

A Look at VAWA Housing Provisions

Commonly known as VAWA 2005, the Violence Against Women and Department of Justice Act of 2005, which was signed into law two months ago, reauthorizes and amends existing programs and creates new services and capabilities for preventing and healing domestic violence, dating violence, sexual assault, and stalking. VAWA 2005 (H.R. 3402; Public Law No. 109-162) provides for new and continued services to women, children, and youth and for much-needed funding for sexual assault, housing, immigration, and national resource centers. In this issue of WOMANVIEW we examine some of the new and amended housing provisions.

Domestic violence and sexual assault directly affect survivors' housing options. A 2005 survey of U.S. cities found that domestic violence was a primary cause of local homelessness in half of the cities. (See U.S. Conference of Mayors, *A Status Report on Hunger and Homelessness in America's Cities: A 24-City Survey, 2005*.) Complicating this issue is that housing authorities have been allowed to evict tenants for any criminal activity and thus put domestic and sexual violence victims in further jeopardy of losing housing. The housing provisions in VAWA begin to amend some of these shortcomings by making housing more accessible and nondiscriminatory.

Grants to Increase Victims' Long-Term Stability

The grants to increase victims' long-term stability are intended to develop long-term sustainability and self-sufficiency options for adults and young people who are victims of domestic and sexual violence and are currently homeless or at risk of becoming homeless.

- Applicants for these grants must be a coalition or partnership between a domestic violence victim service provider and homeless service provider. Partnerships may also include sexual assault or other victim service providers.
- Coalitions or partnerships must work together to sustain long-term housing options such as placing victims in long-term housing or financial support services.
- \$10 million is appropriated annually from 2007 to 2011.

Grants to Combat Violence Against Women in Public and Assisted Housing

The grants to combat violence against women in public and assisted housing are to train and assist housing agencies in responding appropriately to domestic and sexual violence so that victims are not subject to housing discrimination, especially when crimes or lease violations are committed or caused by the abuser.

- Grants will be used for education and training, development of policies and practices, collaboration with victim service providers, and capital improvements to increase

tenant safety.

- Grant recipients are required to enact policies that give admissions preference to adult and youth victims and allow victims to call the police, receive orders of protection, and move to a new housing unit when their safety is threatened.
- \$10 million is appropriated annually from 2007 to 2011.

Transitional Housing Assistance Grants for Victims

Transitional housing assistance grants are available for minors, adults, and their dependents who are homeless or in need of transitional or other housing assistance because of domestic and sexual violence and for whom emergency shelter or other crisis intervention services are not available.

- Funding can be used for short-term housing assistance (up to 24 months), including rental payments and security deposits, relocation expenses, operational costs, and supportive services to help victims locate and secure permanent housing.
- Victims obtaining financial or housing assistance may not be forced to participate in supportive services.
- \$40 million is appropriated annually from 2007 to 2011.

Housing Strategies and Public Housing Authority Plans Reporting Requirement

This section amends the housing strategies planning process, known as the Consolidated or “Con” Plan, to include a housing needs assessment of victims of domestic and sexual violence and an action plan for how those needs will be met. In addition to the annual and 5-year plans, public housing authorities must also include statements describing goals, objectives, policies or programs that serve victims’ needs. Statements must include details of how housing authorities plan to help victims obtain or maintain housing, enhance victim safety, or prevent violence.

The McKinney-Vento Homeless Assistance Act

When the U.S. Department of Housing and Urban Development (HUD) proposed the Homeless Management Information System (HMIS) regulation last year, there was an outcry from victim advocates. HMIS forced domestic violence shelters to report personally identifying information into a national database that would be used by HUD to gather homeless statistics. This requirement seriously jeopardized the confidentiality and security measures put into place within shelters. VAWA 2005 permanently prohibits any domestic violence service provider from entering personally identifying information about victims into an HMIS database. Domestic violence providers may share aggregate totals, such as a total number of residents of each race, but not any client-level data, even if the information is encrypted or scrambled. Mainstream housing and homeless shelters are not covered under this amendment unless they have a specific domestic violence program within the shelter. If local or state laws offer more protection for victims or exempt homeless providers from sharing client-level data, those laws shall be upheld along with VAWA 2005.

Amendments to the Low-Income Housing Choice Voucher Program and Public Housing Programs

The amendments to the Low-Income Housing Choice Voucher, or Section 8, Program and

public housing programs ensure that victims may not be discriminated against in public housing because of their status as a domestic violence, dating violence, or stalking victim. Public housing programs may not obstruct victims' access to the criminal justice system. Unfortunately these provisions do not extend to victims of sexual violence.

- An individual's status as a victim is not a reason for denial of tenancy or program assistance, eviction, or termination. Victims may not lose their subsidy if their abusers committed a criminal activity related to the abuse, such as an abuser assaulting the victim in her home.
- Victims must certify their status as a victim by presenting appropriate documentation to the housing authority or Housing Choice Voucher landlord.
- Landlords and housing authorities now may split a lease to maintain a victim's tenancy while evicting the perpetrator.
- Housing authorities must give notice to tenants and landlords participating in the Housing Choice Voucher program of all these rights and responsibilities.

All of these new provisions and amendments will aid in the safety and security of victims and their housing rights. This is a brief overview of the housing additions to VAWA. We encourage readers to visit <http://nmedv.org/VAWA/VAWA2005Summary.PDF> for more details on VAWA and housing. For more information, contact Wendy Pollack at the Sargent Shriver National Center on Poverty Law at 312.263.3830 ext. 238 or wendypollack@povertylaw.org.

Please note that we are phasing WOMANVIEW to an e-mail-only newsletter. If you currently receive WOMANVIEW by fax and would like to continue receiving the newsletter, please subscribe at <http://lists.povertylaw.org/index.html/subscribe/womanview>, or send your name and e-mail address to tinalasquety@povertylaw.org and we will subscribe online for you.

Funded in part by generous grants from the Chicago Foundation for Women's Freedom from Violence Fund and the Jo & Art Moore Family Fund.

WomanView is published by the Sargent Shriver National Center on Poverty Law. [To unsubscribe, click here.](#) For more information, contact Wendy Pollack at wendypollack@povertylaw.org or 312.263.3830 x238.

The Sargent Shriver National Center on Poverty Law (<http://www.povertylaw.org/>), a national resource, champions law and policy promoting equal opportunity and support for low-income individuals, families, and communities so that they can escape poverty permanently. We strategically work nationwide with attorneys, advocates, and grassroots groups to define and employ best practices that make the most of antipoverty law and policy.