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Building a Statutory Shelter for Victims of Domestic Violence: The United States Housing Act and Violence Against Women Act in Collaboration

Elizabeth J. Thomas*

INTRODUCTION

Jane's¹ relationship with her boyfriend spanned several years, and so did the abuse. First he hit her. Then he threatened to harm her children and take them away. Her boyfriend provided the sole source of income and prohibited Jane from securing her own employment. While Jane desperately longed to escape the abuse and end the relationship, Jane feared the loss of financial support and the possibility of jeopardizing her living situation. Although Jane left several times, she was forced to return when she could not find a place to live. Ultimately, Jane remained in the abusive relationship. She hoped that staying would placate her boyfriend and keep a roof over her children's heads.

Victims of domestic violence² often find themselves in a situation similar to the one described above. An abusive partner's need to

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1. To protect the identity of the victims, arbitrary names replace the victims' names. The introductory account includes elements from several victims' stories to illustrate the difficult choices confronting victims of domestic violence who live in public housing. The conglomeration account originates from meetings with victims of domestic violence filing for orders of protection at the civil courts in St. Louis, Missouri.

2. Although domestic violence affects both women and men, this Note discusses the problem in terms of female victims of male abusers, the most common abusive relationship. "While women are less likely to be victims of violent crime overall, women are 5 to 8 times more likely than men to be victimized by an intimate partner." Domestic Violence Information, National Statistics (citing U.S. DEP'T OF JUSTICE, VIOLENCE BY INTIMATES (1998)), available at <http://www.ndvh.org/dvInfo.html> (last visited Sept. 19, 2004).

"Domestic violence is a pattern of interaction that includes the use of physical violence, coercion, intimidation, isolation, and/or emotional, economic, or sexual abuse by one intimate partner to maintain power and control over the other intimate partner." Jo Ann Merica, *The*

control a victim creates a cycle of abuse³ that is difficult for the victim to break. Abusers engage in a combination of both subtle and obvious tactics that work to control the victim; over time the frequency and severity of these tactics usually increase.⁴ Often non-physical forms of abuse⁵ suffice; however, physical violence frequently results when the non-physical abuse does not adequately control the victim.⁶ The effects of violence extend not only to the victim's personal relationships but also to every facet of the victim's life.

Shelter and financial stability are essentials that many victims who try to escape the cycle of abuse are forced to do without. Unfortunately, women find little comfort from the current laws because the statutory provisions that purport to safeguard abused women do not provide sufficient aid.⁷ While the United States Housing Act of 1937⁸ (USHA) and the Violence Against Women Act of 1994⁹ (VAWA) both have laudable goals, the lack of collaboration between the two greatly diminishes their beneficial effects.

Part I of this Note examines the patterns of domestic violence and the dynamics of the abuse cycle in order to provide a brief background for a discussion of the pertinent abuse statutes. Part II of

Lawyer's Basic Guide to Domestic Violence, 62 TEX. B.J. 915, 915 (1999); see also MISSOURI COALITION AGAINST DOMESTIC VIOLENCE, A FRAMEWORK FOR UNDERSTANDING THE NATURE AND DYNAMICS OF DOMESTIC VIOLENCE 14 (2000) [hereinafter MCADV] (illustrating the "Power and Control Wheel").

3. MCADV, *supra* note 2, at 14. The "Power and Control Wheel" illustrates the methods that abusers use to control their victims. These include: isolation, emotional abuse, economic abuse, sexual abuse, intimidation, using male privilege, threats, and using children. *Id.* The abuser identifies which methods effectively control his victims and utilizes those methods until other means become necessary. *Id.*

4. *Id.* at 4.

5. Examples of non-physical abuse include an abuser's refusal to allow his partner to find work, pursue an education, or spend time with her friends or family. American Bar Association Commission on Domestic Violence, at <http://www.abanet.org/domviol/stats.html> [hereinafter Commission on Domestic Violence] (last visited May 12, 2004). Abusers also exert control through verbal and emotional abuse. This includes threats of violence that the victim believes may occur. See Merica, *supra* note 2, at 915.

6. See generally MCADV, *supra* note 2, at 7.

7. For example, statutes permitting victims to obtain orders of protection cannot provide the safety fleeing victims require. See *infra* note 30 and text accompanying note 31.

8. 42 U.S.C. §§ 1437-1437bbb-9 (2000).

9. Pub. L. No. 103-322, 108 Stat. 1796 (1994) (current version in scattered sections of 42 U.S.C.).

this Note discusses the statutory background of USHA, VAWA, and their respective amendments. Part III of this Note analyzes the strengths and weaknesses of USHA and VAWA, and addresses the intersection of domestic violence and public housing residents. Part IV proposes that a joint effort between the two Acts would acknowledge the correlation between domestic violence and public housing, thereby more efficiently and effectively achieving the Acts' goals.

I. THE CYCLE OF VIOLENCE

According to the "most conservative estimates," over one million women experience domestic violence each year.¹⁰ This abusive phenomenon crosses racial, ethnic, age, and gender lines.¹¹ Although the Office of Justice Programs estimates that domestic violence declined over the past decade,¹² the staggering number of women still enduring violence suggests a need for additional reform. Factors that enhance the effects of abuse and create the need for additional reform include erroneous public perceptions, financial uncertainties, demands for alternate housing, and cultural influences.

The erroneous perception that women can simply leave an abusive situation if they desire exacerbates the traumatic effects of domestic violence.¹³ To outsiders, leaving the abuser provides an easy solution

10. Commission on Domestic Violence, *supra* note 5. However, because many incidents of domestic violence go unreported, it is likely that many more women experience domestic violence.

11. *Id.*

12. OFFICE OF JUSTICE PROGRAMS, U.S. DEP'T OF JUSTICE, ANNUAL REPORT (2000) 34, available at <http://www.ojp.usdoj.gov/annualreport/fy00pdf.pdf>. According to the report, violence against women fell twenty-one percent from 1993 through 1998. *Id.* The report also stated that an estimated 876,340 violent victimizations against women by partners occurred during 1998, down from 1.1 million in 1993. *Id.*

13. Not only erroneous, the perception that women can leave if they really want places blame on the victim for the conduct of her abuser. See MCADV, *supra* note 2, at 7. Moreover, "[i]t is important to remember that love and intimacy precede the abuse, which can make it difficult to break away . . . Abusers effectively weave together intimacy and abuse to control their partners." *Id.* at 1.

Further, most do not realize that many victims do leave. *Id.* at 7. While decisions not to leave an abuser may appear to be motivated by submission and fear, these decisions are often strategic plans for dealing with abuse. *Id.* ("A victim uses different strategies to cope with and resist abuse. These strategies might appear to be the result of passivity or submission, when in

to the problem. However, outsiders fail to realize this solution increases the risk of death or severe abuse.¹⁴

Additional circumstances that complicate the choice to leave include financial uncertainty. Many victims of domestic violence do not have jobs or financial independence; thus, leaving an abuser may mean entering a life of homelessness.¹⁵ Conversely, victims that have a source of income may be forced to abandon these resources upon leaving an abusive situation, thereby placing them in analogous circumstances as those without employment.¹⁶ Furthermore, victims may lose all personal possessions if forced to flee in order to escape abuse.¹⁷

Victims who leave also confront the difficulty of finding alternate housing. Although some victims may relocate to other housing or to other family members' homes, these prospects often provide uncertain and limited results.¹⁸ Unavailability of public housing and financial inability of other family members diminishes the viability of these options.¹⁹

reality [the victim] has learned that these are sometimes successful temporary means of stopping the violence.”).

Finally, when victims do seek help, “they are often greeted with responses that encourage them to reunite with the abuser or ignore the abuse.” Merica, *supra* note 2, at 916.

14. Merica, *supra* note 2, at 916 (“Women who leave their batterers are at a 75 percent greater risk of being killed by the batterer than those who stay.”). In addition, victims must often consider consequences that may affect their children, including child abuse and loss of custody. MCADV, *supra* note 2, at 8. Many women remain in the abusive environment to monitor the abusive partner’s behavior with the children. *Id.* at 7.

Finally, the abuser may retaliate in other ways. For example, the abuser may attempt to sabotage employment or educational efforts. *See supra* note 5 and accompanying text.

15. Approximately half of homeless women and children are on the streets as a result of domestic violence. Merica, *supra* note 2, at 916.

16. Erin Meehan Richmond, Note, *The Interface of Poverty and Violence Against Women: How Federal and State Welfare Reform Can Best Respond*, 35 NEW ENG. L. REV. 569, 574–75 (2001).

17. MCADV, *supra* note 2, at 8.

18. Anne Menard, *Domestic Violence and Housing: Key Policy and Program Challenges*, 7 VIOLENCE AGAINST WOMEN 707, 709 (2001). To further complicate the difficulty of finding alternate housing, many organizations providing emergency shelter to victims also have significant limitations on the number of women they can admit. *Id.* at 710 (“Requests for emergency shelter by homeless mothers with children increased in 72% of U.S. cities surveyed in 1999, and 68% of cities surveyed were unable to meet the current demand for emergency shelter.”).

19. “The United States is currently experiencing record low vacancy rates and rents that are rising at a pace far exceeding inflation. . . . [T]he National Low Income Housing Coalition

In addition, victims often possess cultural or religious beliefs that influence them to salvage their marriage.²⁰ This reluctance to seek assistance exacerbates the barriers created by abusive relationships and the deficient laws enacted for victim protection because outsiders fail to realize the complexity of the situation.²¹

While the epidemic of domestic abuse and the fears attached clearly pervade all social and economic levels, lower-income women typically experience the highest rates of violence.²² Sociologic studies suggest links between poverty and domestic violence,²³ postulating that domestic violence may constitute a major cause of poverty.²⁴

As a result of abuse, many women are forced into poverty. By prohibiting their partner from working or attending school, the abuser increases the victim's dependence and decreases the likelihood that she will leave.²⁵ If the victim does leave, she risks the loss of housing and income on which she depends and may face single parenthood.²⁶

(NLIHC) determined that a substantial number of renters cannot afford housing in their community." *Id.* at 709 (citation omitted).

20. MCADV, *supra* note 2, at 1.

21. Many of the modern welfare reform laws neglect to address domestic violence as a cause of poverty, thereby making many laws inimical to the goal of helping victims of domestic violence escape. Richmond, *supra* note 16, at 584–85.

22. Richmond, *supra* note 16, at 573–75. Richmond argues that while the phenomenon of domestic violence certainly crosses social and economic lines, insisting that domestic violence is indiscriminate in nature may result in less focus on the fact that lower-income women experience domestic violence at an increased rate. *Id.*; see also LAWRENCE A. GREENFIELD ET AL., BUREAU OF JUSTICE STATS., VIOLENCE BY INTIMATES: ANALYSIS OF DATA ON CRIMES BY CURRENT OR FORMER SPOUSES, BOYFRIENDS, AND GIRLFRIENDS 11 (1998), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/vi.pdf>.

23. See, e.g., SUSAN LLOYD, DOMESTIC VIOLENCE AND WOMEN'S EMPLOYMENT, <http://www.northwestern.edu/ipr/publications/nupr/nuprv03n1/lloyd.html> (Aug. 2, 2002); Catherine T. Kenney & Karen R. Brown, *Report from the Front Lines: The Impact of Violence on Poor Women*, NOW LEGAL DEFENSE AND EDUCATION FUND (1996).

24. Joan Meier, *Domestic Violence, Character, and Social Change in the Welfare Reform Debate*, 19 LAW AND POL'Y 205, 206 (1997).

25. See MCADV, *supra* note 2, at 14 (illustrating the "Power and Control Wheel").

26. *Id.* at 8. Victims with employment often find it difficult to maintain this source of income because their abuser often interferes. See Commission on Domestic Violence, *supra* note 5. One job placement counselor stated:

We found our client work, but when her abuser got out of jail . . . he applied to the court for visitation rights for his daughter. . . . Even when he had the child, he would come over . . . wanting to make sure what she was doing . . . Unfortunately, she . . . took him back. The violence is now interfering with her work. . . . She is emotional, it is hard to get her to focus on her work, she calls in sick.

For those women who already live in public housing and receive aid, the threat of losing assistance provides a further disincentive from leaving an abusive relationship.²⁷

Providing safety options and aid to victims of domestic violence clearly constitutes the most important goal in ending the cycle of abuse. Currently two mechanisms are in place to help provide safety planning and aid. Victim service agencies provide safety planning help and social services.²⁸ These entities offer invaluable information and support to victims.²⁹ Additionally, state circuit Courts can issue orders of protection to help shield victims from abuse.³⁰ The

MCADV, *supra* note 2, at 13.

27. Richmond, *supra* note 16, at 573–75. When evaluating a decision of whether or not to leave, many women are conflicted by the physical and psychological impacts as well as the potential affects on children. “Leaving a violent relationship is not a simple matter of deciding you don’t want to be hit. Each factor must be weighed carefully, because only the abuser truly can stop the violence.” MCADV, *supra* note 2, at 8.

Moreover, the effects of abuse may last long after the victim leaves her abuser. Richmond, *supra* note 16, at 575. “Physical, emotional, and psychological abuse significantly affect human capital characteristics, which in turn shape a person’s employability and job performance.” *Id.*

28. For example, Legal Advocates for Abused Women in St. Louis, Missouri, offers safety planning, legal counseling, victim advocacy, social service resources, and various other services. *See* LAAW Programs, at <http://www.laawstl.org/LAAWPrograms.html> (last visited May 21, 2004). Domestic violence agencies may also provide hotlines, crisis intervention, shelter, support groups, ongoing advocacy, and court advocacy. MCADV, *supra* note 2, at 34.

29. MCADV, *supra* note 2, at 3. As part of an effort to concentrate on victim safety, support agencies listen and allow victims to make their own decisions. *Id.*

The woman who experiences domestic violence is the expert on the violence in her life. Only she will know if her batterer will carry through on his threats if she tells her story, goes to work or pursues child support. . . . This reinforces her autonomy and can empower her with the knowledge that she can survive outside of her abusive relationship.

Id. at 2.

30. The information in this Note concerning orders of protection derives from Missouri statutes. *See generally* MO. REV. STAT. §§ 455.010–.085 (2002) (concerning adult abuse).

[A]ny full or ex parte order of protection . . . shall be to protect the petitioner from abuse or stalking and may include:

(1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner . . . or (3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

Id. § 455.050.1. Full orders of protection may also award child custody to the petitioner and award maintenance. *Id.* § 455.050.3. While orders of protection provide some comfort to

existence of a protective order may increase the priority assigned to the call,³¹ otherwise help from law enforcement may arrive too late.

Safety planning and orders of protection present only the first step in escaping abuse. In order to successfully leave and survive on their own, victims must have access to resources that provide alternate shelter and support.

II. STATUTORY BACKGROUND

A. *United States Housing Act*

American housing programs stemmed from a governmental desire to clear slum areas as the country recovered from the Great Depression.³² With the renovation of slum areas came another problem: many low-income families were displaced because they could not afford to live in the replacement housing.³³

domestic abuse victims, abuse often continues.

It must be made clear to [a victim] that [an order of protection] is only a piece of paper and that it is not an ironclad shield against the abuser's renewed assaults. Even law enforcement agencies that have strong resolve to respond to the needs of battered women cannot provide officers to be with her 24 hours a day. Furthermore, a woman's ability to rely upon assistance from police . . . often depends upon the particular officer who answers a call.

MCADV, *supra* note 2, at 27–28.

31. State law requires law enforcement officials to respond to incidents of domestic violence as they would to any similar situation between strangers. *See* MO. REV. STAT. § 455.080.2 (2002), which states:

Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of abuse or violation of protection orders than is assigned in responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

. . . .

- (2) A protection order is in effect; or
- (3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

Id.

32. Paul R. Lusignan, *Public Housing in the United States 1933–1949*, 1 CULTURAL RESOURCE MGMT. 36 (2002), available at <http://crm.cr.nps.gov/archive/25-01/25-01-16.pdf>.

33. *Id.* at 37 (“Although the . . . housing projects were of high quality, rents were well beyond the means of most low-income families, and only one project complied with the . . . objectives of creating new housing while at the same time clearing slum areas.”).

In response to this growing problem, Congress passed the United States Housing Act of 1937³⁴ (USHA) to provide federally funded, low-income housing.³⁵ The federal government delegated administration of this law to the United States Housing Authority and enlisted the aid of private citizens and organizations.³⁶ Although wartime interruptions slowed the progress of housing provisions in earlier years, the law nonetheless made great strides in providing low-income housing.³⁷

In subsequent decades, America's poor moved into the cities while wealthier residents moved to the suburbs.³⁸ With limited affordable housing for the poor to live in, many individuals remained homeless. In response to the growing concentration of poor people in urban centers, Congress passed the Housing and Community Development Act of 1974.³⁹ Under this Act, Congress consolidated laws and programs for more efficient facilitation of local needs.⁴⁰

34. Ch. 896 (codified as amended at 42 U.S.C. §§ 1437 to 1437bbb-9 (2000)).

35. 42 U.S.C. § 1437(a)(1) (2000).

36. *Id.* In 1965, with the passage of the Housing and Urban Development Act, Housing and Urban Development (HUD) became the administering agency and continues to expand its programs. HUD's History, at <http://www.hud.gov/library/bookshelf18/hudhistory.cfm> (June 1, 2004).

37. Lusignan, *supra* note 32, at 37 ("The 'public housing' built during the period 1930–1949 infused communities both large and small throughout the country with thousands of modern and affordable dwelling units, which represented highly successful cooperative efforts by local and government agencies to provide housing and employment during times of desperate need.")

38. *See generally* KENNETH T. JACKSON, CRABGRASS FRONTIER: THE SUBURBANIZATION OF THE UNITED STATES 238 (1985). Jackson recognizes that, although suburbs existed before World War II, post World War II America saw a boom in the creation of suburban housing. *Id.* Indeed, in 1950, the national suburban growth rate was ten times that of the central-city growth rate. *Id.*

39. Pub. L. No. 93-383, 88 Stat. 633 (codified at 42 U.S.C. § 5301 (2000)). The Act states that "[t]he primary objective of this title . . . is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income." 42 U.S.C. § 5301(c) (2000).

40. H.R. CONF. REP. NO. 93-1279, at 123 (1974). The accompanying Senate bill contained findings "that the Nation's . . . communities face critical social, economic, and environmental problems" resulting from "the growth of population in metropolitan and other urban areas," concentration of lower income persons in central cities, and "inadequate public and private investment," and that "the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable urban communities . . ." S. 3066, 93rd Cong., at § 302(a)–(b) (1974) (enacted). Therefore, the Housing and Community Development Act consolidated programs into a system which

In 1997, the Senate passed the Public Housing Reform and Responsibility Act (PHRRA).⁴¹ The PHRRA attempted to remedy many of the cumbersome provisions hindering a public housing agency's (PHA) ability to respond to local needs.⁴² This restructuring allocated more authority to PHAs to administer housing programs, thus allowing PHAs to tailor programs to each locality.

Under current public housing provisions, the Department of Housing and Urban Development (HUD)⁴³ grants federal funds to local PHAs.⁴⁴ These local PHAs distribute housing choice vouchers

(1) provides assistance on an annual basis, with maximum certainty and minimum delay . . . (2) encourages community development activities which are consistent with comprehensive local and areawide development planning; (3) furthers achievement of the national housing goal of a decent home and a suitable living environment for every American family; and (4) fosters the undertaking of housing and community development activities in a coordinated and a mutually supportive manner.

H.R. CONF. REP. NO. 93-1279, at 3 (1974).

41. The PHRRA "consolidate[d] public housing funding and transfer[red] greater responsibility over the operation and management of public housing from [HUD] to housing authorities." S. REP. NO. 105-21, at 2 (1997).

42. S. REP. NO. 105-21, at 3.

The Public Housing Reform and Responsibility Act of 1997 addresses a public housing system fraught with counterproductive rules and regulations. Over the years, public housing agencies (PHAs) have been saddled with requirements imposed in previous legislation by Congress and through regulation by HUD that make it difficult for even the best PHAs to operate effectively and efficiently to innovate, or to respond to local needs or conditions.

Id.

43. For a detailed description of all HUD programs, see Programs - HUD, at <http://www.hud.gov/funds/index.cfm> (last visited June 6, 2004).

44. 42 U.S.C. § 1437f(b)(1) (2000); *see also* Housing Choice Vouchers Fact Sheet, at http://www.hud.gov/offices/pih/programs/hcv/about/fact_sheet.cfm (July 19, 2001).

PHAs' responsibilities include

screening family behavior and suitability for tenancy. The PHA may consider all relevant information, which may include, but is not limited to:

- (1) An applicant's past performance in meeting financial obligations, especially rent;
- (2) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants; and
- (3) A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

24 C.F.R. § 960.203(c) (2004).

to eligible recipients who choose rental properties that meet HUD requirements.⁴⁵ Tenants must then pay a monthly rent fixed by the public housing agency that factors into account a family's income level and voucher.⁴⁶ Local PHAs may also establish local preferences for those applicants on the waiting list.⁴⁷

During the term of the lease, tenants must abide by the terms established by their local PHA and their individual landlord. The housing provisions include specific lease length requirements, notice requirements, and eviction policies.⁴⁸ Under the PHRA, landlords

45. PHAs make financial eligibility determinations as follows:

Eligibility for a housing voucher is determined by the PHA based on the total annual gross income and family size and is limited to US citizens and specified categories of non-citizens who have eligible immigration status. In general, the family's income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, a PHA must provide 75 percent of its vouchers to applicants whose incomes do not exceed 30 percent of the area median income. Median income levels are published by HUD and vary by location.

Housing Choice Vouchers Fact Sheet, *supra* note 44.

46. Landlords determine rents as follows:

Dwelling units assisted under this Act shall be rented only to families who are low-income families at the time of their initial occupancy of such units. Reviews of family income shall be made at least annually. Except as provided in paragraph (2) and subject to the requirement under paragraph (3), a family shall pay as rent for a dwelling unit assisted under this Act . . . the highest of the following amounts . . .

(A) 30 per centum of the family's monthly adjusted income;

(B) 10 per centum of the family's monthly income; or

(C) if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

42 U.S.C. § 1437a(a)(1) (2000).

47. 24 C.F.R. § 960.206(a)(1) (2004) ("The PHA may adopt a system of local preferences for selection of families admitted to the PHA's public housing program. The PHA system of selection preferences must be based on local housing needs and priorities as determined by the PHA."). The regulations state that the PHA "should consider whether to adopt a local preference for admission of families that include victims of domestic violence," but do not require such a preference. *See id.* para. (b)(4).

48. Specifically, leases must

(1) have a term of 12 months and . . . be automatically renewed for all purposes except for noncompliance with [community service requirements] . . .

(2) . . . not contain unreasonable terms and conditions;

(3) obligate the public housing agency to maintain the project in a decent, safe, and sanitary condition;

possess broad discretion over termination of leases.⁴⁹ A landlord's consideration may even include the activities of persons who do not live in the household but who spend time at or visit the household.⁵⁰ This termination policy, commonly called the "one-strike policy," took effect in 1996 in an attempt to curb drug-related and other criminal activity in public housing.⁵¹ Although the stated purpose was

(4) require the public housing agency to give adequate written notice of termination of the lease which shall not be less than—

(A) a reasonable period of time, but not to exceed 30 days—

(i) if the health or safety of other tenants, public housing agency employees, or persons residing in the immediate vicinity of the premises is threatened; or

(ii) in the event of any drug-related or violent criminal activity or any felony conviction

42 U.S.C. § 1437d(l) (2000).

49. The statute provides that landlords may terminate a lease by reason of "any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants . . . engaged in by a public housing tenant, any member of the tenant's household, or any guest or other person under the tenant's control . . ." *Id.* para. (6). Moreover, governing regulations provide that landlords may terminate for "[o]ther good cause." 24 C.F.R. § 982.310(a)(3) (2004). This includes "(ii) [a] family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises . . ." *Id.* para. (d)(1). The owner may also consider business or economic reasons, personal use, and family history of disturbance. *Id.*

50. § 1437d(l)(6). The statute classifies the tenant's visitors, known or unknown, as those "under the tenant's control . . ." *Id.* The Supreme Court interpreted this phrase as "control in the sense that the tenant has permitted access to the premises." *Dep't of Hous. & Urban Dev. v. Rucker*, 535 U.S. 125, 131 (2002). In *Rucker*, a landlord evicted one public housing tenant for the illegal drug-related activity of the tenant's grandsons in the apartment parking lot, and another for the off-premises drug activity of the tenant's daughter and the possession of drugs by the tenant's husband's caregiver. *Id.* at 128.

51. *See generally* Housing Opportunity Program Extension Act of 1996, Pub. L. No. 104-120, 110 Stat. 834. "The one-strike policy refers to the practice of imposing strict liability on public housing tenants and evicting them for alleged criminal activity on the part of the tenant, a member of the tenant's household, a guest, or other person under the tenant's control." Barclay Thomas Johnson, *The Severest Justice is Not the Best Policy: The One-Strike Policy in Public Housing*, 10 J. AFFORDABLE HOUSING & COMMUNITY DEV. 234, 245 (2001). The policy expands the range of activity for which landlords can terminate tenants: the activity can occur on or off the premises, the activity does not have to be criminal, and drug-related activity can cause ineligibility. Claire M. Renzetti, *One Strike and You're Out: Implications of a Federal Crime Control Policy for Battered Women*, 7 VIOLENCE AGAINST WOMEN 685,689 (2001).

In *Rucker*, the Court held that whether or not the tenants knew of the activity did not contribute to the termination of tenancy decisions. 35 U.S. at 131. The Court's decision is similar to the broad interpretation given to the statute by HUD. Johnson, *supra*, at 249.

In support of the one-strike policy, President Clinton stated, "The only people who deserve to live in public housing are those who live responsibly there and those who honor the rule of law For too many years, the chaos in some of our public housing units has been a national blind spot and a national disgrace." *Clinton Cracks Down on Public Housing Crime*,

to diminish drug-related activities, its reach extends to all activities that pose a potential threat to other people in the housing complex.⁵²

B. Violence Against Women Act

Though not recognized as a national problem until the 1970s, domestic violence has been a significant problem between intimate partners.⁵³ In response to growing recognition, Congress passed the Violence Against Women Act as part of the Violent Crime Control and Enforcement Act of 1994.⁵⁴ Although VAWA did not address all the needs of victims of domestic violence, it represented a major step toward the treatment of domestic violence as a serious problem.

Under VAWA, the Department of Justice (DOJ) and Department of Health and Human Services (DHHS) administer funding and oversee the programs.⁵⁵ The DOJ and DHHS distribute funds to states and state agencies, Indian tribal governments, local governments, and private nonprofit groups, which direct the programs.⁵⁶

In 2000, Congress reauthorized the 1994 grants provided for in VAWA and added new programs.⁵⁷ The programs all have a

ALLPOLITICS, Mar. 28, 1996, at <http://www.cnn.com/allpolitics/1996/news/9603/28/housing/index.shtml>.

52. Renzetti, *supra* note 51, at 685–86. “[T]he statutory provisions of One Strike empower PHAs to more closely screen public housing applicants for current or prior criminal activity Arrest and conviction are not necessary for PHAs to implement evictions or to deny admissions.” *Id.* at 686. Further, “While current federal law mandates the use of the accountability provision in all leases, neither the statute nor the regulations clarify the standard of liability that PHAs should use in the event of disruptive or criminal activity by a family member or guest.” Nelson H. Mock, *Punishing the Innocent: No-Fault Eviction of Public Housing Tenants for the Actions of Third Parties*, 76 TEX. L. REV. 1495, 1503 (1998).

53. Alison Siskin, *Violence Against Women Act: History, Federal Funding, and Reauthorizing Legislation*, CRS REP. FOR CONGRESS 1 (2001), available at <http://usinfo.state.gov/usa/women/violence/rl30871.pdf>. Although identified as a problem, legislation addressing domestic violence was not introduced until the 1990s. *Id.*

54. *See generally* Violent Crime Control and Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994) (codified as amended in scattered sections of 42 U.S.C.).

55. Siskin, *supra* note 53, at 1.

56. *Id.* at 4. The original grants included “grants to improve law enforcement and prosecution of violent crimes against women, grants to encourage arrests in domestic violence incidents, moneys for rural domestic violence and child abuse enforcement, rape prevention and education programs, and grants for women’s shelters.” *Id.*

57. Violence Against Women Act of 2000, Pub. L. 106-386, Division B, 114 Stat. 1464, 1491–539 (2000). The Act reauthorized funding for the programs through 2005. *Id.* § 1203(f) (current version at 42 U.S.C.S. § 10419(f) (2004)).

potentially significant effect on reducing violent crimes against women and offering valuable resources.⁵⁸

Sections 1102–03 of the 2000 version of VAWA reauthorize the Services and Training for Officers and Prosecutors (STOP) grants

One provision of the Victims of Trafficking and Violence Protection Act provided a civil rights remedy for victims of “violence motivated by gender” that allowed individuals to sue in federal court. 42 U.S.C. § 13981(c) (2000). However, the Supreme Court declared this provision unconstitutional. *United States v. Morrison*, 529 U.S. 598 (2000).

58. Reauthorized programs not specifically addressed in this Note offer helpful resources to victims: for example, a grant to a private entity to operate a national “hotline to provide information and assistance to victims of domestic violence” 42 U.S.C.S. § 10416(a) (2004); see also Siskin, *supra* note 53, at 14. Additionally, section 1202 (codified at 42 U.S.C.S. § 10403(a) (2004)) allocates money to states’ battered women shelters. *Id.* at 15. Finally, Congress reauthorized the grants to encourage arrest policies in domestic violence cases. *Id.* These grants promote “collaboration among law enforcement officers, prosecutors, judges, and victim advocates to treat domestic violence as a serious crime. With the help of the Arrest Program, communities are sending a strong message to batterers that domestic violence will not be tolerated.” OFFICE OF JUSTICE PROGRAMS, *supra* note 12, at 37.

New programs included the Battered Immigrant Women Protection Act (Sections 1501–13), the Task Force on Domestic Violence (Section 1407), initiatives to increase protection of older and disabled individuals (Section 1209), and additional studies (Sections 1206–08 and 1303–04). Violence Against Women Act. The Battered Immigrant Women Act provides an extremely significant addition to VAWA. Previously, battered immigrant women often experienced little help and negative consequences of immigration law. The new VAWA provisions extend the protection of the VAWA to immigrant women and allows them to remain in the country. See Siskin, *supra* note 53, at 5.

For a listing of changes in terms of effects on abused immigrant women, see National Immigration Law Center, *Congress Passes Violence Against Women Act of 2000*, 14 IMMIGRANTS’ RIGHTS UPDATE (2000), <http://www.nilc.org/immmlawpolicy/obtainlpr/oblpr038.htm>.

In addition, the Domestic Violence Task Force was created to coordinate research on domestic violence. Siskin, *supra* note 53, at 19. Initiatives to provide protection of older and disabled women from domestic and sexual abuse amend the STOP grants and add additional training programs. *Id.* at 18. The Attorney General may make grants for training programs to assist law enforcement officers, prosecutors, and relevant officers of federal, state, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals. H.R. 3244 § 1402, 106th Cong. (2000).

The additional studies include “studies of: (1) insurance discrimination against women; (2) workplace effects of violence against women; (3) unemployment compensation for women who are victims of violence; and (4) parental kidnapping.” Siskin, *supra* note 53, at 18. VAWA also included “dating violence” to the realm of conduct the grants seek to prevent. H.R. REP. NO. 106-891, at 5 (2000). VAWA classifies “dating violence” as violence committed by a person . . . who is or has been in a social relationship of a romantic or intimate nature with the victim” 42 U.S.C.S. § 3796hh-4(3) (2004). Factors used to determine the existence of such a relationship include: “[B](i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.” *Id.*

that promote collaboration between police, prosecutors, and victim service agencies.⁵⁹ The main goals of the STOP program include: education of law enforcement and prosecution officials about the dynamics of domestic violence relationships; enlarging of programs dealing specifically with domestic violence; and coordination of law enforcement, prosecution, and domestic violence agencies.⁶⁰

Shortly after reauthorizing VAWA, the House amended the Act to expand the class of people included in the STOP grants.⁶¹ The amendment added parole and probation officers to the group to receive training through STOP grants.⁶²

Congress also added funding for transitional housing grants.⁶³ These grants provide temporary housing and more expansive support

59. 42 U.S.C.S. § 3793(a)(18) (2004).

60. Siskin, *supra* note 53, at 15.

These grants may be used to provide personnel, training, technical assistance, data collection, and other equipment to increase apprehension, prosecution, and adjudication of persons committing violent crimes against women. Activities may include:

training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women . . . developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying and responding to violent crimes against women; . . . coordinating the response of state law enforcement agencies, prosecutors, courts, victims services agencies, and other state agencies to violent crimes against women.

Id. at 13.

61. H.R. CONF. REP. NO. 106-939, at 32–33 (2000).

62. *Id.* at 33.

63. Transitional housing grants permit the Department of Health and Human Services to make grants providing short-term housing assistance and support services “(a) . . . to individuals, and their dependents . . . who are homeless . . . as a result of . . . domestic violence . . .” 42 U.S.C.S. § 10419 (2004). These services include

[(b)](1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

(2) support services designed to enable an individual or dependent who is fleeing a situation of domestic violence to locate and secure permanent housing, and to integrate the individual or dependent into a community, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

Id.

Unfortunately, Congress funded the grants for transitional housing only in 2000. See Siskin, *supra* note 53, at 9.

for women displaced as a result of domestic violence.⁶⁴ Such assistance offers vital aid to victims leaving an abusive situation who cannot afford or find alternate housing.⁶⁵

Furthermore, the House reinforced provisions giving full faith and credit to orders of protection from other states.⁶⁶ The new provisions extend the reach of the orders across state and jurisdictional borders without requiring victims to register the order in each state to which they travel.⁶⁷ Although states may not currently have the capabilities to adequately enforce out-of-state orders, the grants provide funds for the development of enforcement systems.⁶⁸

In addition, the reauthorization of VAWA included funds to increase legal assistance to victims of domestic violence.⁶⁹ By promoting cooperation between domestic violence agencies and legal assistance agencies, the reauthorization increased victims' access to legal advice about a variety of issues.⁷⁰ The increase in legal

64. Siskin, *supra* note 53, at 4.

65. See *supra* text accompanying note 16.

66. H.R. CONF. REP. NO. 106-939, at 29-30 (2000). The amendment eases the burden on victims while traveling to other states and jurisdictions of having to register their order of protection. *Id.* Additionally, the amendment supports the establishment and implementation of cooperative systems so that neighboring states and jurisdictions can more easily enforce the orders. *Id.* Specifically, the funds

will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.

Id.

67. *Id.* at 31.

68. *Id.*

69. 42 U.S.C.S. § 3769 (2004). Under the Act, the term "legal assistance" means "assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters." *Id.* § 3796gg-6(b)(2) (2004).

70. Nonprofit agencies and publicly funded organizations must use the legal assistance grants

[(c)](1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by

assistance allows victims to adequately consider the potential consequences of their unique situations.

In 2002, VAWA was amended to create the Violence Against Women Office, now the Office on Violence Against Women (OVAW).⁷¹ The creation of this office allocated authority to the Director of OVAW to carry out the functions of the DOJ under the VAWA provisions.⁷² A primary benefit of concentrating the authority of VAWA in a department focused solely on violence against women is that it permits the implementation and facilitation of programs by a director specifically educated in the field of domestic violence.

organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

Id.

71. H.R. CONF. REP. NO. 107-685, at 33 (2002):

The Office shall be a separate and distinct office within the Department of Justice, headed by a Director, who shall report to the Attorney General and serve as Counsel to the Attorney General on the subject of violence against women, and who shall have final authority over all grants, cooperative agreements, and contracts awarded by the Office.

Id.

72. *Id.*:

The Director shall have the following duties: (1) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women. (2) Providing information to the President, the Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to violence against women. (3) Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women. (4) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations. (5) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (title IV of Public Law 103-322) and the Violence Against Women Act of 2000 (division B of Public Law 106-386), including with respect to those functions—(A) the development of policy, protocols, and guidelines; (B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and (C) the award and termination of grants, cooperative agreements, and contracts.

Id. at 33–34.

III. ANALYSIS

A. *The United States Housing Act in the Domestic Violence Context*

Although the current language of USHA does not directly address victims of domestic violence, its application does.⁷³ Victims of domestic violence often do not possess the financial resources necessary to obtain suitable housing;⁷⁴ however, USHA provides these victims with a potential source of housing in their quest to escape a violent relationship.

Unfortunately, many women in public housing fear their landlord will terminate their leases if they cause a disturbance.⁷⁵ The concern about causing a disturbance poses a dual dilemma for victims living in public housing. First, the abuse itself may constitute a disturbance.⁷⁶ Second, law enforcement response and the resulting commotion could also create a disturbance.⁷⁷ In an attempt to avoid causing a disturbance, victims may succumb to the abuse in order to decrease the abuser's rage and may not contact law enforcement. Thus, visits from an abusive partner and that partner's conduct may ultimately impact a victim-tenant's chances of remaining in her housing.⁷⁸

73. See Renzetti, *supra* note 51, at 689.

74. See *supra* text accompanying note 7. "The nature of [the victim's] struggle with domestic violence often leaves women without the basics to set up and sustain permanent housing: no credit history, no landlord references, little or no income/money, often no papers at all . . ." Menard, *supra* note 18, at 710.

75. Advocates at the St. Louis City Civil Court advised each victim of domestic violence that calling law enforcement provided the only method to enforce their orders of protection. However, many of these women expressed particular concern about causing disruption in their housing complex.

76. *Id.*

77. *Id.*

78. *Id.* The victim

may face eviction based on disturbances caused by her abuser or be seen as an undesirable tenant by both public and private landlords. If she attempts to have her abuser evicted from a shared dwelling under a protection order or through other legal means, she will not only be dependent on the effectiveness of police intervention, she may also face retaliation from her abusive partner.

Id.

Further, "it is conceivable that some abusers, aware of the One Strike provisions, will deliberately engage in or threaten to engage in wrongful behavior to further control and punish

The statutory intention of allowing landlords to terminate leases of those tenants who engage in or allow others to engage in criminal activity represents an important device for curbing illegal activity in public housing.⁷⁹ However, permitting discretion in situations where tenants either lack knowledge of the alleged activities, or where tenants do not possess actual control over persons involved in the alleged activities, may actually deter the legislative intent of fighting crime.⁸⁰ Consequently, the eviction of public housing tenants based on third-party activities can create devastating results.⁸¹

Several other trends may increase the effects of the housing provisions on victims of domestic violence. First, studies suggest that victims of domestic violence have a higher rate of drug use than non-victims.⁸² Second, many abusers coerce victims into committing illegal actions.⁸³ Both of these trends may impact a victim's ability to secure and retain public housing.

their partners." Renzetti, *supra* note 51, at 690.

79. Landlords mainly implement discretion in drug-related situations. However, several provisions may harm victims of domestic violence in public housing. "These provisions are (a) the requirement that the lessee assume affirmative responsibility for the . . . behavior of all members of her household as well as all guests . . . and (b) the provision that allows PHAs to deny admission to or evict individuals who have engaged in criminal activity." *Id.* at 689. Therefore, if abusers persuade their victims to commit crimes or commit crimes in the victims' apartment, landlords unaware of an abusive relationship may evict a victim.

80. Mock, *supra* note 52, at 1498. "Eviction can be an effective tool to rid public housing of criminals, but it can be a devastating measure if PHAs use it against innocent public housing tenants." *Id.*

81. *Id.* Such detrimental effects include moving costs, poor references, lack of alternative housing, and absence from work or school. *Id.* These consequences have especially damaging results in the case of domestic violence victims, who may already experience financial dependence.

The one-strike policy, although it does not directly address domestic violence victims, may harm victims in several ways. See *supra* notes 51–52 and accompanying text. In addition, "once evicted, former public housing tenants cannot be readmitted to public housing for a period of 3 years from the date of eviction." Renzetti, *supra* note 51, at 692.

82. Renzetti, *supra* note 51, at 691. "Research . . . shows a strong correlation between intimate partner violence and substance abuse by low-income women . . . the findings show that domestic violence is strongly and independently predictive of subsequent drug . . . use by victims." *Id.*

83. *Id.* "Research shows that batterers sometimes coerce their partners into criminal activities, such as drug dealing, theft, and prostitution, and that this form of abuse is more frequent among low-income than more affluent couples." *Id.* PHAs will access records indicating a victim's (or any prospective tenant's) participation in criminal activities. Prior criminal activity can result in denial of housing. Further, "a woman public housing resident currently involved in an abusive relationship in which she is compelled to crime by her abuser

B. Violence Against Women Act and Aid to Victims of Domestic Violence

The programs VAWA funds are vital to the aid of domestic violence victims.⁸⁴ Research funded by VAWA has expanded definitions and understanding of domestic violence, allowing for increasingly more victims of domestic violence to obtain needed support.⁸⁵ However, VAWA does not address the unfortunate nexus between public housing and domestic violence.⁸⁶ The scope of VAWA is purposefully broad so that it can encompass the situations of most victims of domestic violence. Nevertheless, a high number of low-income victims remain, evidence VAWA gives insufficient attention to the plight of this specific class of women.

STOP grants provide an immensely important service.⁸⁷ Because police officers, prosecutors, and judges play an important role in helping victims escape abusive relationships, education and training programs serve a fundamental purpose: police officers responding to domestic disputes can more accurately assess situations to determine the nature of the situation; judges can more compassionately analyze requests for orders of protections and child custody; and prosecutors can more ably target abusers and enforce punishment against them.⁸⁸ However, the educational effects of the STOP grants do not extend far enough.

Although domestic violence reaches a large number of women in public housing, VAWA does not resolve the problems associated with public housing because the education programs do not extend to instrumental individuals, such as PHAs and landlords. Consequently, agencies and individuals must enforce provisions to help protect victims but lack adequate training and guidance. As a result, the potential benefits of the new amendment are significantly diminished. PHAs and landlords, who fail to recognize the signs of an abusive

may be evicted if this activity becomes known to the PHA.” *Id.* Thus, an inaccurate portrayal of a victim’s propensity to commit crimes may cause eviction or denial of an application.

84. See *supra* text accompanying note 54.

85. *Id.*

86. See Renzetti, *supra* note 51, at 689.

87. See *supra* note 60 and accompanying text.

88. *Id.*

relationship, may evict domestic violence victims and thereby unintentionally defy the purpose of the amendment.⁸⁹

The grants for transitional housing, a critical aspect in a victim's departure, provide the only acknowledgment of the need for immediate alternative housing.⁹⁰ With the limited resources and availability of battered women shelters,⁹¹ these grants could have an enormous impact on the ability of victims to leave abusive situations confident that they will have a place to live. However, Congress has not funded the program since 2000.⁹² If funded, the transitional housing programs would provide victims with a broad web of support extending beyond just a place to live, including victim counseling and case management.⁹³

Creation of the OVAW⁹⁴ represents an important step in recognizing domestic violence as a major problem and remedying the situation. Because the OVAW determines which agencies receive the various grants, the director can use his or her discretion to allot funds to only the most effective and efficient organizations.⁹⁵ The director may also condition the receipt of grants on specific terms.⁹⁶ This system allows the OVAW to channel much-needed funds to successful organizations while signaling to other organizations the need for improvement.

Orders of protection often signal a victim's desire or intent to leave an abusive relationship. Therefore, strict enforcement of orders of protection constitutes a necessary element for breaking the cycle of violence. The 2000 version of VAWA greatly improves the utility of protection orders because state and jurisdictional borders no longer restrict an order's validity.⁹⁷ Thus, victims can travel to other states or jurisdictions in their search for safe, alternative housing with the knowledge that their orders of protection remain in place. The ability

89. *See supra* notes 51–52 and accompanying text.

90. *See supra* notes 63–64 and text accompanying note 63.

91. *See supra* note 18.

92. *See supra* note 63 and text accompanying notes 63–65.

93. *Id.*

94. *See supra* note 71 and accompanying text.

95. *Id.*

96. *Id.*

97. *See supra* text accompanying note 67.

to travel outside state and jurisdictional lines expands the victims' access to important resources and allows victims to maintain protection while making a new life.

Finally, grants providing increased access to legal assistance⁹⁸ also offer victims of domestic violence an important tool in ending the cycle of violence.⁹⁹ Helping victims gain the knowledge necessary to determine how they should handle their particular situation requires both giving them access to legal assistance and providing training for those who lend the assistance. Through increased access to legal assistance, victims can learn about the available options and consequences of their decisions.¹⁰⁰ Additionally, the grants address the ignorance of outsiders to the plight of abused women. Increasing legal assistance helps dispel long-standing myths about domestic violence and its victims.¹⁰¹

98. See *supra* notes 69 and 70 and text accompanying 70.

99. See generally MCADV, *supra* note 2, at 27.

For most women, becoming a victim of violent crime is their first introduction to the legal system. It can be complicated, confusing, frustrating, intimidating, and, often, insulting. The stress of dealing with the bewildering proceedings and the frequently encountered gender bias of the justice system only adds to a battered woman's trauma. Furthermore, while the courts are able to respond to some of the needs of battered women, it is equally important that both battered women and those who work with them understand its limitations in ending violence against women.

Id.

100. Many victims of domestic violence filing for orders of protection in the St. Louis City Civil Courts did not know the purpose or manner of enforcement of orders of protection. In fact, many victims stated they filed for the order only because a police officer advised them to do so, not because they thought it would increase their safety. Thus, these victims filed for an order of protection without considering the possible effects such an order may have in a domestic violence situation.

Furthermore, each abusive relationship offers a unique situation. Therefore, actions taken by or on behalf of one victim may not help another victim. For example,

Experience and research suggest that Orders of Protection might be most effective with men who ordinarily obey the law and have something to protect For the batterer who has contempt for all authority, has a history of other criminal behavior, or is determined to control his partner at all costs, an Order of Protection might offer little increased safety to a battered woman.

MCADV, *supra* note 2, at 28. Therefore, a victim's awareness of the legal and practical consequences of obtaining an order of protection is vital to her safety planning.

In addition, the grants provide funding for immigration matters and housing matters. Siskin, *supra* note 53, at 18. Agencies provide these services at little or no cost to the victim. *Id.*

101. Merica points out that "Lawyers, like other members of the general public, may believe the myths about battered women and their abusers A lawyer's prejudices and

IV. PROPOSAL¹⁰²

In terms of benefits for victims of domestic violence, both the USHA and the VAWA have the ability to impact victims in dramatic ways. However, because of the lack of continuity between the two Acts, victims do not receive optimum assistance.

PHAs, if they are to administer the public housing provisions of USHA and apply the amendment to victims of domestic violence, must receive extensive training in order to recognize an abusive situation without requiring the victim to explicitly advise the PHA. Victims often will not divulge the abusive nature of their relationship, and landlords may evict such women if unable to identify the reason for disturbances. Therefore, the STOP grants must include landlords in the educational programs. To this end, VAWA must include PHAs and landlords in its educational programs. Congress previously expanded the group to receive training to parole and probation officers¹⁰³ and could easily add PHAs to this group in next year's appropriations bill.¹⁰⁴ To administer these educational requirements, HUD could require local PHAs and landlords to undergo training prior to the receipt of grants.

preconceptions may also inhibit an inquiry about domestic violence . . . Lawyers may shy away from the moral responsibility of representing a victim of domestic violence." Merica, *supra* note 2, at 916. Clearly, increasing funds for legal assistance will help dispel myths about domestic violence and provide access to trained individuals equipped to handle clients in abusive relationships.

102. For a discussion of various other proposals to aid victims of domestic violence in public housing, see Menard, *supra* note 18, at 712. Briefly, Menard proposes to

- (a) Review, and modify as necessary, existing housing policy and programs to increase their responsiveness to women with abusive partners or ex-partners.
- (b) Promote policies and programs that increase all women's access to safe, affordable, and stable housing, as well as housing assistance and support services when necessary.
- (c) Publicize more widely information on available subsidized and unsubsidized housing and housing assistance programs, as well as services and protections available to domestic violence victims.

Id.

103. See *supra* text accompanying note 62.

104. In the next year's appropriation bill where Congress reauthorizes funds for STOP grants, it could amend the VAWA by adding PHAs and landlords after parole and probation officers.

Next, Congress must continue to address victims' need for temporary housing as they escape an abusive relationship. Many women must leave hurriedly and without prior planning. If battered women shelters cannot accommodate fleeing victims,¹⁰⁵ they may choose to remain in the abusive situation. Those victims residing in public housing may have the option to transfer to alternate housing, but that possibility depends on local availability of housing.¹⁰⁶ Therefore, Congress must allot the funds authorized under VAWA for transitional housing grants.¹⁰⁷

Further, Congress must make certain selection criteria mandatory for those on public housing waiting lists. Currently, local PHAs have the authority to consider domestic violence as a condition that allows them to give preference to those applicants.¹⁰⁸ Failure to give preference to victims of domestic violence may prolong abusive relationships where victims must wait for alternate housing before leaving their abusers.¹⁰⁹ Therefore, those PHAs who do not currently consider domestic violence in establishing preferences for those on housing waiting lists force victims to plan their departure around the availability of housing in the area rather than around their safety.

While the Proposal does not offer any radical alterations of existing laws, these changes would provide domestic violence victims in public housing with the support critical to their departure from domestic abuse. Much of the proposed modifications are already within the scope of authority of the administering bodies.¹¹⁰ Specifically, Congress could include PHAs and landlords for training under the STOP grants, HUD can condition receipt of grants on completion of that training, and Congress can appropriate previously authorized funds.

105. *See supra* note 18.

106. *See supra* text accompanying note 18.

107. *See supra* text accompanying note 65.

108. *See supra* note 47.

109. Limited space in shelters compounds the problem of insufficient public housing. *See supra* text accompanying note 18.

110. For example, Congress easily inserted parole and probation officers into the group to receive education via STOP grants. *See supra* text accompanying note 62.

CONCLUSION

Both USHA and VAWA represent huge steps toward curing two major societal ailments. Public housing provides many individuals with homes of their own while VAWA offers support and resources for victims of domestic violence. Nonetheless, without collaboration, the Acts do not address the correlation between domestic violence and poverty.

By including those individuals who deal directly with public housing tenants in educational and training efforts under the VAWA, victims could more adequately maintain or obtain housing. The possibility of a disturbance caused by the abusive acts of a partner would no longer threaten a victim's place in her home. Moreover, congressional appropriation of funds for transitional housing assistance, already within Congress's authority, could provide many victims with support where housing provisions fall short. Lastly, requiring PHAs to give preference to victims on waiting lists would also allow victims who lack the financial ability to secure housing on their own and avoid homelessness when they leave abusive relationships.

Although these measures will not shield women from domestic violence, their implementation can help ensure that women like Jane, who find themselves in abusive relationships, will have access to the resources necessary to help them escape domestic abuse.