

HOUSING JUSTICE

National Housing Law Project

Newsletter September 2010

Domestic Violence Survivor's Housing Assistance Reinstated

Advocates from Community Legal Services in Arizona successfully advocated on behalf of a domestic violence survivor whose Section 8 voucher was wrongfully terminated. The case is an example of how an administrative complaint with the Department of Housing and Urban Development (HUD) can be used to enforce domestic violence survivors' housing rights.

The client, Amy (name changed for purposes of confidentiality), had been assaulted by her ex-boyfriend on several occasions. To escape the violence, Amy asked the housing authority to allow her to use her voucher in another state. To document the violence, Amy provided the housing authority with copies of police reports. One of the police reports incorrectly stated that Amy's abuser resided with her in her apartment. The housing authority relied on this police report as evidence that Amy had allowed her abuser to live in her unit without prior approval. The housing authority stated that Amy violated Section 8 regulations and the housing authority's program rules by permitting an unauthorized person to reside in her home. The housing authority notified Amy that her voucher would be terminated due to these alleged violations.

Informal Hearing

Amy requested an informal hearing to challenge the proposed termination of her voucher. At the hearing, Amy testified that she had been as-

saulted by the alleged unauthorized occupant and that he had showed up at her unit uninvited on several occasions. She also testified that her abuser did not live with her.

Amy's attorney argued that the proposed termination violated the Violence Against Women Act (VAWA), because her abuser's presence at the unit was directly related to the acts of domestic violence he had committed against her. Her attorney also argued that it was inappropriate for the housing authority to rely solely on unreliable hearsay evidence as grounds for terminating Amy's voucher. Specifically, her attorney argued that the housing authority violated Amy's due process rights by relying on statements in the police report as grounds for terminating her voucher, instead of witness testimony. Despite this, a hearing officer upheld the termination of Amy's voucher. The hearing officer found that the preponderance of the evidence presented by the housing authority, including the police report, indicated that Amy's abuser lived in the home.

Administrative Complaint

After the informal hearing, Amy filed an administrative complaint with HUD's Office of Fair Housing and Equal Opportunity. She alleged that the housing authority denied her right to appropriate services, terms, and conditions in housing because of her sex and her status as a victim of domestic violence in violation of the Fair Housing Act. She also argued that the termination of her voucher violated VAWA. Further, she alleged that the termination of her voucher for having an unauthor-

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Statistic of the Month

A survey of families receiving public benefits found that having a Section 8 voucher reduced the probability of experiencing homelessness (either on the streets, in shelters, or staying with friends or relatives) by 35.5%.

Joint Center for Housing Studies, Harvard University, Housing Patterns of Low Income Families with Children: Further Analysis of Data from the Study of the Effects of Housing Vouchers on Welfare Families

ized occupant was a pretext for discrimination based on sex. Her complaint received media coverage.

HUD investigated Amy’s allegations and worked with the parties to resolve her complaint. As part of a conciliation agreement, the housing authority agreed to reinstate Amy’s voucher and allow her to move out of state. The housing authority also agreed to have its staff attend fair housing training provided by an attorney, fair housing organization, or someone who specializes in fair housing law.

Survivors frequently face evictions or subsidy terminations on the grounds that they added an additional household member without the housing provider’s permission. In cases where the abuser repeatedly returns to the survivor’s subsidized unit, housing providers often wrongfully assume that the abuser is living in the unit without their permission. Amy’s case illustrates some of the arguments that can be used—VAWA, Fair Housing Act, and due process rights—to prevent loss of housing in these cases. ■

Report Details Relationship Between Housing and Domestic Violence in South America

The Centre on Housing Rights and Evictions (COHRE), an international non-governmental human rights organization that advocates for the human right to housing, recently released a new report entitled “A Place in the World: The Right to Adequate Housing as an Essential Element of a Life Free from Domestic Violence.” COHRE researchers interviewed a number of women from Argentina, Brazil, and Colombia, three Latin American countries with strikingly different levels of protection for domestic violence survivors. Women from all three countries identified a lack of adequate housing as a factor in exacerbating or prolonging domestic violence. Based upon these interviews and other research, COHRE made several recommendations to improve access to housing and safety.

The Problem

According to the report, between 30% and 60% of women in Latin America have suffered from domestic violence. As noted above, the three countries at the focus of the report have markedly differing landscapes with regard to policy and climate surrounding housing and domestic violence. Brazil boasts a landmark domestic violence law; Argentina’s laws and institutions designed to protect survivors are developing; and Colombia lacks such legal protections. The majority of the women interviewed reported economic abuse and insecurity that prevented them from affording housing not dependent on the abuser. For women living in informal settlements and slums, the crowded living conditions appeared to exacerbate violence in general, including domestic violence. Mass displacement from forced evictions appeared to have a similar exacerbating effect in Colombia. For all of the countries identified, emergency domestic violence shelters were lacking, as was a more

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permanent housing solution. Some women interviewed stated that they returned to their abusers because they felt they could not stay in a shelter long-term. All this highlights the need for economic access and affordable long-term housing solutions for survivors.

Recommendations

Based on its interviews and research, COHRE issued seven recommendations. First, COHRE recommends that international bodies such as the United Nations Committee on the Elimination of All Forms of Discrimination against Women continue to develop standards that clearly link the right to adequate affordable housing to the rights of survivors to be free of domestic violence – with clear gender-sensitive standards and protections. Second, the report recommends that national policies include a right to adequate housing for survivors of domestic violence – a right that ensures that survivors can take their children with them, and that they have enough financial resources to maintain housing. Third, the report urges studies on domestic violence to include the impact of access to housing and its relation to domestic violence. Fourth, when national housing policy is made, it should take domestic violence into consideration and ensure that survivors will be able to access the housing. Fifth, states should ensure that survivors can access the legal system and other governmental resources to help escape violence. Sixth, states should raise awareness of the problems associated with domestic violence and ensure that survivors know their rights regarding protections available to them. Finally, when designing laws and programs that assist survivors of domestic violence, states should be aware that women in different economic and sociological positions may have different housing needs that require different policies. For example, women living in slums may have different needs than those living in less crowded areas.

The full report and recommendations are available in Spanish, and a summary is available in English at http://www.cohre.org/view_page.php?page_id=435. ■

HUD Awards Rental Assistance to Prevent Family Separation

The Department of Housing and Urban Development (HUD) has awarded \$20 million to local public housing agencies (PHAs) for rental assistance for families so that children will not be separated from their parents due to lack of housing. The funds will make 2,543 Family Unification Program (FUP) vouchers available for families whose inadequate housing is the primary cause of their separation or imminent separation from their children. Additionally, 20% of the vouchers will provide housing for approximately 750 young adults who are aging out of the foster care system. It is estimated that the newly awarded vouchers will reunite nearly 5,000 children with their parents or prevent them from entering foster care.

FUP vouchers are awarded to local PHAs that work with child welfare agencies to identify families with children in foster care, families with children who are at risk of being placed in foster care, and youth at risk of homelessness. PHAs then issue FUP vouchers to families and youth who have been certified as eligible by child welfare agencies. Families must also satisfy the income eligibility requirements of the Housing Choice Voucher program. Like regular Housing Choice Vouchers, FUP vouchers allow families to rent from private landlords. Families typically pay 30% of their monthly adjusted income toward rent and utilities.

Advocates assisting domestic violence survivors who have been separated from their children or who are at risk of separation due to inadequate housing should check with their local PHAs regarding availability of FUP vouchers. This year, 42 PHAs were awarded FUP vouchers. The number of vouchers awarded to each PHA varies anywhere from one to 100. A list of jurisdictions that were awarded FUP vouchers this year is included on page 4 of this newsletter. Advocates in jurisdictions that did not receive FUP vouchers should urge their local PHAs to apply for the next round of funding for this program. ■

Housing Authorities and Number of Family Unification Vouchers Awarded

CALIFORNIA	
Nevada County	1
Orange County	37
City of Santa Barbara	25
Sonoma County	50
Kern County	100
Stanislaus County	100
City of Alameda	50
Santa Clara County	100
COLORADO	
Adams County	50
Dept. of Human Services	77
Dept. of Local Affairs	100
CONNECTICUT	
City of Hartford	100
City of New Britain	50
DELAWARE	
State Housing Authority	50
FLORIDA	
Lee County	25
IOWA	
City of Des Moines	100
ILLINOIS	
Lake County	100
DuPage Housing Authority	79
MARYLAND	
Calvert County	25
Prince George's County	60
MASSACHUSETTS	
Lynn Housing Authority	50
MICHIGAN	
Kent County	25
MINNESOTA	
Dakota County	100
Scott County	25
NEW MEXICO	
City of Las Cruces	50

NEVADA	
Las Vegas	100
NORTH CAROLINA	
Greensboro Housing Authority	100
OREGON	
Malheur County	25
PENNSYLVANIA	
Armstrong County	15
Montgomery County	50
TEXAS	
Austin	85
Tarrant County	100
VIRGINIA	
Arlington County	50
Prince William County	50
Roanoke	31
WASHINGTON	
Thurston County	50
King County	8
Seattle Housing Authority	100
WISCONSIN	
Kenosha	50
Community Dev. Authority	50

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