



*Staying Safe: Housing Rights and Challenges for
Domestic Violence Victims*

Beyond the Bench
San Diego, CA
December 19, 2017

Today's Goals

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- Discuss
 - Link between domestic violence and homelessness
 - Challenges that survivors face in accessing shelters, temporary and permanent housing
 - Federal housing rights and benefits of survivors, with a special focus on immigrant survivors
 - How informal and formal systems can help survivors overcome housing challenges
 - Housing and policy gaps

Getting to Know You

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- Who is in the audience?
 - Judges
 - State, local, or tribal court leaders
 - Attorneys
 - Probation officers
 - Social workers
 - Family court professionals
 - Researchers and policymakers
- Who has dealt with domestic violence and housing issues?
- What kinds of issues were they?
- What questions do you have about domestic violence and housing?

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Domestic Violence and Homelessness

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- In 2005, 50% of U.S. cities surveyed reported that **domestic violence was a primary cause of homelessness.**
- The 2017 point in time homeless count in Los Angeles County identified that **34% of homeless adults reported experiencing intimate partner violence, which increases to 50% of females, and 63% of transgendered individuals.**
- Some landlords are **unwilling to rent to a woman who has experienced domestic violence.**
 - 2005 NYC study found 28 percent of housing providers either flatly refused to rent to a domestic violence survivor or failed to follow up as promised.
- Safe Housing Partnership video – www.safehousingpartnerships.org

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Case Scenario: Maribel

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- 41 year old Latina
- 3 teenage children
- Suffered nearly 2 decades of abuse – physical, emotional, financial
- Oldest child born in Mexico, two youngest children born in US
- Limited work history
- Stayed 90 days in a DV-specific emergency shelter
- 24 months in transitional housing shelter for DV survivors
- Eventually qualified for Section 8 voucher and identified permanent housing
- Legal assistance provided to address: custody, divorce, UVISA and DACA for eldest child

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Challenges for Survivors Accessing Shelters

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- Decline in funding for transitional housing
- Survivor are staying in shelter longer due to the scarcity of affordable housing options, which reduces the availability of shelter options as shelters are typically full.
- How to make Coordinated Entry safe for survivors
 - Many communities still refer survivors to the overburdened DV system of care rather than assessing for their housing needs
- Immigrant survivors accessing shelters and transitional housing
 - No employment
 - No income
 - Survivors illegally turned away from federally funded programs to protect life or safety

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Challenges for Survivors in Housing

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- High cost of housing
- Scarce affordable housing
 - [Oakland, CA](#)
 - [Kent County Housing Authority, Wyoming](#)
 - Federal budget cuts
- Common housing problems
 - Family breakups because of DV
 - Admission denials, evictions, or subsidy terminations because of DV
 - Property damage
 - Bad credit, bad rental history, criminal activity
 - Unauthorized occupancy
 - Nuisance ordinances
 - Early lease terminations
 - Emergency transfers

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Housing Protections for Survivors

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- Violence Against Women Act
 - Federal law that protects survivors of domestic violence, sexual assault, dating violence, and stalking from adverse housing actions made by housing providers in the federal housing programs because of the violence committed against them.
- Fair Housing Act
 - Federal law that applies to most housing and protects certain groups of people from housing discrimination based on particular characteristics. DV survivors are protected using a gender discrimination theory.
- CA's housing safeguards for survivors
 - Eviction defense
 - Early lease termination
 - Lock change
 - Anti-nuisance law

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Special Challenges for Immigrant Survivors

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- Immigration status requirements in federal housing programs
 - Section 214 of the Housing and Community Development Act
 - Mixed status families and proration of subsidies
 - VAWA self-petitioners are eligible for public and assisted housing
 - U-visa petitioners and holders?

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What is “Section 214” Restricted Housing?

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Section 214 of the Housing and Community Development Act of 1980

- Only U.S. citizens, LPRs, and certain categories of immigrants are eligible for the majority of HUD programs.
- Immigration restrictions for these programs are found at Section 214 of the Act.

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Section 214 Restricted HUD Programs

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- Public Housing
- Housing Choice Voucher Program
- Section 8 Project-based Housing
- Section 8 Moderate Rehab
- Section 236 Housing
- Section 235 Homeownership Housing
- Rent Supplement Housing
- Housing Development Grants (HoDAG)
- Section 23 Leased Housing Program
- HOPE for Public and Indian Housing



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Programs Not Restricted by Section 214

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| <ul style="list-style-type: none"> • Low Income Housing Tax Credit (LIHTC) • Section 202 Housing for the Elderly* • Section 811 Housing for the Disabled* • Section 221(d)(3) • Indian Housing • CDBG • HOME • HOPWA | <ul style="list-style-type: none"> • McKinney-Vento/HEARTH Act* • Rental Rehabilitation • HOPE for Homeownership (HOPE 2) • Section 515 Rural Rental Housing Program (without Rental Assistance) • Rural Housing Preservation Grants • Section 538 Multi-family Loan Guarantees |
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Who is Eligible for Section 214 Housing?

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- U.S. Citizens/U.S. Nationals
- Lawful Permanent Residents
- VAWA self-petitioners
- Refugees and Asylees
- Parolees
- Persons granted withholding of removal/deportation
- Qualified victims of trafficking
- Persons granted admission for emergent or public interest reasons
- Persons granted amnesty under the Immigration Reform and Control Act of 1986
- Immigrants eligible for registry who entered the U.S. before June 30, 1948
- Lawful U.S. residents under the Compacts of Free Association with the Marshall Islands, Micronesia, Palau and Guam
- Immigrants admitted for lawful temporary residence prior to January 1, 1982

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Who is Eligible for Section 214 Housing?

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Mixed Status Families

- If at least ONE member of the household has eligible immigration status, then the family can receive **prorated** assistance.
- A minor can be the eligible household member
- The non-eligible family member certifies that they do not wish to contend eligibility and can still live in the assisted unit

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Systems Interplay

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- DV and homeless systems
 - Building/strengthening partnerships between two systems that have normally worked in silos
 - Ensuring representation in local policy decisions – Continuum of Care
- Cross-sector partnerships with public housing authorities
 - Example: Partnership with San Francisco Housing Authority

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Housing and Policy Gaps

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- Shelters
- Coordinated entry system
- Collecting accurate data through the point in time counts
- Lack of focus on DV survivors as a homeless population
 - Addressing women as a specific homeless population
- More housing discrimination enforcement needed
- Lack of permanent affordable housing options for survivors
 - Low Income Housing Tax Credit
 - CA Senate Bill 2

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