

May 14, 2012

The Honorable Lamar Smith  
The Honorable John Conyers, Jr.  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairman Smith and Ranking Member Conyers:

The undersigned organizations work to prevent and end homelessness and domestic violence, sexual assault, dating violence, and stalking, and ensure that all victims of violence have safe, stable, affordable housing. We write today to provide our views on the housing title of H.R. 4970, the Violence Against Women Reauthorization Act of 2012.

We are pleased that Title VI of the bill adopts several provisions found in the bipartisan Senate reauthorization of the Violence Against Women Act (S. 1925). Most importantly, the legislation expands VAWA's existing housing protections to include new programs, such as HUD affordable housing and homelessness programs, USDA rural housing programs, and the Low Income Housing Tax Credit (LIHTC) program. This expansion will prevent many victims of violence from being doubly harmed – first from a violent act and second when they are unjustly evicted due to the criminal activity of an abuser.

Unfortunately, H.R. 4970 makes two critical changes to the Senate legislation. If enacted, these provisions would force victims of violence to make a terrible choice between preserving their subsidized housing and putting themselves in danger or leaving that housing and becoming homeless in order to stay safe. Victims would also be less likely to become aware of their rights under VAWA, resulting in more unlawful evictions. It is unacceptable for any victim of violence to face these options.

#### **Emergency Transfer:**

The House bill maintains the Senate requirement that the federal agencies responsible for administering housing programs under VAWA be required to develop a model emergency housing transfer plan to be adopted by housing providers. However, under the House language, adoption of the plan by providers is made voluntary instead of mandatory. This provision will not protect victims and their families and instead maintains the dangerous status quo of leaving a victim's safety and security entirely in the hands of housing providers. The House bill transfer language should be changed to reflect the Senate language, which strikes a careful balance between victim safety and the limits and existing obligations of housing providers.

Since the VAWA housing provisions became law in 2006, public housing authorities (PHAs) have demonstrated little willingness to voluntarily adopt transfer plans for victims of violence. There is little reason to believe that other owners and managers of affordable housing will respond differently. To be clear, the Senate language does not require that housing providers transfer every victim of violence who requests it. The Senate language only requires housing providers to adopt a transfer policy crafted to take into considerations their programs and limitations.

**Notification:**

The housing rights codified by VAWA protect victims of domestic violence, dating violence, sexual assault and stalking from being denied admission to or evicted from assisted housing based on their status as victims and/or the actions of their perpetrators. The House bill eliminates the Senate requirement that notice of a victim's VAWA rights be provided at eviction, requiring victims to instead rely on the notice given as a lease addendum when they initially moved into their housing. In supporting the House provision, housing owners and managers cited the possibility for "confusing and duplicative" notices. In fact, no such possibility exists, and the notification provisions from the Senate bill should be preserved.

In order to avoid unlawful eviction, notice of VAWA rights should be distributed at key times, specifically at the point where eviction is being threatened by the housing provider. Without adequate notice, victims will never know they have the right not to be evicted based on the actions of their perpetrators or as a result of violence/assault. They cannot be expected to rely on notice given at entry to the program, often years before a threatened eviction and before they experience abuse, especially when coupled with numerous other notices about their rights and obligations. For victims of violence who are not the head of household, they may never have a chance to receive a notice of their VAWA rights if there is not a notice at the point where an eviction is being threatened. By giving notice at the point that the eviction is being threatened, owners, managers and PHAs can help victims come forward and avoid costly, contentious and unnecessary eviction proceedings.

Notice of VAWA rights should be given in a clear and concise one page document at admission and when eviction is being threatened, creating no real burden to the managers and owners.

Thank you for your attention to these issues. We look forward to working with you and your staff as Congress completes action on VAWA reauthorization. Should you have any questions, please contact Jeremy Rosen at (202) 638-2535 x210 or Monica McLaughlin at (202) 251-2191.

Sincerely,

American Civil Liberties Union  
National Alliance to End Sexual Violence  
National Law Center on Homelessness and Poverty  
National Housing Law Project  
National Network to End Domestic Violence  
Sargent Shriver National Center on Poverty Law

cc: The Honorable John Boehner  
The Honorable Eric Cantor  
The Honorable Nancy Pelosi  
The Honorable Steny Hoyer