

HOUSING JUSTICE

National Housing Law Project

Newsletter March 2012

HUD Investigates Eviction of Domestic Violence Survivor

On February 2, 2012, the Department of Housing and Urban Development (HUD) charged the owner and manager of a Mississippi apartment complex with housing discrimination for evicting a tenant after her boyfriend assaulted her on the premises. The tenant had filed a complaint with HUD on December 3, 2009, alleging that the apartment owners and managers had violated the Fair Housing Act by making her dwelling unavailable and applying different terms and conditions because of her sex.

Alleged Facts

On September 20, 2008, the tenant moved into the apartment. On August 4, 2009, her boyfriend, who did not live with her, assaulted her in the apartment. A neighbor assisted the tenant in escaping to another unit in the same complex. The police were notified, and the tenant was transported to the hospital due to bruising and bleeding from the attack. Afterward, police arrested the boyfriend, who pled guilty to the assault.

The day after the attack, a property manager served the tenant with a termination notice giving her six days to vacate the property. The notice indicated that the tenant had violated Paragraph 18 of her lease, which stated that the landlord may require any household member or other person using the unit who commits domestic violence to vacate the unit permanently. An investigation by HUD revealed that the manager had sent the

tenant a termination notice immediately after the assault because the lease indicated that evictions were necessary for such disturbances. The owner and manager of the complex had never issued any lease violation notices to the tenant in the past. In addition, 12 months before, another female tenant had received a termination notice following a violent incident between her and her boyfriend. She moved out before a formal eviction proceeding occurred.

Shortly after receiving the termination notice, the survivor called the leasing office and spoke with an employee, who explained that the manager would seek eviction through the courts if she did not move. In an effort to meet the six-day deadline to vacate the premises, the tenant immediately moved her belongings from the apartment. According to the owner and manager, on August 7, 2009, they attempted to rescind the termination notice. However, they were unable to deliver the "Notice to Correct" because the tenant was already moving out.

Legal Authority and Request for Relief

According to the U.S. Department of Justice, between 1998 and 2002, 84% of spouse-abuse victims were female and 86% of victims of dating-partner abuse were female. Similarly, females comprised 83% of spouse-murder victims and 75% of dating-partner-murder victims. Based on these statistics, HUD alleged that the owner and manager's policy and practice of evicting a victim of a domestic violence incident had an adverse and disproportionate impact on female victims of do-

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mestic violence. Such a policy and practice was not justified by a business necessity. Therefore, by evicting the tenant because she was a victim of domestic violence, they discriminated against her because of her sex and violated the federal Fair Housing Act as well as HUD's implementing regulations.

The tenant claimed that as a result of the discriminatory conduct, she suffered significant damages, including out-of-pocket expenses, emotional and physical distress, and the loss of a housing opportunity. HUD is requesting an order that would enjoin the owner and manager from violating the Fair Housing Act, award monetary damages to the tenant, and assess civil penalties against the owner and manager. The case will now either be heard by a HUD administrative law judge, or the Department of Justice will file a civil action in federal court. ■

Free Manual Available Online

The National Housing Law Project is pleased to announce the publication of "Maintaining Safe and Stable Housing for Domestic Violence Survivors: A Manual for Attorneys and Advocates."

The manual focuses on the rights of survivors who are facing loss of housing, who need to improve their housing safety, or who need to relocate. Topics include changing the locks; breaking the lease; defending against evictions and subsidy terminations; housing discrimination; reasonable accommodations for survivors with disabilities; and the housing protections of the Violence Against Women Act.

The Manual is available for download at <http://www.nhlp.org/node/1745>

The Appendices to the Manual contain a number of sample advocacy documents. Access to the Appendices is limited to OVW grantees. Contact mschultzman@nhlp.org to obtain the Appendices.

Domestic Violence Census Finds Continued Need for Housing

On February 27, 2012, the National Network to End Domestic Violence released its annual National Census of Domestic Violence Services. In total, 1,726 out of 1,944 domestic violence programs in the United States and its territories participated. The census has several findings regarding housing needs of domestic violence survivors.

The census found that on September 15, 2011, 67,399 adults and children sought services from domestic violence programs. Of those individuals, more than 36,000 received emergency shelter or transitional housing from a domestic violence program. Of the victims served, 35% were living in emergency shelter and 19% were living in transitional housing. Of the domestic violence programs surveyed, 74% provided emergency shelter, and 35% provided transitional housing. Additionally, 82% of the programs provided advocacy for survivors related to housing or landlords.

Unfortunately, the census found that more than 10,581 requests for services went unmet because of limited resources, funding, and staff. The census noted emergency shelter and transitional housing continue to be the most urgent unmet needs. Of the unmet requests for services, 6,714 were for emergency shelter or transitional housing. As noted by one advocate who responded to the survey, "There are countless more domestic violence survivors who are now homeless due to domestic violence and there simply are not enough beds and long-term services available to substantially help them."

Despite reduced funding and staff, the survey found that programs assisted almost the same number of victims in one day as in years past. As noted by one agency director, "We have staff that are creative, working flexible hours to make sure that we can continue to provide comprehensive services despite continued decreases in funding."

Summaries of the services provided in each state are available at <http://nnedv.org/resources/census/2011-report.html>. ■

Fighting Homelessness in the Nation's Capital: A Look at the District Alliance for Safe Housing

Located in Washington, D.C, the District Alliance for Safe Housing (DASH) was created in 2006 as a response to the grave housing needs of survivors of domestic and sexual violence. DASH's mission is to ensure access to safe and sustainable refuge for survivors and their children. DASH has three goals: (1) to provide safe housing and voluntary support services that meet the needs of a broad cross-section of domestic violence survivors; (2) to help domestic violence survivors avoid homelessness as the primary option for living free from abuse; and (3) to lead the movement making safe housing in the District more accessible in the short-term and, ultimately, less necessary in the long-term. This article highlights some of DASH's major programs and accomplishments.

The Cornerstone Program

A major part of DASH's work is creating housing for survivors and their families. In 2010, DASH opened the Cornerstone Building, a site-based, emergency-to-transitional housing program. As the District's largest safe house program for survivors, Cornerstone provides 43 apartment units for survivors, including wheelchair accessible units. Residents may live at Cornerstone for up to two years while working with DASH caseworkers. Caseworkers provide intensive support in teams to ensure that residents receive consistent attention and services. All residents are connected to a range of community resources to help them move toward long-term or permanent housing as well as emotional and financial independence.

The Empowerment Project

The Empowerment Project is a scattered-site, transitional-to-permanent housing program geared toward providing housing for survivors whose credit and rental histories were damaged during abusive relationships. Partnering with land-

lords across the city, the Project provides 20 families with the opportunity to sign a lease for an apartment and a rental subsidy for two years, after which participants assume rental payments and permanently remain in their units. The participants work with DASH's advocates to focus on financial goals, such as paying down debt and restoring damaged credit.

The Housing Resource Center

The Housing Resource Center is a "one-stop shop" for families looking to preserve or find new safe housing. The staff at the Center help survivors navigate the housing system by assisting survivors in Section 8 and HUD-funded housing to obtain safety transfers; providing referrals for eviction protection assistance and re-housing assistance; and offering referrals to landlords who are trained in domestic violence and have affordable units to rent. Survivors can visit the Center, located in a building with other victim service agencies, during walk-in hours or by appointment. DASH also can assist families during community housing clinics, held weekly at various locations in D.C. Families searching for housing programs can meet with specialists to receive assistance with the application process, including permanent housing subsidy programs as well as transitional housing and permanent supportive housing programs. Furthermore, at the Center and on the Housing Resource Center Online (www.dashdc.org/housing-resource-center/) DASH has materials, such as toolkits and sample letters, to help advocates and survivors throughout D.C. understand their housing rights. These resources include a guide for survivors on transitional and permanent supportive housing programs, eligibility requirements and how to apply for assistance. There are also practical tips on how to search for safe housing and reclaim financial independence.

In addition, through the Center, DASH provides education to landlords and tenants about the housing rights of domestic violence survivors. The organization facilitates trainings regarding survivors' protections for landlords, property managers, public safety officers at the D.C. Housing Au-

thority (DCHA) and case managers at housing organizations.

Project PATH

The Domestic Violence Prevention through Awareness and Training for Housing Providers Project (Project PATH) enhances the system-wide approach to addressing domestic violence in family shelters funded by the D.C. Department of Human Services (DHS). Project PATH provides staff at DHS-funded shelters with training focused on primary prevention, risk reduction and awareness about domestic violence. The Project further equips shelter staff with the necessary skills and information to strengthen their capacity to respond to the needs of homeless survivors of domestic violence. In addition, Project PATH provides shelters and homeless survivors in D.C. with resources to heighten awareness of domestic violence and the housing protections afforded to victims. For example, Project PATH distributes in English and Spanish materials such as a “Know Your Rights” housing brochure for survivors and a toolkit for shelter staff and clients.

Domestic Violence and Housing Taskforce

In 2009, DASH convened the Domestic Violence and Housing Taskforce (Taskforce) to address systemic barriers facing victims of domestic violence in housing and shelter. This group is comprised of representatives from the city’s government agencies, nonprofit housing and domestic violence providers, as well as legal and social service providers. The Taskforce addresses systemic issues impacting survivors’ ability to receive and maintain permanent affordable housing. The coalition also has trained housing providers and victims on federal and local housing protections (such as the Violence Against Women Act), developed policies for implementing housing laws, and advocated to remove barriers to victims in accessing and keeping permanent housing. For 2012, the Taskforce finalized the following goals: (1) enhance access and safety for domestic violence survivors in federal- and district-funded DCHA housing programs; (2)

enhance access and safety for survivors in all shelters and supportive housing programs in DC; and 3) conduct public education about housing rights and protections for survivors and the unique set of housing barriers that survivors face.

Major Accomplishments

DASH has made great strides in addressing the housing needs of survivors of domestic violence. Since its inception, DASH has helped survivors have over 37,665 “safe nights” and provided safe housing to 218 individuals. In addition, through community outreach efforts, DASH trained more than 1,500 abuse survivors to exercise their housing rights so as to avoid eviction stemming from violence in their homes. DASH also has trained more than 60 housing providers seeking to improve their response to victims in their programs. Despite the economic downturn, DASH continues to work hard to ensure quality housing for survivors and their families. For more information about DASH, please visit www.dashdc.org.

Would your organization like to be featured in the National Housing Law Project’s domestic violence and housing newsletter? If so, contact Meliah Schultzman at mschultzman@nhlp.org or 415-546-7000 x. 3116. ■

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