

December 5, 2019

The Honorable Lindsey Graham  
Chairman  
Senate Committee on the Judiciary  
290 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein  
Ranking Member  
Senate Committee on the Judiciary  
331 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein:

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 the reauthorization of the Violence Against Women Reauthorization Act (VAWA). As the debate on the VAWA continues, we wanted to share with you our support for the concepts contained in S. 2920, the “Violence Against Women Act Reauthorization Act of 2019” introduced by Senator Ernst (R-IA) and express our support for the many improvements made by Senator Feinstein, to S. 2843, the “Violence Against Women Reauthorization Act of 2019,” the companion bill to the House approved measure, H.R. 1585. We are pleased with the Senate efforts to provide housing solutions for victims of domestic violence; however, we feel it necessary to bring to your attention the concerns we have with the housing provisions.

Our industry strongly supports the goals of VAWA, and we have worked closely with the Congress and advocacy community to ensure that victims are provided protections under Federal housing programs. 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 sections included in S. 2843 are well-intentioned, however, may not ultimately achieve the desired result. The bill 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 an emergency voucher that would be administered by the U.S. Department of Housing and Urban Development (HUD) and function like a revolving pool enabling housing agencies to immediately provide a voucher to a victim and be reimbursed soon-after from the pool. Both S. 2920 and S. 2843 address the issue but take different approaches. The Ernst legislation provides funding for HUD, to establish a program to determine how best to design a comprehensive approach to emergency housing, while S. 2843, creates a voucher pool to address these needs. We believe current law goes a long way to protect victims in the housing context but have always maintained that a special allocation of vouchers is the best way to ensure that victims do not lose their housing assistance when an emergency transfer or move is necessary.

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 are pleased that S. 2920 includes practical and workable housing solutions. Again, we are supportive of many of the changes incorporated in S. 2843, however we urge Congress to consider 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 Leased Housing Association  
National Multifamily Housing Council

cc: Senate Committee on the Judiciary