

Fair Housing during the COVID-19 Pandemic

Fair Housing, Domestic Violence and Sexual Harassment during COVID-19

Tenant: “I rent an apartment using a Section 8 voucher, and I live with my two children. I broke up with my abusive ex-boyfriend last year, and have serious PTSD from that relationship. Because of COVID-19, I’ve been home a lot more with my kids, and my ex-boyfriend comes here and harasses me. I’ve repeatedly told him not to come to the apartment, but he won’t listen. He bangs on my door and threatens me. My neighbors are also home more often because of the pandemic, and they have complained to the landlord, who has threatened to evict me. The landlord also makes me feel uncomfortable with his comments about my body, and he says I ‘could do better’ than my ex-boyfriend. He even said he’d promise not to evict me if I go out with him. I want my landlord to stop bothering me, and I want to feel safe in my home. What can I do?”

The law says: Survivors of intimate partner violence cannot be evicted because of the violence committed against them. There are many state and federal laws that protect the housing rights of victims of intimate partner violence, including fair housing laws. Though survivors of intimate partner violence are not a protected class under fair housing laws, a majority of survivors are female. Thus, a policy or practice of evicting victims of intimate partner violence may have a disparate impact on women and thus violate fair housing laws.

Fair housing laws also require landlords to make reasonable accommodations for people with disabilities, including mental health disabilities like PTSD, in order to allow them equal opportunity to use and enjoy housing. An accommodation is reasonable if it is necessary due to the disability, does not impose an undue burden on the landlord or fundamentally alter the landlord’s business, and does not pose a direct threat. Since your ex-boyfriend’s threats exacerbate your PTSD, you could ask your landlord to terminate your lease early, and ask the public housing authority (PHA) that administers your Section 8 voucher to relocate you on an urgent basis, as reasonable accommodations.

Fair housing laws also prohibit sexual harassment by housing providers, including landlords, toward their tenants. The fact that your landlord has made comments about your body and has offered not to evict you if you go out with him qualifies as sexual harassment. Sexual harassment claims can be difficult to prove, so it’s a good practice to keep notes of each incident, including the date and details of the conduct, and to save any proof you may have, such as text messages, emails, or verification from a third party who witnessed the harassment.

The Violence Against Women Act (VAWA), a federal law that applies to federal housing programs, also protects your right to relocate or, if you choose, to remain in your home. VAWA requires PHAs

to use leases that make it clear that domestic violence, dating violence, or stalking is not a good cause for evicting the victim of that violence. Despite its name, VAWA protects domestic violence survivors regardless of gender.

Additionally, California law prohibits landlords from terminating a tenancy based on an act against a tenant or a tenant's household member that constitutes domestic violence, stalking, human trafficking, or abuse of an elder or dependent adult.

What to do: You should inform the PHA and your landlord in writing that you are asserting your rights under fair housing laws, VAWA and other state and federal laws that protect survivors of domestic abuse so they know they may not evict you or terminate your housing assistance for something related to the domestic violence. If they request proof that you are a domestic violence survivor, you can provide them with a restraining order, police report, third-party verification, or a self-certification form you can get from the PHA.

Next steps will depend on whether you want to remain in your current unit or if you feel you'd be safer relocating. If you want to stay but are concerned about the sexual harassment from your landlord, you can tell your landlord to stop harassing you, if you feel safe to do so. You can also file a sexual harassment complaint against your landlord with HUD or the California Department of Fair Employment and Housing (DFEH). If you wish to take further action against your landlord regarding the harassment, you may have a claim for a lawsuit. You can contact local legal aid organizations or hire a private attorney to help you. Just remember to document all instances of harassment and keep any proof you have.

Given the harassment occurring from your landlord and the threats from your ex-boyfriend, you may wish to leave your unit. If that is the case, you can request an early lease termination as a reasonable accommodation from the landlord and the PHA due to your mental health disability. You can also request early lease termination under California law. You may also request that the PHA relocate you and allow you to keep your Section 8 voucher, as authorized by VAWA, and as a reasonable accommodation to your disability. You may also request that the PHA move you based on the sexual harassment from your landlord, and file a complaint with them regarding the harassment. As indicated above, you can also file sexual harassment complaints against your landlord with HUD or DFEH, or take action to sue your landlord.

If the landlord or PHA serve you an eviction or termination notice, contact a legal aid organization or attorney to help defend you. If the landlord or PHA denies your reasonable accommodation requests or does not respond to them, you may file a complaint with a local fair housing agency, DFEH, or HUD.

To file a complaint with HUD, call 800-669-9777, or visit www.hud.gov/program_offices/fair_housing_equal_opportunity/complaint-process

To file a complaint with DFEH, call 800-884-1684, or visit www.dfeh.ca.gov/complaint-process/file-a-complaint/

Fair housing laws prohibit discrimination in housing based on the following characteristics: race, religion, national origin, color, sex, familial status, disability, marital status,* ancestry,* sexual orientation,* gender identity,* gender expression,* genetic information,* and source of income.*

*Covered under California law, but not federal law. (For most housing, California laws also prohibit discrimination on the basis of citizenship, immigration status and primary language.)



Sexual harassment by a housing provider is a violation of fair housing law.

Learn more in [this video](#) from the [National Fair Housing Alliance](#).

For more information, contact:

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Mental Health Advocacy Services is a nonprofit organization protecting and advancing the legal rights of people with mental health disabilities.

Disclaimer: This publication is for educational purposes only and does not constitute legal advice. If you have a legal question, please contact Mental Health Advocacy Services, your local fair housing organization, or another attorney of your choice.

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