

Editorial Notes

REFERENCES IN TEXT

Section 10452 of this title, referred to in subsec. (f)(1), was in the original “section 3796gg–10 of this title”, and was translated as meaning section 2015 of Pub. L. 90–351, which was classified to section 3796gg–10 of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 10452 of this title.

CODIFICATION

Section was formerly classified to section 10420 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Violence Against Women Act of 2000 and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

PRIOR PROVISIONS

A prior section 1301 of Pub. L. 106–386, div. B, title III, Oct. 28, 2000, 114 Stat. 1509; Pub. L. 109–162, §3(b)(2), title III, §306, title IX, §906(d), formerly §906(e), title XI, §1135(b), Jan. 5, 2006, 119 Stat. 2971, 3016, 3081, 3109, renumbered §906(d), Pub. L. 109–271, §7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764; Pub. L. 109–271, §§2(d), 7(d)(2), 8(b), Aug. 12, 2006, 120 Stat. 752, 766, related to safe havens for children, prior to repeal by Pub. L. 113–4, title I, §104(a), Mar. 7, 2013, 127 Stat. 73.

AMENDMENTS

2022—Subsec. (b)(8). Pub. L. 117–103, §104(1), substituted “improve” for “to improve”.

Subsec. (e). Pub. L. 117–103, §104(2), substituted “2023 through 2027” for “2014 through 2018”.

Subsec. (g). Pub. L. 117–103, §104(3), added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117–103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117–103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

EFFECTIVE DATE

Section not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113–4, set out as an Effective Date of 2013 Amendment note under section 2261 of Title 18, Crimes and Criminal Procedure.

DEFINITIONS

For definitions of terms used in this section, see section 1002 of Pub. L. 106–386, as amended, set out as a note under section 10447 of this title.

PART L—ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SUBPART 1—GRANT PROGRAMS

§ 12471. Findings

Congress finds that:

(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

(2) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

(Pub. L. 103–322, title IV, §41401, as added Pub. L. 109–162, title VI, §601, Jan. 5, 2006, 119 Stat. 3030.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 12472. Purpose

The purpose of this subpart is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, tribally designated housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;

(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

(3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

(4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

(Pub. L. 103-322, title IV, § 41402, as added Pub. L. 109-162, title VI, § 601, Jan. 5, 2006, 119 Stat. 3031; amended Pub. L. 113-4, title VI, § 601(a)(2), Mar. 7, 2013, 127 Stat. 102.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043e-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Pub. L. 113-4 substituted “subpart” for “part” in introductory provisions.

§ 12473. Definitions

For purposes of this subpart—

(1) the term “assisted housing” means housing assisted—

(A) under sections¹ 1715e, 1715k, 1715l(d)(3), 1715l(d)(4), 1715n(e), 1715v, or 1715z-1 of title 12;

(B) under section 1701s of title 12;

(C) under section 1701q of title 12;

(D) under section 811 of the Cranston-Gonzales² National Affordable Housing Act (42 U.S.C. 8013);

(E) under title II of the Cranston-Gonzales² National Affordable Housing Act [42 U.S.C. 12721 et seq.];

(F) under subtitle D of title VIII of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(G) under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

(H) under section 1437f of title 42;

(2) the term “continuum of care” means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

(3) the term “low-income housing assistance voucher” means housing assistance described in section 1437f of title 42;

(4) the term “public housing” means housing described in section 1437a(b)(1) of title 42;

(5) the term “public housing agency” means an agency described in section 1437a(b)(6) of title 42;

(6) the terms “homeless”, “homeless individual”, and “homeless person”—

(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

(B) includes—

(i) an individual who—

(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

(III) is living in an emergency or transitional shelter;

(IV) is abandoned in a hospital; or

(V) is awaiting foster care placement;

(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

(iii) migratory children (as defined in section 6399 of title 20) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

(7) the term “homeless service provider” means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness;

(8) the term “tribally designated housing” means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(9) the term “tribally designated housing entity” means a housing entity described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(21));³

¹ So in original. Probably should be “section”.

² So in original. Probably should be “Cranston-Gonzalez”.

³ So in original. The semicolon probably should be a period.