



Creating Access for Survivors: **Category 4 HEARTH Homeless Designation:** **Fleeing, or Attempting to Flee, Domestic Violence, Dating** **Violence, Sexual Assault, Stalking and Human Trafficking**

A survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking should never have to choose between living with abuse or being homeless. Under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), four categories of homelessness were developed and are implemented by U.S. Department of Housing and Urban Development (HUD) in order to establish eligibility for HUD-funded Continuum of Care (CoC) and Emergency Solutions Grants (ESG) housing and shelter programs. Category 4, as outlined under HEARTH, specifically addresses homeless status for survivors of domestic violence, dating violence, sexual assault, stalking, and human trafficking.

This policy brief will help communities better understand the Category 4 definition of homelessness and how it can provide survivors access to HUD CoC and ESG funded emergency shelter and housing programs. Survivors who are eligible for housing interventions under HUD's Category 4 designation may significantly increase their success of finding and maintaining permanent housing.

The recent infusion of many new HUD CoC Rapid Rehousing (RRH) and Joint Component Project (JCP, Transitional Housing-TH to Rapid Rehousing-RRH) resources nationally makes it is timely to focus on Category 4 fleeing screening-in eligibility requirements for HUD housing programs.

What is Category 4?

The Category 4 homelessness definition under the HEARTH Act states that survivors who are fleeing or attempting to flee domestic violence, sexual assault, dating violence, stalking, or human trafficking are eligible for HUD funded housing. Under this definition, survivors do not have to be literally homeless (i.e., living in a car, sleeping outside, in a place not meant for human habitation, or staying in an emergency or homeless shelter).

To be eligible for HUD-funded housing assistance under Category 4, a survivor **must** meet the following criteria:

- (1) The survivor must be **fleeing, or attempting to flee**, domestic violence, dating violence, sexual assault, stalking, or other **dangerous or life-threatening** conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence (*this also includes victims and survivors of human trafficking*); and
- (2) Has no other residence; and
- (3) Lacks the resources or support networks to obtain other permanent housing.

What does “fleeing” mean?

The concept of “fleeing” will look different for every survivor because each survivor’s situation is different. With guidance from a domestic or sexual violence advocate or housing provider, survivors can determine if their situation is “fleeing” and therefore, make them eligible for housing resources under Category 4. provider can ask to help establish eligibility:

- Did someone do something that made them feel unsafe in their current living situation?
- Do they feel like they need to leave the current living situation in order to stay safe?
- Did someone make them or ask them to do something that caused them to feel unsafe or in possible danger in order to continue to stay in their home or where they are currently residing?
- Do they feel unsafe to return to the home that they left? Are they worried about the safety of any children, dependents, or pets?

As domestic violence advocates know, “fleeing” is not an isolated event, nor a one-time event – once a survivor is in safe housing, often an abusive partner will continue to sabotage the survivor’s success and undermine safety through lengthy legal battles, custody arguments, financial abuse, stalking, etc.

For sexual violence survivors, there are many situations that can lead to the need to “flee.” A survivor may be experiencing ongoing sexual abuse in the home by a parent or partner or by a landlord or neighbor. It is important to recognize that there are also many situations where a sexual assault survivor has housing needs but is not “fleeing.” A survivor may have been assaulted in their home and not feel safe remaining there or they may have experienced the assault at work and not want to return to that employment, threatening their housing situation. It would be important for sexual violence advocates to know more about alternative housing funds to support survivors who are not “fleeing.”

What does “dangerous and life-threatening” mean?

HUD clarifies that the level of danger experienced by a survivor should not dictate eligibility under Category 4. Specifically, the phrase “dangerous or life-threatening,” as stated in the HEARTH Act, should not be used to qualify the extent of danger in order for the survivor to be considered homeless. Instead, HUD has specified that domestic and sexual violence in and of itself is considered “dangerous and life-threatening” when determining Category 4 eligibility. The survivor is the expert in their living situation and can define what they consider life-threatening and dangerous.

There are tools in the domestic and sexual violence field that are designed to determine lethality and severity of danger experienced by a survivor. However, it is important to note that these tools are *not* designed as standalone housing screening tools, nor are they intended to screen for the presence of abuse or fleeing violence. Rather, these tools predict the risk of severe or lethal violence as a result of violence from an abusive intimate partner both physically and sexually. The risk of severe or lethal violence as a result of domestic and/or sexual violence should not dictate eligibility under Category 4.

How does eligibility via Category 4 help survivors obtain housing?

The availability of Category 4 directly impacts a survivor’s ability to obtain safe housing. Previous to the Category 4 designation, a survivor would have to become literally homeless (living on the street, sleeping in a car, etc.) to be eligible for HUD CoC housing options. Now, domestic violence, dating violence, sexual assault, stalking and human trafficking are included in the Category 4 designation so survivors and their children are eligible for HUD housing and have more options when they are trying to escape from a person who commits violence. Additional factors impacting survivors seeking safety and housing include: domestic violence emergency shelters are often full and rape crisis centers do not in most cases provide emergency shelter or housing, there is a lack of longer-term

housing resources, and housing costs continue to escalate. Consequently, these barriers impede some survivors' ability to obtain housing, leaving them no choice but to stay with a person who commits violence or in a dangerous situation. Eligibility for HUD-funded CoC housing assistance allows survivors to become safely housed without having to experience literal homelessness. Category 4 increases a survivor's options and ability to make the best decision when leaving their home, allowing them to move to safety, retain autonomy, increase stability for themselves and their family, and promote collective community safety.

Scenarios

The following are common "fleeing" scenarios. In all of the following scenarios, a survivor would be eligible for HUD-funded housing assistance under Category 4. Remember, a survivor **does not** have to be literally homeless to be eligible for housing assistance under Category 4 – they could be on a lease, sleeping on a friend's couch, or staying with family and still be considered "fleeing" domestic or sexual violence.

- A survivor with an infant and two older children is living with an abusive partner, who is also the children's parent. The children are very afraid. The family owns their home, and both adults are on the mortgage. The survivor needs to leave the home immediately with their children and is in need of safe housing.
- A teenage boy is being sexually abused by an uncle who lives in his home with his family. The boy has a job but does not make enough money to support himself, and he attends high school. The survivor attempts to find friends to stay with, but eventually finds himself homeless and ends up accepting an invitation to stay with an older man. It is clear that the older man expects sex in exchange for housing.
- A woman is living in rent-controlled housing. She has a decent job at a local grocery store and makes slightly over minimum wage. Her landlord sees her at work and starts paying more attention to her. It is clear that she could not afford housing on her salary without rent control. One evening late at night, her landlord enters her apartment and coerces her by threatening to kick her out of her apartment if she doesn't have sex with him. She does, and he continues to enter her apartment without permission, threatens her with eviction, and sexually assaults her.
- A woman has a Protection from Abuse (PFA) Order against her girlfriend. The survivor works at a hotel and had no option for childcare during her shift, so she brought her children to work with her. The survivor ended up returning to her abusive partner because if she continued to bring her children to work, she would be fired. Both the survivor and her girlfriend are on the lease for the apartment and she needs to obtain safe housing as soon as possible.
- A survivor left her home where she was continually being sexually assaulted by her husband and went to stay with a family member. She has employment with consistent income but can't afford a security deposit or first month's rent. She may also need an additional month of rent to get on her feet. She needs to leave her family's home immediately because her husband has been threatening her and her children.

- A survivor has been living with his abusive husband for a year. His husband threatens to kick him out if he doesn't do what the husband wants. Last winter, the survivor was forced to sleep outside in the cold after his husband locked him out of their house. He suffered from frostbite and is terrified to be locked out again.
- A survivor of human trafficking is arrested after her trafficker makes her hide his drug paraphernalia in her purse during a traffic stop. Upon release, she decides she does not want to return to her trafficker and looks for housing options. She does not identify as a domestic violence survivor because her trafficker is her "pimp" and not her boyfriend. Although he never physically abused her, he drugged her to force her into staying with him and to coerce her into sex. He refused to pay her for her sex work and instead kept the survivor on just enough heroin to prevent her from getting sick... unless she did not meet her "quota." While looking for housing, the survivor started sleeping at her sister's house, where her trafficker began coming around to harass her. She desperately wants to stay clean and does not want to return to the person who is trafficking her.

Programs for Survivors Under Category 4

There are several CoC-funded programs for which survivors are eligible under the Category 4 designation. Understanding Category 4 and how it can benefit survivors and their families is important, particularly when survivors are being assessed by an advocate or housing provider in the Coordinated Entry System (HUD's process for assessing a person's housing needs quickly and connecting them with agencies and resources to provide housing options).

Under the Category 4 designation, survivors can qualify for the following CoC-funded programs:

- CoC-funded Rapid Re-Housing, also known as RRH, (funded during and after Fiscal Year [FY] 2015 Notice of Funding Availability [NOFA]) and the Joint Transitional Housing and Permanent Housing-Rapid Re-Housing Component Project (aka, JCP; funded during and after FY 2017 NOFA);
- Permanent Supportive Housing (PSH) which includes:
 - Chronic PSH: if the head of household has a disability and is considered chronically homeless; or
 - Non-Chronically Homeless PSH: if the head of household or a child in household has a disability; or
- Diversion (funds and/or services that allow a survivor to avoid a shelter stay).

A note on ESG funding eligibility:

Due to current HUD regulations regarding ESG funding, a survivor can qualify for ESG-funded homelessness prevention and emergency shelter, but they would not qualify for ESG-funded Rapid Rehousing or street outreach *unless the survivor also meets the Category 1 homelessness definition of literal homelessness* (which is defined as staying in an emergency shelter or a safe house, or sleeping outside and/or in a place not meant for human habitation). The ESG criteria for survivors is notably different in scope than the CoC program.

Role of the Victim Advocate or Housing Provider

The victim advocate and/or housing provider's role is to support survivors by explaining how Category 4 works and helping them through the certification process. It is not necessary for an advocate or housing

provider to determine that a survivor's safety is at risk in order to apply for HUD-funded housing. A survivor can define this on their own or with the support of a survivor advocate or housing provider by talking about their situation. At the start of a conversation with a survivor and prior to any abuse disclosure, it is important to inform them about any mandatory abuse reporting requirements the advocate is obligated to report either professionally, under state or local laws, or with under the organization's policies and procedures. This will provide the survivor with the autonomy to disclose what they are comfortable sharing given the reporting parameters. The survivor is not required to disclose any sort of abuse in great detail to "prove" they are fleeing domestic and/or sexual violence. Disclosing they are being or have been abused, assaulted, or under threat meets the HUD eligibility requirements for CoC and ESG resources.

One way an advocate or housing provider can start that conversation is to say, "I've spoken with other people who need to leave their home due to safety concerns, and they told me similar things to what you have shared – can you tell me more about that?" Through this conversation, the advocate or housing provider can begin the certification process for Category 4.

Verification of domestic violence, dating violence, sexual assault, stalking, or human trafficking can be completed by a victim service provider if the survivor is engaged with or working with that organization. If the survivor is not engaged in services or does not wish to speak with the program about their current housing, the survivor may [self-certify](#) or apply for this process on their own. A form for self-certification should be provided to the survivor and kept with other HUD paperwork for monitoring purposes.

Record-keeping Requirements

To prove a survivor's eligibility under Category 4, the following record-keeping procedure must be followed by the advocate or housing case manager. A documented oral statement by the survivor will suffice and no need for further verification is required by HUD. According to the HUD Exchange website:

- For Victim Service Providers: An oral statement by the individual or head of household (i.e. the survivor) seeking assistance that states they are fleeing, have no subsequent residence, and lack resources. The statement must be documented by a self-certification signature or certification by an intake worker via signature.
- For Non-Victim Service Providers: An oral statement by the individual or head of household seeking assistance that states they are fleeing, have no subsequent residence, and lack resources. The statement must be documented by a self-certification or certification by an intake worker. Where the individual or family determines their safety is not jeopardized, the oral statement must be verified and:
 - Certified by the individual or head of household that no subsequent residence has been identified; and
 - Self-certified, or other documentation in a written format (such as financial statements) that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

Conclusion

HUD ESG and CoC shelter and housing programs offer a variety of housing options from emergency shelter to permanent housing resources that are needed in order to respond to the crisis of domestic violence, dating violence, sexual assault, stalking, human trafficking, and homelessness. Ensuring that survivors have equitable access to these resources is an essential component of quickly and safely meeting survivors' housing needs.

ADDITIONAL RESOURCES & FURTHER READING:

For more information on serving survivors in need of housing, visit [HUD Exchange](#), including:

- [SNAPS In Focus: Addressing the Needs of Persons Fleeing Domestic Violence](#)
- [Criteria and Recording keeping Requirements for the Definition of Homeless](#)
- [Recording and Documenting Homeless Status](#)

For more information on domestic and sexual violence and mandatory reporting requirements:

- [Mandatory Reporting and Confidentiality Protections for Survivors](#)

For more information about Coordinated Entry and housing options for survivors, [visit Safe Housing Partnerships](#):

- [Coordinated Entry \(CE\) Process Frequently Asked Questions: A Resource for Domestic Violence and Sexual Assault Victim Service Providers](#)

Need technical assistance?

For further information or technical assistance, please reach out to Maria Williams at mwilliams@pcadv.org or Debbie Fox at dfox@nnedv.org.

The Pennsylvania Coalition Against Domestic Violence (PCADV) is a statewide collaborative membership organization committed to ending intimate partner violence and all forms of violence against women. Thanks to PCADV and Maria Williams for all their work on bringing this document to life. See: <http://www.pcadv.org>

The National Network to End Domestic Violence (NNEDV), a social change organization, is dedicated to creating a social, political, and economic environment in which violence against women no longer exists. See: <http://www.nnedv.org>



This project was supported by Grant #2018-SI-AX-K005 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Domestic Violence and Housing Technical Assistance Consortium

The Consortium, launched in 2015, provides training, technical assistance, and resource development at the critical intersection between domestic violence/sexual assault services and homeless services/housing. Funded by a partnership between the U.S. Department of Justice, the Department of Health and Human Services, and the Department of Housing and Urban Development. This multi-year Consortium supports a collaborative TA Team that includes the National Alliance for Safe Housing, the National Network to End Domestic Violence, the National Resource Center on Domestic Violence, Collaborative Solutions, Inc., National Sexual Violence Resource Center, and Corporation for Supportive Housing to build and strengthen technical assistance to both housing/homelessness providers and domestic violence/sexual assault service providers. The Consortium aims to improve policies, identify promising practices, and strengthen collaborations necessary to enhance safe and supportive housing options for sexual and domestic violence survivors and their children.

More questions? The Consortium TA Team is available to provide individualized TA and training to communities interested in expanding the array of safe housing options for domestic and sexual violence survivors. We can also provide support to domestic violence and sexual assault advocates, homelessness and housing providers, and other allied partners interested in building stronger community collaborations.



**SAFE HOUSING
PARTNERSHIPS**

Visit SafeHousingPartnerships.org to access a comprehensive collection of online resources and to request technical assistance and support.