



Chapter 19. Domestic Violence

19.0 Overview

The pervasiveness and seriousness of domestic violence has illuminated it as an issue of national importance. Domestic violence knows no race, gender, or nationality and its impact on the lives of its victims can be devastating. In many instances, victims of domestic violence suffer not only the physical abuse, but also the devastation of being displaced from their homes. As a result, affordable housing issues become a serious consequence of domestic violence. HUD and Congress have recognized the need for the provision of affordable housing for victims of domestic abuse and have taken measures to address this issue. In the Quality Housing and Work Responsibility Act of 1998, Section 514(e), Congress stated:

"It is the sense of Congress that, each public housing agency involved in the selection of eligible families for assistance under the United States Housing Act of 1937 (including residency in public housing and tenant based assistance under Section 8 of such Act) should, consistent with the public housing agency plan of the agency, consider preferences for individuals who are victims of domestic violence."

HUD strongly encourages PHAs to meet this challenge and has demonstrated its commitment to victims of domestic violence in a number of ways. In its initial guidance related to preferences for victims of domestic violence, HUD urged PHA's to consider adopting admission preferences for victims of domestic violence. (See 64 Fed Reg 8200, Feb. 18 1999 and 24 C.F.R § 960.206(b)(4) stating, "PHAs should consider whether to adopt a local preference for admission of families that include victims of domestic violence.")

As a result of these policies, PHAs have become more aware of the consequences of domestic violence-related tenancy and have sought to implement a multitude of solutions to address challenges posed by domestic violence situations. HUD continues to strongly encourage PHAs to exercise discretion in determining if domestic violence-related evictions are warranted as well as utilizing various tools, such as policies designed to transfer victims and address absences from public housing units. In addition, HUD strongly encourages PHAs to participate in ongoing dialogues with domestic violence providers and advocates, law enforcement agencies and non-profit organizations to develop coordinated solutions that respond to this problem.

This chapter is intended to establish a framework for the relationship between public housing agencies, victims of domestic violence who reside in public housing, and the domestic violence providers who may facilitate measures PHAs can employ to combat the problem. Illustrations of remedies/tools that are being



implemented by many public housing agencies will be offered in this chapter as a way of sharing best practices that other PHAs may wish to consider.

19.1 Why A Domestic Violence Preference

Domestic violence, as defined by HUD, is the “actual or threatened physical violence directed against one or more members of the applicant’s family by a spouse or other members of the applicant’s household.” In most instances victims of domestic violence are made powerless by the abuse. As such, the inability of victims to access and maintain housing that is decent and safe becomes a consequence of the abuse.

Allowing preferences for victims of domestic violence creates alternatives for assisting those who may otherwise remain in an abusive situation or become homeless because of the need to flee the abuse. Under the guidance of 24 CFR § 960.206, PHAs may establish such preference policies based on local needs and priorities as determined by the PHAs.

19.2 Types of Evidence Required as Proof of Domestic Violence

Under existing HUD statutes and regulations, PHAs may already consider the nature and severity of each offense, and exercise discretion on whether or not household members or their guests may threaten the health, safety, or right to peaceful enjoyment of the premises by others. Currently, public housing agencies may consider: 1) the effects of termination of assistance on other family members who were not involved in the offense, and 2) conditions barring the culpable household member from residing or visiting the unit. PHAs may already consider the circumstances relevant to an eviction or termination of tenancy based on the extent to which the person has shown personal responsibility to prevent the offending action, and the time that has elapsed since their arraignment for that crime.

PHAs are encouraged to exercise its discretionary authority in accepting a broad range of evidence as proof of domestic violence. This evidence may include, but is not limited to:

- A domestic violence victim’s statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident. The statement should include a listing of the approximate dates when each incident occurred, discussion of the applicant’s fears and injuries and the effect that each abusive incident has had on the applicant and her/his family.
- Restraining or civil protection orders.
- Medical records.



- Police reports, records of telephone calls or visits to the victim's address. This may include telephone calls to the police registering a complaint, a log of police runs made to the residence, copies of all tapes and reports written by officers responding to a call.
- Criminal court records if a batterer was arrested or convicted of any act of domestic violence or destruction of property relating to the victim (certified copies); a victim's own statement to police or prosecutors, which can be obtained from the prosecutor's office.
- Statements of workers from a domestic violence shelter or other domestic violence programs attesting to the time the victim spent in the shelter and the reason as linked to incidents of abuse.
- Statement from counselors, if victim attended counseling.
- Reports, statements from police, judges and other court officials, clergy, social workers and other social service agencies.
- Other credible evidence as corroborated by law enforcement or domestic violence providers.

19.3 Screening and Admission

PHAs may screen families on the basis of their family behavior and suitability for tenancy. In doing so, a PHA may consider an applicant's previous rental and tenancy history, as well as past criminal activity. In an attempt to ascertain whether domestic violence was a factor in the poor rental and tenancy history or criminal activity, staff should be encouraged to exercise discretion and inquire about the circumstances that may have contributed to the negative reporting. If the PHA determines that the negative reporting was a consequence of domestic violence against the applicant, the PHA may exercise discretion and approve admission pursuant to its Admissions and Continued Occupancy Plan (ACOP).

PHAs should also be cognizant of a victim's need to feel safe and as a result, she/he may be apprehensive about providing certain requested information such as current and previous address. In such cases, PHA staff should consider alternatives to verifying suitability. In other instances, victims may have undergone a change in identity. Again, PHAs may want to consult with domestic violence providers to obtain guidance on appropriate types of identification. Beyond policies related to admissions and occupancy, PHAs, as a standard policy, should provide linkages and referrals to victims of domestic violence to appropriate counseling and law enforcement entities.

19.4 Continued Occupancy and Transfer Policies

Issues related to the continuation of benefits are more often complicated by the fact that victims of domestic abuse may be evicted for the acts of their abuser. PHAs may assist these victims in avoiding their abusers and continuing occupancy in public housing by adopting a special transfer policy that takes into account the victim's circumstances.



A special transfer policy would assist victims, who are seeking to flee their abusers, in accessing and maintaining stable housing separate and apart from their abuser. In this instance, PHAs may adopt a transfer policy that includes a preference for victims of domestic violence who wish to move to other neighborhoods or even other jurisdictions. One tool PHAs may choose to use is the issuance of a voucher to the victimized family. PHAs may apprise victims of the availability of vouchers as an option to accessing affordable and stable housing.

19.5 Eviction and Termination

While public housing screening and eviction statute allows PHAs to evict households for any criminal activity by a member of the family or a guest that threatens the health, safety or right to peaceful enjoyment of other residents, PHAs are encouraged to carefully review circumstances where victims of domestic violence may be evicted due to circumstances beyond their control. PHAs may exercise their discretionary authority in these cases and remove the perpetrator from the household, while allowing the victim to remain in occupancy of the unit. PHAs may also exercise its discretion in situations where it has been determined that the circumstances warrant an action other than removal of the perpetrator from the unit such as requiring the perpetrator to participate in a domestic violence prevention program. HUD strongly encourages PHAs to consider alternatives to eviction where appropriate.

Public housing agencies that exercise their discretion in determining if eviction is appropriate effectively demonstrate that they consider the safety and well-being of victims of domestic violence as well as the health, safety and peaceful enjoyment of other residents who may be affected by incidents of domestic violence. Again, as previously stated, PHAs should, as a standard policy, provide linkages and referrals to victims of domestic violence to appropriate counseling and law enforcement entities.

For mixed families, (defined as a family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status), instances of domestic violence/abuse are complicated by HUD restrictions on assistance to noncitizens who have ineligible immigrant status. In these cases, PHAs may refer immigrant victims to agencies that can offer immigration relief and counsel the victim on steps to obtaining eligible status. For victims who are in the process of obtaining qualified alien status, PHAs may provide for a subcategory of preference for immigrant victims to apply to public housing.

19.6 Tools PHAs May Use

- Barring the culpable perpetrator from the unit or PHA development.
- Establishing “no trespass” list for those that have been banned from the unit or PHA development.



- Establishing a relationship with local law enforcement to make unscheduled home visits to the victim's public housing unit. Victims voluntarily submit their names to the list and authorize unscheduled home visits as a way of deterring the perpetrator.
- Donating old cell phones to victims to assist in cases of emergency.

19.7 Best Practices

The following are examples of PHA programs currently assisting victims of domestic violence:⁵²

- A PHA formed a collaborative partnership with a domestic violence service provider to create an on-site program that provided residents with a timely, safe and effective means of alleviating domestic abuse through direct services, education, information and referrals. The training of PHA staff and the support of an established presence at the public housing community have enabled the PHA to take a strong stand against domestic abuse in the community;
- A PHA developed a partnership with family advocacy coalitions, police, prosecuting attorneys, mental health, on-site medical professionals and others to reduce domestic violence and child abuse within a public housing community. The family advocacy coalition works with the PHA to train staff and residents so they can work together to educate and prevent domestic violence and child abuse;
- A PHA has a Community Policing to Combat Domestic Violence program which monitors the long term effects of domestic violence and provides victims immediate links to support services;
- A PHA formed a partnership with a domestic violence shelter, which included an outreach worker, a counselor, and a case manager. This led to numerous tenants availing themselves of the services and has enabled them to move out of abusive situations and begin again;
- A PHA provides a transitional home for battered women recovering from domestic violence - 95 percent of whom are now housing authority residents. Some participate in their Family Self-Sufficiency (FSS) program;
- A PHA encouraged the participation of social service providers, and converted 18 public housing units into space to be used for social services as well as formed a Safety Action Team with the police department to enforce trespassing laws; and

⁵² Information provided from a survey conducted by the National Association of Housing and Redevelopment Officials (NAHRO).



- A PHA developed a facility to shelter victims of domestic violence, with 27 shelter beds and ample space for providing program services. Through these collaborative efforts, the community has become better informed and more supportive of victims of domestic violence.