

VAWA in HUD Housing

For residents in HUD housing programs, the 2016 VAWA Rule continues these core protections:

- Prohibits eviction, termination or denial of housing assistance due to a tenant's status as a domestic violence survivor
- Allows for lease bifurcation (division) and removal of the perpetrator of the violence from the lease; enabling the survivor of the violence and other household members to remain
- Maintains survivor-tenant confidentiality

The 2016 Final VAWA Rule also added:

- "Intimate partner" to the list of eligible relationships in the domestic violence definition
- Coverage for "sexual assault"
- A "Notice of Occupancy Rights under the VAWA" - a form, that certain housing providers must give to applicants, tenants and those at risk of eviction to ensure they are aware of their rights
- A "model emergency transfer plan" with a transfer request form
- A "low barrier" self-certification form for documenting incidents of domestic violence, dating violence, sexual assault, and stalking

HUD Resources:

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/16/fact-sheet-reauthorization-of-the-violence-against-women-act-vaawa/>

If your housing rights have been violated because of race, color, national origin, religion, **SEX**, disability, familial status, marital status, **sexual orientation, gender identity**, veteran/military status, creed, or immigration or citizenship status, contact:



NORTHWEST FAIR HOUSING ALLIANCE

"Working to Ensure Equal Housing Opportunity for All"

35 West Main Avenue, Suite 250
Spokane, WA 99201
Ph 509-325-2665
1-800-200-FAIR (3247)
Fax 1-866-376-6308
www.nwfairhouse.org



Sex Discrimination In Housing

www.sexdiscriminationinhousing.org



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FAIR HOUSING & DOMESTIC VIOLENCE SURVIVORS



**IF YOU'RE DENIED A RENTAL
BECAUSE YOU'RE A FEMALE
SURVIVOR OF DOMESTIC VIOLENCE,
IT'S NOT ALWAYS THIS OBVIOUS.**

**CONTACT YOUR LOCAL FAIR HOUSING AGENCY
TO HELP YOU READ BETWEEN THE LINES.**



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The FAIR HOUSING ACT

Protections Against Sex Discrimination

The Fair Housing Act (FHA) was enacted in 1968 to protect people from housing discrimination based on race, color, national origin, and religion. In 1974 congress added protections on the basis of “**sex**,” and in 1988, disability and familial status (minors in the household) were added.

Over time, the law has been interpreted by Courts and HUD to recognize that discrimination “**on the basis of sex**” takes many forms, including **sexual harassment** and **gender stereotyping**, and that it **protects domestic violence survivors** under a disparate impact legal theory.

Disparate impact is when a seemingly neutral housing policy, procedure, or practice disproportionately affects a protected class (SEX). Even when consistently applied, **WOMEN** are disproportionately affected by these policies as they are overwhelming (86.6%) the targets of domestic violence.

Disparate impact fair housing cases often arise in the context of “zero tolerance” policies.

For example, when a landlord evicts an entire household because of the violence of a perpetrator of domestic violence, the targets of the violence (the majority are statistically **WOMEN**) are evicted as well.

Discrimination based on **gender stereotypes** about women who are abused is also illegal.

For example, a landlord tells a woman rental applicant, who is a survivor of domestic violence, that she won’t rent to any women with a history of domestic violence because “they always go back to the men who abuse them.”

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2016 HUD Final Rule:

**“Violence Against Women
Reauthorization Act (VAWA) of 2013:
Implementation in HUD Housing Programs.”**

This rule expanded legal protections across nearly all HUD housing programs beyond the public and Section 8 programs.

The Final Rule provides enhanced protections and options for **all** victims of domestic violence, dating violence, sexual assault, and stalking who are **applying for, or residing in, housing assisted by HUD— including programs subsidized by HUD where there is no lease**; HUD funded shelters, temporary housing short-term housing and safe havens.

- Protection is for victims **regardless of sex, gender identity, or sexual orientation**—actual or perceived.
- Applicants for HUD housing programs cannot be denied admission or assistance because they are or have been victimized.
- Existing tenants cannot be denied assistance, be terminated, or be evicted because they are or have been victimized.

With this rule, a person who has domestic violence survivor status or is experiencing intimate partner violence won’t have to choose between safety and their home.

Key housing provisions VAWA 2013:
<https://portal.hud.gov/hudportal/documents/huddoc?id=FctShtKyHsgProvVAWA2013.pdf>

VAWA in HUD housing Final Rule, 2016:
www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs

VAWA Forms Issued by Office of Multifamily Housing:
<http://nlihc.org/article/vawa-forms-issued-office-multifamily-housing>