

Nevada Network Against Domestic Violence

May 8, 2006

Chairman Marcus Conklin
Legislative Commission's Subcommittee to Study the
Availability and Inventory of Affordable Housing
Grant Sawyer State Office Building, Room 4401
555 East Washington Ave.
Las Vegas, NV.

Chairman Conklin and Members of the Subcommittee:

On January 23, 2006, the Nevada Network Against Domestic Violence (NNADV) presented testimony to this Subcommittee about the serious gap in affordable/low-income housing for victims of domestic violence. We testified that the availability of low-income housing, subsidy programs, and transitional housing programs influences battered women's decision-making at every turn. Fear of homelessness influences their decisions to leave. Failure to find affordable housing prompts many to return.

At the conclusion of that testimony you asked for information about housing legislation in other states. We have attached a compilation of those laws for your review and information. We are not prepared, at this time, to offer any recommendations for similar legislation in Nevada as we are still attempting to verify the need.

We do, however, support any initiatives that will assist low-income families in Nevada obtain affordable housing. We know that you have heard testimony from a variety of individuals and organizations about the critical need for low-income housing, a need we want to re-emphasize. In addition, we are submitting for the Subcommittee's consideration the following four recommendations that are specific to the needs of low-income victims of domestic violence:

Data Collection

Recommendation 1: Legislation to require the state's public housing agencies to maintain data and report annually on the number of housing authority units and section 8 units that are available to victims of domestic violence, and the number of terminations of tenancies in housing authority units and terminations of section 8 vouchers of domestic violence victims.

EXHIBIT P- AFFORDABLE HOUSING
Meeting Date: 05-08-06
Document consists of 6 pages.
Entire Exhibit Provided

Public housing agencies should submit an annual report to the State of Nevada Department of Business and Industry Housing Division (or some other state entity) that includes data on the total number of housing authority units that are available to victims of domestic violence, and the percentage of these units that are occupied by victims of domestic violence, if known. The report should include data on termination of tenancies in housing authority units of domestic violence victims and termination of section 8 vouchers of domestic violence victims. Terminations should be included in the report regardless of whether the termination was based in whole or in part of activity related to the domestic violence. The report also should state what steps, if any, were taken by the housing authority prior to the termination to assist the victim.¹

The current lack of data about housing needs and patterns makes your job of crafting credible public policy on housing that much more difficult. While we can present pages of anecdotal information about the difficulties of accessing and retaining low-income housing for battered women, we cannot provide the kinds of data critical to your deliberations. Improving data collection is a critical first step in understanding how best to address the problem.

Helping Victims of Domestic Violence Acquire and Maintain Low-Income Housing

Recommendation 2: A letter from the Subcommittee to each public housing agency urging consideration of a local preference for admission of families that include victims of domestic violence, if they do not have such a preference already.

HUD and Congress have urged local PHAs to consider preferences for admission for individuals who are victims of domestic violence.² For victims residing in public housing who are petitioning for “qualified alien” status, HUD urges PHAs to adopt a preference subcategory for these victims as well.³ Creating a preference for victims of domestic violence creates alternatives for assisting those who may otherwise be forced to remain in an abusive situation or become homeless because of the need to flee the abuse.

In the past this type of preference was federally mandated. Changes in regulation at the federal level provided local housing authorities with the flexibility of setting their own priorities. While this flexibility is important, the loss of prioritization for this at-risk population has had serious consequences.

¹ Portions of this recommendation are based on Cal. Health and Safety Code § 34328.1. For a summary of state housing laws, see generally Legal Momentum (2006). *State law guide: Housing laws protecting victims of domestic and sexual violence*. NY: Author. At this time, NNADV is not recommending state legislation to prohibit housing discrimination against, or provide protections for, domestic violence victims, although a number of other states have enacted such legislation.

² See § 514(e), Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105-276, 112 Stat. 2461 (October 21, 1998)) (Public Housing and Section 8); 24 C.F.R. § 960.206(b)(4); U.S. Dep’t. of Housing and Urban Development, Public Housing Occupancy Guidebook § 19.0 (2003) (Public Housing).

³ See U.S. Dep’t. of Housing and Urban Development, Public Housing Occupancy Guidebook § 19.5 (2003).

Recommendation 3: A letter from the Subcommittee to each public housing agency directing their attention to and urging their compliance with the federal Violence Against Women Act of 2005 (VAWA 2005) (Public Law 109-162).

VAWA 2005, signed into law on January 5, 2006, provides important new legal protections for survivors of domestic violence who are tenants in federally funded Public Housing and Section 8 voucher and project-based programs:

- Denial of housing is prohibited. The statute provides that an individual's status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of admission or denial of housing assistance;⁴
- Eviction for criminal activity is prohibited. The statute also establishes an exception to the federal "one-strike" criminal activity eviction rule for tenants who are victims. VAWA 2005 provides that an incident of actual or threatened domestic violence does not qualify as a "serious or repeated violation of the lease" or "good cause for terminating the assistance, tenancy, or occupancy rights of the victim."⁵ VAWA 2005 also provides that "criminal activity directly relating to domestic violence, dating violence, or stalking" does not constitute grounds for termination of a tenancy.⁶
- Bifurcation of leases and civil protection orders. VAWA 2005 explicitly provides that a PHA or Section 8 landlord may "bifurcate a lease" in order to evict, remove, or terminate the assistance of the offender, while allowing the victim to remain.⁷ VAWA 2005 also seeks to ensure that PHAs and Section 8 landlords honor protection orders and other court orders that address rights of access to or control of the property.⁸
- Documentation and confidentiality. The PHA or Section 8 landlord may require documentation of domestic violence before complying with the statute, but the victim must be given at least 14 business days to produce this documentation before eviction proceedings may be brought.⁹ If an individual provides documentation of domestic violence, the PHA or landlord must keep the information confidential and may not enter the information into any shared database or provide it to any related entity.¹⁰

⁴ See 42 U.S.C. § 1437d(c)(3); 42 U.S.C. § 1437f(c)(9)(A); 42 U.S.C. § 1437f(d)(1)(A); 42 U.S.C. § 1437f(o)(B).

⁵ See 42 U.S.C. § 1437d(1)(5); 42 U.S.C. § 1437f(c)(9)(B); 42 U.S.C. § 1437f(d)(1)(B); 42 U.S.C. § 1437f(o)(7)(C); 42 U.S.C. § 1437f(o)(20)(A).

⁶ See 42 U.S.C. § 1437d(1)(6); 42 U.S.C. § 1437f(c)(9)(C); 42 U.S.C. § 1437f(d)(1)(C); 42 U.S.C. § 1437f(o)(7)(D); 42 U.S.C. § 1437f(o)(20)(B).

⁷ See 42 U.S.C. § 1437d(1)(6)(B); 42 U.S.C. § 1437f(o)(7)(D); 42 U.S.C. § 1437f(o)(20)(D).

⁸ See 42 U.S.C. § 1437d(1)(6)(C); 42 U.S.C. § 1437f(o)(7)(D); 42 U.S.C. § 1437f(o)(20)(D)(ii).

⁹ See 42 U.S.C. § 1437d(u)(1)(A), (B); 42 U.S.C. § 1437f(ee)(1)(A), (B).

¹⁰ See 42 U.S.C. § 1437d(u)(2)(A); 42 U.S.C. § 1437f(ee)(2)(A).

- Voucher portability. The new law amended the Section 8 Housing Choice Voucher Program to clarify that a family with a Section 8 voucher may move to another jurisdiction if the family has complied with all other obligations of the program and is moving “to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believe[s] he or she was imminently threatened by harm from further violence if he or she remained” in the unit.¹¹
- Tenant notification of housing rights. Under VAWA 2005, PHAs must inform tenants of their new rights, and owners and managers of their rights and obligations. For example, PHAs must provide tenants with notice that an incident of domestic violence does not qualify as a serious or repeated violation of the lease; that criminal activity directly relating to domestic violence, dating violence, or stalking does not constitute grounds for termination of a tenancy; and that new confidentiality provisions govern the disclosure of information under the law.¹² Leases must include this information, as must the housing assistance payment contract between the PHA and participating landlords in the voucher program.¹³ Additionally, PHAs must inform Section 8 voucher tenants of the possibility of voucher portability between jurisdictions to escape an imminent threat of further violence from domestic violence, dating violence, or stalking.¹⁴
- PHA plan. VAWA 2005 amended the PHA planning statute to require that PHAs include a description of any goals, objectives, policies, or programs they have in place to serve the housing needs of child and adult victims of domestic violence, dating violence, sexual assault, and stalking.¹⁵

Funding for Domestic Violence Transitional Housing Programs

Recommendation 4: Funding for transitional housing programs designed specifically for victims of domestic violence.

The average stay at a domestic violence shelter in Nevada is 30 to 90 days.¹⁶ Wait lists for low-income, subsidized housing in Nevada typically stretch from four to 36 months,¹⁷ and obtaining housing at market rates is simply out of reach for most low-income battered women in Nevada. In 2005, the National Low Income Housing Coalition concluded that a Nevadan must earn an hourly wage of \$16.38 for a two-bedroom

¹¹ See 42 U.S.C. § 1437f(r)(5); 42 U.S.C. § 1437f(ee).

¹² See 42 U.S.C. § 1437d(u)(2)(B); 42 U.S.C. § 1437f(ee)(2)(B).

¹³ See 42 U.S.C. § 1437d(1)(5); 42 U.S.C. § 1437f(o)(20); 42 U.S.C. § 1437f(o)(7)(C), (D).

¹⁴ See 42 U.S.C. § 1437f(ee)(2)(B).

¹⁵ See 42 U.S.C. § 1437c-1.

¹⁶ Branch, E. (2005). *Transitional and affordable housing in Nevada: A statewide overview for domestic violence advocates*. Reno, NV: Nevada Network Against Domestic Violence.

¹⁷ *Id.*

apartment to be affordable.¹⁸ For battered women working in minimum wage jobs, this translates to more than three full-time jobs.

Transitional housing programs for battered women offer an important alternative to living with abusive partners and can be a vital resource for poor battered women who are striving to free themselves of their abusers. Typically, these programs offer housing in which battered women can live for a certain period of time or until they can obtain permanent housing.¹⁹ The women often pay a small percentage of their income for rent and stay in the housing for 12 to 24 months.²⁰ Most transitional housing programs for battered women also offer additional supportive services, such as counseling, support groups, safety planning, and various other forms of practical assistance.²¹ Unfortunately, very few communities in Nevada have nonprofit agencies with sufficient funding to provide transitional housing programs for battered women and their children.²²

Quantitative data on the magnitude of the transitional housing gap for low-income victims of domestic violence in Nevada are difficult to obtain. In 2002, the State of Nevada Department of Business and Industry Housing Division commissioned a housing needs assessment of victims of domestic violence in the greater Las Vegas and greater Reno/Sparks areas.²³ Researchers reported that first-time victims in the greater Las Vegas area had access to 467 beds at domestic violence shelters and transitional housing programs.²⁴ These available beds in the greater Las Vegas area accommodated 6,000 victims, leaving 8,500 first-time victims per year unsheltered.²⁵ Researchers estimated that at least 2,900 of these unsheltered first-time victims were in need of housing in Clark County.²⁶ In the greater Reno/Sparks area, researchers estimated that first-time victims had access to 21 emergency shelter beds, 7 transitional housing units, and an additional 14 transitional beds were available to victims with children who were not in immediate danger.²⁷ These beds accommodated 270 victims, leaving an estimated 7,600 first-time victims per year unsheltered.²⁸ Researchers estimated at least 1,600 of these unsheltered victims were in need of housing in Washoe County.²⁹

¹⁸ Pelletiere, D., Wardrip, K., & Crowley, S. (2005). *Out of reach: The growing gap between housing costs and income of poor people in the United States*. Washington, DC: National Low Income Housing Coalition.

¹⁹ Melbin, A., Sullivan, C., & Cain, D. (2003). Transitional supportive housing programs: Battered women's perspectives and recommendations. *Affilia*, 18, 445-460.

²⁰ *Id.*

²¹ National Council of Juvenile and Family Court Judges. (1998). *Family violence: Emerging programs for battered mothers and their children*. Reno, NV: Author.

²² Branch, *supra* note 16.

²³ See BBC Research & Consulting (2002). *Nevada special needs housing assessment* (Final report submitted to State of Nevada Department of Business and Industry Housing Division). Denver, CO: Author.

²⁴ *Id.* at 37.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 38

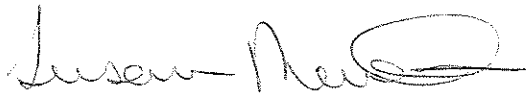
²⁹ *Id.*

The researchers noted that 70 percent of these victims earned less than \$1,000 per month, with about one-third earning between \$1,000 and \$2,000 per month.³⁰ At these income levels, the maximum affordable rent or mortgage is \$300 to \$600 per month.³¹ On average, more than 50 percent of these victims were paying more than 30 percent of their monthly income in a rental or mortgage payment.³² Clearly, funding for transitional domestic violence housing is desperately needed in Nevada to bridge the gap for the thousands of first-time domestic violence victims each year who are in need of long-term housing.

As you consider funding for transitional housing programs in general, we ask that you consider creating incentives for including specific units for victims of domestic violence in larger housing projects or creating separate funding streams for the development of dedicated transitional housing projects for victims of domestic violence.

Taken together, we believe these four recommendations are critical first steps in reducing the gap in affordable housing for low-income victims of domestic violence in Nevada. Thank you for your consideration.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Susan Meuschke". The signature is fluid and cursive, with a large loop at the end.

Susan Meuschke
Executive Director, NNADV

³⁰ *Id.*

³¹ *Id.*

³² *Id.*