

SENATOR FRANKEN'S VAWA HOUSING AMENDMENT

The Violence Against Women Act (VAWA) gives lawful immigration status to certain women who have been abused or subjected to extreme cruelty. The 1996 welfare reform bill provided that these women were not disqualified from receiving public and assisted housing. This is important: many women face the untenable choice of staying with their abuser and keeping a roof over their heads or leaving their abuser and becoming homeless. In fact, data indicate that about 40% of women who experience domestic violence will become homeless at some point in their lives, and many of these women have children with them. The 1996 welfare reform bill should have been an important step toward breaking the cycle between violence and homelessness.

Unfortunately, the drafters of the 1996 welfare reform bill failed to update the Housing and Community Development Act of 1980 (the HUD Act) to reflect these women's new eligibility for public and assisted housing. The HUD Act lists several groups of non-citizens who are eligible for public and assisted housing, but that list does not include women who are in the country lawfully under VAWA, which did not become law until many years after the HUD Act was enacted.

Senator Franken's amendment simply would update the HUD Act of 1980 to make it consistent with the welfare reform law of 1996. Specifically, the amendment would add to the HUD Act a cross-reference to the welfare reform law's language stating that battered immigrant women under VAWA are "qualified aliens" who are not ineligible for receiving public and assisted housing. (In relevant part, the welfare reform law says that a non-citizen is not disqualified from receiving public or assisted housing if (a) she has been "battered or subjected to extreme cruelty in the United States" by a family member and (b) the Department of Housing and Urban Development (HUD) finds that "there is a substantial connection between such battery and cruelty and the need for" public or assisted housing and (c) the individual has been approved for legal immigration status under VAWA or has a made a prima facie case for such status in a pending application.)

This amendment passed the Senate by voice vote in 2003 when Senator Kit Bond (R-MO) offered it as an amendment to an omnibus appropriations bill in 2003. Unfortunately, the amendment did not become law because there was no House companion language at the time.

This amendment has been endorsed by the National Network to End Domestic Violence, the National Law Center on Homelessness and Poverty, the National Low Income Housing Coalition, the Sheila Wellstone Institute, the Minnesota Battered Women's Coalition, and Casa de Esperanza, among other groups.