Housing Rights for Victims of Domestic and Sexual Violence Act

Victims of domestic violence should not have to choose between their safety and their shelter. That is why the Violence Against Women and Department of Justice Reauthorization Act of 2005 made it unlawful to deny an individual Section 6 or Section 8 housing assistance just because the individual is a victim of domestic violence, dating violence, or stalking. The bill had overwhelming bipartisan support: it passed the Senate with unanimous consent, and it was signed into law by President Bush.

Those housing protections have proven invaluable. In Ohio, they prevented a landlord from evicting a working mother after her ex-boyfriend broke into her home and burned her child while she was on the job. In Illinois, they allowed a mother to keep her home after she called the police to report her ex-boyfriend’s repeated violations of a restraining order. And in Florida, they enabled a mother of five to keep her home after her abusive ex-husband broke down the door to her apartment and beat her.

For all of its successes, however, the 2005 VAWA reauthorization bill contains a number of gaps. The Housing Rights for Victims of Domestic and Sexual Violence Act builds upon that bill’s successes and addresses its shortcomings. It:

- **Protects victims of sexual assault.** Today, VAWA’s housing protections apply only to victims of domestic violence, dating violence, and stalking. This Act covers victims of sexual assault as well. As the National Alliance to End Sexual Assault explains, public housing programs “are vital resources for many victims of sexual assault, yet these vulnerable victims are not currently protected” under existing law.

- **Applies existing legal protections to additional federal housing programs.** The 2005 VAWA reauthorization bill’s housing protections apply only to the Section 6 and Section 8 housing programs. But a victim’s rights should not depend on the type of public housing in which she lives. This Act applies these protections to nine additional federal housing programs.

- **Updates the definition of “immediate family member.”** It is unlawful to evict a tenant from assisted housing just because another person in the household commits acts of violence against the tenant or against the tenant’s “immediate family member.” The Act updates the definition of “immediate family member” to cover people “whose close association with the victim is the equivalent of a family relationship.”

- **Provides emergency transfer policies,** which will allow victims to relocate to other available public housing units or to apply for unused tenant protection vouchers if they lawfully are evicted from their public housing unit.

This bill has been endorsed by the Minnesota Battered Women’s Legal Advocacy Project, the Domestic Abuse Project, the Tubman/Elder Care Rights Alliance, and Mid-Minnesota Legal Assistance. For more information, please contact Joshua Riley, Counsel to Senator Al Franken, at 4-1031 or Joshua_Riley@judiciary-dem.senate.gov.