

## Landlord Notice - February 1, 2007

### **Violence Against Women Act of 2005 (VAWA) impacts admission and evictions of victims of domestic violence in federally funded properties.**

### **If an applicant or resident claims to be a victim of domestic violence proceed with caution.**

In January 2006 the Violence Against Women Act (VAWA) was amended to make it illegal for properties receiving federal funding to evict a resident or refuse to admit an applicant because that person was a victim of actual or threatened domestic violence, including dating violence or stalking. VAWA covers public housing authorities (PHA's) and most other HUD funded housing communities, including privately owned communities funded by Sections 8, 202, 236, 221(d)(3) and 811. The primary obligations of landlords covered by the VAWA are as follows:

- Landlords are prohibited from denying housing or refusing to accept a Section 8 voucher because an applicant has been a victim of domestic violence or stalking, or has been evicted because of domestic violence.
- Domestic violence or stalking cannot be used as the basis of good cause for terminating the tenancy or Section 8 voucher of the victim.
- If the abuser has violated the lease, the lease should be bifurcated (separated) so the abuser can be evicted without disrupting the housing of the victim.
- Landlords can, but are not required to, request "certification" (written verification) from an applicant or resident that he/she is a victim of domestic violence. Acceptable verification can be provided by certification from an attorney, domestic violence service provider, medical professional, police or court record. If the resident or applicant fails to provide the requested verification within 14 days of the landlord's request, the landlord can go forward to deny the application or evict the resident.
- Landlords are permitted to evict a victim of domestic violence if the victim (1) commits a criminal act not related to the domestic violence, or (2) is an "actual or immediate threat to other tenants or those employed at or providing service at the property."

There have been a couple of cases where fair housing agencies have attempted to create a link between illegal sex discrimination in housing and landlords who have attempted to evict women who claimed to be victims of domestic violence. We know of several state fair housing laws that included the victims of domestic abuse as a protected category.

**Therefore, both privately and federally funded landlords should proceed carefully and obtain legal advice in any situation that involves an applicant or resident who claims to be the victim of domestic violence.**

The Department of Justice website has a great deal of additional information on VAWA which can be accessed at: <http://www.usdoj.gov/ovw/regulations.htm>.