

*Building  
Comprehensive  
Solutions to  
Domestic  
Violence*

*Publication # 8*

**A Policy and Practice  
Paper**

**Federal Housing and Domestic  
Violence:**

**Introduction to Programs, Policy, and  
Advocacy Opportunities**

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**Federal Housing and Domestic Violence:**  
**Introduction to Programs, Policy,  
and Advocacy Opportunities**

by  
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and

**Jill Davies**

Special thanks to The Ford Foundation for its support of the National Resource Center on Domestic Violence and *Building Comprehensive Solutions to Domestic Violence*, the initiative under which these materials were produced. We also wish to acknowledge the U.S. Department of Health and Human Services for their ongoing funding of the NRC.

The ideas expressed herein are those of the author and do not necessarily represent the official position or policies of The Ford Foundation or other funders of the National Resource Center on Domestic Violence.

**October, 1999**

Published by the National Resource Center on Domestic Violence,  
a project of the Pennsylvania Coalition Against Domestic Violence.

**These materials may be reprinted or adapted with proper acknowledgment.**

## ***Acknowledgments***

The authors wish to thank Amy Correia, Anne Menard, Nora Reissig-Lazzaro, Rafael Rodriguez Cruz, Jen Rubin, Susan Schechter, Richard Tenenbaum, Denise Viera, and Kara Walsh-Hart for their valuable assistance in reading and commenting on drafts of this paper.

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## ***About The New England Network on Domestic Violence and Poverty***

The New England Network on Domestic Violence and Poverty is a new initiative of Building Comprehensive Solutions to Domestic Violence, a multi-year project of the National Resource Center on Domestic Violence. The Network will explore a variety of approaches to multi-disciplinary policy development and advocacy for battered women and their families, especially those who are living in poverty. Coordinated by Greater Hartford Legal Assistance, Inc., the Network will be a catalyst to develop comprehensive policy strategies to address domestic violence and poverty. Material and lessons learned from the Network will be shared with domestic violence coalitions and anti-poverty advocates around the country.

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## I. Introduction

Battered women<sup>1</sup> and their children need many things to be safe and economically self-sufficient. One of these is affordable housing. As advocates seek to meet the safety and basic human needs of battered women, they inevitably become involved in housing issues. The area of housing advocacy involves complex laws, different government programs, and a whole new range of possible allies. Battered women's safety and housing needs will only be met with collaborative and comprehensive advocacy for housing program-based domestic violence provisions and more affordable housing for all people.

The focus of this paper is federal rental housing programs. These programs provide affordable housing to low-income people, including battered women. However, some of these programs also may create unintended barriers to battered women who need housing. This paper provides a basic overview of the laws and policies governing the principal federal housing programs and discusses key policy issues these programs raise for battered women.

This paper is intended to be a basic introduction to core issues about some federal housing programs. It does *not* provide all the information advocates will need to do effective housing/domestic violence advocacy. For example, it does not address the particular housing issues affecting battered immigrant women or the "Indian Housing Block Grant Program."<sup>2</sup> As the Building Comprehensive Solutions to Domestic Violence Initiative and the work of the New England Network on Domestic Violence and Poverty continues more information will be made available. In addition, advocates should seek the wealth of information available from housing allies and others working on domestic violence/housing issues.

## II. Description of Federal Housing Programs

### Laws Governing Federal Housing Programs

#### Who administers federal housing programs?

Generally, federal housing programs are administered on a local level by “*public housing authorities*.” Public housing authorities are public agencies created by a municipality, county or collaborations between such entities. A public housing authority applies to the federal Department of Housing and Urban Development (HUD) for funding to operate housing programs. Once funded, the public housing authority operates the housing program in accordance with applicable laws.

#### What laws apply to federal housing programs?

Congress enacts federal laws that describe how each federal housing program will operate. The Department of Housing and Urban Development (HUD) distributes federal housing funds and oversees the local administration of federal housing programs. HUD issues regulations that further define how the housing programs will operate. Public housing authorities are supposed to operate federal housing programs by following the laws passed by Congress, the regulations issued by HUD, and any directives or guidelines HUD sends to public housing authorities.

HUD recently issued regulations that require almost all public housing authorities to develop annual and five-year plans. The annual plan must detail how the public housing authority will operate many of its federal housing programs. These plans are very important because the public housing authority must do what it says in the plan. There are opportunities for advocacy on behalf of battered women in the development of these plans. [See Section 5 of this paper.]

### How federal housing programs work

Although there are many different federal housing programs, the programs fall into two main categories—*building-based subsidies* and *tenant-based subsidies*.

***Building-Based Subsidy Programs.*** Building-based rent subsidies are attached to a particular building or apartment unit. A tenant living in an apartment with a building-based rent subsidy gets the benefit of the rent subsidy while living in that apartment. When the tenant moves out of that apartment, she no longer gets the benefit of that subsidy. The subsidy remains with the apartment. The next tenant to move into the apartment will get that rent subsidy. These are also known as “project based subsidies” or “unit based subsidies”.

***Tenant-Based Subsidy Programs.*** Tenant-based subsidies are attached to an individual tenant. The tenant chooses which apartment to rent. The tenant pays a certain percentage of her income toward rent and the subsidy is paid directly to her landlord for the remainder of the rent. When the tenant moves, she can take the tenant-based subsidy with her and use it to rent another apartment.

## ■ **Building-based Subsidy Programs**

### ***Public Housing***

Of all the building-based rent subsidy programs, public housing is the federal housing program that is most familiar to the general public. Most large inner city housing projects are public housing. However, public housing also consists of low rises, duplexes and single-family units scattered throughout a rural, suburban, or urban region. The condition of public housing varies; some is in disrepair, but most of it is in good condition. In some areas, public housing provides the framework for vibrant communities and neighborhoods.

The following are some key characteristics of public housing:

- Public housing is owned and operated by a public housing authority. The public housing authority acts as the landlord and is responsible for the collection of rents, maintenance of the housing units, creation and maintenance of waitlists, and selection of tenants.
- Generally, a tenant pays 30% of her household income toward the cost of rent and utilities. HUD pays the public housing authority the remainder of the cost to operate that housing unit. (Public housing authorities can set minimum monthly rent amounts of up to \$50. This means that even if a tenant's income drops to zero, she could be charged \$50 for monthly rent.)
- Tenants living in public housing that is demolished are entitled to relocation services<sup>3</sup> and are often given a tenant-based subsidy to help pay the rent for an apartment in the private market.

### ***Section 8 Project Based Assistance Programs***

*Section 8* can refer to a variety of housing programs, both building-based and tenant-based. Like public housing, *Section 8* project based assistance is a building-based subsidy. This *Section 8* assistance subsidizes specific units in a building. The buildings can range from large apartment complexes to buildings with just one unit. The apartment units can be located in urban centers, suburbs, or rural settings.

The following are two key characteristics of Section 8 project based assistance:

- Unlike public housing, owners of buildings subsidized by Section 8 project based assistance are usually private individuals or entities. The owner is responsible for building maintenance, rent collection, and choosing tenants to live in the building. The federal rent subsidy is paid to the owner of the building.
- Apartments subsidized through Section 8 project based assistance can be located in communities where there is no public housing authority. In some communities, Section 8 project based assistance is the only form of federal rental assistance available and provides the only affordable housing for low-income families.

## ■ **Tenant-based Subsidy Program**

### ***Voucher Program***

*Section 8 voucher programs* are tenant-based subsidies. Vouchers are used to rent housing in the private rental market. (The private rental market refers to housing that is not subsidized through a government housing program.) They make renting housing in the private market affordable for low-income families by paying a portion of the tenant's rent. Tenants can use vouchers in many communities, including those that do not have any other subsidized housing.

Recent federal regulations created a new voucher program called the *Housing Choice Voucher Program*. This *Voucher Program* is being phased in and will eventually replace the current tenant-based subsidies, Section 8 certificates and vouchers.

Vouchers are increasingly the main form of federal housing assistance. For example, many public housing tenants receive vouchers when public housing units are demolished.

The following are some key characteristics of the voucher program.

- Vouchers are usually administered by a public housing authority.<sup>4</sup> The public housing authority selects which people get vouchers. It also makes sure that tenants and private landlords comply with all voucher program requirements. One of the key requirements for landlords is that apartments meet the federal housing quality standards. The public housing authority should inspect the apartment before the tenant moves in and then annually to ensure the program is not paying for apartments in bad condition.



- Tenants are issued vouchers for a specific number of bedrooms based on the size and composition of a tenant's family.
- The landlord decides how much rent to charge. Tenants with vouchers generally pay a percentage of their income toward rent depending on the total rent charged. The public housing authority determines the amount the voucher will pay toward the rent.
- Tenants pay their portion of rent to the private landlord who owns the apartment. The public housing authority uses federal funds to pay the remainder of the rent to that landlord.
- If a tenant with a voucher wishes to relocate to another apartment, she must tell the public housing authority and her landlord of her intent to move before she does. There are some restrictions on when a tenant in the voucher program can move to a new apartment.

#### ■ **How people get into federal housing programs**

The process of applying for federal housing programs is similar whether the tenant is applying for a building-based program or a tenant-based program. A person can apply for any number of housing programs at one time, and can apply for housing programs even in towns where they do not live. To get into a building-based program, a person must apply at the public housing authority or private entity that owns or manages the housing that the tenant wishes to live in. To get a voucher, a tenant must apply to a public housing authority administering vouchers.

A person must meet the income eligibility standards set by HUD to get into a federal housing program. Income eligibility varies among different federal housing programs.

In addition to income eligibility, HUD requires that applicants for federal housing programs be screened based on other eligibility considerations. Although the details of these additional eligibility considerations vary for the different housing programs, they are generally similar. To be eligible, applicants must be able to pay their bills, including their current rent.

In addition, applicants *cannot* have a:

- debt to any public housing authority;
- history of disturbing the neighbors or destroying property;

- history of criminal activity, including drug-related activity (NOTE: in addition, no one who is going to live in the apartment can have a criminal history); or
- previous eviction or termination from a federal housing program.

The number of federal rent subsidies is far less than the number of people who need the subsidies to afford housing. Therefore, after a person is found to be eligible for a federal housing program, she is usually placed on a waitlist. Public housing authorities maintain separate waitlists for each federal housing program. Waitlists can be very long. In fact, some waitlists are so long that they are “closed,” which means that the housing authority is not adding new applicants to the waitlist. In some cases, a person eligible for a federal housing program will have to wait years before getting in the program.

**To stay on the waitlist**, an applicant must respond to the public housing authority’s or owner’s request to update information. If an applicant does not respond, then the applicant’s name can be removed. Usually a person who wants her name added back to the waitlist must take steps to do so immediately.

In most areas, housing authorities do not choose people off the waitlist on a “first come, first serve basis.” Rather, they select tenants from the waitlist based on the priorities and preferences set out in the housing authority’s policies. Applicants with preferences move up the waitlist more quickly and get housing assistance before those without preferences.

In May, 1999, HUD issued a proposed rule that tells public housing authorities they “should consider preferences for individuals who are victims of domestic violence” when designing and drafting their policies regarding the selection of applicants to be admitted to public housing. [For more information on the proposed rule and selection preferences for battered women, see *Housing and Battered Women: Increasing Battered Women’s Access to Federal Housing Programs*. To request copies contact the NRC at 1-800-537-2238, ext.1.]

## ■ **Tenant obligations in federal housing programs**

Once a tenant gets into a federal housing program, there are a host of obligations she must meet in order to remain eligible. *If a tenant fails to meet these obligations, she could be removed from the program and lose her housing assistance.* Most tenant obligations in federal housing programs are similar.

In general, tenants must:

- pay the rent on time;
- cooperate with annual reexaminations by providing information regarding income and who is living in the household;
- report immediately if there are any changes in income or people living in the household;
- allow only those people listed on the lease to live in the apartment;
- use the apartment as the family's only residence;
- comply with other obligations set out in the tenant's lease;
- *not* disturb their neighbors (NOTE: tenants must also make sure their guests do not create a disturbance);
- *not* participate in criminal activity including drug related criminal activity (NOTE: this also includes the tenant's guests).

In the **tenant-based voucher program**, a tenant must notify the public housing authority and the landlord that the tenant wants to move before she does so. There are some restrictions on when tenants can move.

### ■ **Termination from federal housing programs**

The procedures to terminate a tenant from building-based subsidy programs and the tenant-based voucher program differ because of the different nature of the programs.

- A woman in a *building-based program* loses the subsidy when she is evicted from the subsidized apartment. (She could also lose a building-based subsidy by voluntarily moving out of a subsidized apartment.)
- In the *tenant-based voucher program*, a tenant is not terminated just because she moves out of an apartment where she is using the rental subsidy. Generally, she can take her voucher from one apartment to the next as long as she continues to comply with the tenant obligations. A housing authority can, however, take steps to terminate her from the voucher program if she fails to fulfill tenant obligations.

### III. Housing Policy Considerations

Battered women and their children, like all people, have basic human needs. These needs include: housing, health care, food, safety, and economic opportunity. Federal housing programs, along with other government benefits, can provide essential assistance to battered women and their children.

For battered women, some of the key benefits of federal housing programs include:

- ◆ **lower rent**

This leaves battered women with more money to meet other basic human needs. It may allow women to be less financially dependent on abusive partners.

- ◆ **mobility -- the ability to move and relocate**

This can give some battered women the opportunity to choose the community in which they live, i.e. near their places of employment or a supportive family, social network, or away from abusive partners.

- ◆ **preference for certain training and employment programs**

For some battered women, training and employment may be the key to achieving safety and self-sufficiency.

Low income battered women face all the same housing issues as other low-income tenants. In addition, they face some particular threats to their housing. Some of these are caused by their abusive partners' behavior and some are the unintended negative consequence of federal housing policy. Advocates and others are just beginning to analyze and respond to the effects of current housing trends and policies on battered women and their children.

For battered women, some of the potential negative consequences of losing federally subsidized housing include:

- ◆ **loss of housing**

Whether subsidized or not, the loss of housing can cause great hardship for battered women and their children. Some battered women may lose a job or be unable to find work without a place to live. Children may have to change schools. If the family has no home, child protective services may intervene.

For some women, the greatest effect is the loss of the support network they had where they lived. Ultimately, some battered women will be forced to reunite with abusive partners in order to have a place to live.

◆ **unstable housing**

For battered women, loss of a housing subsidy may mean they do not have enough money to pay the rent. This can lead to:

- a complete loss of housing and homelessness;
- the need to move to cheaper housing, sometimes in a neighborhood where a woman doesn't want to live or to housing that is unsafe or in bad condition;
- sharing housing with friends or family, sometimes in apartments that are too small – increasing the stress on everyone living there; or
- short stays in a variety of housing situations, requiring frequent moves.

◆ **future ineligibility for federal housing programs**

If a battered woman is evicted from a building-based subsidy or her voucher is terminated because of something she (or a family member) allegedly did wrong, then that woman may be ineligible for federal housing assistance in the future.

## **Current trends in housing policy**

■ **Shift of authority from federal to local level.**

The authority to design and implement federal housing programs has been transferred from the federal government to the local level. This shift is similar to welfare reform changes which gave states the authority to design and implement the TANF Program (Temporary Assistance to Needy Families). In the context of federal housing, the authority to design the details of how housing programs function has moved to the local public housing authority. Each public housing authority could create programs with different rules and priorities.

This shift creates new challenges and opportunities for domestic violence and anti-poverty advocates. Local control can make housing programs more responsive to the needs of the community. However, it also increases discretion and the opportunity for the implementation of policies with harmful effects. It is also more difficult for advocates to keep track of all the different policies.

■ **Movement away from “bricks and mortar” to rent subsidies that can be used in the private rental market.**

In recent years HUD has drastically reduced the funds it allocates to build new housing. In addition, HUD has allocated funding to demolish a significant number of existing housing units owned by public housing authorities.<sup>5</sup> HUD now focuses on funding for housing vouchers, which are financial subsidies that tenants can use to help pay the rent for apartments in the private rental market.

The movement to vouchers will result in fewer public housing authority apartments. This means there will be more demand on the private rental market. In some areas, tenants will have no problem finding an apartment and using their vouchers. However, in other areas, there are few vacant apartments available for people with vouchers. Some advocates fear the move to vouchers could mean some low-income families will have no place to live.

Tenants with vouchers may face other problems. The subsidy may not pay enough to allow a tenant to afford the rent on some apartments. In addition, people with vouchers often face discrimination by landlords who do not want to rent to certain tenants because they have a voucher, or because of their race, ethnicity, gender or because they have children.

■ **Change from housing only the neediest to broader eligibility.**

Access to federal housing programs used to be based on need, low income and other priorities, such as housing conditions and homelessness.

Some federal housing programs have changed their income eligibility standards and priorities. Until recently, most housing programs were only for people with low incomes. Now, some housing programs seek to attract families with a range of incomes in order to avoid a high concentration of low-income families. This effort is based on an assumption that the mix of incomes will produce safer and more viable neighborhoods.

Federal law used to define housing priorities. The federal priorities were based on the need for housing. For example, people who were homeless were a priority. Now, public housing authorities are permitted to set up their own preference or priority systems. These priorities do not have to be based on the need for housing. For example, some public housing authorities give preference to people who already live in their community. Others provide no preferences and use a lottery system to decide the order in which people will be selected for federal housing projects.

■ **Increased efforts to reduce crime and neighborhood disturbances.**

To address safety and other quality of life concerns, HUD has implemented a policy of intolerance for criminal activity in federal housing programs--especially public housing. This is often referred to as the “one strike and you're out” rule, meaning that a family is evicted from public housing the first time any family member participates in criminal activity. Criminal activity includes any crime that threatens the health, safety or peaceful enjoyment of apartments by other tenants. It also includes any illegal drug activity on or near the premises. Tenants do not need to be arrested or convicted to be evicted, simply participating in criminal activity is enough.

Federal policies also call for the eviction of tenants who are a “nuisance” and disturb their neighbors. Together, these policies may bring about some positive results for tenants in these programs. Eviction of tenants participating in criminal activity or creating a nuisance may improve the living conditions for other tenants. However, these same policies can have unintended negative consequences for some battered women. [See following discussion regarding "Crime due to domestic violence."]

## **Key domestic violence policy issues**

Batterers use a variety of tactics to control their partners. These tactics can include direct attempts to take away their partners' housing or indirect actions that result in the loss of federally subsidized housing. Some of the ways a batterer can interfere with a woman's ability to benefit from federal housing programs include—committing a crime, damaging the apartment, making a battered woman unable to pay rent and forcing her to leave her housing. When these tactics intersect with federal housing policy, some battered women will lose their housing.

The following section frames key policy issues raised by domestic violence and federal housing policies. Each section begins with a scenario, includes a discussion of policy implications, and lists questions for future policy development. These are emerging issues and require significant additional analysis and development.

## ■ Unable to pay rent due to domestic violence

### *Carol*

*Carol lives with Allen and their two children in public housing. Last night Allen came home high on drugs and demanded money. She refused. He knocked her to the floor, took her purse and left. Carol had just cashed her paycheck and all her money was in the purse. Carol cannot afford to pay the rent. The public housing authority evicts Carol.*

***Consequence for Carol:*** *Carol and her children lose their subsidized housing.*

From the public housing authorities' point of view the issue is straightforward. Carol did not pay her rent and the housing authority evicted her. As the agency in charge of running a housing program, the housing authority is responsible for collecting rent. In fact, federal law requires such agencies to maintain a certain percentage of tenants who are not behind in rent payments. Similarly, paying rent is a primary responsibility for all tenants.

However, when the effects of domestic violence are considered, the issue isn't as straightforward. In this example, Carol didn't pay her rent. But, the reason she didn't pay was not her fault -- Allen stole her rent money. Although housing authorities' need to collect rent to run the program, evicting Carol and her children because of Allen's behavior seems unfair and could increase their danger.

In addition, Carol's story is just one set of circumstances that could lead to a battered woman's inability to pay the rent. A battered woman may not pay the rent for a variety of reasons, including:

- her partner refuses to pay child support;
- her partner takes her money or refuses to pay the rent (sometimes as retribution for calling police or taking other steps to free herself from his violence and control);
- her partner makes her lose her job;
- she may also lose her job because she misses too much work due to court dates or other strategies that she uses to protect herself and her children;
- her partner may lose his job because he is arrested or may quit his job; or
- other non-domestic violence related reasons faced by all low-income tenants.



## Questions for Future Policy Discussion

- Should it be a goal of federal housing programs to provide battered women and their children the opportunity to remain in subsidized housing, even if they can't always pay the rent?
- Should there be a different response for battered tenants who can't pay the rent because of their abusive partners' behavior?
- What would the response look like? Should the response include any of the following:
  - access to temporary rental payments,
  - temporary reduction of rent,
  - increased flexibility in the date the rent is due,
  - increased flexibility in repayment plans, or
  - debt collection or pursuit of other options that ensure the abusive partner meets his financial obligations without increasing danger to battered women or their children.

## ■ Leaving apartment with a joint subsidy to escape domestic violence

*Rena*

*Rena and her seven-year-old son live with Melvin, Rena's boyfriend. They rent an apartment in the private rental market with the help of a voucher. Both Rena and Melvin signed the lease and both of their incomes were used to calculate their portion of the rent.*

*Lately, Melvin has gotten more violent. So, Rena and her son flee to a shelter for battered women. Rena does not want to return to Melvin. But, the voucher is in both their names (a joint subsidy) and she can't afford housing on her own without it.*

***Consequence for Rena:*** *It is unclear whether Rena will get to keep the housing voucher.*

Rena has lived up to all of the tenant obligations in her federal housing program, yet her absence from the apartment, even though temporary, could cause her to lose her voucher. If she loses her voucher, she faces difficult choices -- become homeless or return to Melvin. Each choice has significant negative consequences for her and her son.

However, Rena may not lose her voucher. Federal housing regulations<sup>6</sup> provide some guidance on what should happen when a family with a voucher splits up. Factors the public housing authority can consider when deciding who should get the voucher include:

- Whether a family member has been forced to leave the apartment because of actual or threatened physical violence by another family member;
- Whether family members are staying in the current apartment;
- How sick, elderly, or disabled family members or children may be affected; and
- Other factors that the public housing authority may specify in its written policies.

In addition, the regulations require the public housing authority to follow a court order that decided how property, including the housing voucher/subsidy, should be divided.

In general, the implementation of these regulations is left up to local public housing authorities, resulting in variation among housing authorities. This makes it difficult for battered women to know whether they can keep their voucher if they leave their abusive partners.

Similar issues are raised when a battered woman and her abusive partner are both on the lease of an apartment of a building-based subsidy. For example, Rena and Melvin might live in a *public housing* apartment. However, there are no similar federal regulations to guide public housing authorities' decisions about who should get the subsidy when families with building-based subsidies split up.

### **Questions for Future Policy Discussion**

- How can policy ensure that battered women do not have to choose between leaving their abusive partners and continued participation in a federal housing program?
- Should federal regulations be expanded to allow public housing authorities to consider other forms of domestic violence, beyond physical violence, when it decides who should keep a voucher when a family splits up?

## ■ Relocating to escape domestic violence

*Alicia*

*Two years ago, Alicia left her abusive boyfriend Ray and moved into a public housing apartment with her two children. In order to be safe, she didn't let Ray know where she was moving. Last week, he found her and beat her up. She knows the only way to be safe is to move again, so Ray won't be able to find her.*

***Consequence for Alicia:*** *Alicia may not be able move immediately.*

Alicia does not live with Ray, but needs to relocate quickly to protect herself and her children. Under current practices, it would probably take several months for a public housing authority to authorize Alicia's move.

A tenant's ability to move from one location to another is referred to as "mobility." Mobility within building-based subsidy programs is quite limited. Although public housing authorities are authorized to permit transfers from one public housing apartment to another, it takes time to get a transfer approved. In addition, some public housing authorities will not approve a transfer unless the tenant is all paid up on rent, late fees, and charges for damage to the apartment. Transfers are generally to a nearby public housing apartment that is owned and managed by the same public housing authority. The transfer to a nearby apartment may not provide enough distance for some battered women to be safe.

*A note about mobility and vouchers:* Although the voucher program provides battered women with greater mobility than building-based subsidies, there are still limitations on the ability to move. Mobility with a voucher is reduced when landlords refuse to rent to certain tenants. People with vouchers often face discrimination by landlords who do not want to rent to a person because they have a voucher, or because of their race, ethnicity, gender or because they have children. Also, mobility is reduced if the subsidy does not pay enough to allow a tenant to afford the rent on some apartments.

### **Questions for Future Policy Discussion**

- How can housing programs respond to battered women who need to relocate?
- How can programs respond if a battered woman needs to relocate *immediately*? Is an expedited process possible?

- What options are necessary to ensure the new location enhances safety? [For example, if her ex-partner's sister lives on the same street, her abusive ex-partner may be able to find her.] Could a battered woman transfer to units owned and managed by different public housing authorities or different private entities?
- How can housing programs increase mobility for battered women who need to relocate in order to be safe? For example, could programs allow battered women to trade in their building-based subsidy for a voucher that they could take with them to a new community?
- How can barriers to voucher use be reduced for all tenants, including battered women who need to relocate for safety reasons?

## ■ Property damage due to domestic violence

*Linda*

*When Linda got a housing voucher, she was able to afford her own apartment and this made it possible for her to leave her abusive partner, David. David comes to Linda's apartment to pick up his children for court ordered visitation. One afternoon when he came to pick up the children, David yelled at Linda and threw things against the walls. He also kicked and punched the walls and doors because Linda refused to return to him.*

*The landlord noticed the gaping holes in the walls and started an eviction action against Linda. At the same time the public housing authority administering the voucher program started the process to terminate Linda's voucher.*

***Consequence for Linda:*** *Linda is evicted from her apartment and may lose her housing voucher.*

Damage to apartments increases the cost of maintaining housing and running housing programs, and reduces the overall quality of housing available. Requiring tenants to take good care of their apartments is reasonable. In Linda's situation, the enforcement of this requirement has unintended, but far reaching, negative consequences. Linda lost her apartment and may lose her housing voucher because of her ex-partner's behavior. In other words, Linda suffers the consequences of David's destructive behavior. Linda and her children have already lost their home. If she

loses the voucher, she will not be able to afford housing on her own. Like so many other low-income battered women, Linda will be forced to decide between living with her abusive partner David in order to house herself and her children or face the uncertainty and danger of marginal housing or homelessness.

### Questions for Future Policy Discussion

- How can reasonable policies that protect property be enforced without forcing battered women to lose their housing or subsidy? Could any of the following meet that goal?
  - Holding batterers accountable for the damage they cause without compromising battered women's safety, housing, or economic circumstances;
  - Flexibility in payment plans to reimburse the landlord for the cost of repairing the damage; or
  - Opportunities for women with the necessary skills to make the repairs themselves.
- How can policy ameliorate long term effects of property damage enforcement on battered women's economic stability or access to housing in the future? For example, how could large debts be reduced? How could she "clear her name" as a tenant with a "bad history"?

### ■ Crime due to domestic violence

#### Batterer's criminal activity:

*Lisa*

*Lisa has lived in public housing for 3 years with her two children and Gary, their father. Gary beats Lisa on a regular basis. The beatings are accompanied by hours of shouting insults and other emotionally abusive language. One evening while Gary is shouting and beating Lisa, their neighbor calls the police. This is the third time the neighbor has called the police because of Gary's abuse. The police arrest Gary. (Gary, a family member, participated in "criminal activity.")*

***Consequences for Lisa:*** *Lisa and her family are evicted from their public housing apartment.*

Lisa and her family were evicted from public housing because Gary participated in "criminal activity."<sup>7</sup> Criminal activity includes any crime that threatens the health, safety or peaceful enjoyment of apartments by other tenants. It also includes any illegal drug activity on or near the premises. Tenants do not need to be arrested or convicted to be evicted, simply participating in criminal activity is enough. Lisa could have been evicted from public housing due to Gary's beating even if the police were not called and Gary was never arrested.

Because Lisa was evicted for "criminal activity" by a family member, she may have trouble qualifying for federal housing programs in the future. To be eligible, applicants for federal housing programs cannot have a history of criminal activity.

Federal policies also call for the eviction of tenants who are a "nuisance" and disturb their neighbors. Together, these policies may bring about some positive results for tenants in these programs. Eviction of tenants participating in criminal activity or creating a nuisance may improve the living conditions for other tenants. However, these same policies can have unintended negative consequences for battered women, like Lisa.

In some instances public housing authorities have some discretion in deciding whether to evict families due to criminal activity. Public housing authorities can consider circumstances, such as the extent of participation in the criminal activity by other family members and the effect of eviction on family members who were not involved in the crime. Also, in most circumstances, housing authorities have the power to evict the entire family or just the family member who participated in the criminal activity. If the public housing authority decides to evict just the abuser, a battered woman can be required to keep the batterer from returning to the apartment as a condition of her living there.

### **Questions for Future Policy Discussion**

- How can crime reduction efforts be supported without forcing battered women to suffer the consequences of their abusive partners' behavior?
- How can crime reduction efforts include enhanced safety for battered women and their children?
- How can policy assure that the needs and circumstances of battered women are considered when public housing authorities decide whether to pursue eviction?
- If only the abuser is subject to the eviction, what procedures are necessary to ensure he does not retaliate and hurt his partner or her children?

## **Battered woman's criminal activity due to domestic violence:**

*Deb*

*Deb lives in public housing. Last year Deb lost her job and her boyfriend Lloyd started to pay her living expenses. Several months ago, Lloyd told her she needed to start paying him back for the rent by having sex with other men for money. The first time Lloyd brought a man to her apartment and told her to have sex with him, Deb refused. Lloyd broke her jaw and raped her. Unable to find employment and terrified to refuse Lloyd's demands, Deb did what Lloyd told her to do. A neighbor called the police and Deb is arrested for prostitution.*

***Consequence for Deb:*** *The public housing authority finds out about the arrest and starts an eviction for criminal activity against Deb.*

Current housing policy does not take into account the reason for the criminal behavior. When deciding whether to pursue eviction, the public housing authority would not consider that Deb was forced to participate in the criminal activity by Lloyd's physical violence. Different policy issues are raised when a battered woman engages in criminal activity due to domestic violence. For example, a battered woman could be arrested for defending herself against a violent attack. How are crime reducing efforts advanced if she loses her housing?

*Note on battered woman's use of illegal drugs:*

Current housing policy does not take into account the underlying reasons for a battered woman's use of illegal drugs. Some battered women may use illegal drugs to ease the physical and psychological pain inflicted by their abusers. Some become addicted. This does not make illegal drug use right, but has policy implications for public housing drug reduction initiatives.

### **Questions for Future Policy Discussion**

- How should housing policy respond to criminal activity by a battered woman that is done under duress/threat of violence? How can the housing authority determine what criminal activity is done under duress and what is not?
- How should housing policy respond to criminal activity by a battered woman that is done to defend herself or her children?
- How should housing policy respond to drug use by battered women?

## **IV. Principles for Housing and Domestic Violence Policy Development**

- **Housing initiatives should be part of a comprehensive approach that meets the safety and basic human needs of poor families.**

Housing is an essential – but not the exclusive —means of providing safety, security, and opportunity for all families. Housing policy analysis and development should not be “done in a vacuum,” but rather should seek to meet all human needs by coordinating with other systems.

- **Housing policy should increase housing options for all poor families, including battered women.**

All people need housing. Battered women do not deserve housing any more than any other people in need. Therefore advocates for battered women should support housing initiatives that expand options for all low-income people. In addition, some of the federal housing policies that create problems for battered women may create problems for other tenants as well.

Domestic violence specific housing programs and policies will provide important new options for battered women and their children. However, many battered women will not have access to such services for a variety of reasons. Some battered women will be turned away because the programs are filled, some will not know about the options, and others will not be able to meet eligibility requirements. Therefore, in order to help all battered women, advocates should support more affordable housing for all poor people, as well as domestic violence specific housing programs.

- **Housing policy should enhance the safety of battered women and their children.**

Housing is a critical piece of most battered women’s safety plans. For example, stable and affordable housing gives battered women a chance to work and move toward economic self-sufficiency. Policies that punish battered women for their abusive partners' behavior reduce their housing options and further their abusers' control. To enhance safety, policies must be flexible enough to respond to the diverse and unique needs of each battered tenant.



Privacy is essential to safety planning and therefore battered women's confidential information must be protected. Information regarding domestic violence must be asked for, obtained and stored in ways that will not jeopardize safety.

■ **A multi-disciplinary and collaborative process must be used to analyze and develop safety-enhancing housing policies.**

Current housing policy initiatives have a range of goals and objectives. In addition, housing issues intersect with welfare (TANF), welfare to work, criminal justice, child protection, and other systemic issues. Developing policy that enhances battered women's safety is also complex and challenging. Domestic violence advocates must work with housing advocates, local and national government housing staff, and battered women to ensure that housing policies increase battered women's options for safety and, minimally, do not increase their danger.

## V. Advocacy Opportunities and Approach

### ■ Allies on federal housing issues

Domestic violence advocates have many allies to work with on federal housing issues. Legal services programs address federal housing issues on local and federal levels. Anti-poverty organizations, housing coalitions, tenant organizations, and homelessness organizations also have experience with federal housing programs. Some of these people have done housing advocacy for the poor for decades and have a wealth of experience to offer.

If they don't already exist, now is the time for domestic violence advocates and their allies to build collaborative relationships.

### ■ Advocacy for individual battered women

When applied to individual battered women's situations, housing laws and policies can be difficult to sort out. The consequences can be great. Once any legal process begins, an individual battered woman could lose her housing, lose the opportunity to ever obtain subsidized housing, or be at greater risk for violence. Eligibility requirements can also create barriers that need specific responses. Even a woman's decision to move can affect her future housing options. Housing advocacy for individual battered women can make a difference. Domestic violence advocates, without such expertise, should connect women with housing advocates, legal services attorneys, or others with the skills and knowledge to help.

### ■ Advocacy for all battered women – housing policy advocacy

The shift of authority from federal to local levels for federal housing programs provides opportunities for advocacy at the local, state and federal levels. More and more decisions about how federal housing programs will operate will be made by local public housing authorities. This means that advocates must work with their housing and anti-poverty allies on a community level to ensure housing policy meets the needs of battered women. The following is a brief introduction to the key advocacy forums.

#### **A. Public Housing Authority *Annual Plans and Five-Year Plans***

All public housing authorities must submit annual plans to HUD. Each annual plan must explain in detail how the public housing authority will operate many of its housing programs. These plans will affect the lives of battered women. For example, the plan must explain who will get into public housing, receive section 8 vouchers, and the public housing authority's safety and crime prevention initiatives.

In addition, all public housing authorities are required to submit five-year plans to HUD. Each plan must state the public housing authority's mission and its goals and objectives. The five-year plan is less detailed, but is intended to provide longer-term guidelines.

Public housing authorities are required to consult with local federal housing tenants as they develop their annual plans. For information about tenant organizations and how to get involved with a public housing authority's planning process, contact: Center for Community Change at 1000 Wisconsin Ave., NW, Washington, DC 20007, (202) 342-0519, and ask for a copy of Residents' Guide to the New Public Housing Authority Plans.

Some public housing authorities are already working on their plans. The due date for the plans depends on the public housing authorities' fiscal year. Some are due as early as December 1, 1999.

## **B. The Consolidated Plan ("ConPlan")**

Consolidated Plans, known as "ConPlans," are documents that a state, county, and/or local government (not public housing authorities) must submit to HUD to receive certain types of funding. The ConPlan must identify all housing needs for that community and include strategies for addressing those needs. There are many stages in the development of the ConPlan. HUD requires citizen participation in many of these stages. In the year 2000, most ConPlans will be due for revision. Each ConPlan lasts for five years.

ConPlans and public housing authority *annual and five-year plans* are connected. All *annual and five-year plans* must be consistent with meeting the housing needs of the community as stated in the ConPlan.

Advocates can identify the housing needs of battered women and urge that those needs be addressed in the ConPlan. In addition, advocates can work to ensure that the annual and five-year plans of public housing authorities' are consistent with the ConPlan and include strategies for meeting the needs of battered women.

For more information about the ConPlan process:

- *HUD's Consolidated Plan: An Action Guide for Involving Low Income Communities*, available from the Center for Community Change, 1000 Wisconsin Ave., NW, Washington, DC 20007, (202) 342-0519.
- *The Community First: A Public Housing Resident's Guide* (includes a chapter on ConPlans), available from the National Low Income Housing Coalition, 1012 14<sup>th</sup> Street, NW, Suite 1200, Washington, DC 20005, (202) 662-1530

## VI. Glossary

**Annual Plan:** Almost all public housing authorities are required to develop an Annual Plan within the next year. The Annual Plan details how the housing authority will operate many of its federal housing programs. Public housing authorities must include residents in the development of the Annual Plan before submitting it to HUD for approval.

**Building-based Rent Subsidy.** Building-based rent subsidies are attached to and remain with a particular building or apartment unit. A tenant living in an apartment with a building-based rent subsidy gets the benefit of the rent subsidy while living in that apartment. When the tenant moves out of that apartment, she no longer gets the benefit of that subsidy. These may also be called, "project based" or "unit based" subsidies.

**Consolidated Plan (ConPlan):** A Consolidated Plan, known as a ConPlan, is the Department of Housing and Urban Development's (HUD) management tool for monitoring performance of states' and localities' efforts to address low-income housing and economic development needs. The ConPlan must include a housing needs assessment and describe how those needs will be met with certain federal funds. Each state and every city with a population greater than 50,000 are required to produce a ConPlan. Certain types of federal funding, such as Community Development Block Grants (CDBG), are tied to the ConPlan.

**Department of Housing and Urban Development (HUD).** The Department of Housing and Urban Development is the federal government agency that is responsible for the distribution of federal housing funding and the oversight of the administration of federal housing programs.

**Federal Housing Quality Standards:** The Federal Housing Quality Standards are minimum standards and conditions that housing must meet before a tenant can use a voucher to rent an apartment. The Federal Housing Quality Standards are included in regulations issued by HUD.

**Five-Year Plan:** All public housing authorities must develop a Five-Year Plan that will be used for long range planning. The five-year plan must include a statement of the public housing authority's goals and mission. The plan must be submitted to HUD for approval.

**Housing Choice Voucher Program:** The Housing Choice Voucher Program is a new voucher program that went into effect in October 1999. It replaces the Section 8 certificate and voucher programs. Within a couple of years all Section 8 certificates and vouchers will convert into a voucher in the Housing Choice Voucher Program.

**Private Rental Market.** The Private Rent Market refers to rental housing that is not subsidized through a federal, state or local housing program.

**Section 8.** This phrase refers to a variety of building-based and tenant-based rental subsidy programs. They are referred to as "Section 8" because the original programs were created by section 8 of the Housing Act of 1937.

**Tenant-based Rent Subsidy.** Tenant-based subsidies are attached to an individual tenant. A tenant can use her subsidy to rent an apartment in the private rental market. The tenant pays a certain percentage of her income toward rent and federal funds are paid to her landlord for the remainder of the rent amount. When the tenant moves, she can take the tenant-based subsidy with her and use it to rent another apartment.

## ENDNOTES

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<sup>1</sup> Because the overwhelming majority of domestic violence victims are women abused by male partners, this paper uses “she” or “battered woman” when referring to victims, and “he” when referring to “batterers.” All victims of domestic violence deserve support and responsive advocacy, including victims in same sex relationships and male victims abused by female partners.

<sup>2</sup> Title 24 C.F.R. Part 1000

<sup>3</sup> Tenants displaced from their homes in public housing due to the demolition of public housing are entitled to a wide range of services. Any tenant living in public housing that is going to be demolished should contact her local legal services office as soon as they learn they may have to move out of public housing.

<sup>4</sup> Throughout this paper the agency administering vouchers will be referred to the public housing authority. Often a public housing authority that has been issued vouchers by HUD will administer the certificates itself. A municipality or state may also have its own pool of vouchers issued to it by HUD. A municipality or state may administer the vouchers itself, or may contract with an organization to administer the vouchers. Ultimately, it is the responsibility of the municipality or state to be sure that the vouchers issued to it are being administered in accordance with law, even if it has contracted for their administration with another agency.

<sup>5</sup> 64 FR 9727, Feb. 26, 1999

<sup>6</sup> Title 24 C.F.R. § 982.315

<sup>7</sup> Title 24 C.F.R. § 966.4(l)(2)(ii)