Office of Native American Programs

Office of Public & Indian Housing



STTARS Indigenous Safe Housing Center

OFFICE OF NATIVE AMERICAN PROGRAMS

NATIONAL WEBINAR SERIES

Presenters



Gwendolyn Packard,
Senior Housing Specialist



Caroline LaPorte,
Director



Best Practices and Policy Recommendations from the Voices of Survivors



MISSION:

The Indigenous Safe Housing Center advocates for safe housing for all our relatives. We do this work through centering Indigeneity, acknowledging our relationship to Earth Mother, building on each other's gifts, resisting oppression and erasure, and acting upon the prayers of our ancestors to honor diversity and create belonging for us all.

VISION:

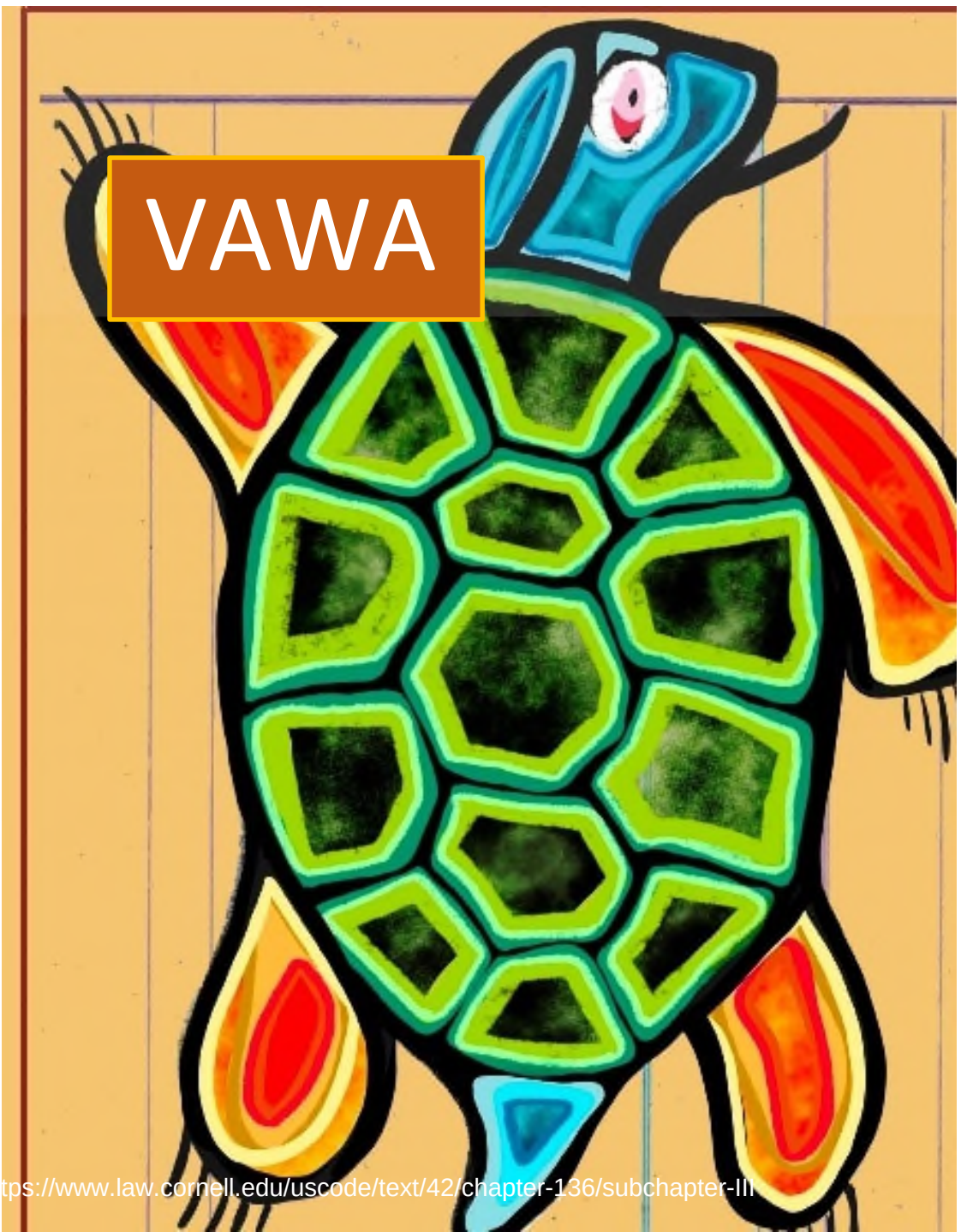
Safe Housing For All Our Relatives

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Recap

- Statistically, we know that there is a strong and clear link between gender-based violence and the experience of housing insecurity and homelessness.
- Certain federal laws are in place to offer survivors in covered housing entities expanded protections
- There is a lack of tribal domestic violence shelters in Indian country, impacting survivor safety and options
- Tribes can adopt and should consider adopting VAWA-like provisions, even where not required



- Enacted in 1994 (reauthorized in 2000, 2005 and 2013 and 2022).
  - In 2005- Adds Safety for Indian Women Title and includes findings that recognize tribal sovereignty.
  - In 2013- partial Oliphant fix
    - Implementing tribes can now prosecute non-natives for the following offenses if committed on tribal land
      - Dating Violence
      - Domestic Violence
      - Violations of a protection order
    - Tribes must implement protections for defendants
    - Does not address
      - Sexual violence
      - Child abuse
      - Crimes committed while interacting with the system (ie: assaulting the arresting officer)
  - 2022- expanded Oliphant Fix and additional housing provisions

tps://www.law.cornell.edu/uscode/text/42/chapter-136/subchapter-III

VAWA Core Protections Around Housing- 2005

- Survivors not denied assistance as an applicant
- Survivors not evicted or have assistance terminated due to having been a victim of domestic violence



VAWA 2013 Core Protections Around Housing



- Emergency Transfers (allows for survivors to move to another safe and available unit if they fear for their life and safety)
  - HUD adopted model emergency transfer plan
- Protections Against Adverse Effects of Abuse
  - Intersectional piece, actually codified (contemplates economic and criminal consequences that a survivor may experience)
- Low Barrier Certification Process
  - In most instances, a survivor need only self-certify in order to exercise their rights under VAWA.

Applicability Continued

Department of Housing and Urban Development	Public Housing Section 8 Housing Choice Voucher Program Section Project-Based Housing Section 202 Housing for the Elderly Section 811 Housing for People with Disabilities Section 236 Multifamily Rental Housing Section 221(d)(3) Below-Market Interest Rate Housing HOME Housing Opportunities for People with Aids McKinney-Vento Act Programs
Department of Agriculture	Rural Development Multifamily Housing Programs
Department of Treasury	Low-Income Housing Tax Credit

VAWA Update

- Where can I find the Safe Housing Provisions in VAWA?

Section	Section Title
Section 601	Housing Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking
Section 602	Ensuring Compliance and Implementation; Prohibiting Retaliation Against Victims
Section 603	Protecting the Right to Report Crime from One's Home
Section 604	Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
Section 605	Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking
Section 606	Study and Report on Housing and Service Needs of Survivors of Trafficking and Individuals at Risk for Trafficking

VAWA Update

- What Additional Provisions Should I Know About?

Section	Section Title
Section 206	LGBTQ Specific Services Program (see Section B(2)(A))
Section 701	Findings for Title VII (Economic Security for Victims)
Section 704	Study and Reports on Barriers to Survivors' Economic Security Access (See Section C(1)(B))
Section 604	Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
Title X- Improving Conditions for Women in Federal Custody	Prohibition on Placement of Pregnant Prisoners or Prisoners in Post-Partum Recovery in Segregated Housing Units (See Section 1001(C))
Title XI- Law Enforcement Tools to Enhance Public Safety	Some provisions throughout, including for Native Hawaiians.



- Compliance reviews which should improve overall implementation and compliance
- Funding for training and technical assistance
- Amending the McKinney-Vento Act's definition of homelessness to more accurately reflect the experiences of survivors and in particular sexual assault survivors
- The right to report crime without risking one's housing, anti-retaliation provisions
- Reauthorizing and improving the VAWA transitional housing program
- A study on victims of trafficking
- Time limits on when HUD and the other federal agencies must promulgate VAWA regulations
- Codifying the VAWA Housing Director position

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Section 602

No later than two (2) years after VAWA 2022, each appropriate agency shall issue regulations in accordance with section 553 of title 5 of the USC.

Defines standards of compliance under covered housing programs.

Includes detailed reporting requirements, including the number of emergency transfers requested and granted, as well as the length of time needed to process them.

Include standards for corrective action plans where compliance standards have not been met.

Requires consultation (not tribal-specific).

Establishes a gender-based violence prevention office with a violence against women act director (and establishes their duties).

No public housing agency or owner or manager of housing assisted under a covered housing program shall discriminate against any person because that person has opposed any act or practice made unlawful by the act, etc.

Prohibition on coercion- cannot coerce, intimidate, threaten or interfere with or retaliate against any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any rights or protections under this act.

Section 605

- Amends the McKinney-Vento Homeless Assistance Act.
- “Homeless” means:
    - any individual OR FAMILY
    - who is experiencing trauma OR a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking or other dangerous traumatic or life-threatening conditions related to the violence against the individual or a family member in the individual’s or family’s current housing situation,
- including where the health and safety of children are jeopardized;
- **has no other safe residence;**
- **AND lacks resources to obtain other safe permanent housing**



Easiest Places to Start

- Self-certification process
- Confidentiality
- Connecting with tribal/local domestic violence/sexual assault programs and advocates
- Non-discrimination/non-retaliatory
- Protection of right to report crime from one's own home
- Receiving and incorporating ongoing mandatory training on gender-based violence
- Post hotlines in visible spaces
- Be knowledgeable of resources in the community
- Review housing codes for problematic provisions or best practices


Do you have a tribal domestic violence shelter?



Listening Sessions

The following questions were developed to help guide the conversation:

1. What are some of the barriers, obstacles or challenges you have experienced when it comes to finding or maintaining safe, affordable, and acceptable housing?
2. How would you describe your ability to access resources, services, supports when it comes to finding shelter or housing in your community? What are the major challenges or issues?
3. Do you have access to a Tribal or Native domestic violence shelter? Do you think there is a need?
4. Are there some good or great resources, services or programs in your community? Are there any harmful or concerning practices you have encountered?
5. Do you participate in cultural and traditional practices in your community?
6. What are some solutions, suggestions, observations, or recommendations to address housing insecurity or homelessness in your community? What changes would you like to see?



Major Themes

Quality of Life in Shelter and Transitional Housing

- Policies do not consider the nuanced experiences of many Native people
- Rules and regulations of shelters and other public housing options
- Numbered that survivors mention not being able to simply keep up with them.
- Rules that severely limit how a survivor access the space or that result in eviction/removal.

Lack of Support for Grandmothers Caring for Grandchildren

- Grandmothers appear to be over-represented in the unhoused populations that we spoke with.
- There is a clear absence of resources available to help support them as caretakers within shelters, such as emotional, financial, legal assistance, and the possibility for transitioning into housing that is more sustainable.
- There is a heightened risk of child welfare state system involvement.



Major Themes Continued

A House is Not A Home

- Survivors report that even though they may be housed or sheltered, these spaces do not feel like a home.
- Survivors shared that “home checks” were frequent, invasive, disruptive and further traumatized them as Indigenous survivors of gender-based violence.
- Survivors felt that they were being constantly monitored by neighbors and that neighbors reported them to managers.
- Survivors shared a lack of a sense of community due to the surveillance and this contributed to their experience of trauma.
- There is an apparent lack of trust of survivors by property managers.


Do you screen for domestic violence survivors?



Major Themes Continued

Lack of Identity-Affirming Spaces

- Survivors frequently reported that overt racism was a common visitor to their space, creating a lack of safety and retriggering their trauma responses.
- Survivors shared examples of policies that reinforced the prevailing view that non-Native/non-Tribal shelter and safe housing is largely set up to accommodate white women.
- Survivors stated that policies in place at non-Native shelter and housing failed to protect them and were therefore not intended to create spaces where Indigenous survivors of gender-based violence felt safe, comfortable and affirmed and culturally supported (as Native people). We repeatedly heard that non-Native shelter and housing was not merely unsupportive, but harmful.
- Survivors continually referenced the mental stigma they felt in non-Native/non-Tribal shelter and housing. They also shared that this mental stigma is a part of the ongoing historical trauma and genocide experienced by Indigenous peoples in the United States.
- Negative experiences within shelter and housing, they felt were rooted in racism, oppression, and colonization.
- Survivors reported feelings of guilt (that they have a roof over their heads when so many of their relatives and other Indigenous survivors continue to experience homelessness).



Major Themes Continued

Lack of Resources to Address the Specific Needs of Survivors

- Survivors in both cities reported a desperate and urgent need for Native/Tribally-run domestic violence shelters.
- Survivors and advocates reported that there were immense difficulties in finding resources in their communities.
- Survivors reported little desire to access available resources, because those resources cause harm, make survivors jump through impossible hoops (with no prospect of housing or shelter), and use survivor data without providing access to services.
- Resources, like tiny homes, are not safe for survivors (in terms of communal bath/shower/kitchen space, easy access by abusers, and incredibly vulnerable to elements and weather) and feel like a consolation. They are also not affixed to a specific place, so they inherently lack a sense of permanency. Furthermore, they are not made for survivors with children or grandchildren.
- Survivors shared that they experienced extreme feelings of isolation in many spaces, which resulted in continued trauma.
- Survivors reported having to be creative to maintain their housing, essentially becoming their own systems advocates. They also become advocates for one-another. There was a high level of mutual support and shared resources between unhoused survivors.
- Survivors consistently stated there is a lack of support for other financial considerations (application fees, bus passes, food, childcare, medical care, behavioral health, utilities, and maintenance, etc.).


What other major themes do you see in your community?

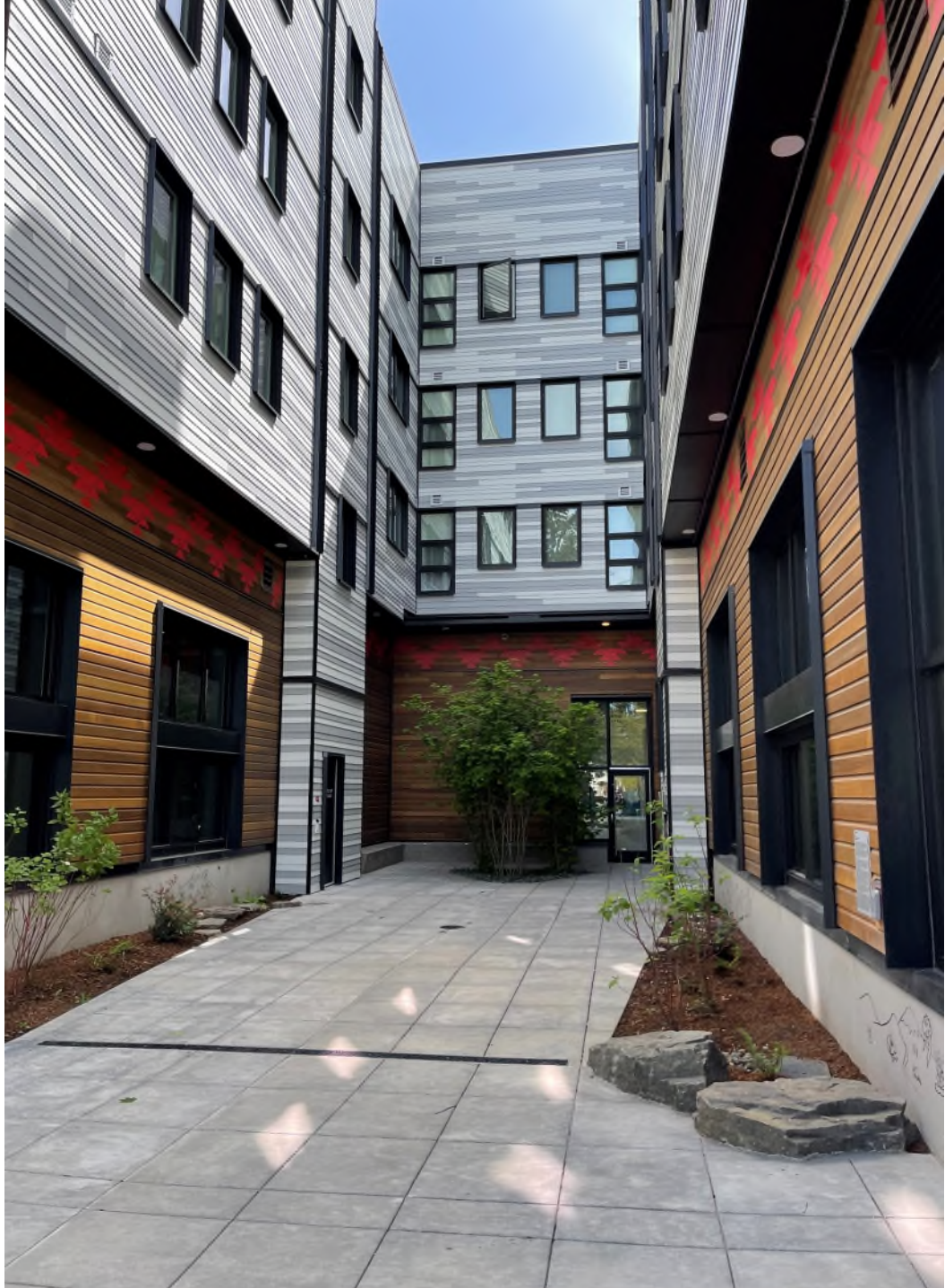
Key Issues

Survivors with Legal/Carceral System Involvement

- Survivors with carceral system involvement at both sessions reported near prohibitions to accessing safe shelter and housing. This led to further criminalization and deepened their inability to find consistent and safe employment.
- Survivors also stated the need to address those who would not qualify for certain resources because of a criminal record.

Survivors with Disability

- Survivors reported a general lack of concern for people with disabilities accessing shelter and housing
- Survivors repeatedly stated that not all disabilities are visible, and that lack of trust of survivors informed people's ignorant views of their lived experiences.
- Survivors with disabilities shared that housing and shelter is often not created with disability access in mind. These spaces were not identity affirming. They reported situations in which they felt that their sense of dignity had been detrimentally impacted by their experiences in shelter and public housing.



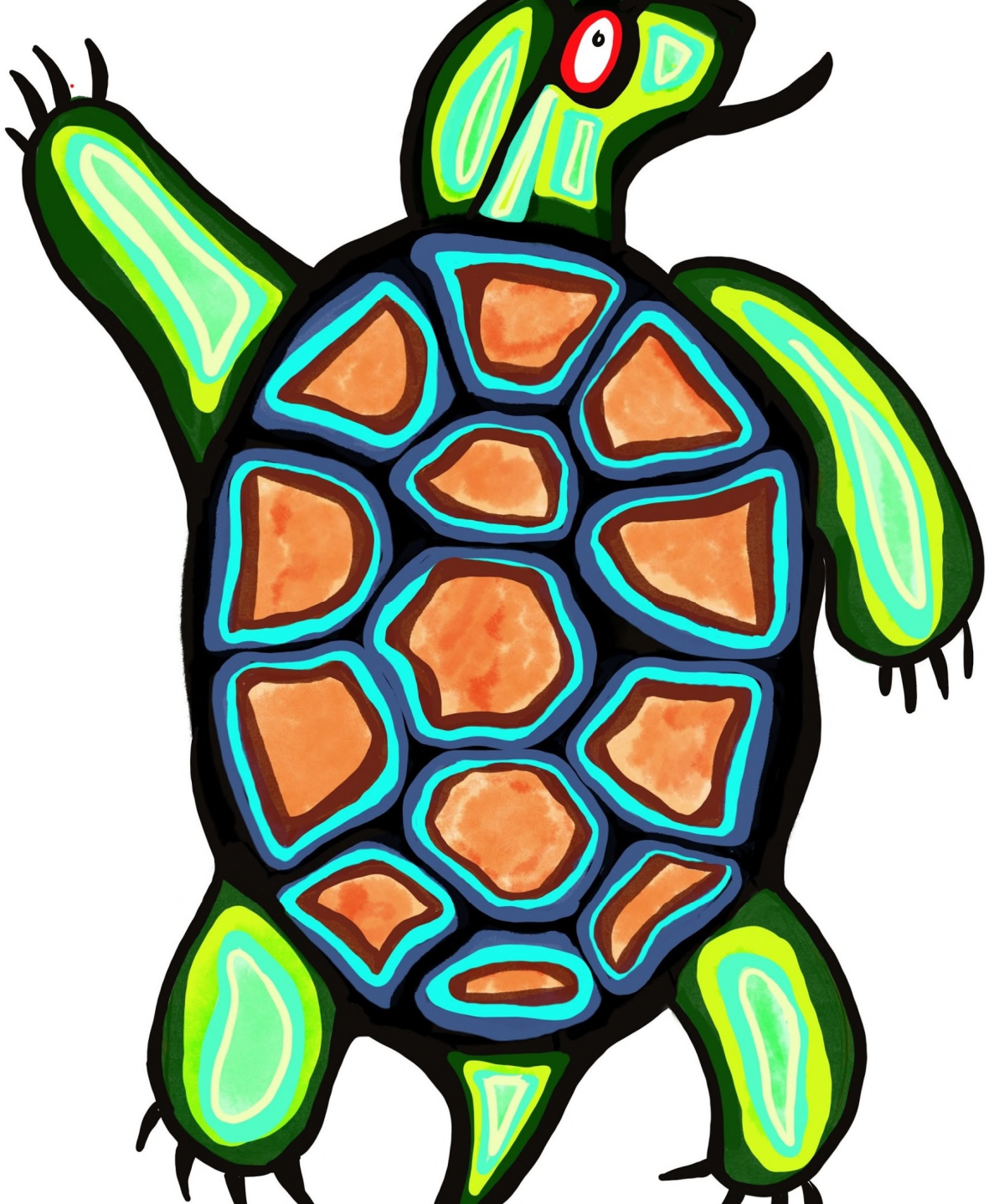


Key Issues Continued

Survivors who Identify as LGBTQAI/Two-Spirit

- Survivors in Minneapolis shared that there was a disproportionate rate of Indigenous survivors who identify as LGBTQAI/Two-Spirit who are experiencing homelessness.
- Survivors in Minneapolis shared that the resources available were not safe, accessible, or identity affirming.
- Survivors reported having to address stigma around their identity in ways that detrimentally impacted their experiences in shelter and public housing, making them feel “othered” in supposedly safe spaces.


Are you engaged in ongoing conversations with tribal or local DV/SA programs?



Input from our National Workgroup



Issues:

- There is an urgent and persistent need for Native/Tribally-run domestic violence shelters
- Not enough people to staff transitional housing
- Human trafficking and drug trafficking is impossibly complicating access to safe housing
- Racism in the United States was greatly impacting advocates and survivors
- There is a serious lack of Native/Tribally-run domestic violence shelters
- Rent is not affordable anywhere, even in public housing
- Incredibly low inventory of transitional housing
- Housing authorities (Tribal and Tribally designated) are not educated on gender-based violence



Issues:

- Permanent supportive housing is not meeting the need because they are staffed by non-programmatic people
- VI-SPDAT
- Unnecessary cruelty (law enforcement cutting up government issued identification cards and throwing away belongings and possessions)
- Artificial rules act as complete prohibition to accessing shelter and safe housing (unnecessary credit checks)
- There little to no Native owned property management companies
- Landlords may exclude certain individuals from their units
- Housing first models and DV housing first models do not necessarily meet the needs of Indigenous survivors in regard to services (which are inconsistent, non-existent or not culturally responsive)
- Political oppression and political divide were exacerbating trauma in severe ways


How do you support you tribal or local DV/SA programs?



Needed Training and Technical Assistance:

- We need an emphasis on traditional ways of life
- Training specific to shelter creation and sustainability
- Shelter policies
- Advocate training to understand the housing spectrum of housing available and strengthening housing advocacy
- Advocate training on street outreach
- Cross-training opportunities for advocates and housing authorities

Needed Training and Technical Assistance:

- Because VAWA is a compliance issue for certain Tribal Housing Entities (THEs) or Tribally Designated Housing Entities (TDHEs), advocates training on working with THEs and TDHEs.
- Training to respond to overdoses (Narcan delivery)
- Permanent supportive housing staff need training on domestic violence and sexual assault
- Training for housing authorities on gender-based violence
- Programs need specific training and support regarding the Fair Housing Act and Indian Preference (how to ensure that Native people are able access units intended to meet their specific needs)




What services or supports, besides housing and shelter, do you think survivors in your community need?



Policy Recommendations:

- Increased funding for transportation vouchers (bus tokens and taxis/car apps)
- Increased substance abuse supports (there are more women with opioid use disorder, and they are increasingly requesting MAT services and overdose prevention
- Legislators should refrain from enacting laws that criminalize homelessness
- Increased funding for transitional housing in Indian country
- Funding for housing/DV advocates
- Funding for housing navigators



Policy Recommendations:

- Funding for legal advocacy
- Funding for financial assistance programs
- Increased funding for project-based vouchers (each units
- Remove artificial rules (credit checks should not be a bar to housing/shelter access)
- Indian country needs a tax base
- Rent control
- Rent cancellation
- Flexible funding for survivors
- Flexible funding for programs



MMIWG Specific Recommendations

Housing Authorities

- Hire Native property managers
- Employ flexibility in requiring application fees and credit checks
- Remove barriers for survivors who have past convictions
- Prioritize gender-based violence survivors on housing waitlists (identify and implement a process for identifying survivors that also keeps their information confidential as required by federal law)
- Language barriers create serious safety impacts and make spaces inaccessible, so have a language access plan
- Create policies that support survivor safety and confidentiality
- Seek out training from Native domestic violence and sexual assault organizations to understand the intersection between domestic violence/sexual assault/gender-based violence and homelessness/housing insecurity



Housing Authorities Continued

- Be community aware
- Implement practices and policies that create safety and security
- Avoid making survivors feel surveilled, which can impact their sense of security in detrimental ways
- Employ flexibility in resident requirements and compliance with rules (i.e. enforcement of fines)
- If an agency standard does not feel right or impacts your community in a disparate way, advocate for a change or clarification.
- All employees must have ongoing training on what culturally appropriate assistance/services are and why they are ESSENTIAL for responding to intersectional issues in both on and off-reservation communities
- Do not conflate Diversity/Equity and Inclusion with direct action in response to Anti-Indigeneity/Oppression (different than a racial lens as well).
- Understand intersectional issues (like child welfare impacts, criminal justice issues, PPO access, substance misuse, mental health issues, etc.) and strive to make policies and practices reflective of this understanding.
- Accountability is a practice, not a response.



Property Managers

- Be a good relative
- Know the law around filing a missing persons report
- Be aware of implications of filing a report for special populations: ie juveniles with prior foster care involvement.
- Language barriers create serious safety impacts and make spaces inaccessible, so have a language access plan
- Trust survivors
- Bring in non-dv/sa related organizations that address interrelated/intersectional issues as needed and build meaningful relationships with local programs
- Utilize policies that screen in rather than screen out
- Locate or develop culturally appropriate screening tools that are local-specific
- Ensure that leadership and staff are engaged in intentional internal work around bias and prejudice
- Ensure spaces for documents (ID's, social security cards, tribal IDs/enrollment documentation, medical records, court records, etc) and make sure that even temporary residents have meaningful access
- Diversify staff so they represent the community they serve



Property Managers Continued

- Stop evicting/fining for infractions such as noise complaints/residents being behind in utilities/having other individuals in the unit
- Make sure staff and are receiving cultural safety training
- Know the resources in your community (in particular, culturally rooted resources that address domestic violence and sexual assault/other forms of gender-based violence)
- Craft policies that create a strong sense of community and that prioritize safety
- Seek out and receive ongoing training from Native domestic violence and sexual violence organizations to understand the intersection between domestic violence/sexual assault/gender-based violence and homelessness/housing insecurity.
- Consider collaborations with DV advocates and programs



Property Managers Continued

- Post hotline information and have supports readily available
- Know the requirements in the Violence Against Women Act around confidentiality and ensure that you comply if required
- Practical considerations: good lighting in common spaces, ring doorbells (or alternatives), key fobs, community safety supports, creating common time together (meals, ceremony, etc.)
- Receive ongoing training on harm reduction/trauma-informed care
- Hiring practices should place emphasis on lived experience
- Ask yourself these questions: What do you do if you are culturally appropriate? What does it look like in daily practice?
- Do not conflate Diversity/Equity and Inclusion with direct action in response to Anti-Indigeneity/Oppression (different than a racial lens as well).



Residents

- Be a good relative
- Awareness of surroundings and routines
- Observe and report (but do not surveil fellow residents)
- Lead awareness activities
- Document barriers
- When possible, provide mutual aid and support
- Advocate for necessary changes
- Claim the power of your voice in legislative and policy spaces



Tribal Council

- Be a good relative
- Fund housing projects
- Start a domestic violence shelter or other emergency safe places
- Apply for Rapid Rehousing and Transitional Housing Funds
- Fund DV/SA programming and services
- Support the needs of families when someone goes missing
- Pass laws that promote prevention (ensuring access to safe housing/VAWA compliance/Domestic violence leave policies)



Tribal Council Continued

- Avoid political interference in Court processes/law enforcement/community or family services
- Be aware of the vulnerabilities that are experienced by some families, even if it is not the experience of the majority of your community members
- Create a membership services program that includes legal services
- Seek out and receive ongoing training from Native domestic or sexual assault organizations to understand the intersection between domestic violence/sexual assault/gender-based violence and homelessness/housing insecurity
- Commit to hiring practices that sufficiently vet individuals who will have access to vulnerable community members



Community

- Advocate for increased housing options and lower barrier access to housing and shelter
- Organize
- Locate pro bono lawyers who work in your community
- Work to create a “know your rights” campaign (reach out to STTARS for training/TA)
- Being community aware and acting on that awareness
- Educate others on the intersection of domestic violence/sexual assault/gender-based violence and homelessness/housing insecurity
- Address trauma
- Care for your community/your people (mutual aid where available)
- Ensure that you are familiar and up to date with local resources





Tribal Law- Self Governance

- **As sovereigns, Tribes may:**
  - Enact codes and statutes;
  - Have separate constitutions;
  - Define domestic violence;
  - Issue protective orders;
  - Enforce protective orders (if jurisdiction);
  - Define their membership); and
  - Govern.

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Tribal Housing Code ClearingHouse

- What are we collecting?
  - Tribal Housing Codes (Tribal HUD/DV provisions related to housing or intersectional provisions)
  - Tribal Codes/Ordinance/Regulations/Admin or Executive Orders Relating to Covid Responses and public health issues
  - Standard Operating Procedures/Polices/Practices of Care
  - Best Practices
- How are we collecting?
  - Human Rights Clinic
  - Form! tinyurl.com/STTARSHousingCodesForm

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How does your program participate in Domestic Violence Awareness activities every October in your community?

Pidamaya!
Miigwetch!



- Gwendolyn Packard, gpackard@niwrc.org
- Caroline LaPorte, claporte@niwrc.org

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QUESTIONS?

Webinar will be posted on the Office of Native American Programs homepage:
www.hud.gov/codetalk

Email comments to: Codetalk@hud.gov