

# Fair Housing and Domestic Violence

Know your protections under the Fair Housing Law



## What is housing discrimination?

Discrimination is the act of treating someone differently in the sale or renting of housing due to their race, color, religion, sex, national origin, disability, or family status.

## Examples of housing discrimination and domestic violence:

1. A landlord tells a female victim of domestic violence that he does not accept women with a history of domestic violence as tenants.
2. A landlord evicts a female victim of domestic violence but not the male perpetrator.
3. A landlord has different rules for women and men who have been in an abusive relationship.

## Fair Housing Law

Fair Housing Law provides legal protections against discrimination based on **race, color, national origin, sex, disability, religion, and family status**. But how does this apply to victims of domestic violence? Although, victims of domestic violence are not considered a protected class under the Fair Housing Act, protection may be available when a clear linkage between domestic violence and membership in a protected class is established.

## Protected classes impacted most by domestic violence:

### Sex:

- Both men and women can be victims of domestic violence.
- The U.S. Bureau of Justice statistics found that 85 percent of victims of domestic violence are women.
- An estimated 1.3 million women and 835,000 men are victims of assault by an intimate partner each year.
- 1 in 4 women and 1 in 7 men have been the victim of intimate partner violence.

### Race:

- All races experience domestic violence.
- Black women experience intimate partner violence at a higher percentage than white women age 16-24, but white and black women experience the same level in all other age groups.
- Native American women are victims of violent crime, including rape and sexual assault, at more than double the rate of other racial groups.
- Hispanic women experience lower rates of domestic violence than other groups.

### National Origin:

- Women of certain national origin and immigrant women experience domestic violence at significantly higher rates.



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If you are a member of one of these protected classes, you may be protected through disparate impact under the Fair Housing Law. However, it is important to remember that individuals who do not fall in one of the above groups, may still be protected under Fair Housing Law, depending on their situation.

### Protections provided by the Violence Against Women Act (VAWA):

- VAWA provides that being a victim of domestic violence, dating violence, or stalking is not a basis for denial of assistance or admission to public or section 8 tenant-based and project-based assisted housing, and
- Continued incidents of threats of abuse will not be viewed as “good cause” for termination of assistance, tenancy, or occupancy rights of a victim of abuse.

**In other words VAWA establishes that you cannot be denied or evicted from subsidized housing based on violence against you.**

### VAWA does not:

- Protect against damages incurred by an abuser,
- Protect women outside of public housing, voucher and section 8 project-based programs, and
- May not protect a woman who does not provide the required documentation of violence.

### Reporting Discrimination

If you have experienced discrimination in the housing market, you can call the North Carolina Human Relations Commission at:



(919) 807-4420 or (866) 324-7474

or visit the Commission website at:

<http://www.doa.nc.gov/hrc/fairhousing.aspx>

**References:** Intimate Partner Violence and Age of Victim, 1993-1999, Bureau of Justice Statistics.  
Intimate Partner Violence: Consequences. Center for Disease Control.  
Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act (FHAct) and the Violence Against Women Act (VAWA), Department of Housing and Urban Development.