

SERVING SURVIVORS: SAFETY, LEGAL PROTECTIONS AND ELIGIBILITY

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Overview

Today, you will gain a better understanding of:



How to best support survivor safety



Violence Against Women Act



Eligibility of survivors for CoC resources

How Can Your Program Help with Safety?

- **Have policies in place with your DV agency partner for emergent needs**
- **Help the victim with other safe housing resources within your program or another program**
- **Help the abuser with resources if s/he becomes homeless due to exclusion from the unit**
- **Don't judge or restrict the level of contact they might need to have with each other**

Immediate Safety

- Listen to the survivor and ask what s/he needs
- If the abusive partner is also a resident or housing applicant, do not have safety-related conversations with him/her present
- Remember that the victim may use violence—in self defense or to regain control over her/his life
- Utilize your DV agency partnership—either as a referral or for consultation

Conversations

- **Safety planning is a process, not a one-time event or check list.**
- **Safety planning is tailored to the survivor's life and daily activities—each day may even be a little different.**
- **If the survivor is interested, refer to local DV program for safety planning assistance**

Understanding the Abusive Partner's Role

- **Does she/he have visitation?**
- **Was she/he the primary babysitter/transportation, etc.?**
- **Support vs. safety vs. isolation**
- **Is she/he sabotaging her efforts?**

Long-Term Safety Planning

- **Once a survivor has obtained alternate or permanent housing, maintaining safety remains a priority**
- **Safety at home and with children**
- **Financial safety and independence**
- **Safety on the job and in public settings**

What is VAWA?

- Passed in 1994 in response to increase in DV, showing federal level commitment to supporting survivors
- Included both funding and protections for survivors of DV
- Reauthorized in 2005, recognizing link between DV and homelessness
- Reauthorized in 2013 with significantly expanded housing protections, included coverage of sexual assault survivors (also dating violence and stalking), and mandated compliance from federally subsidized housing programs

VAWA 2005

- **Survivors can report DV/SA without fear of inability to obtain or maintain housing**
- **Status as a victim cannot result in denial of tenancy or assistance, if the individual would otherwise qualify**
- **Incidences of abuse cannot result in eviction of a unit rented by the survivor, nor can the criminal behavior of the abusive partner result in eviction for the survivor**
- **Programs and PHAs have the right to evict an abusive partner**
- **Leases may be bifurcated in order to keep the survivor housed**
- **If the abusive partner is person who is eligible for subsidy and is evicted, the survivor will be given the opportunity to establish eligibility. If the survivor cannot, they should be given reasonable time to find new housing or establish eligibility under another program**

VAWA 2013 Reauthorization – Key Components

- **Maintains current protections**
- **Expanded to cover all VAWA crimes (DV, SA, dating violence and stalking)**
- **Expanded to protect affiliated individuals (children, siblings, spouses, parents and anyone residing in the household)**
- **Expanded to protect all survivors, regardless of age, sex, gender identity, race, national origin, familial status, disability, and sexual orientation**
- **Expanded protections to all federally subsidized housing programs**
- **Clarified that tenants must receive notice of rights under VAWA**
- **Included Emergency Transfer Policy (ETP) requirement**

HUD's VAWA Final Rule

Intent of the Rule:

- All individuals have a right to a home without fear of violence
- Expansion of housing protections increases safe housing
- Safe housing reduces the risk of homelessness
- Seeks to decrease evictions, denials of housing assistance, and instances of fleeing for survivors experiencing violence in their homes

(from HUD Exchange)

HUD's VAWA Final Rule

History of the Rule:

- HUD implemented the VAWA Final Rule in November 2016 – housing programs administered by HUD are now required to follow VAWA 2013
- Regulations were effective in December 2016
- Implementation, including notices and documentation, expected as of December 5, 2017

(from HUD Exchange)

Basic Housing Protections and Documentation of Survivor Status

- Status as a survivor of DV/SA cannot be used as a reason to evict from, nor to deny access to, housing
- Applicants cannot be denied housing based on factors that are a direct result of DV, such as poor credit or rental history
- Protections can be provided based on applicants request, or with supporting documentation
 - [HUD-5382: Victim Self-certification Form](#)
 - Professional's Statement
 - Legal Documentation
 - Other evidence

VAWA 2013 – Emergency Transfer Policy

- **Each CoC must have an Emergency Transfer Policy**
- **The ETP must make the transfer easy for the survivor, not the program**
- **It is important to assure that mandates in ETP work within the local Coordinated Entry system**
- **Internal transfers (within program) and external transfers (outside of program) prioritize safety and confidentiality of survivor information**

VAWA 2013 – Emergency Transfer Policy

- Allows for survivor to report DV/SA without risk of becoming homeless
- May be requested by a survivor if the survivor believes that they face continued threat by living in the location where the violence occurred. In the case of sexual assault, if the sexual assault occurred on the premises within 90 days of the request for transfer
- HUD has created [documentation](#) for projects to assure survivors need is not questioned
- Eastern and Western PA CoC's have adopted an [ETP](#)

Homeless Definition Under HEARTH

Category 4: Fleeing or Attempting to Flee Domestic Violence

Any individual or family who:

- Is fleeing, or is attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions,
 - Persons who are fleeing or attempting to flee human trafficking may also qualify as homeless under Category 4.
- Has no other residence, AND
- Lacks the resources or support networks to obtain other permanent housing

What does “fleeing” mean?

- The concept of “fleeing” will look different for every survivor because every survivor’s situation is different. With the domestic violence advocate’s or housing provider’s guidance, survivors can decide if their situation makes them eligible for housing resources under Category 4.
- Some of the questions a provider can ask to work through this process are:
 - Did someone do something that made them feel unsafe?
 - Do they feel like they need to leave the current living situation in order to stay safe?
 - Did someone make them or ask them to do something that made them feel unsafe or uncomfortable in order to continue to stay in a home?
 - Do they feel unsafe to return to the home that they left? Are they worried about the safety of any children, dependents or pets?

What does “fleeing” mean?

HUD Exchange Ask A Question # 129735 (response dated 1/31/19)

A household would meet Category 4 of the definition of homeless if they are fleeing or attempting to flee from domestic violence and meet all other requirements, regardless of where they are residing (including staying with friends and family).

What does “dangerous or life threatening conditions” mean?

- HUD clarifies that the level of danger experienced by a survivor should not dictate eligibility under Category 4.
- Specifically, the phrase “dangerous or life-threatening”, as stated in the definition, should not be construed to describe the level of violence needed for a survivor to be considered homeless.
- HUD identifies that interpersonal violence inherently is dangerous and life-threatening and should be considered as such when considering Category 4 eligibility.

How to best support survivors

- **Safety**
 - If the survivor is interested, refer to local DV program for safety planning assistance
 - Safety planning is a process, not a one-time event or check list
 - Safety planning is tailored to the survivor's life and daily activities—each day may even be a little different
- **Confidentiality**
 - Make sure the survivor knows that you will not share their disclosure and/or story with anyone
 - Do not record any information regarding the ET in HMIS
 - If a survivor feels uncomfortable sharing, don't press for information
- **Trauma Informed**
 - Interact with kindness and compassion
 - Ask questions (even uncomfortable ones) slowly and clearly
 - Focus on strengths if survivor needs further support
 - If a survivor feels uncomfortable sharing, don't press for information

Scenarios

- Share a story from your experience
- What went right? What went wrong?
- What would you do differently?
- How is your organization serving survivors? What would help?



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