

The Rights of Domestic and Sexual Violence Victims Applying for and Living in Federally Assisted Housing

1. What is VAWA?

The Violence Against Women Act (VAWA) is a law that protects victims and threatened victims of domestic violence, dating violence, sexual assault, and stalking from being discriminated against by certain housing providers because of the abuse committed against them.

2. Am I covered by VAWA's housing protections?

VAWA protects victims and threatened victims of domestic violence, dating violence, sexual assault, and stalking. You don't have to be married to or living with the abuser to be protected by VAWA.

VAWA applies to you if you are applying for or are a tenant in any of these programs:

- Public housing;
- Section 8 Housing Choice Voucher program;
- Section 8 project-based housing;
- Section 202 housing for the elderly;
- Section 811 housing for the disabled;
- Section 236 multifamily rental housing;
- Section 221(d)(3) Below Market Interest Rate;
- HOME;
- Housing Opportunities for Persons with AIDS (HOPWA);
- Housing Trust Fund;
- McKinney-Vento Act homeless programs;
- Rural Development multifamily housing; and
- Low-Income Housing Tax Credit (LIHTC) housing.

3. Does VAWA apply to private, market-rate housing?

No. VAWA does NOT cover private housing that does not receive federal assistance. The rights described in this flyer apply only to the above-listed federal housing programs. However, there may be laws in your state or city/town/county that protect victims in market-rate housing. You can contact your local legal aid office or domestic and sexual violence agency to see if there are state and local laws that protect you.

4. How does VAWA protect me?

If you are a victim of domestic violence, dating violence, sexual assault, or stalking:

- You can't be denied admission or federal rental assistance just because you are or have been a victim or a threatened victim.
- You can't be evicted or lose your federal rental assistance just because you are or have been a victim or a threatened victim.
- You can't be denied admission or rental assistance, evicted, or lose your subsidy for reasons related to the abuse, such as bad credit history and criminal history.

5. What if I need to get the abuser out of the home?

If someone living in your home uses violence against you, the housing authority or your landlord may evict the abuser, and let you, your family, and other household members stay in the home. If you are not listed as head of household or your name is not on the rental assistance, then you generally have 90 days or until the end of the lease to establish eligibility for that subsidy or another housing subsidy, or to find new housing.

6. What if I need to move to escape the abuse?

If you have a Section 8 voucher, you can move for reasons related to the abuse and keep your voucher — even if your lease has not ended.

Housing authorities and landlords must adopt emergency transfer plans by June 14, 2017 that allow transfers to other federally assisted housing that is available and safe. You are allowed to transfer if you ask your landlord and reasonably believe you are about to be hurt by more abuse, or if you have been a victim of sexual assault that occurred on the property up to 90 days before the request. If your landlord does not have an emergency transfer plan, contact your local legal aid office or domestic and sexual violence agency.

7. How do I prove that I can use VAWA's protections?

The housing authority or your landlord may ask for documentation showing that you are a victim of domestic violence, dating violence, sexual assault, or stalking. The housing provider must make this request in writing. There are three ways to show that you are a victim:

1. Complete a self-certification form. The form will ask for: your name; name of your abuser (if known and safe to provide); abuser's relationship to you; the date, time and place of the violence; and a description of the violence. To get the form, call the housing authority or a legal aid office.
2. Provide a letter signed by a victim service provider (such as a domestic or sexual violence counselor), attorney, or a medical or mental health professional who has helped you with the abuse. You must also sign this letter.
3. Provide a police report, court record (such as a protective or restraining order), or administrative record.

You can pick any of these choices. Unless the abuser also produces similar proof, a landlord cannot make you choose any particular kind of proof or more than one type. The landlord must give you at least 14 business days (weekends and holidays do not count) to provide proof of the violence.

8. What happens if the abuser also submits a certification claiming that he or she is a victim?

If the landlord receives proof from the abuser claiming that they are the victim, then the landlord may require you to submit additional proof to show that you are a victim.

9. Can a landlord share the information I provide about the abuse with others?

No, except in limited cases. The housing authority or landlord cannot give the information you provide about the abuse to others. The information may be shared only if you agree in writing, if it is needed to evict the abuser from the housing, or if the disclosure is required by law.

10. Does this mean that a victim of domestic violence, dating violence, sexual assault, or stalking cannot be evicted at all?

No. You can still be evicted for serious or repeated lease violations that aren't related to the abuse. The housing authority or landlord must hold you to the same standard as other tenants. The landlord also may be able to evict if there is a real and immediate threat to other tenants if you are not evicted. **If you receive any type of eviction notice, call a legal aid office immediately.**

11. Is the housing authority or landlord required to tell me about VAWA's housing protections?

Yes. VAWA requires each housing authority or landlord to tell all applicants and tenants of VAWA's housing protections. The notice must be given along with the VAWA self-certification form mentioned in Question 7 at the time an applicant is denied housing or assistance, at the time an applicant is admitted to housing, or when a tenant is notified of eviction or termination. This notice must be in multiple languages.

12. How does VAWA affect other state or local laws that might protect me?

VAWA is a federal law. However, it does not impact state or local laws that provide more protections for victims of abuse.

13. Who can help me?

Contact an attorney, domestic violence agency, or fair housing agency to see if VAWA can help you.



Know Your Rights: Domestic and Sexual Violence and Federally Assisted Housing

The Violence Against Women Act

Are you a victim of domestic violence, dating violence, sexual assault, or stalking?

Do you live in federally assisted housing?

A law called VAWA, the Violence Against Women Act, may help you.

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