



STTARS Indigenous Safe Housing Center

OFFICE OF NATIVE AMERICAN PROGRAMS
NATIONAL WEBINAR SERIES

STTARS Indigenous Housing Center

Webinar I: July 17 Gender-Based Violence: an
Overview for Tribes and TDHEs

Webinar II: July 26 Best Practices and Policy
Recommendations from the Voices of Survivors

OFFICE OF NATIVE AMERICAN PROGRAMS (ONAP)



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Presenters



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Gender-Based Violence: an Overview for Tribes and TDHEs



Land Acknowledgement

We want to acknowledge

The one sun

The one moon

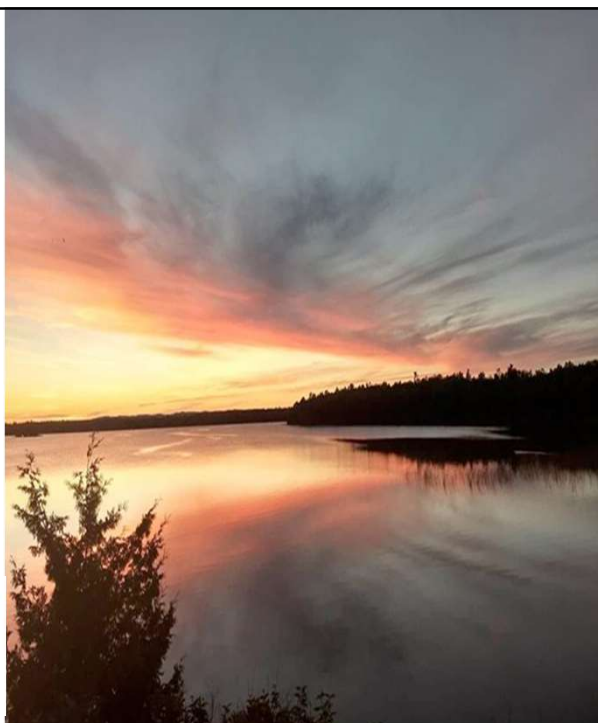
The one Earth Mother

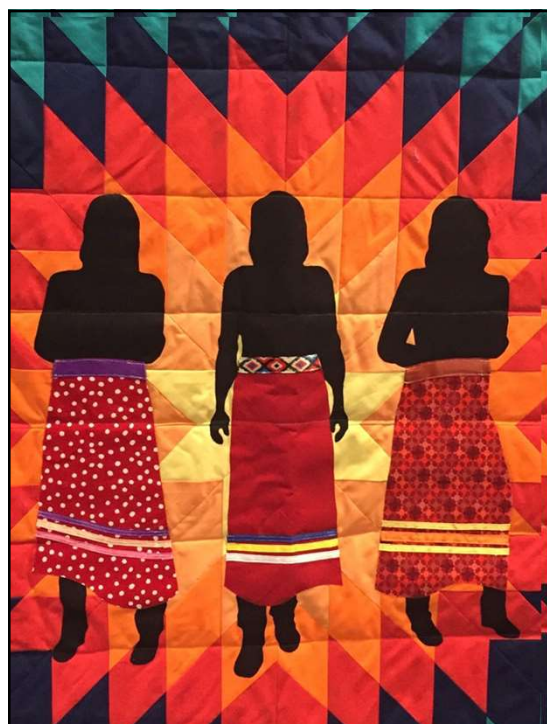
The one People

Our winged, finned and four legged relatives.

We acknowledge all our relatives, the rocks, the mountains, the sacred waters, the insect world and the plant kingdom.

We take a moment to breathe and connect with the land we are on. We take a moment to breathe and acknowledge the ancestors, those that are here and those that are yet to come. We take another breath to acknowledge that our relationship with the land is reciprocal, that this land does not belong to us...we belong to the land.



**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



STTARS FRAMEWORK

- Housing is a basic human right
- Navigating western systems out of necessity (short term)
- Centering Indigenous lifeways throughout the housing spectrum
- Looking at housing and GBV through an Indigenous lens
- Housing stability and access is in an ongoing crisis in Indian Country (both historically and presently)
- Understanding and dispelling colonial constructs



Preventative Work is Work that Centers

Disability Community

Climate
Change

Public Health

Two-Spirit
and LGBTQAI

Elders

Mental
Health/Substance
Misuse

Youth

Especially centering those aging
out of foster care

Incarcerated/Formerly
Incarcerated



SHTARS

Housing and Shelter Access Issues

Problematic mindsets
around who should have
access to housing and
shelter

Lack of Shelter
Options

Virtually No Housing
Inventory

Spaces that are
un-safe and not
trauma-
informed

Housing and
shelter that is not
sustainable

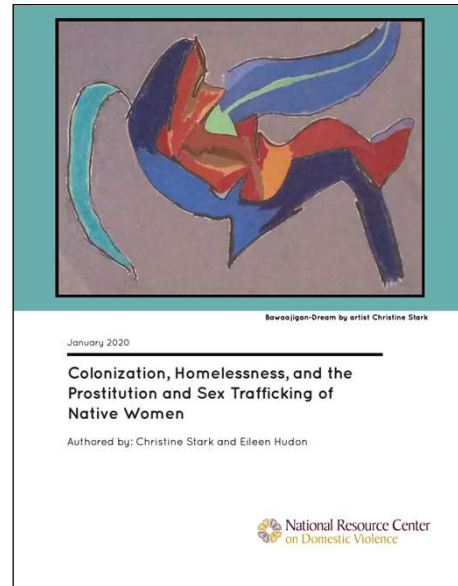
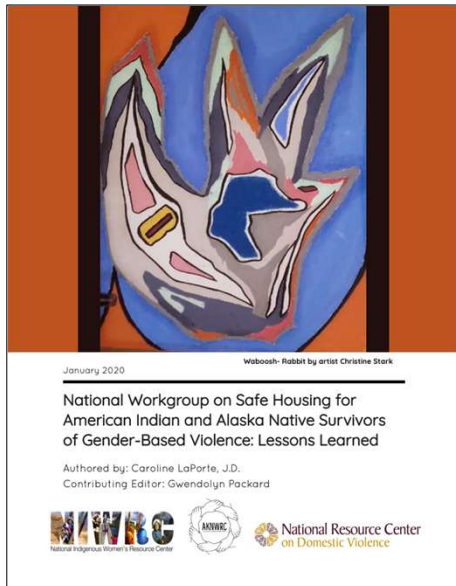
Housing that
is not
Habitable

Little to No
Transitional Housing

Spaces that are
not culturally-
rooted



SHTARS



What are some of the major challenges you have housing domestic violence survivors?



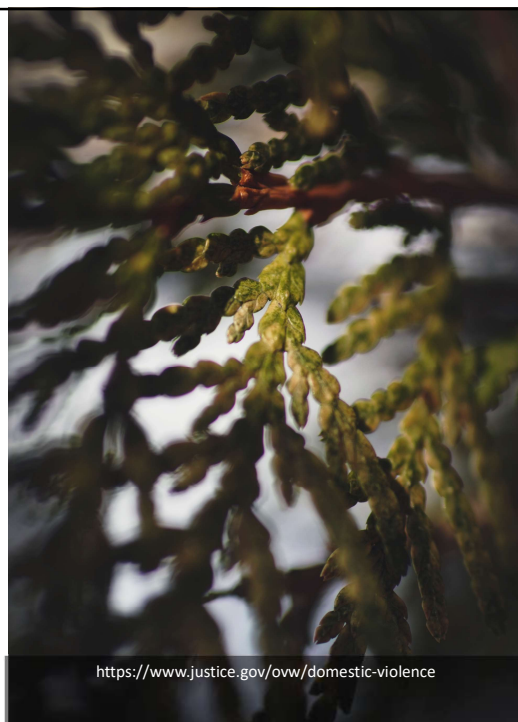
Gender-Based Violence

- Inclusive of all genders, but disproportionately impacts women and girls
- Domestic violence/dating violence (intimate partner violence), sexual assault, human trafficking, stalking
- MMIWG(P/R)
- Intersectional

Domestic Violence or Intimate Partner Violence

- Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
- Intimate partner violence is an act that affects an entire community. It speaks to a fracturing in foundational values, especially where it is found in tribal communities (Deer 2015). This is reflected in tribal pre-colonial responses to intimate partner violence (Agtuca 2015).

LaPorte, Intimate Partner Violence in Tribal Communities: Sovereignty, Self-Determination, and Framing (2021)



<https://www.justice.gov/ovw/domestic-violence>

Trafficking

- Human trafficking, also known as trafficking in persons, is a crime that involves compelling or coercing a person to provide labor or services, or to engage in commercial sex acts. The coercion can be subtle or overt, physical or psychological. Exploitation of a minor for commercial sex is human trafficking, regardless of whether any form of force, fraud, or coercion was used.

<https://www.justice.gov/humantrafficking/what-is-human-trafficking>



Stalking

- The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

<https://www.justice.gov/ovw/stalking>



Sexual Assault

- The term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

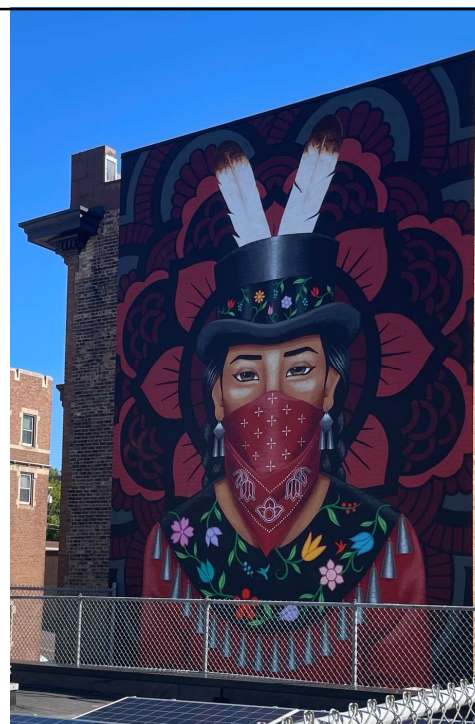
<https://www.justice.gov/ovw/sexual-assault>

What is MMIW?

- A serious and urgent issue
- The National Crime Information Center reports that as of 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls. (UIHI 2018)
- A manifestation of settler colonialism
- A heart issue--- what are our shared values?
- A movement led by Native women/A call to action

We have to think about MMIW in terms of scope, in terms of where, and in terms of who.

We also have to think of it in terms of **prevention**, intervention and response (post-vention).



Gender-Based Violence in Indian Country

More than 4 in 5 American Indian and Alaska Native women have experienced violence in their lifetime.

- 56.1% who have experienced sexual violence
- 55.5% who have experienced physical violence by an intimate partner
- **96% of women who have experienced sexual violence were assaulted by at least one interracial perpetrator (Relevancy- Oliphant v. Suquamish)**

Native women have a greater need for services, but less access to services. Among American Indian and Alaska Native female victims:

- 41% had physical injuries
- 49% needed services
- 38% needed medical care

Among American Indian and Alaska Native female victims who needed services:

- **38% were unable to access services**

Firearms

- Black and American Indian and Alaska Native women experienced the highest rates of homicide (4.4 and 4.3 per 100,000 population, respectively) (Petrosky et al., 2017).
- This data is likely under-representative of American Indian and Alaska Native victims due to the issues surrounding reporting.
- The CDC report further concluded that there was a strong link between homicide and intimate partner violence, **finding that 55.4% of the cases involving American Indians and Alaska Natives were at the hands of an intimate partner and 38% of those killed by an intimate partner were killed via firearm.**



Do you think gender-based violence is impacting your housing program?

Ongoing Barriers to Safety

- Jurisdiction
- Invisibility
- Lack of Resources for Direct Services
- Substance Abuse
- Mental Health
- Prolific Access to Justice Issues
- Objectification/Dehumanization
- Extreme Poverty
- Inadequate (non-local/underfunded) Law Enforcement Responses
- Unavailability of Housing/ Homelessness



Do you think survivors
feel safe in your tribal
housing programs?

Access to Services

Major resource gap in Indian Country

Geographic constraints

Law enforcement constraints

Prejudice/Racism

Sane/Sart

911 issues

Lack of peer to peer or culturally rooted services



How does your
community respond to
gender-based
violence?

Basic Housing Needs

- The need for safe and affordable housing is one of the most pressing concerns for American Indian and Alaska Native (AI/AN) survivors of violence and abuse, as domestic and sexual violence is a leading cause of homelessness for women and children.
- Housing is a **basic human right**, yet AI/AN survivors of gender-based violence frequently report access or sustainability issues, leading to layers of vulnerability and increased risk of new or continued victimization



Poverty Rates

- 22% in metropolitan areas
- 28% in surrounding communities
- 32% in tribal areas (double the National U.S. Average)

Study focused on problems and needs in Indian Country

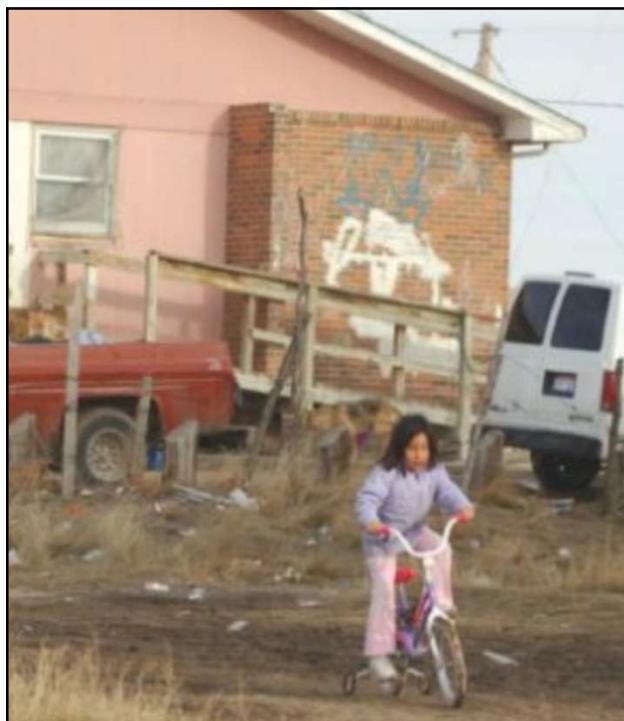
- System deficiencies (plumbing, heating, kitchen and electrical).
- Condition problems, including structural deficiencies.
- Overcrowding, defined by having more than one person per room

Housing in Indian Country





What housing options are available in your community? Check all that apply



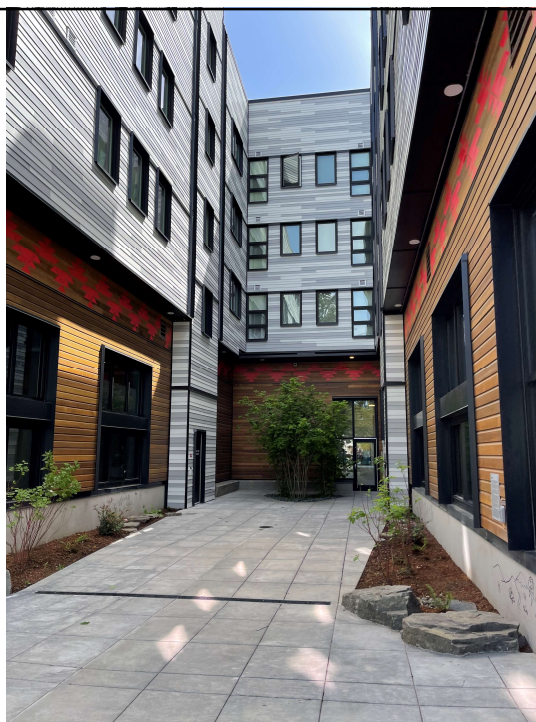
GBV and Housing Instability

- The need for safe and affordable housing is one of the most pressing concerns for American Indian and Alaska Native (AI/AN) survivors of violence and abuse, as domestic and sexual violence is a leading cause of homelessness for women and children
- 50% of homeless population identify domestic violence as the primary cause
- Between 22% and 57% of homeless women report that domestic violence was the immediate cause of their homelessness
- 92% of homeless women have experienced severe physical or sexual abuse at some point in their lives
- 63% of homeless women have been victims of domestic violence
- 38% of domestic violence victims will become homeless at some point
- "Sexual assault is both a precursor to and a consequence of homelessness"
- Intersection between CW/Housing



Shelter in Indian Country

- Nationally there are over 2000 domestic violence shelters in the United States
- Despite there being 576 Federally Recognized and despite the disparate rates of violence in AI/AN communities, nationally there are fewer than 50 tribal domestic violence shelters



Resulting Harm

- For the Domestic or Sexual assault survivor, access to safety means access to shelter/housing.
- The shortages illustrated, as well as the information provided regarding the expanded VAWA protections, show that housing in Indian Country is yet another vulnerability that American Indians and Alaska Natives have inherited.
- Without adequate housing on tribal lands, victims are often forced to:
 - Leave their ancestral home, land of significant cultural meaning
 - Leave their tribal community (resembles removal)
 - Enter non-tribal shelters or shelters that cannot address their needs on a peer-to-peer basis (lacks cultural relevance)
 - Return to their abuser





Housing Spectrum, Generally

- Emergency Shelter (DV or Homeless)
- Transitional Housing
- Permanent Supportive Housing
- Public Housing
- Affordable Rentals
- Homeownership
- Housing that is Habitable



What Has Been Left Out

- Living with Abuser
- Street
- Doubling Up/Intergenerational
- Youth Shelters
- In-patient treatment/sober-living
- Foster Home/ Group Home/ Relative Placement
- Prison/Incarceration
- Institution/Mental Health Facilities
- Accessible Housing (Disability)
- Nursing Homes/Respite Care/Assisted Living/Long-Term Care Facilities



- 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

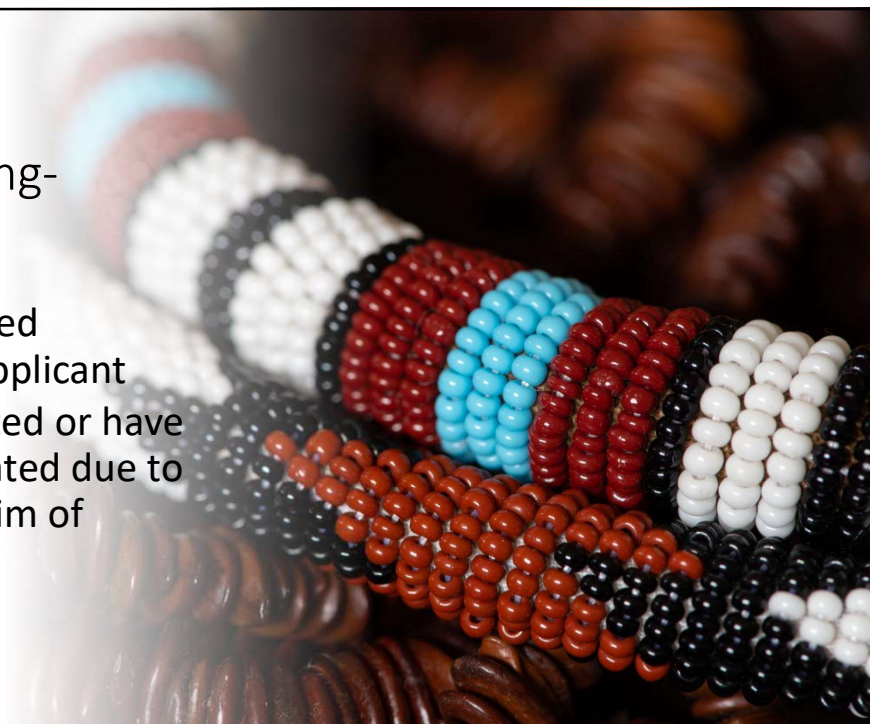


NAHASDA

- Native American Housing Assistance and Self-Determination Act (NAHASDA)
 - Congressional findings recognized the federal government's unique relationship to tribes and the accompanying responsibility to ensure access to affordable decent homes for Native people.
 - Also recognized the rights of tribal self-governance and self determination.
 - Creates a single block grant program- Native American Housing Block Grant (NAHBG)
- Negotiated Rulemaking in NAHASDA
 - Must include tribal and HUD representatives
 - Negotiated rulemaking must be used to develop any regulations required by amendments to the statute.
- NAHBG provides the single largest source of federal funding specifically to be utilized for Native American Housing.

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

- VAWA 2013 protects individuals on tribal lands, but the act itself does not list HUD Indian Housing Programs in the list of HUD covered programs (for example those operated with only NAHASDA IHBG funds).
- Where it does apply, certain codes are outdated or have provisions in place that contradict with VAWA and the FHA.
- This is a vulnerability for Native survivors and their families.

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

Confidential

Covered housing providers have specific obligations to maintain the confidentiality of the fact that a person is a survivor of domestic violence, dating violence, sexual assault, or stalking. Any information that a survivor provides under VAWA's housing protections, including the fact that they are a VAWA survivor, must be kept confidential by the covered housing provider.

These obligations include keeping any such information out of a shared database and not disclosing such information to others unless you consent in writing to such disclosure, it is required for use in an eviction proceeding, or the law otherwise requires it. If information is used by a covered housing provider in violation of the confidentiality requirements, the survivor can file a complaint with HUD. (See [34 U.S.C. § 12491\(c\)\(4\)](#); [24 C.F.R. § 5.2007\(c\)](#)).

<https://www.hud.gov/fairhousing/fileacomplaint>



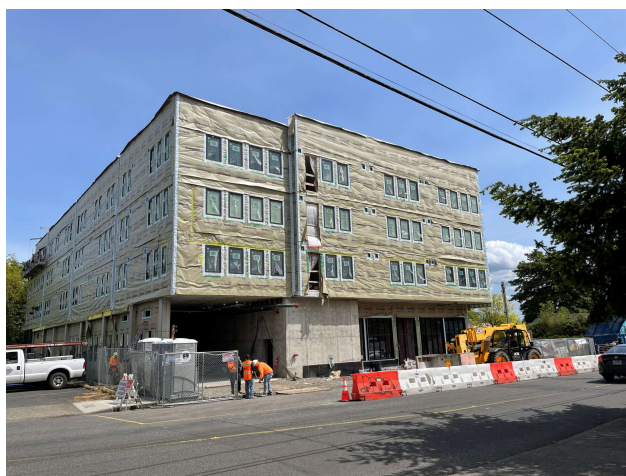
Do you have survivor's rights posted in a public location?

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



- 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

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).

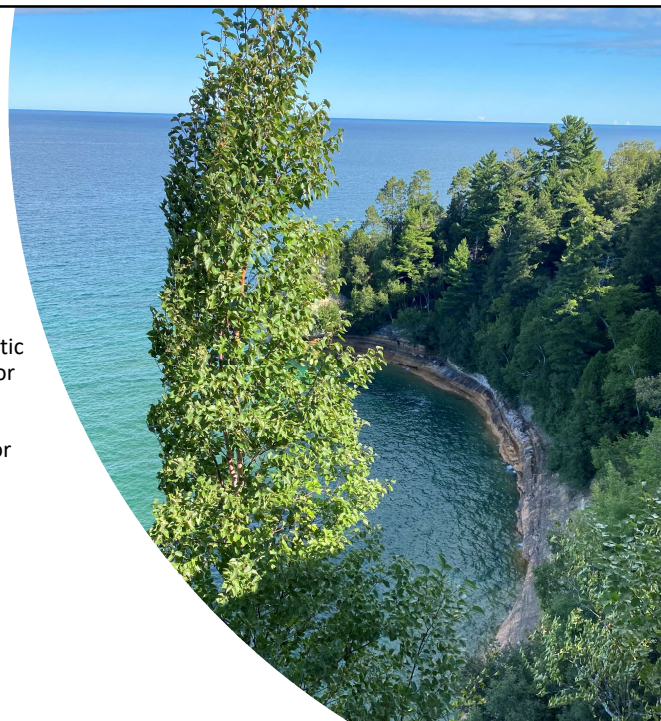
Establishes a gender-based violence prevention office with a violence against women act director (and establishes their duties).

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.

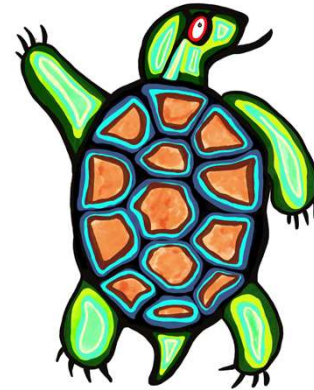
Section 605

- 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**



Section 606

- Defines severe form of trafficking to the definition found in the TVPA of 2000 (section 103).
- Survivors of trafficking, including severe form of trafficking; or risk of being trafficked.
- Req. gov to coordinate with the “Interagency Task Force to Monitor and Combat Trafficking established under section 105 of the TVPA of 2000; the US Advisory Council on Human Trafficking; the Sec of HHS
- Req. gov to consult with the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States; survivors of trafficking; direct service providers; the COC under subtitle C of title IV of the MVHAA (42 USC 11381) and the Emergency Solutions Grant program authorized under Subtitle B of title IV of the MVHAA.
- Outlines scope of the study.



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.



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
 - Govern



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/SHTARSHousingCodesForm



Pidamaya! Miigwetch!



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CONVERSATION WITH HEIDI

QUESTIONS?

REMINDER ABOUT WEBINAR II

July 26, 2023 from 2-4 PM EST

“Best Practices and Policy Recommendations from the Voices of Survivors”

Webinar will be posted on the Office of Native
American Programs homepage:

www.hud.gov/codetalk

Email comments to: Codetalk@hud.gov