

March 29, 2019

The Honorable Nancy Pelosi
Speaker
H 232 U.S. Capitol
Washington, DC 20151

The Honorable Kevin McCarthy
Majority Leader
H 204 U.S. Capitol
Washington, DC 20151

Dear Speaker Pelosi and Majority Leader McCarthy:

The undersigned organizations represent a diverse group of housing providers, including private property owners and managers and public housing authorities (PHAs), who will be affected by H.R. 1585, the Violence Against Women Reauthorization Act (VAWA) of 2019 introduced by Rep. Karen Bass (D-CA) and Rep. Brian Fitzpatrick (R-PA). Our industry strongly supports the goals of VAWA and have worked closely with the Congress and advocacy community to ensure that victims are provided protections under Federal housing programs. H.R. 1585 includes well-meaning changes to current law which unfortunately are impractical and conflict with other housing rules and policies, add unfunded administrative burdens and create logistical issues that even if resolved will not realistically increase the protections under current law.

By way of background, through numerous reauthorizations of VAWA, housing providers have worked collaboratively with advocates and Congress to enact critical housing protections for victims of domestic violence. In 2006 housing provisions were first incorporated into VAWA, ensuring victims of domestic violence, dating violence and stalking would not lose or be denied housing based on an incident of domestic violence. The bill also included a novel process to permit a lease to be bifurcated - allowing the removal of a perpetrator of violence without evicting a victim or their family. The 2013 reauthorization built on the 2006 protections by expanding VAWA's application to additional rental housing programs. In addition, the bill improved existing law by allowing property owners to request third-party verification if they receive conflicting information about a domestic violence incident.

Taken together, VAWA provides robust requirements to preserve and obtain housing for victims of domestic violence. We believe existing housing provisions generally have been successful in assisting victims of domestic violence. Clearly, the dearth of affordable rental housing units is a problem in this context and other situations involving low-income families with emergency housing needs.

The proposed revised housing section included in H.R. 1585 is well-intentioned, however, may not ultimately achieve the desired result. New screening provisions, meant to assist domestic violence victims, represent a large shift in housing policy and in some cases run contrary to current housing regulations. The bill also includes new emergency transfer provisions which pose a programmatic and logistical challenge for housing providers of all types. Current law should be preserved, which already permits victims of domestic violence to request a transfer under certain circumstances (i.e. within the original federally assisted property or to another covered property under control of the owner or agency). Residents may also apply to other properties not in

control of the same owner or agency; however, such moves are dependent on typical market factors, like the availability of a vacant unit and established housing preferences that move domestic violence victims ahead of others on the housing waitlists. Importantly, privately-owned, federally assisted housing properties are generally single asset entities and have no ability to “transfer” a tenant to another owner entity’s property. Project-Based Rental Assistance and Low-Income Housing Tax Credit units are not portable due to fundamental program restrictions.

Instead, we believe Congress should use VAWA to refocus attention on housing vouchers, which are portable and already serve as a viable tool to help families in emergency situations. We urge Congress to consider establishing a new type of voucher program tied to services for domestic violence survivors modeled after the U.S. Department of Housing and Urban Development’s Veterans Affairs Supportive Housing Voucher (VASH) program, which has been enormously successful in housing homeless veterans. This type of program would build upon the existing housing protections under current law and ensure a direct line of assistance to domestic violence survivors without straining or competing for limited resources.

Our industry is committed to providing high quality, affordable, and safe homes and we believe that preserving housing for victims of domestic violence, dating violence, sexual assault and stalking is critically important. Again, we have serious concerns with the housing language as currently drafted and urge Congress to take into account the differing characteristics, roles and capabilities of various housing providers and property types, as well as the disparate responsibilities of private versus public housing providers. We look forward to working with Congress throughout the legislative process to ensure protections for domestic abuse survivors.

Sincerely,

Council for Affordable and Rural Housing
Institute of Real Estate Management
National Affordable Housing Management Association
National Apartment Association
National Association of Home Builders
National Association of Housing Cooperatives
National Association of REALTORS
National Leased Housing Association
National Multifamily Housing Council

cc: House of Representatives