

Housing Discrimination Against Abused Women

Are you facing eviction or denial of a housing benefit, or has a landlord denied your application for rental housing because you are being abused?

When a landlord learns that a tenant is a victim of domestic violence, the landlord sometimes reacts by taking action against the victim. Sex discrimination in housing is illegal, and in some cases this type of action against domestic violence victims is considered discrimination. This fact sheet explains some of your rights and options under federal and state law if you have been evicted, denied a housing benefit, or denied rental housing by your landlord after your landlord learned you were in an abusive relationship or a victim of sexual assault. (Throughout this fact sheet, the term “landlord” includes public housing authorities, property management companies, and private landlords.)

What should I know about sex discrimination under the Fair Housing Act?

The federal Fair Housing Act prohibits landlords from treating women differently from male tenants. Your landlord may be violating this law if, for example, it evicts or denies housing to a woman because she has been beaten but does not evict or deny housing to other tenants who also are victims of crime.

Your landlord’s sex discrimination policy (if it has one) also may be a basis for you to ask your landlord to stop discriminating against you. Housing authorities have such policies.

Under housing discrimination laws and policies, you may be able to file an internal complaint, administrative claim, or lawsuit against your landlord.

The Fair Housing Act protects those living in public housing, houses, apartments, condominiums, trailer parks, and homeless shelters.

How can I tell if I was evicted, denied a housing benefit, or denied rental housing because of sex discrimination?

Examples of landlord actions that may be sex discrimination:

- Your abusive partner lives with you, and your landlord evicts you or takes away your housing certificate because of the abuser’s actions, but does nothing to the abuser.
- Your landlord learns that you are in an abusive relationship, makes derogatory comments about women who have been abused or about your being a woman who has been abused, and then evicts you, takes away your housing certificate, or denies your rental application for that reason.
- Your landlord learns that you are in an abusive relationship or that you have experienced sexual assault, and then treats you differently from male tenants by imposing different rules on you as a condition of renting.
- A landlord learns from a prior landlord or review of public records that you were in an abusive relationship or filed for a protective or restraining order, and then denies your rental application because of this history.

For each of these claims, you must show that your landlord discriminated against you ***because of your sex***.

What can I do if I think I have been discriminated against?

A. Use your landlord's, property manager's, or housing authority's discrimination complaint procedure.

If you are in public housing, your housing authority should have a complaint or grievance procedure for sex discrimination. Other types of housing providers also may have complaint procedures. First, find out whether your landlord has a complaint procedure. Then ask about the procedures for filing a complaint. Second, **tell your landlord or someone with authority to change the situation. It is critical to document your complaint in writing.** Resolving the problem internally will save you the time and effort of filing an administrative complaint or lawsuit. However, if you believe your complaint has not been handled satisfactorily by your landlord, you may wish to file an administrative claim or lawsuit. You are not required to use the complaint procedure before filing a lawsuit.

B. File an administrative claim with the U.S. Department of Housing and Urban Development (HUD).

You can file an administrative claim with HUD within, but not more than, one year after the alleged incident. There is no charge for filing a claim with HUD. **To contact HUD, call 1-800-669-9777, TTY 1-800-927-9275** to be connected with your Regional Office. You can also see HUD's Fair Housing and Equal Opportunity website for complaint forms and further details at <http://www.hud.gov/complaints/housediscrim.cfm>. After HUD investigates the claim, and if HUD finds "reasonable cause" to believe that a discriminatory housing practice has occurred, then HUD may refer the complaint to the U.S. Department of Justice for enforcement.

C. File a lawsuit in federal or state court.

You also have the right to file an action in federal court or state court under the Fair Housing Act without having to go through the HUD or state administrative process. If you choose to sue under the Fair Housing Act, you must do so within two years of the alleged incident. If you live in a state or municipality that has its own fair housing law, HUD may refer your complaint to a state or local agency for an investigation or enforcement. In most cases, these procedures are similar to HUD's. Rhode Island specifically prohibits housing discrimination against domestic abuse victims. You also may have other valid state law claims.

Be aware that lawsuits can take many years and are expensive and time consuming. It is not easy to find a lawyer who will take your case for free or for a low fee. (At the end of the lawsuit, if you win, your attorney may be able to collect fees from the landlord.) There also may be specific requirements to prove your claim, such as showing that you gave your landlord the opportunity to resolve the claim, or that there was a very specific causal relationship between the sex discrimination and your eviction or other loss of housing benefits.

There are many ways to deal with sex discrimination.

Your first priority should be to protect your personal safety. You should not file a complaint if you feel that doing so will put you in danger. If you have this concern, you may wish to contact your local fair housing council, which can conduct testing and pursue a complaint on your behalf. If you would like to discuss your situation with an advocate, contact the National Law Center on Homelessness & Poverty (see below for information).

Consult an attorney, HUD, or your state housing agency about your rights.

This fact sheet is intended to provide accurate, general information about legal rights relating to housing. However, because laws and legal procedures are subject to frequent change and differing interpretations, NLCHP cannot ensure that the information in this fact sheet is current, nor is NLCHP responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your legal rights in your particular geographic location and situation. If you need assistance in finding a lawyer, contact NLCHP, the bar association in your state, or your local legal services office, domestic violence coalition, or service provider.

For more information and assistance, please contact:

Staff Attorney Naomi Stern, nstern@nlchp.org or 202-638-2535 x205

National Law Center on Homelessness & Poverty, Domestic Violence Project