



ACLU
AMERICAN CIVIL LIBERTIES UNION

FOUNDATION

**WOMEN'S
RIGHTS
PROJECT**

Housing Discrimination And Domestic Violence

What is sex discrimination in housing?

Sex discrimination occurs when a property owner treats a buyer or renter differently because of her sex. Even if the property owner did not intend for a policy to treat women differently, policies that have a discriminatory effect on women also violate the law. Both intentions and effects are taken into consideration when determining whether a property owner's actions are discriminatory and illegal.

What sort of housing discrimination do women who have experienced domestic violence face?

Sometimes, landlords believe that they can ensure safety on their property by prohibiting domestic violence survivors from living on their premises. In order to accomplish this, landlords sometimes evict victims of domestic violence or deny applications from women who have experienced domestic violence in the past. These landlords often explain their actions by pointing to "zero tolerance" policies, which require the eviction of everyone occupying an apartment if criminal activity occurs there. Such policies fail to take into account whether an individual was a victim of violence or the perpetrator.

How is eviction of domestic violence victims a form of sex discrimination?

Since most domestic violence victims are women, policies and practices that discriminate against victims of domestic violence harm women at a higher rate than men. This results in a "disparate impact" on women compared with men. A disparate impact is a discriminatory effect. Disparate impact means that even if a landlord does not intend to discriminate against women, the landlord's actions are still harmful to women as a group, while they do not have the same harmful effect on men as a group.

What do state and federal laws say?

The Fair Housing Act is a federal law that prohibits sellers and renters of homes from discriminating against buyers or tenants on the basis of sex. Courts have not yet addressed whether the Fair Housing Act protects women from "zero-tolerance" policies and other policies that discriminate against women who have experienced domestic violence. Due to their disparate impact, however, it is probable that such policies would constitute an illegal form of sex discrimination, unless a landlord could prove that there was a very good reason for the policy.

In addition, many states have recently enacted legislation in an attempt to offer greater protection for victims of domestic violence. Rhode Island and Washington, for example, enacted laws that prohibit landlords from evicting or otherwise discriminating against tenants who have experienced domestic violence. In these states, a tenant experiencing domestic violence may also break her lease if she needs to do so to protect herself, as long as she has either reported the incident to the police or sought a protection order. These comprehensive state laws offer strong protections and support for domestic violence victims and survivors. Other states have taken steps in the right direction, but they have stopped short of offering domestic violence victims full protection from housing discrimination. Oregon, for example, allows a victim of domestic violence to terminate a lease to protect her safety, but does not prohibit evictions of abused women.

What are some examples of discrimination that may be illegal?

- A landlord learns that you have experienced domestic violence in the past, and rejects your application for tenancy on the basis of that information.
- You notice that your landlord suddenly applies rules to you that are not applied to male tenants after the landlord learns that you are in an abusive relationship.
- You are abused by an intimate partner while in your apartment, and your landlord evicts you soon after.
- Your landlord denies renewal of your lease after learning that you are in an abusive relationship.

What actions can I take?

The Fair Housing Act allows any “aggrieved person” to complain about housing discrimination. This includes any one who has been injured by discrimination, or who believes that she will be injured by discrimination that is about to occur. If you fall under either of these categories, you can proceed in one of the following ways:

1. Make a complaint to your landlord or housing authority

Public housing authorities usually have a standard procedure to follow when filing a discrimination complaint. Other types of housing may (or may not) have their own forms or procedures. No matter what, make sure that you make your complaint in writing. Because if it is possible to do so, it is always cheaper and simpler to resolve a problem directly in this way, complaining to your landlord should almost always be your first course of action. If the complaint is not dealt with properly, you may want to proceed with one of the options below.

2. File a claim with the United States Department of Housing and Urban Development (HUD)

You can file a complaint with your HUD regional office within one year of when the discriminatory action occurred. Within 100 days, HUD is supposed to complete its investigation, free of charge. If HUD finds “reasonable cause” to believe that discrimination has occurred, then HUD may refer your complaint to the U.S. Department of Justice for further enforcement. If you live in an area that has its own fair housing laws, HUD may refer your complaint to a local agency for investigation.

To be connected to your HUD regional office, call 1-800-669-9777 or visit
<http://www.hud.gov/complaints/housecrisrim.cfm>.

3. Bring suit in state or federal court

If you believe that your landlord intentionally denied you housing or otherwise treated you differently because of your sex, you can bring a claim by showing that the landlord treated men differently. If you believe that your landlord’s actions had the effect of discriminating against you, regardless of the landlord’s intent, you can bring a claim by showing that the actions had a negative impact on women and did not have the same impact on men. You have the right to file a case in federal or state court under the Fair Housing Act without going to HUD first. If you decide to sue under the Fair Housing Act, you must do so within two years of the discriminatory action.

Before moving forward with any of these actions, you should first consult with an attorney, HUD, or a state housing agency to gain a better understanding of your rights.

For more information about housing discrimination against domestic violence victims, contact: