



The Violence Against Women Act: Expanded Housing Protections

A Toolkit for Providers of Legal Services



U.S. Department of Justice
Civil Rights Division

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OVERVIEW

The 2022 reauthorization of the Violence Against Women Act (“VAWA 2022”) significantly strengthens housing protections for survivors¹ of domestic violence, dating violence, sexual assault, or stalking. It protects tenants of or applicants for most federally subsidized or assisted housing (known as “covered housing programs”). In covered housing programs, it is illegal to evict a tenant, terminate their housing assistance, or deny admission or assistance to a survivor of domestic violence, dating violence, sexual assault, or stalking on the basis that the person is a survivor. The law also extends new rights to tenants in privately-owned housing.

Prior reauthorizations of VAWA established certain housing rights and protections for survivors of domestic violence, dating violence, sexual assault, and stalking. Among other protections, prior reauthorizations established requirements to provide certain VAWA Notices at specific times, confidentiality protections, guidelines for when and how documentation can be required when requesting VAWA protections, emergency transfer requirements, and potential remedies such as lease bifurcation. VAWA 2022 expanded these existing protections.

The U.S. Department of Justice and the U.S. Department of Housing and Urban Development (“HUD”) have authority to enforce [certain housing rights under VAWA 2022](#). If you are interviewing a client who mentions a history of domestic violence, dating violence, sexual assault, or stalking in the context of a housing problem or describes being penalized for seeking law enforcement or emergency services (even while residing in private housing), we encourage you to consider the applicability of VAWA to their situation.

This toolkit:

- summarizes some key amendments to VAWA that may affect your clients’ substantive housing rights,
- provides information about filing VAWA housing rights complaints ([learn how to file a complaint](#)), and
- includes interview screening questions to assist in identifying potential VAWA housing rights violations during client interviews.

¹ Although VAWA uses the term “victim,” these materials use the term “survivor” to describe persons who have experienced domestic violence, dating violence, sexual assault, or stalking.

NEW AND EXPANDED VAWA HOUSING RIGHTS AND PROTECTIONS

VAWA's housing rights cover nearly all housing programs that are federally subsidized or assisted:

Before VAWA 2022 became law, VAWA's housing protections applied to programs such as the Housing Choice Voucher Program ("Section 8"), public housing, many other HUD housing programs, certain rural housing programs, and the Low-Income Housing Tax Credit program. These programs remain covered by VAWA 2022. Also, VAWA 2022 expands the definition of "covered housing program" to include additional federal programs. "Covered housing programs" under VAWA's housing protections includes nearly every housing program that is federally subsidized or assisted.

VAWA prohibits retaliation, discrimination, and coercion by covered housing program providers:

It is unlawful for covered housing program providers to coerce, intimidate, threaten, interfere with, or retaliate against any person for exercising or enjoying, or helping others to exercise or enjoy, VAWA housing rights. Covered housing program providers are prohibited from discriminating against any person for opposing an act or practice made unlawful by VAWA.

VAWA establishes a right to seek law enforcement or emergency assistance:

VAWA 2022 provides a right to seek law enforcement or emergency assistance on one's own behalf or on behalf of someone else. This right applies not only to survivors, but also to landlords, homeowners, tenants, residents, occupants, and guests of and applicants for housing. Significantly, this right applies to **all types of housing**, not just housing that is federally subsidized or assisted. This right also applies regardless of whether someone has experienced domestic violence, dating violence, sexual assault, or stalking.

VAWA 2022 also protects people from being penalized for requesting law enforcement or emergency assistance or based on criminal activity where they were the victim or were not at fault. This protection extends to landlords, homeowners, tenants, residents, occupants, and guests of and applicants for housing, and it applies to **all types of housing**, not just housing that is federally subsidized or assisted. Prohibited penalties include, among other things, actual or threatened:

- monetary or criminal penalties, fines, or fees;
- eviction; and
- refusal to rent or renew tenancy.

HOW TO REPORT VIOLATIONS OF VAWA'S HOUSING RIGHTS PROTECTIONS

When you are conducting an intake interview or representing a client who has experienced domestic violence, dating violence, sexual assault, or stalking, and you believe they have experienced conduct that violates their housing rights under VAWA, your client can [file a complaint with HUD](#). HUD's Office of Fair Housing and Equal Opportunity (FHEO) processes complaints alleging violations of the housing rights provisions of VAWA consistent with, and in a manner that provides, the [same rights and remedies as those provided for in the Fair Housing Act](#). HUD's Fair Housing Assistance Program (FHAP) agency partners do **not** have jurisdiction to process complaints under VAWA.

In addition, your office or any person may submit reports of potential VAWA 2022 and civil rights violations to [DOJ's Civil Rights Reporting Portal](#). Online forms are available in multiple languages, including Spanish, Chinese (traditional and simplified), Korean, Vietnamese, and Tagalog.

Finally, while not discussed in this toolkit, consider whether there are any additional housing protections under state or local law for survivors of domestic or sexual violence. While federal agencies **do not enforce state or local laws**, being aware of these additional protections may assist you in discussing possible options with your clients.

IDENTIFYING POTENTIAL VAWA VIOLATIONS AFFECTING YOUR CLIENT'S HOUSING RIGHTS

1. Has your client been denied or lost housing, or are they facing an eviction or subsidy termination, in connection with domestic violence, dating violence, sexual assault, or stalking?

[Read more on page 6.](#)

2. Does your client live in, or has your client applied for, a VAWA-covered housing program or assistance?

[Read more on page 7.](#)

3. Has your client experienced harm that is protected by VAWA's housing rights?

[Read more on page 8.](#)

4. Has your client been denied housing protections under VAWA?

[Read more on page 9.](#)

5. Has your client been penalized based on their requests for law enforcement or emergency assistance?

[Read more on page 10.](#)

6. Has your client faced retaliation, discrimination, or coercion because they exercised, or encouraged or supported someone in exercising, VAWA housing rights?

[Read more on page 11.](#)

7. What options might be available for your client under VAWA?

[Read more on page 12.](#)

8. Did your client also experience discrimination prohibited by the federal Fair Housing Act?

[Read more on page 13.](#)

9. What are your client's rights and potential remedies under VAWA's housing rights protections?

[Read more on page 14.](#)

INTERVIEW SCREENING QUESTIONS

1. **Has your client been denied or lost housing, or are they facing an eviction or subsidy termination, in connection with domestic violence, dating violence, sexual assault, or stalking?**

Screening Questions

- Have you been **denied housing or housing assistance**; or **lost your housing**; or been **evicted** or had your **subsidy terminated** due to the behavior of a family member, partner, acquaintance, or housing provider?
- What was the reason given to you for the denial or termination?
- Why do you think you were denied the benefit or housing?

VAWA's Purposes & Protections

VAWA's purposes include reducing domestic violence, dating violence, sexual assault, and stalking, as well as interrupting the strong connections between sexual/domestic violence, housing insecurity, and homelessness.

If a survivor qualifies for certain housing programs that are federally subsidized or assisted, the survivor generally cannot be evicted or have their subsidy terminated; be denied assistance; or be denied admission because they are a survivor of domestic violence, dating violence, sexual assault, or stalking.

An incident of actual or threatened domestic violence, dating violence, sexual assault or stalking cannot be considered a serious or repeated violation of a lease by the survivor or good cause for eviction or termination of the assistance. A survivor can be evicted for lease violations not related to the abuse. A covered housing program provider cannot hold the survivor to a higher standard than it does other tenants.

A covered housing program provider may also still evict or terminate a survivor's tenancy if a provider "can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted." Both the "actual" and "imminent" requirements must be met.

Citations

- 34 U.S.C. §§ 12471-72 (Congressional findings and purpose discussing the nexus between domestic violence and homelessness)
- 34 U.S.C. §§ 12491-96 (housing rights subpart, including protections for victims of domestic violence, dating violence, sexual assault, and stalking)
- 24 C.F.R. Part 5, subpart L; 24 C.F.R. § 5.2005(b); 24 C.F.R. § 5.200(c); 24 C.F.R. § 5.2005(d)

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2. Does your client live in, or has your client applied for, a VAWA-covered housing program or assistance?

Screening Questions

- Do or did you have a housing voucher or certificate?
- Do or did you have any other type of federal housing assistance, or have you applied for federally subsidized housing?
- Do or did you live in a shelter or transitional housing, or have you applied for housing there?
- Do you receive assistance from the government or an organization with paying your rent?

VAWA's Purposes & Protections

Most VAWA housing rights only protect survivors who live in or have applied for housing that is federally subsidized or assisted.

VAWA includes protections for certain “covered housing programs,” a term that includes different types of **federally assisted or subsidized housing**, such as: most housing operated by public housing agencies; most housing vouchers; many shelters and homeless assistance; rural housing; some transitional housing; some permanent housing, the Housing Choice Voucher Program (Section 8); and some housing for elderly persons and persons with disabilities. This list is not exhaustive.

If your client lives in, or is applying to, one of the types of federally assisted or subsidized housing programs listed above, you can check the list of “covered housing programs” in VAWA 2022 (citation below) to confirm that the housing program has VAWA housing protections. Covered housing programs include the public housing program, the Housing Choice Voucher program (“Section 8” vouchers), the Low-Income Housing Tax Credit program, and programs under title IV of the McKinney-Vento Homeless Assistance Act, among others.

Your client’s leases, lease addenda, housing applications, lease violation notices, eviction notices, subsidy termination notices, or other paperwork may assist in determining the housing program at issue and VAWA coverage. Your client may also have received a notice outlining their rights under VAWA.

In addition, some of VAWA’s protections apply even to housing that is not part of a “covered housing program” ([Read on page 10](#)).

Citations

- 34 U.S.C. § 12491(a)(3) (covered housing programs)
- 24 C.F.R. § 5.2003

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3. Has your client experienced harm that is protected by VAWA's housing rights?

Screening Questions

- Did a current or former spouse or intimate partner use violence against you?
- Have you experienced domestic violence, dating violence, sexual assault, or stalking in a way that has affected your housing application or tenancy?
- Have you experienced domestic violence, dating violence, sexual assault, or stalking, and you fear further violence if you remain in your housing?
- Have you experienced sexual assault at your housing in the last 90 days?
- Has your partner manipulated your finances or restricted your access to money, assets, or credit in a way that jeopardized your housing security?
- Has the person who has abused or stalked you used the internet or other technology to: harm, threaten, intimidate, control, harass, impersonate, exploit, extort, or monitor you?

VAWA's Purposes & Protections

When a survivor's experience with violence affects their ability to comply with lease terms, they may raise VAWA as an affirmative defense in an eviction proceeding, even if they did not previously bring the violence to the landlord's attention.

Under VAWA 2022, survivors who reasonably believe they are in danger of imminent harm in their homes, or who were sexually assaulted on the premises within the prior 90 days, can request an **emergency transfer**.

VAWA protects survivors of domestic violence, dating violence, sexual assault, and stalking, and the survivor's immediate family members and household members. A survivor does **not** have to be married to or living with an abuser to be protected.

VAWA protects survivors regardless of their sex or citizenship status. However, there may be circumstances under which a survivor may lose their housing or subsidy once an abuser is removed from the household because the survivor doesn't otherwise qualify.

Survivors may describe a range of abusive behavior that may include manipulation of finances, and threats and intimidation using technology, such as the internet, mobile devices, and cameras.

Citations

- 34 U.S.C. § 12471; 34 U.S.C. § 12291; 34 U.S.C. § 12491; 34 U.S.C. § 12494; 34 U.S.C. § 12495
- 24 C.F.R. Part 5, subpart L

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4. Has your client been denied housing protections under VAWA?

Screening Questions

- Did you receive notice of your VAWA rights and a self-certification form?
- (If you are speaking with a client with limited English proficiency): Were you provided with a translated version of the VAWA rights notification and self-certification form, or was interpretation of the notification and self-certification form provided?
- Did your landlord or a housing provider refuse VAWA protections because you did not provide a police report or other specific type of documentation?
- Did your landlord or a housing provider reveal confidential information that you gave them related to your VAWA rights?
- Were you denied a transfer to another housing unit when you asked for one because you feared further violence or were sexually assaulted on the premises within the last 90 days?

VAWA's Purposes & Protections

VAWA provides certain specific rights to applicants and tenants in the housing programs that it covers. Tenants and applicants are required to be given a **notice** that explains these rights with any notification of denial, admission, or notification of eviction or termination of assistance.

The notice of VAWA housing rights shall be provided (with a self-certification form) in **multiple languages** consistent with HUD guidance on limited English proficiency.

VAWA protects a survivor's **confidentiality**, ensuring the housing provider does not disclose the location of the survivor's housing to the perpetrator of the abuse.

VAWA limits how housing providers **can ask** a survivor to document that they are a survivor of domestic violence, dating violence, sexual assault, or stalking. Housing providers cannot require a police report. Survivors may choose from a list of permissible documentation, which includes a self-certification form that the survivor or someone on their behalf can fill out.

VAWA requires certain housing providers to **adopt plans** that will provide for tenants to request emergency transfers to another available and safe unit.

Citations

- 34 U.S.C. § 12491(d) (notification to applicant or tenant)
- 24 C.F.R. § 5.2005(a) (notification of occupancy rights under VAWA and certification form for HUD-funded covered housing programs)
- 24 C.F.R. Part 5, subpart L; 24 C.F.R. 5.2005(a); 24 C.F.R. 5.2005(e); 24 C.F.R. 5.2007

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5. Has your client been penalized based on their requests for law enforcement or emergency assistance?

Screening Questions

- Were you denied a housing opportunity because you requested law enforcement or emergency assistance or called 911?
- Is your landlord or housing provider threatening to evict you for calling 911?
- Did your landlord blame you for someone else's criminal activity after you reported it?
- Are you facing eviction or losing your housing rights because of violence or crimes that were not your fault or for which you were the victim?
- Did your landlord or housing provider tell you that they will not renew your lease because there have been too many police or emergency calls at your home?
- Did your landlord demand that you pay a fine because of too many police or emergency calls at your home?

VAWA's Purposes & Protections

VAWA's "Right to Report" establishes a **right to seek law enforcement or emergency assistance** on one's own behalf or on behalf of someone else. This right applies not only to survivors, but also to landlords, homeowners, tenants, residents, occupants, and guests of and applicants for housing. Significantly, this right applies to **all types of housing**, not just housing that is federally subsidized or assisted, and is not limited to circumstances involving domestic violence, dating violence, sexual assault, or stalking.

VAWA also makes it unlawful to **penalize** those who seek law enforcement or emergency assistance or based on criminal activity of which they are a victim or otherwise are not at fault for the illegal conduct of others. These protections from penalties apply to all types of housing and are not limited to circumstances involving domestic violence, dating violence, sexual assault, or stalking. This key provision of VAWA prohibits actual or threatened:

- imposition of monetary or criminal penalties, fines, or fees;
- evictions;
- refusals to rent or renew tenancies, or to issue occupancy or other landlord permits; or
- closures of properties or designations of properties as nuisances.

Denials of housing rights because of calls to police or for emergency services may also violate the Fair Housing Act or other civil rights laws.

Citations

- 34 U.S.C. § 12495 (right to report crime and emergencies from one's home)

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6. Has your client faced retaliation, discrimination, or coercion because they exercised, or encouraged or supported someone in exercising, VAWA housing rights?

Screening Questions

- Did your housing provider retaliate against you because you asserted your VAWA rights or stood up to protect yourself or someone else from a violation of VAWA?
- Did your housing provider:
 - coerce
 - intimidate
 - threaten or
 - interfere with

you because you:

- asserted your VAWA housing rights
- assisted someone who was asserting their VAWA housing rights or
- participated in an investigation relating to VAWA housing rights?

VAWA's Purposes & Protections

VAWA prohibits covered housing providers from discriminating and retaliating against any person because they opposed conduct made illegal by VAWA or testified, assisted, or participated in a VAWA housing rights matter.

Among other prohibitions, covered housing program providers may not coerce, threaten, or intimidate any person who is exercising or enjoying their VAWA housing rights, or because they helped or encouraged another person to exercise or enjoy their housing rights under VAWA.

Citations

- 34 U.S.C. § 12494 (prohibition on retaliation and coercion)

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7. What options might be available for your client under VAWA?

Screening Questions

- Did someone living in your home use violence against you, and do you want your housing provider to evict the abuser and let you and your family or other household members stay in the home?
- If you are not listed as head of household or your name is not listed on the rental assistance documents, do you want to try to establish your eligibility for the housing or have a reasonable time to find new housing?
- Do you believe that you are in imminent harm from further violence?
- Did you experience sexual assault on the premises within the last 90 days?
- Do you want to transfer to other housing that is federally subsidized or assisted on an emergency basis?

VAWA's Purposes & Protections

A housing provider may **bifurcate a lease** in order to evict, remove, or terminate assistance to a tenant or occupant who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

If an abuser is removed from the home and the survivor wants to remain, the housing provider must provide reasonable time for the remaining household members to establish eligibility, if they have not already done so. If the survivor cannot establish eligibility, the housing provider shall provide them a reasonable time to find new housing or to establish eligibility for housing under another covered housing program.

Survivors who reasonably believe they are in imminent harm in their homes or who were sexually assaulted on the premises within the prior 90 days should be able to request an **emergency transfer**.

Citations

- 34 U.S.C. § 12491(b)(3)(B) (lease bifurcation)
- 34 U.S.C. § 12491(e) (emergency transfers)
- 24 C.F.R. § 5.2005(e) (emergency transfers)
- 24 C.F.R. § 5.2009 (lease bifurcation)

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8. Did your client also experience discrimination prohibited by the federal Fair Housing Act?

Screening Questions

- Have you been **denied housing** because of your race, color, religion, sex, disability, familial status, or national origin?
- Has your housing provider made **discriminatory statements** against you, or discriminated against you in the **terms, conditions, or privileges** of your housing, because of any of those characteristics?
- Has your housing provider:
 - harassed you
 - made sexual advances towards you
 - touched you
 - stalked you
 - demanded sexual contact in exchange for a housing benefit (e.g., reduced rent or forgiveness of rent) or to prevent an eviction
 - made inappropriate sexually-oriented remarks to you or a family member, or
 - commented on your body or appearance?
- Has your housing provider refused to make a requested **reasonable accommodation** in rules, policies, practices, or services that you needed because of a disability to live in your home or one you applied to live in?

FHA's Purposes & Protections

Facts may support both potential VAWA and Fair Housing Act claims. The federal Fair Housing Act covers private housing, as well as subsidized and assisted housing.

The federal Fair Housing Act prohibits housing discrimination because of race, color, religion, sex, disability, familial status, and national origin.

[Sexual harassment](#) of tenants or prospective tenants by a landlord, property manager, maintenance worker, or other individual who has control over housing can be illegal sex discrimination under the Fair Housing Act. The Fair Housing Act prohibits both quid pro quo and hostile environment harassment.

Citations

- 42 U.S.C. §§ 3601-3631
- 42 U.S.C. § 3604(a)-(f) (illegal discrimination in the sale or rental of housing)
- 42 U.S.C. § 3617 (interference, coercion, or intimidation)
- 24 C.F.R. § 100.600

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9. What are your client's rights and potential remedies under VAWA's housing rights protections?

Screening Questions

- Has your client suffered physical, emotional, or economic injuries because of their housing provider's potential violation of VAWA?
- Will your client consider filing a complaint with HUD alleging violations of VAWA's housing rights provisions?

VAWA's Purposes & Protections

Individuals can file complaints alleging violations of VAWA's housing rights with HUD's Office of Fair Housing and Equal Opportunity (FHEO). Following an investigation, HUD's FHEO engages in conciliation efforts to lead to a resolution. If the matter does not resolve and HUD's FHEO finds reasonable cause to think that a violation occurred, it will issue a "determination of reasonable cause" and charge the housing provider with violating the law. The case will then proceed to an administrative hearing, unless any of the parties to the complaint elect to have the complaint referred to the Department of Justice to file a lawsuit in federal court.

Each case differs, but remedies available may include, among other things:

- **Monetary damages** to compensate your client for harm they experienced, including emotional distress, physical harm, and out-of-pocket damages;
- **Injunctive relief**, including requiring the housing provider to adopt and maintain lawful, targeted policies; to provide favorable or neutral rental references to assist your client in securing subsequent housing; or to undergo training to ensure future compliance with the law; and
- **Civil penalties** if DOJ pursues a pattern or practice case.

Advocates have also successfully relied on VAWA to defend survivors in eviction actions brought by housing providers who failed to comply with VAWA obligations.

Citations

- 42 U.S.C. §§ 3612(o), 3614(d) (relief available under the Fair Housing Act)
- 34 U.S.C. § 12494 (VAWA prohibitions on retaliation and coercion)
- 34 U.S.C. § 12495(d) (same rights and remedies under VAWA as Fair Housing Act)
- *New Bedford Hous. Auth. v. K.R.*, 97 Mass. App. Ct. 509 (2020) (survivor could not be evicted when housing authority violated VAWA requirements)
- *Boston Hous. Auth. v. Y.A.*, 482 Mass. 240, 245 (2019) (where applicant or tenant establishes entitlement to VAWA protection, landlord is prohibited from evicting tenant for any reason that is a direct result of the domestic violence, from denying admission, or from terminating participation in covered program)

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REPORT VIOLATIONS OF VAWA'S HOUSING RIGHTS PROTECTIONS BY:

Filing a complaint with HUD's Office of Fair Housing
and Equal Opportunity (FHEO).

- Submitting reports of potential violations to
DOJ's Civil Rights Reporting Portal.

