

HOUSING JUSTICE

National Housing Law Project

Newsletter May 2014

Domestic Violence Survivor Settles with Property Managers after Being Denied Housing

On April 4, 2014, an apartment complex and property management company in Florida entered into a conciliation agreement with a survivor of domestic violence. The survivor claimed that the property managers had discriminated against her by refusing to rent her an apartment because she did not provide the Social Security numbers (SSNs) of her minor children due to safety concerns related to domestic violence. The survivor, Hope, was divorced from the abuser and had a restraining order against him. A court awarded Hope sole custody of their two children while denying the ex-husband visitation rights. Due to ongoing violence, Hope fled to Florida, changed her name, and received a new SSN. She did not change the names and SSNs of her children because doing so would have required her to provide notice to the abuser, which would have alerted him to their new identities.

In December 2010, Hope, her fiancé, and three children applied for housing with Valencia Forest Apartments in Orlando, Florida. The development was owned by Valencia Village Partners and managed by Concord Management. Management staff at the complex told Hope that three-bedroom apartments were available for rent. After seeing an apartment they wished to rent, Hope and her fiancé proceeded to apply. One application form sought the full SSNs of Hope's children and "asked

whether the applicant had custody of any children." When Hope asked why they needed this information, a staff member told her that property management wanted to make sure that nobody would show up and claim the children were actually theirs, that they did not want anything "dramatic" to occur there, and that the information was necessary for auditing purposes. Hope explained to the staff that she was a survivor of domestic violence and disclosing the SSNs of the children would endanger her family because they were fleeing from the abuser. Hope "offered to provide documentation of her custody rights and the domestic violence, as well as the last four digits of the children's SSNs." The staff reiterated that they needed the full SSNs for auditing purposes. The staff then agreed to send an email to the corporate office to request a waiver of the SSN requirement. Later that month, a staff member left a voicemail for Hope indicating that the property could not rent to her unless she provided the children's full SSNs.

In 2011, the national American Civil Liberties Union (ACLU) Women's Rights Project and ACLU of Florida filed a complaint with the Department of Housing and Urban Development (HUD) on behalf of Hope. The complaint alleged that the apartment complex and property management company had discriminated against Hope and her minor children on the basis of sex and familial status in violation of the federal Fair Housing Act. Specifically, Hope claimed that the property managers'

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policy of denying housing when a survivor refused to provide her children's full SSNs had "a disparate impact on domestic violence victims, the vast majority of whom are women, and who have unique safety concerns." The complaint noted that SSNs in particular could "be used by abusers to track down survivors and their families." In addition, Hope alleged that mandating disclosure of children's SSNs was a policy that discriminated against families with children. The statements made by the staff for requiring this information— for the purposes of ensuring that no one would show up claiming children and that nothing "dramatic" would occur there—further reflected stereotypes about families with children.

In the conciliation agreement, among other terms, Concord Management agreed to adopt housing protections under the Violence Against Women Act (VAWA) and to reasonably provide accommodations for survivors of domestic violence, dating violence, sexual assault, and stalking at Valencia Forest Apartments and all other properties managed by Concord Management in eight states. Specifically, Concord Management will make accommodations in application processing for survivors who provide documentation of their status as survivors. A request for accommodation "will not be considered reasonable if it would pose an actual and imminent threat to other residents or employees of the property" or if the request would fundamentally alter the nature of the housing. Concord Management will include a statement in its housing application notifying applicants how to request an accommodation if they are survivors and are uncomfortable answering any application questions. In addition, a similar policy will be created for residents to prevent discrimina-

Resources

Housing Discrimination Complaint at 2 (Oct. 20, 2011), available at <https://www.aclu.org/womens-rights/hope-valencia-village-housing-discrimination-complaint>

Title VIII Conciliation Agreement between Hope (Complainant) and Valencia Village Partners, Ltd., et al., FHEO Case No. 04-11-0574-8 (Apr. 4, 2014), available at: https://www.aclu.org/sites/default/files/assets/executed_redacted_ca.pdf

Ramya Sekaran, ACLU Women's Rights Project, "Hope" Triumphs over Abuse and Housing Discrimination (Apr. 7, 2014), available at <https://www.aclu.org/blog/womens-rights/hope-triumphs-over-abuse-and-housing-discrimination>

tion against survivors. Concord Management will "make accommodations in site rules, regulations, policies and procedures" for survivors after receiving the appropriate documentation.

Furthermore, within 90 days of the agreement, Concord Management agreed to review its records to determine if any rental applications at properties in Orange County, Florida were denied from December 2010 through February 2014 because of the applicants' inability to comply with previous application requirements due to their status as survivors. If Concord Management finds such applicants, it will send the applicants a letter extending them an opportunity to reapply.

In addition, Concord Management will provide a training organized by the National

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Housing Law Project on VAWA and the Fair Housing Act as it applies to survivors. The training will be given to staff responsible for approving applications or working with applicants or residents. Concord Management will also provide a separate fair housing training organized by Grace Hill for all staff who work with applicants or residents.

HUD will monitor compliance with the agreement. ▪

Settlement with Housing Authority Leads to Streamlined Application Process for Survivors

In January 2014, the New York City Housing Authority (NYCHA) settled a lawsuit filed by ten women last year alleging that NYCHA allowed apartment applications from survivors of domestic violence to remain unresolved for months and years. Under NYCHA's safe haven policy, survivors were supposed to get priority for NYCHA housing, but, according to the plaintiffs who were survivors and applied for the apartments, they were running into a "brick wall of bureaucratic ineptitude." The women further claimed that NYCHA's mismanagement of the application process forced them to stay in dangerous situations with abusive husbands and boyfriends. One plaintiff, who had become homeless due to abuse, first requested safe haven in August 2012 and her application had been rejected at one point because "the format was wrong." Records in the case showed that NYCHA had approved only 889 of 8,066 applications, or 11%, for domestic violence priority in 2011 and 2012.

The approved settlement would make the application process more efficient. It requires

Resource

Daniel Beekman, *To Settle Lawsuit, the Housing Authority Will Change How It Handles Apartment Applications from Domestic Violence Victims*, Daily News, Jan. 6, 2014, available at [http://www.nydailynews.com/new-york/nycha-seals-deal-abuse-article-1.1568107?](http://www.nydailynews.com/new-york/nycha-seals-deal-abuse-article-1.1568107?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+nydnrss%2Flatino+(Latino))

[utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+nydnrss%2Flatino+\(Latino\)](http://www.nydailynews.com/new-york/nycha-seals-deal-abuse-article-1.1568107?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+nydnrss%2Flatino+(Latino))

NYCHA to notify applicants within 30 days of whether or not they have been approved and why. An appeals process must also be available to applicants. In addition, the application process must be internet-friendly, so that survivors can upload their documentation online. Under the settlement, the plaintiffs receive priority status for NYCHA apartments. NYCHA also agree to pay \$99,900 in legal fees to the lawyers for the plaintiffs. ▪

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