Violence Against Women Act [VAWA] Domestic Violence and the Fair Housing Act

Investigating and analyzing victims' claims of housing discrimination as violations of the Fair Housing Act

HUD's Domestic Violence Guidance

- In February 2011, the HUD's Office of Fair Housing and Equal Opportunity issued guidance on assessing claims of housing discrimination by domestic violence victims

What is the Problem?

- Domestic violence victims often experience "double victimization"
  - Abuse → housing discrimination
  - Past or current incidents of domestic violence lead to eviction, denial of housing, or termination of assistance
- The Violence Against Women Act offers some protections to domestic violence victims in housing, but it is not enough

Reasons for Eviction

- Property damage caused by the abuser
- A “zero-tolerance” or “one strike” crime policy for all household members and their guests
- Too many calls to the police
- Excessive noise/disturbing other tenants

The Violence Against Women Act of 2005 (VAWA)

Overview

Interaction with HUD's "One Strike" Rule

Problems

VAWA Overview

- The Violence Against Women Act sought to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault, and stalking in the U.S.
- First passed in 1995, reauthorized and amended in 2000 and 2005.
- In 2005: VAWA amended to protect domestic violence victims from unfair eviction.
- March 7, 2013, President Obama signed VAWA 2013 Reauthorization

HUD's "One Strike" Rule

- Allows owners of public and subsidized housing to terminate a tenant's lease because of criminal activity by
  - "a tenant, any member of the tenant's household, a guest or another person under the tenant's control" that "threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises); or… threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises."

VAWA's Housing Protections

- VAWA provides an exemption to the "one strike" rule:
  - criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, ***shall not be cause*** for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.

VAWA's Housing Provisions

- VAWA allows owners and management agents to request certification from a tenant. The intent is to show he/she is an actual victim of abuse or threatened abuse.
  - Tenants may use HUD-approved forms or third-party documentation of the abuse.

Problems with VAWA

- PHAs and owners can still evict if they can demonstrate an "actual and imminent threat" to other tenants or employees at the property if the survivor is not evicted
- "Actual and imminent threat" not defined in VAWA
- Current HUD regulations are important:
  - "Threat" consists of a physical danger that is real, would occur within an immediate timeframe, and could result in death or serious bodily harm
  - Factors to be considered include the duration of the risk, the nature and severity of the potential harm, the likelihood that the harm will occur, and the length of time before the harm would occur. 24 C.F.R. § 5.2005
  - Eviction should occur only if there is no other action to be taken that would reduce or eliminate threat

Housing Discrimination against Domestic Violence Victims as FHAct Violations

Eviction, denial of housing, and termination of assistance as discrimination based on sex, race, and/or national origin

Women are Overwhelmingly the Victims of Domestic Violence

- An estimated **1.3 million women** are the victims of assault by an intimate partner each year, and about **1 in 4 women** will experience intimate partner violence in their lifetimes.
- **85%** of domestic violence victims are women.
- In 2009, women were about **five times as likely** as men to experience domestic violence.

Race/National Origin and Domestic Violence

- Certain racial and ethnic groups experience disproportionately high rates of domestic violence:
  - **African-American women** experience intimate partner violence at a rate 35% higher than that of white females, and about 2.5 times the rate of women of other races
  - **Native Americans** are victims of violent crime, including rape and sexual assault, at more than double the rate of other groups

Legal Theories of Discrimination Applied in VAWA Cases

Direct Evidence

Unequal Treatment

Disparate Impact

Direct Evidence

- Facially discriminatory policy – treats women differently from men
- Often involves gender stereotypes
  - A landlord will not rent to women with a history of domestic violence because "they always go back to their abusers"

Unequal Treatment

- Landlord treats victims of domestic violence differently than victims of other crimes, or landlord applies a policy unequally based on gender
  - A policy of evicting households for violence may be applied selectively against women who have been abused and not against victims of other violent crime
  - Refusal to evict an abuser but evict others who engage in violent behavior

Investigating Unequal Treatment Claims

- If an investigator finds evidence of unequal treatment, the investigation shifts to eliciting the respondent's reasons for the differences and investigating each reason to determine whether the evidence supports or refutes each reason.
- If a nondiscriminatory reason is articulated, the investigation shifts again to examining the evidence to determine whether or not the reason(s) given is supported by the evidence or is a pretext for discrimination.

Disparate Impact

- [ADDRESSED SEPARATELY IN TODAY'S DISPARATE IMPACT PowerPoint]

Investigating Disparate Impact Claims

- [ADDRESSED SEPARATELY IN TODAY'S DISPARATE IMPACT PowerPoint]

Investigating Disparate Impact Claims, cont'd

- [ADDRESSED SEPARATELY IN TODAY'S DISPARATE IMPACT PowerPoint]

HUD'S 2013 Letter to PHA's

TO BE ADDRESSED TODAY BY HUD'S PIH DIVISION

VAWA CASES
1985 N.Y. Att'y Gen. Op. 45 (1985)

- This opinion from the New York Attorney General's Office states that a landlord may not require a married applicant for housing, who has been subjected to domestic violence, to obtain a divorce as a condition to renting an apartment. The opinion also states that a landlord may not adopt an across-the-board rule barring rentals to victims of domestic violence.

Hous. Auth. of St. Louis County v. Boone (Mo. Ct. App. 1988)

- In this pre-VAWA case, a public housing tenant requested that the housing authority remove her husband from the lease after he fired a gun in the apartment. Shortly thereafter, the tenant informed the housing authority that she had separated from her husband. She requested a hearing and asked for a rent adjustment based on the change in her family composition and income. At the hearing the tenant submitted a restraining order she had obtained against her husband, but the housing authority refused to act on the tenant's request to remove him from the lease. The court ordered the housing authority to reduce the tenant's rent to reflect the change in her family composition, to terminate the husband's tenancy, and to renew the tenant's lease for one year.

Alvera v. CBM Group (2001)

- Victim was assaulted by her husband in their apartment.
- She obtained a restraining order against him and presented it to the property manager.
- The property manager served Alvera with a 24-hour eviction notice based on the incident of domestic violence, stating:
  - "You, someone in your control, or your pet, has seriously threatened to immediately inflict personal injury, or has inflicted personal injury upon the landlord or other tenants."

Alvera, cont'd

- Management denied victim's application for a one-bedroom apartment in the same building and refused to accept her rent.
- After a second application, the victim was approved for a one-bedroom apartment, but the property manager warned her that "any type of recurrence" of domestic violence would lead to her eviction.
- Alvera filed a complaint with HUD.

Alvera, cont'd

- Investigation revealed that respondent's policy was to evict tenants who pose a threat to the safety and well-being of other tenants, and that this policy was consistently applied.
- National, state, and county-level statistics showed that domestic violence victims were overwhelmingly women.
- HUD determined that respondent's asserted reasons for the policy were not supported by a substantial business justification.
- HUD determined that respondent's policy had a disparate impact based on sex.

Alvera, cont'd

- Alvera elected to pursue the case in federal court. The parties later agreed to settle the lawsuit. The consent decree, approved by the Oregon district court in 2001, requires that:
  - the management group agree not to "evict, or otherwise discriminate against tenants because they have been victims of violence, including domestic violence" and change its policies accordingly;
  - employees of the management group must participate in education about discrimination and fair housing law; and
  - the management group must pay compensatory damages to Alvera.

Warren v. Ypsilanti Housing Authority, 4:02-cv-40034 (E.D. Mich. 2003)

- The victim's ex-boyfriend broke into her house and physically abused her.
- She called the police to report the attack.
- When the Housing Authority (YHA) learned of the attack, it attempted to evict the victim and her son under its zero-tolerance policy.

Warren v. Ypsilanti Housing Authority, 4:02-cv-40034 (E.D. Mich. 2003), Cont'd

- The ACLU sued YHA for discrimination, arguing victims of domestic violence are almost always women [enforcement of the policy had] a disparate impact based on sex in violation of the federal Fair Housing Act and state law.
- The parties reached a settlement, under which the YHA agreed to cease evicting domestic violence victims under its "one-strike" policy and pay money damages to the victim.

Bouley v. Young-Sabourin 394 F. Supp. 2d 675 (D. Vt. 2005).

- The victim called the police after her husband attacked her in their home.
- She obtained a restraining order against her husband and informed her landlord. The landlord spoke to the victim about the incident, encouraging her to resolve the dispute and seek help through religion.
- The victim told her landlord that she would not let her husband return [but] "...was not interested in religious help."
- The landlord then served her with a notice of eviction, stating it was "clear that the violence would continue."
- The court held that the victim had presented a prima facie case of sex discrimination under the Fair Housing Act. The case later settled.

T.J. v. St. Louis Housing Authority (2005)

- The victim endured ongoing threats and harassment after ending her relationship with her abusive boyfriend.
- He repeatedly broke the windows of her apartment when she refused to let him enter.
- She obtained a restraining order and notified her landlord, who issued a lease violation for the property damage.
- Her boyfriend finally broke into her apartment and, after she escaped, vandalized it.
- The housing authority attempted to evict her based on this incident. The victim filed a complaint with HUD, which conciliated the case.
- ***The conciliation agreement requires the housing authority to relocate her, refund property damage payments, ban her ex-boyfriend from the property where she lived, and send its employees to domestic violence awareness training.

Cleaves-Milan v. AIMCO Elm Creek LP, 1:09-cv-06143 (N.D. Ill., 2009

- In 2007, the victim moved into an Elmhurst, Illinois apartment complex with her fiancé and her daughter.
- Her fiancé soon became abusive; she ended the relationship.
- He became upset, produced a gun, and threatened to shoot himself and her. She called police, obtained a protection order, and removed him from the lease.
- The landlord [proceeded with eviction] stating "anytime there is crime in an apartment the family must be evicted."
- With the help of Sargent Shriver National Center on Poverty Law, she filed a complaint against the management company for sex discrimination under the Fair Housing Act.

Lewis v. North End Village, Case No. 2:07-cv-10757 (E.D.Mich. 2007).

- The victim obtained a personal protection order against her abusive ex-boyfriend. Months later, the ex-boyfriend attempted to break into the apartment, breaking the windows and front door. The management company that owned her apartment evicted the victim and her children based on the property damage caused by the ex-boyfriend. With the help of the ACLU of Michigan, she filed a complaint against the management company in federal court, alleging sex discrimination under the FHAct. The case ultimately settled, with the management company agreeing to new, nondiscriminatory domestic violence policies and money damages for the victim.

Brooklyn Landlord v. R.F. (Civil Court of Kings County 2007).

- The victim's ex-boyfriend continued to harass, stalk, and threaten her after she ended their relationship. In late April 2006, he came to her apartment in the middle of the night, banging on the door and yelling. The building security guard called by the victim was unable to reason with her abuser, who left before the police arrived. One week later, the abuser came back to the building, confronted the same security guard, and shot at him. The victim was served an eviction notice from her Section 8 landlord based on this incident. The victim filed a motion for summary judgment which asserted defenses to eviction under VAWA and argued that the eviction constituted sex discrimination prohibited by the FHAct. The parties reached a settlement under which the landlord agreed to take measures to prevent the ex-boyfriend from entering the property.

Jones v. Housing Authority of Salt Lake County (D. Utah, filed 2007).

- The victim applied for and received a Section 8 voucher in 2006. She and her children moved into a house in Kearns, Utah later that year. She allowed her ex-husband, who had previously been abusive, to move into the house. Shortly after he moved in, the victim discovered that he had begun drinking again. After he punched a hole in the wall, the victim asked him to move out. When he refused, she told the Housing Authority that she planned to leave the home with her children to escape the abuse. The Housing Authority required her to sign a notice of termination of her housing assistance. The victim requested a hearing to protest the telinination, and the Housing Authority decided that termination of her assistance was appropriate, noting that she had never called the police to report her husband's violent behavior. With the help of Utah Legal Services, she filed a complaint in federal court against the Housing Authority, alleging that the termination of her benefits violated VAWA and the FHAct.

Blackwell v. H.A. Housing LP, Civil Action No. 05-cv-01225-LTB-CBS (D. Colo. 2005).

- The victim's ex-boyfriend broke into her apartment and, over the course of several hours, raped, beat, and stabbed her. She requested a transfer to another complex. Building management refused to grant her the transfer, forcing her and her children into hiding while police pursued her ex-boyfriend. With the help of Colorado Legal Services, the victim filed a complaint in federal court, alleging that the failure to grant her transfer request constituted impermissible discrimination on the basis of sex based on a disparate impact theory. The case eventually settled. The landlord agreed to institute a new domestic violence policy, prohibiting discrimination against domestic violence victims and allowing victims who are in imminent physical danger to request an emergency transfer to another Section 8 property.

Robinson v. Cincinnati Metro Housing Authority, 2006

Victim moved into a Cincinnati public housing unit with her children in 2006. She began dating a neighbor, who physically abused her repeatedly. Her attempts to end the relationship led to severe attacks and threats to kill her if she returned to the apartment. She obtained a protection order and applied to CMHA for an emergency transfer, but was denied. The victim was paying rent on the apartment but lived with friends and family for safety. With the help of the Legal Aid Society of Southwest Ohio, the victim filed a complaint against CMHA in federal court, alleging that by refusing to grant her occupancy rights granted to other tenants based on the acts of her abuser, CMHA intentionally discriminated against her on the basis of sex. The court denied her motion for a temporary restraining order and preliminary injunction, finding that CMHA policy allows emergency transfers only for victims of federal hate crimes, not for victims of domestic violence. The court also distinguished cases of domestic violence-based eviction from the victim's case,[27] saying that CMHA did not violate her rights under the FHAct by denying her a transfer.

Meister v. Kansas City, Kansas Housing Authority (D. Kan. 2011)

- A housing authority terminated a Section 8 tenant's voucher due to damages to her unit. The tenant alleged that the damages occurred as part of domestic violence committed against her. The tenant filed suit against the housing authority, alleging that the termination of her voucher violated the Violence Against Women Act (VAWA) and constituted sex discrimination under the Fair Housing Act. The housing authority filed a motion for summary judgment, which the court denied. The court found that there was a material issue of fact as to whether the housing authority knew that the damage to the tenant's unit was caused by domestic violence. The court declined to rule whether the tenant had a right of action, enforceable under 42 U.S.C. § 1983, pursuant to the provisions of VAWA.

Pittman v. Dakota County Cmty. Dev. Agency (Minn. Ct. App. 2009)

- The housing authority initiated termination proceedings against a Section 8 voucher tenant for having an unauthorized occupant. At the informal hearing, the voucher tenant testified that this person had been physically violent toward her on several occasions, and introduced evidence demonstrating that he lived at another address. Despite this, her assistance was terminated. The appellate court reversed the termination because the hearing officer disregarded the tenant's evidence and mitigating circumstances, including the fact that she was the victim of domestic violence perpetrated by the alleged unauthorized occupant.

Metro N. Owners LLC v. Thorpe (N.Y. Civ. Ct. 2008)

- Landlord sought to evict Section 8 tenant on the grounds that she stabbed her partner during a domestic dispute. The tenant submitted police reports and a restraining order showing that she was the victim of domestic violence, along with evidence that the district attorney's office declined to prosecute her for the alleged stabbing. The court found that the tenant was the victim of domestic violence, and that VAWA precluded the landlord from evicting her.

HUD'S Enforcement Actions Under VAWA

- When a victim is denied housing, evicted, or has her assistance terminated because she or he has experienced domestic violence, HUD investigates whether that denial or other activity violates the Fair Housing Act.
- Victims may allege sex discrimination, but may also allege discrimination based on other protected classes, such as race or national origin.

VAWA Reauthorized in 2013

- VAWA 2013 continues prior protections
- VAWA was enacted in 1994; reauthorized in 2000, 2005 and in March of 2013
- VAWA 2013 maintains VAWA 2005's housing safeguards, expands housing programs to which the law applies, and adds new protections
- VAWA 2013's housing protections are effective now, although some of the amendments require changes to the regulations or actions by federal agencies for purposes of implementation
- Implementation of 2013 VAWA still underway with recent 4-1-2015 Federal Register Notice

Overview of VAWA

- Prohibits denying a survivor admission to, assistance for, or evicting them from the federally assisted housing because the applicant or tenant is a victim of domestic violence, dating violence or stalking
- Incidents of abuse can neither be construed as a serious or repeated lease violation nor considered good cause for terminating the assistance or tenancy
- Survivors cannot be denied or evicted from the federally assisted housing on the basis of criminal activity related to the abuse committed against them or a household member
- A PHA, assisted owner, or property manager may evict or terminate assistance to other household members (such as the perpetrator) even if the tenant is not evicted or terminated from assistance

Summary of VAWA 2013 Protections

- VAWA 2013 continues Prior Law By:
  - Protections for survivors applying for HUD housing
  - Protections against evictions and subsidy terminations
  - Facilitates safety moves for survivors with Section 8 vouchers or public housing units
  - Permits lease bifurcation to remove perpetrator from the unit
  - Rules for proving existence of domestic violence, dating violence or stalking
  - Obligates PHAs to have plans & goals and describe PHA programs to assist survivors

New 2013 Provisions

VAWA 2013's new provisions provide for:

- ✓ Coverage of more federal housing programs
- ✓ Protections to survivors of sexual assault and LGBT survivors
- ✓ Rights for survivors remaining in housing after lease bifurcation
- ✓ Expansion of documentation rights to show abuse
- ✓ What landlords may do when there are conflicting certifications
- ✓ Development of model plans for use for emergency transfers
- ✓ Notification concerning VAWA housing rights at three critical junctures in multiple languages

Key Changes in VAWA 2013

- Housing Covered
- Parties whom VAWA Protects
- Certification
- Conflicting Certification
- Bifurcation
- Emergency Transfers
- Notification and Language Access

VAWA 2005 & 2013: Expanded Coverage

Programs that were covered by VAWA 2005	Programs added by VAWA 2013
Public Housing	**All Prior 2005 Programs +Other HUD programs**
Section 8 Vouchers	- § 236 Multifamily rental housing
Project-based Section 8	- § 221d3 BMIR (Below Market Interest Rate)
Section 202 Elderly Housing	- HOME
Section 811 Supportive Housing for People with Disabilities	- HOPWA (Hous. Opp. For Ppl w/ AIDS)
	- McKinney-Vento (Homelessness Programs)
	Department of Agriculture - Rural Development (RD) Multifamily
Chart: Courtesy of National Housing Law Project **Author: Karlo Ng**	**Department of Treasury/IRS** - Low-Income Housing Tax Credit (LIHTC)

What Does this Mean for Louisiana?

- Louisiana has about 560,252 rental units according to the 2013 American Community Survey
- Almost 20% of those units have a federal subsidy so 112,000 estimated units are impacted
- Most significant new added type of housing is the Low Income Housing Tax Credit program. LIHTC produced thousands of new units post-Katrina and hundreds of new units annually since throughout Louisiana
- Few tenant protections in LIHTC are strongly enforced by either the regulatory agency, owners, or managers

Federal Housing Programs

- Public Housing: owned and managed by PHA
- Voucher Program: housing subsidy moves with the family
- Project-based Section 8: privately owned and subsidy does not move with family
- Section 202: supportive housing for families whose head is elderly
- Section 811: supportive housing for families whose head is disabled
- Section 236 & 221d3 BMIR: privately owned; rent controlled
- HOME: housing for low-income families living with HIV/AIDS
- McKinney Vento: housing for homeless and disabled
- Department of Agriculture RD multifamily: located in towns with ≤ 20,000 in population or if within a SMA, ≤ 10,000 in population & rural character
- IRS Low Income Housing Tax Credit: restricted rents affordable to people with incomes at 50% or 60% of AMI

Who Does VAWA Cover?

- **Domestic Violence Victims** : any felony or misdemeanor crimes of violence committed by a current or former spouse, intimate partner, person with whom the victim shares a child, person who is or has cohabitated with the victim
- **Dating Violence Victims**: violence committed by a person who is/was in a social relationship of intimate nature with victim as determined by considering three factors
- **Sexual assault Victims**: any nonconsensual sexual act prohibited by law
- **Stalking Victims**: any conduct directed toward a specific person that would cause a reasonable person to fear for safety or suffer substantial distress
- **"Affiliated individual" :** immediate family or others living in household

Certification: Procedural Requirements

- PHA or landlord has the discretion to take tenant at her word, or can ask tenant to prove domestic violence
- Any request by PHA or owner for proof must be in writing
- Tenant has 14 business days from PHA or landlord's request to provide proof
  - If individual does not provide documentation within the 14 days, a PHA, owner or manager may deny admission or assistance, terminate housing assistance or start eviction
- PHA or landlord is free to grant extension if tenant needs more time

Proving Domestic Violence: Options for Documentation

- **Self-Certification Form**
  - New law revised certification process outlined under VAWA 2005 and implemented through HUD Form 50066 (public housing or Section 8 vouchers) and HUD Form 91066 (project-based Section 8)
  - Permits PHAs and owners to request certification via form *approved* by appropriate federal agency
  - This form must (1) state that the applicant or tenant is a victim; (2) state that the incident is ground for protection meeting requirements under VAWA and (3) include perpetrator's name, *if known and safe to provide*
- **Police, Court or Administrative Record**
  - Can be from a federal, state, tribal, territorial, or local entity or administrative record
- **Statement from Third Party**
  - Can be from a victim service provider, medical professional, mental health professional or attorney
  - Must be signed by both the third party and the survivor under penalty of perjury

Conflicting Certification

- HUD has stated that "an individual requesting protection cannot be required to provide third-party documentation." 75 Fed. Reg. 66,251
- However, in cases where 2 household members claim to be the victim and name the other household member as the perpetrator, the housing provider can require third-party documentation
  - Included in VAWA statute for the first time in 2013
  - Currently in HUD's implementing regulations for VAWA 2005

Evictions & Terminations

- PHAs, landlords, and owners may not deny assistance to, terminate assistance for or evict a tenant on the basis that she is or has been a survivor
- Crimes against a survivor "directly relating to" the abuse are not grounds for evicting the survivor or terminating her rental subsidy
- An incident of actual or threatened domestic violence does not constitute a "serious or repeated lease violation" or "good cause" for evicting the survivor or terminating her rental subsidy

Bifurcation: Removing the Abuse from the Unit

- PHA or Section 8 landlord may "bifurcate" a lease to evict a tenant who commits domestic violence while preserving the survivor's tenancy rights
- New protection for tenants remaining in housing as a result of lease bifurcation
  - If the individual who is evicted is the sole tenant eligible to receive the housing assistance, the PHA or landlord must provide the remaining tenant an opportunity to establish eligibility or a reasonable time to move or establish eligibility for another covered housing program.
- Additionally, PHA may terminate Section 8 assistance to the abuser while preserving assistance to survivor
  - If a family breakup results from DV, "the PHA **must** ensure that the victim retains assistance." 24 C.F.R. § 982.315

Voucher Portability**

- If a Section 8 voucher family moves out in violation of a lease, PHA has grounds to terminate their subsidy. VAWA provides an exception for survivors who must move for safety
- Many PHAs prohibit Section 8 voucher tenants from moving during the 1st year of their lease, or from moving more than once during a 12-month period. However, these policies do NOT apply when move is needed for safety. *See* 24 C.F.R. § 982.314

Emergency Transfers**

- VAWA 2013 mandates each federal agency to adopt a model emergency transfer plan to be used by PHAs and owners
- Transfer plan must allow survivor tenants to transfer to another available and safe unit assisted under covered housing program if
  - Tenant expressly requests the transfer and
  - Either tenant reasonably believes that she is threatened with imminent harm from further violence if she remains or tenant is a victim of sexual assault that occurred on premises within 90 days of request
- Transfer plan must ensure confidentiality so that PHA or owner does not disclose location of new unit to abuser
- HUD must establish policies and procedures under which a survivor requesting emergency transfers may receive a tenant protection voucher??

Notification and Language Access**

- HUD must develop a notice of VAWA housing rights (HUD notice) for applicants and tenants
- PHAs, owners and managers must provide HUD notice along with the agency-approved, self-certification form to applicants and tenants
  - At the time an applicant is denied residency
  - At the time the individual is admitted
  - With any notification of eviction or termination of assistance
- HUD guidance prohibiting discrimination against Limited English Proficiency persons is applicable, including specifically for the HUD notice

Additional VAWA Considerations**

- Necessary Confidentiality
- Survivors held to same standard as other tenants
- PHA plans
  - Annual plans: PHAs must include a statement of any PHA DV (domestic violence) programs
  - Five-year plans: PHAs must describe goals, objectives, policies, or programs they use to serve survivors' housing needs
- No preemption for laws that provide greater protections for survivors

Areas where VAWA's Application is Unclear**

- Cases where the link between domestic violence and the program violation is indirect, such as the abuser refusing to pay the rent
- Cases where survivor signed an agreement to keep the abuser off the premises or to repay damages caused by the abuser
- Where to file complaints if a PHA refuses to comply?

*Backlash Discrimination

- **Guidance:** In response to concerns about housing security following September 11, 2001, HUD issued guidance on the rights and responsibilities of residents and landlords in preventing housing discrimination on the basis of race, religion, and national origin.

- **Education & Enforcement:** FHEO awarded a contract for $495,000 for enforcement tests and education & outreach efforts targeted at discrimination against persons who are Muslim or of Middle Eastern descent.

*Contact Us

If you or someone you know has experienced housing discrimination, contact us by:

Calling our toll-free hotline number

1-800-669-9777

(1-800-927-9275 (TTY))

or

504.671.3739 [Louisiana]

or

Go online at **www.hud.gov/fairhousing**

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