

KNOW YOUR HOUSING RIGHTS

FOR SURVIVORS OF DOMESTIC VIOLENCE

■ FILE A COMPLAINT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

You can file a complaint with your HUD regional office within one year of the date the discriminatory act occurred. (Alternatively, you may be able to file a complaint with your state fair housing agency. Regardless, if you live in an area that has its own fair housing laws, HUD may refer your complaint to a local agency for investigation.) Within 100 days, HUD is supposed to complete its investigation, free of charge. If HUD finds “reasonable cause” to believe that discrimination has occurred, then HUD will bring your case before an administrative law judge, or you can choose to have the Department of Justice take your case to court. To be connected to your HUD regional office, call (800) 669-9777, or visit www.hud.gov to file a complaint online.

■ BRING SUIT IN COURT

You have the right to file a case in federal or state court under the Fair Housing Act without going to HUD first. If you decide to sue under the Fair Housing Act, you must do so within two years of the discrimination.

■ USE THE LAW AS A DEFENSE IN AN EVICTION ACTION

If your PHA or landlord is attempting to evict you in violation of the Fair Housing Act or VAWA, you can defend against the eviction by arguing that these laws prohibit punishing victims of domestic violence for the acts of their abusers except in certain narrow circumstances.

Before moving forward with any of these actions, you should first consult with an attorney to gain a better understanding of your rights and options.

For more information about housing discrimination against domestic violence survivors, contact:

AMERICAN CIVIL LIBERTIES UNION
Women’s Rights Project
125 Broad Street, 18th Floor
New York, New York 10004
(212) 549-2644
www.aclu.org/womensrights
womensrights@aclu.org



YOUR RIGHTS IN PRIVATE OR PUBLIC HOUSING

The Fair Housing Act

The federal Fair Housing Act prohibits landlords from discriminating on the basis of sex. Discrimination against victims of domestic violence may constitute illegal sex discrimination: 1) when it is based on gender stereotypes about battered women, or 2) because it has a disparate impact on women as compared to men. This principle may also protect victims of sexual assault, stalking, and dating violence.

YOU HAVE THE RIGHT TO BE TREATED EQUALLY IN THE APPLICATION PROCESS:

- A landlord cannot reject your application for tenancy as a result of learning that you have experienced domestic violence in the past.

YOU HAVE THE RIGHT TO BE TREATED EQUALLY AS A TENANT:

- Your landlord cannot apply rules to you that are not applied to other tenants in response to learning that you are in an abusive relationship.

YOU HAVE THE RIGHT TO BE PROTECTED AGAINST DISCRIMINATORY EVICTION:

- Your landlord cannot evict you because you have been abused.

The Violence Against Women Act

The federal Violence Against Women Act of 2005 (VAWA) sets out specific provisions to protect survivors of domestic violence, dating violence, and stalking who live in public or Section 8 housing from discrimination.

YOU HAVE THE RIGHT TO BE TREATED EQUALLY IN THE ADMISSIONS PROCESS:

- Public Housing Authorities (PHAs) cannot refuse you admission to public housing or project-based Section 8 housing or deny you a Section 8 voucher based on your status as a victim of domestic violence, dating violence, or stalking.
- Project-based Section 8 landlords and private landlords accepting housing vouchers cannot refuse to rent an apartment to you based on your status as a victim.

YOU HAVE THE RIGHT TO BE PROTECTED FROM EVICTION AND VOUCHER TERMINATION:

- Incidents of domestic violence, dating violence, or stalking do not provide PHAs and Section 8 landlords with good cause for terminating your tenancy or voucher if you or an immediate family member is the victim of that activity. (This is an exception to the federal one-strike rule.) The only exception to this protection is if the PHA can prove there is an “actual and imminent threat” to other tenants or staff if you are not evicted.
- PHAs and Section 8 landlords cannot subject you to a more demanding standard than other tenants in determining whether to evict you or terminate your voucher.

YOU HAVE THE RIGHT TO SEEK A CHANGE IN YOUR LEASE OR VOUCHER TO PROTECT YOUR SAFETY:

- PHAs and Section 8 landlords can “bifurcate” your lease in order to terminate your abuser’s tenancy and allow you and the rest of your household to remain in your home.
- Your voucher is portable: you may retain your Section 8 voucher if you must move out of your apartment early (in violation of your lease) in order to protect your safety.

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING:

If you claim that your tenancy or voucher should not be terminated because you are a victim of domestic violence, dating violence, or stalking, a PHA or Section 8 landlord may request proof that you are a victim. You have at least 14 business days to provide the documentation.

Acceptable proof includes:

- HUD self-certification form HUD-50066
- A written, signed statement from a victim services provider, medical professional, or attorney asserting that the incidents in question were acts of domestic violence, dating violence, or stalking against you.
- A police or court record (e.g., a protective order) that indicates that you are a victim of domestic violence, dating violence, or stalking.

YOU HAVE THE RIGHT TO CONFIDENTIALITY:

- PHAs and landlords must keep confidential all information relating to the fact that you are a victim of domestic violence, dating violence, or stalking. The only exceptions are if you request disclosure of this information in writing, if it is required for use in an eviction/termination proceeding, or if it is otherwise required by law.

ENFORCING YOUR RIGHTS

If you are a survivor of domestic violence, dating violence, or stalking and have been injured by discrimination or believe that you are about to be injured by a threatened discriminatory act in violation of the Fair Housing Act and/or the Violence Against Women Act, you can proceed in one of the following ways:

- **MAKE A COMPLAINT TO YOUR LANDLORD OR HOUSING AUTHORITY**
Public housing authorities should have a standard procedure to follow when filing a complaint or grievance. Other types of housing may or may not have their own standard forms or procedures. No matter what, make sure that you make your complaint in writing. If it is possible to do so, it is always quicker and simpler to resolve a problem directly, so raising the issue with your landlord should almost always be your first course of action. If the complaint is not dealt with properly, you may then want to proceed with one of the following options.

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