



**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**



August 18, 2008

Section 904 Violence Against Women in Indian Country Task Force  
Attn: Lorraine Edmo, Deputy Tribal Director  
Office on Violence Against Women  
United States Department of Justice  
800 K Street, NW., Suite 920  
Washington, DC 20530

Re: Violence Against Indian Women Task Force meetings on August 20-21, 2008,  
FR Doc. E8-17950

Dear Task Force members:

The American Civil Liberties Union, the National American Indian Housing Council and the National Law Center on Homelessness & Poverty submit these comments regarding housing and violence against women for consideration by the Department of Justice's Violence Against Indian Women Task Force.

The National Law Center on Homelessness & Poverty is the only national legal advocacy organization solely dedicated to ending and preventing homelessness and has focused on the issue of domestic violence for many years. The ACLU, particularly through its Women's Rights Project, has taken an active role at the local, state, and national levels to address the housing needs of survivors of violence by engaging in litigation, legislative and administrative advocacy, and public education. Founded in 1974, the National American Indian Housing Council, a 501(c)(3) corporation, is the only national organization representing housing interests of tribes and housing entities across the United States and supports their efforts to provide culturally relevant, decent, safe, sanitary and quality affordable housing for Native people in American Indian communities and Alaska Native villages.

We jointly submit this letter to the Task Force to encourage more research into the intersection of domestic violence, dating violence, stalking and sexual assault with housing needs on tribal lands. As national advocates, we have been told by numerous advocates that the lack of emergency shelter and lack of awareness about domestic violence results in a significant number of abuse victims who are homeless on tribal lands or who are forced to leave the reservation to seek help.

As you know, American Indians and Alaska Natives report higher levels of intimate partner

violence than do women and men of other minority backgrounds.<sup>1</sup> DOJ studies indicate that 37.5% of American Indian and Alaska Native women and 12.4% of American Indian and Alaska Native men are raped, physically assaulted, or stalked by an intimate partner in their lifetimes.<sup>2</sup> Across all cultural and ethnic lines, we know that one of the most significant challenges facing survivors of domestic violence, dating violence and stalking is housing.<sup>3</sup> A comprehensive study released in 2005 found that one out of every four homeless women is homeless because of violence committed against her.<sup>4</sup> Many survivors face housing discrimination – in the form of evictions or housing denials – from current and potential landlords because of their abuser’s conduct.<sup>5</sup> Other victims are unable to obtain or maintain housing due to poor credit, employment or rental histories that are the direct result of the violence.<sup>6</sup>

For American Indian and Alaska Native women, these challenges are magnified by the lack of emergency shelters and safe housing on tribal land,<sup>7</sup> as well as the limited availability of a legal remedy when they experience discrimination. While survivors residing in public and Section 8 housing off the reservation can invoke the protections of the Violence Against Women Act,<sup>8</sup> VAWA’s anti-discrimination housing provisions do not apply on tribal lands. Likewise, many indigenous survivors who might otherwise bring Fair Housing Act claims based on sex discrimination cannot do so.<sup>9</sup> Some of these victims may be able to pursue claims in tribal forums; however, many will be unaware of their legal options. We believe more research must be done about whether existing resources and legal remedies are adequate to address the housing problems experienced by indigenous survivors of violence.

In order to escape abuse and achieve independence, survivors of violence must have access to safe housing – including shelters, transitional housing and affordable housing – and to legal protection when they are punished by landlords for the acts of their abusers. Without these supports, victims are forced to choose between staying in a life-threatening situation, becoming

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<sup>1</sup> See, e.g., Centers for Disease Control, *Highlights in Minority Health* (Oct. 2004), available at <http://www.cdc.gov/omhd/Highlights/2004/HOct04.htm>.

<sup>2</sup> U.S. Dep’t of Justice, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey* 26 (2000), available at <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf>.

<sup>3</sup> See, e.g., Equal Rights Center, *No Vacancy: Housing Discrimination Against Survivors of Domestic Violence in the District of Columbia* (Apr. 2008), available at <http://www.equalrightscenter.org/publications/novacancy.php>; Marilyn K. Kershner, *When There’s Nowhere to Go: Domestic Violence and the Need for Better Housing Options for Survivors and Their Children* 24-25 (Jan. 2003), available at [http://www.lri.lsc.gov/pdf/03/030122\\_dvrprt.pdf](http://www.lri.lsc.gov/pdf/03/030122_dvrprt.pdf); American Bar Assoc., Comm’n on Domestic Violence & Young Lawyers Div., *Report to the House of Delegates* (Feb. 2003); Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color*, 43 Stan. L. Rev. 1241, 1246 n.13 (1991).

<sup>4</sup> Jana L. Jasinski et al., *The Experience of Violence in the Lives of Homeless Women: A Research Report* 2, 65 (2005) (Univ. Cent. Fla., submitted to National Institute of Justice, U.S. Department of Justice).

<sup>5</sup> Equal Rights Center, *supra* note 3.

<sup>6</sup> 42 U.S.C. § 14043e(10)(2008) (stating Congressional findings).

<sup>7</sup> National Coalition Against Domestic Violence, *Domestic Violence in Tribal Communities* (citing Sacred Circle, *Cultural Competency and Native Women: A Guide for Non-Natives Who Advocate for Battered Women and Rape Victims*), available at <http://www.ncadv.org/files/tribal.pdf>.

<sup>8</sup> Violence Against Women Act and Dep’t of Justice Reauth. Act of 2005, Pub. L. No. 109-162, §§ 606-607 (2006).

<sup>9</sup> 25 U.S.C. § 4131(b)(6) (2008) (exempting actions by federally recognized tribes and tribally designated housing entities of those tribes from Title VI of the Civil Rights Act and the Fair Housing Act).

homeless, or leaving Indian country to find security. Survivors already in housing are facing evictions because of the violence and have limited recourse.

We urge you to include housing as an important component of the interventions and needs assessment that you will be conducting. We appreciate that the Task Force will be tackling many issues as it examines violence against Indian women and believe that addressing housing needs is a key component of any violence prevention policy.

Thank you for this opportunity to submit comments. We would be pleased to assist you in this effort. For more information, please contact:

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Sincerely yours,

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