

Housing Needs of Victims of Domestic Violence, Sexual Assault, Dating Violence, and Stalking

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Administering agencies: Department of Health and Human Services (HHS) for the Family Violence Prevention and Services Act (FVPSA); HUD, U.S. Department of Agriculture (USDA), Treasury Department, and Department of Justice (DOJ)/Office on Violence Against Women (OVW), for housing protections under the Violence Against Women Act (VAWA).

Year programs started: FVPSA, 1984; VAWA, 1994.

Number of persons/households served: More than one million victims each year.

Population targeted: Victims of domestic violence, sexual assault, dating violence, and stalking.

FY16 funding: VAWA Transitional Housing, \$30 million; FVPSA, \$150 million. As of December 31, 2016, all federal programs are operating under a Continuing Resolution.

Also see: *Homeless Assistance Programs, Continuum of Care Planning*

FVPSA, VAWA, and the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act create federal protections and support lifesaving programs for victims of domestic violence, sexual assault, dating violence, and stalking.

HISTORY

FVPSA, which created a funding stream for domestic violence shelters and programs, passed in 1984 and is administered by HHS. VAWA passed in 1994 and was reauthorized in 2000, 2005, and 2013. VAWA created the first federal law to encourage coordinated community responses to combat domestic and sexual violence. Various federal agencies are responsible for VAWA compliance; housing-related agencies are HUD, USDA, and the Treasury Department.

ISSUE SUMMARY

Domestic violence is consistently identified as a significant factor in homelessness. A staggering 92% of homeless women report having experienced severe physical or sexual violence at some point in their lives, and upwards of 50% of all homeless women report that domestic violence was the immediate cause of their homelessness. Domestic violence is often life-threatening; in the U.S. three women are killed each day by a former or current intimate partner. Advocates and survivors identify housing as a primary need of victims and a critical component in survivors' long-term safety and stability.

Although safe housing can give a survivor a pathway to freedom, there are many barriers that prevent victims from maintaining or obtaining safe and affordable housing. Many survivors have faced economic abuse as part of the violence, meaning that they have not had access to the family finances, have been prohibited from working, and have had their credit scores destroyed by the abuser. Victims often face discrimination in accessing or maintaining housing based on the violent and criminal actions of perpetrators. Additionally, victims are limited in the locations and types of housing they can access because of their unique safety and confidentiality needs, and many housing/homelessness assistance programs have barriers that inadvertently exclude victims of violence.

Domestic violence programs do their best to serve those in need of emergency and transitional housing. Due to a lack of resources, however, every day thousands of abused adults and children are turned away from shelters and denied housing services because programs lack adequate resources and funding. The National Domestic Violence Census found that—in just one 24-hour period in 2015—7,728 requests for shelter and housing went unmet. Finally, victims face the same economic barriers that challenge so many individuals in this nation—such as unemployment, and the lack of affordable housing, living-wage jobs,

transportation, safety nets, and child care options. As a result, many victims face the impossible choice between staying with or returning to their abusers, or becoming homeless because they cannot find or afford safe, long-term permanent housing.

PROGRAM SUMMARIES

FVPSA shelters and services and the VAWA transitional housing program are critical parts of the effort to reduce homelessness and housing instability among victims of domestic and sexual violence. These essential programs respond to an array of victims' needs, from emergency shelter to permanent housing.

Family Violence Prevention and Services Act.

FVPSA is administered by HHS. FVPSA created the first and only dedicated federal funding stream for community-based domestic violence programs and shelters. Approximately 1,600 emergency domestic violence shelters and programs across the country rely on FVPSA to sustain lifesaving support to victims trying to escape violence. The funds are primarily distributed through a state formula grant. In addition to lifesaving emergency shelter, FVPSA-funded programs provide counseling, legal assistance, crisis intervention, and services for children.

Violence Against Women Act. VAWA includes many discretionary grant programs, including the Transitional Housing program administered by OVW. The program distributes grants to more than 225 entities annually across the country on a competitive basis, including to: states, units of local government, Indian Tribes, and other organizations such as domestic violence and sexual assault victim service providers or coalitions, other nonprofit and nongovernmental organizations, or community-based and culturally specific organizations. Transitional housing grants allow entities to offer direct financial assistance for housing and housing-related costs, operate transitional housing programs, and provide supportive services, including advocacy in securing permanent housing. With VAWA Transitional Housing funding, organizations can provide a critical bridge from crisis to stability for victims of domestic and sexual violence, stalking, and dating violence. The vast majority of VAWA transitional housing participants exit the program to safe, permanent housing.

VAWA—originally passed in 1994 and reauthorized

in 2000, 2005, and 2013—created the first federal law to encourage coordinated community responses to combat domestic and sexual violence. The 2005 VAWA reauthorization instituted landmark protections, including those that ensured that victims can access the criminal justice system without facing discrimination or jeopardizing their current or future housing; strengthened confidentiality protections for victims accessing housing and homelessness services; and maintained the transitional housing grant program. The 2013 VAWA reauthorization builds upon the strengths of these housing programs and protections with key improvements.

Victims often face unfair eviction and denial of housing benefits because of the violence and criminal actions of others. VAWA housing protections prohibit covered housing programs from denying housing or evicting a victim just because they experienced domestic violence, allow public housing agencies (PHAs) to prioritize victims for housing when their safety dictates, and clarify that Housing Choice Vouchers are portable for victims. The 2013 VAWA reauthorization protects victims of sexual assault, covers victims in all federally subsidized housing programs and delineates an emergency transfer policy process for victims who face continued threats or violence. The covered federally subsidized housing programs are: public housing; tenant based and project based Section 8; McKinney-Vento homeless assistance programs; the HOME Investment Partnerships program; the Section 221(d)(3) Below Market Interest Rate program; the Section 236 program; the Housing Opportunities for Persons with AIDS program; the Section 202 supportive housing for the elderly program; and, the Section 811 supportive housing for people with disabilities program; and the USDA Rural Development housing properties; Low-Income Housing Tax Credit (LIHTC) properties.

In April 2016, HUD issued a final rule, “Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs.” The final rule is comprehensive and includes many needed provisions, including details on the emergency transfer provisions. USDA also released an Administrative Notice (AN) 4747 (1944-N) on February 10, 2014, which included a Rural Development Model Emergency Transfer Plan. Further regulation is still needed from USDA, and

the Department of the Treasury (which oversees the LIHTC program) will help implement the new VAWA housing provisions.

Many of the housing provisions and protections under VAWA are not fully executed at the local level. Advocates are hopeful that the new regulations will help promote more consistent implementation of the protections. HUD and the other administering agencies should strongly enforcing VAWA protections; ease the burden on victims to provide documentation; and, reduce other barriers that arise when victims are asserting their rights or simply trying to remain safe. VAWA protections should help victims obtain or maintain safe, affordable, and permanent housing.

The HEARTH Act and McKinney-Vento Homeless Assistance Programs. Domestic violence shelters and housing programs depend on HUD McKinney-Vento funding to operate and provide safe housing and shelter for survivors. HUD's interim rules on the Continuum of Care process and the Emergency Solutions Grants for McKinney-Vento homelessness programs include a number of changes to these programs. Additionally recent changes in the CoC funding process have created significant challenges for domestic violence programs and the survivors they serve. Over the last several years, domestic violence housing programs have lost significant funds from the Continuum of Care program. In our assessment, the funding cuts are a result of a lack of clear guidance on how to evaluate the efficacy of domestic violence housing and a shift in priority away from transitional housing (without adequate evidence about the efficacy of DV transitional housing). While both the FY15 and FY16 HUD Notice of Funding Availability (NOFA) included language encouraging communities to address domestic violence, many communities still defunded long-standing domestic violence programs.

The domestic violence field has submitted a recommendation to HUD and USICH calling for amended funding processes and guidance to ensure that domestic violence housing programs can continue to access these vital funding streams. In response, HUD and USICH have issued guidance and messaging to encourage communities to assess domestic violence programs with both safety and housing in mind. We continue to encourage HUD to align their funding processes with their

messaging to ensure that domestic violence programs can be competitive for the funding and can continue their lifesaving services.

Additionally, VAWA prohibits disclosure of personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs without the informed, written, reasonably time-limited consent of the survivor. Victim service providers are prohibited from entering personally or personally identifying information into the Homeless Management Information System or any shared databases.

In 2015, HUD, OVW, the Office for Victims of Crime, and the Family Violence Prevention and Services Office at HHS launched the *Domestic Violence and Housing Technical Assistance Consortium (DVHTAC)* to better address the critical housing needs of victims of domestic violence and their children. The Consortium aims to foster increased collaboration among domestic violence and homeless service providers and provide national training, technical assistance and resource development on domestic violence and housing. Communities can reach out to the Consortium for technical assistance.

TIPS FOR LOCAL SUCCESS

Violence Against Women Act. Advocates can play a key role in promoting safe housing for victims of domestic and sexual violence by encouraging consistent implementation of VAWA housing protections in local jurisdictions. Housing advocates should work in partnership with domestic violence advocates to: familiarize themselves with VAWA housing protections; improve advocacy for individuals; and, improve PHAs' policies and procedures. Domestic violence advocates can train PHA staff, hearing officers, Section 8 owners, and resident groups on VAWA and the dynamics of domestic violence. PHAs should be encouraged to institute a preference for victims when making admission decisions. Advocates must also get involved with their PHAs' planning process to ensure that victims' needs are addressed and that VAWA housing protections are adequately communicated to consumers. Advocates need to engage with current and newly covered housing programs to begin implementation of the new VAWA housing protections.

HEARTH. Implementation of the HEARTH Act and related funding decisions must reflect and respond to victims' serious safety needs and their desperate need for housing. Issues around performance measures, evaluation, confidentiality, data collection, and more have an impact on funding decisions and ultimately on victims' access to safe housing. Implementation and funding decisions must support the unique role that domestic violence service providers play in meeting victims' specific needs. Communities must ensure that they have HEARTH Act funded domestic violence housing and shelter available. Each community should ensure that victim advocates are significantly involved in all homelessness resource planning.

Communities should use guidance from HUD and USICH to help support funding for domestic violence programs.

SNAPS In-Focus on Addressing Needs of DV survivors: <http://bit.ly/2n7dUBg>

USICH Guide to Reviewing Domestic Violence Transitional Housing Programs: <http://bit.ly/2mHdfZV>

USICH – Domestic Violence Service Providers are Key Partners in Preventing and Ending Homelessness: <http://bit.ly/2e7y2yz>

Communities should also ensure that their coordinated assessment systems are victim-centered. NNEDV's recommendations on coordinated entry can be found here: <http://bit.ly/2mCB5FC>

Advocates are encouraged to contact the DVHTAC to address specific needs around implementation of HEARTH.

FUNDING

Maintaining funding for FVPSA and VAWA programs is critical to ending domestic and sexual violence and homelessness. When adequately funded, these acts help to reduce the societal cost of domestic and sexual violence. In fact, by supporting critical services for victims, VAWA saved \$12.6 billion in net averted social costs in its first six years alone. Despite their lifesaving potential and their efficacy, these programs are woefully underfunded; there is a serious gap caused by a lack of available resources. It is unacceptable that victims fleeing violence should be turned away from emergency

shelters because the programs are full. Victims who must wait in emergency shelter for an available transitional housing unit remain unstable, while other victims in crisis cannot access shelter.

The FY17 Continuing Resolution has thus far maintained FY 16 funding levels, including \$30 million for VAWA transitional housing (authorized at \$35 million). Although authorized at \$175 million, FVPSA was funded at \$150 million in FY16 and in the FY17 Continuing Resolution, \$25 million below its funding authorization. To realize the benefits of these programs, VAWA funding must be increased in the FY17 and FY18 budgets, with at least \$35 million specifically for transitional housing. In addition, investments in FVPSA at \$175 million will help ensure that emergency domestic violence shelter is available when victims flee.

We support full funding for the HEARTH Act programs with special emphasis on ensuring funds are allocated to domestic violence programs.

WHAT TO SAY TO LEGISLATORS

Advocates should tell Members of Congress why emergency shelter and longer-term housing are essential for victims of domestic and sexual violence. Housing providers should talk about the victims that programs serve and about the struggles programs face in meeting victims' unique needs for safety. Advocates should share the latest information about the pervasive scarcity of emergency and transitional housing, and of safe, affordable long-term housing in their communities.

For these federal laws and programs to realize their full potential in meeting victims' housing needs, program funding must be increased to its authorized level, new and existing VAWA housing protections must be fully implemented, and HEARTH Act implementation must address victims' needs.

Specifically, advocates should ask the House and Senate Appropriations Committees to maintain targeted investments in FVPSA and all VAWA programs, including:

- In the Commerce, Justice, Science Appropriations bill, \$35 million for VAWA Transitional Housing.
- In the Labor, Health and Human Services Appropriations bill, \$175 million for FVPSA/ domestic violence shelters.

- In the T-HUD bill, encourage CoC and ESG funding processes to reflect the needs of victims of domestic violence.

FOR MORE INFORMATION

National Network to End Domestic Violence, 202-543-5566, www.nnedv.org/census

NNEDV Tools on Confidentiality, www.nnedv.org/tools

NNEDV Toolkit on Housing for Domestic Violence Survivors (includes comments on HUD interim rules), <http://nnedv.org/resources/transitional-housing.html>

DVHTAC: To learn more about expanding safe housing options for domestic and sexual violence survivors, please visit www.SafeHousingPartnerships.org, the new website sponsored by the Domestic Violence & Housing TA Consortium (DVHTAC). Members: NNEDV; District Alliance for Safe Housing <http://dashdc.org/>; National Resource Center on Domestic Violence www.VAWnet.org (search housing); CSI, Inc. <http://www.collaborative-solutions.net/>

The HUD Final rule on VAWA is on HUD's website https://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2016/HUDNo_16-159

The HUD notice on the applicability of VAWA to HUD programs, issued August 6, 2013, <http://l.usa.gov/1nnf45i>

The USDA Rural Development Administrative Notice, <http://www.rurdev.usda.gov/SupportDocuments/an4747.pdf>

VAWA 2013 Resources, National Housing Law Project, <http://nhlp.org/node/3440>

510-251-9400, www.nhlp.org

National Law Center on Homelessness and Poverty, 202-638-2535, www.nlchp.org