



1.07 Preventing Homelessness

What Advocates Need to Know Legal Protections for Survivors

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DASH Mission

- DASH is an innovator in providing access to safe housing and services to survivors of domestic violence and sexual assault and their families as they rebuild their lives on their own terms.
- No matter what the situation, we meet survivors where they are and strive to eliminate all barriers that prevent them from accessing safe housing. We work to ensure that all survivors have the tools and skills they need to be exactly who they choose to be and to create and maintain safe homes.
- We support partner agencies in the national capital region and throughout the United States in increasing their capacity to assist survivors in accessing safe housing. DASH educates policy makers and service providers nationwide on the principles and best practices of successfully assisting survivors of domestic violence in recognizing that they are empowered and whole.



Workshop Objectives

- Explore systemic level strategies to help prevent people from becoming homeless.
- Understand VAWA protections for survivors on a local and federal level.
- Understand homelessness prevention and practical strategies used by Advocate to assist someone with maintaining Housing.



Domestic Violence and Homelessness Prevention

Landlord Mediation

- Need to install security
- Need to change locks
- Need to get out of lease early
- Need to bar abuser from property
- Need for emergency transfer



Explore systemic level strategies

District of Columbia Law

Survivors have the right to (in public and private housing):

- Be released from a lease free of penalty within 14 days of giving notice
- Not be evicted or threatened with eviction if s/he experiences domestic violence in her/his home or contacts the police or emergency services during or after a domestic violence incident



Explore systemic level strategies

District of Columbia Law

Survivors have the right to:

- Not be treated differently than other tenants or housing program participants
- Have the locks changed
- Reasonable accommodation in restoring or improving security and safety measures;



Domestic Violence and Housing

Understand VAWA protections for survivors to Prevent Homelessness

Violence Against Women Act (“VAWA”)

Under VAWA, someone who is a survivor of domestic violence and a tenant in federal public housing, Section 8 voucher- or project-based housing, or in a program that receives McKinney-Vento funds (includes Continuum of Care (except safe havens) is entitled to certain protections.



Violence Against Women Act (“VAWA”)

Survivors have the right to:

- Be accepted into a shelter/housing program. For example, a housing provider cannot deny an applicant housing/assistance on the basis that s/he is or has been a survivor;
- Remove the batterer from the public housing lease (or Section 8 Housing Choice Voucher) and stay in the unit;



Other Federal Protections Include:

- Fair Housing Act
- Title VI of the 1964 Civil Rights Act
- Americans with Disabilities Act



DASH & Prevention

- Ensure that DC Housing Authority and Section 8 landlords honor a civil protection order, specifically if it addresses the batterer's access to where the survivor lives;
- Port (move to another location) if s/he has a Section 8 voucher, so long as it's within the DC Housing Authority jurisdiction;
- Seek an emergency transfer



Local and Federal Law Overview

Violence Against Women Act (“VAWA”)

Victims have the right to:

- Have the batterer removed from the lease and to stay in the unit
- Have local housing authority and Section 8 landlords honor a civil protection order, specifically if it addresses the batterer’s access to where the survivor lives



Local and Federal Law Overview

Violence Against Women Act (“VAWA”) Continued

Victims have the right to:

- Seek an emergency transfer
- Stay in the unit even if there is criminal activity that is directly related to the domestic violence



Local and Federal Law Overview

Local Level Laws

Victims have the right to:

- Have the locks changed
- Have the batterer not given access to the unit regardless of whether the batterer lives there and is still on the lease
- Not be evicted or threatened with eviction if s/he experiences domestic violence in her/his home
- Not be evicted or threatened with eviction if s/he contacts the police or emergency services during or after a domestic violence incident
- Be released from a lease free of penalty within 14 days of giving notice



Practical application of VAWA recap

-Termination of Housing Assistance/Evictions from Public Housing

VAWA:

- Victims may not be evicted for criminal activity directly related to the domestic violence.

- Lease bifurcation/emergency transfers

VAWA:

- VAWA allows victims to bifurcate the lease or remove their abusers, who have engaged in criminal activity related to physical violence against a family member or others, from the lease (regardless of whether the abuser is a signatory to the lease) without penalty to the victim.



Practical application of VAWA recap

-Porting

VAWA:

- PHAs may allow victims to move to another jurisdiction with their Section 8 voucher, even if such a move would normally be a violation of the lease, if the person has complied with other obligations of the program and if the move is necessary to protect the health, well-being or safety of victim.



Practical application of VAWA recap

-Confidentiality

VAWA:

- All information provided to the public housing agency including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by the PHA, and shall neither be entered into any shared database nor provided to any related entity.



Qualified Third Parties are:

- Law enforcement officers
- Domestic violence counselors (individuals that work for a domestic violence organization)
- Health professionals (doctor, nurse)
- Local Housing Authority Office of Public Safety Officer



Qualified Third Party: Advocate Documentation

- If a victim asks you to provide documentation be sure to have her sign a release of information waiver
- The only information to provide in a letter to a shelter/housing program/landlord as a qualified third party is:
 - Date of Letter (use organization letterhead)
 - Name of victim
 - Name of shelter/housing program/landlord
 - One sentence: _____ is a victim of domestic violence.



Qualified Third Party Letter Example

October 3, 2010

Jane Doe, Property Manager
1111 Down Street
Washington DC 20006

Re: Qualified Third Party Documentation (*statutory citation*)

Dear Ms. Doe:

Ms. Morgan Green is a victim of domestic violence.

Sincerely,

Signature

Joe Burns

Advocate

Organization Name



Takeaways...

- Work to establish good partnerships between homeless assistance and domestic violence agencies so that no household members become homeless.
- Be self aware of your assumptions prior to assisting survivors with implementing VAWA protections



Contact Information and Resources

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<http://www.dashdc.org/files/survivor-toolkit-english-web.pdf>