

**Legal Housing Protections
and Property Management
Models for Survivors in
Permanent Supportive Housing**

Laws that Provide Housing Protections

- Fair Housing Act (FHA)
- Violence Against Women Act (VAWA)
- State and local laws

Fair Housing Act

The federal Fair Housing Act (FHA) protects domestic violence survivors from discrimination in housing situations, regardless of whether the housing is supported financially by the government.

Survivors' Rights under FHA

- Be free from discrimination when seeking housing to buy or rent;
- Be protected from eviction;
- Be treated the same as other tenants or occupants by a housing provider; and
- Request a reasonable accommodation, to ensure that someone with a disability has equal opportunity to use and enjoy housing.

Violence Against Women Act

- VAWA provides housing protections for survivors of domestic violence, sexual assault, dating violence, and stalking who are applying for or living in federally assisted housing.
- The law applies to a survivor regardless of sex, gender identity, sexual orientation, disability, or age.
- VAWA does not apply to market-rate rental housing (unless there is a federal subsidy).

Survivors' Rights under VAWA

- Cannot be denied admission, be evicted, or have their assistance terminated because of the violence committed against them;
- (All tenants/program participants) must get a notice of housing rights under VAWA;
- Can request that an abuser be removed from the lease and housing unit;
- Survivors with Housing Choice Voucher (“Section 8”) assistance can move with continued assistance;

Survivors' Rights under VAWA (cont.)

- Seek an emergency transfer to another unit in the same program and/or to a unit under another federally subsidized housing program;
- Stay in the unit, even if there is (or has been) criminal activity that is directly related to the violence;
- Has a right to strict confidentiality of information;
- Can self-certify using HUD Form 5382.
 - If there is conflicting information, a provider may ask for additional documentation.

What Programs are Covered by VAWA?

HUD Programs	
• Public Housing	• § 236 Multifamily rental housing
• Section 8 vouchers	• § 221d3/d5 Below Market Interest Rate (BMIR)
• Project-based Section 8	• HOME
• Section 202 Supportive Housing for the Elderly	• HOPWA (Housing Opportunities for People with AIDS/HIV)
• Section 811 Supportive Housing for People with Disabilities	• McKinney-Vento Homelessness Programs (includes Emergency Solutions Grant; Continuum of Care)
• Housing Trust Fund	
Department of Agriculture	
• Rural Development (RD) Multifamily	
Department of Treasury/IRS	
• Low Income Housing Tax Credit (LIHTC)	

State and Local Housing Protections

- State and local housing protections are critical for survivors because they can provide more protections than federal laws.
- Some state and local protections explicitly extend to sexual assault, stalking, dating violence, and human trafficking survivors, but not all of them do.

State and Local Housing Protections

State and local housing protections include:

- protection against discrimination (10 states)
- early lease termination (27 states)
- eviction defense (24 states and localities)
- lock changes (18 states)
- protections for survivors who seek emergency and police assistance (15 states and localities)

NHLP, *State Law Compendium: Housing Rights of Domestic Violence Survivors* (2017)

- <https://www.nhlp.org/initiatives/protections-for-survivors-of-domestic-and-sexual-violence/>

COVID-19 Eviction Protections

- CDC eviction moratorium prevents renters in communities experiencing a substantial or high level of community transmission of COVID-19 from being evicted for nonpayment of rent.
 - Find out whether your county is experiencing a substantial or high rate of transmission:
<https://covid.cdc.gov/covid-data-tracker/#county-view>
- Protects renters for up to two months, from August 3 to October 3. Renters lose protections under the moratorium once their community is no longer experiencing a substantial or high level of community transmission.

COVID-19 Eviction Protections

- Requires renters to provide their landlord with a signed declaration form to be covered. Renters who previously submitted declaration forms are not required to do so again.
- Does not relieve renters from their obligation to pay rent.
- Learn more about the CDC eviction moratorium:
[https://nlihc.org/sites/default/files/CDC Update Eviction Moratorium Fact Sheet Redesign 8-5-21.pdf](https://nlihc.org/sites/default/files/CDC_Update_Eviction_Moratorium_Fact_Sheet_Redesign_8-5-21.pdf)
- State/local eviction and utility shutoff moratoriums:
<https://evictionlab.org/covid-eviction-policies/>

Emergency Rental and Utility Assistance

Help for renters and landlords to find emergency rental and utility assistance programs

- Consumer Financial Protection Bureau:
<https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/>
- National Low Income Housing Coalition tracker:
<https://nlihc.org/rental-assistance>
- National Council of State Housing Agencies rental assistance chart:
<https://www.ncsha.org/wp-content/uploads/2021-Updated-State-Level-ERA-Administrative-Entities.pdf>
- Call 211

Scenario: Taylor

Taylor

Taylor is scared for their safety because their girlfriend, living in the PSH unit, has been threatening them. We are the organization that provides PSH. Taylor's girlfriend is the head of the household.

Q: Is Taylor eligible for an emergency transfer?

A: Yes

Q: Do we have to terminate assistance to Taylor's girlfriend (the person who caused harm)?

A: No. The organization can determine whether to terminate assistance to the perpetrator. The violence would substantiate removal. But the org is not required to do so.



VAWA in the Los Angeles Continuum of Care

Survivor Rights under CA Laws

Some states, including California, have protections that go farther than federal protections. California protections extend to all rental market housing (not just federally subsidized housing)

- Early lease termination
- Lock changes
- Not be evicted due to the violence they experience
- Not be evicted for calling 911 and emergency assistance

LAHSA's VAWA Policy

- Extends definitions to include CA legal definitions
 - Ex: Domestic Violence in CA includes roommates
- Extends protections to survivors of human trafficking
- Survivors have 12 months to establish eligibility for the program they are in, establish eligibility for another housing program, or find other housing
- If remaining household members cannot establish eligibility or secure housing within 12 months, housing providers must assist in finding other housing

*CES Policy Council passed a Transfer Policy capturing crimes beyond VAWA covered crimes

What Programs are Covered by VAWA?

Interim Housing Programs	
Crisis Shelter	Safe Parking
Interim Housing (ex: Bridge Housing, Tiny Homes, etc.)	Project RoomKey
Host Homes	Transitional Shelter
Permanent Housing Programs	
Rapid Re-Housing	Tenant Based Shallow Subsidy
Project-Based Supportive Housing	Scattered Site Supportive Housing

Requesting a Transfer

HOW DO I REQUEST AN EMERGENCY TRANSFER?

OVERVIEW OF EMERGENCY TRANSFER PROCESS



Transfer Process & Protocol

- Once a transfer request is made:
 - the Covered Program must identify an emergency transfer placement within their portfolio to a comparable facility or unit
 - If there is no comparable option, the Covered Program can waive eligibility requirements and move the program participant to another unit
- If the Covered Program does not have an alternative unit available for placement
 - Covered Program will contact the LAHSA DV Coordinator to locate a comparable unit
 - The staff member will continue to be responsible for notifying the program participant when an emergency transfer placement is identified and supporting them through the completion of the transfer, even if the transfer is outside of their Covered Program

RESOURCES FOR SURVIVORS



No DV LA (website)

A resource hub for victims of Domestic Violence offering service locations, phone numbers, and City initiatives

VISIT



Dating Violence and Domestic Violence Resources

Provides a list for several of the most comprehensive Dating Violence and Domestic Violence Agency programs in LA

LEARN MORE



Survivor Stalking Resources

Information relating to stalking, reporting guidance, tracking stalking behavior, and training material

LEARN MORE



Human Trafficking Resources

Resources to provide general information regarding human trafficking, direct services, and referrals in LA

LEARN MORE



Transfer Request Form (Multilingual)

Request an emergency transfer and certify eligibility requirements under VAWA



VAWA Certificate (Multilingual)

Available VAWA protections for applicants, tenants, and program participants in LAHSA funded programs



Housing Rights Q&A (Multilingual)

Housing rights for VAWA victims enrolled in a LAHSA funded program

RESOURCES FOR PROVIDERS



Interim Emergency Transfer Plan (IETP)

This plan is to ensure that Program Participants/Tenants who are Victims of Domestic Violence, Sexual Assault, Dating Violence, Stalking, and Human Trafficking in LAHSA's Covered Programs can maintain safe, stable, and affordable housing

[SHOW DOCS](#) ▾



Release of Information (Multilingual)

Authorization form to voluntarily release information rights and acknowledgements to certain individuals or groups

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VAWA and CA Law Checklist

VAWA and State laws offer protection from discrimination in accessing and maintaining federally assisted housing because of violence committed against survivors

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LAHSA Multilingual System & Programmatic Documents

In an effort to ensure LA's diverse population has access to important information as it relates to the Coordinated Entry System and LAHSA's programs, LAHSA offers translated documents

[SHOW DOCS](#) ▾



Your Housing Rights Brochure (Multilingual)

Find easy to understand answers to ten of the most commonly asked questions



Your Housing Rights Poster (Multilingual)

The Violence Against Women Act protects survivors regardless of their sex, gender identity, or sexual orientation.