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NATIONAL
MULTIFAMILY
HOUSING
COUNCIL

March 15, 2021

The Honorable Nancy Pelosi
United States House of Representatives
Washington D.C. 20515

The Honorable Kevin McCarthy
United States House of Representative
Washington, D.C. 20515

Dear Speaker Pelosi and Minority Leader McCarthy:

The undersigned organizations represent a diverse group of housing providers, including private property owners and managers and public housing authorities (PHAs), who support continuing efforts to provide housing solutions for victims of domestic violence but raise concerns about specific provisions of the Violence Against Women Reauthorization Act (VAWA).

We applaud the passage of both the December COVID-19 relief package and the recent “American Rescue Plan,” signed into law for including important financial and emergency rental assistance relief measures for American families and businesses negatively impacted by the pandemic, including vital housing assistance funding for victims of domestic violence. As the debate on VAWA continues, we wanted to share with you our support for the “VAWA Victims Relocation Pool Voucher” program contained in H.R. 1620, the “Violence Against Women Reauthorization Act of 2021.” However, we also feel it necessary to bring to your attention the concerns we have with several of the housing provisions.

Our industry strongly supports the goals of VAWA, and we have worked closely with the Congress and advocacy community to ensure that victims are provided protections under federal housing programs. By way of background, through numerous reauthorizations of VAWA, housing providers have worked collaboratively with advocates and Congress to enact critical housing protections for victims of domestic violence. In 2006, housing provisions were first incorporated into VAWA, ensuring victims of domestic violence, dating violence and stalking would not lose or be denied housing based on an incident of domestic violence. The bill also included a novel process to permit a lease to be bifurcated - allowing the removal of a perpetrator of violence without evicting a victim or their family. The 2013 reauthorization built on the 2006 protections by expanding VAWA’s application to additional rental housing programs. In addition, the bill improved existing law by allowing property owners to request third-party verification if they receive conflicting information about a domestic violence incident.

Taken together, VAWA provides robust requirements to preserve and obtain housing for victims of domestic violence. We believe existing housing provisions generally have been successful in assisting victims of domestic violence. Clearly, the dearth of affordable rental housing units is a problem in this context and other situations involving low-income families with emergency housing needs.

The housing sections included in H.R.1620, while well-intentioned, fail to address the range of housing programs and property types covered by the Act, creating significant implementation barriers and operational concerns. Areas of concern include, but are not limited to, the creation of an unworkable emergency relocation transfer plan, a requirement that owners be responsible for referrals, and the establishment of a federal preference for victims of domestic violence.

Specifically, the bill's new emergency relocation transfer provisions pose programmatic and logistical challenges for housing providers of all types. Privately-owned, federally assisted housing properties are generally single asset entities and have no ability to "transfer" a tenant to another owner entity's property. Project-Based Rental Assistance and Low-Income Housing Tax Credit units are not portable due to fundamental program restrictions. Instead, current law should be preserved, which already permits victims of domestic violence to request a transfer under certain circumstances (i.e., within the original federally assisted property or to another covered property under control of the owner or agency). Residents may also apply to other properties not in control of the same owner or agency; however, such moves are dependent on typical market factors, like the availability of a vacant unit and established housing preferences that move domestic violence victims ahead of others on the housing waitlists.

Alternatively, Congress should use VAWA to refocus attention on housing vouchers, which are portable and already serve as a viable tool to help families in emergency situations. We urge Congress to establish an emergency voucher that would be administered by the U.S. Department of Housing and Urban Development (HUD) and function like a revolving pool enabling housing agencies to immediately provide a voucher to a victim and be reimbursed soon-after from the pool. We are supportive of the "VAWA Victims Relocation Pool Voucher," included in H.R. 1620, as it is specific to victims of domestic violence.

We believe current law goes a long way to protect victims in the housing context but have always maintained that a special allocation of vouchers is the best way to ensure that victims do not lose their housing assistance when an emergency transfer or move is necessary. A voucher pool dedicated to VAWA combined with other recently approved policy initiatives will ensure that victims have access to housing. Funding is an essential component and has regularly been provided in the form of incremental vouchers for victims fleeing domestic violence, most recently \$43 million in the FY21 funding for HUD. Additionally, \$52 million was appropriated for rapid rehousing grants directed to victims of domestic violence (there are other transitional housing monies (\$40 million) provided to the Department of Justice for this purpose).

In addition, we believe Congress should continue to provide a set aside of housing vouchers, which are portable and already serve as a viable tool to help families in emergency situations much like the \$5 billion provided in the "American Rescue Plan." Those monies are directed to people experiencing homelessness or at risk of homelessness who are domestic violence survivors or victims of human trafficking. Under the statute, these vouchers may not be reissued by housing agencies after September 30, 2023. We urge Congress to consider removing that deadline and allow the vouchers to function like a revolving pool enabling housing agencies to immediately provide a voucher to a victim and be reimbursed soon after from the pool.

Our industry is committed to providing high quality, affordable, and safe homes and we believe that preserving housing for victims of domestic violence, dating violence, sexual assault and stalking is critically important. We urge Congress to establish a VAWA Victims Relocation Pool Voucher program, while also considering the differing characteristics, roles and capabilities of various housing providers and property types, as well as the disparate responsibilities of private versus public housing providers. We look forward to working with Congress throughout the legislative process to ensure protections for domestic abuse survivors.

Sincerely,

CCIM Institute
Council for Affordable and Rural Housing
Institute of Real Estate Management
National Affordable Housing Management Association
National Apartment Association
National Association of Home Builders
National Association of REALTORS®
National Leased Housing Association
National Multifamily Housing Council

cc: Senate Committee on the Judiciary