

DOMESTIC VIOLENCE VICTIMS' HOUSING RIGHTS

NMHC/NAA Viewpoint

Preserving housing for victims of domestic violence, dating violence, sexual assault and stalking is critically important. The apartment industry supports the implementation of housing protections for victims of domestic violence that balance the victims' needs with the practical business and legal limitations of housing providers.

The Violence Against Women Act addresses 11 federal housing programs.

The Violence Against Women Act (VAWA) provides a multifaceted approach to combating domestic violence. First signed into law in 1994, the federal legislation created a national strategy to protect and provide services to victims and hold offenders accountable.

Housing provisions were first incorporated into VAWA in 2006 and were most recently amended in early 2013. The 2006 housing title ensured that victims of domestic violence, dating violence and stalking would not lose or be denied housing based on an incident of domestic violence. The measure also established a certification process to help housing providers, including apartment firms, identify those eligible for assistance under VAWA.

The 2013 reauthorization expanded VAWA's application to additional rental housing programs; it now includes Section 8 voucher and project-based programs, Low-Income Housing Tax Credit properties, HOME and others. In addition, the bill improves existing law by allowing property owners to request third-party verification if they receive conflicting information about a domestic violence incident.

Despite these improvements, the legislation adds several new provisions of concern to apartment firms. First, it establishes a new emergency transfer provision to relocate residents involved in domestic violence incidents. While this may work in federally provided housing, it can be problematic for private apartment firms that may not have available vacant units for a transfer. They also cannot legally speak for another firm's units. The law also adds a requirement for apartment firms to distribute broad, property-wide disclosures at resident application, move in and lease termination of domestic violence incidents.

Moreover, ambiguity in the statutory language opens the legislation up to significant interpretation by each federal agency administering the VAWA programs. As regulators implement the transfer and notification policies, they must take into account the differing characteristics, roles and capabilities of various housing providers and property types, as well as the disparate responsibilities of private versus public housing providers, and tailor guidance and rules accordingly.