

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, for housing protections under the Violence Against Women Act (VAWA).

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

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

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

FY14 funding: VAWA, \$24.75 million; FVPSA, \$133.5 million

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

The Family Violence Prevention and Services Act (FVPSA), the Violence Against Women Act (VAWA), and the HEARTH Act create federal protections and support lifesaving programs for victims of domestic violence, sexual assault, dating violence, and stalking.

HISTORY

FVPSA passed in 1984 and is administered by the U.S. Department of Health and Human Services (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, the U.S. Department of Agriculture (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

While 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 2013, 5,778 requests for shelter and housing went unmet due to a lack of resources. Finally, victims face the same economic barriers that challenge so many individuals in this nation – the lack of affordable housing, limited safety net options, unemployment, lack of available living wage jobs, lack of transportation, and limited 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 long-term permanent housing.

PROGRAM SUMMARIES

FVPSA 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). FVPSA is administered by the U.S. Department of Health and Human Services (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). VAWA includes many discretionary grant programs, including the Transitional Housing grant program administered by the Office of Violence Against Women (OVW) at the U.S. Department of Justice (DOJ). The program distributes grants to over 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.

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: allow public housing agencies (PHAs) to prioritize victims for housing when their safety dictates; prohibit PHAs from denying housing or evicting a victim just because they experienced domestic violence; and, clarify that Housing Choice Vouchers are portable for victims. VAWA reauthorization in 2013: 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 newly covered federally subsidized housing programs are: U.S. Department of Agriculture (USDA) Rural Development (RD) housing properties; Low Income Housing Tax Credit (LIHTC) properties; HUD's McKinney-Vento homeless assistance programs; the HOME Investment Partnerships program; the Section 221(d)(3) Below Market Interest Rate (BMIR) program; the Section 236 program; the Housing Opportunities for Persons with AIDS (HOPWA) program; the Section 202 supportive housing for the elderly program; and, the Section 811 supportive housing for people with disabilities program.

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 person. Victim service providers are prohibited from entering data into the Homeless Management Information System (HMIS) or any shared databases.

VAWA housing protections are designed to allow victims to maintain or access safe housing, and yet the lack of consistent implementation has limited the effectiveness of these protections. Many of the housing provisions and protections under VAWA are not fully executed at the local level. Further guidance from HUD, USDA, and the Department of the Treasury (which oversees the LIHTC program) will help implement the new VAWA housing provisions. HUD issued a final rule on the VAWA 2005 housing protections in October 2010 that, by and large, responded to advocates' concerns. Since VAWA 2013 passed, HUD has issued a notice on the applicability of VAWA to HUD programs. This notice highlights the key changes made by this statute, lists the HUD programs now covered by this statute, and provides an overview of key provisions applicable to HUD programs. HUD indicates that it will issue guidance and/or rules for covered programs at a later date. Advocates submitted comments on the HUD notice urging that guidance on, and implementation of, VAWA should be developed through a framework that prioritizes preventing homelessness and increasing housing stability. The guidance and regulations should: emphasize the goal of maintaining victims' housing by 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.

Advocates encourage HUD and other federal agencies to issue guidance and further regulations based on the comments submitted by NNEDV and allied organizations such as: 1) clarify that VAWA protections are effective immediately and that discrimination is prohibited now; 2) strongly state VAWA confidentiality standards and prohibit the collection of unnecessary documentation; 3) implement a federal structure that supports a robust emergency transfer response; and, 4) create an administrative mechanism to enforce VAWA rights. Further regulation and guidance from HUD and other federal agencies will help foster consistent implementation and provide clearer direction to housing providers on how to apply the VAWA housing protections.

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 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. The interim rule proposes allowing domestic violence and other victim service providers to opt out of the coordinated assessment system, citing safety concerns for victims. Advocates are waiting for the final rule for clarity on the requirements for victim services providers in terms of coordinated assessment and a number of other key concerns. In the meantime, advocates should work in their communities to ensure that coordinated assessment systems meet the needs of victims, maintain confidentiality, reduce trauma, and increase victims' access to housing resources.

TIPS FOR LOCAL SUCCESS

VAWA. 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 should also get involved with their PHA's planning process to ensure that victims' needs are addressed and that VAWA housing protections are adequately communicated to consumers. Advocates should engage with current and newly covered housing programs to begin implementation of the new VAWA housing protections.

HEARTH. Because victims access both victim service programs and general housing and homelessness programs, coordinated assessment systems must:

- Be built on shared tools and standards, not shared databases or other structures that inherently expose victims to unnecessary danger;
- Meaningfully and significantly involve victim service providers in their design and implementation;

- Proactively address safety and privacy concerns;
- Adhere to confidentiality and safety policies with regard to record-keeping or sharing and physical locations; and,
- Allow direct, immediate access to safe housing for victims.
- It is imperative that victim advocates are significantly involved in the design of such systems to ensure that victims' needs are considered and addressed.

Generally, implementation of the HEARTH Act must be done in a way that recognizes and responds to victims' serious safety needs and their desperate need for housing. Issues around scoring, outcomes, confidentiality, data collection, and more have an impact on funding decisions and ultimately on victims' access to safe housing. Implementation and funding decisions should support the unique role that domestic violence service providers play in meeting victims' specific needs.

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

VAWA transitional housing is authorized at \$35 million but received \$24.75 million in FY14; the President's budget proposed \$25 million for FY15. Although authorized at \$175 million, FVPSA was funded at \$133.5 million in FY14, \$41.5 million below its funding authorization. The President's budget proposed \$135 million for FVPSA in FY15. To realize the benefits of these programs, VAWA funding must be increased in the FY15 budget, 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.

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. Congress has the opportunity to support the VAWA emergency transfer provision by allocating funding for VAWA vouchers in the FY 15 Appropriation bill, which will help HUD fulfill the law, prevent further violence, and keep more victims safe.

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 Transportation, Housing and Urban Development and Related Agencies bill, add \$40 million to the tenant protection voucher account for up to 5,000 vouchers for VAWA emergency transfer vouchers.

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>
- National Housing Law Project (NHLP), 510-251-9400, www.nhlp.org
- National Law Center on Homelessness and Poverty, 202-638-2535, www.nlchp.org
- The HUD final rule on VAWA 2005 is on HUD's website, <http://1.usa.gov/XoHShh>
- The HUD notice on the applicability of VAWA to HUD programs, issued August 6, 2013, <http://1.usa.gov/1nnf45i>
- VAWA 2005 Housing Protections Fact Sheets and outline available from NHLP, <http://bit.ly/XoHZcP>