

106TH CONGRESS  
1ST SESSION

# H. R. 1352

To provide housing assistance to domestic violence victims.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Ms. SCHAKOWSKY introduced the following bill; which was referred to the  
Committee on Banking and Financial Services

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## A BILL

To provide housing assistance to domestic violence victims.

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 and  
5       Sexual Assault Victims’ Housing Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds as follows:

8               (1) Housing can prevent domestic violence and  
9       mitigate its effects. The connection between domes-  
10      tic violence and housing is overwhelming. Of all  
11      homeless women and children, 50 percent are fleeing  
12      domestic violence.

1           (2) Among cities surveyed, 44 percent identified  
2           domestic violence as a primary cause of homeless-  
3           ness.

4           (3) Women's poverty levels aggravate the prob-  
5           lems of homelessness and domestic violence. Two out  
6           of three poor adults are women. Female-headed  
7           households are six times poorer than male-headed  
8           households. In 1996, of the 7,700,000 poor families  
9           in the country, 4,100,000 of them were single fe-  
10          male-headed households. In addition, 5,100,000 poor  
11          women who are not in families are poor.

12          (4) Almost 50 percent of the women who re-  
13          ceive Temporary Assistance to Needy Families funds  
14          cite domestic violence as a factor in the need for as-  
15          sistance.

16          (5) Many women who flee violence are forced to  
17          return to their abusers because of inadequate shelter  
18          or lack of money. Even if they leave their abusers  
19          to go to a shelter, they often return home because  
20          the isolation from familiar surroundings, friends,  
21          and neighborhood resources makes them feel even  
22          more vulnerable. Shelters and transitional housing  
23          facilities are often located far from a domestic vio-  
24          lence victim's neighborhood. While this placement  
25          may be deliberate to protect domestic violence vic-

1       tims from their abusers, it can also be intimidating  
2       and alienating for a woman to leave her home, com-  
3       munity, cultural support system, and all that she  
4       knows for shelter way across town. Thus, women of  
5       color and immigrant women are less likely to become  
6       shelter residents.

7           (6) Women who do leave their abusers lack ade-  
8       quate emergency shelter options. The overall number  
9       of emergency shelter beds for homeless people is es-  
10      timated to have decreased by an average of 3 per-  
11      cent in 1997 while requests for shelter increased on  
12      the average by 3 percent. Emergency shelters strug-  
13      gle to meet the increased need for services with  
14      about 32 percent of the requests for shelter by  
15      homeless families going unmet. In fact 88 percent of  
16      cities reported having to turn away homeless families  
17      from emergency shelters due to inadequate resources  
18      for services.

19           (7) Battered women and their children comprise  
20      an increasing proportion of the emergency shelter  
21      population. Many emergency shelters have strict  
22      time limits that require women to find alternative  
23      housing immediately forcing them to separate from  
24      their children.

1           (8) A stable, sustainable home base is crucial  
2           for women who have left situations of domestic vio-  
3           lence and are learning new job skills, participating  
4           in educational programs, working full-time jobs, or  
5           searching for adequate child care in order to gain  
6           self-sufficiency. Transitional housing resources and  
7           services provide a continuum between emergency  
8           shelter provision and independent living.

9   **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

10          For purposes of section 4, the authorization of appro-  
11          priations under section 429(a) of the Stewart B. McKin-  
12          ney Homeless Assistance Act (42 U.S.C. 11389(a)) shall  
13          be increased by \$50,000,000 for fiscal year 2000 and by  
14          such sums as may be necessary for fiscal years 2001  
15          through 2004.

16   **SEC. 4. USE OF AMOUNTS FOR HOUSING ASSISTANCE FOR**  
17                   **VICTIMS OF DOMESTIC VIOLENCE, STALKING,**  
18                   **OR ADULT OR CHILD SEXUAL ASSAULT.**

19          (a) IN GENERAL.—The additional amounts to be  
20          made available by section 3 under section 429 of the Stew-  
21          art B. McKinney Homeless Assistance Act (42 U.S.C.  
22          11389) shall be made available by the Secretary only to  
23          qualified, nonprofit, nongovernmental organizations (as  
24          such term is defined in section 5) only for the purpose  
25          of providing supportive housing (as such term is referred

1 to in subchapter IV of part C of the Stewart B. McKinney  
2 Homeless Assistance Act (42 U.S.C. 11384)) and tenant-  
3 based rental assistance, financial assistance for security  
4 deposit, first month's rent, or ongoing rental assistance  
5 on behalf of individuals or families victimized by domestic  
6 violence, stalking, or adult or child sexual assault (as such  
7 terms are defined in section 5) who have left or are leaving  
8 a residence as a result of the domestic violence, stalking,  
9 or adult or child sexual assault. Each organization shall  
10 be required to supplement the assistance provided under  
11 this subsection with a 25 percent match of funds for sup-  
12 portive services (as such term is referred to in subchapter  
13 IV of part C of the Stewart B. McKinney Homeless Assist-  
14 ance Act (42 U.S.C. 11385)) from sources other than this  
15 subsection. Each organization shall certify to the Sec-  
16 retary its compliance with this subsection and shall include  
17 with the certification a description of the sources and  
18 amounts of such supplemental funds.

19 (b) DETERMINATION.—For purposes of subsection  
20 (a), an individual or a family victimized by domestic vio-  
21 lence, stalking, or adult or child sexual assault shall be  
22 considered to have left or to be leaving a residence as a  
23 result of domestic violence, stalking, or adult or child sex-  
24 ual assault if the qualified, nonprofit, nongovernmental or-  
25 ganization providing support, including tenant-based rent-

1 al assistance, financial assistance for security deposit, first  
2 month's rent, or ongoing rental assistance under sub-  
3 section (a) determines that the individual or member of  
4 the family who was a victim of the domestic violence,  
5 stalking, or adult or child sexual assault reasonably be-  
6 lieves that relocation from such residence will assist in  
7 avoiding future domestic violence, stalking, or adult or  
8 child sexual assault against such individual or another  
9 member of the family.

10 (c) ALLOCATION.—Amounts made available pursuant  
11 to subsection (a) shall be allocated by the Secretary on  
12 the basis of a national competition among the qualified,  
13 nonprofit, nongovernmental organizations that submit ap-  
14 plications to the Secretary that best demonstrate a need  
15 for such assistance, including the extent of service pro-  
16 vided to underserved populations as defined in section  
17 2003(7) of the Omnibus Crime Control and Safe Streets  
18 Act of 1968 (42 U.S.C. 3796gg–2(7)) and the ability to  
19 undertake and carry out a program under subsection (a),  
20 as the Secretary shall determine. Of the total funds appro-  
21 priated under section 3 in any of the enumerated fiscal  
22 years, at least 5 percent shall be used for grants to Indian  
23 tribes or Indian tribal organizations that provide emer-  
24 gency shelter, transitional housing, or permanent housing  
25 or supportive services to individuals or families victimized

1 by domestic violence, stalking, or adult or child sexual as-  
2 sault and Indian tribes or Indian tribal organizations  
3 which receive such grants may apply for and receive other  
4 grants from the total funds appropriated under this Act.  
5 All other grants awarded shall go to qualified, nonprofit,  
6 nongovernmental organizations. If, at the end of the 6th  
7 month of any fiscal year for which sums are appropriated  
8 under section 3, the amount appropriated has not been  
9 made available to a qualified, nonprofit, nongovernmental  
10 organization under subsection (a) for purposes outlined  
11 therein, the Secretary shall reallocate such amount to quali-  
12 fied, nonprofit, nongovernmental organizations that are el-  
13 igible for funding under subchapter IV of part C of the  
14 Stewart B. McKinney Homeless Assistance Act (42 U.S.C.  
15 11381–11389). Funds made available by the Secretary  
16 through reallocation under the preceding sentence shall re-  
17 main available for expenditure until the end of the fiscal  
18 year following the fiscal year in which such funds become  
19 available for reallocation.

20 **SEC. 5. DEFINITIONS.**

21 For purposes of this Act:

22 (1) DOMESTIC VIOLENCE.—The term “domestic  
23 violence” includes acts or threats of violence or ex-  
24 treme cruelty (as such term is referred to in section  
25 216 of the Immigration and Nationality Act (8

1 U.S.C. 1186a)), not including acts of self-defense,  
2 committed by a current or former spouse of the vic-  
3 tim, by a person with whom the victim has a child  
4 in common, by a person who is cohabiting with or  
5 has cohabited with the victim, by a person who is or  
6 has been in a continuing social relationship of a ro-  
7 mantic or intimate nature with the victim, by a per-  
8 son similarly situated to a spouse of the victim  
9 under the domestic or family violence laws of the ju-  
10 risdiction, or by any other person against a victim  
11 who is protected from that person's acts under the  
12 domestic or family violence laws of the jurisdiction.

13 (2) FAMILY VICTIMIZED BY DOMESTIC VIO-  
14 LENCE, STALKING, OR ADULT OR CHILD SEXUAL AS-  
15 SAULT.—

16 (A) IN GENERAL.—The term “family vic-  
17 timized by domestic violence, stalking, or adult  
18 or child sexual assault” means a family or  
19 household that includes an individual who has  
20 been determined under subparagraph (B) to  
21 have been a victim of domestic violence, stalk-  
22 ing, or adult or child sexual assault, but does  
23 not include any individual described in para-  
24 graph (1), (2), or (3) who committed the do-  
25 mestic violence, sexual assault, or adult or child



1 sexual assault. The term includes any such fam-  
2 ily or household in which only a minor or mi-  
3 nors are the individual or individuals who was  
4 or were a victim of domestic violence, stalking,  
5 or sexual assault only if such family or house-  
6 hold also includes a parent, stepparent, legal  
7 guardian, or other responsible caretaker for the  
8 child.

9 (B) DETERMINATION THAT FAMILY OR IN-  
10 DIVIDUAL WAS A VICTIM OF DOMESTIC VIO-  
11 LENCE, STALKING, OR ADULT OR CHILD SEX-  
12 UAL ASSAULT.—For purposes of subparagraph  
13 (A), a determination under this subparagraph is  
14 a determination that domestic violence, stalk-  
15 ing, or adult or child sexual assault has been  
16 committed, which is made by any agency or of-  
17 ficial of a State, Indian tribe, tribal organiza-  
18 tion, or unit of general local government based  
19 upon—

20 (i) information provided by any med-  
21 ical, legal, counseling, or other clinic, shel-  
22 ter, sexual assault program or other pro-  
23 gram or entity licensed, recognized, or au-  
24 thorized by the State, Indian tribe, tribal  
25 organization, or unit of general local gov-

1 ernment to provide services to victims of  
2 domestic violence, stalking, or adult or  
3 child sexual assault;

4 (ii) information provided by any agen-  
5 cy of the State, Indian tribe, tribal organi-  
6 zation, unit of general local government, or  
7 qualified, nonprofit, nongovernmental orga-  
8 nization that provides or administers the  
9 provision of social, medical, legal, or health  
10 services;

11 (iii) information provided by any cler-  
12 gy;

13 (iv) information provided by any hos-  
14 pital, clinic, medical facility, or doctor li-  
15 censed or authorized by the State, Indian  
16 tribe, tribal organization, or unit of general  
17 local government to provide medical serv-  
18 ices;

19 (v) a petition, application, or com-  
20 plaint filed in any State, Federal, or tribal  
21 court or administrative agency, documents  
22 or records of action or decision of any  
23 court, law enforcement agency, or adminis-  
24 trative agency, including any record of any  
25 protective order, injunction, or temporary

1 or final order issued by civil or criminal  
2 courts, any self-petition or any police re-  
3 port; or

4 (vi) any other reliable evidence that  
5 domestic violence, stalking, or adult or  
6 child sexual assault has occurred.

7 A victim's statement that domestic violence,  
8 stalking, or adult or child sexual assault has oc-  
9 curred shall be sufficient unless the agency has  
10 an independent, reasonable basis to find the in-  
11 dividual not credible.

12 (3) INDIAN TRIBE.—The term “Indian Tribe”  
13 shall have the same meaning given the term in sec-  
14 tion 2002(3) of the Omnibus Crime Control and  
15 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(3)).

16 (4) QUALIFIED, NONPROFIT, NONGOVERN-  
17 MENTAL ORGANIZATION.—The term “qualified, non-  
18 profit, nongovernmental organization” means a pri-  
19 vate organization that—

20 (A) is organized, or has as one of its pri-  
21 mary purposes, to provide emergency shelter,  
22 transitional housing, or permanent housing for  
23 victims of domestic violence, stalking, or adult  
24 or child sexual assault or is a medical, legal,  
25 counseling, social, psychological, health, job

1 training, educational, life skills development, or  
2 other clinical services program for victims of  
3 domestic violence, stalking, or adult or child  
4 sexual assault that undertakes a collaborative  
5 project with a qualified, nonprofit, nongovern-  
6 mental organization that primarily provides  
7 emergency shelter, transitional housing, or per-  
8 manent housing for low-income people;

9 (B) is organized under State, tribal, or  
10 local laws;

11 (C) has no part of its net earnings inuring  
12 to the benefit of any member, shareholder,  
13 founder, contributor, or individual;

14 (D) is approved by the Secretary as to fi-  
15 nancial responsibility; and

16 (E) demonstrates experience in providing  
17 services to victims of domestic violence, stalk-  
18 ing, or adult or child sexual assault.

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

21 (6) SEXUAL ASSAULT.—The term “sexual as-  
22 sault” means any conduct proscribed by chapter  
23 109A of title 18, United States Code, whether or not  
24 the conduct occurs in the special maritime and terri-  
25 torial jurisdiction of the United States, on an Indian

1 reservation, or in a Federal prison and includes both  
2 assaults committed by offenders who are strangers  
3 to the victims and assaults committed by offenders  
4 who are known to the victims or related by blood or  
5 marriage to the victim.

6 (7) STALKING.—The term “stalking” means  
7 engaging in a course of conduct directed at a spe-  
8 cific person that would cause a reasonable person to  
9 fear death, sexual assault, or bodily injury to himself  
10 or herself or a member of his or her immediate fam-  
11 ily, when the person engaging in such conduct has  
12 knowledge or should have knowledge that the spe-  
13 cific person will be placed in reasonable fear of  
14 death, sexual assault, or bodily injury to himself or  
15 herself or a member of his or her immediate family  
16 and when the conduct induces fear in the specific  
17 person of death, sexual assault, or bodily injury to  
18 himself or herself or a member of his or her imme-  
19 diate family.

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

1           (9) TRANSITIONAL HOUSING.—The term “tran-  
2           sitional housing” includes short-term housing and is  
3           given the meaning of subchapter IV, part C of the  
4           Stewart B. McKinney Homeless Assistance Act (42  
5           U.S.C. 11384(b)).

6           (10) TRIBAL ORGANIZATION.—The term “tribal  
7           organization” means a private, nonprofit, non-  
8           governmental, or tribally chartered organization—

9                   (A) whose primary purpose is to provide  
10                  emergency shelter, transitional housing, or per-  
11                  manent housing or supportive services to indi-  
12                  viduals or families victimized by domestic vio-  
13                  lence, stalking, or adult or child sexual assault;

14                  (B) that operates within the exterior  
15                  boundaries of an Indian reservation; and

16                  (C) whose board of directors reflects the  
17                  population served.

18           (11) UNIT OF GENERAL LOCAL GOVERN-  
19           MENT.—The term “unit of general local govern-  
20           ment” has the meaning given the term in section  
21           102(a) of the Housing and Community Development  
22           Act of 1974 (42 U.S.C. 5302(a)).

○