



Violence Against Women Reauthorization: Strengthening Protections for Survivors of Domestic Violence and Sexual Violence

Based on emerging housing needs of victims and their families and experience with previous implementations of VAWA, Congress should amend VAWA's housing provisions in VAWA reauthorization to (1) strengthen protections for survivors of domestic violence from eviction due to any criminal actions of perpetrators; (2) allow victims to independently establish eligibility for housing assistance when leaving the household of an eligible perpetrator; (3) enhance the emergency transfer process; (4) strengthen compliance and implementation across agencies and providers; and (5) protect the right to report crime and support effective law enforcement.

Background

Congress enacted and expanded protection for survivors of domestic violence, dating violence, sexual assault, and stalking ("VAWA Crimes") who receive federal housing assistance in the 2005 and 2013 reauthorizations of the Violence Against Women Act ("VAWA"). Since then, the Department of Housing and Urban Development ("HUD") and the Department of Agriculture's Office of Rural Development ("RD") have adopted new rules to begin to meet the statute's goal of providing secure housing to survivors of VAWA Crimes. Among other changes, these rules:

- ★ Expanded VAWA protections to most of HUD's housing programs and explicitly prohibit discrimination based on an individual's experience with VAWA Crimes;
- ★ Required public housing authorities ("PHAs") and other subsidized housing providers to establish emergency transfer plans for survivors, while setting out reporting and record keeping requirements to track incidents of VAWA Crimes; and
- ★ Permitted PHAs to establish preferences for survivors and required housing providers to offer more options for survivors seeking alternative housing following a VAWA Crime.

Key Priorities

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. S.



2943 includes the following provisions that should be in the final VAWA reauthorization bill:

1. **Protect survivors from eviction based on criminal actions of perpetrators:** Under current law, federal housing providers are prohibited from discriminating against prospective and current tenants based on their status as a survivor of VAWA Crimes. Unfortunately, survivors still face denial and eviction based on other criminal activity of the perpetrator even if they are not involved in or are coerced into criminal activity. Congress should amend VAWA to make explicit that survivors who seek to exclude a perpetrator from their home may not be evicted or otherwise denied housing based on the perpetrator's criminal activity.

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2. **Establish reliable “family break-up” procedures:** Although VAWA currently allows federal housing providers to bifurcate leases in order to evict individuals who engage in domestic violence, dating violence, sexual assault, or stalking, the law does not require that survivors retain possession of the unit in the event of a family break-up. Without the ability to retain their housing and rental assistance, survivors often face homelessness when the perpetrator is removed from the household. VAWA should be amended to provide a reliable “family break-up” procedure to help survivors maintain their housing.

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3. **Enhance the emergency transfer process:** Despite the requirement that PHAs and other housing providers establish emergency transfer procedures, survivors of VAWA Crimes often struggle to obtain safe, alternative housing even after requesting an emergency transfer. This occurs because providers are only considering units in their own portfolio, where there may not be available, safe units. To ensure that the emergency transfer process serves its intended purpose and that survivors of domestic violence need not risk homelessness to ensure their safety, Congress should require housing providers to provide alternative transfer options for survivors of VAWA crimes. Congress should authorize PHAs to use existing Housing Choice Vouchers to assist survivors in obtaining emergency transfers and create dedicated tenant protection vouchers for this purpose.

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- 4. Strengthen compliance and implementation; create a dedicated VAWA Director within HUD:** In order to ensure compliance with VAWA housing requirements, Congress should implement annual reviews established by each housing agency to assess compliance with the provisions of this Act. To streamline administrative compliance efforts, Congress should create a Violence Against Women director at HUD, who would be responsible for coordinating implementation of VAWA housing protections across all federal housing programs. Finally, Congress should expressly prohibit providers from retaliating against those who bring alleged non-compliance to light.

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- 5. Protect the right to report crime and support effective law enforcement:** Survivors must be able to feel secure in reporting instances of VAWA Crimes without risking losing their housing. But many jurisdictions have adopted ordinances that make it possible for survivors to be evicted based on a perpetrator's conduct—and, in many cases, even a survivor's efforts to report that conduct—that is deemed to be a nuisance or other violation of law.

In amending VAWA, Congress should make clear that crime victims have the right to seek law enforcement or emergency assistance on behalf of themselves or others and must not be penalized for doing so. Instead of punishing survivors and their landlords, states and localities should be permitted to utilize existing federal grant programs to identify more effective means of combating crime.

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