

March 13, 2019

The Honorable Jerrold Nadler
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20151

The Honorable Doug Collins
Ranking Member
House Judiciary Committee
2141 Rayburn House Office Building
Washington, DC 20151

Dear Chairman Nadler and Ranking Member Collins:

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, but H.R. 1585 includes significant and problematic expansions of VAWA's existing housing provisions, including an expansion of scope to include new housing programs not previously subject to the Act's requirements, imposition of new resident screening provisions and changes to emergency transfer requirements.

More than a decade has passed since the housing industry worked collaboratively with Congress and advocates to include first-of-their-kind housing protections for victims of domestic violence in VAWA. Housing provisions were first incorporated into VAWA in 2006 and provided multifaceted solutions to housing challenges while balancing the needs of victims, their communities and housing providers alike.

The 2006 VAWA housing title ensured that victims of domestic violence, dating violence and stalking would not lose or be denied housing based on an incident of domestic violence. The 2006 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 measure also established a certification process to help housing providers, including apartment firms, identify those eligible for assistance under VAWA.

The 2013 reauthorization built on the 2006 protections by expanding VAWA's application to additional rental housing programs; it now includes Section 8 voucher and project-based programs, Low-Income Housing Tax Credit properties, HOME and others. 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 meaning, 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. Furthermore, the legislation expands emergency transfer provisions, allowing “internal” and “external” transfers. This misconstrues current housing policy as there is no such thing as an “external” transfer. Current law 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). Tenants 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, VAWA should 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 a new type of voucher tied to services 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.

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. We 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 and tailor legislation accordingly. We look forward to working with you to continue housing protections for victims of domestic violence.

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 REALTORS
National Leased Housing Association
National Multifamily Housing Council