



Domestic Violence & Housing

How do domestic violence victims have trouble with housing?

Victims of domestic violence are often victimized twice – they must face mental, physical, and emotional cruelty at the hands of an abuser, only then to be followed by eviction from housing or homelessness as a result of fleeing. According to a new study by the National Law Center on Homelessness and Poverty, domestic violence is the leading cause of homelessness in the nation! Victims may be forced to flee their housing to escape their abuser, be evicted due to a landlord's "one-strike" criminal activity policy, or be denied housing before even signing a lease if a landlord fears that a victim's abuser may cause property damage. Whatever the reason, domestic violence victims are often wrongly evicted, denied housing opportunities, or forced to remain in abusive situations to preserve their housing!!

How can victims of domestic violence get help in preserving their housing or fleeing from a dangerous situation?

There are some legal remedies in place to assist domestic violence victims in preserving their housing or in leaving a housing situation safely and fairly. Laws that protect victims are different depending on the type of housing in which the victim resides.

Public Housing

In 2006, the Violence Against Women Act (VAWA) was reenacted with new protections for domestic violence victims that live in public housing and/or carry section 8 vouchers. Of the new regulations, some important points include the following:

Victims cannot be denied housing due to their status as a domestic violence victim (For example, a landlord could not deny housing to a public housing applicant because she/he had a Protection From Abuse order).

Domestic violence cannot be a reason to terminate a lease or evict a tenant.

Violence or police activity that results from a domestic violence situation is not a reason for housing providers with one-strike violence or criminal activity rules to evict a tenant.

Housing providers can terminate the leases of abusers in domestic violence situations.

Domestic violence victims cannot lose their Section 8 vouchers for breaking a lease early if the victim is breaking the lease to flee an abuser.

Private Housing

While VAWA only provides protection for domestic violence victims in public housing and Section 8 programs, other laws can be used to assist victims in the private housing market. Victims have protections within the **Fair Housing Act** and the **Pennsylvania Human Relations Act**. These laws protect victims of domestic violence because they protect against sex discrimination in housing.

Domestic violence victims can be victims of sex discrimination because of the following:

Since 95% of domestic violence victims are women, policies that have a negative impact on domestic violence victims have a *disparate impact* on women. For example, if a landlord has a policy of not renting to domestic violence victims, and 95% of domestic violence victims are women, then that policy will make it much harder for women to rent there than men.

Domestic violence victims can also be discriminated against based on sex due to the gender stereotypes ascribed to battered women. Common stereotypes include the ideas that domestic violence victims cause their own abuse and could end the abuse if they so desired. Basing a victim's eviction or treatment on those stereotypes, therefore, would be sex discrimination. For example, a landlord that evicts a battered woman because her ex-husband reenters and destroys the apartment, but does not evict a tenant whose apartment was destroyed by an unknown robber, could be accused of sex discrimination.

Has the Fair Housing Act been used to help victims of domestic violence in the manner described above?

Yes! Domestic violence victims in Michigan, Vermont and Colorado have recently won cases in which the courts ruled that their evictions were due to their status as domestic violence victims, and hence sex discrimination under the Fair Housing Act!

Have states enacted any laws that protect domestic violence victims in housing?

Several states, including Rhode Island, Washington, and North Carolina, have passed laws that prohibit housing discrimination based on a tenant's status as a victim of domestic violence. In addition, certain states have passed additional protections:

Oregon has already adopted, and Arizona is working to adopt, legislation that allows victims of domestic violence in private housing to terminate their leases with no financial losses, when fleeing an abuser.

In March of 2007, Arkansas passed legislation that will make it illegal in private housing to evict a tenant due to her status as a victim of domestic violence. The law will also give landlords the right to evict the abuser and change locks at the request of the victim.

In 2006, Pennsylvania added domestic violence victims to the Unfair Insurance Practices Act. By passing this legislation, PA has assured that victims of domestic violence can still recoup insurance claims from property intentionally destroyed by an abuser.

For more information, or to report housing discrimination against victims of domestic violence, contact the Fair Housing Rights Center in Southeastern Pennsylvania at 215-576-7711 or visit us on the web at

www.fairhousingrights.org