

Eviction Due to Victim of Domestic Violence

The Fair Housing Act protects people in both public and private housing spheres. Additionally, the Fair Housing Act makes it illegal to discriminate in housing based on a person's "race, color, religion, sex, familial status, or national origin."¹ Put simply, if you believe you are being discriminated against in your pursuit of housing by one of those earlier stated attributes, you have a potential claim of housing discrimination. The U.S. Department of Housing and Urban Development ("HUD") investigates claims of housing discrimination through their Office of Fair Housing and Equal Opportunity ("FHEO").

Domestic violence does not affect people at comparable rates. A study done by the Center for Disease Control found 1.3 million women were victims of assault by an intimate partner in one year. The U.S. Bureau of Justice determined that 85% of domestic violence victims were women. Furthermore, a 2009 study showed women were five times as likely as men to experience domestic violence. These stark statistics show women are far more likely to be victims of domestic violence.²

In 2011, HUD Deputy Assistant Secretary for Enforcement and Programs, Sara K. Pratt, authored a memorandum containing the previously stated statistics, as well as guidance for HUD Regional Offices moving forward.³ In this memo, Secretary Pratt gave new guidance to HUD Regional Offices, recognizing the discriminatory effect domestic violence has towards women. Because of the overwhelming disparate impact domestic violence has on women, Secretary Pratt concluded FHEO investigators should begin to investigate claims of eviction, denial of housing, and termination of assistance that were caused by domestic violence. If a woman experiences domestic violence and is subsequently evicted, denied housing, or has her housing assistance terminated, her claim can now be investigated as a violation of the Fair Housing Act.

The newfound recognition of housing discrimination against women has also made headway in the courts. A district court denied Respondents' (housing provider) motion for dismissal after the complainant was evicted and charged for property damage inflicted by her abuser.⁴ In the past, courts had granted preliminary motions to dismiss because being a victim of domestic violence was not a protected class under the Fair Housing Act. Courts have also found that the housing provider's knowledge of the

¹ 42 U.S.C. § 3604(b)

² All studies detailed in Secretary Pratt's memorandum

³ <https://www.hud.gov/sites/documents/FHEODOMESTICVIOLGUIDENG.PDF>

⁴ *Dickinson v. Zanesville Metro. Hous. Auth.*, 975 F.Supp.2d 863, 872 (S.D. Ohio 2013); see *Creason v. Singh*, No. 13-cv-03731-JST, 2013 WL 6185596 at *4 (N.D. Cal. Nov. 26, 2013) (finding in some cases "evicting a tenant with a valid domestic violence defense could constitute discrimination on the basis of sex in violation of Section 3604 [of the FHA]")

tenant's status as a victim of domestic violence can result in an inference the housing provider participated in sex discrimination.⁵

Lastly, HUD has successfully investigated claims of sex discrimination based on being a victim of domestic violence. A 2005 HUD conciliation agreement forced a housing provider to pay back a victim of domestic violence after she was forced to pay for broken windows and was eventually evicted after the assault.⁶ In another case, a woman was given a 30-day eviction notice and forced to pay for damages caused by her abuser in a case of domestic violence, even after the property manager knew the damage was caused by the abuser. After HUD and the ACLU took her case, she was given monetary damages, attorneys' fees, and the property manager guaranteeing they would not evict or discriminate against victims of domestic violence, dating violence, sexual assault, or stalking whether or not the abuser lives in the household.⁷

In conclusion, if you were evicted, denied housing, or had your assistance terminated because you are a victim of domestic violence, you are also likely a victim of sex discrimination, in direct violation of the Fair Housing Act.

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⁵ *Meister v. Kansas City Hous. Auth.*, No. 09–2544–EFM, 2011 WL 765887 at *6 (D. Kan. Feb. 25, 2011)

⁶ *T.J. v. St. Louis Housing Authority* (2005) found at <https://www.ncsha.org/wp-content/uploads/2018/01/HFA118-LIHTC-VAWA-Challenges-Amanda-Gross-E-A-Team.pdf> *4

⁷ *Lewis v. North End Village*, Case No. 2:07-cv-10757, unreported, (E.D. Mich. 2007)