



THE NATIONAL ALLIANCE TO END HOMELESSNESS, INC.

CHANGES TO HMIS IN THE VIOLENCE AGAINST WOMEN ACT OF 2005

On January 5, 2006, the President signed into law the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA). The law includes new rules about the participation of domestic violence service providers in Homeless Management Information Systems (HMIS).

The Department of Housing and Urban Development (HUD) must now issue guidance on the law and clearly direct programs about how to participate in HMIS according to the new rules. Because some aspects of the law contain ambiguity, guidance from HUD will be important for definitively understanding what VAWA means for domestic violence provider participation in HMIS.

For Programs Receiving McKinney Vento Homeless Assistance Grants:

What VAWA Says About HMIS:

Programs that receive McKinney Vento funding and whose primary mission is to serve victims of domestic violence, dating violence, sexual assault, or stalking may not submit personally identifying information about clients to an HMIS. Personally identifying information includes information that clearly identifies an individual such as name, address, and social security number. It also includes information that, on its own, does not clearly identify an individual but, in combination, could identify an individual. (For example, a person cannot be identified by their zip code alone, or by their birthday alone, but if someone is the only individual in their zip code with their birthday then these two pieces of information are personally identifying). HUD may, at a later point in time, after public notice and comment, require or ask domestic violence service providers to submit non-personally identifying information that has been further de-identified by encryption or encoding to an HMIS. Any federal, state, or local law that places stricter limits on the information that a program may submit to an HMIS supersedes VAWA. These provisions can be found in Section 605 of Public Law 109-162.

What This Means For Programs Right Now:

These rules went into effect on January 5, 2006, when the president signed VAWA. Further guidance from HUD must clarify how programs can best comply with the law. For now:

- ❖ Victim service providers (programs whose primary mission is to serve victims of domestic violence, dating violence, sexual assault, or stalking) may not submit personally identifying information about any client to an HMIS. This includes any information that clearly identifies a client as a particular individual.
- ❖ Victim service providers may submit aggregate information about clients served to an HMIS. This is total information about clients served, not broken down by individual. (For example: 50 women were served; 30 were African-American; 20 were Caucasian).
- ❖ Victim service providers are not required or asked to submit non-personally identifying client level information to an HMIS. This is information that is about a specific individual but could not be used to identify the individual. It is ambiguous whether or not programs may submit such information at this point in time.
- ❖ None of these changes apply to programs whose primary mission is not to serve victims of domestic violence, dating violence, sexual assault, or stalking.

For Programs Receiving VAWA or FVPSA Funds:

What VAWA Says About HMIS:

VAWA also included new rules about what information may be disclosed by programs receiving Violence Against Women Act (VAWA) or Family Violence Prevention and Service Act (FVPSA) funding. Programs receiving this funding may not disclose any personally identifying information about clients, including to an HMIS. They further may not disclose any client level information without informed, written, reasonably time-limited consent from the clients. There are some exceptions related to protective orders and criminal prosecution. These rules can be found in Section 3 of Public Law 109-162.

What This Means For Programs Right Now:

The rules governing programs that receive VAWA and FVPSA funding have not yet gone into effect. Guidance, including the effective date for the law, is forthcoming from federal agencies. Programs that receive VAWA or FVPSA funding may continue reporting information as they did before, unless they also receive McKinney Vento funding, in which case they should follow the above guidelines.

The National Alliance to End Homelessness believes that good data is essential for communities to plan to end homelessness, to evaluate programs, and to properly allocate resources. This data must cover all segments of the homeless population so that homelessness can be ended for all people, including victims of domestic violence. HMIS is an invaluable resource for collecting good data. The Alliance supports use of HMIS that provides the information needed to end homelessness, while ensuring the safety and security of all people who are homeless.