

**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**

**Insult to Injury:  
Violations of the Violence Against Women Act**

**A Report by the  
Domestic Violence Program of the  
National Law Center on Homelessness & Poverty**

**APRIL 2009**

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## **ABOUT THE NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY**

The National Law Center on Homelessness & Poverty is committed to solutions that address the causes of homelessness, not just the symptoms, and works to place and address homelessness in the larger context of poverty.

To this end, we employ three main strategies: impact litigation, policy advocacy, and public education. We are a persistent voice on behalf of homeless Americans, speaking effectively to federal, state, and local policy makers. We also produce investigative reports and provide legal and policy support to local organizations.

You are invited to join the network of attorneys, students, advocates, activists, and committed individuals who make up NLCHP's membership network. Our network provides a forum for individuals, non-profits, and corporations to participate and learn more about using the law to advocate for solutions to homelessness. For more information about our organization, membership, and access to publications such as this report, please visit our website at [www.nlchp.org](http://www.nlchp.org).

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# **TABLE OF CONTENTS**

ACKNOWLEDGMENTS .....	ii
EXECUTIVE SUMMARY .....	iii
Introduction.....	1
I. HUD’s Oversight of VAWA’s Planning Requirements.....	3
A. NLCHP’s Review of Public Housing Authority Plans .....	4
B. Conclusions about HUD Oversight from the Data.....	6
II. Continuing Evictions and Denials: The National Survey on VAWA Implementation.....	9
A. Survey Design .....	9
B. Survey Responses.....	10
III. Conclusion .....	14
A. Recommendations for Determining the Scope of the Problem.....	14
B. Recommendations for Improving Oversight of VAWA Implementation.....	15
IV. Appendices	
A. State-By-State Assessment of PHA Plans and VAWA Compliance.....	17
B. National Survey on VAWA Implementation: Questions.....	19
C. National Survey on VAWA Implementation: Geographic Distribution of State Responses..	29
D. NLCHP Tool for Screening for Domestic Violence Housing Problems .....	31

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## EXECUTIVE SUMMARY

Violence against women is a leading cause of homelessness nationwide. About 20% of homeless women report domestic violence or abuse as a reason for their homelessness, and 28% of U.S. cities surveyed in 2008 reported that domestic violence was a primary cause of homelessness.<sup>i</sup> Domestic violence survivors, particularly those with limited resources, often have to choose between living with their abusers or becoming homeless. Statistics also show that domestic violence survivors are discriminated against in finding new housing, and that a lack of affordable housing and housing assistance further limits the options available to these individuals.<sup>ii</sup>

Ensuring safe and affordable housing is essential for survivors of domestic violence and for preventing and ending homelessness. Subsidized housing programs like public and Section 8 housing are critical to addressing the problem. Public housing consists of units that are subsidized by the U.S. Department of Housing and Urban Development (HUD) and administered for low-income families by a local Public Housing Authority (PHA) or other entity designated by HUD. Section 8 housing programs help low-income people rent apartments and homes on the private market by having PHAs directly pay private landlords on behalf of tenants.<sup>iii</sup> These programs have the potential to offer much-needed assistance to victims of domestic violence, but too often those administering them have failed to understand and to address the unique problems such victims confront.

At the urging of advocacy groups to address issues facing victims in public and Section 8 housing, the U.S. Congress included important new housing provisions in the reauthorization of the Violence Against Women Act (VAWA), in January 2006. These provisions protect victims of domestic violence, dating violence and stalking from being denied access to or being evicted from public or Section 8 housing; ensure that housing benefits of survivors are not terminated as a result of the violence against them; protect a victim's right to confidentiality in shared databases; allow for bifurcation of leases, emergency transfers, and portability of vouchers and lastly create planning requirements for PHAs. Under the law, PHAs are required to include information about their VAWA programs and policies in the annual and five-year plans they submit to HUD. PHAs also must notify all tenants and Section 8 landlords of their rights and obligations under VAWA. HUD is charged with overseeing these requirements; however, VAWA housing protections are still implemented and enforced inconsistently three years after they were enacted. Each PHA is left to determine how to comply, and there is virtually no oversight by HUD on this issue.

The National Law Center on Homelessness and Poverty (NLCHP) launched this project to gather information on violations of VAWA housing provisions. NLCHP analyzed over 3300 HUD-approved PHA plans to determine if the PHAs were complying with the law. In addition, NLCHP, along with key partners, launched a nationwide survey of service providers to assess their experiences with denials and evictions based on domestic violence, dating violence and stalking.

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<sup>i</sup> See Jana L. Jasinski, et al., U.S. Dept. of Justice National Institute of Justice, *The Experience of Violence in the Lives of Homeless Women: A Research Report 2*, 65 (2005) and *The United States Conference of Mayors - Hunger and Homelessness Survey* (December 2008).

<sup>ii</sup> For more information on these statistics, visit NLCHP's wiki website at <http://wiki.nlchp.org>.

<sup>iii</sup> There are two forms of Section 8 housing assistance. The Housing Choice Voucher Program is a tenant-based program in which the PHA issues an eligible family a voucher for a rent subsidy, and the family then selects their housing. If the family moves, they may use the voucher for rental assistance at another unit. Under the project-based Section 8 program, a PHA enters into a contract with the owner to subsidize specified units for a limited term. As the rental assistance is tied to the unit, a family who moves from the project-based unit does not continue with the same housing assistance.

## **Major Findings: Many PHA plans do not comply with VAWA**

NLCHP analyzed 3398 annual and five-year plans submitted by PHAs in 2007 and 2008 and approved by HUD. Under VAWA, PHAs that submit five year plans to HUD must include a statement about goals, activities, and policies that serve victims of domestic violence, dating violence and stalking. PHAs that submit annual plans to HUD must include a statement about prevention programs, a description of activities, services or programs for victims of domestic violence, dating violence, sexual assault, and stalking, and a report on activities that help victims obtain and maintain housing. Since HUD and Congress have encouraged PHAs to establish admissions preference for victims of domestic violence, NLCHP assessed whether a PHA included an express preference for victims.

Both annual and five year plans were analyzed for basic compliance with VAWA planning requirement (e.g. if the plans mentioned VAWA law *and/or* made any mention of DV services).

- Only 59.5% of all PHA plans analyzed met the basic standard of compliance with the planning requirements.<sup>iv</sup>
- 57.9% of annual plans and 65.4% of the five year plans met the basic standard of compliance with the planning requirements.
- Only 18.7% of all plans surveyed included an express preference for victims of domestic violence.

A PHA's compliance with the planning requirement is just one indicator of how the PHA is implementing VAWA's provisions in its jurisdiction. The fact that a PHA includes VAWA provisions in its plan is not necessarily indicative of an effective VAWA policy. However, the fact that a PHA mentions VAWA programs, activities, and policies in its plan suggests an awareness that survivors of domestic violence, dating violence, sexual assault, and stalking have unique needs.

## **Service Providers Report Problems with VAWA Implementation**

NLCHP launched a nationwide survey of service providers (e.g. legal and social services agencies, emergency shelters, resource centers) on VAWA implementation. 363 respondents from 42 states participated in the survey. The survey was not intended to be a tool for gathering data scientifically to create a national picture but to provide some crucial basic information about VAWA implementation as it applied to the clients of the survey respondents. The survey results provide insight into the current state of VAWA implementation and the barriers victims face to maintain safe housing.

- **Denial of Housing:** About 36% of service providers reported that 607 victims were denied housing for reasons directly related to domestic violence, dating violence, or stalking, and nearly 1,951 victims were denied housing for reasons indirectly related to the violence.
- **Eviction and Termination:** Slightly more than 41% of providers reported that 832 domestic violence, dating violence or stalking victims had been served with a notice to quit or eviction papers.

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<sup>iv</sup> For a state-by-state assessment of the plans' compliance with VAWA, see Appendix A.

- 29% of respondents indicated that 328 victims were threatened with eviction or were evicted for reasons *directly* related to domestic violence, dating violence, or stalking, i.e. due to the violence or noise, calls to the police or physical damage resulting from the violence.
- Roughly 27.5% of respondents indicated that 539 victims were threatened with eviction or were evicted for reasons *indirectly* related to domestic violence, dating violence, or stalking, (e.g. poor credit, rental or employment history reflecting a history of violence or non-payment related to violence).
- **Certification and Notification:** PHAs and landlords are required under VAWA to notify tenants about the VAWA law and the protections afforded under it. Many service providers are unaware if their clients received notice of their rights under VAWA. In the survey, half of the respondents answered the survey questions regarding notification and certification. Of those who did, over 60% indicated uncertainty about whether and how victims who have received services were notified of their VAWA rights.

### **Recommendations**

These results of this study show that there are serious problems and failures in the implementation of VAWA's housing protections. NLCHP recommends a series of steps by which HUD could improve VAWA compliance:

- HUD must create a job post for a designated individual within the agency who is responsible for overseeing VAWA implementation. Such a designated person should actively seek to ensure that PHAs are consistently upholding tenant protections from discriminatory evictions and terminations of benefits based on their status as victims.
- HUD must also encourage all PHAs to include mention of VAWA programs and policies in their annual, five-year and consolidated plans as required by law. In order to have a consistently-applied policy that does not undermine VAWA, when reviewing PHA plans HUD must ensure compliance with VAWA and should provide further guidance on uniform reporting requirements. HUD should encourage and conduct trainings and outreach to ensure that its recently released guidance regarding VAWA is widely understood and implemented.
- Congress should request a study on VAWA implementation by the Government Accountability Office (GAO) to determine how well VAWA housing provisions are being executed and what more needs to be done to improve its implementation and enforcement.
- NLCHP also recommends that HUD's Office of Fair Housing and Equal Opportunity (FHEO) be given the authority to receive complaints, investigate and prosecute cases in which a victim's rights under VAWA have been violated by a PHA, Section 8 owner or agent.
- Advocates must continually monitor HUD's oversight process. Advocates themselves must take responsibility for tracking these cases so that more complete information can be provided from the service provider perspective.



## Introduction

Violence against women is a leading cause of homelessness nationwide. About 20% of homeless women report domestic violence or abuse as a reason for their homelessness, and 28% of U.S. cities surveyed in 2008 reported that domestic violence was a primary cause of homelessness.<sup>1</sup> Domestic violence survivors, particularly those with limited resources, often have to choose between living with their abusers or becoming homeless. Many survivors become homeless after fleeing an abusive relationship or after being evicted for reasons related to the abuse such as police involvement or property damage. As abusers often control finances to maintain control in the relationship, survivors may lack steady income, landlord references, and good credit, all of which are necessary to find new housing. Furthermore, statistics show that domestic violence survivors are discriminated against in finding new housing, and that a lack of affordable housing and housing assistance further limits the options available to these women.<sup>2</sup>

Ensuring safe and affordable housing is essential for survivors of domestic violence and for preventing and ending homelessness. Subsidized housing programs like public and Section 8 housing are critical to addressing the problem. Public housing consists of units that are subsidized by the U.S. Department of Housing and Urban Development (HUD) and administered for low-income families by a local Public Housing Authority (PHA) or other entity designated by HUD. Section 8 housing programs help low-income people rent apartments and homes on the private market by having PHAs directly pay private landlords on behalf of tenants.<sup>3</sup> These programs have the potential to offer much-needed assistance to victims of domestic violence, but too often those administering them have failed to understand and to address the unique problems such victims confront.

At the urging of advocacy groups to address issues facing victims in public and Section 8 housing, the U.S. Congress included important new housing provisions in the reauthorization of the Violence Against Women Act (VAWA), enacted in January 2006. These provisions protect victims of domestic violence, dating violence and stalking from being denied access to or being evicted from public or Section 8 housing; ensure that housing benefits of survivors are not terminated as a result of the violence against them; protect a victim's right to confidentiality in shared databases; allow for bifurcation of leases, emergency transfers, and portability of vouchers; and lastly create planning requirement for PHAs. Under the law, PHAs are required to include information about their VAWA programs and policies in the annual and five-year plans they submit to HUD. PHAs also must notify all tenants and Section 8 landlords of their rights and

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<sup>1</sup> See Jana L. Jasinski, et al., U.S. Dept. of Justice National Institute of Justice, *The Experience of Violence in the Lives of Homeless Women: A Research Report 2*, 65 (2005) and *The United States Conference of Mayors – Hunger and Homelessness Survey* (December 2008).

<sup>2</sup> For more information on these statistics, visit NLCHP's wiki website at <http://wiki.nlchp.org>

<sup>3</sup> There are two forms of Section 8 housing assistance. The Housing Choice Voucher Program is a tenant-based program in which the PHA issues an eligible family a voucher for a rent subsidy, and the family then selects their housing. If the family moves, they may use the voucher for rental assistance at another unit. Under the project-based Section 8 program, a PHA enters into a contract with the owner to subsidize specified units for a limited term. As the rental assistance is tied to the unit, a family who moves from the project-based unit does not continue with the same housing assistance.

obligations under VAWA. HUD is charged with overseeing these requirements; however, VAWA housing protections are still implemented and enforced inconsistently three years after they were enacted. Each PHA is left to determine how to comply, and there is virtually no oversight by HUD on this issue.

Based on anecdotal evidence, service providers are still encountering numerous denial and eviction cases, but the extent to which these denials and evictions are related to domestic violence is difficult to ascertain.<sup>4</sup> Denials and evictions are rarely explicitly based on incidents of domestic violence, and even when they are, neither HUD nor PHAs collect data on these evictions. Service providers have some idea of the scope of the problem, but few systematically screen for the loss of housing and its relationship to domestic violence, dating violence, sexual assault or stalking. Domestic violence service providers frequently do not inquire about the details of why a client lost their housing and other providers often do not screen for domestic violence, particularly in housing cases. Even when they do screen, case management systems used by service providers are rarely set up to capture this type of information.

Since there is no comprehensive data available, NLCHP launched a project to gather information from three separate sources. First, PHA plans can be used to analyze compliance with VAWA's requirement that PHAs report on the activities, programs and policies it has in place to protect victims of domestic violence. Examining these plans reveals information not only about the individual PHAs, but also about HUD, which is responsible for approving the plans. NLCHP analyzed over 3300 HUD-approved 2007 and 2008 PHA plans to determine whether the PHAs complied with the planning requirement under VAWA and what types of information they provided in their plans. Since HUD and Congress have encouraged PHAs to establish admissions preference for victims of domestic violence, NLCHP also assessed whether a PHA included an express preference for victims.

Service providers are another important source of information about PHA's compliance with VAWA since many tenants facing eviction or denial of housing seek assistance from legal, housing or other service providers. During the summer of 2008, NLCHP, along with key partners, launched a nationwide survey of service providers in order to gather data about the numbers of cases they encounter and assess the scope of the problem. The survey is described in greater detail later in this report, but it is important to note that many service providers are not tracking this data. For this reason, the information gathered is likely a substantial under-representation of the problem, as many of these incidents were based on a service provider's memory of particular cases.

Finally, NLCHP is advocating for increased data collection by individual PHAs, HUD and Congress and recommends a study by the General Accounting Office ("GAO") to determine the scope of the problems with implementation of VAWA housing provisions. A well-funded study is vital to fully comprehending the magnitude of this problem.

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<sup>4</sup> Unless otherwise noted, in this report the phrase "domestic violence" includes domestic violence, dating violence and stalking.

## I. HUD's Oversight of VAWA's Planning Requirements

HUD is charged with oversight of all of the PHAs and project-based Section 8 programs. In the context of VAWA, this entails issuing guidance and regulations and providing training and technical assistance to PHAs and Section 8 owners required to comply with VAWA. HUD is also responsible for reviewing PHA annual and five-year plans. In approving PHA plans, HUD must check to see if the plans are complete, consistent and compliant with the law.<sup>5</sup> In the broader context of domestic violence, HUD is also responsible for ensuring compliance with the Fair Housing Act and other civil rights laws as they pertain to the rights of domestic violence survivors and housing.

Since VAWA was enacted, HUD has issued guidance and an interim rule on VAWA housing provisions.<sup>6</sup> The Office of Public and Indian Housing ("PIH") is the HUD division responsible for oversight of Public Housing and the Housing Choice Voucher Program. PIH issued guidance shortly after VAWA was enacted and several times thereafter and published a notice in the Federal Register. This guidance was mostly intended to inform PHAs about the passage of the law and the law's basic requirements.<sup>7</sup>

In the project-based Section 8 context, HUD's Office of Housing division, which oversees project-based Section 8, did not issue guidance until September of 2008.<sup>8</sup> Initially, housing providers were uncertain about the extent to which VAWA could be applied to project-based Section 8 housing. This uncertainty was exacerbated by regional offices that gave out incorrect information.<sup>9</sup> The content of the September 2008 guidance is similar to other PIH notices and provides very few specifics about how to implement the law.

On November 28, 2008, HUD issued an interim rule regarding the VAWA housing provisions.<sup>10</sup> The interim rule was designed to clarify VAWA protections for tenants in public housing and tenant-based and project-based Section 8 programs. The interim rule also applies VAWA's protections to supportive housing programs for the elderly and persons with disabilities.<sup>11</sup> While HUD's intent was to conform its regulations to the statutory provisions of VAWA, the interim rule contains several instances in which statutory language was omitted or changed. These discrepancies, if not changed by HUD's promulgation of a final rule, have the potential to cause serious difficulties in the implementation of VAWA's housing provisions. Additionally HUD did

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<sup>5</sup> See 42 USC 1437c-1(i)(1).

<sup>6</sup> HUD guidance was issued in June 2006, Dec. 2006 and Feb. 2007. See PIH 2006-42 (Dec. 27, 2006); PIH 2006-23 (June 23, 2006); Notice PIH 2007-5 (HA) (Feb. 16, 2007). There has also been a notice in the Federal Register stating that VAWA applies immediately to Housing Authorities and all Section 8. See 72 Fed. Reg. 12696 (Mar. 16, 2007). HUD issued interim regulations on November 28, 2008 in which HUD indicated it is "simply conforming its existing regulations to statutory provisions that are legally effective." See 73 Fed. Reg. 72339 (Nov. 28, 2008).

<sup>7</sup> See 71 Fed. Reg. 22,734 (Apr. 24, 2006).

<sup>8</sup> See Notice: H 08-07 Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005 for the Multifamily Project-Based Section 8 Housing Assistance Payments Program (Sept. 30, 2008)

<sup>9</sup> See HUD Multifamily Hub: San Francisco, Pacific Currents: Multifamily News, October 2007 at: <http://www.hud.gov/utilities/intercept.cfm?local/ca/working/localpo/pacificcurrents1007.pdf> (last visited 1/27/09).

<sup>10</sup> See 73 Fed. Reg. 72, 339 (Nov. 28, 2008).

<sup>11</sup> See 73 Fed. Reg. 72, 342 (Nov. 28, 2008); See also 73 Fed. Reg. 72, 343 (Nov. 28, 2008).

not provide sufficient guidance in the interim rule on several issues including lease bifurcation, certification, and notice requirements.<sup>12</sup>

Regarding the planning requirements, the interim rule amends the requirements for PHAs' five-year, annual, and consolidated plans to conform to the statutory language of VAWA. The interim rule amends the requirements that the five year plan include "a statement about goals, activities, objectives, policies or programs that will enable a PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault or stalking."<sup>13</sup> Similarly, the interim rule, echoing the statutory language of VAWA, states that PHA must include the following in their annual plans:

- 1) a statement about domestic violence, dating violence, sexual assault or stalking prevention programs;
- 2) a description of activities, services or programs for victims of these crimes;
- 3) a report on activities, services or programs that help victims obtain and maintain housing and enhance their safety.<sup>14</sup>

The interim rule also establishes that PHAs must include this information in their Consolidated Plan in addition to a description of the estimated housing needs for victims of domestic violence, dating violence, sexual assault and stalking.<sup>15</sup> HUD regional offices, under the supervision of PIH, are the entities responsible for approving these plans.

### **A. NLCHP's Review of Public Housing Authority Plans**

In the summer and fall of 2008, NLCHP analyzed 3398 plans (both annual and five-year) submitted by PHAs in 2007 and 2008 that were available on the HUD website at the time of our review.<sup>16</sup> These plans were collected from all 50 states, plus Guam. Plans are approved by HUD at different intervals throughout the year. In early 2009, NLCHP conducted a second review of the PHA plans it initially deemed to be noncompliant with VAWA. The goal of this additional review was to check for errors in the data previously gathered and check for any updates to PHA plans. This second review was conducted to ensure the accuracy of the results and give PHAs another opportunity to comply with VAWA. The results below are based on this second review.

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<sup>12</sup> NLCHP along with other advocacy groups submitted comments to address discrepancies and omissions of VAWA statutory language and the insufficiency of the guidance in the interim rule. See Public Submissions: HUD-2008-0184-0011.1 and HUD-2008-0184-0010.1 posted at [www.regulations.gov](http://www.regulations.gov) (January 29, 2009).

<sup>13</sup> See 73 Fed. Reg. 72,344 (Nov. 28, 2008). See also 42 U.S.C. § 1437c-1(a)(2) (2008).

<sup>14</sup> *Id.* See also 42 U.S.C. 1437c-1(d)(13).

<sup>15</sup> See 72 Fed. Reg 72,342 (Nov. 28, 2008).

<sup>16</sup> HUD, *Approved HUD Plans at:* <http://www.hud.gov/offices/pih/pha/approved/> (last visited 4/5/2009). This group of plans may not include every plan prepared by every PHA across the country. In November 2008, HUD issued guidance that certain "qualified PHAs" are not required to submit their plans to HUD, although they are required to have the plans available for review. These qualified PHAs are ones with fewer than 550 units and are not designated as troubled agencies by HUD. See Notice PIH-08-41 (Nov. 13, 2008).

Since HUD has not provided any substantive guidance about the manner in which PHAs are to include the activities and programs enumerated in VAWA in their plans, NLCHP used very broad criteria in its assessment of the PHA plans. As a result, the survey results categorize plans that state “no services for domestic violence” as complying with the law, even though such statements undermine the spirit of the law, which is to encourage creation of a plan to serve victims of domestic violence, dating violence, sexual assault, and stalking.<sup>17</sup> This given, the criteria used by NLCHP represent the absolute minimum planning requirements for PHAs under VAWA.

The plans were analyzed for:

1. **Basic compliance with VAWA in Annual and Five Year Plans:** Plans were considered to be in compliance with VAWA if they mentioned VAWA and/or made any mention of victim services (even to say they did not provide any).
2. **VAWA Law:** Plans were included in this category if they contained a detailed VAWA attachment to the PHA plan, a restatement of the law, or a statement that the program would comply with VAWA.
3. **Programs:** Plans were included in this category if they indicated specific services for victims of domestic violence, dating violence, sexual assault, or stalking (even to say they did not provide any).
4. **Preferences:** Plans were included in this category if they indicated that they had an admissions preference for victims of domestic violence, by specifically mentioning domestic violence as a factor for admissions preference or by marking the domestic violence preference options in the HUD plan template.
5. **Plan format:** Plans used either HUD’s standard template (Form HUD-50075) while other used HUD’s streamlined template (Form HUD-50075-SA)<sup>18</sup>

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<sup>17</sup> In a meeting with NLCHP, HUD represented that they would post PHA plans and attachments on their website upon approval. Based on the research conducted for this report, it appears that HUD may be posting some plans without the attachments. A number of plans listed a VAWA attachment in their plan Table of Contents; however, no attachment was included in the version posted online. For purposes of the NLCHP survey, if a VAWA attachment was listed in a Table of Contents, then the plan was considered to be in compliance with VAWA. Some PHAs have internal VAWA policies, but do not include these policies in their plan. In this case, a PHA plan was not considered to be in compliance with VAWA since VAWA requires that PHAs explicitly mention such policies in the plan they submit to HUD.

<sup>18</sup> Before November 2008, PHAs with 250 or fewer public housing units or those designated by HUD as “high performers” were permitted to use the streamlined template. All others were required to use the standard template, although they were permitted to customize the standard template by submitting narratives or additional information.

## PHA SURVEY RESULTS

	ALL PLANS	PLANS BY FORMAT	
		PLANS USING STREAMLINED TEMPLATES	PLANS USING OTHER FORMAT
Total plans analyzed:	3398	2837	561
Basic compliance with VAWA:	59.5% (2021/3398)	58.3% (1654/2837)	65.4% (367/561)
Admissions Preference for domestic violence noted in plan:	18.7% (634/3398)	10.9% (310/2837)	57.8% (324/561)
<b>ANNUAL PLANS</b>			
Total annual plans:	2675	2615	60
Basic compliance with VAWA:	57.9% (1548/2675)	58% (1517/2615)	51.7% (31/60)
VAWA law in plan:	54.1% (1447/2675)	53.1% (1421/2615)	43.3% (26/60)
Programs in plan:	28.2% (754/2675)	28.3% (741/2615)	21.7% (13/60)
<b>FIVE-YEAR PLANS</b>			
Total five year plans:	723	222	501
Basic compliance with VAWA	65.4% (473/723)	61.7% (137/222)	67.1% (336/501)
VAWA law in plan:	60.7% (439/723)	56.8% (126/222)	62.5% (313/501)
Programs in plan:	38% (275/723)	33.3% (74/222)	40.1% (201/501)

### B. Conclusions about HUD Oversight from the Data

With slightly more than 40 percent of the Public Housing Authorities failing to comply with the VAWA planning requirements three years after they went into effect, HUD must improve its oversight. Furthermore, HUD has not provided clear instructions to PHAs about what information VAWA requires in annual and five-year plans.

- Based on NLCHP’s analysis of the plans that have been approved by HUD regional offices, 59.5% of all plans assessed meet basic compliance with VAWA. Thus, it is

apparent that HUD approved plans that do not comply with the law as 40.5% of the plans not even meet the basic compliance requirements.

- 57.9 percent of annual plans and 65.4 percent of the five-year plans that NLCHP assessed met VAWA basic compliance requirements.

For a state by state assessment of VAWA compliance, see Appendix A.

Different PHAs addressed their responsibilities under VAWA in their plans in varying ways in terms of both format and substance. For instance, many PHA plans indicate that a PHA adopted a VAWA policy but do not mention any details about the policy.<sup>19</sup> Other plans incorporated the statutory language of VAWA directly into their plan. For example, the plan submitted by Morgan Metropolitan Housing Authority in Morgan County, Ohio includes definitions of domestic violence, dating violence, and stalking found in VAWA.<sup>20</sup> It also contains detailed information about housing protections and the certification process mirroring the exact language of VAWA.<sup>21</sup> While this plan restates the law, it does not include any mention of programs related to domestic violence prevention nor mention any specific activities or programs for victims as required under VAWA. This was a common approach utilized by many PHAs to meet the planning requirement for PHA plans. PHAs also frequently included notices in their plans that were sent out to tenants about their VAWA protections.<sup>22</sup>

HUD has made efforts to incorporate VAWA into the PHA planning process, and there are PHAs that have thoughtfully integrated VAWA requirements into their policies and programs. For example, many PHAs have developed relationships with domestic violence service providers and created special programs for victims, such as Section 8 set-a-side programs in which a separate waitlist is developed with set number of housing choice vouchers and project-based vouchers designated specifically for survivors.<sup>23</sup> Other PHAs operate transitional housing programs for victims of domestic violence.<sup>24</sup> In addition, HUD has updated its website to help PHAs incorporate VAWA into its planning procedures. As noted above, PIH included a description of what is required under VAWA with respect to planning in the guidance and

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<sup>19</sup> For an example of these short VAWA statements, see the Housing Authority of Choctaw Electric (HACE) of Oklahoma. Its streamlined 2008 annual plan states, “The PHA has adopted a policy on ‘Violence Against Women’ in accordance with Section 603 of the Reauthorization Act. The HACE goals, objectives, and policies enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, and stalking, as defined in VAWA, are stated in the HACE Policy [sic].” Available at <http://www.hud.gov/offices/pih/pha/approved/pdf/08/ok137v02.pdf>. (last visited 4/5/09). See also 2008 Streamlined Annual plan of Stanton Housing Commission in Stanton, Iowa at:

<http://www.hud.gov/offices/pih/pha/approved/pdf/08/ia005v03.pdf> (last visited 4/5/09).

<sup>20</sup> 2008 Morgan Metropolitan Housing Authority Five Year Plan, at <http://www.hud.gov/offices/pih/pha/approved/pdf/08/oh066v03.pdf> (last visited 4/5/09).

<sup>21</sup> *Id.*

<sup>22</sup> See 2008 Housing Authority of the County of Kings, California Five Year plan available at: <http://www.hud.gov/utilities/intercept.cfm?/offices/pih/pha/approved/pdf/08/ca053v02.pdf> and the 2008 Streamlined Annual plan and the 2008 Streamlined Annual Plan of the Altoona Housing Authority in Wisconsin, at <http://www.hud.gov/offices/pih/pha/approved/pdf/08/wi033v01.pdf> (last visited (4/5/09).

<sup>23</sup> See 2008 Newton Housing Authority of Massachusetts Streamlined 2008 plan, at: <http://www.hud.gov/offices/pih/pha/approved/pdf/08/ma036v02.pdf> (last visited 4/5/09).

<sup>24</sup> See 2007 Streamlined Annual plan of the Housing Authority of Clackamas County, at <http://www.hud.gov/offices/pih/pha/approved/pdf/07/or001v02.pdf> (last visited 4/10/09).



notices it issued for PHAs. In addition, there are specific areas dedicated to VAWA's implications for PHA plans on the HUD website.<sup>25</sup>

However, these efforts are undermined by the new plan templates issued by HUD. In submitting their plans, PHAs were previously required to use either HUD's standard template or its streamlined template, depending on the PHA's size and past performance. In August of 2008, HUD revised the annual and five-year plans templates for PHAs, but did not mention VAWA in them.<sup>26</sup> As a result of these revisions, PHAs are only required to submit to HUD the template and other required documents listed on the template, none of which are related to information on VAWA compliance.<sup>27</sup> PHAs that submit the revised template will not be in compliance with the law unless they also submit supplementary information. Subsequently, in November 2008, HUD issued guidance regarding the PHA Five-Year and Annual Plan Process for all PHAs.<sup>28</sup> In this guidance, HUD acknowledges that the VAWA requirement is not in the revised template, but states that PHAs are still required to comply with VAWA.<sup>29</sup> Although HUD expects to modify the revised template to incorporate the Annual Plan requirements of VAWA, it has not yet done so.

- Plans using the streamlined template made up about 83% of all plans NLCHP analyzed. In fact, nearly 98% of the annual plans analyzed were streamlined plans, and 30% of five-year plans were streamlined.

Since the streamlined plans did not require PHAs to report their VAWA implementation (nor did it require submission of additional supplemental documentation), the fact that such a large percentage of PHAs submitted streamlined plans may be partly responsible for the compliance rates with VAWA planning requirements.

- Only 18.7% of all plans (634 out of 3398) surveyed include an express preference for survivors of domestic violence.

This low percentage is not surprising as there is no clear instruction that preference categories for domestic violence survivors must be included in these plans. Indeed, PHAs may have a preference category for domestic violence victims, but not include it in their plan as there was no requirement that PHAs record their preferences on the streamlined template.

It is important to remember that NLCHP counted a PHA as complying with VAWA as long as *it mentioned* VAWA or domestic violence services, programs or activities in its plan, even if only to say that the PHA did not provide any. In order to have a consistently-applied policy that does not undermine VAWA, HUD must review plans to ensure compliance with VAWA and provide

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<sup>25</sup> HUD, *VAWA and the PHA Plan* at: <http://www.hud.gov/offices/pih/pha/vawa.cfm> (last visited 1/5/09). See also HUD, *Public Housing Agency Plans* at: <http://www.hud.gov/offices/pih/pha/index.cfm> (last visited 1/5/2009)

<sup>26</sup> HUD, *PHA Plan Templates* at: <http://www.hud.gov/offices/pih/pha/templates/> (last visited 1/5/09).

<sup>27</sup> While the instructions on the template indicate that other documentation, including information on VAWA compliance, must be publicly available, it is not a requirement to submit this documentation as part of a PHAs annual submission.

<sup>28</sup> Notice PIH-08-41 (Nov. 13, 2008). See Note 16 *supra*.

<sup>29</sup> *Id.*



further guidance on proper VAWA planning requirements. HUD's issuance of clear and substantive instructions on VAWA planning would benefit all constituencies.

## **II. Continuing Evictions and Denials: The National Survey on VAWA Implementation**

### **A. Survey Design**

In the summer of 2008, NLCHP launched a nationwide survey on VAWA implementation. NLCHP designed the survey in an effort to gather information from service providers about their clients' experiences. The survey was not intended to be a scientific process of gathering data that can be extrapolated to create a national picture. Rather, the survey's intent was to provide some information about VAWA implementation during the 12-month period between July of 2007 and July 2008 as it applied to the clients of the survey respondents.<sup>30</sup> A copy of the survey questions is attached as Appendix B. In addition to multiple choice-style questions, respondents had the opportunity to provide anecdotes in each section.

NLCHP staff circulated the survey widely online to service providers and received 363 responses from 42 states.<sup>31</sup> NLCHP also heard from many providers who felt they could not answer the survey questions because they do not collect the relevant data. Many service providers indicated that they see cases of denial or eviction based on domestic violence, dating violence, stalking or sexual assault, but that they could not provide accurate information about specific instances. Even among the providers who did supply information, many commented that they believed the numbers they reported were likely low because they did not comprehensively screen for evictions based on domestic violence. These responses were instructive as they indicated a need to impress upon service providers the importance of screening and developing a method for tracking the relevant data.

Survey respondents also indicated that their local PHAs lacked knowledge about VAWA and its requirements. One respondent answered, "The PHA doesn't know how to respond to requests for bifurcation since their own transfer procedures require a much higher standard of documentation. They don't understand what you want when you say 'VAWA' and [they] say that the batterer has a right to the home too. One PHA administrator referred the matter to family court for resolution."

The survey was divided into six parts: Demographic information; Denial of Housing; Eviction and Termination of Benefits; Notification and Certification; Sexual Assault;<sup>32</sup> and Evidence.

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<sup>30</sup> The survey's findings likely under-represent VAWA violations in the U.S. due to the lack of data collection by service providers, failure of respondents to answer each survey question, and limits within the survey methodology. The survey methodology is limited as the number of survey responses may be insufficient to attribute the findings of the sample to the overall population, and the survey questions and response choices may have been confusing for some respondents, causing them to skip questions or answer "I am unsure."

<sup>31</sup> For a geographic distribution of state responses, *See* Appendix C.

<sup>32</sup> The survey contained several questions on sexual assault. This report will not discuss responses to these questions in detail as VAWA does not include victims of sexual assault in its non-discrimination provisions. Further, respondents may have had difficulties differentiating what types of conduct should be included as "sexual assault" but would not be included in prior sections as "domestic violence" or "dating violence." In spite of this

Respondents were only required to respond to the demographic section, though many did complete the entire survey. The survey asked about denials and evictions from private, public, and Section 8 housing. The survey included questions about denials and evictions directly or indirectly related to domestic violence, dating violence or stalking. Reasons directly related to abuse include evictions or denials for noise or damages from the violence. Reasons indirectly related to abuse often include nonpayment of rent or poor credit related to the violence.<sup>33</sup> The survey results provide insight into the current state of VAWA implementation and provide data about the barriers victims face in maintaining safe housing more broadly.

## **B. Survey Responses**

### **i. Respondent Demographics**

- This survey's 363 respondents were located primarily in California, Iowa, Maine, Minnesota, Nebraska, New York, North Carolina, Ohio, Oregon, Texas, Washington, and Wisconsin.<sup>34</sup>
- The respondents' average length of service at their current organizations was almost seven years, although terms ranged from one month to over 30 years. 97 percent of respondents have been at their current organization for one year or more.
- Almost 80 percent of the organizations provide legal services as a component of their operations.
- Four out of five organizations are currently serving more than 200 people per year.
- More than half of the respondents believe that a majority of their organization's clients are domestic violence victims. Nearly two-thirds of the respondents believe that a majority of the clients to whom they personally provide services are domestic violence victims.

### **ii. Denial of Housing**

The respondents reported a significant number instances in which individuals were denied housing due to domestic violence.

- Roughly 36% of the service providers reported that 607 victims were denied housing for reasons directly related to domestic violence, dating violence, or stalking.
- Nearly 1,951 were denied housing for reasons indirectly related to the violence. Of those people denied housing for reasons either directly or indirectly related to domestic violence, dating violence, or stalking, a majority were denied public housing, Section 8

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problem, 121 respondents answered the questions in the sexual assault section and reported that a total of 166 victims were denied housing due to reasons related to sexual assault.

<sup>33</sup> To prevent a victim from being self-sufficient, abusers often control household finances, withhold access to money, or forbid attendance at a victim's employment as ways to maintain power and control within a relationship.

<sup>34</sup> Includes states with more than 10 respondents.

housing, or other federally subsidized housing (as opposed to privately owned, non-subsidized housing).<sup>35</sup>

In addition, several respondents reported that PHAs and housing agents inappropriately share information about tenants who are victims of abuse which can lead to a denial of housing. One survey respondent reported, “Housing agents gossip. Many times housing (HUD and private) agents will pull me aside and state ‘concerns’ about the client’s previous situation and admit ‘reluctance’ to assist them without a ‘guarantee’ from me.” Another reported, “A Section 8 housing manager assisted an abuser with tips, location, and education on how to stalk his victim.” Another respondent from a rural area wrote, “the choices for public housing are very limited-as are the landlords that will accept Section 8--in our rural area. Often landlords know each other and blackball people.”

In another case, a service provider wrote about a tenant who was denied Section 8 benefits because she was arrested after an incident of domestic violence, even though the charges were dismissed. The provider wrote, “[p]olice frequently charge both the victim and the perpetrator with domestic violence, hoping either to discourage domestic violence calls, or let the court sort out who the perpetrator is. Despite the [fact that my client was the victim of numerous incidents of domestic violence], the Housing Authority used the arrest to deny her Section 8.”

PHAs may also require that tenants share information on the housing application that would put the victim in an unsafe situation. Another respondent states, “The applications that state on the front ‘you will be denied housing if you aren’t able to fill in all of the fields.’ [Statements like these are direct indicators] that clients will be denied if they are unable/unwilling, due to safety reasons, to not give credit history, landlord referrals, etc.”

Access to housing because of immigration status was also a concern for some service providers. One respondent indicated that clients were denied due to their immigration status even though they were eligible for housing as VAWA self-petitioners or domestic violence survivors had to pay more in rent as they were not considered to be qualified aliens for purposes of housing assistance.

### **iii. Evictions and Terminations of Benefits**

- Just over 41% of providers reported that 832 domestic violence, dating violence or stalking victims have been served with a notice to quit or eviction papers.

This number is likely to be low because clients often do not disclose the abuse when working with a housing attorney or advocate to prevent an eviction or termination of benefits. Additionally, it is very rare that the notice to quit or eviction papers explicitly state that the eviction is due to violence.

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<sup>35</sup> These results may have to do with the sample of service providers who completed the survey. However, it is important to note that evictions, either directly or indirectly based on domestic violence, also occur in private housing.

### Evictions Directly Related to Domestic Violence:

- 29% of respondents indicated that 328 victims were threatened with eviction or were evicted for reasons *directly related* to domestic violence, dating violence or stalking, i.e. due to the violence or noise, calls to the police or physical damage resulting from the violence.
- 16% of respondents reported that 99 victims in public housing were served with a notice to quit or eviction papers.
- Respondents indicated that 210 domestic violence victims lost housing benefits in Section 8 housing due to reasons directly related to domestic violence.

Respondents provided numerous anecdotes about victims being evicted due to domestic violence. In one case, “[a] Section 8 voucher client was threatened with eviction after her ex-boyfriend shot at her and her children from outside the home.” Survey respondents also reported that property damage was a frequent cause of eviction or benefit termination. One service provider stated,

In one egregious case, a woman I represented was brutally assaulted in her public housing unit; during the assault, the abuser did about \$5,000 in property damage to the unit; he was arrested after he put a gun to victim's head, threw her down stairs and into a glass coffee table; while he was in jail, she got a Section 8 voucher and moved; several months later, the PHA brought voucher termination proceedings based on her failure to pay \$5,000 bill for damage to her public housing unit

In addition, respondents reported that PHAs often try to cast the abuser as a guest of the victim or state that the victim is also participating in the abuse, even when facts do not support such a claim. One respondent stated that “[i]ssues around domestic violence are a problem with [my local] PHA. [The staff] tends to claim the perpetrator is a guest of the victim, and that the victim is responsible for his conduct, or that the victim is a co-participant [in the violence], or that the noise or police calls disturb other tenants.”

One service provider described a client being forced to agree to mutual termination of her lease, “...due to property destruction in her apartment . . . caused by her ex-boyfriend who had physically and mentally abused her.”

### Evictions Indirectly Related to Domestic Violence:

- About 28% of respondents indicated that 539 victims were threatened with eviction or were evicted for reasons *indirectly* related to domestic violence (e.g. poor credit, rental or employment histories reflecting a history of violence or non-payment related to violence).
- Nearly 14% of respondents indicated that 209 tenants were served with a notice to quit or eviction papers for reasons indirectly related to domestic violence, dating violence or

stalking in public housing, and respondents indicated that 226 lost Section 8 benefits due to reasons that are indirectly related to domestic violence, dating violence, or stalking.

Respondents provided numerous anecdotes about victims being evicted for reasons indirectly related to domestic violence. Financial instability resulting from domestic violence was a common reason why survivors faced threatened or actual evictions from their homes. One respondent noted that “[n]onpayment of rent due to batterer generated issues and having poor credit due to the batterer are major barriers for women.” Another service provider noted that “many times the people we work with have had no control over finances and the abusers don’t pay bills or take out credit cards in the victim’s name and ruins thier [sic] credit [making them] financially stuck.”

In addition to facing eviction, domestic violence survivors are often denied housing for financial reasons related to domestic violence. One service provider wrote that “one of the biggest challenges has been clients with vouchers being denied by private landlords because they are a victim or have bad credit or evictions due to domestic violence.” One respondent wrote, “Another [client] was denied from multiple housing options, public and private, due to poor credit and employment that resulted at least in part, if not entirely from her abusive past.” Echoing this problem, another service provider reported “victims of domestic violence are being denied housing by housing authorities because of poor credit, rental or employment histories reflecting a history of the violence or non-payment related to the violence.”

Service providers also emphasized that clients are facing evictions on the basis of the claim that the survivor is housing an unauthorized member of the household. One service provider indicated, “[my] client in public housing is facing an eviction proceeding based on the allegation that her estranged husband was an unauthorized member of her household [which is] a claim she denies. The PHA is relying on its conclusion based on several police reports where the client was seeking help removing her husband from her home.”

#### **iv. Notification and Certification**

PHAs and landlords are required under VAWA to notify tenants about the VAWA law and the protections afforded under it. Many service providers (and presumably the clients they serve) are unaware of the requirement that tenants be informed of their rights under VAWA. In the survey, half of the respondents answered the survey questions regarding notification and certification.<sup>36</sup> Of those who did, over 60% indicated uncertainty about whether and how victims who have received services were notified of their VAWA rights.

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<sup>36</sup> VAWA 2005 created a certification process through which individuals can certify that they are victims of domestic violence, dating violence or stalking to prevent discrimination, unfair eviction, and termination of their housing benefits. The PHA may (but is not required to) request that the tenant use certain forms of documentation to certify his/her status as a victim, such as a HUD-approved form, a third-party certification, or a police or court record. *See* 42 U.S.C.A. §§1437d(u); 1437f(ee). However, HUD has also made clear that PHAs, owners, and management agents may at their discretion provide assistance to an individual based solely upon the victim’s statement or other evidence. *See* Notice: H 08-07 Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005 for the Multifamily Project-Based Section 8 Housing Assistance Payments Program (Sept. 30, 2008).

- Most respondents were unsure about what problems these victims faced in obtaining certification pursuant to VAWA.
- Most respondents were uncertain whether domestic violence victims for whom they provided services received notification of their rights under VAWA, either as part of the housing contract, with the denial letter, or with a notice to quit or eviction papers.

Of those respondents who knew whether or not notices were being provided, the most popular answer was that they are never provided. Answers that show that either the respondent does not know if a notice was provided or that a notice had definitely not been provided are both problematic because, without proper notification, neither advocates nor the tenants are fully aware of their rights under VAWA.

Survey respondents indicated the following problems with the certification process:

- The most common problem was that the public housing authority or landlord required multiple forms of documentation.<sup>37</sup>
- Less common, but still prevalent problems included: the public housing authority or landlord declined to accept a valid form of certification; the victim and the abuser cross-certified as victims of domestic violence; and the public authority or landlord failed to maintain the confidentiality of the victim's status.<sup>38</sup>
- The least common problems reported include: the public housing authority or landlord accepted only the HUD-approved certification form; and the abuser was the only person to certify as a victim of domestic violence.<sup>39</sup>

### III. Conclusion

#### A. Recommendations for Determining the Scope of the Problem

1. While NLCHP collected anecdotal data and information about the PHA plans, ***HUD must track data about compliance with VAWA by PHAs and landlords in the Housing Choice Voucher Program and project-based Section 8 housing.*** In April 2008, the ACLU-Women's Rights Project submitted a Freedom of Information Act (FOIA) request to HUD, soliciting information about VAWA implementation, including how HUD was tracking terminations from public and Section 8 project based housing for reasons directly related to domestic violence. HUD's response included very few documents and did not reflect any efforts by HUD to track this data, nor did include any figures on how many tenancies were terminated from public

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<sup>37</sup> Of the respondents who responded to this question, 30% responded "Always," or "Sometimes" when asked if the demand for multiple forms of certification was a problem when dealing with domestic violence victims. 26% answered "rarely" or "never," and 44% were uncertain.

<sup>38</sup> "Less common, but still prevalent" indicates there were somewhat fewer responses in the "Always," or "Sometimes," categories than in the "Rarely," or "Never." categories..

<sup>39</sup> There were notably fewer responses in the "Always," or "Sometimes," categories than in the "Rarely," or "Never" Categories.

or project-based Section 8 housing for reasons directly related to domestic violence.<sup>40</sup> To fully understand how VAWA is being implemented nationwide, both HUD and individual PHAs must start making greater efforts to track these cases.

2. ***Congress should request that the GAO conduct a comprehensive study on VAWA implementation.*** Both advocates and HUD lack the necessary data and the capacity to do such a review on a national scale, but a study is important to determine how well the law is working and what more needs to be done.
3. ***Service providers must screen for domestic violence, dating violence and stalking and they must also screen for related housing problems.*** The need for service providers to collect more complete data is critical. In an effort to facilitate this, NLCHP has developed sample housing screening questions for service providers. (Attached here as an Appendix D.) In addition, there are numerous excellent domestic violence screening tools available from organizations such as the ABA Commission on Domestic Violence and the Family Violence Prevention Fund.<sup>41</sup> In addition to screening, service providers must also incorporate tracking mechanisms for these cases into case management systems so that data can be easily gathered and utilized.

## **B. Recommendations for Improving Oversight of VAWA Implementation**

HUD must make substantial improvements in its oversight of VAWA implementation. NLCHP proposes the following:

1. ***There must be a designated official at HUD who has responsibility for overseeing VAWA implementation.*** The haphazard division of responsibilities with no one person or program being held responsible for ensuring that VAWA is properly implemented has clearly been ineffective. A designated official (or point person) could ensure that PHAs are consistently enforcing tenant protections from discriminatory evictions and terminations of benefits based on their status as victims of domestic violence, dating violence, and stalking.
2. ***HUD must also encourage all PHAs to include VAWA programs and policies in their annual, five-year and consolidated plans as required by law.*** In order to have a consistently-applied policy that does not undermine VAWA, it is essential that HUD review plans to ensure compliance with VAWA and provide further guidance on uniform reporting requirements.
3. ***Each branch of HUD responsible for the relevant programs must improve its oversight of VAWA compliance and implementation.***

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<sup>40</sup> The ACLU-Women's Rights Project's FOIA request regarding VAWA's implementation and enforcement, as well as HUD's response, can be found at <http://www.aclu.org/womensrights/violence/38690leg20080908.html> (last visited 2/9/09).

<sup>41</sup> ABA Commission on Domestic Violence, [Tools for Attorneys to Screen for Domestic Violence](http://www.abanet.org/domviol/pubs.html) at: <http://www.abanet.org/domviol/pubs.html> (last visited 02/08/09). Family Violence Prevention Fund resources at: <http://fvpfstore.stores.yahoo.net/practicaltools.html> (last visited 02/08/09).

4. ***The Office of Public and Indian Housing should ensure that the plan template and all instructions clearly explain the VAWA planning requirements.*** Furthermore, HUD regional offices must be better trained and supervised so that they do not approve plans that are noncompliant with VAWA.
5. ***The Office of Housing must conduct trainings and outreach to ensure that its recently released guidance is widely understood and implemented, particularly in light of the conflicting information previously distributed to project-based Section 8 owners.*** The Office of Housing must also consider what other guidance is needed from its office to facilitate the implementation of VAWA among different programs. For instance, project-based Section 8 owners need to be able to transfer victims, but they cannot currently do that without a special waiver from the HUD regional office.
6. The lack of effective oversight by HUD seriously impacts the uniform application of VAWA housing provisions. For this reason, ***HUD should grant its Office of Fair Housing and Equal Opportunity (“FHEO”) the authority to receive complaints, conduct investigations, and prosecute cases in which a victim’s rights under VAWA have been violated by a PHA, Section 8 owner or management agent.***
7. ***Advocates must continually monitor HUD’s oversight.*** In order to allow for advocates to continue monitoring the plans, HUD should continue to post them online and make them widely available to the public. All relevant branches of HUD should meet with advocates who are working on these issues so that the advocates can remain informed about the problems that service providers are seeing in their cases. Advocates themselves must also take responsibility for tracking these cases so that they can provide more complete information from the service provider perspective.



## APPENDIX A

# State-By-State\* Assessment of PHA Plans and VAWA Compliance

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\* This group of plans may not include every plan prepared by every PHA across the country. In November 2008, HUD issued guidance that certain “qualified PHAs” are not required to submit their plans to HUD, although they are required to have the plans available for review. *See* Note 16 *infra*.

<b>State</b>	<b>Plans Analyzed</b>	<b>Plans in Compliance</b>	<b>Percentage of Plans in Compliance</b>
Alabama	101	46	45.54%
Alaska	1	1	100.00%
Arizona	12	12	100.00%
Arkansas	136	34	25.00%
California	101	60	59.41%
Colorado	54	8	14.81%
Connecticut	48	41	85.42%
Delaware	4	0	0.00%
Florida	96	47	48.96%
Georgia	179	163	91.06%
Guam	1	1	100.00%
Hawaii	6	5	83.33%
Idaho	10	6	60.00%
Illinois	91	85	93.41%
Indiana	41	12	29.27%
Iowa	64	58	90.63%
Kansas	102	93	91.18%
Kentucky	106	14	13.21%
Louisiana	141	81	57.45%
Maine	22	22	100.00%
Maryland	26	14	53.85%
Massachusetts	102	75	73.53%
Michigan	127	64	50.39%
Minnesota	141	141	100.00%
Mississippi	44	34	77.27%
Missouri	127	117	92.13%
Montana	12	4	33.33%
Nebraska	106	81	76.42%
Nevada	6	1	16.67%
New Hampshire	18	12	66.67%
New Jersey	99	43	43.43%
New Mexico	9	1	11.11%
New York	146	91	62.33%
North Carolina	87	70	80.46%
North Dakota	28	3	10.71%
Ohio	73	55	75.34%
Oklahoma	86	59	68.60%
Oregon	21	9	42.86%
Pennsylvania	69	39	56.52%
Rhode Island	26	21	80.77%
South Carolina	42	15	35.71%
South Dakota	26	9	34.62%
Texas	324	118	36.42%
Tennessee	86	58	67.44%
Utah	16	2	12.50%
Vermont	11	11	100.00%
Virginia	34	17	50.00%
Washington	29	17	58.62%
West Virginia	32	9	28.13%
Wisconsin	121	41	33.88%
Wyoming	8	1	12.50%
<b>Total Plans</b>	<b>3398</b>	<b>2021</b>	<b>[59.5%] (2021/3398)</b>

APPENDIX B

**National Survey on VAWA Implementation:  
Questions**

Conducted by the National Law Center on Homelessness  
& Poverty

Summer, 2008

## INTRODUCTION

Thank you for your interest in the VAWA Implementation Survey. The responses you give to our questions are very important to us. Although we hope you will complete the entire survey, *you do not need to complete every section* to provide useful data. After completing the Background Information section, you can complete any or all of the following sections:

### CONTENTS OF SURVEY

- Sec. A: Denial of Housing
- Sec. B: Eviction and Termination of Benefits
- Sec. C: Notification and Certification
- Sec. D: Sexual Assault
- Sec. E: Anecdotal Evidence

We are seeking responses for the time period from June 1, 2007 to May 31, 2008. If you have data from January 1, 2006 to May 31, 2007, please include it in the spaces provided at the end of each section.

**If you forward this survey, please CC: [survey@nlchp.org](mailto:survey@nlchp.org), even if forwarding within the same office.** Again, thank you for your time and interest.

A Implementation Survey

*You may find definitions of the housing and criminal terms used in this survey below. Clicking on the appropriate hyperlinks throughout the survey. will also lead you to these definitions.*

### Definitions:

**Public Housing:** government subsidized housing owned and operated by a government agency, usually a public housing agency or authority. See generally 42 U.S.C. § 1437d.

**Voucher-based Section 8 housing:** Also known as the Housing Choice Voucher Program. Consists of tenant-based rental assistance provided through public housing agencies to owners leasing suitable, privately held housing units to eligible families. The assistance provided is coupled to the family. See 42 U.S.C. § 1437f(o).

**Project-based Section 8 housing:** Consists of project-based rental assistance provided through public housing agencies to owners leasing suitable, privately held housing units to eligible families. The assistance provided is coupled to the residential unit, not to the family. See 42 U.S.C. § 1437f(o)(13).

**Domestic violence:** “includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.” See 42 U.S.C. § 1437d(u)(3)(A) (2006); 42 U.S.C. § 1437f(f)(8) (2006); 42 U.S.C § 13925(a)(6) (2006).

Dating violence: “violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.” See 42 U.S.C. § 1437d(u)(3)(B) (2006); 42 U.S.C. 1437f(f)(9) (2006); 42 U.S.C § 13925(a)(8) (2006).

Stalking: “to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to: that person; a member of the immediate family of that person; or the spouse or intimate partner of that person.” See 42 U.S.C. § 1437d(u)(3)(C) (2006); 42 U.S.C. § 1437f(f)(10) (2006).

Sexual Assault: In the context of this survey, “sexual assault” refers primarily to stranger-committed violence, in contrast to that committed by persons known to the victim. “any conduct pr[o]scribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.” See 42 U.S.C. § 13925(a)(23) (2006).

**1. Please provide the following information below:**

Name:

Organization:

Title:

City/Town:

State:

Email Address:

**2. How long have you worked for this organization?**

Years

Months

**3. In the past 12 months, which of the following services did your organization provide? (check all that apply)**

Legal - domestic violence (family, matrimonial, orders of protection, etc.)

Legal – housing

Legal - general legal services

Non-legal domestic violence services (i.e., shelter, counseling)

Non-legal housing/homeless services (i.e., housing advocacy)

Housing provision (transition or long-term)

None of the above

Other (please specify)

**4. In the past 12 months, which of the following services did you personally provide as a member of your organization? (check all that apply)**

Legal - domestic violence (family, matrimonial, orders of protection)

Legal – housing

Non-legal domestic violence services (i.e., shelter, counseling)

Non-legal housing services (i.e., housing advocacy)

Housing provision (transition or long-term)

Other (please specify)

**5. Does your organization screen clients for domestic violence?**

Yes  No  I am unsure

**6. How many staff attorneys does your organization employ, if any?**

**7. Approximately how many people does your *organization* provide services to each year?**

1-50	101-150	201-250	I am unsure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

51-100	151-200	More than 250
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**8. Approximately what percentage of these people are domestic violence victims?**

0%	21-40%	61-80%	100%
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1-20%	41-60%	81-99%	I am unsure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**9. How many people do you *personally* provide services to each year?**

1-20	41-60	81-100	I am unsure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

21-40	61-80	More than 100
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**10. Approximately what percentage of these people are domestic violence victims?**

0%	21-40%	61-80%	100%
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1-20%	41-60%	81-99%	I am unsure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**11. If you answered "none" for Question 10, are you able to provide data for your organization as a whole?**

Yes	No	I am unsure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*The definitions may be found here. Please provide your best estimate when responding. If you do not know the answer to a question, please leave it blank.*

**12. Of the domestic violence, dating violence, and stalking victims to whom you have provided services over the past 12 months, how many were denied housing?**

**13. How many of these domestic violence victims were denied housing due to reasons *directly related to* the domestic violence, dating violence, and stalking, such as noise or damages or because the police were called? Please provide the total number as well as numbers specific to the types of housing listed below.**

Total number denied housing?	Other federally subsidized housing (e.g., Section 202, Tax-credit property, etc.)?
Public Housing?	Private housing?
Voucher-based Section 8 housing?	
Project-based Section 8 housing?	

**14. Of the domestic violence victims to whom you have provided services over the past 12 months, how many were denied housing due to reasons *indirectly related to* the domestic violence, dating violence, and stalking, such as poor credit, rental or employment histories reflecting a history of the violence or non-payment related to the violence? Please provide the total number as well as numbers specific to the types of housing listed below.**

Total number denied housing?	
Public Housing?	Other federally subsidized housing (e.g., Section 202, Tax-credit property, etc.)?
Voucher-based Section 8 housing?	Private housing?
Project-based Section 8 housing?	

**15. If you are willing to share some of the facts of these cases with us, please fill in details below (details redacted).**

**16. If you have data you are willing to share regarding people you have assisted prior to June 2007, but on or after January 1, 2006, please provide that data here. This data may be quantitative or qualitative.**

*The definitions may be found here. Please provide your best estimate when responding. If you do not know the answer to a question, please leave it blank.*

**17. Of the domestic violence, dating violence, and stalking victims to whom you have provided services over the past 12 months, how many were served with a notice to quit/eviction papers?**

**18. How many of these domestic violence victims were served with a notice to quit/eviction papers due to reasons *directly related to* the domestic violence, dating violence, and stalking, such as noise or damages from the violence or because the police were called? Please provide the total number as well as numbers specific to the types of housing listed below.**

Total number denied housing?	Project-based Section 8 housing?
Public Housing?	Other federally subsidized housing (e.g., Section 202, Tax-credit property, etc.)?
Voucher-based Section 8 housing?	



Private housing?

**19. Of the domestic violence victims to whom you have provided services over the past 12 months, how many were served with a notice to quit/eviction papers due to reasons *indirectly related to the domestic violence, dating violence, and stalking, such as poor credit, rental or employment histories reflecting a history of the violence or non-payment related to the violence?* Please provide the total number as well as numbers specific to the types of housing listed below.**

Total number denied housing?

Public Housing?

Other federally subsidized housing (e.g., Section 202, Tax-credit property, etc.)?

Voucher-based Section 8 housing?

Private housing?

Project-based Section 8 housing?

**20. Of the domestic violence victims to whom you have provided services over the past 12 months, how many have faced *termination of housing benefits* from Section 8 housing due to reasons *directly related to the domestic violence, dating violence, and stalking, such as noise or damages from the violence or because the police were called?***

**21. Of the domestic violence victims to whom you have provided services over the past 12 months, how many have faced *termination of housing benefits* from Section 8 housing due to reasons *indirectly related to the domestic violence, dating violence, and stalking, such as poor credit, rental or employment histories reflecting a history of the violence or non-payment related to the violence?***

**22. If you are willing to share some of the facts of these cases with us, please fill in details below (details redacted).**

**23. If you have data you are willing to share regarding people you have assisted prior to June 2007, but on or after January 1, 2006, please provide that data here. This data may be quantitative or qualitative.**

*The definitions may be found here. Please provide your best estimate when responding. If you do not know the answer to a question, please leave it blank.*

**24. In the past 12 months, have the domestic violence, dating violence, and stalking victims you have provided services to received notification of their rights under VAWA in any of the following circumstances**

*Always      Sometimes      Rarely      Never      Not in the appropriate language      I am unsure*

As part of the contract with the housing authority or project-based Section 8 landlord

With a denial letter in applying for housing

With a notice to quit/eviction papers/termination of benefits notice

**25. In the past 12 months, have you encountered any of the following problems in the course of aiding domestic violence, dating violence, and stalking victims in obtaining certification pursuant to VAWA?**

*(Forms of certification may include: police or court records documenting incidents of violence; statements under oath by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional; a HUD-approved certification form.)*

*Always      Sometimes      Rarely      Never      I am unsure*

The public authority or landlord requires multiple forms of certification

The public authority or landlord declines to accept a valid form of certification

The public authority or landlord accepts only the HUD-approved certification form

The victim and the abuser cross-certify as victims of domestic violence

The abuser was the only person to certify as a victim of domestic violence

The public authority or landlord fails to maintain the confidentiality of the victim's status

**26. If you are willing to share some of the facts of these cases with us, please fill in details below (details redacted).**

**27. If you have data you are willing to share regarding people you have assisted prior to June 2007, but on or after January 1, 2006, please provide that data here. This data may be quantitative or qualitative.**

*The definition of "sexual assault," as used in this survey, refers to forms of sexual assault that would not qualify as domestic violence or dating violence, primarily stranger or landlord sexual assault. The full definition may be found here. Please provide your best estimate when responding. If you do not know the answer to a question, please leave it blank.*

**28. How many of the people you have provided services to in the past 12 months were denied housing because they are victims of sexual assault?**

**29. Of these sexual assault victims, how many were denied:**

Public Housing?

Voucher-based Section 8 housing?

Project-based Section 8 housing?

Other federally subsidized housing (e.g., Section 202, Tax-credit property, etc.)?

Private housing?

**30. How many of the people you have provided services to in the past 12 months were served with a notice to quit/eviction papers due to sexual assault? Number**

**31. Of these sexual assault victims, how many were served with a notice to quit/eviction papers from:**

Public Housing?

Voucher-based Section 8 housing?

Project-based Section 8 housing?

Other federally subsidized housing (e.g., Section 202, Tax credit property, etc.)?

Private housing?

**32. Of the people to whom you have provided services in the past 12 months, how many have faced *termination of housing benefits* from Section 8 housing due to sexual assault?**

**33. If you are willing to share some of the facts of these cases with us, please fill in details below (details redacted).**

**34. If you have data you are willing to share regarding people you have assisted prior to June 2007, but on or after January 1, 2006, please provide that data here. This data may be quantitative or qualitative.**

**35. If you are using *actual* figures in response to any question instead of estimated figures, please describe which categories of information requested in the survey you track (aside from general client data).**

**36. Do you have any stories (details redacted) that we might use to exemplify these types of cases? If so, please provide them here. We are seeking as many stories as possible.**

**8. Section E: Accuracy and Anecdotes**

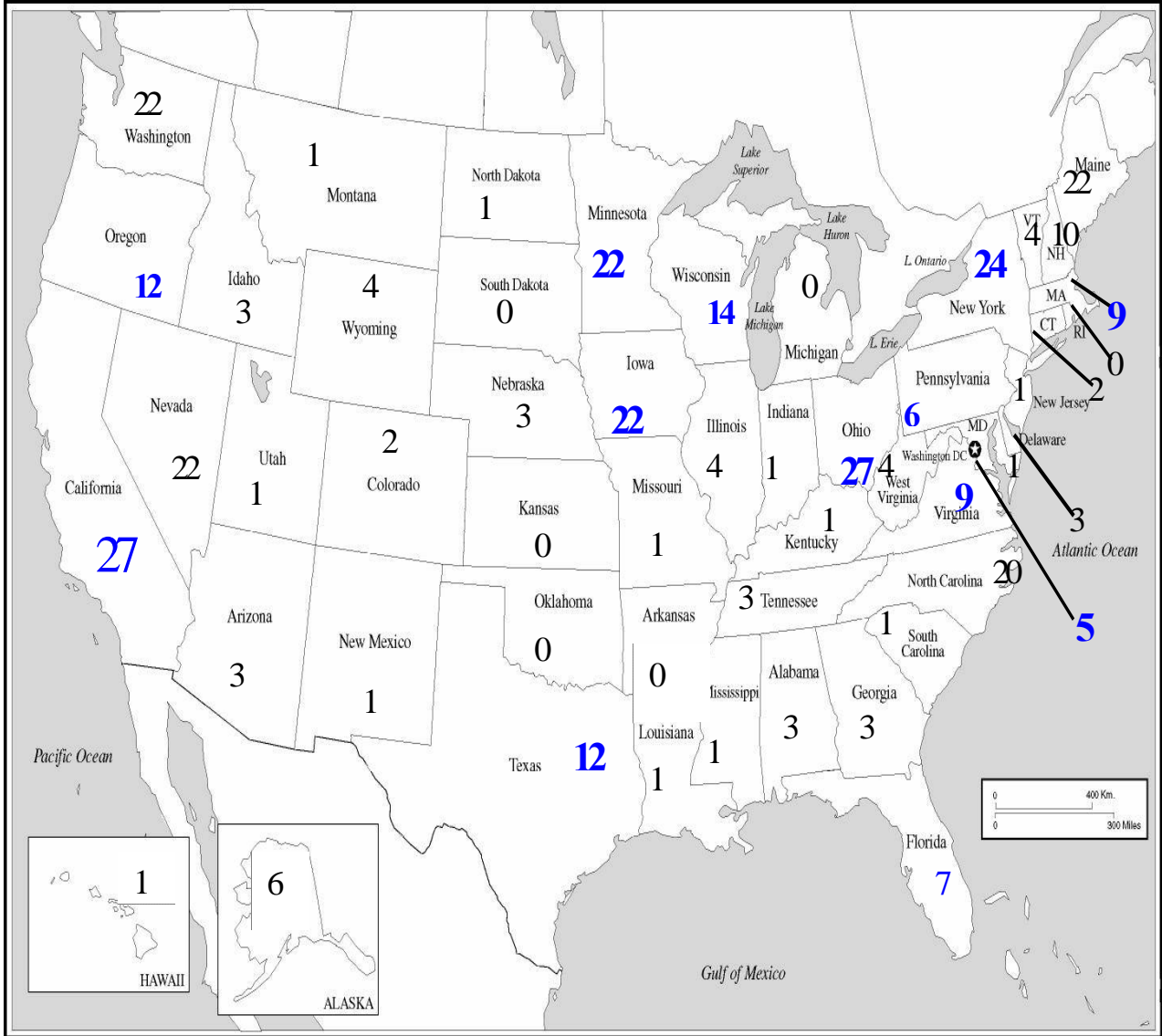
**APPENDIX C:**

**National Survey on VAWA Implementation:  
Geographic Distribution of State Responses**

Conducted by the  
National Law Center on Homelessness & Poverty

Summer, 2008

# The United States



Produced by the Dept. of Geography  
The University of Alabama

**APPENDIX D:**

**NLCHP Tool for Screening for Domestic  
Violence Housing Problems**

## **Screening for Housing Problems among Victims of Domestic Violence, Dating Violence or Stalking**

### Why is screening important? Who should screen?

Screening is important because preserving a victim's housing or helping the victim find new housing may be the key to successful separation from the abuser. Many advocates who work with victims do not ask about their prior housing situation or explore whether failure to find new housing is related to illegal discrimination based on status as victim of domestic violence. Domestic violence advocates are in a unique position to identify victims who are facing illegal denials or evictions and to help them seek available legal remedies. All advocates and attorneys who work with victims of domestic violence should screen for housing problems.

### What types of housing are relevant? What types of housing are there?

Federal VAWA protections apply only to public and Section 8 housing (Housing Choice Voucher Program and project-based Section 8). However, local law may provide protections in the context of other types of housing. Even if VAWA does not yet cover all housing, collecting this information is critical to expanding the law in the future.

### **Suggested Screening Questions at Intake/Emergency Call**

1. Where do you currently live?
  - a. With whom do you currently live?
  - b. Or, if in shelter or doubled-up, where did you last live?
  
2. What type of housing is it?
  - a. Do you have a private landlord or is the local Public Housing Authority the landlord?
  - b. If you have a private landlord, do you receive any subsidy that helps you pay rent?
    - i. If yes, what type? Do you recertify with the local Public Housing Authority or with the landlord?
  
3. Is there a written lease for your housing?

If yes:

  - a. Are you on it?
  - b. Are you the principal tenant or a member of the household?
  - c. Is your abuser listed on the lease?
  - d. Is the abuser listed as the principal tenant or a member of the household?
  - e. Is anyone else listed? How?
  
4. If there is a subsidy:
  - a. Are you head of household?
    - i. If no, who is?
    - ii. If yes, are there any co-heads of households?
  - b. Who else is authorized to live in the household under the subsidy?
  - c. Have you made any requests for the batterer to be removed from the subsidy?



- i. What happened?
5. If there is a subsidy, have you received any notice about termination of the subsidy?
  - a. What was the basis for the notice to terminate your subsidy?
    - i. Was it related to the domestic violence?
    - ii. What is the current status of the termination case?
  - b. Was there any effort to terminate the abuser from the subsidy?
    - i. Was it related to the domestic violence?
    - ii. What is the current status of the case?
6. Have you had or have you received notice of an eviction?
  - a. Did you receive a notice to quit and/or an eviction suit?
  - b. What was the stated cause of the eviction?
  - c. Do you believe it was related to the domestic violence or because you are a victim of domestic violence?
  - d. Did you raise issues of domestic violence with your landlord and/or in court?
  - e. What is the current status of this case?
7. Do you want to stay in your current housing?
  - a. If No:
    - i. Do you have a lease?
    - ii. Do you want to break the lease early?
  - b. If Yes: Safety assessment necessary!
    - i. Do you want to change the locks?
    - ii. Do you have the money to change the locks?
    - iii. Did you already change the locks?
      1. If the locks were changed, who paid for it?
  - c. Are there any other safety concerns/changes that you want for your home?
    - i. Have you requested them from the landlord?
    - ii. Would you be willing and able to pay for these changes?
8. What, if any, efforts have you made to find new housing?
  - a. Were you rejected by a prospective landlord?
    - i. If yes, what reason was given?
  - b. Did you tell them about the domestic violence?
    - i. Do you believe that you were rejected because of the domestic violence?