment. The landlord then filed an eviction action in the Housing Court.



The mother filed a motion to intervene in the case, arguing that the Violence Against Women Act (VAWA) prohibited the eviction as it was based on domestic violence. The trial court judge denied the mother’s motion to intervene because: (1) the survivor and her husband had made a joint decision to not add her to the lease and benefit from a lower rent and (2) the landlord’s failure to give her an add-on application was negligent but not related to domestic violence, so there was not any discrimination under VAWA. The trial court judge also denied the mother’s motion to intervene on behalf of her children because she had committed fraud by living in the apartment without being named as a tenant on the lease. Because the husband did not appear, the judge entered a default judgment. The mother appealed the decision, but the Appeals Court agreed with the trial court’s decision.

Massachusetts Supreme Court Reverses Ruling

The Massachusetts Supreme Judicial Court found that the mother could intervene in an eviction action despite not being a named tenant on the lease. Under Massachusetts laws, an individual can intervene in an action “when the applicant claims an interest related to the property or transaction which is the subject of the interest” In its analysis, the Court focused on determining whether the mother has claimed an interest related to the apartment, even though she was not listed as a tenant on the lease—regardless of the merits of her claim. As such, the judges in the lower courts should have taken all allegations in the motion as true, instead of evaluating the merits of

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the claim.

The Court stated that the trial judge improperly denied the mother's motion to intervene. VAWA provides that tenants and other qualified applicants of public housing could not be denied or evicted from housing on the basis that they are a victim of domestic violence. The mother demonstrated that she claimed an interest in the unit when she stated that she tried to add her name to the lease, but her abusive husband prevented her from doing so to control her.

The Court also held that the mother should have been allowed to intervene on behalf of her children, as she had sole custody of them. The Court explains that VAWA protects the children as well, because they are tenants who are affiliated with their mother. Additionally, the children have a viable retaliation defense against the landlord, since their mother sought a protective order against her husband shortly before the eviction action was filed. The Court vacated the trial court's decision and remanded the case.

Resource:

Beacon Residential Management, LP v. R.P., 81 N.E.3d 714 (Mass. 2017).

New Paper on How Rapid Rehousing Can Better Accommodate Survivors

Domestic violence is a leading cause of homelessness among women and children, partly because many domestic violence survivors fleeing abuse often lack the resources and support necessary to find and retain immediate housing. As a result of their abuser's behavior, survivors face unique barriers in acquiring and maintaining housing, including poor rental history due to property damage, police presence, or evictions; poor credit history due to financial abuse; job instability due to trauma-related mental health issues and child



care needs; and repeating cycles of abuse. Rapid Re-Housing (RRH) is a program that provides short-term rental assistance and services to individuals and families in need of immediate housing. While this program can be an effective tool for providing safe and stable housing for survivors, Kris Billhardt's paper, *Rapid Re-Housing: Considerations for Homeless Service Providers Supporting Families Impacted by Domestic Violence*, recommends modifications to RRH's three Core Components to better accommodate domestic survivors' distinctive needs.

Housing Identification

Domestic violence survivors face many barriers finding landlords that will rent to them and neighborhoods that will foster their healing processes. Landlords are often disinclined to rent to survivors because of their abuse-related negative rental history, housing-related debts, unemployment or underemployment, etc. Relocation also does not necessarily mean the end of an abusive relationship, and abusers may remain in survivors' lives or discover survivors' new addresses. Further, affordable rental units are often characterized by high levels of poverty or crime rates, and placing survivors in unsafe neighborhoods puts survivors at continued risk of violence and re-traumatization. The paper recommends the following modifications to address these issues:

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Landlord advocacy/education. Educate landlords about the effects of domestic violence, but do not compromise survivors' safety by relaying too much personal information or abuse history; communicate with landlords about survivors' incentives to maintain rental agreements; and offer to coach survivors to have these conversations on their own behalf.

Progressive, comprehensive safety planning. Locate housing that will safeguard survivors against discovery and vulnerability while still honoring the survivor's location choice; follow survivors' lead to construct and update safety plans; and facilitate access to units located in various neighborhoods or work with landlords who have more than one unit in various locations.

Flexible financial support and services. Provide longer rental subsidy periods to allow survivors more time to build financial stability; create relationships with "second-chance" landlords; facilitate master leasing arrangements that transition to the survivor as the lease holder; and connect survivors to services that can repair damage to their financial standing.

Rent and Move-In Assistance

Even after survivors locate housing, they face more barriers building an income. Many survivors experience abusers controlling and sabotaging their wage-earning abilities, which limit their opportunities to gain marketable skills or a stable employment history, and can make it more difficult to acquire and maintain employment after fleeing the abuse. Building an income and paying rent can also be stifled by the physical and emo-



tional effects of post-traumatic stress and increased involvement in various child-care, civil, or criminal systems. Further, the risk of violence may increase after a survivor leaves an abuser, and this increased violence or fear of violence can also impact a survivor's ability to find and maintain stable employment. The paper recommends the following modifications to address these issues:

Rental subsidy adjustments. Allow for tailoring the rental period at both the systems and program level to meet domestic violence survivors' needs, and create ways to assist with additional costs related to stabilization.

Trauma-informed networks. Create culturally-specific programs that connect with content experts and technical assistance or training; become familiar with community resources that survivors may need; and assist survivors with connecting to domestic violence-informed income and trauma support services.

Services to Support Retention

Retaining housing requires ongoing support that incorporates survivors' complex needs to assist with their involvement in multiple complex systems, building support systems, and addressing the trauma facing the survivor and their children. Moving away from an abuser does not necessarily end the abuse, and continued violence is a large barrier standing in the way of housing retention. With a focus on maintaining survivors' agency, dignity and self-determination, the paper recommends the following modifications:

Tailored support systems. Work with survivors to identify their long-term needs and goals; connect with local victim service providers that can accommodate these needs; restore survivors' natural support systems and build new community connections to support healing; and use trauma-informed approaches to assist with complex decision-making.

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Safety plans adaptations. Revisit and adapt safety plans as circumstances change, and prepare to secure new housing in case the survivor's safety is at risk.

Low-barrier services. Offer mobile or at-home services to reduce logistical burdens; orient approaches on the whole person to alter service to the survivors' unique needs; and provide support services that operate through a domestic violence lens.

Ultimately, the paper stresses the need for modifications that incorporate survivor-driven decisions, trauma-informed approaches, and comprehensive support that embraces a survivor as whole person with distinctive goals and housing needs.

Resource:

Kris Billhardt, National Alliance for Safe Housing, *Rapid Re-housing: Considerations for Homeless Service Providers Supporting Families Impacted by Domestic Violence* (July 15, 2018).

Study Finds Race Has Outsize Impact on Homelessness

Survivors of domestic violence, dating violence, sexual assault, and stalking are often at risk of homelessness. In March 2018, the group Supporting Partnerships for Anti-Racist Communities (SPARC), founded by the Center for Social Innovation, released preliminary findings on the first phase of its study regarding the outsize impact of race on homelessness. Nationally, studies have documented that African Americans comprise about 13 percent of the general population, but more than 40 percent of the homeless population. Within SPARC's sample communities, African Americans constituted approximately 18 percent

of the population, but almost 65 percent of the homeless population.

The Study and Its Findings

The SPARC study gathered and analyzed data, including information from interviews, from six communities: Atlanta, Georgia; Columbus, Ohio; Dallas, Texas; San Francisco, California; Syracuse, New York; and Pierce County, Washington. According to the study's findings, African Americans and American Indians/Alaska Natives were overrepresented among the homeless population within SPARC communities. Additionally, within the SPARC communities, African-Americans were particularly overrepresented in the young adult homeless population, making up nearly 80 percent of homeless individuals aged 18-24.

The study also found that lone individuals were more likely to exit a program such as transitional housing or emergency shelter into homelessness, compared to individuals with family members. Men were more likely than women to exit such programs into permanent housing. Furthermore, the study found that homelessness within the Hispanic population is "poorly understood," as Hispanic persons "are not being served by the formal shelter, housing, and service systems."

Areas of Focus

The study outlined five major areas contributing to the relationship between race and homelessness: family stabilization, economic mobility, housing, criminal justice, and behavioral health.

Family Stabilization. When discussing the topic of "family stabilization," the SPARC report identified domestic violence as a "significant theme" among those interviewed for the study. The study noted that domestic and intimate partner violence occurred "across genders and age ranges." Individuals interviewed for the study described abuse ranging from "extreme levels of physical violence to emotional abuse and isolation."

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Economic Mobility. Interviews for the study revealed that the inability of persons to obtain assistance from their broader social networks can result in homelessness. Members of these broader networks are themselves struggling with too few resources, and therefore cannot spare items such as food.

Housing. The study noted that the lack of safe and affordable housing remains a “central issue” with respect to homelessness.

Criminal Justice. Interview participants cited prior involvement with the criminal justice system as being a “primary driver” of homelessness. Prior involvement with the criminal justice system not only prevented participants from obtaining housing, but also presented barriers to “stable, living-wage jobs.” The criminal justice system—which features stark inequities with respect to communities of color, among others—is what the report called a “two-way street into and out of homelessness,” with persons exiting the criminal justice system often becoming homeless, and persons who experience homelessness being arrested or incarcerated.

Behavioral Health. The study also called attention to the shortcomings in serving mental health and substance abuse needs, and noted that current practices do not serve the needs of communities of color. The study suggested that providers of



behavioral healthcare “may not be coordinating well” with homeless service providers. Interviews for the study also revealed that substance abuse is related to a person’s experiences of violence or trauma.

The report also proposed a series of recommendations. More reporting and findings by the SPARC study are due to be released in the future. Domestic violence is a significant theme in the lives of persons experiencing or at risk of homelessness. As the SPARC study demonstrates, communities of color are impacted by various factors that, in turn, can lead to homelessness. Service providers should examine their programs and offerings to ensure that they are serving their clients in a way that minimizes these barriers to housing stability and that effectively serves communities of color and other historically underserved populations.

Resource:

SPARC, *Phase One Study Findings* (March 2018).

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

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This project was supported by Grant No. 2016-TA-AX-K028 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.