



Fair Housing:  
It's the Law!

## FAIR HOUSING TIP OF THE MONTH

### PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)



#### **IF YOU ARE A SURVIVOR OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, YOU HAVE OPTIONS:**

The Violence Against Women Act (VAWA) provides a set of federal protections for any person who is a current victim or who has previously been the victim of domestic violence, dating violence, sexual assault, or stalking. These policies apply regardless of the sex, sexual orientation, or gender identity of the individual seeking help, and there is no requirement that you be married to, related to, or living with the perpetrator. If you are a survivor and you live in federally subsidized housing – including if you use a Section 8 Housing Choice Voucher – you are protected under VAWA.

This tip will cover several useful protections, but there are many more protections available under VAWA than we can cover here. You can find a more detailed list of protections at the Housing and Urban Development's website:

#### **[HUD VAWA Protections](https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA)**

([https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/VAWA](https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA))

In this tip, we will cover three VAWA policies:

- Confidentiality
- Emergency Transfers
- Lease Bifurcations (Splitting a Lease)

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## CONFIDENTIALITY:

To take advantage of the protections available under VAWA, you may need to reveal sensitive information such as your status as a victim of abuse. This can be scary, but you should know that housing providers are required to keep your information confidential for VAWA requests. Housing providers can only release information when required under federal, state, or local law.

## EMERGENCY TRANSFERS:

VAWA provides the option to move out of your current residence if you have suffered abuse. This can take the form of moving to another apartment within your current building or moving to another property entirely. To qualify for an emergency transfer, you must meet two requirements:

- 1) **You must request a transfer.** This may seem obvious, but it is a very important step. The transfer process requires that the tenant explicitly request an emergency transfer.
- 2) **Harm has occurred or will occur in the near future.** This can take two forms:

**There is a threat of imminent harm.** In other words, you reasonably believe that violence may occur if you stay in your current apartment or residence.

or

**A sexual assault occurred within 90 days before the request to transfer.** The sexual assault also must have occurred at the location you reside (for example, in the building where you live).

If you qualify, you may transfer to a safe unit as soon as it becomes available. If no safe unit is immediately available, you can transfer to a unit not managed by your current housing provider. A safe unit is one that you believe to be safe.

## LEASE BIFURCATIONS (SPLITTING A LEASE):

If someone in your household has been the victim of domestic violence, dating violence, sexual assault or stalking, VAWA allows a housing provider to remove them from the lease or housing voucher without penalizing the victims or other tenants. For example, if your partner is abusing you, your housing provider can have them removed from the lease without evicting you—even if your partner was the one who signed the lease.

After the abuser is removed, the victim or other tenants must be given time to either find alternative housing or to show that they are eligible for the same housing assistance. This time can vary depending on the program, but VAWA generally provides a 90-day window.

In those 90 days, you can either:

- a. Show that you are eligible for the same housing program and stay in the residence.
- b. Show that you are eligible for another housing program which allows you to stay in the residence.
- c. Find an alternative housing option.

Many housing providers have the option to extend this period by an extra 60 days.

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## **IF YOU ARE CURRENTLY SUFFERING ABUSE, DON'T WAIT!** **PLEASE SEEK HELP.**

If you are in danger, please call 911 or a national hotline like the ones below:

**National Domestic Violence Hotline**

1-800-799-SAFE (7233)

TTY: 1-800-787-3224

Text "START" to 88788

**National Sexual Assault Hotline**

1-800-656-HOPE (4673)

HUD also has a list of hotlines and other resources on its website here:

**[HUD VAWA Resources](https://www.hud.gov/vawa)**

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If you think that the protections we discussed may be applicable to you, or if you have other housing issues that may fall under VAWA, you can file a VAWA related complaint with HUD's Office of Fair Housing and Equal Opportunity.

Federal fair housing laws also prohibit discrimination in housing based on the following characteristics: race, religion, national origin, color, sex, familial status, and disability. To file a complaint with HUD, call 800-669-9777, or visit their complaint site here:

**[HUD: File a Complaint](https://www.hud.gov/fairhousing/fileacomplaint)**

(<https://www.hud.gov/fairhousing/fileacomplaint>)

## **NEED MORE HELP?**

You can reach out to a legal aid organization for assistance, such as Mental Health Advocacy Services, Inc. (MHAS). We have experience aiding our clients in contacting prospective landlords regarding housing discrimination. If you have a mental health disability, we may be able to assist you. You can reach the MHAS offices by phone at 213-389-2077 (TTY: 800-735-2929) or by email at [info@mhas-la.org](mailto:info@mhas-la.org).

Please note that the information provided here is meant to help, but it is not a replacement for legal advice and counsel. If you have any questions about your legal situation, **we strongly encourage you to reach out to a legal expert.**

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