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ADDRESSING BARRIERS TO HOUSING FOR WOMEN
SURVIVORS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT

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INTRODUCTION

The effects and consequences of domestic violence and sexual assault go beyond physical, mental, and emotional abuse. In the United States, domestic violence -- including intimate partner violence, sexual assault, and stalking -- is a major cause of homelessness, specifically for women and children.¹ There are an estimated 1.3 million female victims of intimate partner violence per year.² Due to a lack of permanent, affordable, and safer housing, many of these women are forced to return to their abusive partners, or else face homelessness.³

The picture of homelessness and domestic violence and sexual assault becomes more complicated when race, gender, economic status, and immigration status are factored into the equation. Women standing at the intersections of poverty, race, disability, sexual preference, gender, and undocumented immigration status have fewer options for affordable housing, face more housing discrimination, and are evicted at much higher rates than men and white women. Studies and statistics show, for example, that low-income women of all races are evicted at much higher rates than men, while black and Hispanic women tend to be overrepresented in court-ordered evictions.⁴ Poor black and Hispanic men tend to be “locked up,” while poor, black and Hispanic women tend to be “locked out.”⁵

In particular, Philadelphia was named 2014's poorest major city in the country with a deep-poverty rate of 12.2% (almost twice the national deep-poverty rate of 6.3%).⁶ On any given day, there are approximately 6,500 homeless people in the city, the majority of whom are young, black, single mothers and their children.⁷ For these women, domestic violence or sexual assault are some of the main reasons for their homelessness.⁸ Additionally, many of these families are former residents of subsidized housing,⁹ which makes their housing situations particularly difficult to resolve. Domestic violence and sexual assault, and all of their collateral consequences -- i.e. bad credit scores, criminal records, and previous evictions connected to the domestic violence -- can be particularly harmful to survivors; they cause ineligibility for subsidized housing and other governmental assistance, barring individuals from housing on the private market, and causing further housing instability.¹⁰

The consequences of domestic violence and sexual assault in the affordable housing context show up in a number of ways. These can include lengthy application waitlists, denial of admission to affordable or public housing due to eviction, bad credit, criminal records, being evicted as a result of noise disturbances, and fleeing abuse.¹¹ Because one tactic used by abusers is the manipulation of finances or withholding funds as a means of control, a victim “often lack[s] steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.”¹²

Congress recognized the various, often hidden, ways that domestic violence and sexual assault can show up in the housing context. In response to the unique needs of families experiencing domestic violence, Congress reauthorized the federal Violence Against Women Act (VAWA) in 2005, in order to implement and then expand protections to victims of domestic violence living in subsidized housing.¹³ The act, expanded again in 2013, maintains its original protections, and provides additional legal tools and protections to ensure that domestic violence and sexual assault survivors are not further penalized for the violence they have *325 suffered.¹⁴ VAWA prohibits housing authorities, landlords, and owners of most subsidized housing programs from using a prospective or current tenant's status as a domestic or sexual assault survivor as a basis for eviction, program termination, or denial of admission.¹⁵ VAWA 2013 expands VAWA 2005 to cover most subsidized housing programs administered by HUD, the USDA, and the Treasury.¹⁶ The most common types of housing programs include public housing,¹⁷ the Housing Choice Voucher Program,¹⁸ and Section 8 Project-Based housing.¹⁹ VAWA's protections were also expanded. They now include victims of sexual assault, in addition to victims of domestic violence, dating violence, and stalking, and the protections further cover lesbian, gay, bisexual, transgendered, and undocumented individuals.²⁰ VAWA also extends coverage to other lawful household members.²¹

Although VAWA's protections do not apply to private housing, other state and city laws have emerged over the past several years to protect private housing tenants in addition to subsidized tenants. For instance, § 9-804 of the Philadelphia Code makes it unlawful for a landlord to terminate a lease or retaliate for incidents of domestic violence and sexual assault.²² Pennsylvania House Bill 1796, recently signed into law, invalidates “nuisance orders” in lease agreements throughout Pennsylvania.²³

Part I will explore the collateral consequences of domestic violence and sexual assault in the housing context, and review applicable federal, state, and city housing laws and housing policies aimed at protecting the rights of domestic violence survivors to secure affordable housing, using case scenarios to demonstrate real-life applications of domestic and sexual violence laws and protections. Although this article gives a general overview of federal protections for survivors, such as VAWA, it will focus specifically on examples of Pennsylvania and Philadelphia statutes regarding landlord-tenant law, domestic violence, and sexual assault. It will *326 also focus on Philadelphia-specific practice tips for addressing and reducing housing barriers for survivors.

Adopting and complying with laws and policies that explicitly protect survivors from housing discrimination on the basis of their survivor status is only one effective means of reducing the risk of housing discrimination and instability. Above and beyond mere compliance with legal mandates on survivor protections, housing authorities, landlords, housing advocates, and domestic violence and sexual assault advocates can take further steps to create and advocate for housing policies that will ensure survivors do not become homeless as a result of domestic violence and sexual assault. Part II will review policy options, best practices, and advocacy strategies that can be employed to further reduce the barriers between victims affected by domestic and sexual violence and safe, affordable, and stable housing for them and their families.

I. BARRIERS TO -- AND PROTECTIONS FOR -- SAFE, AFFORDABLE HOUSING

In 2012, there were approximately 107,000 reports filed by the Philadelphia Police Department for domestic violence incidents, 5,500 domestic violence-related arrests, 12,000 petitions for Protection From Abuse Orders, and 8,500 calls to the Philadelphia Domestic Violence Hotline for assistance with domestic violence issues.²⁴ National statistics show that black women are among the groups that experience rape more than any other group and are also the least likely to report these crimes due to cultural beliefs, stigma, or fears of re-victimization by the criminal justice system.²⁵ Although poverty and homelessness can impact all races and backgrounds, Black and Hispanic single mothers and children are disproportionately impacted by poverty. Compared with a citywide poverty rate of twenty-seven percent, thirty-one percent of African Americans, forty-one percent of Hispanics, half of single mothers, and one in three children live in poverty in Philadelphia.²⁶ In a city that has a low number of domestic violence shelter beds in proportion to its population, and where, on an average night, “250 homeless individuals self-

report as victims of domestic violence,”²⁷ the need for services and policies for domestic violence and sexual assault victims, particularly those living in poverty, is dire.

The statistics of Philadelphia's poor, homeless, and abused visibly overlaps with the population of approximately 80,000 individuals living in subsidized housing; for instance, the Philadelphia Housing Authority alone (“PHA”)²⁸ served *327 roughly 31,000 public housing and housing choice voucher households in 2014.²⁹ The issue of evictions and subsequent bars from subsidized and affordable housing for domestic violence and sexual assault survivors then becomes particularly critical. Domestic violence and sexual assault victims are among the most likely to be evicted, to face subsequent discrimination in looking for stable, affordable housing, and are the least likely to be able to afford market value rent.³⁰ A study by the National Low Income Housing Coalition, for example, shows that in Pennsylvania, a minimum wage worker must work an average of ninety-six hours per week in order to afford a two-bedroom rental unit at fair market rent without paying more than thirty percent of her income.³¹

Many survivors are already starting at a disadvantage when applying for housing. With limited options for private housing, they may be forced to apply for subsidized housing and often must wait anywhere from several months to several years before their names come up on the waitlist.³² Survivors remain in danger, often needing to relocate or change phone numbers either due to financial circumstances or fleeing abuse, while waiting for their names to move up on the waitlist.³³ If the housing agency or provider has tried to contact the survivor and cannot reach her, the survivor's name may be purged from the list, often without her knowing.³⁴ If the survivor is fortunate to have her name come up on the list, she then has to successfully make it through the admissions process.³⁵

A. Admissions and Eligibility

*Tonya has applied for admission to Philadelphia Housing Authority Public Housing and Housing Choice Voucher Program, when her name comes up on the public housing list in 2015. Her criminal record includes a 1998 conviction for aggravated assault. One night in 1998, Tonya's abusive boyfriend came home drunk and violent. Tonya was in the kitchen with her two children, and fearing for their lives as well as hers, she used a kitchen knife to defend herself. Tonya's mother called an ambulance. Tonya was arrested and convicted, while the abusive boyfriend went home from the hospital a few hours later. Tonya was evicted from the apartment in 2008 based on disturbances and damages to the unit from the *328 fight, so there is a judgment against her for \$2000 and an eviction on her record. Although Tonya attended counseling for domestic violence survivors at a local organization, there is no other documentation of her abuse.*

Previous evictions and criminal records can generally carry a stigma for women, as landlords will often turn down applicants who have previously been evicted or who fail a criminal background check.³⁶ Even where a person has only had an eviction complaint filed against her, and perhaps worked out an agreement or had the complaint withdrawn, complaints still exist in the court's public records and can form a basis for denial.³⁷ Similarly, a woman may only have an arrest on her record without an actual conviction, which is usually a basis for denial once discovered.³⁸

In subsidized and public housing in particular, Tonya's record, previous eviction, and judgment for \$2,000 would likely result in a denial of her application. Applications to public housing programs typically include applicant screening for debt, credit history, criminal records, and eviction history.³⁹ Although housing authorities and subsidized housing programs have some discretion to overlook some instances of negative history, there are many offenses and negative histories that will result in a “mandatory denial of admission.”⁴⁰

On the surface, many reasons that form the basis for denials of admission will not appear to be related to domestic or sexual violence. As noted in Tonya's case scenario, a survivor may have a criminal record because she defended herself or her children against her abuser, because someone called the police during the domestic violence incident, or because the abuser framed the victim as the initial aggressor.⁴¹ A victim may have a bad credit history and landlord-tenant money judgments against her because the abuser had control of the victim's finances, leaving her unable to pay her bills and rent, or because the abuser stole the victim's identity *329 and ruined her credit.⁴² A victim may also have lengthy eviction records due to breaking previous leases in order to escape abuse or having had damage done to her previous units because the abuser broke windows and doors, put holes in walls, or damaged other parts of the unit.⁴³ In some cases, even where the landlord is aware of the applicant's domestic violence history, survivors will still be denied admission. For example, a 2008 study in Washington, D.C. showed that, in sixty-five cases, test applicants looking for housing on behalf of, or posing as, domestic violence survivors were either outright denied admission or given harsher lease terms and conditions in comparison to a non-victim.⁴⁴

Under VAWA, a woman's status as a victim of domestic violence, sexual assault, dating violence, or stalking is not an appropriate basis for denial of admission or denial of housing assistance.⁴⁵ Therefore, a woman cannot be denied admission to Public Housing, Housing Choice Voucher Program, Low Income Tax Housing Credits, Project Based Housing, or denied eligibility for the Housing Choice Voucher Program for reasons related to domestic violence, sexual assault, dating violence, or stalking.⁴⁶ Landlords who are a part of the Housing Choice Voucher Program and who rent to Housing Choice Voucher Program tenants also cannot deny housing to a woman for reasons related to domestic violence, dating violence, or stalking.⁴⁷

Best practices mandate that housing authorities and Housing Choice Voucher Program landlords and owners inquire into the reasons behind negative aspects of a family's application for housing to see if they are related to domestic or sexual violence, rather than reject the application outright. If a survivor is denied admission on the basis of negative rental or credit history, the survivor should be given the opportunity to appeal the denial of admission and establish a connection between the negative history and her domestic violence or sexual assault victimization. Housing authorities, landlords, and owners covered by VAWA also have a duty to inform prospective and current tenants about VAWA protections and must include VAWA notices with their applications.⁴⁸

Although they are not required to ask for it, housing authorities, housing choice voucher landlords, and other covered housing program staff can give the survivor a written request for proof of the applicant's or tenant's victim status.⁴⁹ If *330 proof is requested, a victim must furnish documentation, in the form of a victim statement, police or court record, statement signed by certain professionals, or HUD-approved certification form within fourteen business days of the request.⁵⁰ If the documentation is not provided within that time frame, the landlord or property manager may uphold his or her admission decision or continue eviction or termination proceedings against an existing tenant who is invoking VAWA coverage. However, housing authorities, landlords, and property managers also have the discretion to extend the timeframe for submitting requested documentation.⁵¹ Any information provided under this request must be kept confidential and cannot be entered into a shared database or provided to any related entity.⁵²

If, such as in Tonya's case, the survivor does not have a court record or protection order, she can get signed documentation from the victim service provider that she saw for counseling or from an attorney who assisted her.⁵³ Tonya can also complete the HUD Domestic Violence Certification Form herself and submit it as a valid form of proof. The housing agency, landlord, manager, or owner must accept the minimum amount and type of proof that the woman has readily available.⁵⁴

B. Evictions and Terminations of Assistance

Linda moved into her Section 8 Project Based apartment after moving out of her abusive ex-boyfriend's apartment. A few months went by peacefully because he did not know where she was living. Linda came home one day to find that her door had been broken down, and someone had taken an ax to her furniture and the walls. Linda called the police, who came to her unit and took a police report. The police were able to trace the damage to Linda's ex-boyfriend. A few days later, Linda received a lease termination for criminal activity and charges for damages to the unit and, thirty days later she was served with an eviction complaint. Linda, having never received a VAWA notice with her lease agreement, moved out of the unit and into a shelter before the court date came up.

The issue of maintaining safe and stable housing for survivors once they obtain it can be just as challenging as getting them admitted into housing in the first place. Policies such as nuisance ordinances, which penalize survivors for calling emergency services too many times in one year, and federal “one-strike” laws, which allow public housing authorities to evict tenants on the basis of criminal activity committed by a tenant's family member or guest, are often improperly used to evict victims of domestic violence. For instance, a 2005 congressional study found that in 2004, legal service providers responded to over 150 eviction cases ^{*331} where domestic violence against the tenant was the cause for eviction and that nearly 100 clients were “denied housing because of their status as victims of domestic violence.”⁵⁵ From this study, Congress determined that “[w]omen and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.”⁵⁶

VAWA establishes clear exceptions to the federal “one-strike” criminal activity eviction rule established by Congress in the 1980s to reduce violent and drug-related criminal activity in subsidized housing. Actual or threatened criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking does not constitute a basis for eviction under the “one-strike” rule.⁵⁷ Incidents of actual or threatened domestic violence, sexual assault, dating violence, or stalking are not grounds for eviction, either as a “serious or repeated violation” of lease or as “good cause” for terminating assistance, tenancy, or occupancy rights of the victim or an immediate family member of the victim residing in a covered housing program.⁵⁸ Possible examples of protected incidents include damages to the unit and disturbances in the unit arising from the domestic violence situation.⁵⁹

Further, as noted in Part I, housing authorities, landlords, and owners covered by VAWA have a duty to inform prospective and current tenants about VAWA protections. Housing authorities must provide tenants with notice that incidents of domestic violence, sexual violence, dating violence, or stalking do not qualify as serious or repeated violations of the lease, and that criminal activity directly relating to domestic violence, dating violence, or stalking is not grounds for termination of tenancy.⁶⁰ Lease agreements, as well as the Housing Assistance Payment (HAP) contract between the housing authority and housing choice voucher landlord, must include notice of VAWA protections.⁶¹ A housing provider can seek to terminate assistance to or evict a victim if the provider can demonstrate an actual and imminent threat to other tenants or employees at the property if the ^{*332} tenant is not evicted or terminated from assistance.⁶² However, new VAWA provisions permit survivors to transfer to another covered housing program, if available, or be given a Housing Choice Voucher in lieu of transfer.⁶³

If Linda had been given proper notice of her rights under these circumstances, she could have presented a copy of the police report to the property manager to have the lease termination notice withdrawn. To recover the cost of the damages to Linda's unit, the apartment complex should have sued the abuser rather than Linda. Instead of filing an eviction complaint against her, the property manager could have allowed Linda to break her lease, giving her a reasonable amount of time to find another apartment and vacate her current unit. Finally, if the property manager maintains other Section 8 project-based sites, he or she should have offered Linda a transfer to another site.

C. Emergency Transfers, Lease Bifurcations, and Portability

Maria and her abusive husband James are both on the lease of their public housing apartment, along with their four kids. James is listed as Head of Household on the lease and Maria is co-head. Maria gets a Protection from Abuse order against James for

protection only; the order does not evict him from the property. Although James also works, he stops giving Maria money for rent and she is forced to pay the rent on her own, using only her income working part-time at McDonald's. Maria and James soon get a lease termination notice from the housing authority for falling behind on rent payments. Maria requests a domestic violence emergency transfer and is put on a waiting list after she provides a copy of her protection order to her manager.

There remain practical challenges in implementing those protections, even where it is evident that a tenant is a victim of domestic violence and where that tenant can clearly invoke VAWA protections. For instance, if a victim of domestic violence lives with her abuser and is seeking to get out of the relationship, it can be difficult to get out of the lease agreement itself, or to gather the necessary resources for the survivor to move out of the home and live on her own.⁶⁴ For survivors who are residents of subsidized housing, factors that are beyond their control, such as availability of an appropriate-sized unit and custody arrangements that determine unit size, can cause significant delays in getting them transferred into a new unit.⁶⁵ Having to re-determine eligibility in cases of lease bifurcation, or having to decide whether to evict or terminate assistance to the abuser or simply transfer him to another unit, also causes delays.⁶⁶ Paperwork and communication lapses between *333 housing departments processing different aspects of the transfer or lease bifurcation have had survivors waiting for transfers for over a year, many times while still having to live with their abusers.⁶⁷

Housing authorities, Housing Choice Voucher Program landlords, and other covered housing providers may bifurcate a lease in order to evict, remove, or terminate assistance to any tenant or lawful occupant engaging in criminal acts of physical violence against other household members: Thus, they can remove an abuser “without evicting, removing, terminating assistance to, or otherwise penalizing a survivor who is also a tenant or lawful occupant in the unit.”⁶⁸ If lease bifurcation occurs and the removed tenant was the sole tenant eligible to receive assistance, the remaining tenant must be provided with an opportunity to establish eligibility for the housing program.⁶⁹ If the remaining tenant is unable to establish eligibility to remain in the assisted unit or to continue receiving assistance, the landlord or manager must provide reasonable time to allow her to locate new housing.⁷⁰

In addition, the 2013 VAWA expansions provide a number of provisions that address emergency transfers specifically. The expanded protections mandate that the Office of Housing and Urban Development (HUD) adopt a model emergency transfer plan that is to be followed by public housing authorities, owners, and managers of subsidized housing.⁷¹ VAWA also gives the Secretary of HUD authority to “establish policies and procedures under which a victim requesting an emergency transfer under subsection (e) may receive, subject to the availability of tenant protection vouchers, assistance under § 8(o) of the United States Housing Act of 1937.”⁷² VAWA also provides that “reasonable confidentiality measures” must be taken to ensure that the public housing authority, owner, or manager will not release the location of the tenant's dwelling to the perpetrator.⁷³ VAWA and other federal regulations permit a survivor with a housing choice voucher to “port,” or transfer, the voucher to another jurisdiction, even during the middle of the lease term, if the survivor can prove that she is moving to protect her health and safety.⁷⁴

In Maria's case, PHA should investigate whether it has grounds to terminate assistance to James on the basis of criminal activity (in this case, abusing Maria) and then ask Maria whether or not she wants to continue living in the same unit with her protection order, or if she wants to be transferred to a new unit so that James does not know where she lives. If PHA cannot determine any grounds to evict James, it should seek to bifurcate the lease agreement so that either Maria or James can be moved to a separate unit. Assuming, for the sake of the case scenario, *334 that Maria will be able to gain custody of her children, PHA should then seek to transfer Maria into the first available four-bedroom unit. If no available four-bedroom units become available within thirty days, PHA should determine Maria's eligibility for the Housing Choice Voucher Program and process an emergency voucher for her. Once Maria gets her voucher, if she still has concerns that James will find out where in Philadelphia she lives, she can request to port the voucher to another jurisdiction.

Although victims of sexual assault and stalking deal with many of the same issues as victims of domestic and intimate partner violence -- such as being placed on long public housing waitlists, fear of reporting assaults, fear of eviction, and unsafe living conditions -- and are afforded the same protections as domestic violence victims,⁷⁵ cases of sexual assault and stalking can pose unique challenges to the emergency transfer process and other aspects of housing. In some cases, the attacker or stalker may be a stranger or the victim may have no relationship to him or her. In other cases, especially in the public housing context, the attacker or stalker may live in the area or even in the victim's building. This makes it difficult and sometimes even impossible for a victim to get a protection from abuse order because such orders are only given against spouses, parents, children, current or former sexual or intimate partners, and other family related by blood or marriage.⁷⁶ A protection order will not be issued against anyone else who may be threatening a victim, such as a neighbor, co-worker, or stranger.⁷⁷ Although a victim can file a criminal complaint against neighbors, co-workers, and strangers, she will not be able to file and serve a criminal complaint if she does not have the perpetrator's name or address.⁷⁸ Where an attack happens in or near the residence, sexual assault victims are often left even more vulnerable due to broken locks and broken windows, or have heightened fears of safety and trauma because they must continue to live where the attacks occurred.⁷⁹ In addition, if the victim flees to a shelter or temporarily relocates out of fear for her safety, she becomes at risk for losing her housing voucher or assistance.⁸⁰

***335** To help survivors of sexual assault and stalking maintain safe and stable housing, and in consideration of some of the unique circumstances involved with this particular form of victimization, housing authorities, landlords, and owners should give priority status to these individuals when they apply for subsidized housing or request transfers. As mandated by VAWA, housing authorities and subsidized housing programs should create mechanisms for immediate transfers and seek to reduce the wait times associated with transfers.

D. Private Housing Tenants

Nicole is a tenant in private housing in Philadelphia. After years of escalating abuse, Nicole finally decides to leave her husband. When she tells her husband, he goes into a rage and threatens to kill her and their three children if she leaves him. Nicole has seen enough of her husband's violence to know that he is serious. Nicole calls her landlord and explains the situation so that she can get out of her two-year lease early. Her landlord refuses to allow her to break the lease. That night Nicole's husband calls and threatens Nicole's life again. The next morning Nicole takes her children and moves to her mother's house in New Jersey. Her landlord sues her in landlord-tenant court for rent through the rest of the month and fails to return her security deposit.

Although VAWA can be a very useful tool in helping to protect victims of domestic violence seeking admission to, or living in, subsidized housing, it does not protect domestic violence, sexual assault, dating violence, or stalking victims who are applying to or living in private housing. There are no nationwide protections -- landlord-tenant law is a state law issue, and in many states, such protections are pending or simply do not exist; however, some states and cities have enacted laws meant to help protect private tenants in domestic violence situations.⁸¹

For instance, Section 9-804 of the Philadelphia Code makes it unlawful for a landlord to discriminate against, terminate a lease agreement with, or otherwise retaliate against, a tenant for incidents of domestic violence and sexual assault.⁸² ***336** The ordinance also gives a survivor the affirmative right to terminate the lease agreement, regardless of the lease term and without penalty for early termination.⁸³ A request for early lease termination must be made in writing within ninety days of reporting a domestic violence or sexual assault incident or receiving a protection from abuse order, and within thirty days of the requested termination date.⁸⁴ At the time that the written request is made, the tenant must also provide a protection from abuse order; police report; or written certification from a health care professional, professional guidance counselor, or a victim's services organization stating that the tenant sought assistance as a victim of domestic violence or sexual assault.⁸⁵ Similar to VAWA, the Philadelphia Ordinance also provides that if the abuser or perpetrator of the domestic violence or sexual assault is a co-

tenant, the owner, landlord, agent or other person operating or managing the premises may, upon the victim's request, bifurcate the lease in order to evict the abuser while allowing the victim to remain in the premises.⁸⁶

In October 2014, the Pennsylvania General Assembly approved House Bill 1796,⁸⁷ legislation that negates “nuisance ordinance” provisions that penalize survivors of domestic violence, sexual assault, and other victims of interpersonal violence for calling police multiple times.⁸⁸ Such ordinances were enforced in over thirty Pennsylvania municipalities, requiring landlords to evict tenants who make multiple calls for emergency services within a short period, typically three times within a year.⁸⁹ These ordinances had an especially large impact on survivors of violence, who were made to choose between keeping their housing and seeking help in situations of imminent danger or actual harm. The bill now prohibits landlords from penalizing tenants who are victims of abuse or crime for calling for police or emergency services too often, or for calling the police during the active commission of a crime or some other emergency.⁹⁰

The federal Fair Housing Act has also been successfully used by advocates to argue that discrimination against domestic violence victims in the private housing context constitutes a form of sex discrimination.⁹¹ The Fair Housing Act makes it unlawful to evict an individual on the basis of race, color, national origin, sex, disability, or familial status. Housing discrimination practices or policies against victims of domestic violence, sexual assault, stalking, and dating violence may constitute illegal sex discrimination because such practices are based on stereotypes about abused women or because the practices have a disparate impact on women in comparison to men.⁹² Based on these protections, private landlords cannot reject applications for tenancy or evict individuals due to past or current domestic violence.⁹³ Private landlords also cannot apply standards or requirements to domestic violence tenants that are not applied to other tenants in response to learning that a tenant is in an abusive relationship, such as demanding a higher security deposit or adding in additional lease provisions.⁹⁴ Tenants can also use the Fair Housing Act as an eviction defense under certain, narrow circumstances where there is clear evidence of sex discrimination or disparate impact.⁹⁵

A survivor can file a complaint with her HUD regional office or under the Fair Practices Ordinances of the Philadelphia Commission on Human Relations within one year of a discriminatory act if a survivor believes that she has been discriminated against in the private market due to her victim status.⁹⁶ If HUD finds reasonable cause to believe that discrimination has occurred after investigating the claim, it will bring the case before an Administrative Law Judge; or an attorney general may bring a federal suit in a pattern and practice case or when denial of rights raises an issue of importance to the general public.⁹⁷ Survivors can also file cases in federal or state court under the Fair Housing Act without filing a complaint with HUD first.⁹⁸ The case must be filed within two years of the discriminatory act.⁹⁹

The U.S. Supreme Court is currently poised to decide *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*,¹⁰⁰ a case that will determine whether the Fair Housing Act can continue to be applied to prohibit policies that have a discriminatory effect, regardless of whether they were adopted with a discriminatory intent.¹⁰¹ In an amicus brief joined by several other national organizations, the American Civil Liberties Union (ACLU) argues that a discriminatory impact standard is both consistent with Congressional intent and necessary to address critical and current issues such as persistent discrimination against women and minorities.¹⁰² The amicus brief further argues that disparate impact analysis is a crucial tool for preserving housing and enhancing the safety of domestic and sexual violence survivors that would otherwise be threatened by facially neutral policies that in fact discriminate against victims.¹⁰³ Without this important legal protection, many domestic violence survivors trying to access or maintain private housing will be left without remedies when facing discriminatory housing denials, or will be forced to make choices between calling for help and keeping their homes.

II. ADVOCACY STRATEGIES AND TIPS FOR REDUCING BARRIERS TO SAFE, AFFORDABLE HOUSING FOR SURVIVORS

As the previous part demonstrated, VAWA sets out the lowest standards of protections for victims living in subsidized housing: many states, such as Pennsylvania, and local jurisdictions, including Philadelphia, are developing laws that include added protections that supersede VAWA protections.¹⁰⁴ Most public housing authorities, for instance, “have the flexibility to implement programs and policies to provide protections to victims . . . beyond those required by [VAWA] to help ensure that victims of domestic violence do not become homeless as a result of being a victim of domestic violence.”¹⁰⁵ HUD encourages housing authorities to adopt admission preferences for survivors in order to facilitate quicker access to safe housing.¹⁰⁶ It also encourages housing authorities to establish collaborative partnerships with community partners and service providers that can help them recognize and respond to domestic violence situations; to establish collaborative partnerships with service providers to address safety and housing needs; and to adopt clear transfer policies and other procedures that allow victims to maintain safe and affordable housing.¹⁰⁷

Several housing authorities have already taken the initiative to adopt policies that provide more coverage than is mandated by VAWA. The Boston Housing Authority, for example, recently proposed an amendment to its Admissions and Continued Occupancy Policy (ACOP), which would provide that certain domestic violence victims could qualify for administrative transfers.¹⁰⁸ In Chicago, they have designated specific staff within the housing authority who deal with transfers, including one designated attorney in the general counsel's office -- a former prosecutor who prosecuted domestic violence cases -- with key staff having all undergone a forty hour domestic violence training.¹⁰⁹ The Philadelphia Housing Authority has taken similar measures, designating key admissions staff and legal *339 counsel as domestic violence liaisons, and requiring staff trainings on domestic violence and sexual assault.¹¹⁰ The Stable Families Program initiative is a partnership between the Housing Authority of the City of Bridgeport, Connecticut and the New Haven Housing Authority, which offers case management, emergency financial assistance crisis intervention, and other supportive services to families in crisis.¹¹¹ As part of this program, the two housing authorities have negotiated a victim exchange emergency transfer process to allow victims escaping domestic violence to transfer between the two cities.¹¹²

In addition to designating liaisons, prioritizing waitlists, and creating emergency transfer policies for survivors, housing authorities must also take further steps to ensure that emergency transfer policies are institutionalized and implemented at all levels of the agency. Given the high turnover rate of employees at many housing authorities, it is imperative that emergency transfer policies and procedures be put in place so future employees are aware of what they must do when such requests are made. Such procedures include employee desk manuals and forms used to process transfers.¹¹³ Housing agencies should also take measures to shorten transfer wait times, and to give survivors specific timeframes on when they can expect to be transferred. Without consistent and reliable timeframes, a tenant is unable to know how the emergency transfer process will differ from any other request for a transfer.

Several years ago, Community Legal Services of Philadelphia (CLS) and Women Against Abuse (“WAA”), Philadelphia's leading domestic violence advocate and service provider, worked collaboratively to develop and propose emergency transfer policies for domestic violence and sexual assault survivors living in Philadelphia Housing Authority (PHA).¹¹⁴ Its policies for public housing and the voucher choice housing program, while compliant with VAWA 2005, did not include an emergency transfer policy that specifically referenced the practical issues that victims of domestic violence, dating violence, stalking, and sexual assault face when trying to maintain their safety and housing.¹¹⁵ While PHA's internal transfer forms did include “domestic violence” as a reason for requesting a *340 transfer under an emergency public safety transfer, CLS and WAA thought that there could be more specific information regarding required documentation, process, and timeframe.¹¹⁶ In addition, CLS and WAA perceived a lack of clarity regarding what documentation the victim needed to provide in order to initiate the transfer, while advocates and victims were being told that transfers would take up to five years. After WAA and

CLS presented the proposed emergency transfer policy to PHA, the three organizations began to meet monthly to review the status of survivors on the emergency transfer waitlist, revise internal forms and manuals to be consistent with the proposed policy, and to develop resources for managers and housing authority staff for assisting survivors.¹¹⁷

PHA's Board of Commissioners passed a resolution on June 19, 2014 to amend PHA's policy for public housing and the housing choice voucher program, updating it to incorporate the requirements of VAWA 2013.¹¹⁸ The policies now explicitly permit PHA to provide an emergency transfer to the aforementioned individuals if "the tenant expressly requests the transfer, and the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains in the unit."¹¹⁹ The newly revised transfer policy has already proven to be more effective than a less specific policy.¹²⁰ While the three organizations continue to work together to ensure consistency and address any issues regarding implementation as they arise, the revised policies are a step in the right direction towards protecting victims of violence living in public housing or participating in the housing choice voucher programs.¹²¹

For survivors without access to subsidized housing for reasons of ineligibility or waitlist times, access to and availability of safe and affordable private housing, and the maintenance of that housing once achieved, is integral. There should be state and city funding and other supportive services that survivors can access easily and freely, particularly where legal protections and policies are unavailable or lacking for survivors navigating the private housing market. These protections would include emergency shelters, moving funds, legal services, and counseling. For survivors living in private housing, housing advocates should seek to reduce safety concerns commonly experienced by survivors after an attack, including habitability and safety issues in their homes, such as broken doors, locks, and windows.

Advocates should also be creative about collaborating and partnering with other local agencies to coordinate and cover gaps in supportive services for survivors. An example of such a collaborative model is currently being explored in Philadelphia between three legal services organizations and a sexual assault *341 counseling and advocacy agency. In 2012, CLS, Philadelphia Legal Assistance, Hebrew Immigrant Aid Society, and Women Organized Against Rape (WOAR) were awarded a three-year grant from the Department of Justice to provide holistic legal services to domestic violence and sexual assault survivors across a broad range of issue areas, including family law, employment law, public and private housing law, and immigration.¹²² The grant has allowed the four agencies to partner in establishing interagency training and referral systems, thereby streamlining the process of accessing legal services for the various issues with which a survivor may be dealing.¹²³ Through the grant, the partners also provide trainings and self-help materials in their area of expertise to local advocacy and counseling agencies, such as Women Against Abuse and Women in Transition. WOAR has also assisted the grant by providing free counseling to clients and by training legal partners on screening for sexual assault.¹²⁴

CONCLUSION

As the article has demonstrated, there is an inextricable link between domestic and sexual violence and homelessness. Rates of homelessness and domestic and sexual violence are even more pronounced among women and children of color living in poverty. Given that they are likely to be standing at the intersections of a number of disfavored social identities (e.g., poor, black, woman, immigrant, mother), domestic violence and sexual assault survivors are among the most likely to be denied access to, or evicted from, subsidized and affordable housing.

VAWA and state and local laws go a long way toward helping survivors of domestic violence, sexual assault, and stalking access and maintain safe, affordable housing; however, there remains much work to be done in eliminating all housing barriers for survivors. While these laws can be effective in resolving many situations, the nuanced and complex circumstances that survivors are dealing with often require intensive advocacy, protections across multiple systems, and ongoing public education. This article has touched upon only a few of the policies and approaches that can be used and developed to further the cause

of access to safe, stable, and affordable housing options so that survivors and their families can take significant steps toward creating happy and healthy lives, free of abuse and insecurity.

Footnotes

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- ¹ U.S. CONFERENCE OF MAYORS, HUNGER AND HOMELESSNESS SURVEY 30 (Dec. 2013), *available at* <http://usmayors.org/pressreleases/uploads/2013/1210-report-HH.pdf>.
- ² NAT'L CTR. FOR INJURY PREVENTION AND CONTROL, CDC, COSTS OF INTIMATE PARTNER VIOLENCE AGAINST WOMEN IN THE UNITED STATES 14 (Mar. 2003), *available at* <http://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf>. Although men are also victimized, the majority of individuals victimized by domestic violence, dating violence, stalking, and sexual assault are women; as such, female pronouns will be used throughout the article.
- ³ *See* Amy Correia & Jen Rubin, *Housing and Battered Women*, NAT'L ONLINE RES. CTR. ON VIOLENCE AGAINST WOMEN (Nov. 2001), *available at* http://www.vawnet.org/applied-research-papers/print-document.php?doc_id=106 (asserting that domestic violence is one key contributing factor to homelessness).
- ⁴ Matthew Desmond, *Eviction and the Reproduction of Poverty*, 118 AM. J. SOC. 88, 98 (2012).
- ⁵ *Id.* at 121.
- ⁶ Alfred Lubrano, *Phila. Rates Highest Among Top 10 Cities for Deep Poverty*, PHILA. INQUIRER (Sept. 26, 2014), http://articles.philly.com/2014-09-26/news/54322611_1_deep-poverty-poverty-line-south-philadelphia.
- ⁷ GREATER PHILA. URB. AFFAIRS COAL., OUR WAY HOME: A BLUEPRINT TO END HOMELESSNESS IN PHILADELPHIA 9 (June 1998), *available at* http://b3cdn.net/naeh/3217c4e114c6c2f436_35m6y76tg.pdf.
- ⁸ *See* NAT'L NETWORK TO END DOMESTIC VIOLENCE, DOMESTIC VIOLENCE, HOUSING, AND HOMELESSNESS, *available at* http://nnedv.org/downloads/Policy/NNEDV_DVHousing&score;_factsheet.pdf (citing a U.S. Conference of Mayors Report from 2006 stating that forty-four percent of cities surveyed identified domestic violence as the primary cause of homelessness).
- ⁹ *Id.*
- ¹⁰ Correia & Rubin, *supra* note 3.
- ¹¹ *Id.*
- ¹² Violence Against Women Act, 42 U.S.C. § 14043e(10) (2006).
- ¹³ *See* Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54 (2013) (codified in scattered sections of the U.S. Code) [hereinafter VAWA 2013] (repealing many of the 2005 provisions and consolidating them into a new section).
- ¹⁴ *Id.*
- ¹⁵ Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162, 119 Stat. 2960 (2006) (codified at 42 U.S.C. §14045) [hereinafter VAWA 2005].
- ¹⁶ *See* VAWA 2013 § 41411 (codified at 42 U.S.C. § 14043(e)(11)) (expanding VAWA 2005 to include newly covered federal housing programs and maintaining protections for previously covered programs).

- 17 Herein defined as programs where the housing authority or housing agency owns the building and is the landlord.
- 18 Formerly known as Section 8, herein referred to as Housing Choice Voucher Program, and includes programs where the tenant uses a voucher to find rental housing in the private market and the voucher gets paid to a private landlord.
- 19 See 42 U.S.C. § 14043(e)(11) (2013) (outlining housing issues and assistance programs for victims of domestic violence, dating violence, sexual assault, and stalking). Section 8 Project Based is herein defined as programs where the subsidy is given directly to the owner who provides affordable housing to multiple families in the private sector, and the subsidy stays with the property, not with the tenant. *Id.*
- 20 *Id.* §§ 13925(b)(13), 14043(e)(11)(b), 13925(b)(13).
- 21 *Id.* § 14043(e)(11)(a)(1)(B).
- 22 PHILA. CODE § 9-804(2)(d) (2011), available at <https://law.resource.org/pub/us/code/city/pa/Philadelphia/title09.html>.
- 23 H.R. 1796, 2013 Gen. Assemb., Reg. Sess. (Pa. 2014).
- 24 See *Domestic Violence in Philadelphia*, WOMEN AGAINST ABUSE (2012), <http://www.womenagainstabuse.org/index.php/learn-about-abuse/domestic-violence-in-philadelphia> (discussing statistics from 2011 and 2012).
- 25 Patricia Tjaden & Nancy Thoennes, *Prevalence, Incidence and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey*, NAT'L INST. OF JUSTICE & CTRS. FOR DISEASE CONTROL & PREVENTION (Nov. 1998), available at <https://www.ncjrs.gov/pdffiles/172837.pdf>; TIMOTHY C. HART & CALLIE RENNISON, REPORTING CRIME TO THE POLICE, 1992-2000, 3 (2003), available at <http://www.bjs.gov/content/pub/pdf/rcp00.pdf>.
- 26 *Domestic Violence in Philadelphia*, *supra* note 24.
- 27 *Id.*
- 28 Public Housing Authorities in other jurisdictions are referred to herein as “housing authorities” instead of PHAs to avoid confusion.
- 29 *Philadelphia Housing Authority Accomplishments Report 2014: April 1, 2013-March 31, 2014*, PHILA. HOUS. AUTH. 9, available at http://www.pha.phila.gov/media/149514/pha_accomplishments_report_10_24_14.pdf.
- 30 See Susan A. Reif & Lisa J. Krisher, *Subsidized Housing and the Unique Needs of Domestic Violence Victim*, 34 Clearinghouse Rev. 20, 21 (2000) (describing access and maintenance of affordable housing as “the most significant problem” encountered by victims of domestic violence).
- 31 NAT'L LOW INCOME HOUS. COAL., OUT OF REACH 4, 172 (2014).
- 32 *Id.* at 4-5.
- 33 See 42 U.S.C. § 14043(e)(5)-(8) (2012) (repealed by VAWA 2013 § 104(b)) (finding the average stay available at a homeless shelter to be significantly less than the length of time required on the waiting list for long-term housing).
- 34 MELIAH SHULTZMAN, NAT'L HOUS. LAW PROJECT, ASSISTING SURVIVORS OF DOMESTIC VIOLENCE IN APPLYING FOR HOUSING 15-16 (2009).
- 35 See *id.* at 16-20 (describing the hurdles through which domestic violence survivors must jump during the screening process).
- 36 See Reif & Krisher, *supra* note 30, at 27 (“Many victims of domestic violence have credit and rental histories that reflect the chaos and turmoil of their relationships. A poor rental or credit history also can pose a barrier to eligibility for housing assistance. Poor histories can result from leases broken due to the need to escape an abuser or past evictions due to either nonpayment or disturbances stemming from the domestic violence. Victims who have fled their abusers may need to relocate quickly if discovered by their abuser; this results in financial penalties for early lease terminations. Indeed some abusers place the victim's name on lease contracts so that subsequent evictions for nonpayment will reflect on the victim's credit.”).

- 37 See Rory O'Sullivan, *Op-ed: Change law to protect renters from housing denial*, SEATTLE TIMES, Nov. 14, 2012, http://seattletimes.com/html/opinion/2019683646_roryosullivanopedxml.html (finding eviction claims that are defeated remain a blemish on the renter's record).
- 38 See, e.g., *Landers v. Chicago Hous. Auth.*, 936 N.E.2d 735, 736 (Ill. App. Ct. 2010) (denying housing to applicant based on a series of arrests).
- 39 Reif & Krisher, *supra* note 30, at 27.
- 40 24 C.F.R. §§ 5.855-59 (2009) (including, among such possibilities prior evictions for drug-related activity, certain debts, and certain types of criminal activity that occurred within designated time frames of the date of application).
- 41 See Erik Eckholm, *Victims' Dilemma: 911 Calls Can Bring Eviction*, N.Y. TIMES, Aug. 16, 2013, http://www.nytimes.com/2013/08/17/us/victims-dilemma-911-calls-can-bring-eviction.html?pagewanted=all&_r=0 (describing a victim of domestic violence facing eviction after a violent altercation with her ex-boyfriend).
- 42 See 42 U.S.C. § 14043(e)(10) (2012) (repealed by VAWA 2013 § 104(b)) (finding that abusers frequently manipulate finances in an effort to control their partners).
- 43 Reif & Krisher, *supra* note 30, at 27.
- 44 EQUAL RIGHTS CTR., NO VACANCY: HOUSING DISCRIMINATION AGAINST SURVIVORS OF DOMESTIC VIOLENCE IN THE DISTRICT OF COLUMBIA 9 (Apr. 2008).
- 45 42 U.S.C. § 1437f(o)(6)(B) (2013) (prohibiting the use of domestic violence, dating violence, or stalking as an appropriate basis for the denial of housing assistance, admission, or tenancy if the applicant otherwise qualifies).
- 46 See Monica McLaughlin, *Housing Needs of Victims of Domestic Violence, Sexual Assault, Dating Violence and Stalking*, NAT'L NETWORK TO END DOMESTIC VIOLENCE 2 <http://nlihc.org/sites/default/files/2014AG-107.pdf> (last visited Jan. 25, 2014) (describing the expansion of victim protections from public housing to other housing support programs).
- 47 *Id.*
- 48 42 U.S.C. § 14043(e)(11)(d) (2013).
- 49 *Id.* § 14043(e)(11)(c)(1).
- 50 *Id.* §§ 14043(e)(11)(c)(1)-(3) (repealing 42 U.S.C. §§ 1437(d)(u)(1)(D), 1437(f)(ee)(1)(D)).
- 51 *Id.* § 14043(e)(11)(c)(2)(B).
- 52 *Id.* § 14043(e)(11)(c)(4).
- 53 *Id.* § 14043(e)(11)(c)(2)(B).
- 54 HUD Programs: Violence Against Women Act Conforming Amendments, 75 Fed. Reg. 66246, 66253 (Oct. 27, 2010) (codified at 24 C.F.R. pt. 5 (2010)) (providing the types of documentation that may be used to prove domestic violence, dating violence, or stalking).
- 55 42 U.S.C. § 14043e(4) (2006).
- 56 *Id.* § 14043e(3).
- 57 See *id.* § 1437d(l)(5) (stating that public housing agencies shall utilize leases that require that the agency may not terminate tenancy unless there are serious or repeated violations of the terms or conditions of the lease); *id.* § 1437f(c)(9)(B) (stating that a lease is only to be terminated during the tenancy if there are serious or repeated violations of the terms and conditions of the lease agreement), *repealed by id.* § 1437f(d)(1)(B)(ii) (2013) (stating that during the term of the lease, the owner shall not terminate tenancy except for serious repeated violations of the terms and conditions of the lease); *id.* § 1437f(o)(7)(C) (2006) (stating that tenancy shall not be terminated by the owner unless there are serious or repeated violations of the terms and conditions of the lease); 42 U.S.C. § 1437f(o)

(20)(A) (stating a public housing agency may not terminate a person's assistance in a voucher program because of incident(s) of actual or threatened domestic violence, dating violence of stalking against that assisted person), *repealed by id.* §§ 601(b), 1437f (2013).

58 *See supra* note 57 and accompanying text.

59 *See* 42 U.S.C. §§ 1437d(1)(5)-(6) (2013) (stating that a public housing agency cannot terminate a tenancy but for serious or repeated violation of the terms or conditions of the lease, and any criminal activity, which could include damage and disturbance, related to domestic violence will not be cause for termination).

60 *Id.* § 14043(e)(11)

61 *Id.* §14043(e)(11)(d)(2).

62 *Id.* § 14043(e)(11)(b)(3)(C)(iii).

63 *Id.* §§ 14043(e)(11)(e)-(f).

64 *See generally id.* §§ 14043(e)(5)-(8) (indicating that women who leave their abusers frequently lack adequate shelter options, and these women tend to return to their abusive partners due to their inability to find long-term housing).

65 *See* Correia, *supra* note 3 (explaining that tenants are given vouchers for a specific number of bedrooms according to their family's size); 42 U.S.C. § 14043e(8) (stating that because there are not enough federal housing rent vouchers, some people remain on wait lists for year).

66 *HUD Issues Overview of VAWA's Applicability*, NAT'L COUNCIL OF STATE HOUS. AGENCIES (Aug. 13, 2013), <http://www.ncsha.org/blog/hud-issues-overview-vawa-s-applicability-hud-programs> (stating that transfers are still subject to availability of housing, and must also meet all HUD requirements, which has the potential to cause delays).

67 *Id.*

68 42 U.S.C. § 14043(e)(11)(b)(3)(B)(i), (striking 42 U.S.C. §§ 1437f(c)(9C)(ii), (o)(20)(D)(i)).

69 *Id.*

70 *Id.*

71 *Id.* § 14043(e)(11)(e).

72 *Id.* § 14043(e)(11)(f).

73 *Id.* § 14043(e)(11)(c)(4).

74 42 U.S.C. § 1437f(r)(5).

75 *VAWA 2013 Sexual Assault Housing Protections*, NAT'L ALLIANCE TO END SEXUAL VIOLENCE, <http://endsexualviolence.org/where-we-stand/vawa-2013-sexual-assault-housing-protections> (last visited Mar. 29, 2015) (stating that among other things, scarcity of public housing will present challenges for sexual assault victims in receiving transfer assistance).

76 23 PA. CONS. STAT. § 6102(a) (2008).

77 *See id.* (listing those people whom a victim of abuse may file a protection from abuse order against).

78 *See* 234 PA. CODE § 504 (2009) (listing information that must be included in a complaint such as the name and address of the defendant.); *see also* § 511 (requiring that notice has to be served to the defendant, something that is impossible without the name or address of the perpetrator).

79 *See* OVERVIEW OF NATIONAL SURVEY: JANUARY 2010 HOUSING AND SEXUAL VIOLENCE, NAT'L SEXUAL VIOLENCE RES. CTR., *available at* http://www.ncdsv.org/publications_housing.html and click on the link for this publication (considering the necessity of enforcing landlord habitability responsibilities with regards to broken windows and locks).

- 80 *See Information for Victims of Abuse with Section 8 Housing Vouchers*, GREATER BOSTON LEGAL SERVS. (Oct. 2007), available at <http://www.masslegalhelp.org/domestic-violence/housing/vawa-section8-vouchers> (indicating that while there are some safeguards to protect housing vouchers, a victim of domestic violence must fulfill specific requirements such as notice to the landlord that can be difficult based on the victim's situation).
- 81 Several states and the District of Columbia have laws prohibiting private landlords from terminating a tenancy, failing to renew a lease, or refusing to enter into a rental agreement due to a tenant's, applicant's or household member's status as a victim of domestic violence. The language of each statute and scope of protection vary. *See generally* N.C. GEN. STAT. § 42-47(a) (2006); R.I. GEN. LAWS §§ 34-37-1, -2, -3, -4 (2006); WASH. REV. CODE § 59.18.580 (2006); WIS. STAT. ANN. § 106.50 (2006); 820 ILL. COMP. STAT. 180/30 (2006); IND. CODE ANN. § 32-31-9(1)-(15) (2007); OR. REV. STAT. § 659A.431(4) (2007); D.C. CODE § 2-1401.01-.02 (2007). Several states and the District of Columbia have laws allowing a domestic violence victim to terminate her lease either immediately or with up to thirty days notice; however, the language and requirements of each statute vary. *See* ARIZ. REV. STAT. ANN. §§ 33-1318 (2007); COLO. REV. STAT. § 32-12-402(2) (2006); DEL. CODE ANN. tit. 10, §§ 1041-1048 (2007); D.C. CODE § 42-3505.07 (2007); 820 ILL. COMP. STAT. 180/30 (2006); IND. CODE ANN. § 32-31-9(1)-(15) (2007); NY CLS REAL P § 227-c (2007); N.C. GEN. STAT. § 42-45.1 (2006); OR. REV. STAT. § 90.453 (2006); TEX. PROP. CODE ANN. § 92.016 (2006); WASH. REV. CODE ANN. § 59.18.575 (2006). Several states provide defense against eviction to victims of domestic violence. The language of each statute and scope of protection vary. *See* COL REV. STAT. ANN. § 13-40-107.5; IOWA CODE § 562A.27A & 562B.25A); N.M. STAT. ANN. § 47-8-33.
- 82 PHILA. CODE § 9-804(2)(d) (2011).
- 83 *Id.* § 9-804(6).
- 84 *Id.* § 9-804(6)(a).
- 85 *Id.* § 9-804(6)(c).
- 86 *Id.* § 9-804(7).
- 87 H.R. 1796, 2013 Sess. (Pa. 2014).
- 88 *Id.*
- 89 Gary Weckselblatt, *New Law Protects 911 Callers*, MORNING CALL (Nov. 30, 2014, 11:46 PM), <http://www.mcall.com/news/nationworld/pennsylvania/mc-todd-stephens-911-law-20141130-story.html>.
- 90 H.R. 1796, 2013 Sess. (Pa. 2014).
- 91 Sandra S. Park, *Achieving Fair Housing for Survivors through Domestic Violence Housing Policies: Lewis v. North End Village*, ACLU (Mar. 26, 2008), <https://www.aclu.org/womens-rights/achieving-fair-housing-survivors-through-domestic-violence-housing-policies-lewis-v-no>.
- 92 42 U.S.C. §§ 3604(a)-(b) (2000).
- 93 *Id.* § 3604(b).
- 94 *See* ACLU, HOUSING DISCRIMINATION AND DOMESTIC VIOLENCE (2008), available at https://www.aclu.org/files/pdfs/womensrights/discrimination_housing_2008.pdf (detailing how it is illegal if a landlord suddenly applied different rules to a victim of domestic violence or sexual abuse.).
- 95 *See* LEGAL AID SOCIETY OF PALM BEACH COUNTY, FAIR HOUSING PROTECTIONS FOR DOMESTIC VIOLENCE VICTIMS 2 (2006), available at https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_7466.pdf (explaining that a landlord should not seek or cause eviction solely based on the actions of an abuser).
- 96 ACLU, *supra* note 94.
- 97 *Id.*

- 98 42 U.S.C. § 3613(a)(2) (2013).
- 99 *Id.* § 3613(a)(1).
- 100 747 F.3d 275 (5th Cir. 2014), *cert. granted*, 135 S. Ct. 46 (Oct. 2, 2014) (No. 13-1371).
- 101 Petition for Writ of Certiorari, Texas Dep't of Hous. and Cmty. Affairs v. Inclusive [Communities Project, Inc.](#), 747 F.3d 275 (5th Cir. 2014) (No. 13-1371).
- 102 Brief for The America Civil Liberties Union et al., as Amici Curiae in Support of Respondent at 1-3, Texas Dep't of Hous. & Cmty. Affairs v. Inclusive [Communities Project, Inc.](#), 747 F.3d 275 (5th Cir. 2014) (No. 13-1371).
- 103 *Id.* at 21.
- 104 *See, e.g.*, 53 PA. CONS. STAT. § 304 (protecting victims of crimes, such as domestic violence, from penalties for calling police or other emergency responders).
- 105 U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, PHA GUIDEBOOK TO ENDING HOMELESSNESS 32 (2013) [hereinafter PHA GUIDEBOOK].
- 106 *Id.* at 33.
- 107 *Id.*
- 108 2014 BHA Approved Annual Plan, Amendment 1, BOS. HOUS. AUTH. (Nov. 5, 2014) <https://www.bostonhousing.org/en/Departments/Planning-and-Real-Estate-Development/The-Annual-Plan/2014-Approved-Annual-Plan.aspx>.
- 109 PHA GUIDEBOOK, *supra* note 105, at 35 (providing an example of Chicago Housing Authority policy changes including training for staff members about domestic violence).
- 110 *See Philadelphia Housing Authority Continues to Hire Essential Staff*, PHILA. HOUS. AUTHORITY (Dec. 20, 2011), <http://www.pha.phila.gov/pha-news/pha-news/2011/philadelphia-housing-authority-continues-to-hire-essential-staff.aspx> (offering an update of PHA's hiring of general counsel and other essential staff); *see also Human Resources*, PHILA. HOUS. AUTHORITY, <http://www.pha.phila.gov/aboutpha/departments/human-resources.aspx> (last visited Feb. 12, 2015) (stating that the mission of the human resources includes training its staff).
- 111 PHA GUIDEBOOK, *supra* note 105, at 34.
- 112 *Id.*
- 113 VILLIE M. APPOO, NAT'L CTR. FOR HEALTH IN PUB. HOUS., PARTNERING WITH PUBLIC HOUSING AUTHORITIES TO INCREASE RESIDENT PARTICIPATION 11 *available at* <http://www.nchph.org/wp-content/uploads/2013/11/Partnering-with-Public-Housing-Authorities-to-Increase-Resident-Participation-3.28.11.pdf> (suggesting policies to reduce disruption to programs and collaborations with health centers caused by staff turnover at public housing authorities).
- 114 Holly Otterbein, *Lack of Philly Public Housing Forces Domestic Violence Victims to remain with Abuser*, NEWSWORKS (Feb. 26, 2014), <http://www.newsworks.org/index.php/local/philadelphia/65320-lack-of-philly-public-housing-forces-domestic-violence-victims-to-stay-with-abuser>.
- 115 *Id.*
- 116 *See id.* (highlighting concerns of residents and advocates with PHA's transfer procedures).
- 117 *See id.* (discussing PHA's collaboration with Women Against Abuse and Community Legal Services).
- 118 PHA BOARD OF COMMISSIONERS, MEETING MINUTES 9 (June 19, 2014), *available at* http://www.pha.phila.gov/media/147155/june_19_2014_final_resolutions.pdf (containing Resolution No. 11704, and a summary of changes to the public housing policy and housing choice voucher plan).

- 119 *Id.* at 10, 13.
- 120 Otterbein, *supra* note 114.
- 121 *Id.*
- 122 *See Assistance to Survivors of Sexual Assault*, PHILA. LEGAL ASSISTANCE, <http://www.philalegal.org/node/149> (last visited May 24, 2015) (discussing the grant and the work of the partner organizations); *see also WOAR - Philadelphia's Only Rape Crisis Center*, <http://www.woar.org/> (last visited May 24, 2015) (describing the legal services provided by the grant partner organizations).
- 123 *Assistance to Survivors of Sexual Assault*, *supra* note 122.
- 124 Grace Donatucci, *Legal Assistance for Victims*, 1 SPEAK UP! SPEAK OUT! (WOAR, Phila., Pa.), Fall 2012, at 9, *available at* http://woar.org/docs/Fall2012Newsletter_000.pdf.

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