



Addressing Housing Barriers for Survivors of Domestic Violence in Colorado

A Toolkit for Advocates

Domestic and sexual violence are the leading causes of homelessness nationally, particularly for women. Numbers vary, but estimates show that up to 60% of women became homeless due to domestic violence and up to 92% of women who are homeless experienced some sort of physical or sexual abuse in her lifetime.¹

Discriminatory housing practices by landlords, local laws, and public housing agencies can contribute greatly to this issue and can often force a survivor to choose between homelessness and staying with an abusive partner. **Advocates and local programs have an important role to play in reducing barriers to housing and advocating for survivors to maintain or find affordable housing.**

This toolkit is designed to assist advocates in better understanding federal and state law housing protections, survivor rights, options for housing, and how to work with your local public housing authorities and landlords to better serve survivors. For additional information and/or training requests please contact Stevi Gray, Housing Program Manager at sgray@ccadv.org or 303-962-3321.

¹ Webster, M. (2013). *Pathway to Permanent Housing for Victims of Domestic Violence*. Denver : Colorado Division of Criminal Justice: Office for Victims Programs.

1 DEFINITIONS AND LAWS

Public Housing Authorities (PHA's):

Public housing authorities provide decent, safe, and affordable quality rental housing for eligible low-income families, the elderly, and persons with disabilities.

Who is eligible?

- Low-income families and individuals (income eligibility for Colorado found [here](#))
- Qualify as an elderly person, person with a disability, or as a family
- U.S. citizenship or [eligible immigration status](#)
 - PHA's 'should' also provide prorated PHA/Section 8 vouchers to families with eligible children even if they lack documentation
- Pass reference check

For full application processes and rules find your local PHA at www.hud.gov or find a full list [here](#)

What programs are administered by PHA's?

- Public housing
 - Housing owned and operated by the PHA
- Project-Based Section 8
 - Housing owned and operated by private landlords
 - Subsidy is attached to a specific building
- Housing Choice Vouchers/Section 8 Vouchers
 - Housing owned and operated by private landlords
 - Subsidy moves with tenant

What can PHA's offer domestic violence survivors?

- Preferences for domestic violence survivors and the ability to move them up on the list to get into permanent housing more quickly
- Protections from discrimination due to domestic violence
- Options for permanent, affordable, and quality housing

Federal Laws:

Violence Against Women Act (VAWA) [42 U.S.C. §13925; Public Law 109-162].

The Federal Violence Against Women Act (VAWA) protects survivors of domestic violence, sexual assault, or stalking from being denied housing or facing eviction due to their status as survivors.

A landlord **cannot** legally terminate a lease, refuse to renew a lease, evict, or refuse to rent to someone just because they are a survivor.

A landlord can evict a survivor based on non-payment of rent or violation of other terms of the lease and **can** collect payment for rent owed prior to the incident or damage expenses. These protections cover all federally-subsidized housing programs which are administered by the U.S. Department of Housing and Urban Development, the USDA, and the Treasury.

If the perpetrator of violence is the only person in the household with established eligibility for the housing, the survivor will be given a chance to establish eligibility. If the survivor is not eligible for the housing, the covered program must give the survivor "reasonable time" to find new housing.

Emergency Transfer

Public Housing Authorities (PHA's) have until June 14, 2017, to develop emergency transfer plans through their federal agency (HUD, USDA, Treasury) which would allow survivors to transfer to another safe dwelling unit covered by the housing program under the following conditions:

- If the survivor requests the transfer and reasonably believes that they are threatened with imminent harm from further violence if they remain within the same dwelling unit
- Survivors of sexual assault can request the transfer if the assault occurred on the premises during the 90-day period preceding the request for transfer.

The policy should include reasonable confidentiality measures so the survivor's information is not disclosed.

HUD's model emergency transfer plan is as follows:

- allows a survivor to self-certify their need for an emergency transfer, ensuring documentation is not a barrier to protecting their immediate safety;
- allows the survivor to determine what is a safe unit for purposes of the transfer, ensuring that the survivor has control over their own safety planning;
- requires housing providers to allow for a resident to move immediately if there is another safe and available unit that does not require the survivor to undergo an application process as a new tenant, ensuring quicker access to safe housing;
- requires housing providers to explain the efforts they will

take when there is not a safe and available unit available for an emergency transfer and encourages housing providers to partner with victim services and advocates and other housing providers to assist a survivor; and,

- requires housing providers to document requests for emergency transfers, including the outcome of the request, and to report annually to HUD.

Terminating a Lease

VAWA allows survivors to terminate their lease early if they meet the following three conditions:

1. They want to vacate their apartment/house because they are afraid that they and/or their children face immediate danger as a result of domestic violence, sexual assault, or stalking;
2. Notify their landlord in writing that they are a survivor of domestic violence, sexual assault, or stalking: and:
3. Provide their landlord a copy of *one* of the following:
 - Protection order
 - Police report or court report
 - Signed document from someone who has assisted the survivor related to the violence committed against them (survivor advocate, medical professional, or attorney).
 - HUD certification form
 - Statement or other evidence provided by the tenant at the discretion of the PHA, owner, or manager

The final rule released by HUD on VAWA on October 24th, 2016, makes it clear that under most circumstances, a survivor need only to

self-certify in order to exercise their rights under VAWA, ensuring third party documentation does not cause a barrier in a survivor expressing their rights and receiving the protections needed to keep themselves safe.

VAWA also established a requirement that tenants/participants be notified of their VAWA rights and they should be notified 1) at the time an applicant is denied residency 2) at the time that the individual is admitted to the program, 3) with any notification of eviction or termination of assistance. Notice must also be developed in multiple languages.

Protections Against Adverse Effects of Abuse

he final rule released by HUD on VAWA on October 24th, 2016, added in protections against adverse effects of abuse. The rule says, *“Domestic violence can often have negative economic and criminal consequences on a survivor. The perpetrator may take out credit cards in a survivor’s name, ruining their credit history, or causing damage to survivor’s property causing eviction and poor rental history. The perpetrator may force a survivor to participate in criminal activity or a survivor may be arrested as part of policies that require arresting of both parties in a domestic disturbance. The final rule ensures that covered housing providers do not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a survivor.”*

HUD will provide guidance for covered housing providers to aid how they may determine whether factors that might otherwise serve as a basis for denial or termination of assistance or eviction have directly resulted from the fact that

an applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

The Fair Housing Act

The federal Fair Housing Act mandates that landlords cannot discriminate on the basis of race, color, national origin, religion, sex, familial status, or disability.

The Fair Housing Act in its entirety plays an important role in protecting survivors. Two notable aspects of the law are highlighted below:

1. The Fair Housing Act ensures that landlords must make reasonable accommodations for service animals. If your building does not normally allow pets, you may have to waive that restriction for a tenant who uses a service animal.
2. The Fair Housing Act protects pregnant tenants from unlawful eviction or denial. You cannot refuse to lease or evict someone because they have or will be having children.

Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act

The HEARTH Act amends and reauthorizes the McKinney-Vento Homeless Assistance Act with substantial changes, including the definition of homelessness. For more information on the full definition, see:

https://www.onecpd.info/resources/documents/HEARTH_Homeless_Definition_FinalRule.pdf

Homelessness Definition:

From the regulation, any individual or family is considered homeless who: § 91.5 (4)

- *(i) Is fleeing, or is 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;*
 - *(ii) Has no other residence; and*
 - *(iii) Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.*

Additionally, for those survivors who do not meet the criteria above, they may be considered homeless if they are unaccompanied youth under 25 years of age, or families with children and youth, who don't qualify under other sections of the definition but: (§ 91.5 (3))

- who are defined as homeless under other federal laws, including section 41403 of the Violence Against Women Act of 1994;
- have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
- have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance;
- and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment;

VAWA's definition (42 U.S.C. 14043e-2)

(6) the terms "homeless", "homeless individual", and "homeless person" -

(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

(B) includes -

(i) an individual who -

(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

(III) is living in an emergency or transitional shelter;

(IV) is abandoned in a hospital; or

(V) is awaiting foster care placement;

(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

(iii) migratory children (as defined in section 6399 of title 20) who qualify as homeless under this section because the children are living in circumstances described in this paragraph.

State Laws

[\[Colo. Rev. Stat. C.R.S. 38-12-402 & 13-40-104\(4\)\(a\)\(b\)\(c\)&\(d\)\]](#)

Colorado State law protects survivors and their families from **wrongful** eviction because of the violence committed against them.

A landlord **cannot** legally terminate a lease or evict someone just because they are a survivor.

A landlord can evict a survivor based on non-payment of rent or violation of other terms of the lease and **can** collect payment for rent owed prior to the incident or damage expenses.

Survivors cannot be evicted or penalized for making emergency assistance calls regarding a domestic violence situation. Nor can they forfeit their right in a lease to call for emergency assistance.

Terminating a Lease

State law (C.R.S. 38-12-402) allows survivors to terminate their lease early if they meet the following three conditions:

1. They want to vacate their apartment/house because they are afraid that they and/or their children face immediate danger as a result of domestic violence;
2. Notify their landlord in writing that they are a survivor of domestic violence; and
3. Provide their landlord a copy of their Protection Order or a police report documenting the abuse that is no older than 60 days.

Filing Complaints

Tenants have a right to file complaints if they feel they have been discriminated against. As advocates, it is important that you do not recommend one option over another as that may be viewed as legal advice. There may be additional avenues to dispute a denial of housing or to file a complaint in your local community.

Common options for filing complaints for tenants:

- U.S. Department of Housing and Urban Development ([HUD\) Online Filing Form](#)
- [Colorado Civil Rights Division](#)
- [U.S. Civil Rights Division](#)

- For discrimination against people with disabilities or older people visit Disability Law Colorado [here](#)
- For more information and legal options visit Colorado Legal Services: Housing Discrimination [here](#)

Other resources for advocates and survivors:

If you have questions about how to contact your local PHA or concerns about survivor housing protections, you can also contact:

- Denver Office of Public Housing: 800-377-2019
- Division of Housing: 303-864-7810

2 LONG-TERM HOUSING OPTIONS FOR SURVIVORS

The following housing approaches are most commonly found in housing and homelessness agencies. As discussed, many survivors of domestic violence find themselves seeking services outside of typical domestic violence specific programs. Therefore, these approaches may be helpful for advocates to know more about to connect survivors to additional resources and for potential cross-training opportunities.

Housing First

Housing first prioritizes placing individuals and/or families experiencing homelessness in permanent housing as quickly as possible. This approach also prioritizes client choice in housing selection as well as services received.

Core components:

- A focus on helping individuals and families access and sustain permanent rental housing as quickly as possible;
- A variety of services delivered to promote housing stability and individual well-being on an as-needed and entirely voluntary basis; and
- A standard lease agreement to housing – as opposed to mandated therapy or services compliance.²
- Low barrier. Housing first versus housing ready.

While these core components are common across all Housing First programs, how they are implemented and utilized varies based on client needs, community needs, and programs. For instance, individuals who have been chronically homeless may need longer-term supportive housing. As discussed in the next section, there is also a domestic violence specific housing first approach that has proven successful.

Successes

Those who access housing first are more likely to access housing faster and remain stably housed. Some Housing First programs have seen retention rates up to 98%. Those who access Housing First have reported an increase in perceived levels of autonomy, choice, and control. Lastly, Housing First is cost-effective. One study found an average cost savings on emergency services of \$31,545 per person housed in a Housing First program over the course of two years. Another study showed that a Housing First program could cost up to \$23,000 less per consumer per year than a shelter program.³

² (Housing First, 2016)

Considerations for Survivors

Although Housing First can work well addressing many levels of need for individuals and families, it may not always be the best approach with individuals who experience chronic homelessness. Also if survivors seek this program outside of a domestic violence agency certain safety may not be considered. That is where your program can come in to partner with agencies in your community that provide this program to provide training and support to survivors in those programs, if needed.

Rapid Re-Housing

Similar to Housing First, Rapid Re-Housing places a priority on placing a family or individual experiencing homelessness into permanent housing as quickly as possible, preferably within 30 days. Rapid Re-Housing was originally aimed at assisting individuals experiencing homelessness due to short-term situations such as financial crisis but, it has been proven to work well in a variety of cases. This includes, those with no income, individuals with substance abuse issues, survivors of domestic violence, etc. Duration of financial assistance varies, but on average programs provide four to six months of assistance to stably re-house a family or individual.

Successes

There are low barriers to entry and high housing placements. Over 82% of those who enter Rapid Re-Housing are placed in permanent housing.

³ (Fact Sheet on Housing First, 2016)

Several studies have shown that a return to homelessness for those accessing Rapid Re-Housing is low, less than 10%.⁴

Considerations for Survivors

Rapid Re-Housing, and Housing First, do not address affordable housing in the long run. After the family or individual finishes services, they may face the same barriers other low-income individuals face with high housing cost. Also confidentiality and safety may not be taken into account when working with a traditional housing provider.

Permanent Supportive Housing

Permanent supportive housing is non time-limited housing assistance coupled with wrap-around supportive services. The approach has been shown to be most effective with those who experience chronic homelessness. Chronic homelessness is defined as someone who has experienced homelessness for a year or longer, or who has experienced at least four episodes of homelessness in the last three years (must be a cumulative of 12 months), and has a disability.

Successes

Permanent supportive housing has been shown to reduce homelessness and increase housing stability. This approach also reduces cost for public-funded emergency services such as shelters, hospitals, jails, psychiatric centers.⁵

Considerations for Survivors

This approach may be most useful for survivors who have been homeless for quite some time or who have physical or

mental disabilities that make it difficult for them to obtain employment or enough income to eventually pay their rent.

Summary of approaches and considerations:

This is not an exhaustive list, but these approaches are currently some of the most widely used and evidence-based. Many survivors already access these programs, but may not be screened for domestic violence or given referrals to domestic violence specific programs. Also often times there are lengthy intake processes and widely used tracking systems, such as HMIS (Homelessness Management Information System), that may not give survivors the confidentiality and safety she/he needs. All of these are areas in which local domestic violence programs can partner with housing and homelessness programs to provide cross-training to better serve survivors and take their needs into consideration.

3 STRATEGIES FOR WORKING WITH LANDLORDS⁶

Working with Landlords and PHA's:

Why should we work together?

By partnering we strengthen our community connections and work together to invest in the community and find solutions to housing instability for survivors of domestic violence. And it's the law! As stated previously, landlords are required to offer protections to survivors of domestic violence. As an agency you may want to

⁴ (Rapid Re-Housing: What the Research Says, 2015)

⁵ (Supportive Housing, 2016)

⁶ (Washington Coalition Against Domestic Violence , 2015)

identify one person to be the main point of contact for landlords and to build those relationships.

Because it works

The [Washington Coalition Against Domestic Violence Domestic Violence Housing First Program \(DVHF\)](#) approach focuses on getting survivors of domestic violence into stable housing as quickly as possible and then providing the necessary support as they rebuild their lives. The approach's success relies on survivor-driven advocacy, flexible financial assistance, housing stability, and community engagement. This approach has proven to be successful in helping survivors maintain permanent housing, increasing safety and well-being of survivors, and helping survivors maintain and strengthen community connection and a large part of those successes are due to the community engagement of housing providers. By building relationships with housing providers and landlords, advocates can more effectively respond to the housing needs of survivors and their children.

For more information visit:

<http://wscadv.org/projects/domestic-violence-housing-first/>

How do you find them?

- [Realtors](#)
- [Landlord Associations](#)
 - Think about attending a meeting and call ahead to ask if you can present on your program.
- [Social Serve](#)
- [Property Management Companies](#)
- [Low Income and Subsidized Housing lists](#)
- Advertise your program

- Survivor Feedback: Where would survivors like to live? Who can you identify to connect with in those regions?
- Community Scan: use your friends, neighbors, professional organizations, current agency supporters, religious communities, etc. You will be surprised who may have good relationships with landlords!

Think about the best strategy

- Friendly one-on-one conversations: grab a coffee, lunch, or go for a walk
- Landlord-focused events: Host breakfast, lunch, or an early evening info session with snacks
- Attend a landlord association meeting—ask for a bit of time to present and bring dessert
- Follow-up: friendly check-in calls or emails
- Thank you's: host a reception, present an agency award, gift bag, or gift basket
- Consider having one housing point person at your agency to build relationships and maintain contact with the landlords

What talking points could you use?

- Your local program stats
- [National Network to End Domestic Violence Fact Sheet](#)
- Talk about prevalence:
 - Example: 1 in 3 women and 1 in 4 men in the US experience rape, physical violence, or stalking by an intimate partner.
 - “You probably know someone who has experienced or witnessed...”
- What is domestic violence?
 - A pattern of coercive power and control---includes physical, verbal, emotional, and/or psychological tactics.

- How does it relate to domestic violence?
 - Domestic and sexual violence are the leading causes of homelessness nationally, particularly for women. Numbers vary, but estimates show that up to 60% of women became homeless due to domestic violence and up to 92% of women who are homeless experienced some sort of physical or sexual abuse in her lifetime.⁷
 - We all need a safe place to call home.
 - Families and children make up more than half (51%) of homelessness in Metro Denver.
 - By speaking up and showing compassion, we can become a community where everyone has a safe place to call home.
- What are some of the barriers and impacts survivors face?
 - Discuss trauma barriers, as well as economic and legal barriers.
- Talk about benefits of working with survivors and your organization:
 - Tell the landlords about your role as a liaison between them and the survivors, and tell them how you can help them work through concerns they may have or issues that come up, such as if the tenant isn't paying rent on time.
 - Share success stories
 - Talk about programs that you offer to support the client such as, tenant education
 - Talk about the support you will offer the landlord and client ongoing
 - Free advertising: We can fill your units!
 - DV survivors make great tenants!

Be prepared to hear reasons why landlords don't want to rent to your clients:

- Poor Credit
- Past Evictions
- Violence
- Noise
- Low Income

Tell them why your clients are better prepared to meet their needs:

- Given info and support around tenant expectations
Reduce advertising costs
- Case Management
- Tenant Education
- Damage/security deposits
- Remember, survivors are like many other people they rent to. They aren't drastically different in that they are not necessarily a higher risk than other tenants.

How can we partner?

- Think about developing a county-wide or regional collaborative response, like [All Home King County](#)
- Provide support for DV survivors who are tenants: Including advocacy and financial assistance for a deposit or a few months' rent
- Regularly contact landlords, ask them about unit openings, and let them know you are working with folks who will be great tenants
- Continue to support the landlords after your clients move in and keep them happy by responding to requests in a timely

⁷ (Webster, 2013)

manner, following through on what you promised, and consider annual appreciation events.

- Develop a damage mitigation fund
- Be sure to take pictures of unit at move in to compare with damages at a later date. Can also complete a rental checklist/walk through with a survivor and landlord
- Let landlords know that you may be able to provide financial support for unit repairs prior to move in
- Engage volunteers to do painting/repairs as a way to build community support and keep landlords happy

Materials

It's important to bring information and materials with you when you meet with landlords. Don't forget to give landlords your contact information and leave the door open for further conversations and connections. Here are some examples of materials you could bring to help with your outreach efforts:

- [Fact sheets on domestic violence](#)
- [Overview of laws](#)
- Your contact information and agency information
- [Close To Home information on homelessness and impact on families](#)
- Information on your regional domestic violence and homeless/housing partners

Remember: Building relationships takes time. You may have to try different approaches and different landlords during this process.

There are plenty of landlords out there so even if something occurs where a bridge is burned or you have to walk away from a landlord, keep going. Don't give up!

Resources:

- Fair Housing Resources: <https://www.colorado.gov/pacific/dola/fair-housing-resources>
- Women's Law: www.womenslaw.org
- Colorado Civil Rights Housing Discrimination: <https://www.colorado.gov/pacific/dora/civil-rights/housing-discrimination>
- HUD: www.hud.gov
 - [HUD Final VAWA Housing Rule](#)
 - HUD Tenant Housing Rights <http://portal.hud.gov/hudportal/HUD?src=/states/colorado/renting/tenantrights>
- Colorado Legal Services: <https://coloradolegalservices.org/>
- Landlord Toolkit: <https://cmtysolutions.org/landlord-toolkit>
- Long-term Housing Approaches:
 - DVHF: <http://wscadv.org/projects/domestic-violence-housing-first/>
 - Home Free: <http://www.voaor.org/home-free>
 - DASH: www.dashdc.org
 - CAP: <https://cap.vaw.msu.edu/>
- National Resources:
 - National Alliance to End Homelessness: <http://www.endhomelessness.org/>

- National Network to End Domestic Violence:
www.nnedv.org
- Collaborative Solutions, Inc:
<http://www.collaborative-solutions.net/>
- National Resource Center on Domestic Violence:
www.nrcdv.org

4 REFERENCES

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