

HOUSING JUSTICE

National Housing Law Project

Newsletter July/August 2014

HUD's Office of Public and Indian Housing Updates VAWA Certification Form

In July 2014, the U.S. Department of Housing and Urban Development's (HUD) Office of Public and Indian Housing (PIH) issued an updated version of form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, which has been modified in accordance with the Violence Against Women Reauthorization Act of 2013's (VAWA 2013) expanded housing safeguards. Important revisions to the form include adding victims of sexual assault as a protected category; clarifying that family members and household members of the victim are protected by VAWA; obligating housing providers to keep confidential the fact that an individual is a victim; and requiring the victim to provide the name of the perpetrator only if the name is known and safe to provide.

The form applies to the public housing and the Section 8 Housing Choice Voucher programs. It also applies to the smaller voucher programs covered by VAWA, such as the Veterans Affairs Supportive Housing (VASH) vouchers. (Since VAWA 2013 does not cover the Indian housing programs, this form also does not apply to those programs.) Survivors, who are claiming VAWA housing protections in these programs, can use the form to document their status as victims for housing providers. We anticipate that similar forms will be issued by HUD's Office of Multifamily Housing (Housing), which handles the Section 8 project-based housing, Section 202, Section 811, Section 236, and Section 221(d)(3) programs (all covered by VAWA 2013), and HUD's Office of Community Planning and Development

(CPD), which administers the block grant programs, including HOME, Housing Opportunities for Persons with AIDS (HOPWA), and McKinney-Vento/HEARTH Act programs (all covered by VAWA 2013).

Advocates can access form HUD-50066 at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud5. Please note that translated versions of the updated form are not yet available through HUD. ■

Domestic Violence Survivor Settles Discrimination Claims Against New Hampshire Landlords

On May 19, 2014, the Office of Fair Housing and Equal Opportunity Region I approved on behalf of the U.S. Department of Housing and Urban Development (HUD) two conciliation agreements addressing complaints made by a domestic violence survivor against housing providers in New Hampshire. The survivor alleged that the housing providers had violated the federal Fair Housing Act (FHA) by refusing to renew her lease and denying her housing because of 911 calls that she made related to domestic violence. Specifically, the survivor claimed that such housing denials constituted gender discrimination under the FHA.

The survivor had resided in multifamily housing owned by TKB Properties, LLC (TKB) and managed by New England Family Housing Management Organization, LLC (NEFHMO). In one complaint, she alleged that TKB and NEFHMO refused to renew her lease because the police responded to domestic

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violence-related calls to her unit. Therefore, she sought other housing in the area. In a second complaint, the survivor further claimed that while searching for another home, Michael Warren, a landlord, refused to rent an apartment to her because of the previous domestic violence-related police visits to her apartment. The survivor filed two complaints with HUD in December of 2013.

In May of 2014, the parties entered into conciliation agreements that were facilitated by HUD. Under the terms of the agreements, the survivor will receive a total of \$13,550 in damages. In addition, the management staff of TKB and NEFHMO must attend a training on fair housing and the Violence Against Women Act (VAWA). TKB and NEFHMO are further required to compile information regarding tenancy vacancies and applications on a regular basis for properties that they own or manage and accept Section 8 vouchers or other financial assistance from HUD. At HUD's request, TKB and NEFHMO must provide information concerning evictions or application denials that may involve police visits or domestic violence. They must also submit to HUD lease terms and lease renewal procedures that have been modified according to VAWA for all properties that they own or manage. Furthermore, Michael Warren agreed to attend a fair housing training as well as submit to HUD a report documenting applications for tenancy at the property and reasons for any denials. At HUD's request, Michael Warren also must provide information concerning housing denials that may involve police calls or domestic violence.

HUD is monitoring compliance with the conciliation agreements. ■

Resources

Conciliation Agreement between (Complainant) and New England Family Housing Management Organization, LLC, et al., FHEO Case No. 01-14-0073-8 (May 19, 2014), available at <http://portal.hud.gov/hudportal/documents/huddoc?id=14VAWANewEnglandconcil.pdf>

Conciliation Agreement between (Complainant) and Michael Warren, FHEO Case No. 01-14-0074-8 (May 19, 2014), available at <http://portal.hud.gov/hudportal/documents/huddoc?id=14VAWAWarrenconcil.pdf>

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