



Housing and Battered Women: Increasing Battered Women's Access to Federal Housing Programs: Building Comprehensive Solutions to Domestic Violence: Publication # 5, A Policy and Practice Paper

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Acknowledgments

NOTE: This paper urges advocates to comment on proposed housing regulations. However, since this paper was written, those regulations have become final.

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Author's Notes

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About the author

Robin Hammeal-Urban is the Outreach and Policy Attorney for the New England Network on Domestic Violence and Poverty. Her previous experience includes 13 years of advocating for the rights of people living in poverty, through litigation and policy advocacy, while a staff attorney at Greater Hartford Legal Assistance, Inc., in Connecticut.

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.

An opportunity to increase battered women's access to federal housing programs

The federal agency responsible for designing and overseeing the operation of federal housing programs, the Department of Housing and Urban Development (HUD), recently issued two sets of proposed regulations that are of particular interest to battered women⁽¹⁾ and their advocates⁽²⁾. The proposed regulations will govern the way two federal housing programs operate -- "public housing"⁽³⁾ and the "Section 8 voucher program."⁽⁴⁾ Among other things, the proposed regulations set out ways in which people could be chosen to benefit from these programs. According to the proposed regulations, victims of domestic violence should get into housing programs before other people who are applying.

There are two purposes for this paper. The first is to encourage domestic violence advocates, housing advocates, and legal services staff to collaborate in an effort to support proposed federal housing regulations that begin to address some of the housing needs of battered women. These collaborations will be essential as each public housing authority designs its own plan to implement these regulations and others in the federal housing programs they administer⁽⁵⁾. Important decisions that may affect battered women will be made in the next few months. Now is the time to start building collaborations. The second purpose of this paper is to urge domestic violence advocates to submit comments to the Department of Housing and Urban Development (HUD) to support those sections of the proposed regulations that could give battered women faster access to housing.

The proposed regulations are just that, proposed regulations. They are not yet final. Before HUD finalizes the regulations, HUD will accept comments from the public. There are two sets of proposed regulations. Comments on one set of proposed regulations are due at HUD by June 29, 1999. Comments on the other set are due at HUD by July 13, 1999.

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- 1 Because the overwhelming majority of domestic violence victims are women abused by male partners, this paper uses "she" or "battered women" 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.
 - 2 Proposed regulations regarding "Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs" appear in Federal Register, Vol. 64, No. 83, Friday, April 30, 1999, at 23460. Proposed regulations regarding "Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Interim Rule" appear in Federal Register, Vol. 64, No. 93, Friday, May 14, 1999, at 26632. Both sets of these regulations contain directives that urge public housing authorities to consider adopting admission preferences for victims of domestic violence.
 - 3 Public housing consists of rental units owned and operated by a public housing authority. Generally, a tenant pays no more than 30% of income toward rent in public housing.
 - 4 A housing voucher enables a tenant to rent an apartment or house from a landlord in the private rental market. With a housing voucher the tenant pays a portion of income toward rent and utilities. The federal housing subsidy pays the remainder of the rent and utilities up to a certain amount.
 - 5 Almost all public housing authorities are required by new federal regulations to develop annual and five-year plans that describe how they will implement all aspects of the public housing program and other federal housing programs, including the Section 8 voucher program. Before a public housing authority submits its plan to HUD for approval, it is required to make the plan available to the public and to consider all public comments regarding the proposed plan.

How can the proposed regulations give battered women faster access to federal housing programs?

- The proposed regulations tell public housing authorities ⁽⁶⁾ that they "should consider preferences for individuals who are victims of domestic violence."
- Applicants with preferences move up the waitlist more quickly and are chosen by public housing authorities to get federal housing benefits before those without preferences.
- This means that victims of domestic violence could get federal housing benefits more quickly than others on a public housing authority's waitlist who do not have any preference.

Why would battered women want to get in a housing program as soon as possible?

- Generally, the amount of rent paid by a tenant in a federal housing program is less than that which the tenant would pay without the subsidy.
- A battered woman may be able to leave an abusive partner with the financial assistance of a federal housing program.
- A battered woman may be able to move out of a domestic violence shelter sooner, or never have to live in a shelter if she is able to get into a federal housing program.
- Tenants in subsidized housing should be living in housing that is in decent condition.
- Housing subsidies can lead to stable housing. Housing subsidies enable tenants to avoid frequent moves due to the inability to pay rent and poor housing conditions. Stable housing may enable a battered woman to pursue job training and employment, thereby increasing her economic self-sufficiency and resources.
- Some federal housing programs can provide a battered woman with mobility. This gives her the opportunity to choose the community in which she lives. She may choose to live near her place of employment or a supportive family or social network. She may choose to move far away from an abusive partner.
- Tenants in federal housing programs are given preference for some employment and training opportunities created through the use of federal housing funds.

Why should domestic violence advocates be involved in commenting on the proposed HUD regulations?

- To encourage HUD to continue thinking about and anticipating the housing needs of battered women.
- To let HUD know that the domestic violence community is concerned about the housing policies set by HUD.

⁶ Public housing authorities are created by municipalities and administer most of the federal housing programs in this country. Public housing authorities apply to HUD for funding to operate specific types of housing programs. Public housing authorities are directed by HUD, in part by HUD regulations, on how to operate and administer the housing programs.

How can domestic violence advocates be involved in commenting on the proposed HUD regulations?

- Contact your allies in domestic violence, housing advocacy, anti-poverty organizations, and legal services now.
- Write your own comments on the proposed regulations, based on the information provided in this paper. There is a sample letter addressed to HUD at the end of this paper. You could use this letter as a model for writing your own comments to HUD.
- If you do not want to write your own comments, give a copy of this paper to your local housing advocates or legal services office. Legal services are probably in the process of writing their own comments on these proposed regulations right now. Ask your local housing advocates or legal services staff to incorporate your views into the comments they plan to submit to HUD. If the housing advocates or legal services agree, your organization can then sign onto their comments.

What should the comments tell HUD about domestic violence?

- Domestic violence advocates recognize that, in addition to victims of domestic violence, there are other groups of people who are in desperate need of housing.
- All preferences for federal housing programs should be based on the need for housing. (For example, tenants paying greater than 50% of their income for rent should be given admission preferences based on their need for housing assistance. In contrast, tenants who live in a community where a public housing authority is located should not be given an admission preference solely based on the fact that they are residents in that community.)
- Domestic violence advocates support HUD's decision to tell public housing authorities that they must consider giving preferences to individuals who are victims of domestic violence.
- Some victims of domestic violence are in desperate need of federally subsidized housing. It is helpful to include some details about battered women that you have worked with who were unable to get housing or who had to wait for a long time before being admitted to a federal housing program. It would be particularly useful to tell HUD about any harm (violence, loss of job, loss of custody of children, etc.) that resulted from a battered woman's inability to get affordable housing.

How to send comments to HUD.

There are two sets of proposed regulations that include HUD's directive to public housing authorities to "consider preferences for individuals who are victims of domestic violence." You should send a separate letter to comment on each set of these proposed regulations. The content of the two letters can be identical. Remember, each letter should refer to just one set of proposed regulations by title and docket number.

SET 1: "Changes to the Admission and Occupancy Requirements in Public Housing and Section 8 Assistance"

Docket No. FR-4485-P-01

Comments due by June 29, 1999.

SET 2: "Section 8 Tenant Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Interim Rule"

Docket No. FR-4428-I-01

Comments due by July 13, 1999.

Both letters should be sent to:

Regulations Division/Rules Docket Clerk

Office of General Counsel

Room 10276

Department of Housing and Urban Development

451 Seventh Street, SW

Washington, DC 20410-0500

What to do after you comment on the regulations.

The next step is to advocate with your local public housing authority in collaboration with your allies in housing advocacy, anti-poverty organizations, and legal services. Public housing authorities will have to develop annual and five-year plans that will specify how the public housing authority will administer its public housing program as well as the Section 8 voucher program. Among other things, these plans will specify how the public housing authority will choose people from its waitlist, including whether it will give a preference to victims of domestic violence. It is important to be involved with your local public housing authority as it creates its annual and five-year plans that must be submitted to HUD. If the federal regulations direct public housing authorities to consider preferences for victims of domestic violence, but these preferences are not included in the plans of public housing authorities, then battered women will not have gained anything meaningful.

You can find out when your public housing authority will be working on the annual and five-year plans by calling your local housing authority (the phone number of your public housing authority can be found by looking in the government listing section of your phone book), or by asking local housing advocates or legal services staff. Some public housing authorities will be working on their plans as soon as Fall 1999.

Public housing authorities must hold a public hearing on the plans before they are submitted to HUD for approval. Forty-five days before the public hearing, the public housing authority must make the plan available to the public for review. This gives you and your allies time to review the plans and to prepare comments about the plans. You can prepare written comments to submit to the housing authority at the public hearing, and/or you can read your comments out loud at the public hearing. Your comments should tell the public housing authority about the housing needs of domestic violence victims. When your public housing authority submits its plan to HUD, it must tell HUD about the public comments it received and whether it made any changes to its plan as a result of those comments.

It is up to you to make the voices of battered women heard by public housing authorities while they are designing their plans. It is these plans that will ultimately affect whether battered women get access to subsidized housing.

Sample letter to HUD

(This is merely a sample letter, with suggested wording and content for your assistance. Remember to put this letter into your own words, and print it out on your organization's letterhead.)

Date

Regulations Division
Office of General Counsel
Room 10276
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410-0500

Re: Docket No. FR-4485-P-01; Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs [Comments due at HUD by June 29, 1999.]

Or

RE: Docket No. FR-4428-I-01; Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs [Comments due at HUD by July 13, 1999.]

Dear Regulations Division/Rules Docket Clerk,

I am writing on behalf of victims of domestic violence to support the portions of these proposed regulations that direct public housing authorities to consider adopting admissions preferences for victims of domestic violence. [Explain who your organization serves--the geographic region, number of clients, and the types of services your organization provides. State whether you are a state wide coalition against domestic violence, a domestic violence shelter program, or provider of other needed services to victims of domestic violence.]

Although each victim's circumstances, including risks and resources, are unique, many victims of domestic violence desperately need the benefits of federal housing programs. For some victims, the financial assistance provided by a federal housing program is the resource needed to be able to leave an abuser. Federal housing assistance may free a victim from having to move frequently due to the inability to pay market rent and poor housing conditions. Such housing stability may enable a victim to pursue job training and employment, which could ultimately increase her economic self-sufficiency and resources.

In our work, we see many victims of domestic violence who are in desperate need of federal housing programs. [Give examples of clients (without any information that could disclose their identity) who had a great need for a federal housing program. You could include examples of victims who experienced violence over a prolonged period of time while waiting to get into a housing program, or victims whose abuser sabotaged the victim's efforts to be employed while living in the same household. You could also include stories of victims who have benefited from getting into a federal housing program.]

In addition to victims of domestic violence, there are other groups of people who are in equally desperate need of housing. In light of the great demand and need for quality affordable housing,

HUD should require, through regulation, that all admission preferences used by public housing authorities be based solely on the need for housing.

We applaud HUD's efforts to begin to acknowledge and address the needs of victims of domestic violence.

Very truly yours,

Name

Title

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