

HOUSING JUSTICE

National Housing Law Project

Newsletter July 2009

Safety Planning and Housing

The danger of violence, including the risk of death, increases when domestic violence survivors leave their abusers. Accordingly, survivors who have experienced domestic violence in their rental housing and are attempting to end the abusive relationship should take steps to increase their personal safety. In planning for their safety, survivors usually must make a choice between two options:

- Remain in the existing housing and take additional precautions to maintain their safety; or
- Relocate to a confidential location and take precautions to prevent the batterer from discovering their new home.

This newsletter discusses the basics of actions that survivors living in rental housing can take to improve the safety of their homes and to ensure that they remain safe when they relocate.

Safety Planning for Survivors Remaining in Their Existing Housing

Survivors who have experienced domestic violence at or near their housing may decide to stay in their homes because they lack financial resources to move, they want to remain near family, schools, or their jobs, or they feel that additional safety measures will preserve their safety. Consider discussing the preventive measures in this newsletter with clients who want to remain in their existing housing.

White House Advisor on Violence Against Women Has Housing Expertise

Vice President Biden recently announced the appointment of Lynn Rosenthal as the White House Advisor on Violence Against Women. This newly created position is dedicated to advising the president and vice president on domestic violence and sexual assault issues. Rosenthal has served as the executive director of the New Mexico Coalition Against Domestic Violence, the National Network to End Domestic Violence, and the Florida Coalition Against Domestic Violence. Her areas of domestic violence expertise include housing and federal policy on violence against women. She developed Florida's first comprehensive plan to help survivors find housing. She also testified before Congress in support of the housing provisions of the Violence Against Women Act of 2005 (VAWA). Earlier this year, Rosenthal conducted a teleconference training with the Center for Survivor Agency and Justice on working with public housing agencies to implement VAWA and other protections. Materials from the training are available at <http://csaj.org/news.php?ID=5>.

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- Work with your landlord to improve the security of your home. Make sure that all lights, smoke detectors, and fire extinguishers are in working order. Install a porch light if you do not have one already. Trim shrubbery, especially away from doors and windows. Change the locks on your doors. Add deadbolts, window locks or bars, and a home security system. Install a peephole if you do not have one already. In some cases, your state may provide funds for security improvements.
- Work with an advocate to obtain a restraining order requiring the abuser to move out immediately and/or to stay away from the home.
- If the abuser has been ordered out of the home, ask the police to come to your home while the abuser picks up personal belongings.
- Provide trustworthy neighbors, your landlord, property managers, and security officers with copies of restraining orders and a picture of the abuser and the abuser's vehicle so they can call the police if they see the abuser near your home.
- Keep a phone in a room that locks from the inside, or keep a cell phone in an accessible hiding place. Program all phones with emergency contact numbers.
- Pack a bag with all essential items, including money, passport, driver's license, social security card, immigration documents, driver's license, birth certificates, bank account records, checkbook, credit cards,

school and medical records, copy of restraining order and other court records, favorite toy for children, keys, medications, insurance policies, and any other items needed in the event that you must flee immediately. Store the items in a safe location that is not accessible to the abuser, such as at a friend's house or at work.

- Together with your children, plan and practice escape routes.
- Arrange a signal (such as turning the porch light on during the day) or a code word or phrase with trustworthy neighbors to let them know you need help.

Safety Planning for Survivors Relocating to a New Home

In some instances, a survivor may need to relocate to a new home to be safe. Issues that should be of particular concern are preserving the survivor's safety during the moving process, and ensuring that the abuser does not discover the survivor's new location. In addition to the measures discussed above, consider reviewing the following preventive steps with clients who are moving to a confidential location.

- Before, during and after the move, develop secure methods of communicating with the landlord, such as establishing a new email account on a safe computer (such as at the library or a friend's place) and using a cell phone to which the abuser does not have access.
- Before moving out, think through all the safe exits in the building and develop a plan for leaving the premises quickly. If you are worried about your safety when moving out, you may request a police escort.
- If you cannot take everything you need when you leave, ask the police or sheriff's deputies to escort you to your home to pick up items. In many jurisdictions, they will only allow you to take possessions that clearly belong to you or your children, such as clothing or toys.

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Statistic of the Month

28 states have implemented address confidentiality programs providing survivors of domestic violence with legal substitute addresses to prevent their abusers from using public records to track them.

Source: National Network to End Domestic Violence, State Address Confidentiality Programs, <http://www.ncvc.org/src/AGP.Net/Components/DocumentViewer/Download.aspxnz?DocumentID=46189>

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- Where possible, do not give out your new address and phone number. Use a post office box or the address of a friend or family member.
- If your former landlord will be returning your security deposit via mail, consider using a post office box or the address of a domestic violence agency, having a friend or family member pick up the deposit, or having the deposit wired to a bank account that is not accessible to the abuser instead of providing your new address.

Safety Planning for Survivors in Public Housing

If the survivor lives in public housing, additional factors should be considered in developing a safety plan. As in any case involving domestic violence in rental housing, the survivor will need to consider whether to remain in the unit and take steps to protect her safety, or whether she wants to move to a confidential location. After making the decision, the survivor should contact the public housing authority (PHA) as soon as possible to explain the actions that are needed to protect her safety. Options include having the abuser removed from the lease, working with the development's security officers to protect the survivor's safety, requesting a transfer to another unit, and requesting a Section 8 voucher. In addition to the measures discussed throughout this chapter, consider reviewing the following preventive steps with survivors who are public housing tenants.

- Apply for a restraining order. If the abuser is on the lease or a member of the household, request exclusive possession of the public housing unit in your restraining order application.
- Contact the PHA to explain the situation. Provide PHA employees with copies of restraining orders, other court documents, and police reports. Explain what actions can make you and your family safer. Remind PHA employees that under the Violence Against Women Act (VAWA), they

- have a duty to keep information regarding domestic violence confidential.
- If you live with the abuser, the PHA can use VAWA to remove the abuser from the lease while allowing you to continue living in the unit. The PHA must follow the standard eviction procedure in removing the abuser, and it may be several days or even weeks before this process is complete. Consider temporarily moving to a safe, confidential location while the PHA completes this process. Once the process is complete, ask the PHA to change the locks.
- Provide security officers or property managers at the development with copies of restraining orders and a photo of the abuser. Some developments have a "no-trespass" list, which permits the housing authority to prohibit non-residents from being on housing authority property if they have committed certain violent or criminal acts. Request that the abuser be added to this list.
- If the abuser is evicted from the unit, voluntarily leaves, is ordered to move out as part of a restraining order, or is incarcerated, report this to the PHA and request a recertification of your household income. Reduced income as a result of the abuser's absence may mean reduced rent.
- If it is no longer safe for you to live in the unit, contact the PHA to request a transfer to another public housing unit or a Section 8 voucher. Ask for your request to be expedited because you are a victim of domestic violence. Identify to the PHA the housing developments where the abuser would be least likely to find you. Because it may take a significant period of time for the PHA to act, consider temporary housing options while the PHA processes the request for a transfer or Section 8 voucher.
- Ask the PHA to keep all details regarding your transfer request confidential, particularly the location of the unit to which you are moving. Once you have been granted

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the transfer, ask the PHA not to include your name on mailboxes or public directories.

- If you must move out of the PHA's jurisdiction (such as to another city, county, or state), notify the PHA. Ask the PHA to assist you in contacting PHAs in the region to which you are moving.

Safety Planning for Survivors with Section 8 Vouchers

Much like survivors in public housing, survivors with Section 8 vouchers will need to communicate with PHA staff regarding their safety needs. Many of the actions that can be taken to protect voucher tenants' safety are similar to those that can be used by public housing tenants. For example, a voucher tenant can request that the abuser be removed from the lease or the survivor can move to a confidential unit while continuing to receive rental assistance. In addition to the measures discussed throughout this chapter, consider reviewing the following preventive steps with survivors who are Section 8 voucher tenants.

- Apply for a restraining order. If the abuser is a member of the household, ask the court to assign the Section 8 voucher exclusively to you and to order the abuser to move out.
- Contact the PHA to explain the situation. Provide PHA employees with copies of restraining orders, other court documents, and police reports. Explain what actions can make you and your family safer. Remind PHA employees that under VAWA, they have a duty to keep information regarding domestic violence confidential.
- If the abuser is a member of the household, ask the PHA to remove the abuser from the Section 8 voucher. The PHA can do this without terminating your Section 8 assistance.
- If you live with the abuser, the landlord can use VAWA to remove the abuser from the lease while allowing you to continue living in the unit. The landlord must follow the standard eviction procedure in remov-

ing the abuser, and it may be several days or even weeks before this process is complete. Consider temporarily moving to a safe, confidential location while the landlord completes this process. Once the process is complete, ask the landlord to change the locks.

- If the abuser is evicted from the unit, voluntarily leaves, is ordered to move out as part of a restraining order, or is incarcerated, report this to the PHA and request a recertification of your household income. Reduced income as a result of the abuser's absence may mean reduced rent.
- If it is no longer safe for you to live in the unit, contact the PHA to discuss using your Section 8 voucher at another unit. You can use your Section 8 voucher in any jurisdiction that has a PHA. The PHA must help you in contacting the housing authority in the city where you want to move. Ask both housing authorities to keep all details regarding your request to move confidential, particularly the location of the unit to which you are moving.
- If you are seeking to move with your Section 8 voucher, ask the PHA not to disclose your prior address or prior landlord's contact information to the prospective landlord at the new location. ■

Lock Changes

For some survivors, lock changes may be essential to safety planning. Ten jurisdictions have laws requiring the landlord to change the locks or permitting the survivor to do so where there has been an incident of domestic violence or other violent crime. Those jurisdictions are Arizona, Arkansas, District of Columbia, Illinois, Indiana, North Carolina, Oregon, Texas, Utah, Virginia, and Washington. Similar laws are currently pending in Ohio and Florida. Most states require the survivor to provide documentation of domestic violence. In cases where the survivor and abuser live together, the survivor usually must provide the landlord with a copy of a restraining order barring the perpetrator from the dwelling. Several states require landlords to act on the tenant's request within a short period of time, such as within one to five days.

HUD Clarifies Requirements for Victim Service Providers Receiving Recovery Funds

The Department of Housing and Urban Development (HUD) recently released guidance on the data collection obligations of victim service providers who are receiving Homelessness Prevention and Rapid Re-housing Program (HPRP) funds. The American Recovery and Reinvestment Act of 2009 (Recovery Act), which authorized the HPRP funds, states that HPRP grantees must collect data on the persons served with this assistance in HUD's Homeless Management Information System (HMIS) or other comparable database. HMIS is an electronic data collection system that stores information on persons receiving homeless assistance services, including emergency shelter or food. According to HUD, one of the purposes of HMIS data is to gather information on the size, characteristics, and needs of the homeless population at the local, state, and national levels. The data elements that must be reported in HMIS include name, social security number, birth date, ethnicity and race, gender, and residence prior to program entry.

Many victim service providers have voiced concerns that if they accept HPRP funds, they will be required to report personally identifying information about their clients in HMIS. The confidentiality and safety implications for survivors could be serious. Further, the Violence Against Women Act of 2005 directs victim service providers not to enter personally identifying information about their clients into HMIS.

Fortunately, HUD's guidance clarifies that victim service providers receiving HPRP funds should not enter client information directly into HMIS. Instead, they must use a comparable database that will enable them to submit aggregate reports about the persons served with HPRP funds on at least a quarterly basis. Victim service providers must also have a database that tracks the length of assistance provided to clients.

Victim service providers may suppress aggregate data on specific client characteristics in their HPRP reports if two conditions are met. First, the aggregate number of persons reported for a particular reporting field must be less than either 1% of the total number of clients or five persons, whichever is greater. Second, provider staff must reasonably believe that the inclusion of such information may constitute a threat to a client because the client's abuser will be able to identify the client's location due to the client's uncommon demographic profile. As an example, HUD's guidance states that a victim service provider that serves one Asian client in a jurisdiction with a small Asian population may report that client as having an unknown or unreported race.

To view HUD's guidance, visit <http://www.hudhre.info/HPRP/index.cfm?do=viewWhatIsNew>. ■

For technical assistance, requests for trainings or materials, or further questions, please contact:

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