

Violence Against Women Act Housing Provisions

The housing protections listed below were enacted through the Violence Against Women Act of 2005 and apply to federally funded public housing and project based Section 8 residents and those with Section 8 vouchers who are victims of domestic violence, dating violence or stalking.

Eviction protection- Criminal activity relating to domestic violence, dating violence and stalking does not constitute grounds for terminating a victim's tenancy. Victims of domestic violence, dating violence and stalking can not be evicted because of incidents of actual or threatened violence.

Further, victims of domestic violence, dating violence and stalking cannot have their housing assistance terminated based on their status as victims unless there is an actual or imminent threat to other tenants or employees.

Consistency with Protective Order provisions- Public Housing Authorities (PHA's) and Sec 8 landlords must honor civil protection orders and other court orders from domestic violence and family court judges that address the rights of access to or control of the property.

Ability to bifurcate leases- PHA's and Sec 8 landlords may evict, remove or terminate the assistance of the offender while allowing the victim who is the tenant or lawful occupant to remain.

Portability- Victims of domestic violence, dating violence and stalking using the Section 8 voucher can transfer their voucher to another jurisdiction if safety is a concern, even if moving would otherwise terminate their lease. Public housing residents can request an emergency transfer to another PHA not within the same jurisdiction.

Confidentiality- PHA's, landlords and managers must maintain the confidentiality of any information or documents of victims of domestic violence, dating violence, or stalking.

Sexual Assault- Only certain provisions within VAWA's housing title cover sexual assault. Sexual Assault is explicitly covered in the PHA local planning changes, grant programs, and HMIS. Sexual Assault is not explicitly covered under denial and eviction protections. Contact Texas RioGrande Legal Aid for more information at 888-988-9996.

**VAWA does not prevent tenants from being evicted for reasons unrelated to domestic violence, dating violence, or stalking, as long as the PHA, landlord, or manager does not subject a victim to a higher standard than other residents.*

Public Housing Authorities in Texas

There are 214 Public Housing Authorities in Texas. To locate the PHA in your area go to:
<http://www.hud.gov/offices/pih/pha/contacts/states/tx.cfm>

Eligibility for public housing or Section 8 programs is based on:

- Household income
- If any family member is elderly or has a disability
- Immigration status
*(*Note: Mixed families are eligible for assistance at a pro-rated rent, calculated by the number of eligible family members. In addition, victims and their children with either a prima facie or approved VAWA self petition are eligible for federal housing subsidies.)*
- The availability of subsidized housing and vouchers in a given area varies. Some PHA's give "preference" (priority on the wait list) to certain groups of individuals, including victims of domestic violence.

Some Public Housing Authorities provide self sufficiency programs including:

- **Resident Opportunities & Self-Sufficiency (ROSS):** Provides funds for job training, child care, GED or ESL classes and computer training. Links persons who are elderly or who have disabilities in public housing to independent living assistance.
- **Housing Choice Voucher (HCV) & Family Self-Sufficiency (FSS):** Provides child care, transportation, education, job training and employment assistance as well as homeownership counseling.

Texas State Housing Laws

A victim of family violence residing in any rental property has the right to:

- Seek police and emergency assistance in response to family violence. (TX Property Code §92.015)
Landlords are prohibited from:
 - » barring or limiting tenants rights to call for assistance
 - » imposing penalties for calling assistance
 - » requiring tenants to waive their rights to call for assistance in order to be eligible to rent.
- Terminate a lease without penalty (TX Property Code §92.016). This right applies to a victim who has been living with an abuser and has a protective order (under Chapter 85 of the Family Code) or a temporary injunction (under Subchapter F, Chapter 6 of the TX Family Code) to stop family violence within a divorce.

Texas Fair Housing Act

- The Texas Fair Housing Act (FHA) prohibits discrimination in housing based on race, religion, color, sex, national origin, disability or familial status and applies to discrimination in the sale or rental of housing and mortgage lending. The Act also precludes all persons from taking any action to limit one's exercising of their rights under the Act.
- Sex discrimination, including sexual harassment, is prohibited under the Fair Housing Act. Recent case law has found negative actions taken against a woman because she is a victim of domestic violence, dating violence or stalking is considered discrimination in certain instances. The Fair Housing Act may apply if a woman is evicted, denied a housing benefit or denied rental housing by a landlord after the landlord learned she was a victim.
- Discrimination complaints can be filed through the Texas Workforce Commission Civil Rights Division. For more information, go to the civil rights and discrimination section of www.twc.state.tx.us.

Collaboration and Advocacy

- Utilize the VAWA housing provisions, HUD's Public Housing Occupancy Guidebook Chapter 17 on Domestic Violence (available at www.vawnet.org) and the Texas state laws to advocate on behalf of survivors.
- Educate survivors of their housing rights.
- Assist survivors whose rights may have been violated to formally appeal or request a hearing within the appropriate time frame.
- Find out if your local PHA provides self sufficiency programs and how residents can get involved.
- Collaborate with housing attorneys (www.texaslawhelp.org) and Fair Housing Initiative Programs that represent tenants and promote fair housing practices (www.fairhousing.com).

Resources

U.S. Department on Housing and Urban Development (HUD)

www.hud.org

National Law Center on Homelessness and Poverty

www.nlchp.org

Texas Law Help

www.texaslawhelp.org

Legal Momentum

www.legalmomentum.org

TCFV Policy Team

800.525.1978

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Housing:

Protections and Options for Victims of Family Violence

Information for Advocates



1-800-525-1978
1-888-239-9035 (TTY)
www.tcfv.org