

107TH CONGRESS  
2D SESSION

# H. R. 3752

To provide housing assistance to domestic violence victims.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2002

Ms. SCHAKOWSKY (for herself, Ms. MILLENDER-MCDONALD, Mr. CONYERS, Mr. FRANK, Ms. JACKSON-LEE of Texas, Mrs. MINK of Hawaii, Mr. McGOVERN, Mrs. MALONEY of New York, Mr. HOUGHTON, Mr. HONDA, Mr. JACKSON of Illinois, Mr. SMITH of New Jersey, Mr. WAXMAN, Ms. SLAUGHTER, Mr. LANTOS, Mr. RANGEL, Mr. KUCINICH, Mr. GEORGE MILLER of California, Ms. PELOSI, Mrs. LOWEY, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. FROST, Mr. BROWN of Ohio, Mr. BALDACCI, Mr. SANDLIN, Mr. MCHUGH, Mr. ABERCROMBIE, Mr. GILLMOR, Mr. SKELTON, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. OWENS, Mrs. JONES of Ohio, Ms. NORTON, Mr. FILNER, Mr. SANDERS, Mrs. THURMAN, Mr. CUMMINGS, Mr. NADLER, Mr. EVANS, Mr. ALLEN, Mr. ROTHMAN, Ms. MCCOLLUM, Mr. GREEN of Texas, Ms. HOOLEY of Oregon, Ms. BALDWIN, Mr. CLEMENT, Ms. LEE, Mr. JEFFERSON, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. BOSWELL, Ms. WATERS, Ms. BERKLEY, Mr. BLAGOJEVICH, Mrs. CAPPS, Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOLT, Mr. HINCHHEY, Mr. OLVER, Ms. MCKINNEY, Ms. SANCHEZ, Ms. HART, Mr. PASCRELL, Ms. BROWN of Florida, Ms. DELAUBO, Mr. UNDERWOOD, Mr. LIPINSKI, Mr. BONIOR, Mr. ENGEL, Mr. STARK, Mr. CAPUANO, Mr. BORSKI, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. McNULTY, Mr. PALLONE, Mr. ISRAEL, Mr. MATSUI, Mr. LARSEN of Washington, Mr. MORAN of Virginia, Ms. McCARTHY of Missouri, Mr. McDERMOTT, Mr. FATTAH, Mr. BAIRD, Mr. WU, Mr. OBERSTAR, Mr. RUSH, Ms. ROYBAL-ALLARD, Mr. KILDEE, Mr. SPRATT, Mr. UDALL of New Mexico, Mr. HOYER, Ms. WOOLSEY, Mr. FALEOMAVAEGA, Mr. WEXLER, Mrs. MEEK of Florida, Ms. KAPTUR, Ms. LOFGREN, Ms. VELÁZQUEZ, Mr. LANGEVIN, Mr. FORD, and Mr. CLAY) introduced the following bill; which was referred to the Committee on Financial Services

# 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) Victims of rape, incest, and other forms of  
9   sexual assault are frequently forced suddenly from  
10   their own homes for safety reasons. Such victims  
11   have included women desperately trying to protect  
12   their children from continued sexual abuse by other  
13   family members, women attending college who are  
14   pressured to leave school following a rape, young  
15   women being sold into prostitution by their fathers  
16   or husbands, women who are undocumented aliens  
17   feeling trapped and living in fear of being deported  
18   if they seek help, women being afraid to return to  
19   apartment buildings where they have been raped,  
20   and teenagers running away from home to escape in-  
21   cest.

22               (2) All of these women and children, and many  
23   more in similar situations, would greatly benefit

1 from making available transitional housing that of-  
2 fers immediate safety and connections to other ap-  
3 propriate services. Without such housing, they are  
4 often left in dangerous circumstances or left home-  
5 less and subject to additional victimization.

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

11 (4) Among cities surveyed, 44 percent identified  
12 domestic violence as a primary cause of homeless-  
13 ness.

14 (5) Women's poverty levels aggravate the prob-  
15 lems of homelessness and domestic violence. Two out  
16 of three poor adults are women. Female-headed  
17 households are six times poorer than male-headed  
18 households. In 1996, of the 7,700,000 poor families  
19 in the country, 4,100,000 of them were single fe-  
20 male-headed households. In addition, 5,100,000 poor  
21 women who are not in families are poor.

22 (6) Almost 50 percent of the women who re-  
23 ceive Temporary Assistance to Needy Families funds  
24 cite domestic violence as a factor in the need for as-  
25 sistance.

(7) Many women who flee violence are forced to return to their abusers because of inadequate shelter or lack of money. Even if they leave their abusers to go to a shelter, they often return home because the isolation from familiar surroundings, friends, and neighborhood resources makes them feel even more vulnerable. Shelters and transitional housing facilities are often located far from a domestic violence victim's neighborhood. While this placement may be deliberate to protect domestic violence victims from their abusers, it can also be intimidating and alienating for a woman to leave her home, community, cultural support system, and all that she knows for shelter way across town. Thus, women of color and immigrant women are less likely to become shelter residents.

17 (8) Women who do leave their abusers lack ade-  
18 quate emergency shelter options. The overall number  
19 of emergency shelter beds for homeless people is es-  
20 timated to have decreased by an average of 3 per-  
21 cent in 1997 while requests for shelter increased on  
22 the average by 3 percent. Emergency shelters strug-  
23 gle to meet the increased need for services with  
24 about 32 percent of the requests for shelter by  
25 homeless families going unmet. In fact 88 percent of

1        cities reported having to turn away homeless families  
2        from emergency shelters due to inadequate resources  
3        for services.

4                (9) Battered women and their children comprise  
5        an increasing proportion of the emergency shelter  
6        population.

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

15 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

16        The amount authorized to be appropriated under sec-  
17      tion 429(a) of the McKinney-Vento Homeless Assistance  
18      Act (42 U.S.C. 11389(a)) shall be increased by  
19      \$50,000,000 for fiscal year 2003 and by such sums as  
20      may be necessary for each of fiscal years 2004 through  
21      2007.

1   **SEC. 4. USE OF AMOUNTS FOR HOUSING ASSISTANCE FOR**  
2                   **VICTIMS OF DOMESTIC VIOLENCE, STALKING,**  
3                   **OR ADULT OR CHILD SEXUAL ASSAULT.**

4       (a) **HOUSING ASSISTANCE.**—Any additional amounts  
5   made available, pursuant to section 3 of this Act, under  
6   section 429 of the McKinney-Vento Homeless Assistance  
7   Act (42 U.S.C. 11389) shall be available to the Secretary  
8   only to provide assistance to qualified organizations for  
9   the purpose of providing, on behalf only of eligible individ-  
10   uals or families (as provided under subsection (b))—

11                   (1) supportive housing (as such term is defined  
12   in section 422 of the McKinney-Vento Homeless As-  
13   sistance Act (42 U.S.C. 11382));

14                   (2) tenant-based rental assistance;

15                   (3) financial assistance for a security deposit,  
16   first month's rent, or ongoing rental assistance; or

17                   (4) project-based transitional housing, except  
18   that such assistance may be used only to cover ex-  
19   penses of renovation, repair, conversion and oper-  
20   ation of such housing.

21       (b) **ELIGIBLE INDIVIDUALS AND FAMILIES.**—An eli-  
22   gible individual or family under this subsection is an indi-  
23   vidual or family that meets both of the following require-  
24   ments:

25                   (1) **DOMESTIC VIOLENCE, STALKING, OR SEX-**  
26                   **UAL ASSAULT.**—The individual or family has been

1 victimized by domestic violence, stalking, or adult or  
2 child sexual assault (as such terms are defined in  
3 section 9 of this Act).

4 (2) LEAVING RESIDENCE.—The qualified orga-  
5 nization providing the housing assistance pursuant  
6 to subsection (a) for which the individual or family  
7 is applying has determined that the individual or  
8 member of the family who was a victim of the do-  
9 mestic violence, stalking, or adult or child sexual as-  
10 sault reasonably believes that relocation from such  
11 residence will assist in avoiding future domestic vio-  
12 lence, stalking, or adult or child sexual assault  
13 against such individual or another member of the  
14 family.

15 **SEC. 5. MATCHING REQUIREMENT.**

16 Each qualified organization receiving assistance  
17 under this Act shall supplement such assistance with a  
18 25 percent match of funds for supportive services (as such  
19 term is defined in section 422 of the McKinney-Vento  
20 Homeless Assistance Act (42 U.S.C. 11382)) from sources  
21 other than this Act. Each such organization shall certify  
22 to the Secretary its compliance with this section and shall  
23 include with the certification a description of the sources  
24 and amounts of such supplemental funds.

1 **SEC. 6. ALLOCATION.**

2 (a) COMPETITION.—Amounts made available pursuant to this Act shall be allocated by the Secretary, among qualified organizations that submit applications to the Secretary, under a national competition based on demonstrated need for such assistance, including the extent of service provided to underserved populations (as such term is defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2)) and the ability to undertake and carry out a program under this Act, as the Secretary shall determine.

12 (b) SET ASIDE FOR INDIAN TRIBES.—Of the total funds appropriated pursuant to section 3 for any of the enumerated fiscal years, at least 10 percent shall be used for grants to Indian tribes or Indian tribal organizations that provide emergency shelter, transitional housing, or permanent housing or supportive services to individuals or families victimized by domestic violence, stalking, or adult or child sexual assault. Indian tribes or Indian tribal organizations that receive such grants may apply for and receive other grants from the total funds appropriated under this Act. All other grants awarded shall go to qualified organizations.

24 (c) REALLOTMENT.—If, at the end of the 6th month of any fiscal year for which sums are appropriated pursuant to section 3, the total amount appropriated has not

1 been obligated under subsection (a) to qualified organiza-  
2 tions for purposes under such subsection, the Secretary  
3 shall reallocate the remaining amount to qualified organiza-  
4 tions that are eligible for funding under subtitle C of title  
5 IV of the McKinney-Vento Homeless Assistance Act (42  
6 U.S.C. 11381–11389) for use for the purposes under such  
7 subtitle. Funds made available by the Secretary through  
8 reallocation under the preceding sentence shall remain  
9 available for expenditure until the end of the fiscal year  
10 following the fiscal year in which such funds become avail-  
11 able for reallocation.

**12 SEC. 7. APPLICANT REQUIREMENTS.**

13 The Secretary shall provide for qualified organiza-  
14 tions to apply for assistance under this Act and shall re-  
15 quire that such an application shall—

16 (1) contain such certifications as the Secretary  
17 shall require to ensure that—

18 (A) the applicant organization, to the ex-  
19 tent practicable, has entered into cooperative  
20 agreements or memoranda of understanding  
21 with homeless coalitions, public housing au-  
22 thorities, and community-based agencies that  
23 represent underserved populations to establish  
24 procedures for facilitating referrals to transi-

1           tional housing and for implementing tenant-  
2           based housing assistance programs; and

3           (B) any construction or physical improve-  
4           ments carried out with assistance amounts  
5           under this Act will comply with any applicable  
6           housing, safety, and licensing codes, laws, or  
7           regulations of the State or local government in  
8           which the structure is located; and

9           (2) describe how the services to be provided  
10          with assistance under this Act will assist victims of  
11          domestic violence in obtaining permanent housing.

12 **SEC. 8. CONFIDENTIALITY.**

13          A qualified organization may not be provided assist-  
14          ance under this Act unless the organization agrees to en-  
15          sure the confidentiality of—

16           (1) the names of individuals and their depend-  
17           ents assisted with services or in facilities funded, in  
18           whole or in part, with such amounts; and

19           (2) any other information regarding such indi-  
20           viduals and dependents,

21          except to the extent such information is otherwise required  
22          by law to be disclosed.

23 **SEC. 9. DEFINITIONS.**

24          For purposes of this Act:

(1) DOMESTIC VIOLENCE.—The term “domestic violence” includes acts or threats of violence or extreme cruelty (as such term is referred to in section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a)), not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim has a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

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

20 (A) IN GENERAL.—The term “family vic-  
21 timized by domestic violence, stalking, or adult  
22 or child sexual assault” means a family or  
23 household that includes an individual who has  
24 been determined under subparagraph (B) to  
25 have been a victim of domestic violence, stalk-

1 ing, or adult or child sexual assault, but does  
2 not include any individual described in para-  
3 graph (1), (2), or (3) who committed the do-  
4 mestic violence, sexual assault, or adult or child  
5 sexual assault. The term includes any such fam-  
6 ily or household in which only a minor or mi-  
7 nors are the individual or individuals who was  
8 or were a victim of domestic violence, stalking,  
9 or sexual assault only if such family or house-  
10 hold also includes a parent, stepparent, legal  
11 guardian, or other responsible caretaker for the  
12 child.

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

24 (i) information provided by any med-  
25 ical, legal, counseling, or other clinic, shel-

14 (iii) information provided by any cler-  
15 gy:

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

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

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

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

19 (4) QUALIFIED ORGANIZATION.—The term  
20 “qualified organization” means a private, nongovern-  
21 mental organization that—

22 (A) is organized, or has as its primary pur-  
23 poses, to provide emergency shelter, transitional  
24 housing, or permanent housing for victims of  
25 domestic violence, stalking, or adult or child

1           sexual assault or is a medical, legal, counseling,  
2           social, psychological, health, job training, edu-  
3           cational, life skills development, or other social  
4           services program for victims of domestic vio-  
5           lence, stalking, or adult or child sexual assault  
6           that undertakes a collaborative project with a  
7           qualified, nonprofit, nongovernmental organiza-  
8           tion that primarily provides emergency shelter,  
9           transitional housing, or permanent housing for  
10           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 ter-  
2       itorial 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 “trans-  
4 transitional housing” includes short-term housing and  
5 has the meaning given such term in section 424(b)  
6 of the McKinney-Vento 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)).

