

## **Housing Protections for Domestic Violence Survivors**

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Federal and state laws provide extensive housing protections for survivors of domestic violence, but these laws are often not well understood or utilized. It is vital for survivors and the advocates who help them to have knowledge of survivors' rights and ways to be protected from housing discrimination. As there is a significant shortage of affordable housing available, it is essential that survivors be able to avoid evictions that may complicate their situations and make it extremely challenging to rent in the future.

### **Early Termination of Rental Lease**

Delaware law provides an important protection for survivors of domestic violence- the right for an early termination of a lease. A tenant who is a victim of domestic violence, sexual offenses, or stalking and has sought some type of relief through any court, policy agency, or domestic violence program can provide their landlord with written notification that they would like to terminate their lease without penalty. They are required to give a 30 day written notice, which will then begin on the first day of the following month. This protection is helpful in enabling victims to move to a safer location without incurring lease violations or burdensome debt associated with not finishing out their lease. Domestic violence and sexual assault program staff can write letters to landlords to verify victimization. It is often helpful to cite the Delaware Code that enables for this protection.

DEL. CODE ANN. tit. 25, § 5314

<http://www.delcode.delaware.gov/title25/c053/index.shtml>

### **Right to Contact the Police**

A variety of federal protections are available to assure that victims of domestic and sexual violence have the ability to contact the police to intervene and protect them from further violence. Some towns and cities have Nuisance Ordinances, which require landlords to intervene if tenants have the police responding to their units or face penalties. Local ordinances like these lead to landlords evicting tenants, even if they were the victim of the crime that required police response. Nuisance Ordinances are often intended to deter crime, but in effect create dangerous dilemmas for victims who need protection, but also need to maintain their housing. Civil attorneys are successfully intervening, noting that evictions related to contacting the police are a violation of the First Amendment right to petition the government, the Fair Housing Act, and the Violence Against Women Act.

<http://www.delegalhelplink.org/>

<http://www.declasi.org/>

### **Protections within Federally Assisted Housing**

The Violence Against Women Act (VAWA) provides a wide range of federal protections for victims and survivors of domestic violence, dating violence, sexual assault, and stalking who are applying for or live within housing that is federally funded. These protections cover a variety of programs, including public housing, Section 8, and HUD funded homeless assistance programs.

Key protections include:

- The right to not be denied housing based on being a victim
- The right to not be evicted or loss rental assistance because of victimization
- The requirement for housing programs and landlords to notify tenants of their VAWA rights when they are applying for housing, when admitted as a tenant, and when being threatened with eviction.
- The requirement for housing programs and landlords to maintain confidentiality of survivors/tenants when they document their victim status
- The ability for survivors to request a lease bifurcation, meaning that the person who engaged in the violence can be evicted with a new lease created in the survivor's name. If the survivor was not the person originally eligible for federally funded housing, they are to be given an opportunity to establish eligibility.
- The ability for survivors to request an emergency transfer in order to be safe. After certifying their victim status, they may be able to move to another unit if one is available.

In order to enact VAWA protections, the housing program or landlord may ask for documentation of victimization and needs to give the survivor at least 14 business days to provide it. Documentation can be any of these three options: a HUD self-certification form; a letter signed by a victim service provider, attorney or medical/mental health professional; or a police report, a Protection From Abuse (PFA) Order, or a court record.

The National Housing Law Project provides materials for survivors and advocates to understand these protections in more detail: <http://nhlp.org/files/VAWA-2013-Packet.pdf>