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# Chapter 6:

# SPECIAL HOUSING ISSUES

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

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By Monica McLaughlin, Director of Public Policy, and Debbie Fox, MSW, Senior Housing Policy and Practice Specialist, National Network to End Domestic Violence

**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; VAWA housing protections, 2005.

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

**Population targeted:** Victims of domestic violence, sexual assault, dating violence, and stalking (regardless of sex, gender identity, or sexual orientation).

**FY17 funding:** VAWA Transitional Housing, \$30 million; FVPSA, \$151 million

**See also:** *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 the first federal 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 Network to End Domestic Violence's *11<sup>th</sup> Annual Domestic Violence Counts: Census* found that—in just one 24-hour period in 2016—7,914 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 with additional safety barriers as their abusers sabotage their attempts to leave the relationship. 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 and face life-threatening dangers from their abusers when they are attempting to flee to safety.

## PROGRAM SUMMARIES

FVPSA shelters and services and the VAWA transitional housing program are critical components in 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 cover housing program from denying housing or evicting a victim simply 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 or who have been sexually assaulted on the premises. The covered federally subsidized housing programs are: public housing; tenant- 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; and 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. Programs were required to have their emergency transfer plans in place by June 2017.

HUD's Office of Multifamily Housing issued guidance with program notice [H2017-05](#) on June 30, 2017, which applies to all multifamily assisted housing properties, including those with project-based Section 8, Section 202 and 811 supportive housing for the elderly and people with disabilities; Section 236 and 221(d)(3) below market and reduced interest rate programs; and the Section 811 Project Rental Assistance grant program. HUD's Office of Public and Indian Housing issued guidance with program notice [PIH-2017-08](#) on May 19, 2017.

USDA also released an Administrative Notice (AN) 4747 (1944-N) on February 10, 2014, which included a Rural Development Model Emergency Transfer Plan. Though the 2013 VAWA reauthorization explicitly required that LIHTC providers comply with VAWA, the Department of the Treasury has issued no regulations or guidance on implementation for the LIHTC program. A new report, *Protections Delayed: State Housing Finance Agency Compliance with the Violence Against Women Act*, finds that the inaction of the part of the U.S. Department of the Treasury has led to significant state-by-state variation in the implementation of VAWA protections in the LIHTC program. This in turn has a substantial impact on level of protection afforded to survivors. Advocates encourage Treasury to issue regulations to implement VAWA.

Advocates call on HUD to issue guidance for remaining programs, call on USDA to issue further guidance, and for Treasury to issue guidance. Many of the housing provisions and protections under VAWA are not fully executed at the local level. Advocates are hopeful that the new regulations with on-going training and technical assistance will help promote more consistent implementation of the protections. HUD and the other administering agencies should strongly enforce 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 (CoC) 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 course of the last several years, domestic violence housing programs have lost significant funds from the CoC 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). Although 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 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 and have made changes to the FY17 NOFA. We continue to encourage HUD to align their funding processes with their messaging by awarding points in the NOFA to ensure that domestic violence programs can be competitive and integral partners for the CoC funding and can continue their lifesaving services. The FY17 CoC NOFA awarded up to three points to CoCs that demonstrate efforts to address the needs of persons fleeing domestic violence by including victim service providers on CoC boards; receive training on coordinated entry best practices for serving survivors of domestic violence; safety planning protocols for coordinated entry; and determine the needs of domestic violence and homelessness that includes data from victim service provider Comparable Databases.

The FY17 NOFA included a new project type, the Joint Transitional Housing (TH) and Permanent Housing (PH)-Rapid Rehousing (RRH) component project that includes two existing program models-TH and PH-RRH in a single project to better serve and expand housing options for homeless individuals and families, including individuals or families fleeing or attempting to flee domestic violence. This new project furthers HUD's message to communities to create high quality project regardless of component type and that "transitional housing, rapid re-housing, and permanent supportive housing for survivors each can and should have a place in a community's system as long as these programs meet a need in the community, can show positive safety and housing related outcomes, and provide choice to the people who want these types of programs."

HUD NOFA highlights the compliance with VAWA Final Rule housing protections. The grants to be awarded under the FY17 NOFA will be the first CoC Program grants that will be required to comply with the VAWA rule 24 CFR 578.99(j) (3). To enable full compliance with this rule, each CoC must establish an emergency transfer plan and make related updates to the written standards for administering CoC program assistance.

The FY18 Senate Transitional Housing Urban Development (THUD) bill included \$25 million in additional funds to support domestic violence specific housing. The funds would complement existing CoC funds and allow communities to invest in DV specific housing.

Finally, NNEDV endorses the Help End Abusive Living Situation (HEALS) Act introduced in December 2017. The Act would help ensure that the survivors' unique housing needs are met through HUD and community investment in tailored housing programs.

## 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. In 2015, HUD, OVW, the Office for Victims of Crime, and the FVPSA 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 are encouraged to contact the DVHTAC to address specific needs around implementation of HEARTH.

**SNAPS In-Focus on addressing the needs of domestic violence survivors:** [https://www.hudexchange.info/onecpd/assets/File/SNAPS-In-Focus-Addressing-the-Needs-of-Persons-Fleeing-Domestic-Violence.pdf?utm\\_source=HUD+Exchange+Mailing+List&utm\\_campaign=8f859983b8-SNAPS+In+Focus%3A](https://www.hudexchange.info/onecpd/assets/File/SNAPS-In-Focus-Addressing-the-Needs-of-Persons-Fleeing-Domestic-Violence.pdf?utm_source=HUD+Exchange+Mailing+List&utm_campaign=8f859983b8-SNAPS+In+Focus%3A)

[+Domestic+Violence+-+7%2F22%2F16&utm\\_medium=email&utm\\_term=0\\_f32b935a5f-8f859983b8-19366061](https://www.usich.gov/resources/uploads/asset_library/Guide_To_Reviewing_DVTH_Projects_July_2016.pdf)

**USICH Guide to Reviewing Domestic Violence Transitional Housing Programs:** [https://www.usich.gov/resources/uploads/asset\\_library/Guide\\_To\\_Reviewing\\_DVTH\\_Projects\\_July\\_2016.pdf](https://www.usich.gov/resources/uploads/asset_library/Guide_To_Reviewing_DVTH_Projects_July_2016.pdf)

**USICH – Domestic Violence Service Providers are Key Partners in Preventing and Ending Homelessness:** [https://www.usich.gov/news/domestic-violence-service-providers-key-partners-in-preventing-and-ending-homelessness?utm\\_source=October+14+News+from+USICH&utm\\_campaign=October+14+News+from+USICH&utm\\_medium=email](https://www.usich.gov/news/domestic-violence-service-providers-key-partners-in-preventing-and-ending-homelessness?utm_source=October+14+News+from+USICH&utm_campaign=October+14+News+from+USICH&utm_medium=email)

Communities should also ensure that their coordinated assessment systems are victim centered. NNEDV's recommendations on coordinated entry can be found here <https://nnedv.org/mdocs-posts/coordinated-assessment-meeting-the-needs-of-homeless-domestic-violence-victims/>

## 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 FY18 Continuing Resolution has thus far maintained FY17 funding levels, including \$30 million for VAWA transitional housing (authorized at \$35 million). Although authorized at \$175 million, FVPSA was funded at \$151 million in FY17, \$25 million below its funding authorization. To realize the benefits of these programs, VAWA funding must be increased in the FY18 and FY19 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 strongly support the \$25 million set-aside in the Senate FY18 THUD bill for domestic violence specific housing 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, transitional housing, 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 funding and 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 THUD bill, support \$25 million designated for domestic violence housing and encourage CoC and Emergency Solutions Grants funding processes to reflect the needs of victims of domestic violence.

Advocates should tell their Senators and Representatives to pass the HEALS Act, which will help communities better meet the needs of homeless survivors of domestic violence.

## FOR MORE INFORMATION

- National Network to End Domestic Violence, 202-543-5566, [www.nnedv.org/census](http://www.nnedv.org/census)
- NNEDV Tools on Confidentiality, <https://www.techsafety.org/confidentiality>
- NNEDV Toolkit on Housing for Domestic Violence Survivors (includes comments on HUD interim rules), <https://nnedv.org/content/housing/>
- DVHTAC: To learn more about expanding safe housing options for domestic and sexual violence survivors, please visit [www.SafeHousingPartnerships.org](http://www.SafeHousingPartnerships.org), a website of the Domestic Violence and Housing Technical Assistance Consortium (DVHTAC). Members: NNEDV; District Alliance for Safe Housing <http://dashdc.org/>; National Resource Center on Domestic Violence [www.VAWnet.org](http://www.VAWnet.org) (search housing); CSI, Inc. <http://www.collaborative-solutions.net/>
- The HUD Final rule on VAWA <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>
- The HUD notice on the applicability of VAWA to HUD programs, issued August 6, 2013, <http://1.usa.gov/1nnf45i>
- Violence Against Women Act (VAWA) Reauthorization Act of 2013 – H 2017-05, <https://www.hud.gov/sites/documents/17-05HSGN.PDF>
- Multifamily Owners and Management Agents VAWA guidance <https://www.hud.gov/sites/documents/17-05HSGN.PDF>
- PIH Violence Against Women Reauthorization Act of 2013 guidance <https://www.hud.gov/sites/documents/PIH-2017-08VAWRA2013.PDF>
- 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](http://www.nhlp.org)
- National Law Center on Homelessness and Poverty, 202-638-2535, [www.nlchp.org](http://www.nlchp.org)