

Family Violence Prevention & Services Program

DATE: March 31, 2020

FROM: Elizabeth Darling
Commissioner
Administration for Children, Youth, and Families

TO: Family Violence Prevention and Services Act (FVPSA) Grantees

SUBJECT: Frequently Asked Questions on Allowable Use of Family Violence Prevention and Services Act (FVPSA) Funds for Domestic Violence Shelter and Supportive Services

The Administration for Children, Youth, and Families (ACYF) is deeply concerned for the health and safety of people seeking to access Family Violence Prevention and Services Act (FVPSA) programs and about the effects on the human service enterprise in the areas affected by the Department of Health and Human Services ([HHS-declared public health emergency for COVID-19](#)). Due to the exceptional impact of the declared public health emergency on January 27, 2020, I want to assure FVPSA grantees that we will be doing our part to help you continue your work.

We have received many questions regarding the allowable use of FVPSA funding to meet the needs of domestic violence survivors and their children. We are writing to answer questions regarding the allowable use of FVPSA funds for addressing basic needs and providing rental assistance, hotel, motel, utilities, and moving costs.

1. Question: Does current use of funds language in FVPSA include basic needs?

Answer:

Yes, per FVPSA legislation at [42 U.S.C. § 10408\(b\)](#) FVPSA funds can be used to support the operation and administration of shelter and supportive services, including, but not limited to:

- Staffing
- Shelter Utilities
- Food and toiletries for shelter
- Rental costs of the shelter facility
- Supplies for the shelter
 - Including supplies for survivors entering shelter such as:
 - Clothing
 - Toiletries, etc.

- Transportation
- Developing safety plans
- Individual and group counseling and peer support groups
- Training, technical assistance, prevention, and outreach to increase awareness of domestic violence and dating violence
- Services for children exposed to domestic violence
- Advocacy, case management services, and information and referral services

Reference:

[42 U.S.C. § 10408\(b\):](#)

(1) In general, funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

- (A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter.

2. Question: Does current use of funds language in FVPSA include rental assistance, hotel, motel, utilities?

Answer:

Yes, the definition of Shelter in FVPSA Regulations at [45 CFR §1370.2](#) includes the provision of temporary refuge in conjunction with supportive services in compliance with applicable State or Tribal law or regulations and includes:

- Emergency and immediate shelter
 - Housing provision
 - Rental Subsidies
 - Temporary refuge or lodging in individual units such as apartments
 - Not required to be owned, operated or leased by the program
- Safe homes
- Hotel or motel vouchers
- Must also provide comprehensive supportive services and may include meals
- Only making a referral to shelter does not count as provision of shelter
- Temporary refuge is not transitional or permanent housing
- If State or Tribal laws conflict, recipients of FVPSA funding must follow the definition that provides the most expansive housing accessibility

While Rental subsidies are included in the definition, per [42 U.S.C. § 10408\(d\)](#), FVPSA funds may not be used as a direct payment to any victim, thus the shelter program would have to pay the cost of rent directly to the landlord.

References:

[45 CFR §1370.2:](#)

Shelter means the provision of temporary refuge in conjunction with supportive services in compliance with applicable State or Tribal law or regulations governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents. State and Tribal law governing the provision of shelter and supportive services on a regular basis is interpreted by ACF to mean, for example, the laws and regulations applicable to zoning, fire safety, and other regular safety, and operational requirements, including State, Tribal, or local regulatory standards for certifying domestic violence advocates who work in shelter. This definition also includes emergency shelter and immediate shelter, which may include housing provision, rental subsidies, temporary refuge, or lodging in properties that could be individual units for families and individuals (such as apartments) in multiple locations around a local jurisdiction, Tribe/reservation, or State; such properties are not required to be owned, operated, or leased by the program. Temporary refuge includes a residential service, including shelter and off-site services such as hotel or motel vouchers or individual dwellings, which is not transitional or permanent housing, but must also provide comprehensive supportive services. The mere act of making a referral to shelter or housing shall not itself be considered provision of shelter. Should other jurisdictional laws conflict with this definition of temporary refuge, the definition which provides more expansive housing accessibility governs.

Supportive services means services for adult and youth victims of family violence, domestic violence, or dating violence, and their dependents that are designed to meet the needs of such victims and their dependents for short-term, transitional, or long-term safety and recovery. Supportive services include, but are not limited to: direct and/or referral-based advocacy on behalf of victims and their dependents, counseling, case management, employment services, referrals, transportation services, legal advocacy or assistance, child care services, health, behavioral health and preventive health services, culturally and linguistically appropriate services, and other services that assist victims or their dependents in recovering from the effects of the violence. To the extent not already described in this definition, supportive services also include but are not limited to other services identified in FVPSA at 42 U.S.C. 10408(b)(1)(A)-(H).

Supportive services may be directly provided by grantees and/or by providing advocacy or referrals to assist victims in accessing such services.

[42 U.S.C. § 10408\(d\)](#)

(1) No funds provided under this chapter may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim

(2) Receipt of supportive services under this chapter shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

42 U.S.C. 10408(b)(1)(A)-(H):

(1) In general, funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

(B) assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

(D) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

(E) provision of culturally and linguistically appropriate services;

(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the non-abusing parent and child together;

(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—

(i) assistance in accessing related Federal and State financial assistance programs;

(ii) legal advocacy to assist victims and their dependents;

(iii) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

(iv) assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

(v) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and

(vi) parenting and other educational services for victims and their dependents; and

(H) prevention services, including outreach to underserved populations.

3. **Question:** Does current use of funds language in FVPSA include moving costs?

Answer:

FVPSA Legislation and Regulations do not contain any reference related to moving costs and it is not considered an allowable expense as FVPSA Legislation at [42 U.S.C. § 10408\(d\)](#) is clear that no direct payments can be made to victims. These types of expenses can sometimes be covered under a State's Crime Victim's Compensation Funds.

Reference:

[42 U.S.C. § 10408\(d\)](#)

(1) No funds provided under this chapter may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim

(2) Receipt of supportive services under this chapter shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

Next Steps

The Administration on Children, Youth, and Families, the Family and Youth Services Bureau, and the FVPSA Program are continuing to monitor the situation in local communities, to identify ways the Agency can help, and to publish any additional information pertaining to the public health emergency declaration at ACF's webpage, Stay Safe and Be Informed about COVID-19, <https://www.acf.hhs.gov/coronavirus>. Please also review FVPSA Program guidance for more information related to your organization's federal award, <https://www.acf.hhs.gov/fysb/grants>.

Inquiries

If you have any questions, please direct all inquiries to your assigned Grants Management Specialist and FVPSA Project Officer.