

**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**



**Lost Housing, Lost Safety:  
Survivors of Domestic Violence Experience Housing Denials and  
Evictions Across the Country**

**February 2007**

## EXECUTIVE SUMMARY

Domestic violence is a leading cause of homelessness nationally. Among cities surveyed in 2005, 50% identified domestic violence as a primary cause of local homelessness.<sup>1</sup> A recent study found that one out of every four homeless women is homeless because of violence committed against her.<sup>2</sup> In several regions where studies have been conducted, between 22% and 57% of homeless women report that domestic violence was the immediate cause of their homelessness.<sup>3</sup>

Women are overwhelmingly the victims of violent acts by an intimate partner.<sup>4</sup> In particular, women residing in low-income neighborhoods are twice as likely to be victims of intimate partner violence in comparison to women residing in more advantaged communities.<sup>5</sup> Low-income women are also more likely to experience repeat victimization and to be more severely injured by their abusers.<sup>6</sup>

Many victims and their children lose their homes when they flee abuse. In addition, many domestic violence survivors become homeless after being evicted from or denied housing as a result of the violence against them. The results of a recent national survey by the National Law Center on Homelessness & Poverty (NLCHP) and the National Network to End Domestic Violence (NNEDV) demonstrate the extent of these evictions and denials of domestic violence victims, thereby adding to existing cases and stories.<sup>7</sup>

The federal Violence Against Women Act (VAWA), first enacted in 1994, encourages victims of domestic violence to seek civil protection orders against their abusers, to summon police in response to domestic violence, or to seek other services. The law also provides law enforcement, prosecutors, courts, and other community systems with resources to develop the needed expertise in responding to this national problem.

Now that many victims of domestic violence across the nation are taking the protective measures that VAWA encourages, however, victims may be doubly victimized for doing so with the loss of their housing. VAWA was recently reauthorized in 2005. By amending major federal housing programs to address domestic violence, VAWA of 2005 is a first step in addressing this problem.

### **Survey illustrates housing denials and evictions of domestic violence victims**

In July 2005, NLCHP and NNEDV received survey responses from 76 legal and social services providers around the country who work with homeless and low-income domestic violence victims to address their housing needs. The survey was intended to assess the extent of housing denials and evictions of domestic violence victims because of the domestic violence against them. The survey sought to gather the following information from the respondents:

- the approximate number of domestic violence-related evictions and denials that legal and social services providers handled compared to the number of all evictions and denials handled;
- the approximate number of domestic violence-related evictions and denials these providers handled by type of housing, including federal public and Section 8 housing; and
- stories of such evictions and denials from legal and social services providers with documentation of these cases.

The results are striking, given the small scope of the survey and its narrow focus.

### **Domestic violence victims frequently are evicted because of violence against them**

The 76 respondents surveyed handled a total of approximately 5,422 evictions per year around the country. Of these evictions, about 37% were from federally-funded public housing or housing subsidized through a federal Housing Choice Voucher or project-based Section 8 subsidy; about 9% were from other federally-subsidized housing; and about 52% were from wholly private housing. Of these total evictions, about 11% (600) were evictions of victims of domestic violence because of the domestic violence against them. For example, a victim was evicted because she called the police or requested emergency assistance; the abuser's behavior or crimes led to the victim's eviction; or the victim was evicted after obtaining a civil protection order from the court against the abuser.

### **Domestic violence victims frequently are denied housing because of violence against them**

The same 76 survey respondents handled a total of approximately 1,251 housing denials per year. Of these housing denials, about 64% occurred in admissions to federally-funded public housing or housing subsidized through a federal Housing Choice Voucher or project-based Section 8 subsidy; and about 36% occurred in applications for private housing. Of these total housing denials, about 28% (346) were housing denials of victims of domestic violence because of the violence against them. For example, a victim's former residence was a domestic violence shelter; a victim had a history of obtaining a civil protection order from the court against the abuser; a victim had a record of calling the police several times at a former residence; or a previous landlord stated that the applicant had experienced domestic violence.

### **Data, stories, and locations indicate a national problem**

Of the 76 survey respondents who provided the basic eviction and housing denial information above, 45 provided additional comments or examples or indicated their location. For reasons of client confidentiality or concern with retaliation for having provided the information, many of these survey respondents replied anonymously or sought anonymity from NLCHP and NNEDV. However, their locations include a majority of states: Alabama, Arizona, California, Florida, Georgia, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. NLCHP and NNEDV have since learned of specific, similar situations in another 12 states: Colorado, Connecticut, Delaware, Indiana, Iowa, Kentucky, Nebraska, Nevada, New Hampshire, Rhode Island, Utah, and Vermont.

Examples of such housing denials and evictions collected through the survey include:

- A woman living in Racine County, Wisconsin, was evicted and lost her Section 8 housing voucher when her child's father, in violation of a domestic abuse injunction, broke down her apartment door. The police were called and the abuser was incarcerated. As a result of the incident, the apartment manager evicted the woman because of the property damage caused by her abuser. The local housing authority then terminated her Section 8 benefits.

- In Chattanooga, Tennessee, the police were called to the scene after an abuser stabbed his ex-girlfriend at her apartment. Following the incident, her private landlord served her with an eviction letter because of the police presence at the apartment complex.
- Women in Texas were told “not to bother applying” for public housing because the local housing authority did not want people with “that kind of history” living in public housing.
- A private landlord in Wichita, Kansas, denied a domestic violence survivor’s rental application, explaining “he did not want domestic violence victims in his apartments because abusers often found them and caused property damage.” Even though the survivor provided the landlord with documentation of her abuser’s incarceration and a court restraining order, the landlord denied her rental application.

To address this problem in all types of housing, NLCHP and NNEDV urge the following:

- timely and effective implementation and enforcement of the VAWA housing amendments
- additional federal legislative efforts to address housing discrimination against domestic violence victims and other housing barriers in all types of housing
- state legislative efforts across the country to address housing discrimination against domestic violence victims and other housing barriers in all types of housing
- collaboration among victim service providers and advocates, housing providers, and housing and homelessness advocates to ensure that the safety and housing needs of survivors are met
- federal and state funding to promote such collaboration and to develop model best practices

## I. INTRODUCTION

Domestic violence is a leading cause of homelessness nationally. Among cities surveyed in 2005, 50% identified domestic violence as a primary cause of local homelessness.<sup>8</sup> A recent study found that one out of every four homeless women is homeless because of violence committed against her.<sup>9</sup> In several regions where studies have been conducted, between 22% and 57% of homeless women report that domestic violence was the immediate cause of their homelessness.<sup>10</sup>

Women are overwhelmingly the victims of violent acts by an intimate partner.<sup>11</sup> In particular, women residing in low-income neighborhoods are twice as likely to be victims of intimate partner violence in comparison to women residing in more advantaged communities.<sup>12</sup> Low-income women are also more likely to experience repeat victimization and to be more severely injured by their abusers.<sup>13</sup>

Exacerbating this crisis is the severe shortage of affordable housing. Domestic violence survivors attempting to flee abuse are in desperate need of immediate and long-term housing assistance, yet federal housing assistance programs are under-funded and insufficient to meet the growing need. This problem is compounded by housing denials and evictions because of one's status as a victim of domestic violence.

The federal Violence Against Women Act (VAWA), first enacted in 1994, and reauthorized in 2000 and 2005, provides legal protections for survivors of violence against women by encouraging victims to seek civil protection orders against their abusers, to summon police in response to domestic violence, or to seek other services.<sup>14</sup> The law also provides law enforcement, prosecutors, courts, and other community systems with resources to develop the needed expertise in responding to this national problem. Now that many victims of domestic violence across the nation are taking the protective measures that VAWA has encouraged over the last 12 years, victims may be doubly victimized for doing so with the loss of their housing.

With the most recent VAWA 2005 reauthorization, Congress recognized that domestic violence is a leading cause of homelessness nationally, and that victims of domestic violence around the country are discriminated against in housing because of the acts of their abusers against them. In its findings, Congress noted that 92% of homeless women have experienced "severe physical or sexual abuse at some point in their lives."<sup>15</sup> Congress found almost 150 "documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her," and that nearly 100 persons were "denied housing because of their status as victims of domestic violence."<sup>16</sup> Most disturbing, Congress found that many domestic violence victims return to their abusers because they are unable to secure long-term housing.<sup>17</sup>

Signed into law on January 5, 2006, VAWA 2005 introduced groundbreaking legal protections to address the housing crises faced by victims of domestic violence, dating violence, sexual assault, and stalking. VAWA amended the federal public housing and Section 8 housing assistance statutes to ensure that victims and their families are not wrongfully evicted from or denied housing in these programs. These housing statutes now provide that an individual's status as a victim of domestic or sexual violence is not an appropriate basis for evictions or denials of housing. VAWA explicitly provides that an incident of actual or threatened domestic violence, dating violence, or stalking does not qualify as a "serious or repeated violation of the lease" or "good cause for terminating the assistance, tenancy, or occupancy rights of the victim."<sup>18</sup> Further, a public housing authority (PHA) or

Section 8 landlord may bifurcate the lease in order to evict the abuser while still allowing the lawful tenant to keep her housing.<sup>19</sup>

In addition to these recent federal protections, some states have enacted laws to ensure housing rights for domestic violence survivors. For example, D.C., Illinois, North Carolina, Rhode Island, and Washington prohibit housing discrimination against victims of domestic or sexual violence.<sup>20</sup> Other states provide an eviction defense in housing court designed to ensure that judges consider facts related to domestic violence in their decision-making.<sup>21</sup> Additional states permit a battered tenant, upon providing specified documentation, to terminate her lease early without financial penalty.<sup>22</sup> Other state laws explicitly guarantee a victim's right to call the police<sup>23</sup> or to have her locks changed in response to domestic violence.<sup>24</sup> When enforced in tandem with VAWA protections, these state laws may allow some domestic violence survivors to break free from abusive relationships and stay out of homelessness.

In response to requests from Congress, the National Law Center on Homelessness & Poverty (NLCHP) and the National Network to End Domestic Violence (NNEDV) surveyed legal and social services providers around the country who work with homeless and low-income domestic violence survivors to address their housing needs. The results of the national survey demonstrate the extent of evictions and housing denials, thereby adding to existing cases and stories.

This report contains the results of NLCHP's and NNEDV's July 2005 survey, as well as our recommendations. The results of the survey indicate that the federal legal protections enacted in VAWA 2005 must be put into practice now in order for domestic violence survivors to benefit from its safeguards. Without timely and effective implementation, VAWA 2005 could fail to assist domestic violence survivors who continue to be evicted from or denied housing, leaving many women who have no alternative housing options or financial resources vulnerable to ongoing abuse or homelessness.

## **II. SURVEY BY NLCHP AND NNEDV**

In July 2005, NLCHP and NNEDV conducted a national survey of legal and social services providers who work with homeless and low-income domestic violence victims to address their housing needs. The survey's primary objective was to assess the extent of housing denials and evictions of domestic violence victims because of the domestic violence committed against them.

The survey was designed to provide information in two areas: (1) the approximate number of housing evictions and denials due to victim status that providers handled, compared to the number of all evictions and housing denials the same providers handled; and (2) the approximate number of such evictions and housing denials they handled by type of housing, including federal Public Housing and Section 8 Housing, other subsidized housing, and private housing.

The survey also requested stories of such evictions and denials from legal and social services providers who had previously documented specific instances.

The online survey was distributed across the country via national email listservs with members whose work focuses on domestic violence, housing, or both. These networks include membership or other networks of local service providers and advocates that NLCHP and NNEDV manage. In turn, service

providers and advocates forwarded the online survey to their own networks. Unless otherwise noted, the information in this report is from the survey.

Of the 76 survey respondents who provided the basic eviction and housing denial information above, 45 provided additional comments or examples or indicated their location. For reasons of client confidentiality or concern with retaliation for having provided the information, many of these survey respondents replied anonymously or sought anonymity from NLCHP and NNEDV. However, their locations include a majority of states: Alabama, Arizona, California, Florida, Georgia, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. NLCHP and NNEDV have since learned of specific, similar situations in another 12 states: Colorado, Connecticut, Delaware, Indiana, Iowa, Kentucky, Nebraska, Nevada, New Hampshire, Rhode Island, Utah, and Vermont.

#### **A. Domestic violence victims frequently are evicted because of violence against them**

The first section of our survey asked providers and advocates to identify the number of evictions of their clients they see each year according to the type of housing. The survey then asked how many of those evictions were the result of domestic violence committed against their clients. For example, a victim was evicted because she called the police or emergency assistance; the abuser's behavior, crimes, or property damage led to the victim's eviction; the victim was evicted after obtaining a civil protection order from the court against the abuser.

The survey indicates that domestic violence survivors are often evicted from all types of housing because of the violence committed against them. The 76 survey respondents reported handling a total of approximately 5,422 evictions per year. Of these evictions, around 37% were evictions from federally-funded public or Section 8 housing. An additional 9% were evictions from other federally-subsidized housing programs. About 52% were evictions from private housing.

Of these total 5,422 evictions, providers reported a total of 600 specific cases where victims of domestic violence were evicted because of the violence committed against them. This represents approximately 11% of the total evictions addressed by these providers.

In addition to providing the number of evictions, respondents also provided stories and examples where eviction proceedings were initiated as a result of the tenant's victimization.

*For instance, a woman living in Racine County, Wisconsin, lost her federal Section 8 housing voucher when her child's father, in violation of a court-ordered domestic abuse injunction, broke down her apartment door. The police were called and the abuser was incarcerated. As a result of the incident, the apartment manager evicted the woman because of the property damage caused by her abuser. The local housing agency then terminated her voucher assistance because of the eviction.*

*In Chicago, Illinois, a single mother of three children lost her Section 8 housing voucher because her former boyfriend claimed he was living with her in her apartment. Even though she provided the housing authority with a copy of a court protective order documenting the history of violence and harassment she faced by her abuser, and even after explaining that he "falsely identified the premises as his address in an effort to get her assistance terminated," the housing authority refused to restore her benefits.*

*A domestic violence survivor in the San Francisco Bay Area faced eviction from a building receiving a project-based Section 8 subsidy. When the landlord learned that she was the victim of domestic violence, the landlord gave her an eviction notice.*

*In eastern Louisiana, a domestic violence survivor lived alone with her nine children in federal public housing. She was forced to call the police when her abuser showed up at her apartment. The housing authority then evicted her because of the police presence at her residence.*

*In Greensboro, Georgia, one woman and her two children were evicted from subsidized housing because of the violence and harassment of her abuser. Her abuser kept coming by her apartment uninvited, and eventually broke down her door and sexually assaulted her. Although her abuser was incarcerated for the incident, the apartment manager still evicted the victim. The manager explained that it was “easier to evict her, since her presence created all the problems.” The manager also attempted to recover from her the property damages caused by the abuser’s violence.*

*A private landlord in Chattanooga, Tennessee, attempted to evict a woman after she was brutally attacked. Her abuser stabbed her in her apartment, and the police were called. Following the incident, her landlord gave her an eviction notice because of the police presence at the complex.*

*A woman in Houston, Texas, was evicted from two different private apartment complexes because of her abuser’s violence. In her first apartment, she was forced to call the police frequently because of her abuser’s violent behavior. Her manager informed her she had thirty days to vacate, citing “too much violence occurring at her residence” as the reason for her eviction. Her manager locked her door prior to the end of the thirty days period, leaving her and her three children with no place to go. She eventually was able to move into a new apartment, but her abuser found her. The violence continued. In one instance, he broke her window to enter her apartment. Although he was arrested, she was evicted and forced to pay for the property damage. She owed \$10,000 for terminating her lease early, even though she had been evicted.*

In addition to stories collected through our survey, we continue to learn of other similar examples from across the country, as well as examples that pre-date the survey.

*In a widely publicized 2005 case, Dorothea Thomas from Jacksonville, North Carolina, was evicted from a private apartment complex for “disturbing the peace.” Ms. Thomas had broken up with her boyfriend of two years in March 2005. On June 24, 2005, her ex-boyfriend came to her residence at Liberty Crossing Apartments and shot her. Ms. Thomas attempted to escape by jumping from the second-story balcony. Her ex-boyfriend shot her five more times. After returning from the hospital five days later, she found a note on her apartment door informing her that she violated her lease because she and her “uninvited guest” had been “too loud,” threatening the “rights, comfort, health, safety, or convenience of others in or near the apartment community, disrupting [the complex’s] business operations.”<sup>25</sup>*

*Tiffanie Alvera lived with her husband in government-subsidized housing in Portland, Oregon. On August 2, 1999, Ms. Alvera’s husband physically assaulted her. The police were called, and her husband was arrested, charged, and eventually convicted of assault. That same day, Ms. Alvera obtained a court restraining order against her husband. She also provided her apartment manager with a copy of the order. Two days later, she received a 24-hour notice terminating her tenancy, stating that the eviction was because “[y]ou, someone in your control, or your pet, has*



*seriously threatened immediately to inflict personal injury, or has inflicted personal injury upon the landlord or other tenants.”<sup>26</sup>*

*A domestic violence survivor in Iowa relied on her Section 8 voucher to afford her apartment. Following an incident of violence, she obtained a court protection order against her abuser and was staying at an emergency battered women’s shelter. Before returning to her apartment, she requested that the police stop by her apartment to ensure that her abuser was not waiting for her there. In fact, the police found her abuser at the apartment and arrested him for violating the court order. As a result, the local housing authority terminated her benefits, accusing her of violating a provision of the lease, which states, “The tenant shall not disturb the peaceful enjoyment of the neighbors.”<sup>27</sup>*

*In Ohio, a woman was evicted because of her estranged husband’s violent behavior. Her abuser broke down her apartment door and took her and her two children out of their apartment complex at gunpoint. The police eventually located the family and arrested the estranged husband. The woman’s landlord evicted her because of the damage to the door and because of the landlord’s concern that the abuser would return to the apartment upon his release from jail.<sup>28</sup>*

*In Washington, D.C., a woman and her three small children were experiencing domestic violence in private rental housing. Following several incidents of abuse by her husband against her, the woman sought and obtained a civil protection order against the abuser from the court, which ordered him to vacate the apartment and required him to stay away from her. In the meantime, however, the landlord issued the woman an eviction notice and brought an eviction action against her, alleging that she was “being noisy and boisterous by fighting at all hours which is offensive to the other occupants of the building.”<sup>29</sup>*

*In another example from Washington, D.C., one woman’s abuser would destroy property, and his rages would disturb their neighbors. Instead of holding the abuser accountable for his abusive behavior, however, the landlord threatened the woman with eviction if her abuser did not stop “disturbing the peace.” Eventually, and while she was pregnant, she simply left the abuse and the apartment. She spent many months in D.C. emergency homeless shelters.<sup>30</sup>*

## **B. Domestic violence victims frequently are denied housing because of violence committed against them**

The second section of our survey asked providers to identify the number of housing denials they see each year. The survey then asked how many of these denials occurred because of the client’s status as a victim of domestic violence, sexual assault, or stalking. For example, a victim’s former residence was a domestic violence shelter; a victim had a history of obtaining a civil protection order from the court against the abuser; a victim had a record of calling the police several times at a former residence; a previous landlord stated that the applicant had experienced domestic violence.

The survey indicates that domestic violence survivors are frequently denied housing because of the violence committed against them. The 76 respondents reported handling a total of approximately 1,251 housing denials each year. Of these housing denials, 64% were denials from federal public or Section 8 housing. About 36% were denials from private housing.

Of these total 1,251 housing denials, providers reported a total of 346 specific cases where victims of domestic violence were denied housing because of the violence committed against them. This represents about 28% of all housing denials addressed by the providers.

The same respondents offered stories and examples of clients in their communities who had been denied housing as a result of their previous victimization by domestic violence.

*In an example from Texas, a woman was denied admission to public housing explicitly because she was a domestic violence victim. She was told “not to bother applying” because the housing authority did not want people with “that kind of history” living in Public Housing. Two other Texas women were denied public housing admission because of previous property damage or wrongful arrest resulting from domestic violence against them.*

*In New York City, a woman was denied admission to public housing because of the criminal convictions of her abuser. She no longer was involved with her abuser and was trying to secure public housing for the safety of herself and her children. The housing authority denied her application because of her abuser’s convictions. She explained that the convictions were for assaulting her and that she no longer lived with him. The housing authority did not believe her because her court protection order against the abuser had expired. Throughout this process, she was residing with her children in a local emergency shelter.*

*A private landlord in Wichita, Kansas, denied a domestic violence survivor’s rental application, explaining that, “he did not want domestic violence victims in his apartments because abusers often found them and caused property damage.” Despite providing documentation of her abuser’s incarceration and a restraining order against her abuser, the landlord denied the victim tenancy.*

*In southwest Florida, a woman began the application process at a complex designated as affordable housing. She had secured a restraining order against her abusive ex-boyfriend, and was attempting to move to protect herself and her three children. The rental application asked whether the applicant was involved in any domestic violence proceedings. Based on providing information about the restraining order, the apartment manager denied her application, explaining that “they do not want victims of domestic violence there because of the potential for problems and that if there was an incident of domestic violence at their apartment complex, the whole family would be evicted.” A local service provider called several other affordable housing complexes and discovered that several of them had similar policies.*

In addition to stories collected through our survey, we continue to learn of other similar examples from across the country, as well as examples that pre-date the survey.

*Wyneneicka Blackwell lived in a government-subsidized complex in Colorado until her former boyfriend entered her apartment and brutally assaulted her for more than eight hours. Although a warrant was issued for her abuser’s arrest, he was not located. After leaving the hospital, Ms. Blackwell requested a transfer to another complex to ensure that her abuser would be unable to find her. The managing company denied her request, stating that they only provided transfers to tenants in “good standing,” and because of her history of domestic violence, “they did not consider her a tenant in good standing.”<sup>31</sup>*

*In New York City, one woman endured physical abuse from her husband until she decided to flee the violence. After learning that she was pregnant with quadruplets and that she would not terminate the pregnancy, his abuse escalated. She obtained a court protection order against her husband and eventually received a Section 8 housing voucher. She attempted to flee New York City to Staten Island, but every landlord she contacted on Staten Island denied her application either because the landlords refused to rent to “those kind of people,” or because they believed that former abusers would “cause trouble” on the property. One landlord accepted her voucher, only to revoke it upon learning that she received the voucher under a domestic violence preference from the housing authority.<sup>32</sup>*

*A woman in the state of Washington left her husband in order to flee his violence against her. She submitted an application at a private complex that advertised “town homes for rent.” However, when she was asked at the rental desk, “Did your divorce have anything to do with domestic violence?” and she responded that it did, she was informed that a home could not be rented to her.<sup>33</sup>*

*Three women were domestic violence survivors residing at an emergency domestic violence shelter in Wisconsin. They attempted to rent a private apartment together and provided their full rental history on their applications. Although they included information regarding their former abusers, they each requested that their former abusers not be contacted to maintain their safety and privacy. The landlord nonetheless contacted their abusers, and then also denied them tenancy.<sup>34</sup>*

*A woman entered into a lease with a private apartment owner in Salem, Massachusetts. That same day, she obtained a court protection order against her former abuser. Four days later, the owner learned of the order. The following day, he informed her that he would not rent to her.<sup>35</sup>*

*A domestic violence survivor in Des Moines, Iowa, was residing in an emergency shelter with her five children. A local apartment complex accepted her rental application. The shelter sent a letter to the apartment manager with the intention of ensuring that the complex was safe, informing the apartment manager of the survivor’s history of having experienced domestic violence. Upon receiving this letter, the manager decided no longer to rent to her, citing an inaccurate social security number, even though her social security number was correct.<sup>36</sup>*

### **III. A NATIONAL NEED: CONCLUSIONS AND RECOMMENDATIONS**

Domestic violence survivors are frequently evicted from or denied federal public and subsidized housing because of the violence committed against them. The results of NLCHP’s and NNEDV’s national survey demonstrate the extent of these wrongful housing evictions and denials of domestic violence victims, thereby adding to existing cases and stories.

The survey results indicate that 11% of the total evictions handled by surveyed legal and social service providers were evictions of victims of domestic violence because of the violence against them. The results further indicate that 28% of total housing denials handled by the same providers were denials because of an applicant’s status as a domestic violence survivor.

Below are recommendations for ensuring housing rights for domestic violence survivors. Specifically, we urge timely and effective implementation and enforcement of the recent VAWA housing amendments, as well as ongoing collaboration and additional federal and state legislative efforts to

address housing discrimination against domestic violence victims and other safety and housing barriers in all types of housing.

**A. Need for effective and timely enforcement of VAWA amendments by HUD**

VAWA 2005 provides specific remedies designed to address this national problem. VAWA amends the public and Section 8 housing statutes to clarify that an individual's status as a victim of domestic or sexual violence is not an appropriate basis for housing denials or evictions.

It is critical that VAWA 2005 housing provisions are implemented and publicized to ensure that these legal protections assist vulnerable domestic violence survivors who are at risk of becoming homeless or returning to their abusers. Given that low-income women are twice as likely to endure domestic violence compared with all women, the VAWA protections must be put in place locally to ensure that women who are financially dependent on their abusers may flee abuse. The public and Section 8 housing programs provide housing stability to break free from violent situations. However, when these programs deny applicants because they are domestic violence victims, or evict residents because of the violence of their abusers, most of these victims have nowhere else to go.

In June 2006, HUD issued a notice to public housing authorities (PHAs), informing PHAs of the prohibition of housing denials or evictions in public and Section 8 subsidized housing because of a tenant's status as a victim of domestic violence, dating violence, or stalking.<sup>37</sup> HUD also has issued a certification form and explanatory notice so that victims can obtain protection under the law,<sup>38</sup> and the agency has revised the housing assistance payment contract and the tenancy addendum for the Section 8 housing voucher program.<sup>39</sup> HUD now must propose implementing regulations to ensure that PHAs consistently implement these new policies. HUD should engage legal and social service providers and advocacy groups in the implementation process, ensuring that the needs of domestic violence survivors are effectively met.

Additionally, local PHAs must publicize the new VAWA amendments so that residents are aware of their rights. The statutory provisions became effective January 5, 2006, the day VAWA was signed into law. Public housing residents and individuals using Section 8 vouchers should know that they cannot be evicted or denied housing because of violence against them. Likewise, Section 8 landlords and owners must know that it is unlawful to evict or to deny housing to applicants because of their history of victimization, and that this new provision will be consistently enforced. Victim services providers and advocates are important partners in VAWA implementation and should be called on as training resources for housing providers and local agency managers and staff on how to recognize domestic violence and additional ways to respond appropriately.

By ensuring compliance with the VAWA amendments in a timely and effective manner, HUD and local PHAs can work together to ensure that domestic violence survivors are no longer wrongfully evicted or denied housing because of the violence committed against them.

**B. Ongoing need to address this problem in all types of housing**

Evictions or housing denials because of one's status as a victim of domestic violence are not limited to public and Section 8 housing. Domestic or sexual violence survivors seeking long-term housing assistance who lack independent financial resources apart from their abuser's support rely on all types

of housing to provide safety and housing stability for themselves and their families. Now that VAWA 2005 has taken the first step to address wrongful housing denials and evictions in public and Section 8 housing, these protections should extend to all types of housing.

There is ample evidence of housing denials and evictions in private housing because of one's status as a domestic or sexual violence survivor. For victims who fail to qualify for a subsidy or who qualify but face extensive waiting lists for public or other federal housing, securing housing is just as vital to escaping violence and staying out of homelessness.

The federal Fair Housing Act (FHA) prohibits discrimination on the basis of sex in certain housing transactions. Recently, a federal district court recognized discrimination on the basis of one's status as a domestic violence survivor as a disparate treatment *prima facie* case of sex discrimination under the FHA.<sup>40</sup> Similar cases have settled in federal courts.<sup>41</sup> Further federal and state FHA challenges should be pursued to provide increased precedent that affirmatively declares that discrimination against domestic violence survivors is a form of sex discrimination.

Moreover, advocating for Fair Housing Act protections for domestic violence survivors would ensure that survivors are recognized as a class of individuals in need of specific legal protections and remedies. Such advocacy also would bring increased awareness to the problems faced by domestic violence survivors who desire to break free from abusive situations, but who are wrongly evicted or denied housing opportunities and therefore risk becoming homeless.

States can address this national problem by enacting statutory remedies to clarify housing rights for domestic violence survivors residing in their state. Although some states have enacted such laws in recent years, the majority of states have yet to consider legislation prohibiting housing discrimination against victims of domestic or sexual violence or providing other housing legal protections for victims. Measures protecting a domestic violence survivor's right to terminate a lease early without financial penalty, to raise defenses to evictions in housing court, and to exercise other rights can directly remedy these problems in all housing contexts. Local and state governments should adopt such laws in their jurisdictions.

By extending legal protections to domestic violence survivors in all types of housing, federal, state, and local governments will assist domestic violence survivors in achieving physical, psychological, and financial independence.

### **C. Need to develop and sustain collaborations among domestic violence service providers, housing providers, and housing and homelessness advocates**

These legal and policy recommendations require close partnerships among domestic violence service providers, housing providers, and housing and homelessness advocates. To promote this collaboration, to sustain these relationships, and to develop model best practices, federal, state, local, and other funding and resources are needed. Only with these ongoing relationships and with continuous education, training, and outreach can we ensure that the safety and housing needs of survivors in fact are met.

## **APPENDIX: SURVEY QUESTIONS**

### **Domestic Violence Evictions and Denials of Housing**

#### **Eviction Cases**

1. About how many eviction cases do you handle each year?
2. How many of these from either Public Housing, a Section 8 Voucher landlord, or project-based Section 8 unit?
3. How many from other subsidized housing?
4. How many from private housing?
5. In these cases, how many of the individuals who had been evicted were victims of domestic violence, sexual assault, or stalking? (For example, they stated that they had experienced domestic violence, had called the police to report abuse, had medical records showing abuse, had obtained a court order of protection from abuse, were referred to you by a family law or domestic violence law colleague, your office screens for abuse at intake, or other indication.)
6. How many of these evictions were a result of the violence that had been committed against your client? (For example, she was evicted because she called the police; her abuser's behavior or crimes led to her eviction; she was evicted because she fled the housing to escape the abuse; she was evicted after obtaining a court protective/restraining order; etc.)

#### **Denials of Housing or Admission to Housing**

7. About how many cases do you handle each year where the client was denied admission to Public Housing or Section 8 housing?
8. About how many cases do you handle each year where the client was denied access to private housing?
9. How many of these denials of housing were because of the individual's status as a victim of domestic violence, sexual assault, or stalking? (For example, her former residence was a battered women's shelter; she had a court restraining/protective order against her abuser; she had called the police several times to her address at a previous residence; a previous landlord stated that she was a victim of domestic violence; etc.)
10. Do you have any stories (names and identifying details redacted) that our coalition might use to exemplify these types of cases? If so, please provide here. We are seeking as many stories as possible. If you are willing, please consider providing your preferred contact information here (phone or e-mail) for possible follow-up by an allied advocate. If you are willing, please also consider indicating your location – city, county, state – here.

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## **ABOUT THE NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY**

The National Law Center on Homelessness & Poverty is committed to solutions that address the causes of homelessness, not just its symptoms, and works to place and address homelessness in the larger context of poverty. To this end, we employ three main strategies: litigation, legislation, and public education. We are a persistent and effective voice on behalf of homeless Americans, speaking effectively to federal, state, and local policy makers. We also produce investigative reports and provide technical assistance to local organizations.

For more information about our organization and access to publications such as this report, please visit our website at <http://www.nlchp.org>. You are also invited to join the network of attorneys, students, advocates, activists and committed individuals who make up NLCHP's membership network. Our network provides a forum for individuals, non-profits and corporations to participate and learn more about using the law to advocate for solutions to homelessness. For membership information, please email us at: [network@nlchp.org](mailto:network@nlchp.org).

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## **ABOUT THE NATIONAL NETWORK TO END DOMESTIC VIOLENCE**

The National Network to End Domestic Violence (NNEDV) is a membership and advocacy organization representing state domestic violence coalitions, allied organizations and supportive individuals. NNEDV works to create a social, political and economic environment in which violence against women no longer exists. Since its inception, NNEDV has created a public policy voice for battered women and children.

For more information about our organization, access to fact sheets and publications, or to sign up for action alerts, please visit our website at <http://www.nnedv.org>.

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<sup>1</sup> U.S. Conference of Mayors/Sodexo Survey on Hunger and Homelessness, 2005.

<sup>2</sup> Jana L. Jasinski et al., *The Experience of Violence in the Lives of Homeless Women: A Research Report 2*, 65 (2005).

<sup>3</sup> Wilder Research Center, *Homeless in Minnesota 2003* 22 (2004); Center for Impact Research, *Pathways to and from Homelessness: Women and Children in Chicago Shelters* 3 (2004); Nat'l Center on Family Homelessness & Health Care for the Homeless Clinicians' Network, *Social Supports for Homeless Mothers* 14, 26 (2003); Inst. for Children & Poverty, *The Hidden Migration: Why New York City Shelters Are Overflowing with Families* (2004); Homes for the Homeless & Inst. for Children & Poverty, *Ten Cities 1997-1998: A Snapshot of Family Homelessness Across America* 3 (1998); Virginia Coalition for the Homeless, *1995 Shelter Provider Survey* (1995) (out of print), cited in Nat'l Coalition for the Homeless, *Domestic Violence and Homelessness: NCH Fact Sheet #8* (1999).

<sup>4</sup> We refer to survivors of domestic violence as women because, at this time, women disproportionately experience this violence. See Matthew R. Durose et al., Bureau of Justice Statistics, *Family Violence Statistics, Including Statistics on Strangers and Acquaintances* 1 (2005). See also Callie Marie Rennison, Bureau of Justice Statistics, *Crime Data Brief: Intimate Partner Violence, 1993-2001* 1 (2003); Callie Marie Rennison & Sarah Welchans, *Special Report: Intimate Partner Violence* 1 (2000); Bureau of Justice Statistics, *Selected Findings: Violence Between Intimates* 2 (1994).

<sup>5</sup> Michael L. Benson & Greer Litton Fox, U.S. Dep't of Justice, Office of Justice Programs, *When Violence Hits Home: How Economics and Neighborhood Play a Role* 1 (2004).

<sup>6</sup> See *id.* at 2.

<sup>7</sup> See *T.J. v. St. Louis Hous. Auth.* (Mo. Cir. Ct., 22d Jud. Cir. 2005) (settled); *Warren v. Ypsilanti Hous. Comm'n* (E.D. Mich. 2003) (settled); *United States ex rel. Alvera v. C.B.M. Group*, No. CV 01-857-PA (D. Or. 2001) (consent decree).

<sup>8</sup> See *supra*, note 1.

<sup>9</sup> See *supra*, note 2.

<sup>10</sup> See *supra*, note 3.

<sup>11</sup> See *supra*, note 4.

<sup>12</sup> See *supra*, note 5.

<sup>13</sup> *Id.* at 2.

<sup>14</sup> Pub. L. No. 103- 322, 108 Stat. 1902 (1994); Pub. L. No. 106-396, 114 Stat. 1464 (2000). See also National Task Force to End Sexual and Domestic Violence Against Women, *The Violence Against Women Act: Ten Years of Progress and Moving Forward*, at <http://www.vawa2005.org/history.pdf> (last visited October 10, 2006).

<sup>15</sup> Violence Against Women Act and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162, § 41401, 119 Stat. 2960 (2005).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> See 42 U.S.C. §§ 1437(d)(1)(5), 1437f(c)(9)(B), 1437f(d)(1)(B), § 1437f(o)(7)(C), 1437f(o)(20)(A) (2006).

<sup>19</sup> See 42 U.S.C. §§ 1437d(1)(6)(B), 1437f(o)(7)(D)(ii), 1437f(c)(9)(C)(ii), 1437f(d)(1)(B)(iii)(II) (2006).

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<sup>20</sup> See D.C. Act 16-0629 (2006) (under Congressional review); 820 ILL. COMP. STAT. § 180/30 (2006); N.C. GEN. STAT. § 42-47(a) (2006); R.I. GEN. LAWS §§ 34-37 (2006); WASH. REV. CODE § 59.18.580 (2006). See generally “State Housing Laws and Legislation to Ensure Housing Rights for Survivors of Violence against Women” (ed. NLCHP 2006) at [http://www.nlchp.org/FA\\_DV/index.cfm](http://www.nlchp.org/FA_DV/index.cfm) .

<sup>21</sup> These states include Colorado, D.C., Iowa, Louisiana, Minnesota, New Mexico, Virginia, Washington, and Wisconsin. See generally “State Housing Laws and Legislation to Ensure Housing Rights for Survivors of Violence against Women” (ed. NLCHP 2006) at [http://www.nlchp.org/FA\\_DV/index.cfm](http://www.nlchp.org/FA_DV/index.cfm) .

<sup>22</sup> These states include Colorado, Delaware, D.C., Illinois, North Carolina, Oregon, Texas, and Washington. See “State Housing Laws and Legislation to Ensure Housing Rights for Survivors of Violence against Women” (ed. NLCHP 2006) at [http://www.nlchp.org/FA\\_DV/index.cfm](http://www.nlchp.org/FA_DV/index.cfm) .

<sup>23</sup> These states include Arizona, Colorado, D.C., Minnesota, and Texas. See “State Housing Laws and Legislation to Ensure Housing Rights for Survivors of Violence against Women” (ed. NLCHP 2006) at [http://www.nlchp.org/FA\\_DV/index.cfm](http://www.nlchp.org/FA_DV/index.cfm) .

<sup>24</sup> These states include D.C., Illinois, North Carolina, Oregon, Utah, Virginia, and Washington. See “State Housing Laws and Legislation to Ensure Housing Rights for Survivors of Violence against Women” (ed. NLCHP 2006) at [http://www.nlchp.org/FA\\_DV/index.cfm](http://www.nlchp.org/FA_DV/index.cfm) .

<sup>25</sup> KCCI.com, “Landlord Evicts Victim of Murder Attempt for ‘Being Too Loud’: Tenant is Former Marine, Police Officer,” July 1, 2005, available at <http://www.kcci.com/news/4674747/detail.html> (last visited October 10, 2006).

<sup>26</sup> *United States ex rel. Alvera v. C.B.M. Group, Inc.*, No. CV 01-857-PA (D. Or. 2001) (consent decree); *Alvera v. Creekside Village Apartments*, No. 10-99-0538-8 (HUD 2001) (HUD Determination of Reasonable Cause).

<sup>27</sup> Testimony of Lynn Rosenthal, Nat’l Network to End Domestic Violence, before the Committee on the Judiciary, U.S. Senate, Hearing to Consider S. 1197, Violence Against Women Act of 2005, July 19, 2005.

<sup>28</sup> Nat’l Coalition Against Domestic Violence, *Unjust Evictions of Domestic Violence Victims Under the One-Strike Policy* (last updated May 30, 2003) (on file with authors).

<sup>29</sup> Testimony of Thia C. Hamilton, Women Empowered Against Violence (WEAVE), before the Committee on Consumer and Regulatory Affairs, D.C. Council, Hearing to Consider B16-0703, Protection from Discriminatory Eviction for Victims of Domestic Violence Amendments Act of 2006, September 20, 2006; Testimony of Beth Harrison, Legal Aid Society of D.C., before the Committee on Consumer and Regulatory Affairs, D.C. Council, Hearing to Consider B16-0703, Protection from Discriminatory Eviction for Victims of Domestic Violence Amendments Act of 2006, September 20, 2006.

<sup>30</sup> Written Testimony of “Margaret” before Miloon Kothari, U.N. Special Rapporteur on Adequate Housing, U.N. Regional Consultation on Women and Adequate Housing in North America, October 15, 2005.

<sup>31</sup> Legal Momentum, *Housing Discrimination Against Victims of Domestic Violence: Testimonials from Survivors*, <http://www.legalmomentum.org/issues/vio/discrimvictimsstories.pdf> (last visited October 10, 2006).

<sup>32</sup> See *id.*

<sup>33</sup> *Raney v. Crawford/Katica, Inc.* (W.D. Wash. filed 2004), complaint available from Northwest Women’s Law Center, <http://www.nwwlc.org> .

<sup>34</sup> *Winsor v. Regency Property Management, Inc.* (Wis. Cir. Ct. 7, 1995) (memorandum op., Case No. 94 CV 2349).

<sup>35</sup> *O’Neil v. Karahlais*, 13 M.D.L.R. 2004 (Mass. Comm’n Against Discrim., Oct. 21, 1991).

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<sup>36</sup> Iowa Coalition Against Domestic Violence, *Battered Women and Eviction* (2004) (on file with authors).

<sup>37</sup> U.S. Dep't of Hous. & Urban Dev., Office of Public & Indian Hous., Implementation of the Violence Against Women and Justice Department Reauthorization Act 2005, PIH 2006-23 (June 23, 2006).

<sup>38</sup> U.S. Dep't of Hous. & Urban Dev., Office of Public & Indian Hous., Violence Against Women and Justice Department Reauthorization Act 2005 Form HUD-50066 Certification of Domestic Violence, Dating Violence, or Stalking, PIH 2006-42 (December 27, 2006).

<sup>39</sup> These revised documents are available online at <http://www.hudclips.org> .

<sup>40</sup> See *Bouley v. Young-Sabourin*, 394 F.Supp.2d 675 (D. Vt. 2005).

<sup>41</sup> See *T.J. v. St. Louis Hous. Auth.* (Mo. Cir. Ct., 22d Jud. Cir. 2005) (settled); *Warren v. Ypsilanti Hous. Comm'n* (E.D. Mich. 2003) (settled); *United States ex rel. Alvera v. C.B.M. Group*, No. CV 01-857-PA (D. Or. 2001) (consent decree).