

House Passes the Violence Against Women Reauthorization Act with Housing Protections

On April 4, the U.S. House of Representatives passed the “Violence Against Women Reauthorization Act (VAWA) of 2019” (H.R. 1585) by a vote of 263-158.

The bill retains the baseline protections in VAWA 2013 and includes amendments that would strengthen VAWA’s emergency transfer and lease bifurcation remedies; address the need for proper VAWA implementation and compliance; and protect survivors’ right to report crime and support effective law enforcement.

NHLP and other organizations submitted [written testimony](#) for the record following the Hearing on the Reauthorization of the Violence Against Women Act on March 7, 2019. The testimony describes these housing amendments and the need for them.



VAWA’s Housing Protections Continue to be in Effect

Although the Violence Against Women Act (VAWA) was not reauthorized in 2018, [VAWA housing protections](#) are still in force.

This includes the VAWA 2013 housing statute (34 U.S.C. 12491) as well as the implementing regulations and administrative notices by HUD (81 Fed. Reg. 80,724 (Nov. 16, 2016); PIH 2017-08 ; H 2017-05); and USDA’s Rural Development Office (RD AN No. 4814 (1944-N)).

VAWA’s housing protections do not have sunset provisions and, therefore, did not expire. For more information on VAWA’s housing protections, see NHLP’s [VAWA Know-Your-Rights brochure](#) that is available in English and Spanish.



State and Local Housing Rights of Domestic Violence Survivors

NHLP’s [Protections for Survivors of Domestic and Sexual Violence Initiative’s webpage](#) has a number of great resources for attorneys and survivor advocates, including our Compendium on the state and local housing rights of domestic violence survivors. The [Compendium](#) includes state and local laws, enacted as of December 2017, that affect the housing rights of domestic violence survivors. This article discusses five key state and local housing protections for survivors, and examines how many jurisdictions have adopted them, key components of each protection, and how these safeguards vary by jurisdiction.

Early Lease Termination

What is early lease termination?

Early lease termination laws allow survivors to end their rental leases either with reduced costs or none of the financial burdens that typically accompany breaking a lease early.

Which states have it?

There are 26 jurisdictions that have early lease termination laws: Arizona, California, Colorado, Connecticut, Delaware, the District of

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Save The Date! Upcoming VAWA Webinars

VAWA Housing Protections 101

Tuesday, May 21st

10:30am-12pm PT; 12:30-
2:00pm CT; 1:30-3:30pm ET

VAWA Emergency Transfers

Wednesday, July 17th

10:30am-12pm PT; 12:30-
2:00pm CT; 1:30-3:30pm ET

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Columbia, Hawaii, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.

What does early lease termination involve?

While all 26 jurisdictions with these laws provide a way for survivors to end their leases early, the laws vary in terms of the scope of protections, the requirements needed to get an early lease termination, and the financial costs to the survivor. All the laws cover survivors of domestic violence, with some also safeguarding survivors of other forms of family violence. For example, in Connecticut, “family violence” is defined as acts or threatened acts of violence between family or household members.

Generally, to terminate a lease early, these jurisdictions require that survivors provide written notice to their landlord. Some states, like Colorado, do not have a required notice period, and survivors are permitted to break their lease once notice is provided. Other states require survivors to provide written notice 14 to 30 days before they are permitted to break their lease. Some states impose a time limit on how long after an instance of abuse or violence survivors may invoke this option—Nevada, for example, requires survivors to exercise their right to an early lease termination within 90 days of an incident of abuse or violence.

Most states require that the survivor provide a copy of a protective order or police report with their notice. Nine states provide survivors the option of supplying third-party documentation from other professionals, such as a domestic violence program or service (e.g. Delaware), medical and mental health professionals (e.g. California), or a safety plan with a recommendation

of relocation (a requirement in Indiana and North Carolina). About a third of the states hold survivors liable for some of the remaining rent on the lease. The amount of remaining rent owed ranges from 14 days after notice is given (e.g. California, Washington, D.C.) to a full month’s rent for the month the lease is terminated and an additional full month’s rent (e.g. North Dakota). Some states have even more involved protections - for example, Texas’s statute includes penalties for landlords who do not comply with the early lease termination law, holding them liable for the tenant’s actual damages plus a civil penalty of \$500 and one month’s rent.

The majority of jurisdictions do not specifically address the return of the tenant’s security deposit. Some, such as Colorado, permit landlords to withhold a security deposit until the tenant pays the required one month’s rent penalty. Other states are more tenant friendly—in Massachusetts, the law specifies that landlords must refund security deposits within 30 days after the tenant has vacated the property, while Nevada’s law explicitly states that landlords cannot withhold a security deposit when a tenant executes an early lease termination.

Lock Change

What is a lock change law?

Under a lock change law, landlords are required to change the locks to exclude perpetrators of domestic violence from their rental units, usually at the tenant’s expense. Some states have separate protections for survivors from abusers who are residents and those who are non-residents of the survivor’s unit. If the abuser is a co-tenant or resident of the unit, survivors can usually only get their locks changed if they can present a court order to the landlord that gives them the right to kick out their abuser.

Which states have it?

In total, there are 17 jurisdictions with lock change laws: Arizona, Arkansas, California, Washington, D.C., Hawaii, Illinois, Indiana, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, Oregon, Utah, Virginia, Washington, and Wisconsin.

Who qualifies for lock changes?

Many states offer lock change laws only to those who are survivors of domestic violence and have a court order specifying that their abuser must be kept off the premises. The documentation requirement varies, though, especially for lock changes meant to exclude abusers who do not live in the same home as the survivor. For example, North Carolina requires a landlord to change the locks without any written documentation requirement for victims of domestic violence, sexual assault, or stalking when the abuser is not a co-tenant. On the other hand, Indiana requires tenants to provide landlords with a written notice requesting a lock change, as well as a copy of a court-granted restraining order.

Some states also offer this protection to other categories of survivors. For example, Maryland, Massachusetts, and Oregon extend this remedy to survivors of sexual assault, and Massachusetts and Oregon also protect survivors of stalking. Hawaii’s law protects tenants as well as their “immediate family members” and Illinois’s law covers “members of a tenant’s household.”

What happens once a tenant asks for their locks to be changed?

Once a tenant has given notice to the landlord that they’d like to have the locks changed, the landlord must generally either comply or allow the tenant to change the locks themselves. Some states, such as Maine, only require the landlord to allow the tenant to change their locks, and do not require the landlord to do so.

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The amount of time a landlord has to comply with a lock change request varies across the country: from a requirement to take action within 24 hours (e.g. California, Indiana if abuser is a resident of the home), to five business days (e.g. Washington, D.C.), while some states have no specified time requirement, including Arizona, Arkansas, Utah, Virginia, and Washington State.

Generally, tenants must ultimately bear the cost of changing the locks, though, in some states, the landlord must pay for the change upon request, giving tenants time to reimburse their landlords instead of requiring that tenants pay for the cost up front (e.g. in Maryland, the fee is due within 45 days, and, in Virginia, it is due at the end of the tenancy). In a minority of jurisdictions, such as Indiana, landlords are required to reimburse tenants for a lock change if, after the landlord failed to comply with the tenant's request within the statutorily required 24-hour time frame, the tenant had to change the lock themselves. In many states, the excluded tenant is still liable for obligations under the rental agreement, including paying rent (e.g. California, Wisconsin).

Some states offer further protections in the event of a lock change request. In Virginia, the survivor may also install other burglary protection devices, like chain latches, provided the landlord approves. In Massachusetts, if the landlord prevents the tenant from changing the locks, or changes the locks but fails to give the tenant a key, the landlord can be sued for money, including three months of rent or more.

Anti-Discrimination Housing Protections

What are anti-discrimination housing protections for survivors of domestic violence?

These laws state that landlords and other housing providers cannot discriminate against survivors of domestic violence, sexual abuse, or stalking in making housing decisions. The laws generally limit the behavior of landlords or property owners, though some also apply to other housing providers or entities. In general, landlords are prohibited from discriminating against survivors by refusing to accept them as tenants, ending or refusing to renew their rental leases, evicting them solely because of their survivor status, or from otherwise retaliating against them.

Which states have it?

Fifteen jurisdictions have anti-discrimination protection for survivors of domestic violence: Arkansas, Delaware,

Washington, D.C., Indiana, Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, New York, North Carolina, Oregon, Rhode Island, Washington, and Wisconsin.

What does it involve?

Who is prohibited from discriminating?

These laws tend to restrict the behavior of landlords or property owners. Some of the laws cover additional actors. Washington, for example, states that tenant screening service providers may not disclose "a tenant's, applicant's, or household member's status as a victim of domestic violence, sexual assault, or stalking." In contrast, Louisiana's law only applies to local housing authorities, and limits them only in termination of tenancies.

Who is protected from discrimination?

In most jurisdictions with these laws, survivors of domestic violence, sexual abuse, and stalking are protected from discrimination. Many of these states require survivors to provide documentation of the abuse or of the survivor's attempts to get assistance. In Washington, D.C., the anti-discrimination protections extend to all victims of intrafamily violence, defined as criminal offenses that are threatened or committed by an offender against a person the offender is related to by blood, adoption, legal custody, marriage, or domestic partnership, or with whom the offender has a child in common. In North Carolina and Massachusetts, these protections extend to those who have completed an early lease termination due to domestic violence.

What kinds of discrimination are prohibited?

The most common protections are against landlords terminating leases, refusing to enter into leases, or otherwise retaliating against survivors (e.g. Arkansas, Indiana, North Carolina, Washington). Many other states also prohibit eviction solely on the basis of survivor status (e.g. Minnesota, New Hampshire). In Delaware, other prohibited discriminatory actions include demanding an increase in rent, decreasing services, or otherwise causing a tenant to quit a rental unit. In Washington, D.C., landlords are prohibited from refusing to make reasonable accommodations such as improving the safety of unit, refusing early lease termination, and barring, limiting, or imposing any penalty on calling the police in an emergency. In Massachusetts, discrimination is prohibited based on early termination of prior leases because of domestic violence. In New York, landlords cannot refuse to rent, discriminate in the terms, conditions, or privileges of the rental, or advertise in a discriminatory way and they cannot evict based on a tenant's status as a survivor of domestic violence. In Oregon, landlords also cannot selectively enforce rules, conditions, or standards of their rental housing. Several states also have included survivors as one group in their broader housing anti-discrimination statute, along with prohibiting discrimination based on other categories like race and religion (e.g. Washington, D.C., Rhode Island, Wisconsin).

Many states include penalties for the violation of these anti-discrimination laws. For example, non-compliant New York landlords may be found guilty of a misdemeanor, and, in Oregon, violators may have to pay money to the survivors they have harmed.

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Funding Alert

The FY 2019 CoC Program Competition is just around the corner!

HUD has recently outlined pertinent information for the field including highlights for the upcoming FY2019 CoC Program Competition.

- It is anticipated the [FY2019 Program Competition](#) will open around May 1 and will close in late Summer. HUD is looking to announce awards in December 2019.
- They have confirmed there will be another round of \$50 million available for NEW projects via the DV Bonus in the FY 2019 CoC Program Competition.
- Projects awarded funding in the FY2018 competition are eligible to apply for renewal funding in FY2019.

If you are interested in applying for the DV Bonus Project, **NOW** is the time to start talking with your local CoC!

Learn More:

- To find out more about the \$50 million set aside for the DV Bonus and its core areas, click [here](#).
- Check out the [HUD Exchange](#) for the latest updates on the [FY2019 CoC Program Competition](#).
- Although we will not know the specifics for the FY2019 NOFA until it is released, you can look at the [FY2018 NOFA](#) to get a sense of the requirements for the DV Bonus.
- You can also link to HUD's [Domestic Violence and Homelessness page](#) for additional information.
- To locate the contact person for your local CoC, [click here](#).
- Contact the DV and Housing Technical Assistance Consortium, the [Consortium TA Team](#), with your additional questions.

Requiring Abusers to Pay for or Provide Housing and Housing-Related Costs

What is it?

Many states allow judges to require abusers to fund or supply housing for survivors in their protective orders and final consent agreements. This is largely in the context of spouses or people who share children with their abuser. Courts can require abusers to pay rent or mortgages, supply alternative housing, or cede current housing to the survivor.

Which states have it?

Fifteen states have this protection: Connecticut, Georgia, Kansas, Louisiana, Maine, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Pennsylvania, and Tennessee.

What does it involve?

In many states, the court, upon granting a protective order or approving a consent agreement in the domestic violence context can require that the defendant (the abuser) pay to support his dependents' housing. Some states give courts the option to require that the abuser grant exclusive possession of a shared home to the survivor, including through evicting the abuser (e.g. Louisiana, New Mexico, North Carolina, Ohio, Pennsylvania). Some states require the abuser to "provide suitable alternative housing" (e.g. Georgia, Kansas, New Mexico, North Carolina, Ohio, Pennsylvania). This can involve a requirement to make rent or mortgage payments (e.g. Montana, Nevada, New Jersey) or to pay rent at a different residence (Missouri).

Montana requires the more general payment of "housing costs." The New Mexico law allows the court to also require the abuser to pay for the "expense of seeking temporary shelter," while Tennessee's law allows the court to require the abuser to pay "all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property." Judges in Missouri can also require that abusers pay for moving expenses. Some states include these requirements only if the court finds that the abuser has a duty to support the survivor or any children or dependents (e.g. New Jersey).

Relocation Assistance

What is it?

Relocation assistance is funding paid by the state to help survivors of domestic violence obtain new housing.

Which states have it?

While many states have victim compensation funds to assist survivors with relocation costs, only two states provide survivors a legal right to relocation assistance: Florida and Texas.

What does it mean for survivors?

In Florida, the state can award a payment of \$1,500 for victims of domestic violence who need immediate assistance to relocate to a safe housing unit. Survivors must show proof of the domestic violence, that the violence was reported to the proper authorities, verification that they need assistance, and verification that they are cooperating with law enforcement. In Texas, survivors of stalking, family violence, trafficking, and certain types of sexual assault may be eligible to receive up to \$2,000 for relocation expenses or up to \$1,800 for housing rental expenses. ■

For technical assistance or requests for trainings or materials, please contact:

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