



Housing Discrimination Against Survivors of Domestic Violence



PROJECT SENTINEL

What is discrimination against survivors of domestic violence?

Fair housing law makes it illegal for housing providers, landlords, housing authorities and property managers to treat tenants or potential tenants unequally because they are survivors of domestic violence. Housing providers cannot deny a rental application, charge higher rent or deposits, or otherwise harass and intimidate a potential tenant or a current tenant based on being a survivor of domestic violence.



Know Your Rights

Under federal and state Fair Housing laws, it is illegal for anyone involved with the sale or rental of housing including owners, property managers and staff, real estate agents, HOAs, shelters, banks, and mobile home parks to:

- Refuse to rent or sell a home
- Charge higher rent or security deposit
- Steer people to or from homes in certain neighborhoods or buildings
- Evict a tenant
- Apply different rules or criteria, or otherwise treat people differently
- Harass or threaten a housing seeker, their friends, and family members

...BECAUSE OF one of the following protected characteristics

Federal

- Race
- Color
- Religion
- National Origin
- Sex
- Familial Status*
- Disability
- Immigration Status

California

- Veteran or Military Status
- Ancestry
- Gender Identity & Expression
- Source of Income*
- Sexual Orientation
- Marital Status
- Immigration Status
- Primary Language
- Citizenship
- Arbitrary Characteristics

*Family with children under the age of 18

*Section 8/ Federal, State, or Local Public Assistance & Housing Subsidies

It is also illegal for your housing provider to retaliate if you complain about discrimination or talk to a Fair Housing agency like Project Sentinel

How do housing providers discriminate against survivors of domestic violence?

Under fair housing law, there are two ways that housing providers can discriminate against survivors of domestic violence.



One is by treating a survivor differently based on their gender or based on a gender stereotype

The other is by consistently applying a rule that would have a larger negative effect on survivors of domestic violence.





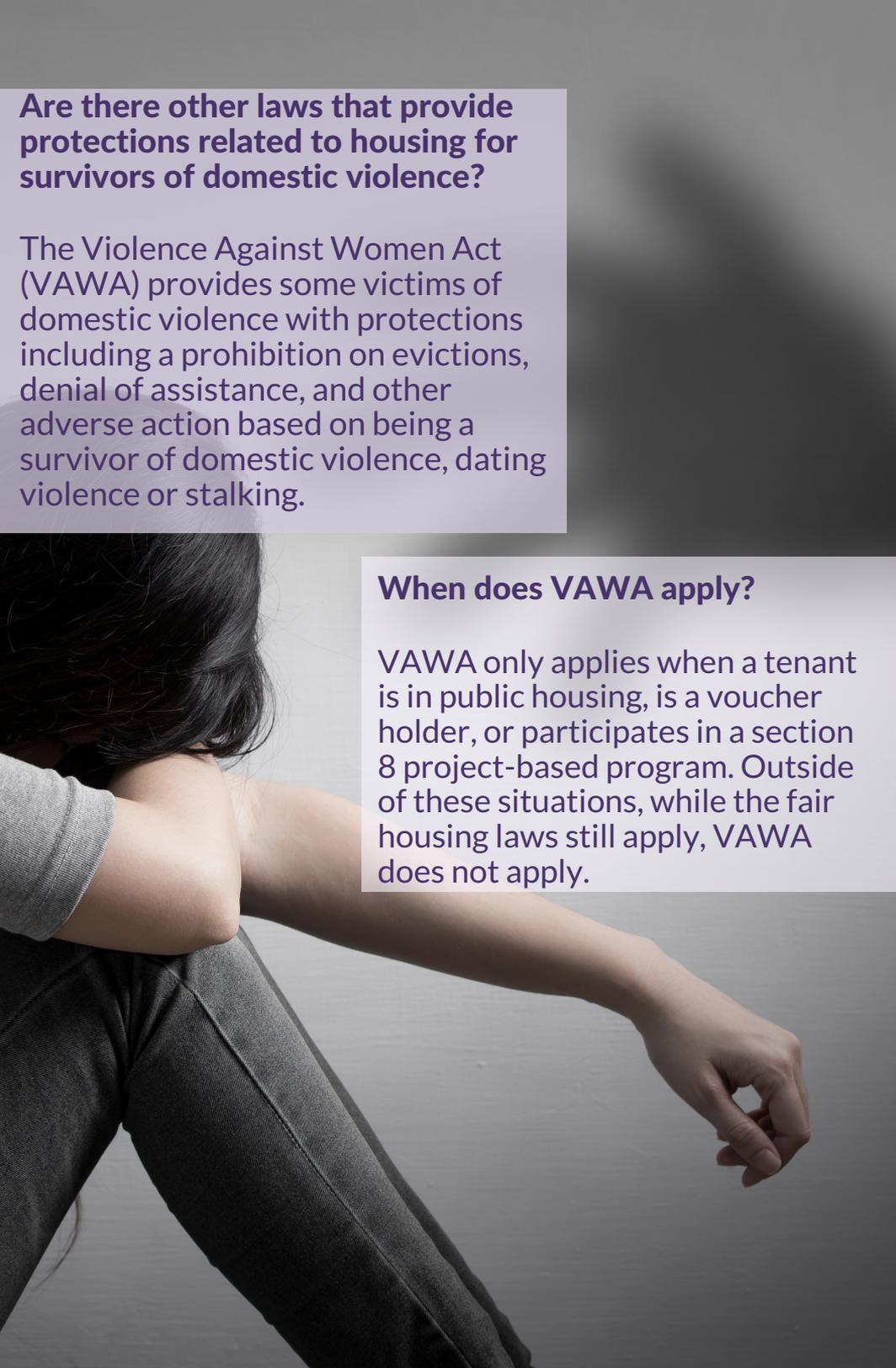
What are examples of housing providers treating survivors of domestic violence differently based on their gender or gender stereotypes?

Examples of discriminating against survivors of domestic violence base on gender or gendered stereotypes include: a landlord telling a female domestic violence victim that he does not accept women with a history of domestic violence as they always go back to men who abuse them, a landlord serving a tenant an eviction notice stating that since she is a woman incidents of violence would continue, or when a landlord applies rules unequally.

What are examples of rules that housing providers may have that would have a larger negative effect on survivors of domestic violence?

Zero-tolerance policies that require the eviction of the entire household due to the criminal activity of one member of the household may have a larger negative effect on survivors of domestic violence. These policies may be illegal under fair housing law because female tenants are more likely to report and endure incidents of domestic violence and be evicted.





Are there other laws that provide protections related to housing for survivors of domestic violence?

The Violence Against Women Act (VAWA) provides some victims of domestic violence with protections including a prohibition on evictions, denial of assistance, and other adverse action based on being a survivor of domestic violence, dating violence or stalking.

When does VAWA apply?

VAWA only applies when a tenant is in public housing, is a voucher holder, or participates in a section 8 project-based program. Outside of these situations, while the fair housing laws still apply, VAWA does not apply.

When VAWA applies, can a housing provider request certification from a tenant showing that he/she are victim of domestic violence, dating violence, stalking or other threatened or actual abuse?

A housing provider may require a tenant to present third-party documentation of the abuse, including court records, police reports or documentation assigned by an employee, agent or volunteer of a victim service provider, and attorney or a medical professional from whom the victim has sought assistance in addressing the effects of the abuse. If these documents are not shown, then the protections under VAWA may not apply.



What other relief is available for a survivor of domestic violence under VAWA?



In addition, from protection against eviction based on acts of domestic violence, tenants covered by VAWA, may also ask for a transfer to another unit and ask the housing provider to change their lease so that the abuser can be evicted and the survivor can keep their housing.

What practical steps can a survivor of domestic violence take to preserve their housing?

First, it is important to have a safety plan. This safety plan may include informing your housing provider of your rights as a survivor and exploring your legal options. Project Sentinel assists survivors of domestic violence on these matters.



Project Sentinel's Service Area

Project Sentinel is able to provide assistance over the phone or at one of our many regional offices. We provide assistance to individuals who experience housing discrimination in the following geographic areas:

Santa Clara County
San Mateo County
Stanislaus County
Sacramento County
City of West Sacramento
City of Fremont
City of Merced
City of Roseville

CONTACT

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This material is based on work supported by the Department of Housing and Urban Development (HUD) under FHIP Grant FEOI120037"

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