

**Council for Affordable and Rural Housing  
Institute for Real Estate Management  
LeadingAge (formerly AAHSA)  
National Apartment Association  
National Association of Home Builders  
National Association of REALTORS  
National Leased Housing Association  
National Multi Housing Council**

January 30, 2012

The Honorable Patrick Leahy  
The Honorable Chuck Grassley  
United States Senate  
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Grassley:

The undersigned organizations represent a diverse group of housing providers, including public housing authorities, private property owners and managers, who will be affected by S. 1925, Violence Against Women Reauthorization Act of 2011. Our industry is committed to providing high quality, affordable, and safe apartment homes, and we believe that preserving housing for victims of domestic violence, dating violence, sexual assault and stalking (“domestic violence”) is critically important. Therefore, we strongly support the goals of the Violence Against Women Act (“VAWA” or “the Act”). VAWA provides important protections for victims of domestic violence and their communities, and we encourage you to support the housing provisions of S. 1925 included in the substitute amendment.

Housing provisions were first added to VAWA during the last reauthorization of the Act in 2006. The final housing title was the product of close cooperation between the housing provider and domestic violence victims’ advocate communities. Our collaborative efforts ensured that the Act balanced the needs of victims, the community and housing providers alike. We are happy to have continued that dialogue and commend the Committee and sponsoring-Senators for working with all stakeholders to develop a practical and meaningful housing title as part of S. 1925. Many of the industry’s initial concerns have been addressed through that collaboration, and we look forward to continuing work with you to further improve VAWA.

**Documentation of Incidents of Domestic Violence**

We have long-contested the regulatory interpretation of VAWA’s documentation of incidents of domestic violence provisions. The Act establishes a certification process to prevent discrimination and unfair eviction of victims of domestic violence, while relieving public housing authorities (“PHAs”), owners and managers from the daunting task of determining who is and is not a victim under the prescribed definitions. To that end, the certification section was designed to provide PHAs, owners and managers the option of requiring the third-party verification of incidents of domestic violence, thus ensuring that only bona fide victims of domestic violence receive benefits under the Act.

However, current Department of Housing and Urban Development (“HUD”) rules limit the ability of housing providers to ask for third-party verification of domestic violence and instead require housing providers to extend the benefits of the Act to an individual based solely on her/his unsubstantiated account of an incident. S. 1925 makes a positive step in restoring the gatekeeping function of VAWA’s documentation provisions by allowing housing providers to require third-party certification if they receive conflicting information about an incident of abuse.

### **Notification and Emergency Transfers**

The proposed bill includes language expanding VAWA’s existing provisions to include new notification requirements and requires the development of an emergency transfer plan for victims of domestic violence. As this bill also expands the scope of VAWA to include new housing programs, it is particularly important to recognize the differing characteristics, roles and capabilities of various housing providers and property types. To that end, the S. 1925 amendment includes a number of positive changes that will facilitate the meaningful implementation of VAWA’s provisions. For instance, the amended notification section resolves confusion that would occur in mixed-occupancy properties (i.e. buildings with both federally subsidized and non-subsidized residents) if broad, property-wide notifications were required, since non-subsidized residents are not subject to VAWA requirements.

However, these sections could benefit from additional amendment to fully address the diversity of housing types and ownership structures now covered by VAWA. One important example involves the emergency transfer measure. While a PHA may have the ability to relocate residents upon request, private property owners and managers generally are not in a position to transfer residents to another property or assist individuals in making alternative housing choices. This ability is limited by the differing financial partners and ownership interests that hold private properties. Any emergency transfer provision should acknowledge the limitations of transfer policies and reflect the practical realities of the rental housing sector.

In conclusion, our industry is committed to working on this very important topic, and we look forward to continuing collaboration to improve protections for victims of domestic violence.

Sincerely,

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