

VAWA Enforcement Update

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VAWA Enforcement - Strategies

- ❑ Eviction / termination defense
- ❑ Affirmative VAWA claim
- ❑ As part of Fair Housing Act case
- ❑ HUD administrative advocacy

Will focus on cases from last two years.
Check out nhlp.org/OVWgrantees

Eviction / Termination Defense

Tucker v. Chicago Hous. Auth. (Ill. Cir. Ct. 2014)

Affirmed voucher termination based on abuser's arrest at her home pursuant to drug and weapons offenses. Court concluded that VAWA did not offer protection because crimes were not directly related to abuse, disregarding tenant's testimony re: dv. Court also found that CHA could still terminate based on threat of abuser to others. Settled favorably for tenant upon further appeal.

Eviction / Termination Defense

Boston Hous. Auth. v. Maiden (Boston Hous. Ct. 2015)

Eviction brought against Maiden, who abused Glover. Glover, who had custody of children, sought for years to be put on lease in Maiden's stead. In course of litigation, BHA offered lease and residual tenancy.

Affirmative VAWA Claim

Meister v. Kansas City, KS Housing Auth.
(D. Kan. 2011) (not reported)

Court opines on enforcement of VAWA via section 1983 but makes no ruling

Briggs v. Borough of Norristown (E.D. Pa. 2013) (settled)

Claim that VAWA preempts local ordinance

Affirmative VAWA Claim

Jennings v. Hous. Auth. of Baltimore City
(D. Md. 2015)

Voucher was terminated based on criminal activity of tenant's son – one incident involved violence against tenant. Tenant filed suit alleging that termination violated VAWA. Court concluded PHA violated Admin. Plan by considering dv incident but that tenant could not show but-for causation. Case dismissed.

Affirmative VAWA Claim

Blakemore v. Housing Auth. Of Cook County
(N.D. Ill. 2015) (case pending)

PHA refused to re-house public housing tenant after her apartment was set on fire by her daughter's ex-boyfriend. Complaint alleges FHA, VAWA preemption, VAWA 1983 1983, due process, equal protection, and state claims.

VAWA as Part of FHA Case - Evidence

Dickinson v. Zanesville, 975 F. Supp. 2d 863
(S.D. Ohio 2013)

PHA blamed dv survivor for incidents and threatened her with eviction. Court found that PHA's failure to meet its VAWA obligations supported FHA sex discrimination claim.

VAWA as Part of FHA Case - Remedies

*Survivor v. New England Family Housing
Management Org. (HUD 2014)*

Conciliation of FHA complaint alleging refusal to renew lease because of calls to police regarding domestic violence resulted in adoption of VAWA lease and training.

VAWA as Part of FHA Case – Remedies (cont.)

Watkins v. Southgate (HUD 2014) – HUD issued charge of discrimination in case involving voucher holder who faced eviction after dv incident. Settlement included adoption of VAWA policy and training.

Hope v. Valencia Village (HUD 2014) – Denial of housing application due to refusal to provide children’s SSNs based on privacy and safety concerns. Conciliation agreement included adoption of VAWA policy and requirement to make accommodations for survivors.

VAWA as Part of FHA Case – Practice Note

Watkins v. Southgate (HUD 2014): In advocacy, make sure you cite VAWA and FHA in order to preserve retaliation claim.

VAWA and HUD Advocacy

- Consider contacting HUD HQ along with local office on VAWA matters.
 - Public housing: Miranda Stern, miranda.k.stern@hud.gov
 - Voucher program: Ryan Jones, ryan.e.jones@hud.gov; Teresa Greenfield, teresa.m.palladino@hud.gov

- Advocacy underway to develop system at HUD to track VAWA complaints.