

106TH CONGRESS
2D SESSION

S. 2112

To provide housing assistance to domestic violence victims.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2000

Mr. TORRICELLI (for himself, Mr. JEFFORDS, Mrs. MURRAY, Mr. KERRY, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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

1 homeless women and children, 50 percent are fleeing
2 domestic violence.

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

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

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

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

1 lence victim's neighborhood. While this placement
2 may be deliberate to protect domestic violence vic-
3 tims from their abusers, it can also be intimidating
4 and alienating for a woman to leave her home, com-
5 munity, cultural support system, and all that she
6 knows for shelter way across town. Thus, women of
7 color and immigrant women are less likely to become
8 shelter residents.

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

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

1 housing immediately forcing them to separate from
2 their children.

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

11 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

12 For purposes of section 4, the authorization of appro-
13 priations under section 429(a) of the Stewart B. McKin-
14 ney Homeless Assistance Act (42 U.S.C. 11389(a)) shall
15 be increased by \$50,000,000 for fiscal year 2001 and by
16 such sums as may be necessary for fiscal years 2002
17 through 2005.

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

21 (a) IN GENERAL.—The additional amounts to be
22 made available by section 3 under section 429 of the Stew-
23 art B. McKinney Homeless Assistance Act (42 U.S.C.
24 11389) shall be made available by the Secretary only to
25 qualified, nonprofit, nongovernmental organizations (as

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

21 (b) DETERMINATION.—For purposes of subsection
22 (a), an individual or a family victimized by domestic vio-
23 lence, stalking, or adult or child sexual assault shall be
24 considered to have left or to be leaving a residence as a
25 result of domestic violence, stalking, or adult or child sex-

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

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

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

22 **SEC. 5. DEFINITIONS.**

23 For purposes of this Act:

24 (1) DOMESTIC VIOLENCE.—The term “domestic
 25 violence” includes acts or threats of violence or ex-

1 treme cruelty (as such term is referred to in section
 2 216 of the Immigration and Nationality Act (8
 3 U.S.C. 1186a)), not including acts of self-defense,
 4 committed by a current or former spouse of the vic-
 5 tim, by a person with whom the victim has a child
 6 in common, by a person who is cohabiting with or
 7 has cohabited with the victim, by a person who is or
 8 has been in a continuing social relationship of a ro-
 9 mantic or intimate nature with the victim, by a per-
 10 son similarly situated to a spouse of the victim
 11 under the domestic or family violence laws of the ju-
 12 risdiction, or by any other person against a victim
 13 who is protected from that person’s acts under the
 14 domestic or family violence laws of the jurisdiction.

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

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

graph (1), (2), or (3) who committed the domestic violence, sexual assault, or adult or child sexual assault. The term includes any such family or household in which only a minor or minors are the individual or individuals who was or were a victim of domestic violence, stalking, or sexual assault only if such family or household also includes a parent, stepparent, legal guardian, or other responsible caretaker for the child.

(B) DETERMINATION THAT FAMILY OR INDIVIDUAL WAS A VICTIM OF DOMESTIC VIOLENCE, STALKING, OR ADULT OR CHILD SEXUAL ASSAULT.—For purposes of subparagraph (A), a determination under this subparagraph is a determination that domestic violence, stalking, or adult or child sexual assault has been committed, which is made by any agency or official of a State, Indian tribe, tribal organization, or unit of general local government based upon—

(i) information provided by any medical, legal, counseling, or other clinic, shelter, sexual assault program or other program or entity licensed, recognized, or au-

1 thorized by the State, Indian tribe, tribal
2 organization, or unit of general local gov-
3 ernment to provide services to victims of
4 domestic violence, stalking, or adult or
5 child sexual assault;

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

13 (iii) information provided by any cler-
14 gy;

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

21 (v) a petition, application, or com-
22 plaint filed in any State, Federal, or tribal
23 court or administrative agency, documents
24 or records of action or decision of any
25 court, law enforcement agency, or adminis-

1 trative agency, including any record of any
2 protective order, injunction, or temporary
3 or final order issued by civil or criminal
4 courts, any self-petition or any police re-
5 port; or

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

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

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

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

22 (A) is organized, or has as one of its pri-
23 mary purposes, to provide emergency shelter,
24 transitional housing, or permanent housing for
25 victims of domestic violence, stalking, or adult

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

11 (B) is organized under State, tribal, or
12 local laws;

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

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

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

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

23 (6) SEXUAL ASSAULT.—The term “sexual as-
24 sault” means any conduct proscribed by chapter
25 109A of title 18, United States Code, whether or not

1 the conduct occurs in the special maritime and terri-
2 torial jurisdiction of the United States, on an Indian
3 reservation, or in a Federal prison and includes both
4 assaults committed by offenders who are strangers
5 to the victims and assaults committed by offenders
6 who are known to the victims or related by blood or
7 marriage to the victim.

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

22 (8) STATE.—The term “State” means the
23 States of the United States, the District of Colum-
24 bia, the Commonwealth of Puerto Rico, the Com-
25 monwealth of the Northern Mariana Islands, Guam,

1 the Virgin Islands, American Samoa, and any other
 2 territory or possession of the United States.

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

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

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

16 (B) that operates within the exterior
 17 boundaries of an Indian reservation; and

18 (C) whose board of directors reflects the
 19 population served.

20 (11) UNIT OF GENERAL LOCAL GOVERN-
 21 MENT.—The term “unit of general local govern-
 22 ment” has the meaning given the term in section
 23 102(a) of the Housing and Community Development
 24 Act of 1974 (42 U.S.C. 5302(a)).

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