

# HOUSING JUSTICE

National Housing Law Project

Newsletter February 2013

## Senate and House Take Steps To Reauthorize the Violence Against Women Act

The Senate and House recently took steps to get the reauthorization of the Violence Against Women Act (VAWA) back on track. On February 12, 2013, the Senate passed S. 47, a bill to reauthorize VAWA. Additionally, Representatives Gwen Moore (D-WI) and John Conyers (D-MI) introduced H.R. 11, a House companion bill identical to S. 47. The bills are very similar to S. 1925, legislation that the Senate passed during the last Congress, and they would strengthen the housing protections currently found in VAWA.

VAWA's housing protections became effective January 2006 and apply to applicants and participants in the public housing, project-based Section 8 and Section 8 voucher programs. Currently, the law protects survivors of domestic violence, dating violence, and stalking from being evicted or denied housing assistance based on acts of violence committed against them. Even though Congress has not yet reauthorized VAWA, legal protections for survivors under the Act, including the housing protections, have not expired and remain in effect.

S. 47 and H.R. 11 would increase the number of survivors who are covered by VAWA's housing protections. First, the bills would extend VAWA's existing housing protections to sexual assault survivors. Second, the bills would extend VAWA's coverage to several additional federally subsidized housing programs, such as the Rural Development housing programs and the Low-Income Housing

Tax Credit program. Adding these programs would cover more than four million housing units that are not included in existing law.

Additionally, S. 47 and H.R. 11 would require public housing agencies (PHAs) and subsidized owners and managers to adopt an emergency transfer policy for survivors of domestic violence, dating violence, sexual assault, or stalking. This would help ensure that subsidized housing providers have policies in place when survivors need to relocate for their safety. Further, the legislation would mandate that PHAs and subsidized owners provide notice of VAWA housing rights at the time an individual applies for a unit, at the time an individual is admitted to a unit, and with any notification of eviction or termination of assistance. These provisions would help notify survivors of their housing rights. Many tenants currently fail to assert their VAWA protections because there is no requirement that a PHA or owner include information about VAWA in eviction or termination notices.

The primary question regarding the future of the VAWA reauthorization is whether the Senate and House can agree on the legislation's content. Last session, House Republicans introduced their own version of the VAWA reauthorization that did not include certain protections for battered immigrants, victims on tribal lands, and LGBT survivors. The inability of the House and Senate to concur on these provisions in part led to Congress' failure to reauthorize VAWA in 2012. Advocates are hopeful that increased public awareness of the importance of the VAWA reauthorization will lead to a different outcome in the current Congress. ■

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**Senate Bill Would Expand Housing Protections in the Violence Against Women Act**

**Management Company's Policy Requiring Tenants to Speak English Violates Fair Housing Laws**

## HUD: Management Company's Policy Requiring Tenants to Speak English Violates Fair Housing Act

The Department of Housing and Urban Development (HUD) recently entered into a conciliation agreement with a Virginia property management company that allegedly refused to rent to a Hispanic woman because she did not speak fluent English. The woman filed a complaint with HUD alleging that Virginia Realty Company refused to give her a rental application because she did not speak English well. The woman also alleged that the company refused the translation assistance of the bilingual person she brought with her.

HUD opened an investigation and discovered that Virginia Realty had a written policy regarding language proficiency. The policy expressly required all prospective tenants to be able to communicate with management staff in English without assistance from others, and to complete rental applications only while they were in the management office. Based on this information, HUD filed an administrative complaint alleging that Virginia Realty's policy requiring competency in English as a prerequisite of tenancy violated provisions of the Fair Housing Act (FHA) that prohibit discrimination on the basis of national origin.

As a result of the HUD complaint, Virginia Realty and HUD entered into a conciliation agreement. The company will pay the prospective tenant \$7,500. Further, it will donate \$25,000 each to Piedmont Housing Alliance, Nueva Vida Church, and Hampton Hispanic Chamber of Commerce. These awards will be used to support outreach initiatives to bilingual speakers and to further fair housing activities. Additionally, the company will adopt a non-discrimination policy, which it will distribute to prospective and current tenants in both English and Spanish. It also must adopt a plan to more effectively serve limited English proficient prospective and current tenants, including provisions regarding translation and interpretation services for residents and applicants. Finally, the company must require its employees to undergo fair housing training. The settlement will

### More Information

To learn about HUD's language access initiatives, visit [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep)

apply to over 500 units of rental housing that the company manages throughout Virginia Beach and Norfolk.

As stated by John Trasviña, HUD's assistant secretary for Fair Housing and Equal Opportunity, "Denying housing because a person does not speak English well violates the Fair Housing Act." Trasviña further stated that "This settlement reaffirms HUD's commitment to combating discrimination against a person because of their national origin or the language they speak."

The settlement is illustrative of HUD's recent efforts to combat housing discrimination on the basis of national origin. Advocates assisting clients who believe they have experienced housing discrimination can contact HUD at (800) 669-9777 or 800-927-9275 (TTY), or file a complaint online at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/online-complaint). ■

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