

***No More Blaming the Victim!
Federal Rules Protect Abused Women From Evictions***

My husband hits me, but I'm afraid that if I call the police, I'll be evicted as well. If I get a Protection From Abuse order, can it be used against me by my landlord?

NO! Federal law forbids housing discrimination based on gender. One recent Vermont case (Bouley vs. Young–Sabourin '05) held that the eviction of a woman after she filed a restraining order constituted “differential treatment” based on sex. Evictions of female victims as well as their male attackers are often based on outdated stereotypes about battered women i.e. the woman must have somehow participated in it or “caused it happen”. When a landlord acts on this bias to punish the victim *and would not deny housing to victims of other types of crime*, the landlord is treating women differently from male tenants, since 95% of victims of domestic abuse are female.

What about blanket policies such as “any type of criminal activity on the premises will be grounds for eviction” ?

Increasingly, courts have ruled that “zero tolerance” policies, although gender-neutral on their face, actually negatively affect women far more disproportionately than men and therefore constitute sex discrimination under the Fair Housing Act. Because these policies are often used to evict the victims of domestic violence (overwhelmingly female) as well as the male perpetrators, they result in a “disparate impact” on women as a group. Even if the original intent of the policy is not discriminatory, such policies fall more harshly on women. By contrast, men who are victims of crime are rarely faced with loss of their housing.

I live in subsidized housing which has a “one strike” rule for criminal activity. An entire family can be evicted if just one member engages in criminal activity. Can a woman who calls police to stop abuse lose her housing subsidy?

Strict “one strike” policies often found in subsidized housing have the effect of further penalizing an abused woman because she is the victim of domestic violence. Battered women are frequently faced with a terrible choice - keep quiet about abuse at home or become homeless. In 2005 Congress passed the “Violence Against Women Act” (VAWA) amending the “one strike rule” to protect battered women against this kind of policy. Under VAWA, public housing agencies are prohibited from denying, evicting, or canceling a tenant’s housing or “Section 8” voucher simply because a person has been the victim of domestic violence or stalking. *Note: Housing can be terminated if the landlord demonstrates that there is an “actual or imminent threat” to other tenants if the tenancy/subsidy is not revoked.*

Are private landlords covered by VAWA? If a woman has to abandon her apartment, can she lose her security deposit or be charged rent for the months left on her lease?

VAWA does not apply to non-subsidized housing. However, many states are looking closely at this issue because women so often end up homeless as a result of domestic violence and loss of needed funds (i.e. security deposit) to find a new, safe place to live. There is no ruling in Pennsylvania on the issue. However, women who must flee a dangerous situation should obtain a police report or other documentation to show that the reason for breaking the lease was due to imminent or actual harm caused by domestic violence.