

Housing Needs of Survivors 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), Housing and Urban Development (HUD), U.S. Department of Agriculture (USDA), the Treasury Department, and the Department of Justice (DOJ)/Office on Violence Against Women (OVW) for housing programs and protections under the “Violence Against Women Act” (VAWA) and the Office for Victims of Crime (OVC) for “Victims of Crime Act” (VOCA) funds.

Year Started: FVPSA, 1984; VAWA, 1994; VAWA Housing Protections (under HUD, USDA and Treasury Department), 2005; HUD Continuum of Care Domestic and Sexual Violence Bonus funds, 2018

Number of Persons/Households Served: More than one million survivors and their children are served each year.

Populations Targeted: Victims of domestic violence, sexual assault, dating violence, human trafficking, and stalking (regardless of sex, gender identity, or sexual orientation).

Funding: VAWA Transitional Housing, \$37 million; FVPSA, \$175 million; HUD Domestic Violence Continuum of Care (DV CoC), \$50 million.

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. The 2018 Transportation, Housing, and Urban

Development (THUD) appropriations bill created the first annual funding set aside for domestic and sexual violence survivors administered by HUD Special Needs Assistance Program (SNAPS) office. VAWA created the OVW transitional housing federal housing funding stream in 2005 and the first federal law to encourage coordinated community responses to address and prevent domestic and sexual violence. Various federal agencies are responsible for VAWA housing rights compliance; housing-related agencies are HUD, USDA, and the Treasury Department.

ISSUE SUMMARY

Domestic and sexual violence are consistently identified as significant factors in homelessness, especially for women, children, families, and LGBTQ+ individuals. Domestic violence is often life threatening; in the U.S. three women are killed each day by a former or current intimate partner. Survivors must often flee their homes to escape danger, yet do not have the means to secure independent permanent housing. Complex relationships exist between housing insecurity, sexual assault, and power; homelessness and sexual violence often affect the most vulnerable members of society. When access to basic needs such as housing and safety are compromised, individuals can experience heightened risks of violence. Access to safe, affordable housing can be a critical protective factor from sexual violence. Advocates and survivors identify housing as a primary need of survivors and a critical component in survivors’ long-term safety and stability.

The intersection of homelessness and domestic and sexual violence is compounded for women of color and LGBTQI communities, particularly Native American and African American women. Native American and Alaska Native Women face both a lack of housing and disproportionate

rates of violence. African American survivors of violence are disproportionately impacted by discriminatory nuisance ordinances resulting in evictions and homelessness as a result of their victimization. Racial and gender disparities have been exacerbated as a result of the pandemic, the recession, and recent natural disasters.

Rates of domestic violence are increasing and the need for safe, affordable, trauma-informed housing has never been greater. Survivors face increased economic and health barriers caused by the pandemic, making it challenging to flee abuse. Over the course of the pandemic, domestic violence shelters have reduced the capacity of their communal buildings and are using hotel/motel space, extended stay apartments, and/or rental assistance to house survivors. Programs have used HUD Emergency Solutions Grants Program (ESG) “CARES Act,” HUD ESG and CoC, VOCA, FVPSA, and VAWA Transitional Housing funding to provide housing and assistance to survivors.

Although safe housing can give a survivor a pathway to freedom, there are many barriers that prevent survivors 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 family finances, have been prohibited from working, and have had their credit scores destroyed by their abuser. Survivors often face discrimination in accessing or maintaining housing based on the violent and criminal actions of perpetrators and systemic barriers endemic in housing markets such as racism, sexism, and family demographics. Additionally, survivors 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 screening tools and barriers that inadvertently exclude victims of violence. Finally, survivors face common economic barriers, such as unemployment, the lack of affordable housing, living-wage jobs, transportation, safety nets, and childcare options, with additional safety barriers as abusers sabotage their attempts to leave the

relationship. As a result, many survivors 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.

Domestic violence programs do their best to serve those in need of emergency, transitional housing, and permanent and supportive housing. Due to a lack of resources, however, every day thousands of abused adults and children are turned away from emergency shelters and denied housing services because programs lack adequate resources and funding. The National Network to End Domestic Violence’s *14th Annual Domestic Violence Counts: Census* found that, in just one 24-hour period in 2019, almost 7,732 nationwide requests for shelter and housing went unmet.

PROGRAM SUMMARIES

FVPSA shelters and services, the VAWA transitional housing program, and the HUD CoC set-aside 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 and transitional housing 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 through emergency shelter and housing programs. The “COVID CARES Act” included supplemental FVPSA funds at \$45 million that can be used to meet basic needs and provide rental assistance, hotel and motel rooms, and utilities for domestic violence survivors and their children. The funds are primarily distributed through a state formula grant. In addition to 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 234 entities annually across the country on a competitive basis, including 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, and community-based and culturally specific organizations. Transitional housing grants allow entities to offer direct financial assistance for housing and housing-related costs for six to 24 months, 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. 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 to ensure 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 due to the violence and criminal actions of others. VAWA housing protections prohibit covered housing programs from denying housing or evicting a victim (of domestic violence, sexual assault, dating violence, or stalking) simply because they are victims; allow public housing agencies (PHAs) to prioritize victims for housing when their safety

dictates; clarify that Housing Choice Vouchers are portable for victims; and delineate 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, the Section 811 Supportive Housing for People with Disabilities Program, USDA Rural Development Housing Properties, and Low-Income Housing Tax Credit (LIHTC) properties. See “For More Information” for list of implementing documents from HUD and other agencies.

HUD issued a final rule, the Office of Multifamily Housing and the Office of Public and Indian Housing issued guidance, and USDA’s Rural Development Office (RD) issued an Unnumbered Letter (UL) implementing VAWA 2013 in the agency’s multifamily housing program. Treasury has not issued regulations or guidance on implementation for the LIHTC. ***Projections Delayed: State Housing Finance Agency Compliance with the Violence Against Women Act*** finds that inaction on the part of the Treasury has led to significant state-by-state variation in the implementation of VAWA protections under the LIHTC program. This has a substantial impact on the level of protection afforded to survivors.

VAWA is currently up for reauthorization. Existing statutory protections and HUD rules are essential to providing basic protections for survivors of VAWA crimes, but more must be done to ensure compliance with these requirements and close gaps that leave many survivors without a safe place to live. H.R. 1585 and S. 2843 expand and amend VAWA’s housing provisions to strengthen protections for survivors of domestic violence from eviction due to any criminal actions of perpetrators, to allow victims to independently establish eligibility for housing assistance when

leaving the household of an eligible perpetrator, enhance the emergency transfer process, authorize vouchers for transfers, strengthen compliance and implementation across agencies and providers, and to protect the right to report crime.

Advocates call on HUD to issue guidance for remaining programs, call on the USDA to issue further guidance, and for Treasury to issue guidance to fully implement the VAWA housing protections for survivors. New regulations, along with on-going training and technical assistance and possible expansions in VAWA reauthorization 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 assert their rights or simply attempt to remain safe.

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. Dedicated funding to serve domestic violence survivors - the Domestic Violence Bonus - coupled with targeted technical assistance, improvements to HUD’S Notice of Funding Availability (NOFA) and related guidance, have recently increased the capacity of the domestic violence field to provide trauma-informed, safe and confidential housing to domestic violence survivors. The new funds and improvement are helping to build back capacity lost after a prior shift in policy reduced the number of domestic violence transitional housing programs funded by HUD. The FY18 and FY19 HUD NOFA included \$50 million in additional funds to support projects serving victims of domestic violence, dating violence, and stalking with a \$50 million set aside for Rapid Rehousing (RRH) or Joint Component (TH-RRH) Coordinated Entry Supportive Service Only projects. The FY18 and FY19 CoC NOFA awarded points to CoCs that demonstrated efforts to address the needs of persons fleeing domestic violence

by including victim service providers on CoC boards, offering training on coordinated entry best practices for serving survivors of domestic violence, having safety planning protocols for coordinated entry, and determining the needs of domestic violence and homelessness victims based on data from victim service provider Comparable Databases. We continue to urge HUD to provide clear guidance on how to evaluate the efficacy of domestic and sexual violence housing, to maintain language in the NOFA encouraging communities to address domestic violence, and to continue to issue guidance and messaging to encourage communities to meet the needs of domestic and sexual violence survivors. HUD should be encouraged to align their funding processes with their messaging by awarding points in the NOFA to ensure that domestic and sexual violence programs can be competitive and integral partners for the CoC funding and can continue their lifesaving services.

In FY17 and in subsequent NOFAs HUD included the Joint Transitional Housing (TH) and Permanent Housing (PH)-Rapid Rehousing (RRH) component project that allows two existing program models to become a single project to better serve and expand housing options for homeless individuals and families, including individuals or families fleeing domestic and sexual violence. The project furthers HUD’s message to communities to create high quality projects regardless of component type and states 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.”

The HUD NOFA highlights compliance with VAWA Final Rule housing protections. 24 CFR 578.99(j)(3)0. 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.

Finally, the National Network to End Domestic

Violence (NNEDV) supports legislative changes to improve HUD's responses to survivors, including the "Help End Abusive Living Situation (HEALS) Act," which would help ensure that survivors' unique housing needs are met.

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 and sexual violence advocates can train PHA staff, hearing officers, Section 8 owners, resident groups and other stakeholders of covered housing programs on VAWA implementation and the dynamics of domestic and sexual violence. PHAs should be encouraged to institute a preference for survivors when making admission decisions. Advocates must also get involved with their PHA's planning process to ensure that survivors' needs are addressed and that VAWA housing protections are adequately communicated to consumers.

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. 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 and sexual violence service providers play in meeting victims' specific needs. Communities must ensure that they have "HEARTH Act" funded domestic and sexual violence housing and shelter available. Each community should ensure that survivor advocates are significantly involved in all homelessness resource planning.

Communities should use guidance from HUD and USICH to help support funding for domestic and sexual violence programs. In 2015, HUD, OVW, Office for Victims of Crime, and 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 (see www.safehousingpartnerships.org).

FUNDING

Increasing funding for FVPSA and VAWA programs and the \$50 million in DV funds at the CoC 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 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 housing unit remain unstable, while other victims in crisis cannot access shelter.

In FY21, advocates should call on Congress to provide \$200 million for FVPSA and maintain funding for VAWA programs and the CoC funds, 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 permanent housing are essential for survivors of domestic and sexual violence. Housing providers should talk about the victims that programs serve and about the struggles that programs face in meeting survivors' 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 survivors' 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 survivors' needs.

Specifically, advocates should ask the House and Senate Appropriations Committees to maintain targeted investments in domestic violence shelter and housing programs including:

- In the Commerce, Justice, Science Appropriations bill, \$42 million for VAWA Transitional Housing.
- In the Labor, Health and Human Services Appropriations bill, \$200 million for FVPSA/ domestic violence shelters.
- In the Transportation, Housing, and Urban Development (THUD) bill, support \$75 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 include improvements to the housing protections in the "Violence Against Women Act" (VAWA) (similar to S. 2843 introduced in the 116th Congress) and 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.

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, a website of the Domestic Violence and Housing Technical Assistance Consortium (DVHTAC). Members: NNEDV; National Alliance for Safe Housing <https://www.nationalallianceforsafehousing.org/>; National Resource Center on Domestic Violence www.VAWnet.org (search housing); CSI, Inc. <http://www.collaborative-solutions.net/>, National Sexual Violence Resource Center <https://www.nsvrc.org/>

SNAPS In-Focus on *Addressing the Needs of Domestic Violence Survivors*.

USICH Guide to *Reviewing Domestic Violence Transitional Housing Programs*.