



## VAWA's Housing Protections are Still in Effect!

Although the Violence Against Women Act (VAWA) was not reauthorized in 2018, **VAWA housing protections** are still in force. This includes the VAWA 2013 housing statute (34 U.S.C. 12491) as well as the implementing regulations and administrative notices by HUD (81 Fed. Reg. 80,724 (Nov. 16, 2016); **PIH 2017-08**; **H 2017-05**) and USDA's Rural Development Office (**RD AN No. 4814 (1944-N)**). VAWA's housing protections do not have sunset provisions and, therefore, did not expire.

Further, long-term funding for VAWA's grant programs is not in apparent jeopardy. Both the House and Senate included funding for the grants in their FY 2019 bills despite lack of passage of a reauthorization bill. However, reauthorization of these grants is important to ensure that appropriators will include this funding every year with certainty.

Programs with VAWA funding will continue despite the shutdown, but payment requests from programs may be delayed. These delays put significant financial strain on local programs.

Please stay tuned for a webinar hosted by NHLP on VAWA's housing protections.

## Victory for Survivor in Iowa Appeals Court: *Agan v. Krambeck*

The Iowa Court of Appeals ruled in *Agan v. Krambeck* that an eviction notice given to a domestic violence survivor for allegedly causing a "clear and present danger" on the premises was facially invalid as it did not contain language required by Iowa landlord-tenant law regarding the tenant's right to cure (fix) an alleged clear and present danger.

Tammy and Greg Krambeck had been renting a trailer for three years from their landlord, Linda Agan. Mr. Krambeck physically abused Ms. Krambeck, resulting in the police being summoned on several occasions. Ms. Krambeck declined to press charges on these occasions. After an episode of domestic violence that resulted in the police being summoned, the landlord served the Krambecks with a three-day notice to quit, claiming that the Krambecks presented a "clear and present danger" because of the ongoing, and often public, displays of violence perpetrated by Mr. Krambeck against Ms. Krambeck.

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# New NHLP Resource: Nuisance Ordinances' Impact on Domestic Violence Survivors

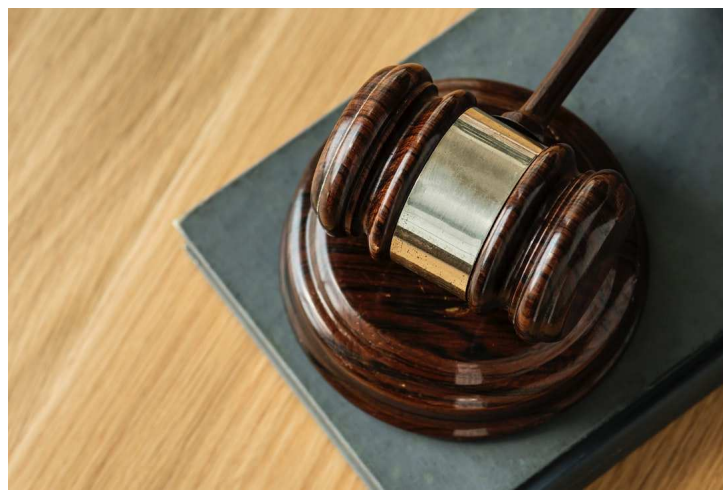
We are excited to share our new resource on combating the harmful effects of nuisance ordinances. The one-page info sheet is written for local governments, and briefly outlines how nuisance ordinances can harm survivors of domestic violence, as well as how these ordinances can potentially violate the law.

For more information about NHLP's Nuisance Ordinance and Crime-Free Housing Initiative, please visit our [website](#). You can also request training or technical assistance by e-mailing [nuisance@nhlp.org](mailto:nuisance@nhlp.org).

Check it out  
today!

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Soon after, the landlord then filed an eviction action against the Krambecks. After the Krambecks failed to appear at their hearing in small claims court due to a medical emergency, the court entered default judgment in favor of the landlord. Ms. Krambeck filed a motion to set aside the judgment of the small claims court for good cause, but the court found that it could not set aside the judgment because it was time barred, since more than fifteen days had passed.



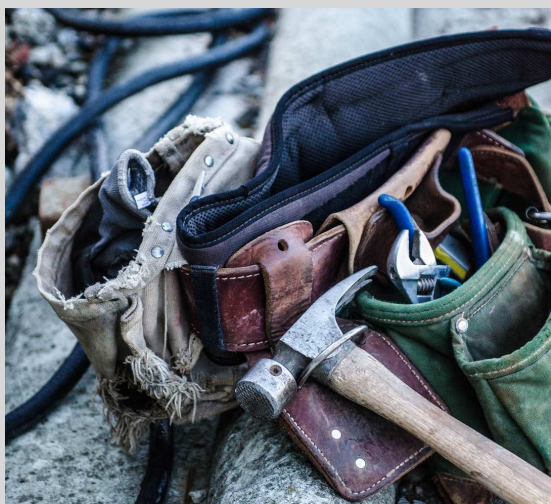
Ms. Krambeck appealed the small claims court's decision to the state district court, arguing that the small claims court had authority to set aside the default judgment, or alternatively that the eviction petition filed by the landlord was deficient because it failed to include language required under Iowa law on the right to cure the "clear and present danger," and further that the eviction was in violation of Iowa's Right to Assistance Law, which prohibits landlords and municipalities from asking a tenant to waive or restrict their right to call for emergency assistance.

The state district court affirmed the small claims court's decision, finding that the small claims court could not set aside the judgment. Furthermore, the district court ruled that the eviction notice was not deficient under Iowa law. The district court relied on the landlord's unverified assertion that Ms. Krambeck had declined to use police assistance in the past, and therefore, according to the court, Ms. Krambeck would not have exercised her right to cure as it would have required her to report her domestic violence issues to law enforcement. Ms. Krambeck appealed this decision to the Iowa Court of Appeals.

The Iowa Court of Appeals firmly rejected the court's rationale, noting that "whether [Ms. Krambeck] took the actions . . . to cure the alleged clear and present danger and whether she was advised of having the right to do so are two separate questions." The appeals court reasoned that the eviction notice was in fact deficient because it did not contain the legally required language on Ms. Krambeck's right to cure the alleged clear and present danger. The appeals court emphasized that the case hinged on the lack of notice in the eviction petition, and that the district court was wrong to base its decision on speculation as to whether Ms. Krambeck would have exercised her right to cure had she been given proper notice. Since the appeals court had decided the case on the issue of insufficient notice, the court did not consider Ms. Krambeck's argument that the eviction action violated Iowa's Right to Assistance Law. The district court's decision was reversed.

Note: The ACLU, Iowa Coalition Against Domestic Violence, National Housing Law Project, National Law Center on Homelessness & Poverty, National Network to End Domestic Violence, and Shriver Center filed an amicus brief addressing the proper application of Iowa's Right to Assistance Law. The brief, as well as a copy of the Iowa Appeals Court opinion, can be found [here](#). For more information on nuisance ordinances, please visit NHLP's [Nuisance Ordinance and Crime-Free Housing Initiative Page](#). ■

## NASH Safety Planning for Survivors Toolkit



The National Alliance for Safe Housing recently published a safety planning toolkit for survivors of domestic violence. The toolkit, designed for homelessness and housing programs, includes an overview of best policies, practices, and approaches that promote safety for survivors. Suggestions include privacy and confidentiality measures to help survivors feel that they can freely share their experiences, such as making sure that interview areas are adequately private. The toolkit recommends that staff should be careful to not make assumptions during the intake process, noting that couples should be interviewed separately, and that voluntary disclosure is more likely if all clients are given a brief domestic and sexual violence assessment.

The toolkit further provides information on how to train staff, emphasizing that it is critical for housing advocates to have a good understanding of domestic and sexual violence dynamics. Recommendations include basic training for advocates so that they can serve clients with a survivor-driven, trauma-informed approach; that all members of staff be trained on these approaches; and that staff that works directly with survivors receive advanced training. To effectively train staff, the toolkit recommends working with domestic and sexual violence advocates for in-person trainings for staff. The toolkit also includes frequently asked questions and additional recommended resources. ■

Click [here](#) see the entire toolkit.

## New Study on Link Between Economic Abuse and Homelessness



CAMBA Legal Services, Fordham Law School Ferrick Center for Social Justice, and The Legal Aid Society released a report, DENIED!, this fall on how economic abuse perpetuates homelessness for domestic violence survivors. The report centers on the results of a study on data collected from case files at The Legal Aid Society as well as surveys of staff at domestic violence shelters. The study provides empirical evidence that supports what domestic violence service providers have long known: economic abuse frequently damages survivors' credit, creating additional barriers for survivors to find permanent housing.

The report, which includes the survey questions and results, examines the findings from the study and contextualizes them in the broader discussion of economic abuse and domestic violence. The discussion covers the relationship between domestic violence and homelessness, the links between financial abuse and domestic violence, and why poor credit history resulting from economic abuse leads to housing barriers for survivors. DENIED! also examines capacity and legal service gaps, noting that even though financial abuse and its negative credit impacts are widespread issues, there is a persistent gap in connecting survivors to the resources they need to overcome these problems. The report concludes with a number of specific recommendations for New York policy makers and funders. ■

Click [here](#) to see the entire report.



# Emergency Domestic Violence Shelters: Funding through Flexible Financial Assistance

Although emergency shelter programs are critical for the safety of survivors of domestic violence, most programs struggle to find resources to adequately serve their clients. The affordable housing crisis has exacerbated these budgetary woes. Many survivors cannot find resources to move to permanent housing, leading survivors to have extended stays at emergency shelters, and creating longer waits for those trying to enter shelter programs. The National Alliance to End Homelessness (NAEH) recently published an article on how new tools, such as flexible financial assistance and Rapid Re-housing, can help domestic violence shelters address these funding gaps.

In *Using Flexible Financial Assistance to Serve Domestic Violence Survivors*, NAEH highlights several avenues that shelters may be able to use to access additional funds to help survivors transition to permanent housing. The Washington State Coalition Against Domestic Violence's new program, the Domestic Violence Housing First model, has shown the efficacy of flexible financial assistance. The program combines flexible financial assistance with survivor-driven advocacy and support, which allows survivors to move on from shelter programs as soon as the survivor is ready by providing funding for survivors to pay for housing. While the Washington program was funded in part by the Bill & Melinda Gates Foundation, the article notes that The Victims of Crime Act (VOCA) and Temporary Assistance for Needy Families (TANF) are both increasingly being used to help fund flexible financial assistance.

Furthermore, Rapid Re-housing is another avenue of support that has been shown to be effective for families and, if coupled with survivor-driven advocacy and support, could be another promising way to help over-extended shelters transition survivors to permanent housing. Rapid Re-housing is an intervention strategy that helps individuals quickly transition out of homelessness by providing individuals with housing search assistance, financial resources needed to move, and case management. This approach has been proven to be very effective at re-housing veterans, and experts think it will also be an effective strategy to address homelessness among survivors. HUD's 2018 Continuum of Care Notice of Funding Availability included \$50 million in "bonus" funds for projects that will meet the needs of survivors. These funds can be used to promote long-term temporary housing, rapid re-housing, and the improvement of coordination between domestic violence and homeless service systems. The article also includes a call to action to educate Congress, state leaders, and improve local coordination and innovation to help survivors of domestic violence quickly find safe, affordable housing. ■

**Note: OVW promotes the use of transitional housing programs funded by the agency because these programs provide survivors with longer periods of housing assistance than Rapid Re-housing.**

## In Case You Missed It: 2018 Newsletter Issues

### Inside 2018 Newsletter 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 2018 Newsletter 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

### Inside 2018 Newsletter Issue Three:

- Summary: Highlights from Revised FVPSA Regulations
- NHLP's Nuisance Initiative Launches its Website
- A Peek into Seattle's Eviction Crisis
- USICH Strategic Plan: Home Together
- Department of Homeland Security's Proposed Public Charge Rule: Potential Impact on Survivors

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

Karlo Ng | [kng@nhlp.org](mailto:kng@nhlp.org) | (415) 432-5717

National Housing Law Project | 1663 Mission St., Suite 460 | San Francisco, CA 94103 | [www.nhlp.org/OVWgrantees](http://www.nhlp.org/OVWgrantees)

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