

DV/SA/HT Recommendations for Implementing ARPA Housing and Homelessness Assistance (Updated: 4/7/21)

General Recommendation

- There should be cross-agency coordination to ensure that domestic violence (DV), sexual assault (SA), dating violence, stalking, and human trafficking (HT) survivors are benefitting from the various forms of ARPA assistance across the federal agencies.

Recommendations for HUD and Treasury

- HUD and Treasury must ensure that all housing and homelessness assistance programs, including homeowner relief programs, are designed in such a way to take account of the dynamics of abuse. For example:
 - Survivors often cannot secure assistance without the co-signature/consent of the perpetrator who may be a co-tenant, head of household, primary leaseholder, or co-homeowner. As a part of the cycle of violence, perpetrators will often withhold consent or refuse to cooperate in executing applications. Programs should be designed to permit survivors to apply for assistance on their own without the permission or cooperation of their perpetrators who are part of the households.
 - Eligibility cannot mandate that the survivor be in the same household as the perpetrator/leave the perpetrator.
 - For survivors who are separated or seeking separation from abusive partners, the partner's income should not be considered when assessing income eligibility.
 - State and local agencies also cannot set geographic limits on what is safe, i.e., requiring a survivor to move to another neighborhood or community. The survivor alone makes that determination.
- HUD and Treasury must ensure that their guidance documents refer to *each category of violence* (DV, SA, dating violence, stalking, and HT) and avoid using terms like “domestic abuse” or using “domestic violence” as a catch-all term to include several distinct forms of violence. Using such catch-all terms creates major barriers for SA, stalking, and HT survivors to access assistance.
- Throughout this process, HUD and Treasury must take steps to better understand the specific housing needs of SA, HT, and survivors of color, as these populations have distinct needs and experiences that must inform how housing and homelessness assistance programs are set up and operate.
- If documentation is required to show eligibility for the emergency vouchers or short-term rental assistance via the HOME homelessness assistance, the proof should be a **low-barrier** attestation by the survivor or a victim service provider. For example, the

latest CDC eviction moratorium declaration format ([here](#)) is written in plain language with check boxes. This approach further minimizes the amount of information the survivor is asked to affirmatively provide. If utilized, such attestation forms should be translated into a number of languages and easily accessible online.

- HUD and Treasury must create outreach and educational materials re: the ARPA housing and homelessness assistance for state and local DV/SA/HT programs.
- HUD and Treasury must require states and localities to ensure the safety and confidentiality of survivors accessing the funding. State and local program administrators should utilize application systems that consider the safety of survivors. For example:
 - Survivors who do not feel comfortable providing personally identifying information for an online application should be able to apply for the funding in an alternative way that is easily accessible.
 - State and local program administrators should work with DV/SA/HT programs to properly connect survivors to services in a way that does not jeopardize the safety of survivors. Ideally, the program would have administrators who are victim service providers (VSPs) themselves, partnered with a VSP, or receiving training from a VSP. This would allow survivors to work directly with, or be easily connected to, an advocate who can provide trauma-informed services.
- HUD and Treasury should highlight the importance of confidentiality in communications with survivors. Programs should be instructed to only contact survivors via a method that the survivor has identified as safe. For example, program administrators may wish to ask on an application form what the preferred method of contact is for the applicant.
- HUD and Treasury should encourage local programs to identify historically underserved groups to ensure more equitable distribution of rental assistance – including groups such as survivors of domestic violence, dating violence, sexual assault, stalking, human trafficking, culturally specific communities of color (including survivors who have not sought assistance from the criminal legal system), as well as immigrant survivors, and persons who have been arrested or convicted of criminal offenses, which can often include survivors.
- HUD and Treasury should make clear that state and local homelessness assistance and rental assistance programs are not authorized to exclude individuals due to their immigration status or impose criteria that would have the effect of excluding them (i.e. requiring a driver's license, Social Security Number, or state ID).
- HUD and Treasury should make clear that state and local program administrators should take pre-pandemic economic conditions into account, and prioritize targeting assistance to census tracts with the greatest indicators of housing instability, using tools such as the Urban Institute rental assistance targeting tool (available at:

<https://www.urban.org/features/where-prioritize-emergency-rental-assistance-keep-renters-their-homes>)

- The ARPA Technical Assistance (TA) money should be used towards TA on serving survivors - e.g. DV/SA/stalking/HT 101 and VAWA trainings for PHA staff, HCV landlords, ESG-CV rental assistance, and participating jurisdictions.

Recommendations for HUD

- HUD should define DV, SA, dating violence, stalking, and HT according to the definitions under the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA).
- HUD should leave it up to state and local program administrators to define “having a high risk of housing instability” so as to broaden discretion and maximize flexibility while still ensuring equitable access for all survivors, in accordance with the recommendations outlined in this document.
- HUD must require public housing agencies (PHAs) to proactively work with victim service providers so that DV, SA, stalking, and HT survivors can access the emergency vouchers.
- PHAs must develop a streamlined and simple process for survivors, CoCs and organizations serving DV/SA/HT survivors, including culturally specific communities of color and other marginalized groups that may not have relationships with PHAs/CoCs, to request emergency vouchers directly from the PHA. PHAs should also prioritize reaching out to CoCs and organizations serving survivors (providing housing or other services) to ensure emergency vouchers are accessed.
- HUD should not allow PHAs to impose additional restrictions to the emergency vouchers that are not mentioned in ARPA. This means that PHAs cannot necessarily fall back on the policies they may have established for their existing voucher programs in a Housing Choice Voucher Administrative Plan or Admissions and Continued Occupancy Policy. HUD should emphasize the “low-barrier” nature of these vouchers as distinct from the often complex eligibility and admissions process for the regular vouchers. For example, local DV/SA programs have noted problems with PHAs requiring survivors to interface with the criminal legal or justice system (e.g., obtain a restraining order or police report, or work with law enforcement or the DA’s office) in order to receive a voucher. These kinds of requirements create significant obstacles for survivors and should not exist. As well, traditional voucher eligibility criteria often deny vouchers to individuals, including survivors, who have been arrested or convicted of a criminal offense, have been evicted, or who have a poor rental history. Using these factors to deny vouchers will undercut the purpose and intent of ARPA to ensure that the most vulnerable individuals have a chance at housing stability, regardless of past circumstances often beyond their power and control.

- PHAs must work with culturally specific communities of color organizations to ensure that the vouchers reach survivors in an equitable manner.
- PHAs must comply with their ongoing civil rights requirements including providing meaningful language access (for persons with limited English proficiency and individuals requiring ASL interpretation) and providing meaningful access, including reasonable accommodations, to persons with disabilities.
- The emergency vouchers must be covered by VAWA's housing protections and be aligned with the housing requirements of VAWA 2021, when the bill is enacted.
- If emergency voucher assistance ends for a family after September 30, 2023 for reasons related to VAWA violations by a covered housing provider, then housing assistance for that family must continue.
- To ensure equitable access, the emergency vouchers must not be provided on a first-come, first-serve basis.
- HUD should include clear guidance on the HOME funding to ensure that the funds are used for supportive services for victim service providers (VSPs)/survivors and make non-profits eligible for those resources as pass through. There should also be incentives for working with VSPs, if it is acquisition heavy, and subcontract with them.

Recommendations for Treasury

- ERAP grantees should immediately establish an advisory commission to provide ongoing input into rental assistance program design, administration, and evaluation. The advisory commission should have substantial representation from historically underserved communities, DV/SA/HT advocates, culturally specific communities of color organizations, as well as individuals with lived experience, including survivors and low-income tenants.
- Under ERAP, the term "other expenses related to housing" includes [flexible financial assistance](#) that covers survivors' expenses that relate directly to housing insecurity resulting from the violence, such as back rent, moving expenses, first months' rent and security deposits; as well as expenses which might indirectly relate to survivors' housing stability, such as childcare, transportation, education supplies, food assistance, and the like.
- States and localities should be instructed to make clear that immigrants, who may be currently ineligible for other forms of federal assistance, can access this pot of rental assistance dollars, and that the states and localities will not share renter or household information with immigration authorities.
- For states and localities that use the Homeless Management Information System (HMIS) to administer rental assistance programs, program administrators should make clear to

all applicants that providing a Social Security Number is optional in order to access rental assistance. Mandating SSNs would run afoul of the federal Privacy Act.