



*The Fair Housing Council of Montgomery County provides a monthly highlight which concentrates on pertinent housing issues affecting our communities*

## **Victimized Twice: Abused Women and Housing Discrimination**

***I recently applied for an apartment and the landlord found out from talking to a former landlord that I had filed a Protection From Abuse order against my ex-boyfriend. Now he refuses to rent to me saying: "I don't want any trouble here". I feel like I'm the one being punished- Can the landlord do this?***

Probably not. Although landlords have some discretion in tenant selection, they may not violate federal and state fair housing laws, which expressly prohibit discrimination based on sex. There is not yet a lot of case law on the subject, but there are several rulings around the country that have found that denying housing to a woman because she was victim of domestic violence is a violation of the Fair Housing Act. A landlord cannot apply a different standard to a female victim because she filed a protection order against her abuser. A landlord may not treat women differently from male tenants.

***How have cases decided that a landlord is treating women differently?***

A landlord who evicts or denies a woman housing because she has been a victim of domestic violence (a crime primarily affecting women) and yet would not evict or deny housing to tenants who were victims of other types of crime, is treating women differently from male tenants. Statistics reveal that 95% of victims of domestic violence are female- about one million a year.

***I live in subsidized housing where there is a 'zero tolerance' policy against drugs or violence by any member of the household. When one member is in violation, the entire household can be evicted without a hearing. Does this mean the woman who calls the police to stop domestic abuse can get kicked out and lose her housing subsidy too?***

Possibly –but these types of regulations are increasingly coming under attack by housing advocates. Because women are overwhelmingly the victims -and rarely the perpetrators- of domestic violence, a housing policy which would evict all members of a family because of domestic violence *regardless of whether the member is a victim or a perpetrator*, has a disproportionate adverse impact on women. By evicting both abuser and woman, it amounts to sentencing both the perpetrator and the innocent victim.

***What's the policy in Montgomery County regarding domestic abuse & eviction in public housing?***

MCHA may evict an entire household for violent or drug related activity without benefit of a grievance hearing. If a family is exhibiting a pattern of domestic abuse, obtaining a Protection from Abuse Order may actually help protect against an eviction because it demonstrates an effort to stop the violence. But if a woman violates the order and allows the abuser back in the home or it is found that there are other criminal or drug violations, the family may face eviction. However, if the other violations revealed were not of a criminal or drug nature, the family would have the benefit of a grievance hearing prior to eviction.

***This is confusing . How can I tell if the eviction or denial is discriminatory?***

This is an evolving area of the law. Some examples of sex discrimination by a landlord who finds out that you were abused may be: making derogatory remarks about abused women followed by an eviction, rescinding a housing voucher, denial of a rental application, or imposing different rules on you as a condition of renting. The key point to remember: To claim discrimination, you must show that the landlord discriminated against you because of your sex.