

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 housing resources

Who is PCADV?

Statewide DV
Technical Assistance
Provider

Pass through funder
for DV providers in
PA

Conduit to support
DV providers engage
with housing
systems/programs

Applicant for
statewide DV housing
projects

Representative in
national
conversations related
to DV housing

What is Domestic Violence?

Domestic violence is a pattern of coercive behavior used by one person to gain power and control over another in an intimate or familial relationship.

Many terms are used interchangeably to describe and discuss domestic violence. It may also be referred to as: abuse, domestic violence, battery, intimate partner violence, or family, spousal, relationship or dating violence.

According to the CDC, 1 in 4 women and 1 in 7 men have experienced physical abusive from an abusive intimate partner

What is Domestic Violence?

Domestic violence can be characterized by many types of abuse. Any or all of these types of violence/abuse may occur in domestic violence situations

- Emotional Abuse
- Physical Violence
- Stalking
- Sexual Violence
- Financial Abuse
- Verbal Abuse

Why Talk About DV?

DV is a leading cause of homelessness for women and children (families) in the U.S. with nearly 40% of all households on the BNL in both the West and East CoC having experienced DV

Survivors often must leave housing to escape DV

May be evicted due to abusive partner's behavior

DV interferes with ability to access housing - bad credit, poor rental histories, safety needs

Abusive partner can sabotage survivor's economic stability - trouble paying deposit, rent and utilities

PCADV Statewide Housing Project

Statewide

- ESG-CV Emergency Shelter
- ESG-CV Hotel
- ESG-CV Homelessness Prevention
- Traditional Emergency Shelter
- Flexible Funding

Balance of Statewide

- DV Bonus RRH

Housing Assistance - Buckets

Federally Funded Programs

- Rapid Rehousing
- Permanent Supportive Housing
- Joint Component

Housing Authorities

- Vouchers
- Project Based Housing

State/Foundation Funded Programs

- Rapid Rehousing
- Prevention/Diversion/Flexible Funding
- Relocation
- Emergency Shelter

HOUSING OPTIONS FOR SURVIVORS

Homelessness
Prevention

Shelter
Diversion

Emergency
Housing

Transitional
Housing

Transitional
Housing - Rapid
Rehousing

Rapid
Rehousing

Permanent
Supportive
Housing

Public Housing
Authority
Vouchers

Tax Credit/Low
Income Housing

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**

VAWA 2022 Reauthorization – Key Components



- **Maintains current protections**
- **Incorporates economic abuse to the definition of domestic violence (upwards of 99% of DV cases involve some type of economic abuse)**
- **Establishes a gender-based violence prevention office with a VAWA director at HUD**
- **Shared economic security related findings for survivors of violence**
 - **60% of single women lack economic security**
 - **81% of households with single mothers live in economic insecurity**
 - **92% of homeless women experienced domestic violence with more 50% citing domestic violence as the direct cause of homelessness**
 - **Best predictor of a survivor successfully leaving = degree of economic independence**

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**

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**
- **Survivors can choose to be anonymous when their information is entered into HMIS and still receive services - i.e. their personally identifying information should not be entered**
- **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**
- **Offer a range of options and allow the survivor to identify what they need**
- **If a survivor feels uncomfortable sharing, don't press for information**

Resources

- Pennsylvania Coalition Against Domestic Violence
www.pcadv.org
- DV and Housing Technical Assistance Consortium (DVHTAC)
www.safehousingpartnerships.org
- Safe Housing Alliance
<http://www.safehousingTA.org/>
- National Resource Center on Domestic Violence (NRCDV)
<http://www.nrcdv.org/>

Questions?

How is your organization serving survivors?

What information or resource(s) would help?

What other questions do you have?

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