

105TH CONGRESS
1ST SESSION

S. 1128

To provide rental assistance under section 8 of the United States Housing Act of 1937 for victims of domestic violence to enable such victims to relocate.

IN THE SENATE OF THE UNITED STATES

JULY 31, 1997

Mr. WELLSTONE introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide rental assistance under section 8 of the United States Housing Act of 1937 for victims of domestic violence to enable such victims to relocate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Domestic Violence Vic-

5 tims Housing Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ABUSE.—The term “abuse” includes any

9 act that constitutes or causes, any attempt to com-

10 mit, or any threat to commit—

1 (A) any bodily injury or physical illness,
2 including placing, by physical menace, another
3 in fear of imminent serious bodily injury;

4 (B) any rape, sexual assault, or involun-
5 tary sexual activity, or any sexual activity with
6 a dependent child;

7 (C) the infliction of false imprisonment or
8 other nonconsensual restraints on liberty of
9 movement;

10 (D) deprivation of medical care, housing,
11 food, or other necessities of life; or

12 (E) mental or psychological abuse, includ-
13 ing repeated or severe humiliation, intimidation,
14 criticism, acts designed to induce terror, or
15 verbal abuse.

16 (2) DOMESTIC VIOLENCE.—The term “domestic
17 violence” means abuse that is committed against an
18 individual by—

19 (A) a spouse or former spouse of the indi-
20 vidual;

21 (B) an individual who is the biological par-
22 ent or stepparent of a child of the individual
23 subject to the abuse, who adopted such child, or
24 who is a legal guardian to such a child;

1 (C) an individual with whom the individual
 2 subject to the abuse is or was cohabiting;

3 (D) a current or former romantic, inti-
 4 mate, or sexual partner of the individual; or

5 (E) an individual from whom the individ-
 6 ual subject to the abuse would be eligible for
 7 protection under the domestic violence, protec-
 8 tion order, or family laws of the applicable ju-
 9 risdiction.

10 (3) FAMILY VICTIMIZED BY DOMESTIC VIO-
 11 LENCE.—

12 (A) IN GENERAL.—The term “family vic-
 13 timized by domestic violence” means a family or
 14 household that includes an individual who has
 15 been determined under subparagraph (B) to
 16 have been subject to domestic violence, but does
 17 not include any individual described in para-
 18 graph (3) who committed the domestic violence.
 19 The term includes any such family or household
 20 in which only a minor or minors are the individ-
 21 ual or individuals who was or were subject to
 22 domestic violence only if such family or house-
 23 hold also includes a parent, stepparent, legal
 24 guardian, or other responsible caretaker for the
 25 child.

1 (B) DETERMINATION THAT FAMILY OR IN-
2 DIVIDUAL WAS SUBJECT TO DOMESTIC VIO-
3 LENCE.—For purposes of subparagraph (A), a
4 determination under this subparagraph is a de-
5 termination that domestic violence has been
6 committed, which is made by any agency or of-
7 ficial of a State or unit of general local govern-
8 ment (including a public housing agency) based
9 upon—

10 (i) information provided by any medi-
11 cal, legal, counseling, or other clinic, shel-
12 ter, or other program or entity licensed,
13 recognized, or authorized by the State or
14 unit of general local government to provide
15 services to victims of domestic violence;

16 (ii) information provided by any agen-
17 cy of the State or unit of general local gov-
18 ernment that provides or administers the
19 provision of social, legal, or health services;

20 (iii) information provided by any cler-
21 gy;

22 (iv) information provided by any hos-
23 pital, clinic, medical facility, or doctor li-
24 censed or authorized by the State or unit

1 of general local government to provide
2 medical services;

3 (v) a petition or complaint filed in a
4 court or law or documents or records of ac-
5 tion of any court or law enforcement agen-
6 cy, including any record of any protection
7 order, injunction, or temporary or final
8 order issued by civil or criminal courts or
9 any police report; or

10 (vi) any other reliable evidence that
11 domestic violence has occurred.

12 (4) PUBLIC HOUSING AGENCY.—The term
13 “public housing agency” has the meaning given the
14 term in section 3(b) of the United States Housing
15 Act of 1937 (42 U.S.C. 1437a(b)).

16 (5) SECRETARY.—The term “Secretary” means
17 the Secretary of Housing and Urban Development.

18 (6) STATE.—The term “State” means the
19 States of the United States, the District of Colum-
20 bia, the Commonwealth of Puerto Rico, the Com-
21 monwealth of the Northern Mariana Islands, Guam,
22 the Virgin Islands, American Samoa, and any other
23 territory or possession of the United States.

24 (7) UNIT OF GENERAL LOCAL GOVERNMENT.—
25 The term “unit of general local government” has the

1 meaning given the term in section 102(a) of the
 2 Housing and Community Development Act of 1974
 3 (42 U.S.C. 5302(a)).

4 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

5 The budget authority under section 5(c) of the Unit-
 6 ed States Housing Act of 1937 for assistance under sub-
 7 sections (b) and (o) of section 8 of such Act is authorized
 8 to be increased by—

9 (1) \$50,000,000 on or after October 1, 1997;

10 and

11 (2) such sums as may be necessary on or after
 12 October 1, 1998.

13 **SEC. 4. USE OF AMOUNTS FOR HOUSING ASSISTANCE FOR**
 14 **VICTIMS OF DOMESTIC VIOLENCE.**

15 (a) IN GENERAL.—Amounts available pursuant to
 16 section 3 shall be made available by the Secretary of Hous-
 17 ing and Urban Development only to public housing agen-
 18 cies only for use in providing tenant-based rental assist-
 19 ance on behalf of families victimized by domestic violence
 20 who have left or who are leaving a residence as a result
 21 of the domestic violence.

22 (b) DETERMINATION.—For purposes of subsection
 23 (a), a family victimized by domestic violence shall be con-
 24 sidered to have left or to be leaving a residence as a result
 25 of domestic violence, if the public housing agency provid-

1 ing rental assistance under this Act determines that the
2 member of the family who was subject to the domestic vio-
3 lence reasonably believes that relocation from such resi-
4 dence will assist in avoiding future domestic violence
5 against such member or another member of the family.

6 (c) ALLOCATION.—Amounts made available pursuant
7 to section 3 shall be allocated by the Secretary to one or
8 more public housing agencies that submit applications to
9 the Secretary that, in the determination of the Secretary,
10 best demonstrate—

11 (1) a need for such assistance; and

12 (2) the ability to use that assistance in accord-
13 ance with this Act.

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