



Summary: Highlights from Revised FVPSA Regulations

The Family Violence Prevention and Services Act (FVPSA) provides federal funds to domestic violence (DV) programs and issues rules and regulations for FVPSA-funded programs. These FVPSA regulations were updated in 2017 to include improvements and clarifications regarding access to DV resources and shelter for LGBTQ+ survivors, as summarized in National LGBTQ Institute on IPV's resource, *Highlights from the Revised FVPSA Regulations for Advocates and Programs Serving LGBTQ Survivors*.

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The new rules and regulations pertaining to LGBTQ+ survivors highlighted in this resource are summarized below.

Non-Discrimination and Accessibility

The updated regulations have non-discrimination requirements related to sexual orientation, gender identity, transgender, and gender non-conforming individuals. The regulations make it clear that all survivors of family violence, domestic violence, and dating violence should have access to FVPSA-funded programs, and that failing to serve individuals based on their actual or perceived sexual orientation or gender identity is a violation of FVPSA.

Definitions

The regulations also clarify and improve some definitions. "Underserved populations" now includes LGBTQ+ survivors who face barriers because of actual or perceived sexual orientation and gender identity. "Shelter" now reflects its broad meaning, and includes spaces where survivors can live away from discrimination and receive more tailored services. Definitions of "domestic violence" and "dating violence" are now gender neutral, and have been expanded to include financial abuse, electronic abuse, and stalking. "Personally identifying information" is now interchangeable with "personal information" and means any information likely to disclose the location of a survivor; data protected by encryption and encoding is now considered personally identifying information and cannot be disclosed.

Program Practice Requirements

The regulatory revisions also include more specific language about best practices and newly required policies.

Voluntary services. All services must be voluntary; shelters cannot make participation in services a condition of receiving shelter. This is especially important for LGBTQ+ individuals who are subject to other shelter residents' homophobia or transphobia, which often make group services uncomfortable for these individuals.

Sex-segregated services. Sex-segregated services must now be deemed necessary to the essential operation of the program, and cannot be justified by unsupported assumptions or overly-broad sex-based generalizations. Additionally, families should be housed together regardless of the sex of their children, and services exclusively for women must treat every person who identifies as a woman equally, without asking for verification or proof of any kind.

NHLP's Nuisance Website

NHLP is excited to announce that the Nuisance Ordinance and Crime-Free Housing Initiative's website is now live!

NHLP's Nuisance Ordinance and Crime-Free Housing Initiative addresses the intersection between local nuisance ordinances and the housing stability of survivors of domestic violence, dating violence, sexual assault, and stalking.

The website features resources for advocates and local governments, past NHLP trainings, and provides links to federal government guidance on nuisance and crime-free ordinances.

Check it out
today!

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If a service is sex-segregated, then a comparable service must be offered for people who cannot use sex-segregated services. This revision will ensure programs accurately assess a survivor's needs on an individual basis instead of relying on gender as a sorting mechanism.

Privacy in shelter. The revised regulations still do not require privacy for survivors and their families in shelters, but they do note that "it is a best practice for families to have their own bedrooms and bathrooms."

Conditions for admission to shelter (aka "screening"). Programs are now prohibited from requiring certain types of admission screenings, including: screening for sobriety, criminal background checks, and requirements to obtain specific legal remedies. Such screenings create more barriers for targeted and over-policed LGBTQ+ communities and communities of color with criminal records and limit a program's accessibility.

Personally identifying information and confidentiality. Programs cannot reveal any personally identifying information without informed, written, and reasonably time-limited consent.

Clarification regarding data, personally identifying information, and citizenship. Programs do not need to collect data on citizenship status for any reason, and are allowed to provide services without asking for information or documentation regarding an individual's citizenship status.

Shelter program and location confidentiality. Program locations do not need to be secret or confidential, and programs can instead implement alternative security measures to maintain survivor's safety. Even if a program location is secret or confidential, the location still needs additional security measures, and should not be made public except by written permission from the program. This approach provides programs more flexibility with regards to their secrecy policy, and allows for realistic security measures.

Services to minors. When state law allows a minor to consent to services without a parent or guardian, a minor can now also consent to a release of information without a parent or guardian's consent.



Caution regarding reporting to child protective services (CPS). The regulations caution programs against making reports to CPS based on exposure to domestic violence or contact with the abuser, if doing so would undermine the survivor's decision regarding a child's safety. Programs should use discretion in distinguishing between necessary and unnecessary reporting to CPS, and avoid unnecessary, excessive reporting practices.

Communication with individuals who have limited English proficiency, and communication with people with disabilities. The definition of "supportive services" now includes linguistically supportive services, and programs must have plans to ensure effective communication and equal access for individuals with limited English proficiency and individuals with disabilities.

All of these modifications to the FVPSA regulations work to expand program accessibility, protect survivors from discriminatory practices within the programs, increase privacy protections, and allow programs the flexibility to tailor their practices to best serve survivors. ■

A Peek into Seattle's Eviction Crisis

A new report on the ongoing eviction crisis in Seattle was released this September. The report, *Losing Home*, authored by the Seattle Women's Commission (SWC) and King County Housing Justice Project (HJP), gives an overview of the Seattle affordable housing crisis, with a specific focus on marginalized communities that are vulnerable to eviction.

The report, based on a case study of over 1,400 tenants that were evicted in Seattle during 2017, looked at data from HJP records, official Seattle County records, client surveys, and in-person interviews of housing managers and tenants who had been evicted. Their findings were grim—noting that many tenants were evicted after missing only one month's rent. The authors found that “[w]hile a month of unpaid rent might be an inconvenience for a landlord, an eviction can mean life or death for a tenant.

While low-income renters of all stripes struggle with evictions in Seattle, the report found that racial discrimination persists in the Seattle housing market, finding that women of color with children were the most at risk for eviction. The report examines in detail the factors as to who gets evicted in Seattle, where these tenants live, and what impact eviction has on tenants.

Echoing nationwide studies, the Seattle report highlights that domestic violence is frequently an antecedent to housing instability, noting that domestic violence was a common thread among tenants in the case study. The high rents in Seattle have led many survivors of domestic violence to face the agonizing choice of either remaining with an abusive partner or to leave and risk eviction and homelessness for themselves and their children.

The report concludes with specific policy recommendations on how to make it easier for tenants, including tenant-survivors of domestic violence, to pay rent, improve tenant rights and relationships with landlords, and how to rebalance the justice system that overwhelmingly works in the landlord's favor. ■

To read the full report visit:

https://www.seattle.gov/Documents/Departments/SeattleWomensCommission/LosingHome_9-18-18.pdf

USICH Strategic Plan: Home Together

The U.S. Interagency Council on Homelessness, which includes partners from nineteen different federal agencies, recently released their national strategic plan to end homelessness: *Home, Together*. The plan, adopted by the Council in July 2018, covers Fiscal Years 2018-2022.

The plan sets out the goals, including qualitative criteria and quantitative benchmarks, to provide states a clear path to address homelessness issues in their communities. The Council outlines four broad objectives in the plan to ensure that homelessness is an experience that is: (1) Rare, (2) Brief, (3) One-Time, and (4) Has a Sustainable End.

The plan recognizes that survivors of domestic violence have an increased need for low-barrier emergency shelter, as well as longer-term temporary accommodations and a higher level of supportive services. The plan also emphasizes the importance of having staff trained with trauma-informed approaches and confidentiality concerns when implementing coordinated entry processes for survivors of domestic violence. The Council has pledged to have its federal agencies provide technical assistance and guidance to help state and local partners address these concerns. ■

Proposed Public Charge Rule: Potential Impact on Survivors

Public Charge Rule Basics

On October 10, 2018, the U.S. Department of Homeland Security (DHS) published the agency's proposed rule in the Federal Register that seeks to change the way in which the agency determines whether certain immigrants are likely to become a “public charge.”

Currently, a “public charge” is defined as a person who is “primarily dependent on the government for subsistence, as shown by either the receipt of public cash assistance or institutionalization for long-term care at the government's expense” (emphasis added). The proposed rule would change this definition to include any applicant who uses or receives, or is likely to use or receive, one or more public benefits, including non-cash benefits such as SNAP (food stamps) and Medicaid.

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*“Give me your tired, your poor,
your huddled masses.”*

This proposed rule directly affects immigrants and their families applying for and receiving Public Housing and Section 8 rental assistance. As proposed, the rule departs from longstanding immigration policy by making it more likely for certain immigrants to be deemed public charges because they have received, currently receive, or could receive certain kinds of public benefits, including Section 8 Housing Choice Vouchers, Project-based Section 8 Rental Assistance, and Public Housing.

Exemptions for Survivors of Domestic Violence and Other Crimes

The rule would primarily affect noncitizens who are applying for lawful permanent resident status (green cards), individuals seeking an extension of or changes to their non-immigrant status, and immigrants seeking admission into the United States. However, some immigrants will not be subject to the public charge rules. These include refugees, asylees, survivors of trafficking and other serious crimes, battered-immigrants under section 431(c) of the PRWORA of 1996, self-petitioners under the Violence Against Women Act, special immigrant juveniles, certain people who have been paroled into the U.S., several other categories of noncitizens, as well as lawful permanent residents applying for U.S. citizenship. ■

In Case You Missed It: Newsletter Issues 1 & 2

Inside Issue One:

- HUD Makes PIT Changes to Better Understand Link between Domestic Violence and Homelessness
- Survivor Not on Lease Has Right to Intervene in Eviction Action against Minor Children
- Study Finds Race has Outsize Impact on Homelessness
- New Paper on How Rapid Re-housing can Better Accommodate Survivors' Needs

Inside Issue Two:

- Lawsuit Challenges City's Rental Licensing Ordinance as Discriminatory
- NHLP Publishes Article in Rural Voices on the Problem of Nuisance and Crime-free Ordinances
- NHLP Publishes Latest Compendium on State and Local Housing Protections for Survivors

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