



Violence Against Women Act 2013

VAWA: A History & Summary of Implications

White Paper

A History of VAWA, Domestic
Violence, & Homelessness

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INTRODUCTION

Domestic violence is a public health problem, affecting one third of all women globally, according to a 2013 report released by the World Health Organization (WHO). This global study found that approximately 35% of all women will experience domestic violence in their lifetime, and domestic violence has significant effects on the mental and physical health (including death and injury) of victims and their children, regardless of nationality or culture.^[1]

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA 2013),^[2] refueling the fight against domestic violence and homelessness that was initiated decades ago. In order to effectively serve domestic violence victims, communities nationwide must be aware of how and why domestic violence leads to homelessness, as well as how the VAWA 2013 will affect HUD's Homeless Assistance Program recipients that offer services to victims of domestic violence.

The following discusses the causal relationship between domestic violence and homelessness, as well as provides a brief history of the VAWA and the implications of its 2013 proposed amendments.

PART ONE

Domestic Violence: Does It Lead To Homelessness?

Numerous research studies show that domestic violence is a primary cause of homelessness nationwide. A report released by the American Civil Liberties Union (ACLU) cites the following research findings:^[3]

- 50 percent of U.S. cities surveyed reported domestic violence as a primary cause of homelessness^[4]
- One quarter of homeless mothers nationwide had been physically abused in the past year^[5]
- 57 percent of homeless parents had left their last residence due to domestic violence^[6]

These research findings are substantial, but do not explain why homelessness is so prevalent among victims of domestic violence. In effort to answer these questions, researchers have conducted numerous studies investigating the causal factors of this relationship. These studies indicate that domestic violence is a primary risk factor for homelessness due to its tendency to lead to devastating constellations of homelessness risk factors. These risk factors include: loss of resources and social support; unlawful landlord discrimination; trauma, mental health struggles, and chemical dependency; and poverty

Loss Of Resources And Social Support

Absence of alternative housing solutions leads domestic violence victims to remain in, or return to, violent relationships. Studies show that nearly 50 percent of homeless women report to have stayed in an abusive relationship due to lack of alternative housing options. [7] [8] In addition, domestic violence perpetrators will often exercise their power to isolate their partners from supportive social networks.[3] This isolation and lack of resources often lead many domestic violence victims to the streets in search of safety and assistance

Unlawful Landlord Discrimination

Unlawful landlord discrimination of domestic violence victims comes in several forms:

- Zero Tolerance For Crime Policies – some landlords will evict tenants after a domestic violence disturbance regardless of whether the tenant is the victim or perpetrator.[3]
- Unwillingness to rent to domestic violence victims – A 2005 fair housing investigation in New York City found that nearly 30 percent of housing providers refused or avoided providing rental opportunities to a domestic violence victim.[9]
- Knowledge of Abuse – Because landlords learn of domestic violence when it is reported to authorities, domestic violence victims are reluctant to seek assistance due to fear of eviction.[3]

Trauma, Mental Health Struggles, & Chemical Dependency

Domestic violence leads to mental health issues and chemical dependency, both of which have been found to be significant causes of homelessness. According to the HUD 2012 Point-In-Time Count report, mentally ill homeless persons constitute the second highest HUD-defined homeless subpopulation, closely following the HUD homeless subpopulation suffering from chronic chemical dependence and abuse.[10]

Poverty

Poverty is both a cause and effect of domestic violence as it limits a victim's choices, creating obstacles that prevent domestic violence victims from escaping violent relationships. While persons at every income level can be subject to domestic violence, those living in poverty, rental housing, and poor neighborhoods have been found to be at more risk for domestic violence than those earning high income, owning a home, and/or living in affluent neighborhoods. [3]

PART TWO

Homelessness & Domestic Violence: A History Intertwined

Domestic Violence has a complex history in regards to its causal relationship to homelessness. Prior to the 1960s, domestic violence was a common yet unspoken of occurrence - in the absence of laws to protect them, these domestic violence victims were forced to suffer in silence during this era.

The women's movement of the 1960s fostered the creation of 'safe homes' and underground networks to assist those domestic violence victims attempting to escape abusive environments. This, in turn, led to the shelter movement of the early 1970s. These original shelters, including Volunteers of America and the Salvation Army soon recognized that many of the women and children seeking shelter were victims of domestic violence. Although this movement did provide shelter to countless domestic violence victims, the shelter was only provided on a temporary basis. Many domestic violence victims were forced to return to violent homes due to lack of available resources; a deficiency created by lack of funding.[11]

To compound the problem, the definition of homelessness at that time did not include those domestic violence victims with homes, even though these homes were inaccessible. The very presence of these homes disqualified these domestic violence victims for the emergency assistance that was available at the time through the Federal Emergency Management Act (FEMA). [11]

The situation improved during the early 1980s with the increase in funding to domestic violence victims through the Family Violence Prevention and Services Act (FVPSA) as well as the Victims of Crime Act (VOCA). This funding led to the establishment of more domestic violence shelters and safe houses, providing increased resources to domestic violence victims. This relief was short-lived, however; at the same time as the FVPSA and VOCA funding sources emerged, so did drastic budget cuts to the U.S. Department of Housing and Urban Development (HUD). HUD provided the affordable housing that was vital to the livelihood of domestic violence victims, and the drop of affordable housing forced many domestic violence victims to return to the streets, and family homelessness began to rise once again.[11]

In response, grassroots efforts began to increase steam, with homeless and domestic violence advocates spurring the Federal government into action. The 1987 Stewart B. McKinney Act was implemented, providing funding to domestic violence agencies and homeless/housing services providers. These agencies and providers, however, were unable to meet the complex and unique needs of domestic violence victims, needs which included confidentiality and protection. They were also unable to offer effective treatment for trauma and mental health issues, and could not effectively treat the chemical dependency that so often occurs in tandem. This inability to meet the needs of domestic violence victims drove domestic violence advocates to push to change the definition of homelessness to include domestic violence victims with residences that were an unsafe source of shelter. [11]

PART THREE

Violence Against Women Act: 2013

In response, Congress passed the 1994 Violence Against Women Act, which once again increased funding to domestic violence service providers, particularly to those providing transitional housing services.[12] VAWA emphasized coordinated community response to crimes of domestic violence, sex dating violence, sexual assault, and stalking of women. It offered funding to services aimed to protect female and teen victims of these crimes, services that engaged to end these crimes, and provided specific support to tribes and tribal organizations to address their unique needs within the realm of these crimes.[12]

The 1994 VAWA, and its subsequent 2000 and 2005 reauthorizations, assisted HUD in creating and funding programs and services providers that provided and improved services, and support for all victims of domestic violence, sexual assault, dating violence and stalking[13]. Most considered the VAWA to be a significant success. The ACLU, in their July 27, 2005 'Letter to the Senate Judiciary Committee Regarding the Violence Against Women Act of 2005, S. 1197' stated that "VAWA is one of the most effective pieces of legislation enacted to end domestic violence, dating violence, sexual assault, and stalking. It has dramatically improved the law enforcement response to violence against women and has provided critical services necessary to support women in their struggle to overcome abusive situations." [14]

Despite its success, this act was brought to its knees in 2011 when it failed to reach the President's desk before the year's end, thus expiring after 18 years of service to domestic violence victims and their dependents. Discord among party lines in the Senate and House were to blame. Party members were unable to reconcile two bills: A Republican-sponsored House version favoring decreased services to immigrants and gays, lesbians, and transgender individuals, versus another bill favoring the provision of jurisdiction to Native American Tribal Authorities over sex crimes involving non-Native Americans on tribal lands. [15]

Despite these contentions, the House finally passed an all-inclusive version of the bill on March 7, 2013, when President Obama signed the Violence Against Women

Reauthorization Act of 2013 (VAWA 2013) into law. This renewed act extended protection to gays, lesbians, transgender individuals, Native Americans, and immigrants. [2]

The impact of VAWA 2013 has reverberated the policy-making walls of HUD, introducing substantial implications for HUD's Homeless Assistance Program recipients that offer services to victims of domestic violence.

Through HUD's Office of Community Planning and Development (CPD), The Office of Special Needs Assistance Programs (SNAPS) summarized the key changes related to housing. The summary reads as follows:[16]

"VAWA 2013 maintains protections for public housing, Section 8 vouchers, and project based Section 8, and also expands the housing protections from VAWA 2005 to include the following programs which includes HUD's Homeless Assistance Programs:

- HOME Investment Partnerships program
- § 202 supportive housing for the elderly
- Section 236 Rental Program
- § 811 supportive housing for people with disabilities
- Section 221(d)(3) Below Market Interest Rate (BMIR) Program
- HOPWA housing program
- HUD's McKinney-Vento homeless programs
- Low-Income Housing Tax Credit properties
- USDA Rural Housing properties

VAWA 2013 continues to bar eviction and termination due to a tenant's status as a survivor, and requires landlords to maintain survivor-tenant confidentiality. It also continues to prohibit a tenant who is a survivor of domestic violence from being denied assistance, tenancy, or occupancy rights based solely on criminal activity related to an act of domestic violence committed against them.

VAWA 2013 now expressly extends housing protections to survivors of sexual assault, and adds "intimate partner" to the list of eligible relationships in the domestic violence definition. Protections also now cover an "affiliated individual," which includes any person living with the survivor and related to him or her by blood or marriage including the survivor's spouse, parent, brother, sister, child, or any person to whom the survivor stands in loco parentis.

It continues to allow a lease bifurcation so a tenant or lawful occupant who engages in criminal acts of physical violence against affiliated individuals or others may be evicted or removed without evicting or removing or otherwise penalizing a victim who is a tenant or lawful occupant. If victim cannot establish eligibility, the landlord must give a reasonable

amount of time to find new housing or establish eligibility under another covered housing program.

New housing protections in VAWA 2013 includes the requirement that each appropriate agency develop a notice of rights under VAWA for tenants and provide such notice at the time a person applies for housing, when a person is admitted as a tenant of a housing unit, and when a tenant is threatened with eviction or termination of housing benefits.

VAWA 2013 requires each appropriate agency to adopt a model transfer plan for use by public housing agencies and owners or managers of housing. Tenants must request a transfer and reasonably believe that they are threatened with imminent harm from further violence if the tenant remains in the same unit.”

The summary also states that housing providers in HUD-covered programs should not wait on the finalization of these amendments to extend the basic VAWA protections, and to still act in accordance to the Fair Housing Act.

CONCLUSION

It is agreed that the solution to preventing homelessness in the domestic violence population lies in protecting the livelihood of victims of domestic violence and their children. Services must also be provided to protect their homes and resources by transitioning them to safe independence. While the VAWA 2013 will enhance the ability to do these things, embracing these VAWA amendments will not suffice.

Communities nationwide must collaborate to protect the housing stability of victims of domestic violence by working to increase public awareness. Currently, victims of domestic violence are prevalent among the hidden homeless population. Often the very efforts to establish their protection and confidentiality are the very causes of limited public awareness of this homeless population.

Raising awareness of domestic violence and homelessness, while protecting those that fall into this category, will instigate further action in the public and private sectors, contributing to the eradication and healing of both of these scars to humanity.

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