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# Fair Housing for DV Advocates

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(Special guest appearance  
from Emily Luiken, Esquire)



*Who are you?*

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*What protections does  
my survivor have?*

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## **Violence Against Women Act**

- Subsidized housing providers  
Can self certify  
HUD has confirmed these protections will remain

## 25 Del C 5316

- Allows for early lease termination  
Protection from eviction and rent increases (except when owes rent)  
Can be difficult to legislate, but we want to!



## Agenda

- What housing protections do I have for my client?
- What is Fair Housing and why do I care?
- What is the Violence Against Women Act and why do I care?
- What does Fair Housing mean for my survivors?
- Why do they need me if they have an attorney?
- What would I do? – An exercise
- Questions and next steps



## *What is Fair Housing?*

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# Housing

### Eviction Defense & Housing Subsidy Terminations

- Provide free legal representation to individuals with subsidized housing who are facing eviction.
- In addition to those with subsidized housing, we also provide free legal representation to undocumented individuals.
- Represent individuals with subsidized housing who are facing termination from their housing assistance.

### The Fair Housing Initiative Program

- Assist people who believe they have been victims of housing discrimination through advocacy and enforcement actions.
- Engage in education and outreach surrounding fair housing practices state wide.
- Identify barriers to Fair Housing in order to counteract and eliminate any discriminatory housing practices in Delaware.
- Test housing providers for compliance with Fair Housing laws.





# The Federal Fair Housing Act

The Federal Fair Housing Act was passed on April 11, 1968 and helps to protect people in America from discrimination when they are:

1. renting or buying a home
2. getting a mortgage
3. seeking housing assistance
4. engaging in other housing related activities



President Johnson signs Fair Housing Act on April 11, 1968



## *Housing Discrimination*

Housing discrimination is treating one person or group of people differently from others on the basis of their belonging, or perceived belonging, to a protected class.



# Protected Class

The term “protected class” refers to a group of people who share a common characteristic and are protected by law against illegal discrimination because of that trait. The Federal Fair Housing Act outlines 7 protected classes.



## PROTECTED CLASSES UNDER THE FEDERAL FAIR HOUSING ACT

### RACE



Refers to whether a person is White, Black/African American, Asian, American Indian or an Alaska Native, or is a Native Hawaiian or Pacific Islander, or some mixture of two or more of these groups.

### RELIGION



FHA prohibits discrimination because of a person's religion, if a person wears religious clothing, or engages in religious practices and rituals.

### COLOR



Refers to the visible color of a person's skin; that is, whether a person's skin is light or dark.

### SEX



Sex is attributed at birth by our visible bodily differences.

### FAMILIAL STATUS



FHA defines as: One or more individuals (under 18) living with a parent or another person having legal custody of such individual or individuals.

### DISABILITY



FHA defines as: individuals with mental or physical impairments that substantially limit one or more major life activities.

### NATIONAL ORIGIN



Refers to a person's birthplace or ancestry, such as someone who is Latino/a, Hispanic, or from another country or region of the world.



## PROTECTED CLASSES UNDER THE DELAWARE FAIR HOUSING ACT

### SOURCE OF INCOME



Means any lawful source of money paid directly, indirectly, or on behalf of a renter or buyer of housing including income derived from any lawful profession or occupation program.

### CREED



Creed can be a formal doctrine, or system of beliefs, for a church or religious group. It also can be a philosophy, or a set of personal beliefs and the practices and observances associated with those

### AGE



Protects anyone over the age of 18. Minors are not protected, as they are covered under familial status. Protections do not extend to residency in state or federally-aided housing for the elderly, or to housing intended for elderly individuals.

### MARITAL STATUS



Protects against unlawful housing discrimination on the basis of your marital status—that is, whether you are married, unmarried, divorced or single.

## DISABILITY IS A PROTECTED CLASS UNDER THE FEDERAL FAIR HOUSING ACT

A person with a disability is defined as:

1. Someone with
  - a) a **physical or mental impairment**
  - b) which **substantially limits**
  - c) one or more of such person's **major life activities,**
2. Someone with a record of having such an impairment, or
3. Someone who is being regarded as having such an impairment



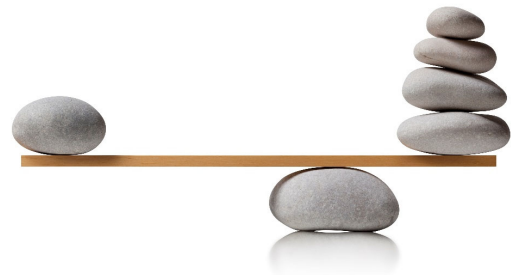
# Specific Protections for People with Disabilities

It is unlawful discrimination to refuse to provide reasonable accommodations or modifications for people with disabilities.



## What is a Reasonable Accommodation?

A change, exception, or adjustment to rules, policies, practices, or services that a housing provider must provide to a person with a disability if requested.



## Examples of Reasonable Accommodations

- A tenant that is blind may request that their service dog reside in their unit, even though they are in a no pet building.
- A tenant diagnosed with end stage kidney failure, decides that they are unable to continue to live independently, but they are in the middle of their lease. They can request an early termination of their lease and waiver of the early termination fees.
- A tenant with a mobility impairment can request a unit transfer to be in a ground level unit, and may be able to request an assigned parking spot in the existing lot.



## How might this impact dv survivors?

### VAWA

Applies to subsidized housing – specifically requires housing providers to make accommodations and to work to prevent evictions for dv related reasons

### ADA

Applies to all housing provides – requires an accommodation to be made to accommodate a disability if it is not an “undue burden”

### Fair Housing Act

While domestic violence is not specifically a criteria, courts have held that discrimination on the basis of domestic violence is discrimination on the basis of sex

### Del Code

Additional protections to prevent eviction or to allow termination in cases of domestic violence

## Case Study 1

Jane was sent a lease violation notice for having a ring camera, and her landlord then sent an eviction notice

Jane had a ring camera so that she could monitor when her partner slashed her tires. Casey from Dover PD wrote a letter supporting her, discussing the trauma which came from abuse and why it is recommended to have a ring camera

Working together, we were able to have the case withdrawn

## Case Study 2

Landlord sent a 60 day notice to terminate lease to dv survivor. Survivor wanted additional time to find new housing. We made a reasonable accommodation request to provide additional time to remain in housing with a supportive letter from DOJ advocate



# Your Turn



## Scenario 1

### **Lease violation case**

A dv survivor you are working with received a notice saying that she has violated her lease by having loud guests late at night. You know that her abuser comes by her house late at night. What could you do to support her?



#### Scenario 2

## Security deposit case

A dv survivor you are working with has broken her lease to move closer to her family out of state. Before she left, her survivor came over one night and did \$400 worth of damage. Now her landlord is refusing to return her security deposit. How would you help her?



#### Scenario 3

## Bad Neighbor Case

A dv survivor you are working with has been diagnosed with PTSD. She lives in a large apartment complex. Her next-door neighbor has frequent loud arguments with his significant other late into the night that trigger her PTSD. What law may be useful to invoke, and how would you use it to help?



# Any questions?

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