

Right to Report VAWA Primer Webinar

Jon Kunz:

Hello, and welcome, I'm Jon Kunz with the Cloudburst Group. And you've joined the webinar of the Right to Report Crime and Emergencies from One's Home Law, Requirements for CDBG Recipients under the Violence Against Women's Act Reauthorization of 2022.

That's a bit of a mouthful, but we'll introduce some shorthand soon. And in any case, I hope you are in the right place and it's great to see so many folks today. The support from our HUD panelists, our presenters who are recent practitioners, and current TA providers will introduce you to this new requirement and provide some preliminary advice.

We do want to note that the webinar features information and examples that represent the experience of the speakers. Comments do not necessarily reflect the policies of HUD, which are still being finalized.

Before we start, I would like to review a few technical items. If you're having difficulties with audio or video, we recommend that you first sign out of the webinar, and then sign back in. If you are still having trouble, you can request in the Q&A box located on the Zoom panel section at the bottom of your screen. Or you can send an e-mail to CDBGtrainings at CloudburstGroup dot com – we will – I think we just dropped the e-mail address in the chat. So, if you need it, it is there for you.

Here are a few additional reminders as we get started. This webinar is scheduled for one hour and is being recorded. The recording and transcript will be made available on the HUD Exchange along with other resources that supplement today's conversation. We'll also post the link to the HUD Exchange in the chat, and that's where you'll be able to find it in a couple of weeks.

All participants are muted in listen-only mode now and for the duration of the webinar. However, we do encourage your questions. You can enter your questions at any time by selecting the Q&A button on the Zoom panel. Please note that guidance is still being established for the Right to Report Law, and therefore we may not be able to answer all of your questions.

However, as time permits, we will answer what we can, and HUD is very interested in your question so that they can address them in any upcoming guidance. We will post the link to the webinar's landing page in the HUD Exchange, and chat as well. I think we may have already done that. Yes.

Before we get started, we will have a few polls in today's sessions. So to illustrate how the polling works, and to get a little more information about you, we've just launched our first poll. In what region are you located? Please use the color coded map to find your community's region. Select your region on the poll, so just fill in the radio button.

And so we'll have a few of these. I hope your eyesight is good, and that your

Right to Report VAWA Primer Webinar

Roman numeral reading is good. It is, is up to snuff. I'll give you a few more moments to get used to it. So if you just select the one and, then CJ [PH], feel free to launch the poll results when you get a chance.

Okay so let's see. I can see pretty good distribution; it looks like all regions are represented. But region four, five, and six seem to be most well-attended today. So let us go onto our next slide.

Okay as we get into the substance, we want to take a few moments to discuss terminology for this training. The language within the Violence Against Women's Act or VAWA as we will refer to it, may use different terminology than you're used to seeing with CDBG. When we use the term CDBG recipients, we are referring to states, entitlements, and non-entitlement grantees who receive CDBG funds.

VAWA also uses the term subgrantees. While HUD policymakers and lawyers may still be determining the specific definition of subgrantee, as I read the law as a TA provider, I would suggest that CDBG recipients may think of subgrantees in more familiar terms of subrecipients. Or in the case of states, or urban counties it's passed through funds passed through from, passed through entities such as units of local government.

Also, for the purpose of this presentation, we will use Right to Report Law rather than the full title. But, please note that others may refer to it differently.

Our purpose today is to provide an overview of the new requirements for CDBG recipients and their subgrantees in the Right to Report Law, and the VAWA reauthorization. I'd like to share some learning objectives for today's session.

Our goal is for you to understand the Right to Report Law requirements for recipients and subgrantees. The types of barriers survivors confront when accessing housing. How VAWA will address housing barriers so a survivor can access and maintain housing. A disproportionate impact crime-free programs and nuisance orders have on survivors of domestic violence, dating violence, sexual assault, and stalking, as well as people with disabilities, and communities of color.

And finally, what are the eligible CDBG expenses related to fulfilling your reporting responsibilities? We'll start with a welcome from HUD, and the high level overview of VAWA housing protections.

Next, we'll dive into the Right to Report Law in the 2022 VAWA's reauthorizations, and highlight requirements for CDBG grant recipients, and subgrantees. Finally, we'll close out our presentation with resources and Q&A. I also want to remind those of you just joining us to please submit your questions in the Q&A box. We'll do our best to address them in time

Right to Report VAWA Primer Webinar

permitted.

Let's meet our panelists and presenters now. Again, my name is Jon Kunz. I'm a senior technical and management advisor at the Cloudburst Group, which serves as one of HUD's national technical assistance providers. I have been working with CDBG and other CPD grantees for the past 25 years, I hate to admit it, on a variety of planning, management, program design, compliance, and reporting initiatives.

Our other presenters are Suzanne Marcus. Suzanne is a senior analyst with the Cloudburst Group. She has over 20 years of experience working at the intersections of housing, homelessness, and domestic violence. Laura Kovach, Laura is a senior, and she is also a senior analyst with the Cloudburst Group. Laura has over 20 years of experience, and has worked with nonprofits, government agencies, college campuses, and the U.S. military to prevent, and respond to domestic violence, sexual assault, and stalking.

From the U.S. Department of Housing and Urban Development, we are pleased to welcome our panelists. Jessie Handforth Kome, Director of Office of Block Grant Assistance, and Karlo Ng, Director of Gender-Based Violence Prevention And Equity, Office of the Secretary. And I'll hand the mic over to Director Handforth Kome to say hello and introduce Director Ng.

Jessie Handforth Kome:

Thank you. Welcome to the webinar today. I appreciate everybody making time for this important topic. Even as the policy is developing, we wanted to get out to you, and talk to you early about this, and get going, and help you get going. So it's my great pleasure to be able to introduce Karlo Ng, the Director on Gender-Based Violence Prevention and Equity in HUD's Office of the Secretary.

In her, in this capacity, Karlo serves as a senior adviser on policy matters involving gender-based violence to Secretary Marcia Fudge. Previously, Karlo was the Director of Legal initiatives at the National Alliance for Safe Housing where she focused on legal and policy strategies to ensure safe shelter and housing for gender-based violence survivors.

Karlo has an extensive background in advocating for survivors' housing protections as well as providing national technical assistance and training on issues impacting the rights of survivors and immigrants in federal housing programs. She also has litigated impact cases under the Fair Housing Act, and related Civil Rights laws. And Karlo is an immigrant who grew up in public housing in Boston.

Karlo, why don't you go ahead, and you're gonna be responsible for our opening remarks today. And she, Karlo and I will also be available off and on, and we are very interested in your questions even if we aren't going to be

Right to Report VAWA Primer Webinar

able to necessarily answer everything today. So, thank you, Karlo.

Karlo Ng:

Thanks so much, Jessie. Hi, everybody, it's great to be here today. My name is Karlo Ng. Like Jessie said, I am the director on Gender-Based Violence Prevention in the Secretary's Office at HUD. In this capacity I work closely with staff across HUD's program offices on a number of housing and homelessness issue impacting survivors of gender-based violence, so that includes survivors of domestic violence, dating violence, sexual assault, stalking, and human trafficking.

And one of the agency's major focus areas is implementing the Violence Against Women Act, or VAWA. VAWA is a federal law that was enacted in 1994 as part of a crime bill to provide funding to state, and local programs serving domestic violence, and sexual assault survivors.

And VAWA included housing protections for survivors for the first time in 2005. And since then, Congress has added to those protections in each subsequent reauthorization of the law. The last reauthorization was enacted in March of 2022, so March of this year, and it included a new provision that we'll talk about today called the right to report crime and emergencies from one's home, which you can find at 34 USC 12495. And it goes into effect in just a couple of days, so October 1 of this year.

As you'll hear today, this provision supports the right for anyone to seek law enforcement or emergency assistance for themselves or someone else in need of assistance. It also prohibits any nuisance laws and crime free policies that impose penalties on people for calling the police too many times within a given period, or because they were involved in criminal activity as a victim, or they were otherwise not at fault.

Nuisance ordinances and crime free policies aimed to hold the tenant or owner responsible for quote-unquote nuisance activities, through fines, evictions, or other penalties. They can be incredibly problematic for domestic violence and sexual assault survivors who are involved in criminal activity as victims, and who need to access police, and emergency assistance on a frequent basis for protection.

Some of the penalties for violating these laws can be quite dire. For example, there is at least one jurisdiction that prohibits violators of the law from renting within the entire jurisdiction, so the entire city for up to six months. During this webinar we'll go over some of the types of penalties that are prohibited by the new law.

It's really important to keep in mind that a mere threat of a penalty is enough to stop someone from seeking police, calling 9-1-1, or seeking emergency assistance if they think that it will lead to a possible loss of housing or nonrenewal of their lease.

Right to Report VAWA Primer Webinar

And so what happens practically for survivors and other people who need emergency assistance is that these laws, and policies force individuals, and families to choose between their safety or preserving their housing. And even though this provision is in the Violence Against Women Act, and it does protect survivors, it's really important to keep in mind that the protection applies to other folks who are not survivors, and are nevertheless disproportionately impacted by problematic laws, and policies.

In particular, the law is intended to address the adverse impact of these local laws and policies on individuals with disabilities, including those with mental health disabilities, and people of color, particularly the folks from Black, and brown communities. These laws and policies often result in people with disabilities for going, calling the police, and getting pushed out of neighborhoods. In communities of color these laws and policies can lead to over-policing and racial segregation.

So under this new provisions, there are some additional requirements. CDBG jurisdictions have additional obligations, including, one, reporting to HUD problematic local laws, and policies of the jurisdiction, and those of the subgrantees that impose some of the penalties that we'll describe today.

And, two, certifying that they are in compliance or will be in compliance within 180 days of submitting the report to HUD. And the goal really is to prevent adoption of these laws, policies, and programs as well as address harms that may have occurred.

There are also some new enforcement authorities that HUD and DOJ have under the new law, which we'll touch on today. But we're planning on having a future webinar that will focus more on the implications of these new enforcement powers.

We're going to be covering quite a bit of information today. So please know that HUD and the Cloudburst folks that, who are talking today will continue to be resources for you after the webinar. So please don't hesitate to reach out to us with any questions. Thank you again so much for joining today's webinar, and I'll turn it back to Jon so that we can get started.

Jon Kunz:

Thank you, Director Ng. Actually, we're now going to turn the presentation over to Suzanne Marcus and Laura Kovach, who will provide us with a high level overview of housing protection for survivors under VAWA, and then focus on the Right to Report Law, and the implications for CDBG recipients, and subgroups, subgrantees.

Laura Kovach:

Alright, thanks Jon, and Director Ng for your opening remarks. Hi, everyone, it's great to be with you this afternoon. My name is Laura Kovach. My pronouns are she, and her, and I'm coming to you from Fairfax, Virginia on Powhatan tribal land.

Right to Report VAWA Primer Webinar

Suzanne Marcus: And I'm Suzanne Marcus. My pronouns are she/her, and I'm located in Silver Spring, Maryland on Piscataway tribal lands.

Laura Kovach: Thanks, Suzanne. We're gonna get our training started with a few more – we've got a few more polls for you. And we have the second poll up on your screen as you can see right now. And so our next question is, how familiar are you with the housing protections for survivors in the Violence Against Women Act?

So your first option is not familiar, I do not know how VAWA applies to housing activities. Your second option is familiar, I'm aware of the intent of the law, but I have never applied it in a, in a project. And then the third option is very familiar, I have used the current law in the design or management of projects. So take a couple of seconds here and go ahead, and answer our poll question.

Okay so it looks like our first few options are even, are split here. So we have about 45% are not familiar, 43% are familiar, and about 11% are very familiar. So I hope the the information we provide you today is going to be helpful to become more familiar with VAWA, and also the Right to Report Law.

VAWA was passed in 1994 to create and support responses to domestic violence, dating violence, sexual assault, and stalking. VAWA is reauthorized approximately every five years to strengthen and enhance protections and programs to better meet survivor needs. VAWA contains housing protections to address the barriers survivors encounter to accessing, and maintaining federally subsidized housing, and homeless assistance. Let's take a closer look at the unique barriers to housing that survivors face and that VAWA housing protections are designed to address.

Okay, we're going to launch our third poll. Which of these options are examples of barriers to housing for survivors of domestic violence, dating violence, sexual assault, and stalking? Criminal history, poor credit history, lack of steady employment, eviction record, and then your final option is all of the above.

So go ahead and take a few seconds to answer our poll question. Alright, well, you may not need us today. If you selected all of the above, then you are correct. And it's about 97% of you, so well done. These are all examples of barriers that exist as a result of experiencing abuse. And these barriers prevent survivors from accessing and maintaining safe housing.

The need for safe, and affordable housing is one of the most pressing concerns for survivors, and their children. So let's take a closer look at how these barriers create instability for survivors across the housing continuum, from emergency shelter to permanent housing.

Right to Report VAWA Primer Webinar

One major barrier is criminal history. Survivors may have a criminal history as a result of the abuse and violence they have experienced. Dual domestic violence arrests are still commonplace when law enforcement does not identify the primary perpetrator during a call to the one's home. Other times a survivor is forced to engage in criminal activity as part of the abuse. Landlords may not consider a survivor who has a criminal history eligible for housing, even if the criminal record was a result of victimization.

Another barrier is poor credit. As a direct result of such abusive behaviors as stealing credit cards, identity theft, or lying about paying rent, survivors may have poor credit histories which make it impossible for them to pass the most basic landlord credit check. Another barrier is the effects of trauma. The impact of trauma may cause memory and concentration problems, difficulty with emotional regulation, and trouble with attention span, among many other things.

All of this may negatively impact how survivors and their children present as tenants to potential landlords in their housing interviews. Let's look, also look here at landlord discrimination. Survivors may feel compelled to disclose their status as a survivor to explain their poor rental and credit reports. Even though it's against the law, landlords may deny housing to actual or perceived survivors, incorrectly assuming that renting to a survivor will inevitably result in property damage, or police presence, and a high probability that the unit might be abruptly vacated.

Not this one yet, there we go. A few more barriers to consider that survivors encounter, there is the lack of steady employment. Many survivors experience abuse on the job site and, or missed workdays, resulting in job termination, and a spotty employment history. Lack of steady employment makes it difficult for survivors to earn enough income to consistently pay rent or qualify for certain housing.

Poor rental history as a result of frequent moves, evictions, and destruction of property as a result of the abuse also compromises a survivor's ability to pass housing – to pass housing background checks. Due to the social isolation so common with domestic violence, survivors often lack references they can provide a landlord, or they fear any reference a landlord calls could reveal their location to the perpetrator, and compromise their safety.

All these barriers are exasperated for those survivors with the least access to resources, including survivors of color, indigenous survivors, immigrants, and survivors with disabilities, to name just a few. The impact of systematic and historical oppressions such as institutional racism, and redlining further compound these challenges.

To learn more about the intersections of housing, homelessness, and gender-based violence, we encourage you to visit safehousingpartnerships.org. I believe it's just been dropped in the chat for you. Here you'll find resources,

Right to Report VAWA Primer Webinar

tools, policy, and guidance on various topics at this intersection.

We're going to launch our next poll. Given all of these barriers that survivors are facing, why might they not reach out for help as soon as possible? Fear of retribution, lack of trust in law enforcement, and emergency services, fear of homelessness, and economic instability fear they will lose their children, fear they won't be believed, or all of the above. Let's go ahead, take a couple of seconds, and input your answer.

Right, you got it right, all of the above are reasons someone may not seek help or assistance. Many survivors are making a calculation of what's worse, living without a home or living without the abuse. These can be life and death decisions for so many survivors. Additionally, reasons for not reaching out are compounded for survivors in Black and brown communities, where law enforcement may not feel like a safe option.

Where survivors with disabilities who can't quickly find accessible housing, or services due to such limited options, and face landlord discrimination. LGBTQ Plus communities where the survivor may fear homophobia and not be seen as a legitimate victim – and for survivors who are undocumented and may fear reaching out to mainstream systems for fear of deportation. Isolation is also another powerful reason for why a survivor might not reach out, and it's often a tactic used by those who abuse to keep survivors from accessing safety.

The housing protections in VAWA seek to address many of these barriers that compromise a survivor's ability to access, and maintain safe, and stable housing within federally funded programs. VAWA was passed 28 years ago. And as you can see from the slide, the housing protections have expanded throughout that time. You heard Director Ng talk a little bit about the 2005 housing protections. Each VAWA reauthorization added to and did not replace previous housing provisions.

For example, in VAWA 2013, housing protections were expanded to include emergency transfer plans, and added coverage for sexual assault survivors. Among other things, the new 2022 reauthorization improves VAWA compliance, and review processes, and ensures no survivor is denied housing access or is evicted because of a crime committed against them. Specifically, this is the Right to Report Crime and Emergencies in One's Home Law, which is what our webinar focuses on today.

I'm going to turn things over now to Suzanne to provide us with an overview of the Right to Report Law, and then we'll go back to Jon to highlight the specific requirements for CDBG grantees in the law.

Suzanne Marcus: Thanks, Laura. Let's get into the overview of the Right to Report Law. So the Right to Report Law states that landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for housing firstly shall have the

Right to Report VAWA Primer Webinar

right to seek law enforcement, or emergency assistance on their own behalf, or on behalf of another person in need of assistance.

And secondly, shall not be penalized based on their request for assistance, or on criminal activity of which they are a victim, or otherwise not at fault under statutes, ordinances, regulations, or policies adopted, or enforced by covered governmental entities.

I want to underscore something Director Ng said, which was that this law protects survivors, and people with disabilities, as well as the landlords, homeowners, tenants, residents, occupants, and guests of and applicants for housing that are penalized for seeking law enforcement, or emergency assistance.

Penalties that are prohibited under this law includes certain actual or threatened actions; for example, assessment of monetary or criminal penalties, fines, or fees, eviction, refusal to rent, or renew tenancy, refusal to issue an occupancy permit, or landlord permit, and closure of the property, or designation of the property as a nuisance, or of similar, or a similarly negative designation. Later in this presentation, we'll take a closer look at what these penalties look like in practice.

While all HUD funded programs must comply with the Right to Report Law, CDBG recipients are responsible for identifying problematic laws and certifying their subgrantees are in compliance pending HUD regulations. Now, I'm going to turn it over to Jon who will dive into more details on the requirements for CDBG grantees under this Right to Report Law.

Jon Kunz:

Thank you, Suzanne. Let's see. The law assigns CDBG recipients if reporting certification responsibility. But before you panic, please note that HUD is in the process of developing guidance on the content, format, and timing of reporting, and certifications. Moreover, HUD will issue guidance before reporting is due.

Specifically, under the Right to Report Law, CDBG recipients must identify and report on certain laws, or policies adopted by them, or their subgrantees. These laws or policies are those that impose penalties based on either requests for law enforcement, or emergency assistance, or based on criminal activity that occurred at the covered property.

Once HUD issues additional guidance on how to submit this information, CDBG recipients must certify that they, and their subgrantees, or state recipients are in compliance, or describe the steps to be taken within 180 days of the report submission to HUD. Although we must wait for further guidance, certification under the Right to Report Law will be done independently, and not incorporated with the other CDBG certifications that are required as part of the grantee's annual action plan. So this is treated a little bit differently.

Right to Report VAWA Primer Webinar

So you're probably wondering when the law goes into effect on October 1st, this October 1st, what you should do, what you should do while waiting for HUD guidance. As a TA provider, I would invite you to begin identifying noncompliant laws and policies. Suzanne and Laura will provide some helpful information on this just in a little while.

You may be wondering about if and how CDBG may be able to cover some costs associated with this work? What do you think? Let's take a poll. And TJ, if you could load the poll when you get a chance? Which of the following is is for our potential eligible CDBG costs? A, corrective actions to change problematic laws; B, review, and analysis of subgrantee laws and policies; C, a trick, a trick question because no activity is eligible until HUD issues guidance on certification, or AMC.

And I'm not seeing the poll. There it is. Great, so it looks like many answered, most answered number C, or letter C, trick question. Many of you answered review of analysis of subrecipient laws and requirements. So you are on the right track if you answered B; within certain limitations the review and analysis of subgrantee laws and policies may be eligible – may be an eligible CDBG cost. But let's take a closer look.

The identification of noncompliant laws such as these would seem to fit within the barriers to affordable housing analysis your community may be undertaking as part of your consolidated plan, your annual action plan, or your analysis of impediments to fair housing choice. When these cases, analysis could be charged as a planning and administration cost bearing in mind that a 20% cap on such activities.

Corrective actions to change laws, on the other hand, fall under the conduct of government, general conduct of government, and are category, categorically ineligible under CDBG, and are just unallowable for HUD grantees using federal dollars.

I will now hand the show over to Suzanne to discuss crime free housing programs and nuisance property ordinances.

Suzanne Marcus: Thank you, Jon. So often local laws and programs that penalize survivors for reporting crimes against them, or another person in their homes take the form of crime free programs, or nuisance ordinances. On their face, these programs and ordinances may appear to be neutral, but it's when they lack exceptions for survivors, and people with disabilities, and/or are applied in such a way that they disproportionately impact certain groups of people on the grounds of race, color, sex, or disability, to name a few examples, that they are harmful.

Let's look at crime free lease ordinances and crime free housing programs first. These local laws are programs aimed to minimize crime in housing

Right to Report VAWA Primer Webinar

programs by penalizing housing providers who failed to evict tenants when a tenant, resident, or another person has allegedly engaged in a violation of a federal, state, or local law regardless of whether the tenant, or resident was the victim of the crime at issue.

Other crime free housing programs mandate or strongly encourage housing providers to include lease provisions that require, or permit housing providers to evict tenants where a tenant, or resident has allegedly engaged in a single incident of criminal activity regardless of whether the activity occurred on, or off the property. These crime free housing programs may also introduce mandatory criminal background checks of tenants and applicants.

Nuisance property ordinances often label various types of conduct associated with a property, whether the conduct is by a resident guest or another person, a nuisance; and require the landlord or homeowner to abate the nuisance or evict the entire household under the threat of a variety of penalties ranging from potential fines, fees, condemnation, or loss of a rental property license.

The conduct defined as a nuisance varies by ordinance and ranges from conduct affecting the appearance of the property such as littering, or failure to tend one's lawn, to general prohibitions related to the conduct of the tenant, or g such as disorderly, or disruptive conduct, or any criminal conduct occurring on, or near the property.

Examples of crime free programs, and nuisance property ordinances that penalize survivors, and people with disabilities for reporting crimes, and emergencies include nuisance property ordinances that have what is characterized by the ordinance as an excessive number of calls for emergency police, or ambulance services typically defined as just a few calls within a specified period by a tenant, neighbor, or other third party whether or not directly associated with the property, and without exception for survivors of people with disabilities.

In some jurisdictions an incident of domestic violence is defined as a nuisance without regard to whether the resident is a victim or the perpetrator of the domestic violence. HUD's Fair Housing Enforcement Office's compliance review of Hemet California, a CDBG recipient, provides an example of what these noncompliant laws and actions look like in practice. The FHEO found Hemet California's crime free rental housing program and chronic nuisance abatement program impose penalties on property owners if five or more calls per year were made to law enforcement, or to code enforcement for nuisance activity at a property.

There were no exceptions for calls for victims of domestic violence or other crimes. There were no safeguards for individuals with disabilities. And the law required landlords to enforce a crime free lease addendum mandating immediate eviction for a single act of broadly defined criminal activity. The FHEO negotiated a voluntary compliance agreement with Hemet California

Right to Report VAWA Primer Webinar

to repeal the ordinances that established the programs, and create a remediation fund of \$200,000 to improve housing conditions for low, or moderate-income households, including by proactively addressing potential code violations. For more information, we will put a link to the voluntary compliance agreement in the chat.

Even where ordinances expressly exclude survivors of domestic violence or other crimes, survivors are still frequently deemed to have committed nuisance conduct because police, and other emergency service providers may not log the call as domestic violence; instead, categorizing it incorrectly as property damage, disturbing the peace, or another type of nuisance conduct.

It's also not uncommon for survivors to be hesitant or afraid to identify themselves as survivors of abuse to police responders. Laws and actions that require or encourage denial of an applicant with a criminal record, including arrests, or misdemeanors may also penalize survivors for arrests that may be related to the domestic violence. Dual arrests, which Laura mentioned earlier in the presentation, occur in domestic violence cases when both the survivor, and perpetrator are arrested, and unfortunately, not uncommon.

Now, I'm going to pass it over to Laura who will discuss how these laws disproportionately impact survivors, people with disabilities, and communities of color.

Laura Kavach:

Alright, thanks, Suzanne. As I will share over the next few slides, the Right to Report Law seeks to eliminate how these nuisance ordinances, and crime free programs negatively impact survivors, those with disabilities, and communities of color. Let's start with the disproportionate impact on survivors.

As we discussed earlier, there are already myriad reasons for why survivors are reluctant to reach out for help, adding the additional risk of fines, fees, and potentially eviction dissuade survivors even more from reaching out for emergency services when they need help. The loss of housing has a domino effect. In addition to experiencing homelessness as a result of the eviction, survivors face the possibility of losing custody of their children, and risk owing – ongoing housing insecurity due to resulting eviction record, and criminal record if a wrongful arrest is made.

People with disabilities face unique barriers to accessing housing, housing and services ranging from the lack of safe, and affordable housing options that are accessible to landlord, and service provider discriminations. An eviction can force someone with a disability who lacks resources, and to sustain homelessness due to a lack of options, and the impact the eviction has on their future rental eligibility.

An article in the Harvard Civil Rights-Civil Liberties Law Review on the impact of chronic nuisance orders on people with disabilities states that

Right to Report VAWA Primer Webinar

individuals with disabilities often require emergency services such as suicide hotlines to get assistance without – with medical issues that result from their disability.

Crime free programs and nuisance property ordinances force people with physical or mental disabilities to make an impossible choice between calling 9-1-1, and risking eviction, or foregoing medical assistance in a crisis. And I believe we just popped that article into the chat. So feel free to review the rest of that article.

As we mentioned earlier, those who are most marginalized, and have the least resources are often adversely impacted by these laws. The low threshold for nuisance enforcement gives law enforcement an increased level of discretion, which can result in uneven enforcement that disproportionately targets buildings, or neighborhoods identified with a particular racial, or ethnic group.

A study conducted of Milwaukee, Wisconsin's ordinance concluded that calls about domestic violence were the third most common reason for a nuisance citation. In 83% of cases where landlords received a citation, they evicted, or threatened to evict the survivor if they called the police again. Moreover, a tenant living in a Black neighborhood was three times more likely to receive a nuisance citation compared to a tenant in a white neighborhood who had also violated the ordinance.

This study also found that 261 incidents of domestic violence appeared in 157 citations, which meant that on average about four point – that every 4.6 days a Milwaukee property owner received a citation listing at least one count of domestic violence. Of these domestic violence incidents. 81%, 81% involved a female victim, and 88% involved a male perpetrator, showing females were adversely impacted by this law.

And we posted this study in the chat and we encourage you to take a look at that. It's a really, it's a really great study. I'm going to pass things back over to Suzanne who will highlight another FHEO case with similar findings.

Suzanne Marcus:

Thanks Laura. In the case of United States versus the City of Hesperia, the FHEO investigation found evidence that a crime free ordinance had been enacted for discriminatory purposes, finding evidence that the ordinance was used to target Black, and Latino renters, and tenants in majority Black, and Latino areas. African-American renters are almost four times as likely as non-Hispanic white renters to be evicted because the ordinance, because of the ordinance. And Latino renters were 29% more likely than non-Hispanic white renters to be evicted.

The Sheriff's Department exercised its substantial discretion and enforcement to target African-American and Latino renters with 96% of the people targeted for eviction under the ordinance living in majority-minority census

Right to Report VAWA Primer Webinar

blocks. When voluntary compliance negotiations were unsuccessful, the Department of Justice filed a lawsuit against the City of Hesperia, California, and the San Bernardino County Sheriff's Department for discriminating against African-American and Latino renters through the enactment and enforcement of a rental ordinance in 2019. And this case is still under litigation.

HUD's 2016 guidance on the Fair Housing Act, and local nuisance and crime free housing ordinances is an excellent resource on the impact these ordinances have on domestic violence survivors, and those in need of emergency services. And the obligations of HUD grantees to consider these impacts in assessing how they will fulfill their affirmative obligation to further fair housing.

The Right to Report Law states that HUD and the Attorney General shall enforce this law using the rights and remedies under the Fair – or excuse me using the Fair Housing Act.

So now that we've reviewed what discriminatory laws, and actions may look like, let's see how well you can identify noncompliant laws in preparation for your work ahead. I'll read the scenario and then TJ will launch a poll. Or I see you put it up there, but that's okay – and respond, and let us know what you think. Is this a law that penalizes survivors for reporting crime? Let us know, yes or no. But before you do, let me read the scenario for you.

So Veronica moved into a new apartment with her two small children. Her abusive ex-partner arrives during dinner on many nights, demanding to see the kids, and often his behavior turns violent. This month, the neighbors called the police three times due to the loud shouting, and disruptive noise coming from Veronica's apartment. Veronica's landlord issued her a nuisance citation and threatened eviction for disturbing the peace.

She researched the local nuisance property ordinance, and it stated that property owners are fined if calls are made to emergency services five or more times per year, and that domestic violence – but domestic violence was not included in the definition of nuisance conduct, nor did she see an exemption for domestic violence survivors. Do you think that this could be considered potentially a problematic law that penalizes survivors? Let us know what you think.

And okay, let's launch the results. Wow it looks like you all are raring to go and know what to look for. This is very reassuring. So a good number of you did indeed see that, yes, this is an example of a law that penalizes survivors for reporting crimes. And it penalizes people with disabilities for reaching out for emergency services as well.

While domestic violence is not specifically defined as a nuisance conduct in the nuisance property ordinance, the law does not provide an exemption for

Right to Report VAWA Primer Webinar

domestic violence survivors and thus, it penalizes survivors. The law also penalizes property owners for calls made to emergency services exceeding five times per year without an exception for survivors or people with disabilities.

So now that you know the kinds of laws and actions you need to look for, you can begin by asking subgrantees about their policies, and review any existing crime free, and nuisance property orders that currently apply. Often you can find these ordinances on local government, and local law enforcement websites, and you can also reach out to your state and local victim service programs that may already be working to address the impact of these laws, and can provide technical assistance, and resources.

In the chat, we're dropping links to national and state domestic violence, and sexual assault coalitions, so we encourage you to reach out to those folks. And we also will leave you with some resources and we will provide you with this slide deck, and you can visit these links later.

Here are some great resources, and I want to underscore that the National Housing Law Project provides training, and technical assistance on nuisance ordinances, and crime free housing policies. The link, we're putting the link in the chat, and they're a phenomenal resource. And soon, we will be providing a VAWA Right to Report fact sheet that you'll be able to share with your subgrantees. So now I'm going to hand it over to Jon for the question and answer portion of the training.

Jon Kunz:

Alright, thank you, Suzanne, and Laura. I think several of you have submitted questions through the Q&A box. And our panelists will be joined by Karo Ng and Jessie Handforth Kome as we tackle some of them. And again, we thank you for your patience as HUD is still developing guidance. And again, HUD, even if we're not able to answer them here, we would love to get your questions.

We will capture those so that we can look, HUD can look to answer those in the future. So keep the questions coming in, we'll go through a few of them now. Let's see, again, I'm just skimming through for some. I'm going to do one that's more basic, not too policy that I'll answer myself while our panelists, kind of, gear up here.

And again, if anybody wants to chime in as a panelist, or I would appreciate that. So one question is, do we need to include this into this information in our subrecipient agreements, MOUs, et cetera? And should we issue an addendum for existing agreements?

Again, there is a lot of policies are still coming forward. I would just say, as just the policies come out, and if you've got anything that you were looking for in your subrecipients, and so forth to do, it's really a great idea to start to incorporate them into your subrecipient agreements. Again, it really depends

Right to Report VAWA Primer Webinar

on what it is. And I don't know if any of the panelists wants to chip in there or we should move onto another one?

Okay, one question is, are the analyses costs counted as administration expenses or project delivery? My thought on that is, again, typically your analyses cost is going to come out of your planning and administration matrix codes or, or eligible activities. So if you're doing that kind of analysis of your laws as part of your barriers to affordable housing, or as part of your Con Plan or Action Plan, then I think you'd be well in your right to place them within the planning and admin. And again, we understand there's the 20% cap. The project delivery costs are typically going to be associated with any activity that's going to meet a national objective, and have beneficiaries, and so forth.

Let's see. Laura and Suzanne, are there any you would like to tackle at this point?

Unidentified Female: I'm looking over –

Jon Kunz: I see one. Go ahead?

Unidentified Female: No. I was just looking over the questions, and a lot of them around, sort of, the time life, timeline for the rollout of the new rules. And, I don't believe, and I, yeah, I don't believe that there is a specific timeline at this point.

Jon Kunz: Okay I see one is just, "Will the presentation also apply to the administration of Emergency Solutions Grant programs?" So I think maybe part of it does, certainly, but a lot of the requirements we're talking about now, the responsible reporting, will fall to the CDBG grantee. And again, many of you wear two hats. If any of the other panelists have anything to add to here, please do.

Karlo Ng: Jon, this is Karlo at HUD.

Jon Kunz: Yes.

Karlo Ng: I do have one thing to add. So ESG is not covered by the Right to Report requirements. However, the Emergency Solutions Grant is otherwise covered by the VAWWA, the main VAWA housing title. It's considered a quote-unquote, covered housing program. So I'm happy to provide the cites that essentially spell out in the statute what those requirements are.

We actually have VAWA regulations from HUD that apply to the Emergency Solutions Grant program. So I want to make sure that folks are aware that there are other VAWA obligations, even though they don't – there's not a right to report obligation for ESG.

There was also –

Right to Report VAWA Primer Webinar

Jon Kunz: Thank you.

Karlo Ng: – A similar – I'm sorry, Jon. There was a similar question –

Jon Kunz: Go ahead.

Karlo Ng: – About the HOME program, so I'll just answer it live, and also type it in for folks who may be having volume issues. The HOME program, it's exactly the same thing. Home not explicitly covered by the Right to Report requirement, but HOME as well as the Housing Trust Fund, they are covered by the other main VAWA housing requirements, and protections for survivors. So again, I'm happy to provide those cites, but important to keep in mind that HOME, and HTF, and ESG have other VAWA housing requirements.

Jessie Handforth Kome:

Hey, this is Jessie. I, I've been reading all of the questions in the chat, and we can't answer all of them. But I think one of the points that didn't, like, come through as clearly, or that people didn't quite catch is that this isn't like the other certifications. Right?

This is a certification that applies to entities that receive CDBG, as recipients, and subgrantees. But it isn't actually part of the the grant program in the same way that the other certifications you do with your action plan, or your Con Plan are so that you can get your grant.

And this is simply a certification that you, you have to make that you've looked, and you are bringing your jurisdiction compliant with a – once it's in a, in a way of thinking of it. It's not super technically correct, but a new civil right that people have this right, and and you, this is set up to tell you that you need to go check, and make sure that you don't have laws, and policies on the books that are out of compliance with this.

It's more analogous to, maybe the Architectural Barriers Act, or excessive force, or other things that don't apply to an activity. It's not about what activities you fund the CDBG. It's about your local laws and policies. But it's the only certification that we're going to have that isn't a certification that's in the list, either for your CHAS, which is at the base of your consolidated plan; or in the Housing Community Development Act, and that you have to make that certification in order to get CDBG funding.

This one is a third path, it's freestanding, and it's related to this new Right to Report. And that's what's going to take us just a little time, and what's taking us a little time to sort out, is exactly how to implement that? But the the reason we're coming with the webinar today is that this, the the law puts the right in place as of October 1st.

And we wanted our grantees to be informed as soon as possible that that right

Right to Report VAWA Primer Webinar

was in place. Because somebody could go complain, file a complaint about it as soon as it's in place. And so we felt that our grantees needed to be informed while we are, either doing rulemaking, or possibly implementing directly from the law to a form. But we're, we don't have the legal answer to that yet. So we're working on how to implement it.

We wanted to let you know that this, this rights are going to be in place, like at the end of this week. And that handles, I mean, there are just a lot of questions here. We can't, yeah, we can't give you specific answers to yet, but we are going to take these questions, we're going to make sure that the guidance that does come will relate to, relate to that, and get you the answers.

Jon Kunz:

Thank you. In fact, I think we're really just coming to the end of our time here. So we'll wrap up our discussion here. So first, thank you all for coming. And thank you for our presenters, Suzanne Marcus, and Laura Kovach, and, of course, to our HUD panelist, Director Karlo Ng, and Director Jessie Handforth Kome.

So, would our – just to confirm, would our HUD panelists like to add anything else as we conclude? Well, with that, that concludes our discussion today. And please, look for the recording and Webinar materials on the HUD Exchange in the next two weeks. Again, we provided with you links, and I suspect there will be some announcements as well. Thank you very much for coming.

[END OF TAPE]