Know Your Rights: Domestic 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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The Rights of Domestic Violence Victims: Living in Federally Assisted Housing

1. Am I covered by VAWA’s housing protections?

VAWA protects victims of domestic violence, dating violence, sexual assault, and stalking. It also covers the victim’s immediate family members and other household members (even if they are not related to the victim by blood or marriage). You don’t have to be married to or living with the abuser to be protected by VAWA.

VAWA covers the following housing programs:

- Public housing;
- Section 8 Housing Choice Vouchers;
- 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 (BMIR);
- HOME;
- Housing Opportunities for People with AIDS (HOPWA);
- McKinney-Vento Act programs;
- Rural Development multifamily housing; &
- Low-Income Housing Tax Credit (LIHTC) housing.

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

No. VAWA does NOT cover private housing that does not receive federal rental assistance. The rights described in this flyer apply only to the above-listed federal housing programs. However, you may wish to contact your local legal aid office to see if there are any state or local laws that can protect you.

3. What rights does VAWA offer?

Rights for victims of domestic violence, dating violence, sexual assault, and stalking include:

- If you are applying for housing, you can’t be denied just because you are a victim.
- You can’t be evicted or lose your federal rental assistance just because violence has been committed against you.
- Acts of violence against you are not considered to be serious or repeated violations of your lease or good cause for evicting you or ending your federal housing assistance.

4. 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 alone, and let you, your family, and other household members stay in the home. If the federal housing assistance was based solely on the abuser’s eligibility, then you and any remaining tenants have the right to prove eligibility for the housing. If you or another household member cannot show eligibility, you must be given reasonable time to prove that you qualify for another federal housing program, or to find new housing.

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

If you have a Section 8 voucher, VAWA states that the housing authority may permit you to move and keep your voucher, even if your lease has not ended.

The federal agencies who run the housing programs listed in Question 1 must adopt emergency transfer plans that housing authorities and landlords of such housing use to allow transfers to other federally assisted housing that is available and safe. Those model plans are generally not yet available, but you should ask the housing authority or landlord to assist you to transfer. You are allowed to transfer if you ask and reasonably believe you are about to be hurt by more violence, or if you have been a victim of sexual assault that occurred on the property up to 90 days before the request.

6. How do I prove that I can use VAWA’s protections?

To see if you can use VAWA, 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:

- Complete a self-certification form. The form will ask for: your name; the name of your abuser (if known and safe to provide); the 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. In the future, the form may be changed.
- Provide a letter signed by a victim service provider, attorney, or a medical or mental health professional who has helped you with the abuse (also called “third-party documentation”). You must also sign this letter.
- Provide a police report, court record (such as a restraining order), or administrative record.

You can pick any of these three choices. With limited exceptions, a housing provider cannot make you choose any particular one. The housing provider must give you at least 14 business days (weekends and holidays do not count) to provide proof of the violence.