

VAWA 2005 – New Housing Protections for Victims of Domestic Violence, Dating Violence, or Stalking

VAWA 2005 includes important new protections to ensure that victims of domestic violence, dating violence, or stalking living in public housing or using federally-funded housing vouchers (“Section 8” vouchers) do not lose their housing based on the criminal acts of violence against them.

These provisions respond to a widespread problem of individuals being evicted because “criminal activity” – the abuse committed against them – has occurred in their apartments, or because noises -- such as a scream for help, a police siren, or shots being fired -- have “disturbed the peaceful enjoyment of the property.” Victims who do separate from an abuser often face housing discrimination when they look for new housing. Too often, victims face the unconscionable choice of returning to an abusive relationship or becoming homeless.

VAWA 2005 helps improve victims’ access to safe housing by making clear that:

- An individual cannot be denied access to public housing or to voucher assistance because he or she has been a victim of domestic violence, dating violence, or stalking;
- A victim cannot be evicted or cut off from voucher assistance based on incidents of abuse or criminal activity directly relating to abuse; however, landlords may take steps to evict or deny assistance to the perpetrator of acts of violence;
- Public housing authorities have a responsibility to notify tenants of their new rights under VAWA; and
- All information provided by a tenant related to domestic violence, dating violence, or stalking must be kept confidential.

VAWA 2005 also authorizes funding develop transitional housing for victims looking for safe long-term housing and for housing providers to partner with domestic violence organizations to develop strategies for serving the needs of victims and promoting safety.

For technical assistance on VAWA’s housing protections, contact Deborah Widiss (dwidiss@legalmomentum.org or 212-925-6635).