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## Sexual Assault Survivors' Access to Services under the Office on Violence Against Women (OVW) Transitional Housing (TH) Grant Program

### Transitional Housing Toolkit –

### Sexual Violence Survivors' Transitional Housing Access Initiative

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**Document Purpose:** While sexual assault survivors should be able to access Office on Violence Against Women (OVW) funded Transitional Housing (TH), they have historically not had meaningful access because for many years the funding was focused on the housing needs of domestic violence survivors. While the housing needs of survivors of domestic violence and sexual assault can overlap, they are not interchangeable. For more information about the specific housing needs of sexual assault survivors see [Meeting Sexual Assault Survivors' Housing & Support Services Needs in Your Transitional Housing](#).

Because sexual assault survivors' unique experiences and housing needs can look different than domestic violence survivors' and because of differences in understanding in the field about sexual assault survivor eligibility for OVW-funded TH, this document is written to help clarify ways to facilitate sexual assault survivor access to OVW-funded TH. It offers questions and answers about assessing eligibility for services, as well as offers scenarios for serving sexual assault survivors.

**Audience:** Office on Violence Against Women (OVW) Transitional Housing Grant Program grantees.

**Examples of How to Use This Document:** This document can be used to train new and existing staff and community partners, as well as to review and update your program policies, practices, paperwork, and procedures for assessing eligibility of sexual assault survivors for OVW-funded TH services.

## Document Contents:

1. [What Does the Law That Authorizes OVW TH \(Violence Against Women Act \(“VAWA”\)\) Say About Sexual Assault Survivor Eligibility?](#)
2. [What Does “They Are Homeless or In Need of Transitional Housing” Mean?](#)
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4. [What Does “There Are Unavailable or Insufficient Other Shelter or Services” Mean?](#)
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This project was supported by Grant No. 2017-TA-AX-K070 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

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<sup>1</sup> The terms “sexual assault” and “sexual violence” are used interchangeably in this document, but “sexual assault” is used when addressing statutory language because this is the term used in the Transitional Housing Grant Program statute. For details on the different definitions, [see page 7 of this document under the subsection “What Does ‘As A Result of a Situation of Sexual Assault/Violence \(SV\)’ Mean in Practice?”](#)

## 1. What Does the Law That Authorizes the OVW Transitional Housing Grant Program (Violence Against Women Act (“VAWA”), as amended) Say about Serving Sexual Assault survivors?

- a. There are 3 basic elements to assessing eligibility for OVW-funded TH services under the statute that created the OVW Transitional Housing Grant Program, which authorizes grants to provide: “assistance to minors, adults, and their dependents - (1) who are homeless, or in need of transitional housing or other housing assistance, as a result of a situation of domestic violence, dating violence, sexual assault, or stalking; and (2) for whom emergency shelter services or other crisis intervention services are unavailable or insufficient” ([34 USC 12351 \(a\)\(1\)](#)).
- b. ***In essence, these 3 basic elements mean that people are eligible for OVW-funded Transitional Housing services if***
  1. ***They are homeless or in need of transitional housing***
  2. ***As a result of a situation of sexual assault; and***
  3. ***There are unavailable or insufficient other shelter or crisis services.***
- c. The rest of this document is broken into different sections that will answer questions about assessing each of these 3 basic elements, as well as other questions specific to serving sexual assault survivors’ with OVW TH grant funds.

## 2. What Does “Homeless or in Need of Transitional Housing” Mean in Practice? The following questions and answers address this issue.

- a. **Does the person have to be homeless?** No. The person can be homeless *or* in need of transitional housing because of a situation of sexual assault, domestic violence, dating violence, or stalking. For, example, the person could be trying to flee their current housing as a result of a situation of sexual assault and therefore in need of transitional housing.
- b. **How can program staff determine if a person is “in need of transitional housing” because of a situation of sexual assault?** As part of the intake process, including safety planning and identification of service needs, program staff may ask the person if they are in need of transitional housing because of their experience with sexual assault, domestic violence, dating violence, or stalking. If they say “yes” and they are not asking for housing assistance to stay in their current housing, then they are eligible.

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c. **How should a program address HUD requirements related to homelessness?** If your program is funded by HUD (the Department of Housing and Urban Development) and OVW, you should use the elements described above to assess eligibility for OVW-funded TH, which include that the person must be homeless **or** in need of transitional housing as a result of a situation of sexual assault. Because the person need not be homeless to qualify for assistance under OVW funding, HUD requirements related to homelessness would not apply. If you need assistance assessing how HUD requirements may be impacting your OVW TH program design, policies, and procedures, please contact the OVW TH technical assistance provider The National Network to End Domestic Violence to discuss.

d. **What definition of “homeless” does OVW use for the Transitional Housing Grant Program?** According to the program solicitations, OVW defines “homeless” according to VAWA, [34 USC 12291\(a\) and 12473\(6\)](#):

*“(6) The terms “homeless”, “homeless individual”, and “homeless person”—  
(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and*

*(B) includes—*

*(i) an individual who—(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; (II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations; (III) is living in an emergency or transitional shelter; (IV) is abandoned in a hospital; or (V) is awaiting foster care placement;*

*(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or*

*(iii) migratory children (as defined in section 6399 of title 20) who qualify as homeless under this section because the children are living in circumstances described in this paragraph.”*

- e. **Can OVW Transitional Housing grant funds pay for someone to stay in their current housing or pay for “housing retention”?** No, the program solicitations state that this is **out of scope**: “Housing retention - Grant funds may not be used to keep victims in their homes or to prevent them from losing their current housing.” Sometimes “housing retention” is also called “homelessness prevention,” but they are not necessarily the same thing; helping a survivor relocate to transitional housing may prevent homelessness but would not constitute “housing retention.”
- f. **Is helping someone who is currently housed and trying to move from that housing into OVW transitional housing a situation of “housing retention”?** No, not in the context of OVW-funded TH. Housing retention just refers to helping someone stay in their current housing, which is not in scope for the OVW TH Program.
- g. **How do I assist survivors of sexual assault who need housing assistance to stay in their current housing?** It is important to help survivors explore other options. A program may have other funding that could be used to provide housing retention assistance and related support services. Options include having a staff position funded 100% by another funding source or a hybrid-funded position (that is funded in part by an OVW TH grant and in part by another source) work with the survivor on an ongoing basis or referring the survivor to a local sexual assault services program to help them maintain housing.
- h. **Does someone have to be fleeing sexual assault that occurred in their housing in order to be eligible?** No. The sexual assault can have occurred anywhere and anytime as long as it has resulted in the survivor’s homelessness or need for transitional housing.
- i. **Are survivors who are doubled up, couch surfing, or in hotels eligible for OVW-funded TH?**  
Yes. They are eligible because they are in need of transitional housing and they would also be “homeless” according to VAWA’s definition of homelessness (cited above).
- j. **Does a person have to be coming from a shelter in order to be eligible?** No. They can be coming from housing they are fleeing, the street, or pretty much any place as long as they are homeless or in need of transitional housing because of a situation of sexual assault – no matter wherever or whenever the sexual assault occurred – and emergency shelter services or other crisis intervention services are unavailable or

insufficient. Please note OVW TH Program solicitations state that using funds to pay for someone to stay in their current housing is out of scope for the grant program.

**k. What are examples of survivors who are homeless or in need of transitional**

**housing?** In all the following cases, these survivors are eligible for OVW-funded TH because they are either homeless or in need of transitional housing as a result of a situation of sexual assault (provided that emergency shelter services or other crisis intervention services are unavailable or insufficient):

- “Mara” is an 8-year-old who was sexually abused by her uncle with whom she and her mother, Monet live. Monet and Mara are in need of transitional housing assistance because of the sexual abuse that Mara has experienced.
- “Jordan” is attempting to flee sexual assault currently being perpetrated by his landlord in the apartment where he is living. Jordan is in need of transitional housing because of a current situation of sexual assault.
- “Lydia” lost her job and is losing her housing because of trauma due to a situation of sexual assault that occurred in her childhood. There is no hope of staying in her current housing, and she is therefore in need of transitional housing as a result of the childhood sexual assault.
- “Damaris” has been sexually assaulted by her boss at work, lost her job and housing because of the sexual assault situation at work, and is now living doubled up with a friend. Damaris is both “homeless” under the VAWA definition (doubled up) and “in need of transitional housing” as a result of a situation of sexual assault.

- “Arys” was sexually assaulted on campus because they identify as genderqueer. They are currently living in school housing but do not feel safe staying there because of the assault. While Arys is not technically “homeless” under the VAWA definition, they are eligible for OVW-funded TH because they are “in need of transitional housing” as a result of a situation of sexual assault.
- “Saphiya” has experienced sexual assault and stalking online. She has not lost her job or housing yet, but she needs to move out of her current housing and into transitional housing to find a supportive home environment where she can heal, feel safer, and hopefully not lose her job. While Saphiya is not technically “homeless” under the VAWA definition, she is eligible for OVW-funded TH because she is “in need of transitional housing” as a result of a situation of stalking.
- “Isaiah” has been sexually assaulted by other people who are receiving services at the warming center and homeless shelter and is seeking transitional housing assistance because of this situation. Isaiah is OVW TH eligible because he is homeless due to living in a shelter and/or on the streets.
- “Gene” has a disability and lives in an assisted living facility where he was sexually assaulted by a personal care attendant. He is seeking to move into transitional housing along with a new non-abusive caregiver because of this situation. While Gene is not technically “homeless,” he is “in need of transitional housing” as a result of a situation of sexual assault.

### 3. What Does “As A Result of a Situation of Sexual Assault” Mean in Practice? The following questions and answers address this issue.

- a. **How is “sexual assault” defined?** According to VAWA “[t]he term ‘sexual assault’ means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” ([34 USC 12351 \(a\)\(35\)](#)). This

means any nonconsensual sexual act that is a crime at the Federal, tribal or state level. There may be cases where survivors have experienced types of sexual assault that may not qualify as “sexual assault” under this definition but do qualify as “stalking,” in which case the survivor may be homeless or in need of housing assistance as a result of a situation of stalking, rather than sexual assault. Under VAWA, stalking “means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress” ([34 USC 12351 \(a\)\(36\)](#)). For assistance on tribal or state sexual assault laws, please contact the [tribal, territory, or state sexual assault coalition in your area](#).

- b. **What is the difference between sexual assault and sexual violence?** “Sexual violence” is the broad term used to describe any type of unwanted sexual contact. This can include words and actions of a sexual nature against a person’s will and without their consent (National Sexual Violence Resource Center). “Sexual assault” in the context of VAWA refers to acts of sexual violence that have been defined as crimes under Federal, Tribal or, State laws: “(35) **Sexual assault**. The term ‘sexual assault’ means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” ([34 USC 12291 \(a\)\(35\)](#)).
- c. **How should program staff determine whether a situation involves sexual assault?** Ask the survivor if they have ever experienced sexual assault and if their need for transitional housing is a result of that situation, whenever or wherever it occurred and whoever perpetrated the sexual assault. If the person says “yes,” that answer is sufficient information. You don’t need to ask detailed questions about the assault for intake purposes. However, you may use behavior questions rather than using the term “sexual assault,” and it is important to also create space for survivors to disclose the detail level they would like when they feel comfortable.
- d. **When does the situation of sexual assault have to have occurred? The sexual assault** can have happened at any point in a person’s lifespan. No matter when the sexual assault occurred, if it has created a current need for transitional housing or a current situation of homelessness, then the person is eligible for OVW-funded TH.
- e. **Does human trafficking count as sexual assault?** In many cases, yes. There are elements of sexual assault in sex trafficking and at times elements of domestic violence, dating violence, or stalking in sex trafficking. In many cases of labor

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trafficking there are elements of stalking and at times elements of sexual assault, domestic violence, or dating violence, depending on the facts of the person's situation. However, trafficking is not in the Transitional Housing Program statute, so the survivor must be seeking services for sexual assault, domestic violence, dating violence, or stalking.

- f. **Where does the situation of sexual assault have to have occurred?** It can have occurred anywhere. It does not have to have occurred in the person's current housing or housing that the person has fled or is fleeing in order to have resulted in homelessness or the need for transitional housing. The person is eligible for OVW-funded TH if the situation of sexual assault has created a current need for transitional housing or a current situation of homelessness.
- g. **Who does the perpetrator of sexual assault need to be in terms of the relationship to the victim?** Anyone can perpetrate sexual assault. The sexual assault does not need to be perpetrated by an intimate partner or someone that the survivor lives with in order for the survivor to be eligible.
- h. **What are examples of situations of sexual assault that result in homelessness or a need for transitional housing?** Sexual assault that has occurred anytime, anywhere, perpetrated by anyone can create a need for transitional housing.
- Anytime: For example, adult survivors of child sexual abuse may have a need for TH because of trauma associated with child sexual abuse; survivors may need TH because the sexual assault occurred once or repeatedly; the sexual assault can have occurred 5 minutes ago or 5 years ago and can create a need for TH.
  - Anywhere: Sexual assault can occur in the workplace; school; faith-community; housing or homeless shelter; street; medical or care facility; any public area like parks or sports arenas; online; or anywhere a situation of sexual assault occurs that has created a need for TH.
  - Anyone: Anyone can perpetrate sexual assault and the survivor may have a need for TH because of it – whether the person who has sexually harmed them is a boss, a friend, neighbor, distant family member, faith leader, coach, politician, famous person, or intimate partner.
  - Other types of sexual assault that can create a need for transitional housing: human trafficking that involves sexual assault; stalking perpetrated in the

context of sexual violence; and again, any situation of sexual assault – wherever or whenever it occurred and whoever perpetrated it – that has created a need for transitional housing or a situation of homelessness.

- i. **What about serving transgender people, gender non-conforming people, and men who are survivors of sexual assault?** VAWA and the OVW Transitional Housing Solicitations require that OVW transitional housing programs serve all survivors of sexual assault regardless of gender or gender identity.
- j. **Do I need police reports, protective orders, medical records, or other written proof of a situation of sexual assault?** No. Survivors' statements are all that is needed. It is trauma-informed to believe the survivor's statement without requesting additional proof. Additionally, best practice is to keep little to no personally identifying records in order to safeguard survivor confidentiality were records to be subpoenaed by someone in an effort to further victimize the survivor. Contact the [Confidentiality Institute](#) for additional information on best practices about trauma-informed record retention and confidentiality.
- k. **Does the person have to be fleeing or recently have fled their housing because of a situation of recent sexual assault?** No. For example, if a survivor leaves transitional housing and a year later needs to return due to issues connected to the longer-term impacts of a situation of sexual assault or a new situation of sexual assault has occurred, they should be able to access OVW-funded TH.
- l. **Does the sexual assault have to have occurred in the housing they fled?** No. The person just needs to be in need of transitional housing because of a situation of sexual assault. For instance, the sexual assault may have occurred at work, at school, online, at a hospital, a nursing home, or in the street, but may be creating a need for transitional housing.
- m. **Does the situation have to involve imminent physical danger in order to qualify for OVW-funded TH?** No – the eligibility requirement is that a person be in need of transitional housing because of a situation of sexual assault, no matter the type of sexual assault. For instance, they may be experiencing emotional trauma as an adult that is related to child sexual abuse, or they may be facing economic harm due to sexual assault that occurred 5 minutes or 5 years ago. The harm sexual assault survivors experience impacts all areas of life (economic, social, mental, physical, spiritual) and can impact their safety, healing, and need for OVW-funded transitional

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housing throughout the lifespan.

4. What Does “for Whom Emergency Shelter Services or Other Crisis Intervention Services Are Unavailable or Insufficient” Mean in Practice? The following questions and answers address this issue.

- a. **How do I determine emergency shelter services or other crisis intervention services are unavailable or insufficient?** Ask the survivor if they have other resources. If they don't, believe them and accept them into your program if they are in need of transitional housing as a result of a situation of sexual assault. You also may determine based on your knowledge of other services in your community that crisis/shelter services sufficient to meet the needs of sexual assault survivors are not available.

5. What Are Other Common Issues for Serving Sexual Assault Survivors in Practice? The following questions and answers address this issue.

- a. **What if our program focuses on serving domestic violence victims? How do I serve SA victims?** Your program may focus its efforts on serving a certain population of survivors in your community, but your program should provide any survivor of domestic violence, sexual assault, dating violence, and stalking seeking your assistance with services or with appropriate referrals to comparable services. This is consistent with providing trauma-informed services and not compromising victim safety.
- b. **If an SA survivor applies to live in the OVW-funded TH I operate, but I don't feel my program has the expertise to work with SA survivors, what should our policy be?** You should allow the survivor to access your housing and work with sexual assault programs in the area or other experts to address support service needs. While sexual assault survivor specific services are very important, lack of those specific services should not be the reason for not housing a sexual assault survivor in OVW-funded TH. For more information on providing services to survivors of sexual assault, please contact the Resource Sharing Project or your tribal, territorial, or state sexualassault coalition.

- c. **Can we serve minors?** In the case of sexual abuse perpetrated against a child, if the child’s parents or guardians apply to live in OVW-funded TH with their child who was the victim, they are eligible for assistance under the program, provided they are not the perpetrator(s) of the abuse.
- d. **What about cases of sexual assault when the primary victim has an intimate partner, children, other family members, or dependents who need to live with them in the OVW TH?** Dependents are allowed to live in the transitional housing unit. Contact your OVW program manager for questions about non-dependents living with the primary victim.
- e. **How long can sexual assault survivors receive housing assistance and support services in our OVW-funded TH program?** 6-24 months, unless a 6-month extension waiver has been granted. Voluntary support services should be offered throughout the duration of the housing assistance, and follow-up support services must be offered for a limited period after the housing assistance has ended. Contact your OVW program manager for questions about the length of housing assistance and/or voluntary support services.
- f. **If we think that a sexual assault survivor needs therapy, counseling, substance use treatment, parenting classes, or other services, can we require that they go?** No. VAWA states that all OVW-funded Transitional Housing support services must be voluntary. “Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them” [34 USC 12351 \(b\)\(3\)\(C\)](#). It is trauma-informed to allow survivors to control decisions about what services they engage in. It is best practice to offer voluntary, holistic healing services.

**Additional Training or Technical Assistance:** If you would like more information about creating accessibility for sexual assault survivors to OVW-funded Transitional Housing, feel free to visit the [Resource Sharing Project’s contact us link](#) or contact Rebekah Moses at the Resource Sharing Project at 515-343-4176 or [rebekah@iowacasa.org](mailto:rebekah@iowacasa.org). You can also visit RSP’s main webpage [www.resourcesharingproject.org](http://www.resourcesharingproject.org).