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## FAIR HOUSING AND DOMESTIC VIOLENCE AND ASSAULT

### FACT SHEET # 6

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The Violence Against Women Act (VAWA) was signed into law in 1994 and was groundbreaking legislation which addressed the issue of violence against women. In 2000 and 2005, the law was reauthorized and given additional power to protect a woman's rights when a victim of domestic violence, dating violence, sexual assault and stalking. The reauthorization was the result of increasing numbers of such reported violence. Survivors frequently suffered the "double victimization" of housing discrimination when landlords evicted or refused to rent to them because of "zero tolerance" policies on disturbing the peace, calls to police or violence committed by a member of the household or guest (whether authorized or not).

As the Department of Housing and Urban Development stated in a 2011 memorandum, "85% of victims of domestic violence are women. In 2009, women were about five times as likely as men to experience domestic violence." Women who belong to other protected classes, especially Black and Native American women, face domestic violence at rates significantly higher than those of White women. These statistics show how "zero tolerance" policies have a disparate impact on women, particularly women of color. **A disparate impact means that even if a landlord does not intend to discriminate against women, the landlord's actions are still harmful to women as a group while they do not have the same harmful effect on men as a group.** A person who is denied housing or evicted because she is a survivor of a domestic violence can be a victim of discrimination under the Fair Housing Act.

North Dakota Century Code 47-07.1 provides a mechanism to terminate a rental lease early due to domestic abuse. A tenant terminating a lease under this section is responsible for the rent payment for the full month in which the tenancy terminates and an additional

amount equal to one month's rent, subject to the landlord's duty to mitigate. The tenant is relieved of any other contractual obligation for payment of rent or any other charges for the remaining term of the lease, except as provided in this section.

Housing providers who assume that renting to a victim of domestic violence will be a threat to the health and safety of other tenants risk a fair housing violation. For example, a landlord refuses to rent to a female domestic violence victim yet rents to other victims of crime could be accused of discrimination.

Housing providers should also **not evict tenants for police calls for health and safety reasons or when police activity or arrests occur because of being a victim of domestic violence or assault.** For instance, a victim of domestic violence may have been arrested when s/he contacted the police for help because s/he was forced to fight back against her abuser in self defense. Evicting due to police calls could be gender discrimination in housing because women in domestic violence situations would be a primary source of police contact in those situations. If a victim fears s/he will be evicted for reporting domestic violence, s/he is more likely to keep the abuse a secret and not seek assistance. In regard to charging victims for damage caused by the abuser, housing providers should proceed with caution because it could be a fair housing violation if shown to have a disparate impact due to gender or if only charged in a domestic violence situation versus damage caused by other acts of crime which are not charged to those victims.

According to HUD, in Section 8, Section 811, Rural Development and other federal housing, "being a victim of domestic violence, dating violence, or stalking is not a basis for denial of assistance. [...] Further, incidents or

threats of abuse will not be construed as serious or repeated violation of the lease or as other 'good cause' for termination of the assistance, tenancy, or occupancy rights of a victim of abuse." Landlords and management may request documentation that incidents were domestic abuse, "but tenants may present third-party documentation of the abuse, including court records, police reports, or documentation signed by an employee, agent, or volunteer of a victim service partner, an attorney, or a medical professional from whom the victim has sought assistance" to ensure protection of housing rights under the VAWA provisions.

### **WAYS HOUSING PROVIDERS CAN ASSIST VICTIMS OF DOMESTIC VIOLENCE**

- Make sure property is well-lit, safe and secure. Complete repairs that may pose a safety issue, such as broken windows and locks, in a timely manner.
- Acknowledge domestic violence protection orders and help to enforce them. Exclude the violent person from the premises. Assist in the pressing of criminal charges.
- Do not publish victim's addresses in newsletters or

give out information to anyone without a release from the tenant. Recognize that domestic violence is not a lease violation.

### **SIGNIFICANT FAIR HOUSING CASES INVOLVING DOMESTIC ABUSE OR ASSAULT**

- Alvera et al v. C.B.M. et al (Oregon)
- Bouley v. Young-Sanbourin (Vermont)
- Warren v. Ypsilanti Housing Commission (Michigan)
- ACLU v. St. Louis Housing Authority (Missouri)
- Blackwell v. Urban Property Management (Colorado)
- ACLU v. Northend Village (Michigan)

If you want more information on fair housing or pursuing your fair housing rights when a victim of violence, contact HPFHC. If you have questions about domestic violence or suspect someone may be a victim, please contact the North Dakota Coalition Against Domestic Violence at 1-888-255-6240 or the National Domestic Violence Hotline at 1-800-799-SAFE for assistance.

***The mission of the High Plains Fair Housing Center is to strengthen communities and to ensure equal access to fair housing in the region through training, education, enforcement and advocacy. For more information please contact:***

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