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Details: Additional Materials

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Housing (AC-Ho)

COMMITTEE NOTICES ...

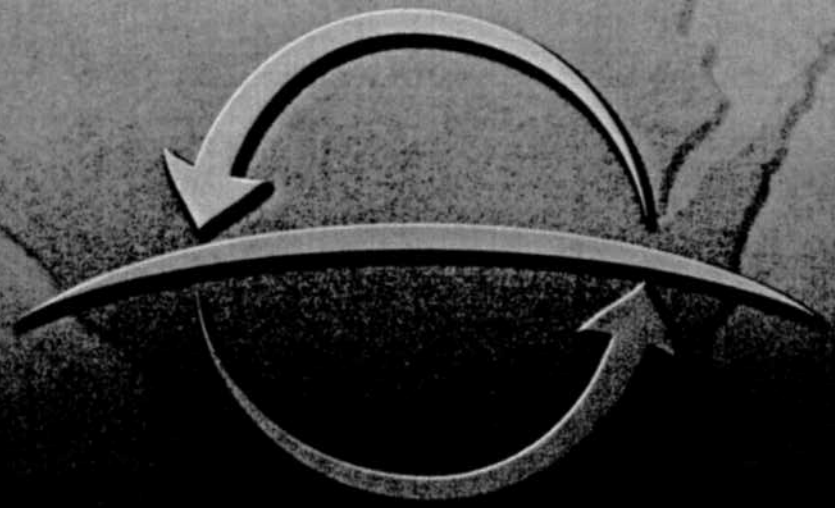
- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (Aug/2010)

22222



GEO EXCHANGE

GEO THERMAL
HEATING AND COOLING SYSTEMS

A collage of three images: a house labeled 'HOME', a school building labeled 'SCHOOL' with children in front, and a modern office building labeled 'BUSINESS'. The collage is set against a background of a cracked, textured surface.

HOME

SCHOOL

BUSINESS

GEO EXCHANGE
Saving for the ground you're on
WISCONSIN GEOTHERMAL ASSOCIATION

THE GEOEXCHANGE SYSTEM

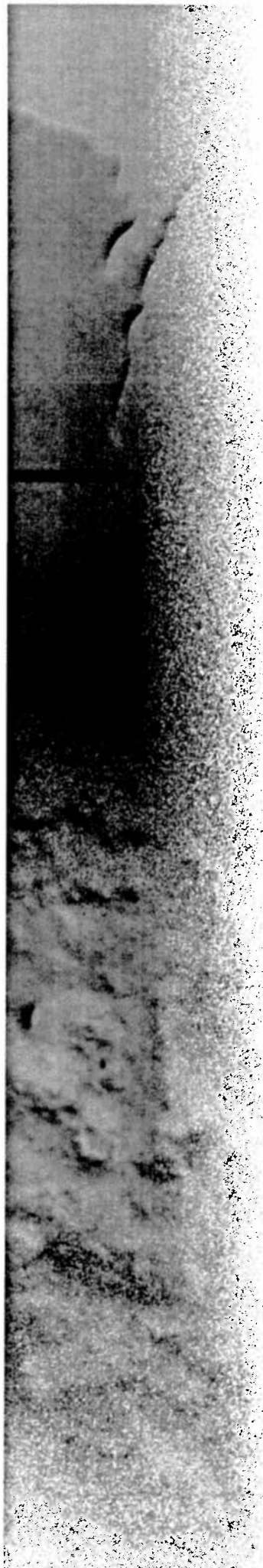
The most important considerations when choosing a heating and cooling system are comfort and economy. Too often, economy means sacrificing comfort. However, with a GeoExchange system you can have both. GeoExchange systems tap the naturally stored energy of the greatest solar collector in existence, the earth. The systems take advantage of the earth's constant year-round ground temperature to provide heating, cooling and hot water in a variety of applications.

GeoExchange systems can be very cost-effective, money-saving opportunities for homes, schools and businesses.



BENEFITS

Comfort - GeoExchange systems produce an abundance of warm or cooled air and deliver it gently to the space. There are no blasts of hot or cold air that are associated with other types of systems. Since these air temperature fluctuations are substantially reduced, GeoExchange systems provide superior room comfort control.



Economical - How about lower energy bills?
Heat from the ground is free and the only electricity needed is for moving that heat between your home and the ground.

***A GeoExchange system can result in up to:**

- **50% lower heating costs**
- **30% lower cooling costs**
- **Two- to seven-year payback**
- **Lower operating and maintenance costs**

**According to the Geothermal Heat Pump Consortium*

Environmentally Safe - GeoExchange systems are recognized by the Environmental Protection Agency (EPA) as the most environmentally friendly heating and cooling technology available. It is a system you can feel good about using. CO₂ emissions are significantly reduced.

Clean - No flames, no flue, no odors - just safe, reliable operation.

Reliable - A GeoExchange system has very few moving parts to maintain. A geothermal heat pump is located indoors, where it is protected from weather extremes, vandalism and abuse.

Low Maintenance - GeoExchange systems require little maintenance. Homeowners only need to change air filters. Businesses could eliminate expensive maintenance contracts or on-staff operators.

Efficient - GeoExchange Systems are more than three times as efficient as the most efficient fossil fuel furnace. Instead of burning a combustible fuel to make heat, they simply move heat that already exists.

WHAT IS GEOEXCHANGE?

GeoExchange is the industry's term that describes the entire process of making use of economical geothermal energy to heat and cool homes, schools and businesses.

GeoExchange systems include:

- A geothermal heat pump
- A loop field of polyethylene pipe buried in the ground
- An internal distribution system such as air ducts or radiant floor system

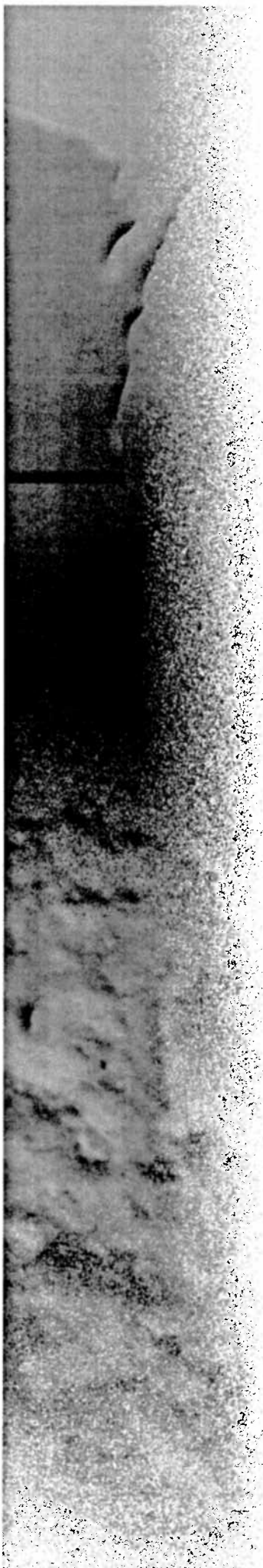
Ground source heat pumps, water-loop and earth coupled water source are all terms that have been used to describe GeoExchange.

HOW A GEOEXCHANGE SYSTEM WORKS

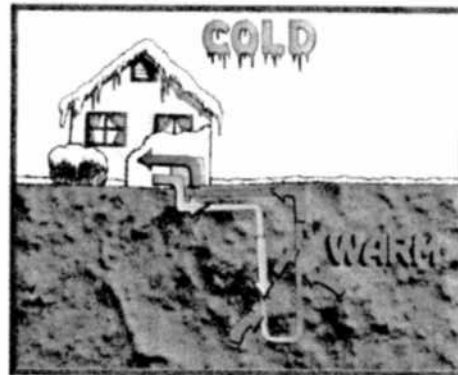
The process is simple. It is based on the basic concept that **heat will naturally move from something warm to something cool.** A geothermal heat pump provides a means for this natural heat transfer to occur so the earth's heat can be moved into the heat pump and used to heat the building.

GeoExchange technology moves heat rather than creates heat.

GeoExchange provides 100% of your heating and cooling needs.

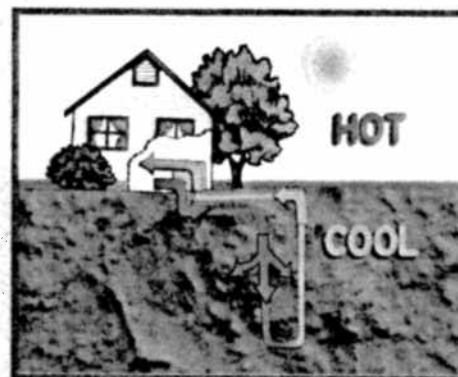


The heat source for a geothermal heat pump in Wisconsin is found at a depth of six to eight feet below the surface. At that depth, the ground temperature is a constant 50 degrees. The earth's heat is extracted by means of a ground loop heat exchanger consisting of polyethylene pipes containing a water solution. The water solution inside the pipes captures heat from the ground and with a circulating pump moves the water into the heat pump. Within the heat pump, a heat exchanger removes the heat from the water solution, concentrates the heat and then distributes the heat to a forced air or hydronic system in the building.



For cooling, the process is just reversed. Excess heat from the building is removed by the heat pump and transferred into the earth loop heat exchanger.

About 65% of a geothermal heat pump's heating capacity is actually heat that was removed from the ground and transferred into the heat pump.



It is little wonder why these systems are so economical - they are using free heat from the ground.

INSIDE A GEOTHERMAL HEAT PUMP

A geothermal heat pump is no more complicated than a refrigerator. The heat pump uses a basic refrigeration cycle to extract heat from a water source and move that heat into the building.

By remembering that **heat will naturally move** from something **warm** to something **cool** and that **a heat pump provides the necessary temperature link** between the heat in the earth and the need to heat a building —the entire process is very simple.

Important components within a geothermal heat pump are:

- *the compressor to change the temperature of the refrigerant*
- *a heat exchanger linked to the earth loop*
- *air or water coil to distribute the heat into the building*

A geothermal heat pump will do **all** the heating and **all** the cooling of the building within one cabinet. It is an all-electric, clean, reliable, safe and economical system.

A geothermal heat pump is simply enabling heat to move naturally.

Free Hot Water

In the cooling season, the GeoExchange system removes heat from the space. Before this energy is moved to the ground loop it can be used to provide domestic hot water. This means no cost water heating in the summer and at substantially lower costs in the winter.



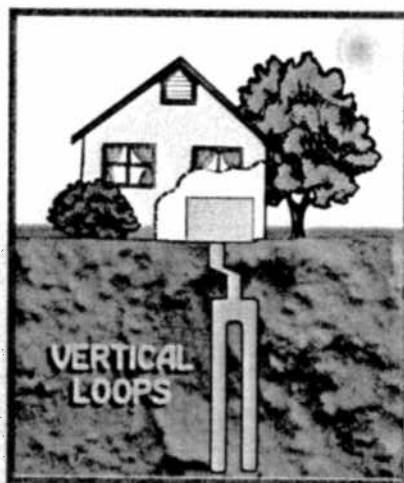
KINDS OF LOOPS

The loops can be installed horizontally or vertically. The method chosen will depend on the available land area and the soil and rock type at the installation site.



Horizontal Loops

Horizontal installations, when a trencher or backhoe can be used, are less expensive, but take up more land area.



Vertical Loops

Vertical installations, where well drilling equipment is used, are generally more expensive, but are ideal where land is scarce.

Open Loops

An open loop system can be installed where an adequate supply of suitable well water is available and open discharge is feasible.

DO THESE SYSTEMS WORK IN WISCONSIN?

Yes. Since a GeoExchange system simply moves the earth's naturally stored heat into the building, the outside air temperature in the winter or summer does not affect the performance of a geothermal heat pump.

The earth under Wisconsin is at a constant temperature. This provides all the needed energy to heat your home or building. There are thousands of geothermal systems operating in homes, businesses and schools throughout the Midwest.

At times, people confuse GeoExchange with Air Source Heat Pumps. While both transfer energy, air source heat pumps try to remove heat from the outside air and there is simply not enough heat in that air during a Wisconsin winter.

The features of a GeoExchange system can benefit Wisconsin's residential, school and business consumers in much the same way.



GEOEXCHANGE AND COMMERCIAL/INDUSTRIAL BUILDINGS

In large commercial buildings, such as schools and high-rise offices, the use of multiple GeoExchange systems allows commercial users to control the climate of each indoor area or zone of a building individually. Each classroom of a school, guest room of a hotel or room of an office building may have its own GeoExchange unit.

This design means extraordinary savings because the heat removed from the sunny side is transferred to the GeoExchange unit heating the shady side, reducing the demand on the earth loop.

The Advantages:

- *Lower operating costs*
- *High efficiency*
- *Less mechanical equipment space*
- *Reduced floor to floor height requirements*
- *Lowest life cycle cost*
- *Minimal maintenance*
- *Long-lasting and reliable*



GEOEXCHANGE AND SCHOOL BUILDINGS

School systems face many concerns and challenges. Administrators face the problems of upgrading old schools and constructing new facilities that meet today's standards. The way that school buildings are being used has changed - from single-use facilities closed after classes are finished to year-round use with lots of evening and weekend activities.

The life-cycle cost of the heating and cooling system is an important economic consideration. Schools must plan for long-term efficiency to maximize their resources. GeoExchange systems have been shown to have competitive initial investment costs, lower operating and maintenance costs, as well as the lowest life cycle costs compared to other systems. These savings make GeoExchange ideal for schools of all sizes and locations.

The Advantages:

- *Substantially lower operating costs*
- *Remarkable savings on maintenance*
- *Classroom comfort and user satisfaction*
- *Design flexibility and reduction in roof repairs*
- *Increased safety with no combustion*
- *Educational values and earth stewardship*
- *Competitive installation costs*
- *No boiler room; decreased building size*
- *Eliminates large duct work*
- *Ceiling height can be reduced*
- *Construction cost savings were more than one million dollars for a 180,000 square foot school in Toronto*

It's important to include construction savings in any economic analysis.



WHO IS THE WISCONSIN GEOTHERMAL ASSOCIATION?

The Wisconsin Geothermal Association is a non-profit organization comprised of a diverse group of individuals, businesses and organizations throughout the state of Wisconsin, which services the rapidly growing GeoExchange industry.

The association is designed to be a **"single-source"** public forum of information, data and education on the numerous benefits and growth of GeoExchange heating and cooling systems for residential, commercial, industrial, governmental and educational facilities in Wisconsin.

The association works with numerous state agencies and organizations to develop resources to enable Wisconsin consumers to benefit from the energy efficiency, environmental and renewable energy characteristics of GeoExchange.

For more specific information, contact the Wisconsin Geothermal Association toll-free, 1-888-436-7040 or on the Web at www.wisgeo.org.



Funded in part by



Mission Statement

"The Wisconsin Geothermal Association exists to be a unified, professional voice for the contractors, utilities, manufacturers and others working to develop the geothermal industry in Wisconsin."



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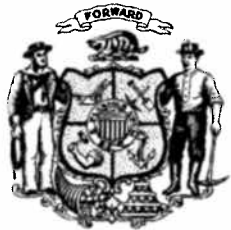
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WISCONSIN STATE LEGISLATURE



HOUSING LAWS PROTECTING VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE

Many domestic violence victims report losing their housing due, at least in part, to the violence in their lives. Three states -- North Carolina, Rhode Island and Washington -- have enacted laws specifically indicating that domestic violence victims are protected from housing discrimination. An increasing number of other states and localities have passed laws that prohibit housing discrimination against, or provide some protections for, domestic violence victims in certain circumstances; that permit victims to terminate leases; and/or that permit victims to have their locks changed. Some of these laws specifically refer to victims of sexual assault and stalking as well. The 2005 reauthorization of the Violence Against Women Act includes important protections for victims living in federally-funded public housing, using federally-funded housing vouchers ("Section 8" vouchers), or living in project-based Section 8 housing. Additionally, a victim of domestic violence, sexual assault or stalking who is evicted or otherwise discriminated against in housing may have rights under federal, state, or local fair housing laws.

FEDERAL LAW

VIOLENCE AGAINST WOMEN ACT 2005: Pub. L. 109-162, §§ 606, 607, codified at 42 U.S.C. §§ 1437d, 1437f.

This law protects victims of domestic violence, dating violence, and stalking living in federally-funded public housing or receiving federal housing assistance vouchers (tenant-based and project-based "Section 8" vouchers). It states that public housing authorities ("PHAs") and private landlords accepting Section 8 vouchers may not deny admission to housing or voucher assistance to an individual based on his or her status as a victim of domestic violence, dating violence, or stalking. Additionally, it makes clear that individuals cannot be evicted or terminated from voucher assistance based on incidents of actual or threatened domestic violence, dating violence, or stalking, or based on criminal activity directly relating to such violence, unless the PHA or landlord demonstrates that the individual's continued tenancy would pose an "actual and imminent threat" to other persons on the property. The law explicitly permits PHAs or subsidized landlords to "bifurcate a lease" to evict, or end assistance to, the perpetrator of such violence. The law permits -- but does not require -- a PHA or subsidized landlord to request that an individual seeking protection under this law provide documentation of the violence. If requested, the victim must provide certification within fourteen business days; the certification requirement can be satisfied by a police or court record or a statement (that meets certain requirements) by a victim service provider, attorney, or medical professional from whom the individual has sought assistance in addressing the violence. The certification must also name the offender. The PHA or landlord must keep information relating to the certification confidential. The law also clarifies that a family with a Section 8 voucher may move to another jurisdiction if the family is moving to protect the health or safety of a victim of domestic violence, dating violence, or stalking. The law requires PHAs to inform individuals of their rights under VAWA and requires that leases must include this information. The law also explicitly provides that state or local laws that provide greater protections to victims supersede these provisions.

STATE AND LOCAL LAWS

ARIZONA: Ariz. Rev. Stat. Ann. §§ 33-1315, -1414.

This law states that a rental lease may not provide that a tenant agrees to waive or limit her right to summon a peace officer or other emergency assistance in an emergency, and prohibits the penalization of a tenant if the tenant or other person summons a peace officer or other emergency assistance.

CALIFORNIA: Cal. Health and Safety Code § 34328.1.

This law requires public housing agencies to submit a report each year on the first of October that includes data on termination of tenancies of victims of domestic violence in housing authority units and termination of Section 8 vouchers of domestic violence victims. Terminations must be included regardless of whether the termination was based in whole or in part of activity related to the domestic violence, and regardless of whether termination ultimately occurred. The report must also state what steps, if any, were taken by the housing authority prior to the termination to assist the victim.

COLORADO: Col. Rev. Stat. Ann. § 13-40-104(4) and § 13-40-107.5(5).

This law prohibits a landlord from evicting a tenant for a "substantial violation" and provides that a tenant shall not be guilty of an unlawful detention of real property if the tenant is a victim of domestic violence and if the domestic violence was the cause of or resulted in the alleged substantial violation or unlawful detention. The domestic violence must have been documented by a police report or a valid civil or emergency protection order. These protections may not be waived by the tenant in a rental, lease, or other such agreement. They explicitly do not prevent the landlord from taking actions against a tenant or lessee that perpetuated the violence or abuse.

COLORADO: Col. Rev. Stat. Ann. § 38-12-401 and § 38-12-402.

This law provides that landlords may not include in rental agreements "a provision authorizing the landlord to terminate the agreement or to impose a penalty on a residential tenant for calls made by the residential tenant for peace officer assistance or other emergency assistance in response to" domestic violence. The right to call for police or emergency assistance is non-waivable. For leases entered into on or after July 1, 2005, a victim of domestic violence may terminate a residential rental or lease agreement and to vacate the premises without further obligation due to fear of imminent danger to the victim's self or to the victim's children because of the domestic violence. The tenant must notify the landlord in writing that he or she is a victim of domestic violence and provide the landlord with a police report written within the prior sixty days or a valid protection order. A vacating tenant will be responsible for one month's rent if the landlord experiences and documents damages equal to at least one month's rent as a result of the tenant's early termination of the agreement. The law prohibits the termination of a lease or eviction solely because the tenant is a victim of domestic violence or domestic abuse.

CONNECTICUT: Conn. Gen. Stat. § 17b-808(a)(2).

This law provides that a special needs benefit for emergency housing shall be provided to any recipient of temporary family assistance program benefits and the optional state supplementation program who cannot remain in permanent housing because the recipient has left to escape domestic violence.

DELAWARE: 25 Del. Code. §§ 5141(6) and 5314(b).

This law adds victims of domestic abuse, sexual offenses, and stalking, as well as tenants who have sought relief from domestic violence from any officer, court, service, or agency, to the list of persons permitted to terminate leases early. The victim must provide verification of the violence in the form of an official document, such as a court order, or by a reliable third party professional, including a law enforcement agency or officer; a domestic violence, domestic abuse or sexual assault service provider; or health care provider.

DISTRICT OF COLUMBIA: Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006.

This law amends the D.C. Rental Housing Act to allow a tenant to defend her eviction in landlord-tenant court if the tenant, or the tenant's child, is a victim of an "intrafamily offense." A civil protection order ordering the respondent to vacate the home is an absolute defense to a landlord's action for possession. A court has the discretion not to evict a tenant if the tenant has a copy of a police report written within the preceding sixty days. The law also requires landlords to release tenants from a lease upon receiving a written record of the domestic violence from a qualified third party such as a law enforcement officer, health professional, or domestic violence counselor, received within ninety days of the event. The release is effective after fourteen days or until the unit is rented, if before fourteen days. In addition, upon written request of the tenant who is a victim of an intrafamily offense, the landlord shall change the locks to the tenant's doors within five business days, and pay the cost, which can be reimbursed by the tenant if the landlord provides documentation of the cost within forty-five days. D.C.'s Human Rights Act is also amended to prohibit discrimination against victims of intrafamily offenses, and requires landlords to make reasonable accommodations in restoring or improving security and safety measures. Landlords must permit early termination of the lease, and may not infringe or allow to be waived a tenant's right to call for police or emergency assistance. **The law became an Act on December 28, 2006, and is subject to review by Congress for a period of thirty legislative days.**

ILLINOIS: 765 ILCS 750/1.

This law, the "Safe Homes Act," provides an affirmative defense for a tenant who is a victim of domestic violence, sexual assault, or stalking who terminates a lease early against a landlord's action to recover rent for a breach of lease. The act permits a domestic violence victim to terminate a lease early, upon three days' written notice to the landlord. The act permits a victim of sexual violence to terminate a lease early upon three days' written notice to the landlord and evidence (such as medical, court or police evidence of sexual violence; or statement from an employee of a victim services or rape crisis organization from which the tenant or a member of the tenant's household sought services) of the violence, if the sexual violence occurred not more than sixty days prior to the written notice. The act also requires landlords to change the locks of an apartment at a victim's request, within forty-eight hours of the landlord's receipt of the request. Notice to the landlord requesting a change of locks shall be accompanied by at least one form of the following types of evidence to support a claim of domestic or sexual violence: medical, court or police evidence of domestic or sexual violence; or a statement from an employee of a victim services, domestic violence, or rape crisis organization from which the tenant or a member of the tenant's household sought services. This law does not apply to public housing, except the tenant-based Housing Choice Voucher program.

IOWA: Iowa Code §§ 562A.27A & 562B.25A(3).

This law creates an exemption from the statutory provision permitting landlords to terminate the tenancy of tenants who create a "clear and present danger" to others for any tenant who provides written proof that the activities creating the danger were conducted by a person other than the tenant, and the tenant (a) sought a protective order or similar order against the person creating the danger, (b) reported the person creating the danger to a law enforcement agency in an effort to initiate criminal action, or (c) wrote a letter to the person creating the danger telling the person not to return to the premises and warning the person that return to the premises may result in a trespass or other action. If the tenant wrote a letter to the person creating the danger and that person nonetheless returned to the premises, the tenant must undertake (a) or (b) to be covered by this exemption. A landlord seeking to terminate a tenancy on grounds of "clear and present danger" must notify the tenant in writing as to "the specific activity causing the clear and present danger" and inform the tenant in writing of the specific protections described above.

LOUISIANA: La. Rev. Stat. Ann. §46:2136(A)(2).

This law permits judges who issue protective orders to grant possession of residential housing to petitioning victims of abuse "to the exclusion of" the abuser where "the residence is solely owned by the defendant and the petitioner has been awarded temporary custody of the minor children born of both parties."

LOUISIANA: La. Rev. Stat. Ann. § 40:506(D).

This law provides that local public housing authorities may not terminate the tenancy of a resident based on “domestic abuse, dating violence or family violence” committed against the head of a household, member of household, or a resident. Local public housing authorities may terminate the tenancy of the perpetrator of such violence.

MINNESOTA: Minn. Stat. § 504B.205.

This law prohibits a landlord from limiting a tenant’s “right to call for police or emergency assistance in response to domestic abuse” or from imposing a penalty on the tenant for exercising that right. The law may be enforced by a tenant in a civil action against a landlord for the greater of actual damages or \$250, or by the attorney general. A tenant may also raise her or his statutory right to request police or emergency assistance as a defense to an eviction, pursuant to Minn. Stat. § 504B.285, provided that the tenant can show by a “fair preponderance of the evidence” that the eviction or rent increase was in whole or in part “a penalty for the defendant’s good faith attempt to secure or enforce” that right.

NEW MEXICO: N.M. Stat. Ann. § 47-8-33(j).

This law provides a defense against eviction for a victim of domestic violence if the landlord tries to evict the tenant because the tenant committed or allowed another person to commit a substantial violation of the lease. The law provides that a tenant will not be evicted if she filed for or received a restraining order before or as a result of the incident leading to the eviction notice. It also grants the court discretion in other cases to evict the resident accused of violating the lease while allowing the other tenants to remain.

NEW YORK, WESTCHESTER COUNTY: Westchester County Code §§ 700.02, 700.05, 700.11(h)(2).

This county law prohibits housing discrimination (as well as employment discrimination and public accommodation discrimination) against victims of domestic violence, sexual assault, or stalking in Westchester County. It protects victims from being denied housing, refused a lease, or refused a lease renewal, among other things. To claim protections under the law, an individual must provide the owner, landlord, or other person offering the property with documentation certifying that he or she is a victim of such violence; this requirement can be met by providing a police report; court order; or documentation from a medical professional, domestic violence advocate, clergy member, or counselor from whom the individual has sought assistance from in addressing the violence. Documentation must be kept in the “strictest confidence.” Documentation is not required if the owner, landlord, or other relevant person perceives the individual to be a victim of domestic violence, sexual assault, or stalking.

NORTH CAROLINA: N.C. Gen. Stat. §§42-40, 42-42.2 42-42.3, and 42-45.1.

This law prohibits discrimination against tenants based on the tenant’s (or a household of the tenant’s) status as a victim of domestic violence, sexual assault, or stalking, provided that the domestic or sexual violence has been documented by law enforcement, a court, a federal agency, a domestic violence or sexual assault program, or a religious, medical, or other professional. This law also entitles a tenant who is, or who has a household member who is, a victim of domestic violence, sexual assault, or stalking to terminate a rental agreement upon thirty days’ written notice to the landlord. The tenant must also provide a safety plan from a domestic violence or sexual assault agency that recommends relocation and a copy of a valid permanent protection order, a criminal order restraining a person from contact with a tenant, or an address confidentiality program card. Upon termination, the tenant is liable for rent due prorated to the effective date of the termination. The law also entitles tenants who are victims of domestic violence, sexual assault, or stalking to request that the locks to their dwelling units be changed at the tenant’s expense; there are documentation requirements that apply only if the perpetrator of the violence is a tenant in the same dwelling unit.

OREGON: Ore. Rev. Stat. §§ 90.453, 90.459.

This law requires a landlord to release a tenant from a rental agreement upon fourteen days’ written notice and verification that the tenant has been the victim of domestic violence, sexual assault, or stalking within

ninety days preceding the date of the notice. The law also requires that a landlord promptly change locks on a tenant's unit. A tenant is not required to provide verification of domestic violence, sexual assault, or stalking to initiate changing of the locks. However, if the perpetrator is a tenant in the same unit, the tenant must provide the landlord with a copy of a court order requiring the perpetrator to move out of the unit. The law exempts the landlord from liability to a perpetrator of violence whom the landlord excludes from the rental unit in response to a court order of protection, and the landlord is not required to provide the perpetrator access to property within the dwelling unit during the term of the court order. The landlord may not require the tenant to pay additional rent, deposits, or fees because of the exclusion of the perpetrator.

RHODE ISLAND: R.I. Gen. Laws §§ ~~34-37-1, -2, -2.4, -3, -4~~.

This law declares that is illegal, and against public policy, for landlords or mortgage lenders to terminate a lease or otherwise discriminate against a tenant or tenant applicant because that tenant or tenant applicant, or a member of her or his household, "is or has been, or is threatened with being, the victim of domestic abuse" or "has obtained, or sought, or is seeking" a restraining order. The law allows a landlord to evict any household member who is committing domestic abuse.

TEXAS: Tex. Prop. Code § 92.015.

This law prohibits landlords from (1) interfering with tenants' rights to summon police or other emergency assistance in response to domestic violence, and (2) imposing "monetary or other penalties" on tenants who "summon[] police or emergency assistance." In addition to other remedies provided by law, this law allows a tenant to recover from or against a landlord who violates this law a civil penalty equal to one month's rent, actual damages suffered by the tenant as a result of the landlord's violation of this section, injunctive relief, and reasonable attorney's fees incurred by the tenant in seeking enforcement of this section.

TEXAS: Tex Prop. Code § 92.016. **NB: There are now two § 92.016.**

This grants a victim of domestic violence the right to terminate a lease before the end of the lease term and avoid liability for future rent or other sums due under the lease if the victim obtains and provides the landlord with a temporary or permanent protective orders. A person other than the victim could still be liable for rent. The law also provides explicitly that neither landlord nor tenant can waive this right. It also provides that a tenant will be released from all delinquent rent if the lease does not include language specifically setting forth these rights.

UTAH: Utah Code Ann. § 57-22-5.1.

This law provides that victims of domestic violence, stalking, sexual offenses, dating violence, and burglary who live in residential rental units have a right to have their locks changed at their own expense if they provide their landlord with a protective order or police report. The law includes provisions relating to landlord's responsibilities to provide perpetrators of such violence with access to the property.

VIRGINIA: Va. Code Ann. § 55-225.5, § 55-248.18:1 & § 55-248.31(D).

This law provides that a tenant who has obtained a judicial order granting the tenant possession of the premises to the exclusion of one or more co-tenants has a right to have their landlord change their locks or install other security devices or to do so themselves; the tenant must compensate the landlord for actual reasonable expenses of removing security devices at the termination of the tenancy. However, this provision does not apply to orders issued ex parte. A lease may not be terminated solely because of an act of domestic violence against the tenant, if the tenant provides written documentation of the abuse and promptly notifies the landlord of the abusers' return to the premises.

WASHINGTON: Wash. Rev. Code Ann. § 59.18.570, 575, 580, 585.

Under § 575, "[i]f a tenant notifies the landlord in writing that he or she or a household member is a victim of domestic violence, sexual assault, or stalking," and either (1) has a valid order of protection or (2) has a written record of the incident signed by a law enforcement officer, court employee, clergy member, attorney, social worker, mental health professional, licensed counselor, or advocate at an agency that assists victims of

domestic violence, sexual assault, or stalking,” then the tenant “may terminate the rental agreement and quit the premises without further obligation under the rental agreement” as of the last day of the month in which the agreement is terminated, provided that the tenant requests to terminate the rental agreement within ninety days of the act giving rise to the protective order or the report. The law indicates the required information that the report to the third party must contain, and also provides a form that the victim can complete in making the report to the third party. Section 580 provides that a “landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement based on the tenant’s or applicant’s or a household member’s status as a victim of domestic violence, sexual assault or stalking, or based on the tenant or applicant having terminated a rental agreement under . . . this act.” Section 585 requires landlords to comply with a tenant’s request to change the locks at the tenant’s expense if the tenant has a court order excluding another tenant from the premises.

WASHINGTON: Wash. Rev. Code Ann. § 59.18.352.

This law allows a tenant to terminate a rental agreement without further obligation if the tenant notifies the landlord that the tenant or a co-tenant was threatened by another tenant with a deadly weapon, the threatening tenant was arrested, and the landlord failed to file an unlawful detainer action against the threatening tenant within seven days of receiving notice of the arrest. The terminating tenant is entitled to a pro rata refund of any unpaid rent.

WASHINGTON: Wash. Rev. Code Ann. § 59.18.130(8)(b)(ii).

This section of the law, which prohibits all tenants from engaging in activities “imminently hazardous” to the safety of others that entail physical assaults or use of a deadly weapon and that result in arrest, states: “Nothing in this subsection (8) shall authorize the termination of tenancy and eviction of the victim of a physical assault or the victim of the use or threatened use of a firearm or other deadly weapon.”

WISCONSIN: Wis. Stat. Ann. § 106.50(5m)(d).

This law provides that “[n]o claim that an individual’s tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the fact that a tenant has or may be the victim of domestic abuse.”

RECENT LEGISLATIVE PROPOSALS ADDRESSING HOUSING RIGHTS OF DOMESTIC AND SEXUAL VIOLENCE VICTIMS

The following legislation has been introduced in the current or prior legislative sessions regarding housing discrimination against, or other protections for, victims of domestic violence. The contents of the bills vary and the status of a particular bill may change very quickly. For more information about each bill, you may contact Legal Momentum or the legislative information service at your state legislature, or consult your legislature’s web page.

ARIZONA: S.B. 1227, 48th Leg., 1st Reg. Sess. (Ariz. 2007).

This bill would permit a tenant who is a victim of domestic violence to terminate a lease if the tenant provides a written request for a lease release to the landlord, accompanied by any of the following forms of documentation: an emergency order of protection that has been served on the perpetrator or with a receipt for service from an authorized officer of the court; an order of protection that has been served on the perpetrator or with a receipt for service from an authorized officer of the court; or a copy of a written departmental report from a law enforcement agency. The tenant must provide written notice of termination within thirty days of the domestic violence. The tenant may require the landlord to install a new lock if the tenant pays for the cost. A landlord can refuse the perpetrator of the domestic violence access to the dwelling. A tenant who terminates a lease and is charged or convicted of falsely reporting domestic violence is liable to the landlord for treble damages. Domestic violence may be raised as a defense to eviction, but

IOWA: S.F. 2321, 81st Gen. Ass. (Iowa 2006).

This bill would add an exemption to open records laws for the addresses of recipients of housing assistance who have applied for or have been granted restraining orders to protect themselves or members of their households. This bill was passed by the Senate on April 10, 2006, but died in the House.

KANSAS: H.B. 2864, 80th Leg. (Kan. 2004).

This bill would exempt domestic violence victims from a provision of Kansas landlord-tenant law prohibiting a tenant from terminating a lease because of a condition caused by the tenant or a person or animal on the premises with the tenant's consent. It would also allow a tenant who is a victim of domestic violence to terminate a month-to-month tenancy "upon written notice to the landlord." The bill defines "victim of domestic violence" as any person "who can prove the existence of domestic violence" by providing (1) a court order, (2) a police record, (3) documentation that the abuser has been convicted under relevant statutes, (4) medical documentation of the abuse, (5) a statement by a counselor, social worker, health care provider, clergy member, shelter worker, legal advocate, domestic violence or sexual assault advocate, or any other professional, or (6) a sworn statement from the person attesting to the abuse. This bill died in a House committee.

MASSACHUSETTS: S.B. 2328 (formerly S.B. 793), 184th Gen. Ct. (Mass. 2005-6).

This bill would amend existing housing discrimination laws to prohibit discrimination against victims of domestic violence, rape, sexual assault, and stalking. It would also create a defense to eviction if a landlord attempts to evict a tenant because the tenant was a victim of one of those crimes. In addition, "[i]f a tenant notifies the landlord in writing that he or she is a victim" of one of those crimes, and either (1) has a valid order of protection, (2) has notified a law enforcement officer, or (3) has consulted with any of a variety of service providers, then "the tenant may terminate the rental agreement and quit the premises without further obligation." Tenant screeners may not provide landlords with information about prospective tenants' status as victims of the above crimes; they may be subject to civil liability if they do so. This bill and similar bill, H.B. 3163 did not pass in 2006. A similar bill was introduced as S.B. 707 in 2003.

MICHIGAN: S.B. 808, 93d Leg., 1st Leg. Sess. (Mich. 2005).

This bill would permit a tenant who is a victim of domestic assault while that person is a tenant to terminate a lease effective upon submittal of written notice of termination and written evidence that the tenant is a victim of domestic assault. The bill died in 2005.

MISSISSIPPI: S.B. 3035, 122d Leg. Sess. (Miss. 2007).

This bill would amend Mississippi's crime victim compensation law so that "necessary expenses" include property damage repair; replacement costs for windows, doors, locks or other security devices of a residential dwelling; and temporary housing and relocation assistance for victims of domestic violence in "imminent danger."

NEW HAMPSHIRE: H.B. 1565, 159th Sess. Gen. Ct. (N.H. 2006).

This bill would create a defense to eviction if a tenant has filed for or obtained a restraining order as a result of the incident that is the basis for termination. The tenant also has a defense if the tenant has a restraining order and the incident leading to the eviction was a violation of that restraining order. The bill would explicitly provide courts discretion to evict the tenant accused of the violation. The bill was passed by the House in 2006 but died in the Senate.

NEW YORK CITY: Intro. 149 (N. Y. C. Council 2006).

This proposed local law would prohibit housing discrimination against victims of domestic violence, sex offenses or stalking. Such discrimination includes taking adverse actions against an individual "based solely upon the actions of a person who has perpetrated acts or threats of violence against the individual." It would also require that landlords permit victims of domestic violence, sex offenses or stalking to terminate a lease

early. This bill was pending in committee in 2006. A similar bill was previously introduced as Intro. 107 in 2002. An amended version of Intro. 107 that did not include the housing provisions was enacted in 2003. This bill was previously introduced in the 2004 session as Intro. 305.

NEW YORK STATE: A.B. 5916/S.B. 3072, 229th Reg. Sess. (N.Y. 2007-8).

This bill would amend the state's fair housing law to prohibit housing discrimination against victims of domestic violence and stalking. The bill would also prohibit any person or entity from obtaining or providing information relating to the status of a person as a victim of domestic violence or stalking. In the previous session, the bill, known as A.B. 6282 and S.B. 4112, was passed by the Assembly but not by the Senate. Similar bills were previously introduced as S.B. 4812 and A.B. 8135 in 2003.

NEW YORK STATE: A.B. 3386/S.B. 1922, 229th Reg. Sess. (N.Y. 2007-8).

This bill allows a victim of domestic violence with an order of protection to terminate a lease without penalty. On ten days' notice, the victim who has an order of protection may ask the court that issued the order of protection for an order terminating the lease. The court shall issue such an order only if: (1) there continues to exist a substantial risk of physical or emotional harm to the tenant or the tenant's child if they were to remain in the dwelling; (2) the tenant attempted to obtain the landlord's voluntary consent to the lease termination; and (3) the tenant is acting in good faith. The order shall specify the termination date, which shall be no earlier than thirty days and no later than 150 days after the due date of the next rental payment subsequent to the date such order is served on the landlord. This bill, introduced as A.B. 10030/S.B. 8158 in the previous session, was passed by the Assembly but died in a Senate committee.

NEW YORK STATE: A.B. 3149, 229th Reg. Sess. (N.Y. 2007-8).

This bill would authorize the state crime victims board to award victims of domestic violence money to reimburse expenses for relocation and for installing or increasing emergency residential security measures (including home security devices and replacing or increasing the number of locks). Board members would be authorized to make emergency awards, pending a final decision, of up to \$2000 for relocation expenses and up to \$1000 for residential security costs. A similar bill, A.B. 5851, was previously introduced in 2005 but died in committee.

OREGON: H.B. 3290, 72nd Leg. Ass. (Or. 2003).

This proposed law would amend Oregon's fair housing laws to prohibit any discrimination against "victims of domestic violence, sexual assault or stalking" in rentals, sales, leases, or other real estate-related transactions. This bill died in 2003.

PENNSYLVANIA: H.B. 1396, Pa. Gen. Ass. (Pa. 2005).

This bill provides that if a victim of domestic violence appeals an action for the possession of real property for rent due, that appeal may serve as a supersedeas if the tenant pays any rent that has accrued during the court proceeding within ten days of its becoming due. This bill died in 2005.

UTAH: H.B. 194, 56th Leg. (Utah 2005).

This bill would enact the "Fair Housing for Domestic Violence Victims and Landlord Protection Act." The bill would allow a tenant who is a domestic violence victim and who provides documentation of the violence to require the owner to exclude the perpetrator of the violence from the victim's unit (if the perpetrator is not a renter). If the perpetrator has been a renter but ends his or her tenancy or is evicted, it would allow a victim to require an owner to exclude the perpetrator from common areas of the property. It would also allow a victim to void the rental agreement upon fourteen days written notice and documentation of the violence. Acceptable forms of documentation for domestic violence include a protective order or a copy of a police report regarding an act of domestic violence. The act would explicitly authorize landlords to evict perpetrators of domestic violence. The bill died in 2005.

only if the tenant seeks a lease release in writing within thirty days of the domestic violence and can provide the documentation described above.

CALIFORNIA: S.B. 1745 (Cal. 2005-06).

As introduced, this bill would grant victims of domestic violence, sexual assault and stalking protection under the California Fair Employment and Housing Act, Cal. Gov. Code § 12926. It would grant victims of domestic violence the right to terminate a rental agreement and be discharged from payment of rent after the last day of the month of the quitting date, if the tenant provides written proof of a protective order or has reported domestic violence, sexual assault, or stalking to a qualified third party who provides written documentation of victimhood. The tenant would be entitled to return of rental deposits notwithstanding lease provisions regarding early termination. The right to terminate must be exercised within 90 days of the event(s) giving rise to the protective order. The bill would also require landlords to replace or reconfigure locks upon request of a tenant or household member who has obtained and provides to the landlord a valid protective order against another tenant, and prohibit the landlord from providing new keys to the tenant against whom the order was issued. By the time the bill was passed by the Senate and Assembly in August 2006, it had been amended to eliminate any reference to housing and became a bill that would make it against the public policy of California for an employer to discriminate against a victim of domestic violence, sexual assault, and stalking. The bill was vetoed by the Governor on September 30, 2006.

FLORIDA: H.B. 373, 109th Reg. Sess. (Fla. 2007).

This bill would allow a victim of domestic violence, sexual violence, or dating violence (defined as a person who has a final injunction for protection against such violence), to elect to terminate a rental agreement and vacate the dwelling. The victim must give the landlord written notice of the intent to terminate the lease and a copy of the permanent injunction no later than fifteen days after the injunction is entered. The victim is responsible for lease obligations up to the conclusion of the thirty-day notice period. At the conclusion of thirty days, the lease may continue except that the victim shall be released from all future obligations and early termination fees. Similar bills, H.B. 5 and S.B. 666, were introduced in the previous session and died in 2006.

HAWAII: H.B. 469, 24th Leg. (Haw. 2007).

This bill would amend Hawaii's fair housing law to prohibit discrimination against victims of domestic violence, stalking or persons who have obtained a temporary restraining order or protective order, in any real estate transaction. Similar bills were introduced in previous sessions and died (H.B. 2021 (2004); S.B. 2464 & H.B. 2121 (2002)).

INDIANA: H.B. 1509/S.B. 252, 115th Gen. Ass., 1st Sess. (Ind. 2007).

This bill would prevent a landlord from terminating a lease, refusing to renew or enter into a lease, or retaliating against a tenant because the tenant is a victim or alleged victim of domestic or family violence, sexual violence, or stalking who has an order of protection or a restraining order. A tenant would have a right to have the locks changed at the tenant's cost within forty-eight hours of notifying the landlord of the tenant's status as a protected individual (and upon receipt of a court order if the perpetrator is also a leaseholder). A tenant who is a protected individual can also request early termination of a lease, upon providing the landlord with (1) thirty days' written notice; (2) a copy of an order of protection or a criminal order that restrains a person from contact with the protected individual; and (3) if the tenant is a victim of domestic violence or sexual assault, a copy of a safety plan that is dated within thirty days of the written notice, is provided by an accredited domestic violence or sexual assault program, and recommends relocation of the individual. A similar bill, S.B. 254, introduced in the 2006 session, did not pass.

IOWA: H.F. 2349, 81st Gen. Ass. (Iowa 2006).

This proposed bill would prohibit a landlord from retaliating against a tenant of a dwelling unit or a mobile home space by terminating a rental agreement, raising rent, or decreasing services after a tenant has received police or emergency assistance in response to a domestic violence situation. This bill died in committee; similar bills introduced in 2005, S.F. 208, I.F. 361, I.F. 444, and H.F. 554, did not pass.

WASHINGTON: S.B. 5553, 58th Leg. (Wash. 2003).

This proposed bill provides that a landlord or neighbor, with supporting evidence, may request a court to authorize immediate eviction of a tenant if the tenant has committed acts of domestic violence (or committed other specified crimes). If “the cotenant is a victim of domestic violence that is the basis for the proceeding,” the cotenant shall not be removed or evicted. The bill died in committee in 2004.

WASHINGTON: H.B. 2144, 58th Leg. (Wash. 2003).

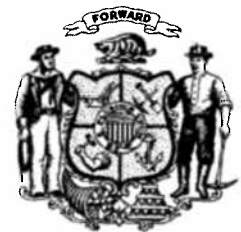
This proposed law would prohibit a tenant from engaging in “any act of domestic violence . . . against another tenant of the same rental dwelling unit that results in an arrest” but “does not authorize the termination of tenancy and eviction of the victim of an act of domestic violence.” A landlord “may not be held liable in any cause of action” for bringing an unlawful detainer action against a tenant who has committed an act of domestic violence. The bill died in 2004.

This guide, with links to cited laws and bills, is available on the Legal Momentum web site at <http://legalmomentum.org/issues/vio/housing.pdf>.

For more information, contact Staff Attorneys Deborah Widiss, dwidiss@legalmomentum.org, and Maya Raghu, mraghu@legalmomentum.org, at (212) 925-6635.



WISCONSIN STATE LEGISLATURE



Property Taxes in Wisconsin

Overview

Assembly Committee on Housing

Legislative Fiscal Bureau
January 24, 2008

TABLE 1

Composition of Local Government Revenues (Wisconsin Versus U.S. Average, 2004-05)

	<u>Wisconsin</u>	<u>U.S. Average</u>
Property Tax	35.9%	27.9%
Sales and Gross Receipts Taxes	1.5	6.2
Income Tax	N.A.	2.2
Other Taxes	1.2	2.3
Charges and Miscellaneous	<u>16.1</u>	<u>22.5</u>
Total Own Source Revenues	54.7%	61.1%
Intergovernmental Revenues	<u>45.3</u>	<u>38.9</u>
Total Local Government Revenues	100.0%	100.0%

Source: U.S. Department of Commerce, Bureau of the Census.

TABLE 2**Revenue Sources for Local Governments (\$ in Millions)**

	<u>Gross Property Tax</u>	<u>Other Taxes</u>	<u>Intergov- ernmental Aids</u>	<u>Other Revenues</u>	<u>Total</u>
Towns (2006)					
Amount	\$317.8	\$16.6	\$231.8	\$215.1	\$781.3
Percent	40.7%	2.1%	29.7%	27.5%	
Villages (2006)					
Amount	\$400.0	\$45.9	\$168.7	\$749.5	\$1,364.1
Percent	29.3%	3.4%	12.4%	54.9%	
Cities (2006)					
Amount	\$1,545.4	\$175.2	\$1,153.4	\$3,314.0	\$6,188.0
Percent	25.0%	2.8%	18.6%	53.6%	
Counties (2006)					
Amount	\$1,670.0	\$329.2	\$2,054.0	\$2,881.1	\$6,934.3
Percent	24.1%	4.7%	29.6%	41.6%	
School Districts (2005-06)					
Amount	\$3,592.3	\$0.0	\$5,689.1	\$708.0	\$9,989.4
Percent	36.0%	0.0%	56.9%	7.1%	
Technical College Districts (2005-06)					
Amount	\$622.4	\$0.0	\$296.3	\$459.7	\$1,378.4
Percent	45.2%	0.0%	21.5%	33.3%	

TABLE 3

**Wisconsin State and Local Property Taxes
Per \$1,000 of Personal Income and Per Capita
Compared to Other States***

	Property Taxes Per \$1,000 of Personal Income			Property Taxes Per Capita		
	<u>Amount</u>	<u>Rank</u>	<u>Percent of Average</u>	<u>Amount</u>	<u>Rank</u>	<u>Percent of Average</u>
1970	\$63.35	4	138.5%	\$220.50	6	131.6%
1975	52.13	13	116.6	271.09	14	112.2
1980	35.43	19	119.7	360.45	16	119.2
1985	43.46	10	137.2	571.81	12	131.1
1990	43.01	13	126.4	736.13	16	118.1
1995	48.04	7	137.7	1,018.49	11	133.3
2000	39.32	10	123.0	1,058.60	12	119.9
2004	44.15	8	126.9	1,349.86	12	124.6
2005	44.17	9	127.9	1,410.37	12	124.6

*Including the District of Columbia.

Source: U.S. Department of Commerce.

TABLE 5

Total Property Tax Levy by Taxing Jurisdiction (\$ in Millions)

<u>Year Levied</u>	<u>Gross Property Tax*</u>	<u>Municipal & Special District</u>	<u>County</u>	<u>Elementary & Secondary (K-12) Schools</u>	<u>Technical College Districts</u>
1970(71)					
Amount	\$1,179.0	\$220.8	\$251.1	\$674.0	\$26.2
Percent	100.0%	18.7%	21.3%	57.2%	2.2%
1975(76)					
Amount	\$1,601.3	\$369.9	\$241.4	\$899.5	\$78.9
Percent	100.0%	23.1%	15.1%	56.2%	4.9%
1980(81)					
Amount	\$2,210.0	\$479.6	\$355.5	\$1,219.9	\$133.4
Percent	100.0%	21.7%	16.1%	55.2%	6.0%
1985(86)					
Amount	\$3,203.5	\$765.2	\$489.8	\$1,738.3	\$185.6
Percent	100.0%	23.9%	15.3%	54.3%	5.8%
1990(91)					
Amount	\$4,388.2	\$1,070.6	\$697.5	\$2,356.4	\$235.4
Percent	100.0%	24.4%	15.9%	53.7%	5.4%
1995(96)					
Amount	\$5,738.9	\$1,379.2	\$964.5	\$3,023.6	\$331.3
Percent	100.0%	24.0%	16.8%	52.7%	5.8%
2000(01)					
Amount	\$6,604.5	\$1,837.1	\$1,316.1	\$2,927.8	\$466.3
Percent	100.0%	27.8%	19.9%	44.3%	7.1%
2005(06)					
Amount	\$8,326.7	\$2,361.1	\$1,671.1	\$3,592.3	\$622.0
Percent	100.0%	28.4%	20.1%	43.1%	7.5%
2006(07)					
Amount	\$8,706.4	\$2,461.6	\$1,723.9	\$3,787.9	\$650.6
Percent	100.0%	28.3%	19.8%	43.5%	7.5%
Annualized Average Growth Rates					
1970-75	6.3%	10.9%	-0.8%	5.9%	24.6%
1975-80	6.7	5.3	8.0	6.3	11.1
1980-85	7.7	9.8	6.6	7.3	6.8
1985-90	6.5	6.9	7.3	6.3	4.9
1990-95	5.5	5.2	6.7	5.1	7.1
1995-00	2.8	5.9	6.4	-0.6	7.1
2000-05	4.7	5.1	4.9	4.2	5.9
2005-06	4.6	4.3	3.2	5.4	4.6
1970-2006	5.7%	6.9%	5.5%	4.9%	9.3%

*The state forestry tax is not individually reflected and accounts for the remainder of the total levy.

TABLE 6

Change in the State Average Property Tax Rate – 1970(71) to 2006(07)

Year Levied (Collected)	Full Value of All Property	Statewide Property Tax Levy		Tax Rate Per \$1,000 of Value	
		Gross	Net	Gross	Net
1970(71)	\$34,790,499,300	\$1,178,975,199	\$1,039,383,102	\$33.89	\$29.88
1975(76)	58,549,890,092	1,601,263,271	1,262,918,209	27.35	21.57
1980(81)	108,480,469,889	2,210,004,212	1,901,104,090	20.37	17.52
1985(86)	123,021,487,280	3,203,487,573	2,744,387,590	26.04	22.31
1990(91)	141,370,307,160	4,388,165,512	4,068,860,512	31.04	28.78
1995(96)	201,538,109,000	5,738,930,868	5,267,648,137	28.48	26.14
2000(01)	286,321,491,800	6,604,531,375	6,046,744,052	23.07	21.12
2005(06)	427,933,562,000	8,326,736,844	7,739,898,537	19.46	18.09
2006(07)	468,983,199,800	8,706,368,588	7,971,304,861	18.56	17.00

Annualized Average Growth Rates

1970 - 1975	11.0%	6.3%	4.0%	-4.2%	-6.3%
1975 - 1980	13.1	6.7	8.5	-5.7	-4.1
1980 - 1985	2.5	7.7	7.6	5.0	4.9
1985 - 1990	2.8	6.5	8.2	3.6	5.2
1990 - 1995	7.3	5.5	5.3	-1.7	-1.9
1995 - 2000	7.3	2.8	2.8	-4.1	-4.2
2000 - 2005	8.4	4.7	5.1	-3.3	-3.1
2005 - 2006	9.6	4.6	3.0	-4.6	-6.0
1970 - 2006	7.5%	5.7%	5.8%	-1.7%	-1.6%

Net tax levies and rates include reductions for credits that were not extended to all property owners: personal property tax relief (PPTR) for owners of Line A personal property in 1970(71) through 1980(81) and the lottery credit for property used as the owner's principal residence in 1995(96), 2000(01), 2005(06), and 2006(07).

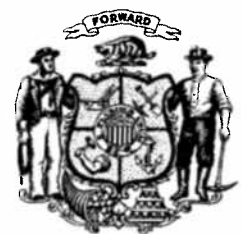
TABLE 7

Estimated Property Tax Bills for a Median-Valued Home Based on Statewide Average Tax Rates

	1992(93)	1993(94)	1994(95)	1995(96)	1996(97)	1997(98)	1998(99)	1999(00)	2000(01)	2001(02)	2002(03)	2003(04)	2004(05)	2005(06)	2006(07)
Value	\$71,789	\$76,226	\$81,478	\$87,295	\$92,472	\$97,188	\$101,095	\$106,160	\$112,200	\$119,370	\$126,473	\$133,821	\$142,814	\$153,525	\$164,118
Type of Tax															
School	\$1,307	\$1,354	\$1,344	\$1,335	\$1,098	\$1,102	\$1,134	\$1,137	\$1,173	\$1,202	\$1,233	\$1,280	\$1,351	\$1,324	\$1,364
Municipal	461	478	501	518	551	575	595	605	644	671	694	704	730	748	757
County	375	390	408	426	442	464	480	495	527	556	576	587	605	616	621
Technical College	124	131	139	146	152	158	164	175	187	200	209	215	221	229	234
Other	55	59	60	59	47	49	50	50	51	55	58	58	61	62	62
Gross Tax	\$2,322	\$2,412	\$2,452	\$2,484	\$2,290	\$2,348	\$2,423	\$2,462	\$2,582	\$2,684	\$2,770	\$2,844	\$2,968	\$2,979	\$3,038
Tax Credits															
School Levy	-144	-142	-141	-138	-200	-196	-191	-187	-184	-179	-177	-174	-171	-168	-208
Lottery & Gaming	-167	-105	-110	-125	0	-77	-52	-166	-67	-77	-76	-83	-91	-81	-96
Net Tax Bill	\$2,011	\$2,165	\$2,201	\$2,221	\$2,090	\$2,075	\$2,180	\$2,109	\$2,331	\$2,428	\$2,517	\$2,587	\$2,706	\$2,730	\$2,734
Change from Prior Year															
Gross Tax Amount	\$90	\$40	\$32	\$32	-\$194	\$58	\$75	\$39	\$120	\$102	\$86	\$74	\$124	\$11	\$59
Percent	3.9%	1.7%	1.3%	1.3%	-7.8%	2.5%	3.2%	1.6%	4.9%	4.0%	3.2%	2.7%	4.4%	0.4%	2.0%
Net Tax Amount	\$154	\$36	\$20	\$20	-\$131	-\$15	\$105	-\$71	\$222	\$97	\$89	\$70	\$119	\$24	\$4
Percent	7.7%	1.7%	0.9%	0.9%	-5.9%	-0.7%	5.1%	-3.3%	10.5%	4.2%	3.7%	2.8%	4.6%	0.9%	0.1%



WISCONSIN STATE LEGISLATURE



NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

The impact of the Violence Against Women Act of 2005 (VAWA) on the housing rights and options of survivors of domestic and sexual violence

Frequently Asked Questions

The federal Violence Against Women Act of 2005 (VAWA 2005) (Pub. L. 109-162; 119 Stat. 2960), signed into law on Jan. 5, 2006, includes important new housing legal protections and programs for victims of domestic violence, dating violence, sexual assault, and stalking. Out of a recognition that domestic violence is a leading cause of homelessness nationally, and that victims of domestic violence around the country are discriminated against in housing because of the acts of their abusers against them, federal law now explicitly addresses some of these barriers.

Overview

What housing legal protections and housing programs are in VAWA?

VAWA 2005 includes the following new housing protections and programs:

- Amendments to the federal Public Housing and Section 8 statutes to clarify that victims of domestic violence may not be evicted from or denied housing because they are victims
- Amendments to federal housing planning requirements to ensure that the needs of victims are considered in these local planning processes
- Amendments to the federal McKinney-Vento Homeless Assistance Act to ensure safety and confidentiality for victims in the Homeless Management Information System (HMIS)
- New federal grant program for public and assisted housing agencies to address domestic violence through agency policy changes, training, and best practices
- New federal grant program to ensure local community collaboration in developing long term affordable housing for victims
- Clarifying changes in federal transitional housing for victims

When did the new VAWA housing provisions become effective?

VAWA became effective on Jan. 5, 2006, when the bill was signed into law. The housing amendments have been codified in their applicable statutory locations.

VAWA's new housing grant programs, described below, are authorized beginning in federal fiscal year (FY) 2007, which begins Oct. 1, 2006. Before the programs can be administered, they must receive federal funding from Congress through the annual appropriations process for FY 2007. The President's budget for FY 2007 does not include funding for these new programs.

Where can I find a copy of the new law?

VAWA 2005 became Pub. L. 109-162; 119 Stat. 2960 (2006), which has since been codified. Copies of the legislation are available at <http://thomas.loc.gov> by clicking on "Public Laws." Legal research databases also have slip copies. The title of the legislation was the "Violence Against Women and Department of Justice Reauthorization Act of 2005." The housing provisions were in Title VI of the law, and were part of a much larger bill.

Where are the housing provisions in the new law?

Title VI of VAWA 2005, entitled "Housing Opportunities and Safety for Battered Women and Children," addresses housing. The VAWA housing provisions, described further below, have been codified as follows:

- Section 601 (findings; purposes; definitions; new housing grant programs) at 42 U.S.C. § 14043e *et seq.* (2006)
- Section 602 (changes to transitional housing grant program) at 42 U.S.C. § 13975 (2006)
- Section 603 (changes to PHA annual and five-year plans) at 42 U.S.C. § 1437c-1 (2006)
- Section 604 (changes to consolidated plan) at 42 U.S.C. § 12705(b)(1) (2006)
- Section 605 (changes to HMIS) at 42 U.S.C. § 11383(a)(8) (2006)
- Section 606 (changes to Section 8 programs) at 42 U.S.C. § 1437f (2006)
- Section 607 (changes to Public Housing program) at 42 U.S.C. § 1437d (2006).

VAWA Amendments Affecting Federal Housing

What federal housing programs did VAWA amend?

VAWA amended the Public Housing Program (42 U.S.C. § 1437d (2006)), the Housing Choice Voucher Program (42 U.S.C. § 1437f(o) (2006)), Project-Based Section 8 (42 U.S.C. §§ 1437f(c), (d) (2006)), and the general Section 8 statute (42 U.S.C. § 1437f (2006)).

Who is covered by the new protections in these amendments?

The new protections cover victims of domestic violence, dating violence, and stalking who are tenants in the federal Public Housing and Section 8 voucher and project-based programs.

The protections also cover immediate members of the victim's family. "Immediate family member" includes: any person living with the victim and related to him or her by blood or marriage; or the victim's spouse, parent, brother, sister, child, or any person to whom the victim stands in loco parentis. *See* 42 U.S.C. § 1437d(u)(3)(D) (2006); 42 U.S.C. § 1437f(f)(11) (2006).

Who must comply with the new law?

Public housing agencies (PHAs) administering the federal Public Housing and Section 8 voucher programs and all landlords, owners, and managers participating in the Section 8 voucher and project-based programs must comply with the new law.

How does the law define domestic violence, dating violence, and stalking?

The new law follows the federal definitions of domestic violence, dating violence, and stalking as the terms have been defined in VAWA.

“Domestic violence,” as defined in VAWA, “includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.” *See* 42 U.S.C. § 1437d(u)(3)(A) (2006); 42 U.S.C. § 1437f(f)(8) (2006); 42 U.S.C. § 13925(a)(6) (2006).

“Dating violence” means “violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.” *See* 42 U.S.C. § 1437d(u)(3)(B) (2006); 42 U.S.C. 1437f(f)(9) (2006); 42 U.S.C. § 13925(a)(8) (2006).

“Stalking” means “to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to: that person; a member of the immediate family of that person; or the spouse or intimate partner of that person.” *See* 42 U.S.C. § 1437d(u)(3)(C) (2006); 42 U.S.C. § 1437f(f)(10) (2006).

How many incidents of domestic violence, dating violence, or stalking are necessary to trigger the law’s protection?

The new law protects an individual when one incident of domestic violence, dating violence, or stalking occurs against the victim, and when that incident forms the basis for the PHA’s or landlord’s action against the victim.

What legal protections does VAWA provide against denial of housing or eviction on the basis of domestic violence, dating violence, or stalking?

The statute now provides that an individual’s status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of admission or denial of housing assistance. *See* 42 U.S.C. § 1437d(c)(3) (2006); 42 U.S.C. § 1437f(c)(9)(A) (2006); 42 U.S.C. § 1437f(d)(1)(A) (2006); 42 U.S.C. § 1437f(o)(B) (2006).

The statute also establishes an exception to the federal “one-strike” criminal activity eviction rule for tenants who are victims. VAWA explicitly provides that an incident of actual or threatened domestic violence, dating violence, or stalking does not qualify as a “serious or repeated violation of the lease” or “good cause for terminating the assistance, tenancy, or occupancy rights of the victim.” *See* 42 U.S.C. § 1437d(l)(5) (2006); 42 U.S.C. § 1437f(c)(9)(B) (2006); 42 U.S.C. § 1437f(d)(1)(B) (2006); 42 U.S.C. § 1437f(o)(7)(C) (2006); 42 U.S.C. § 1437f(o)(20)(A) (2006).

The statute also provides that “criminal activity directly relating to domestic violence, dating violence, or stalking” does not constitute grounds for termination of a tenancy. *See* 42 U.S.C. § 1437d(l)(6) (2006); 42 U.S.C. § 1437f(c)(9)(C) (2006); 42 U.S.C. § 1437f(d)(1)(C) (2006); 42 U.S.C. § 1437f(o)(7)(D) (2006); 42 U.S.C. § 1437f(o)(20)(B) (2006).

What about the offender alone? Can a PHA or Section 8 landlord evict a tenant if the individual engages in criminal acts of physical violence against a family member?

VAWA explicitly provides that a PHA or Section 8 landlord “may bifurcate a lease” in order to evict, remove, or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain. *See* 42 U.S.C. § 1437d(l)(6)(B) (2006) (Public Housing); 42 U.S.C. §§ 1437f(o)(7)(D)(ii) (2006) (Housing Choice Voucher Program); 42 U.S.C. §§ 1437f(c)(9)(C)(ii) and (d)(1)(B)(iii)(II) (2006) (Project-Based Section 8).

What about court orders that address rights of access to or control of the property, such as civil protection orders or divorce orders from domestic violence and family court judges?

VAWA seeks to ensure that PHAs and Section 8 landlords honor civil protection orders and other court orders from domestic violence and family court judges that address rights of access to or control of the property. *See* 42 U.S.C. § 1437d(l)(6)(C) (2006) (Public Housing); 42 U.S.C. §§ 1437f(o)(7)(D)(iii) and (o)(20)(D)(ii) (2006) (Housing Choice Voucher Program); 42 U.S.C. §§ 1437f(c)(9)(C)(iii) and (d)(1)(B)(iii)(III) (2006) (Project-Based Section 8).

Suppose the victim engages in separate criminal activity that has nothing to do with being the victim of domestic violence, dating violence, or stalking?

VAWA protects tenants who are victims of criminal activity that directly relates to domestic violence, dating violence, or stalking from eviction on those grounds. However, a PHA or Section 8 landlord may evict a victim for unrelated criminal activity as long as in doing so, the PHA or Section 8 landlord does not hold the victim to a more demanding standard than other tenants. *See* 42 U.S.C. § 1437d(l)(6)(D) (2006) (Public Housing); 42 U.S.C. §§ 1437f(o)(7)(D)(iv) and (o)(20)(D)(iii) (2006) (Housing Choice Voucher Program); 42 U.S.C. §§ 1437f(c)(9)(C)(iv) and (d)(1)(B)(iii)(IV) (2006) (Project-Based Sec. 8).

Are there any circumstances where a victim who is eligible for the housing might still be evicted, despite the new law?

Yes. If a PHA or Section 8 landlord demonstrates “an actual and imminent threat to other tenants or those employed at or providing service to the property” if that tenant’s tenancy is not terminated, then the PHA or Section 8 landlord may evict the victim. *See* 42 U.S.C. § 1437d(l)(6)(E) (2006) (Public Housing); 42 U.S.C. §§ 1437f(o)(7)(D)(v) and (o)(20)(D)(iv) (2006) (Housing Choice Voucher Program); 42 U.S.C. §§ 1437f(c)(9)(C)(v) and (d)(1)(B)(iii)(V) (2006) (Project-Based Section 8).

Before complying, may a PHA or Section 8 landlord ask an individual for documentation that he or she is or has been a victim of domestic violence, dating violence, or stalking?

Yes. However, nothing in the statute requires the PHA or Section 8 landlord to ask for this documentation before complying. A PHA or landlord may comply based solely on the individual’s statement or other corroborating evidence. *See* 42 U.S.C. § 1437d(u)(1)(D) (2006); 42 U.S.C. § 1437f(ee)(D) (2006).

What information counts as documentation that a PHA or Section 8 landlord may recognize?

A victim may fully satisfy a PHA's or Section landlord's request for documentation by producing a federal, state, tribal, territorial, or local police or court record that documents the incident or incidents of violence. Alternatively, a victim may provide a statement in which "an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse" attests under penalty of perjury that the professional believes that "the incident or incidents in question are bona fide incidents of abuse." The victim also must sign or attest to the documentation. In addition, the documentation must name the offender. Finally, the statute also allows PHAs and Section 8 landlords to request documentation through a certification form approved by HUD. *See* 42 U.S.C. §§ 1437d(u)(1)(A) and (C) (2006) (Public Housing); 42 U.S.C. §§ 1437f(ee)(1)(A) and (C) (2006) (Section 8).

How long does an individual have to produce documentation?

After a PHA or Section 8 landlord has requested the documentation in writing, an individual has 14 business days to respond to the request. If an individual does not provide the documentation within 14 business days, the PHA or landlord may bring eviction proceedings against the tenant. However, the PHA or Section 8 landlord also may extend this timeframe at its discretion. *See* 42 U.S.C. §§ 1437d(u)(1)(A) and (B) (2006); 42 U.S.C. §§ 1437f(ee)(1)(A) and (B) (2006).

What happens to information an individual provides to a PHA or landlord about incidents of domestic violence, dating violence, or stalking, or about his or her status as a victim?

If an individual provides certification, the PHA or Section 8 landlord must keep the information confidential, including the individual's status as a victim of domestic violence, dating violence, or stalking. A PHA or Section 8 landlord may not enter the information into any shared database or provide it to any related entity. However, a PHA or Section 8 landlord may disclose the information if: the victim requests or consents to the disclosure in writing; the information is required for use in eviction proceedings related to whether the incident or incidents in questions qualify as a serious or repeated violation of the lease or criminal activity directly relating to domestic violence, dating violence, or stalking; or disclosure is otherwise required by law. *See* 42 U.S.C. § 1437d(u)(2)(A) (2006); 42 U.S.C. § 1437f(ee)(2)(A) (2006).

Does an individual's status as a current or former victim of domestic violence, dating violence, or stalking guarantee that his or her housing application will be accepted?

No. VAWA protects an individual from being denied admission and from being evicted on the basis of his or her status as a victim of domestic violence, dating violence, or stalking, only so long as the individual otherwise qualifies for the housing. The new law did not change existing eligibility.

What if a state, local, or federal law provides greater housing protection to victims of domestic violence, dating violence, or stalking than VAWA does?

In such a case, the statute provides that the state, local, or federal law that provides greater protection to victims supersedes the provisions in VAWA.

A list of states that recently have enacted laws to remove housing barriers for victims, or have relevant pending state legislation, is available from the National Law Center on Homelessness & Poverty at http://www.nlchp.org/FA_DV/index.cfm.

Does VAWA clarify portability for victims of domestic violence, dating violence, or stalking in the Section 8 Housing Choice Voucher Program?

Yes. The new law amended the Section 8 Housing Choice Voucher Program to clarify that a family with a Section 8 voucher may move to another jurisdiction if the family has complied with all other obligations of the program and is moving “to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believe[s] he or she was imminently threatened by harm from further violence if he or she remained” in the unit. In complying with the new law, the original PHA may ask for certification from the family regarding the family’s desire to move to a new jurisdiction. *See* 42 U.S.C. §§ 1437f(r)(5) and (ee) (2006).

In federal public housing, PHAs already have the discretion to adopt policies to ensure that a public housing resident can move if he or she is experiencing domestic violence. The Department of Housing and Urban Development (HUD) has urged PHAs to do so by, for example, issuing a voucher to the resident to ensure that he or she can move. In addition, HUD has urged PHAs to accept a wide range of documentation to establish the occurrence of domestic violence, including a credible statement from the victim. *See* U.S. Department of Housing and Urban Development, Public Housing Occupancy Guidebook §§ 19.2, 19.4 (2003).

In addition, VAWA authorized a new federal grant program requiring that participating PHAs and subsidized housing providers adopt portability mechanisms and emergency transfer policies for victims, among other requirements. All PHAs and many HUD-assisted housing providers will be eligible to apply for these funds. For more information on the new program, please see below.

How will tenants know of their new housing rights under VAWA?

Under the statute, PHAs must inform tenants of their new rights and owners and managers of their rights and obligations. For example, PHAs must provide tenants with notice: that an incident or incidents of domestic violence, dating violence, or stalking do not qualify as serious or repeated violations of the lease; that criminal activity directly relating to domestic violence, dating violence, or stalking does not constitute grounds for termination of a tenancy; and that new confidentiality provisions govern the disclosure of information under the law. *See* 42 U.S.C. § 1437d(u)(2)(B) (2006); 42 U.S.C. § 1437f(ee)(2)(B) (2006).

Leases must include this information, as must the housing assistance payment contract between the PHA and participating landlords in the Section 8 voucher program and contracts in the Project-Based Section 8 program. *See* 42 U.S.C. §§ 1437d(l)(5), (6) (2006) (Public Housing); 42 U.S.C. §§ 1437f(o)(7)(C), (o)(7)(D), and (o)(20) (2006) (Housing Choice Voucher Program); 42 U.S.C. §§ 1437f(c) and (d) (2006) (Project-Based Section 8).

Additionally, PHAs must inform Section 8 voucher tenants of the possibility of voucher portability between jurisdictions to escape an imminent threat of further violence from domestic violence, dating violence, or stalking. *See* 42 U.S.C. § 1437f(ee)(2)(B) (2006).

What planning processes must PHAs and local communities undertake under the new law to assist victims with their housing needs?

The federal statute governing PHA plans now requires PHAs to include in their annual plans a description of: “(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; (B) any activities, services, or programs provided or offered by a public

housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and (C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.” See 42 U.S.C. § 1437c-1(d)(13) (2006).

The federal statute governing PHA plans now requires PHAs to include in their five-year plans a description of any goals, objectives, policies, or programs they have in place to serve the housing needs of child and adult victims of domestic violence, dating violence, sexual assault, and stalking. See 42 U.S.C. § 1437c-1(a)(2) (2006).

The amendments also added the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking to the “consolidated planning” process that local communities undertake every five years to receive HUD assistance. See 42 U.S.C. § 12705(b)(1) (2006).

Does the new law establish any federal statutory preference on housing waiting lists for victims of domestic violence, dating violence, or stalking?

No. As was the case prior to the new law, there is no federal statutory preference for victims of domestic violence. However, HUD and Congress already have urged local PHAs to consider preferences for individuals who are victims of domestic violence, consistent with the PHA plan for the agency. See § 514(e), Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105-276, 112 Stat. 2461 (Oct. 21, 1998)); 24 C.F.R. § 960.206(b)(4) (2006); U.S. Department of Housing and Urban Development, Public Housing Occupancy Guidebook § 19.0 (2003).

For victims residing in public housing who are petitioning for “qualified alien” citizenship status, HUD urges PHAs to adopt a preference subcategory for these victims as well. See U.S. Dep’t of Housing and Urban Development, Public Housing Occupancy Guidebook § 19.5 (2003).

In addition, VAWA authorized a new federal grant program requiring that participating PHAs and assisted housing providers adopt local preferences for victims, among other requirements. All PHAs and many federally-assisted housing providers will be eligible to apply for these grant funds. For more information on the new grant program, please see below.

Does the new law amend the federal Fair Housing Act to prohibit housing discrimination against victims of domestic violence, dating violence, sexual assault, or stalking in all covered housing, or provide a parallel federal legal protection against housing discrimination?

No. Unfortunately, Congress dropped provisions that had been proposed to achieve this broader goal. However, the federal Fair Housing Act prohibition on sex discrimination has been found to extend to housing discrimination against domestic violence survivors in certain circumstances. See *Bouley v. Young-Sabourin*, 394 F.Supp.2d 675 (D. Vt. 2005); *Warren v. Ypsilanti Hous. Comm’n* (E.D. Mich. 2003) (settled); *United States ex rel. Alvera v. C.B.M. Group*, No. CV 01-857-PA (D. Or. 2001) (consent decree); *Alvera v. Creekside Village Apartments*, No. 10-99-0538-8 (HUD 2001) (HUD Determination of Reasonable Cause); *Winsor v. Regency Prop. Mgmt.*, No. 94 CV 2349 (Wis. Cir. Ct. 7, 1995) (memorandum opinion; application of state fair housing law).

In addition, VAWA authorized a new federal grant program requiring that participating PHAs and subsidized housing providers certify that they do not discriminate against victims of domestic violence, dating violence, sexual assault, and stalking, among other requirements. All PHAs and many federally-

assisted housing providers will be eligible to apply for these grant funds. For more information on the new grant program, please see below.

What housing protections are available under the new law for survivors of sexual assault?

The new amendments that provide denial and eviction protections in the Public Housing and Section 8 programs extend explicitly to victims of domestic violence, dating violence, and stalking but, unfortunately, do not explicitly extend to victims of sexual assault. The federal definitions of domestic violence, dating violence, and stalking are provided above.

However, the new PHA plan amendments and new consolidated planning amendments, also described above, explicitly include the needs of victims of sexual assault. *See* 42 U.S.C. § 1437c-1 (2006); 42 U.S.C. § 12705(b)(1) (2006).

In addition, VAWA authorized a new federal grant program requiring that participating PHAs and subsidized housing providers meet certain requirements in addressing domestic violence, dating violence, sexual assault, and stalking in federal public and subsidized housing. Victims of sexual assault are explicitly included as intended beneficiaries of this program. For more information on the new grant program, please see below.

“Sexual assault,” as defined in VAWA, means “any conduct pr[o]scribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.” *See* 42 U.S.C. § 13925(a)(23) (2006).

Did VAWA 2005 clarify battered immigrants’ eligibility for long term federal housing?

No. Unfortunately, VAWA did not address this issue. However, in 2003, Congress directed HUD to work with the Department of Justice “to develop any necessary technical corrections to applicable housing statutes with respect to qualified aliens who are victims of domestic violence and Cuban and Haitian immigrants to ensure that such statutes are consistent with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Illegal Immigration Reform and Personal Responsibility Act of 1996.” *See* Conference Report to Accompany H.J. Res. 2, Consolidated Appropriations Resolution, FY 2003, at 1495 (2003).

In addition, for mixed families residing in public housing, HUD urges PHAs to refer immigrant victims of domestic violence to agencies that can assist victims in obtaining eligible citizenship status. For those victims who are petitioning for “qualified alien” status under the law, HUD urges PHAs to adopt a preference subcategory for these victims. *See* U.S. Department of Housing and Urban Development, Public Housing Occupancy Guidebook § 19.5 (2003).

All immigrants are eligible for HUD-funded emergency shelter and transitional housing, as well as for federally-funded emergency domestic violence shelter and transitional housing, regardless of citizenship status. *See* 66 Fed. Reg. 3613 (Jan. 16, 2001) (A.G. Order 2353-2001); Letter from HUD Secretary Andrew Cuomo to HUD Funds Recipients (Jan. 19, 2001).

Do the VAWA amendments cover all federal housing programs?

No. VAWA explicitly amended the Public Housing Program (42 U.S.C. § 1437d), the Housing Choice Voucher Program (42 U.S.C. § 1437f(o)), and Project-Based Section 8 (42 U.S.C. § 1437f(c), (d)). Congress did not amend, for example, other HUD housing assistance programs, the Low Income Housing Tax Credit program administered through the Internal Revenue Service, or housing programs administered through the Department of Agriculture Rural Housing Service. These other federal housing programs remain subject to their own program-specific rules that already may provide certain housing protections for battered tenants.

All federal housing is subject to the prohibition on sex discrimination in the federal Fair Housing Act, which has been found to extend to housing discrimination against domestic violence survivors in certain circumstances. *See, e.g.,* Bouley v. Young-Sabourin, 394 F.Supp.2d 675 (D. Vt. 2005); Warren v. Ypsilanti Hous. Comm'n (E.D. Mich. 2003) (settled); United States *ex rel.* Alvera v. C.B.M. Group, No. CV 01-857-PA (D. Or. 2001) (consent decree); Alvera v. Creekside Village Apartments, No. 10-99-0538-8 (HUD 2001) (HUD Determination of Reasonable Cause); Winsor v. Regency Prop. Mgmt., No. 94 CV 2349 (Wis. Cir. Ct. 7, 1995) (memorandum opinion; application of state fair housing law).

In addition, many other federally-assisted housing providers receiving HUD funds will be eligible to apply for a new federal grant program under VAWA that is designed to respond to domestic violence, dating violence, sexual assault, and stalking in federally-assisted housing. For more information on the new grant program, please see below.

Changes in Homeless Management Information System (HMIS)

VAWA amended the McKinney-Vento Homeless Assistance Act to require HUD to instruct grantees and sub-grantees under the act not to enter personally-identifying information into any shared databases, such as the Homeless Management Information System (HMIS). The change is intended to protect the safety and confidentiality of victims of domestic violence, dating violence, sexual assault, and stalking who use emergency shelter and homeless services programs that receive funding under the act and are therefore otherwise subject to HMIS data reporting requirements. *See* 42 U.S.C. § 11383(a)(8) (2006).

New Grant Program for Public and Assisted Housing Agencies to Address Domestic Violence, Dating Violence, Sexual Assault, and Stalking

In line with the long-standing history and intent of VAWA, the new law also helps PHAs and federally-assisted housing providers respond appropriately to domestic violence, dating violence, sexual assault, and stalking through an incentive grant program.

Grants will be used for educating and training agency staff, developing improved housing admissions and occupancy policies and best practices, improving collaboration with victim services organizations, and reducing discriminatory evictions and denials of housing to victims.

To be administered by the Office on Violence Against Women in the Department of Justice, in consultation with HUD and the Department of Health and Human Services (HHS), the grant program received authorization from Congress for \$10 million for each of fiscal years (FY) 2007 through 2011. *See* 42 U.S.C. § 14043e-4 (2006). Before the program can be administered, it must receive actual funding from Congress through the separate annual appropriations process. The President's budget for FY 2007 (beginning Oct. 1, 2006) does not include funding for the program.

Eligible housing providers under the new program will include PHAs, tribally designated housing entities, and owners or managers of housing assisted under the following HUD housing programs: section 8 of the United States Housing Act of 1937 (42 U.S.C. § 1437f) (all HUD Section 8 housing); sections 213, 220, 221(d)(3), 221(d)(4), 223(e), 231, or 236 of the National Housing Act (12 U.S.C. §§ 1715l(d)(3), (d)(4), or 1715z-1) (HUD mortgage insurance programs for low-income families); section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. § 1701s) (HUD rental assistance for low-income families); section 202 of the Housing Act of 1959 (12 U.S.C. § 1701q) (HUD supportive housing for the elderly); section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. § 8013) (HUD supportive housing for persons with disabilities); title II of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. § 12701 et seq.) (HOME Investment Partnerships Program); subtitle D of title VIII of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. § 12901 et seq.) (Housing Opportunities for Persons with AIDS); title I of the Housing and Community Development Act of 1974 (42 U.S.C. § 5301 et seq.) (Community Development Block Grants).

New Grant Program for Collaboration in Developing Long Term Housing Stability for Victims

The new law establishes a grant program to fund collaborative local efforts to create long term housing stability for victims of domestic violence, dating violence, sexual assault, and stalking who are homeless or at risk for becoming homeless. The program is designed to provide an incentive for local housing, homelessness, and victim services providers to establish partnerships in approaching community agencies for development of long term, affordable housing.

To be administered by HHS, the grant program received funding authorization from Congress of \$10 million for each of FYs 2007 through 2011. *See* 42 U.S.C. § 14043e-3 (2006). Before the program can be administered, it must receive actual funding from Congress through separate annual appropriations. The President's budget for FY 2007 (beginning Oct. 1, 2006) does not include funding for the program.

Amendments to Transitional Housing for Victims Grant Program

The new law clarifies certain requirements in the existing transitional housing program for victims, which the Office on Violence Against Women of the Department of Justice administers, to ensure voluntary participation in supportive services and to permit operating expenses as an eligible use of funds. Congress also increased the program's annual authorization from \$30 million to \$40 million for each of FYs 2007 through 2011. *See* 42 U.S.C. § 13975 (2006). These changes will go into effect in FY 2007. The program is subject to annual appropriations from Congress. The President's budget for FY 2007 (beginning Oct. 1, 2006) includes \$14.9 million for the program.

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