

* This toolkit has downloadable template letters in word format incorporated for your use. Please click on the template titles to start the download.

TOOLKIT – Helping Survivors Obtain Housing

Abuse causes survivors of domestic violence to be evicted, have poor credit and/or have criminal records. Unfortunately, this often prevents survivors and their families from obtaining housing. Included in this toolkit are materials designed to educate survivors and advocates on survivors' rights that may help overcome these issues when survivors are looking for housing and template letters survivors can use to assert these rights.

Cleaning Up Your Credit Report

- 1. Know Your Rights: How Credit Affects Survivors' Housing Choices
- 2. Request Your Free Credit Report at https://www.annualcreditreport.com/requestReport/landingPage.action
- 3. Template Letters: Disputing Incorrect or Incomplete Information in Your Credit Report and Requesting a Fraud Alert Due to Identity Theft

Combating Discrimination Against Survivors When Applying for Housing

- 1. Know Your Rights: Affordable Housing
- 2. Know Your Rights: Illegal Discrimination Against Survivors Looking for Housing
- 3. Template Letter: Requesting a Landlord or Property Manager Reconsider Your Application After Being Denied Housing Because You Are a Survivor of Domestic Violence
- 4. Template Letter: Requesting a Landlord or Property Manager Stop Discriminating Against You Because You Are a Survivor of Domestic Violence
- 5. Know Your Rights: Illegal Discrimination Against Survivors of Domestic Violence Looking for Subsidized Housing
- 6. Template Letter: Requesting a Subsidized Housing Provider Reconsider Your Application After Being Denied Housing Because You Are a Survivor of Domestic Violence
- 7. Template Letter: Requesting an Informal Review of a Housing Application Denial



What Are Consumer Reports and Credit Scores?

- <u>A consumer report</u> is information put together by a consumer reporting agency about your credit, "general reputation, personal characteristics, or mode of living." ii
- <u>A credit report</u> is a type of consumer report. A credit report can have information about your identity and your current and past bank accounts, loans, credit cards, bankruptcies, or other money record. Your credit report may also contain information about past evictions. iii
- <u>A tenant screening report</u> is a type of specialty consumer report¹ about your rental history. It may contain information about past evictions, rental payments, and previous addresses.
- A credit score is a number assigned to you that is supposed to show, based on your credit report, how likely you are to repay your debts. iv

Why Are Consumer Reports and Credit Scores Important?

Credit scores and consumer reports are important because they are used by businesses and people to decide whether they want to give you something like a loan, a credit card, an apartment for rent, or a job. Because your credit score is calculated from the information in your credit report, it is important that the information in your credit report is correct. Landlords may use your credit score, credit report and/or tenant screening report, to decide if they want to rent you.

Abuse Lowered My Credit Score, is There Anything I Can Do?

Yes. You can talk with your local legal aid organization to explore your best options or contact the Center for Survivor Agency and Justice at https://csaj.org/ta to see if they can provide assistance or referrals. To locate your local legal aid organization, visit https://www.lawhelpca.org/. It is important to review your credit report and other consumer reports to make sure everything is correct. If your report has incorrect or incomplete information, you may write to the reporting agency and ask them to change the report. Disputing Incorrect or Incomplete Information in Your Credit Report and Requesting a Fraud Alert Due to Identity Theft has template letters for disputing information in your credit report. Once the reporting agency receives your letter telling them about the wrong information, the reporting agency must investigate the information you claim is wrong. The reporting agency usually has 30 days from the date it received your letter to remove or correct your file. Vii

My Abuser Opened Accounts in My Name, is There Anything I Can Do?

Yes. Using someone else's information, without their consent, to do something like open a bank account, credit card or rent an apartment, is identity theft. You should talk with your local legal aid organization to explore your best options. Some options may include filing a police report, requesting a security alert, security freeze and/or requesting the consumer reporting agency remove the item(s) on your report that came from identity theft. ix

How Do I Know What is in My Consumer Reports?

You have a right to see what is in your consumer reports, credit report, and other specialty consumer reports through a free "file disclosure." You can get a free file disclosure once every 12 months from each nationwide

¹ There are many types of specialty reports, including employment screening, tenant screening, check and bank screening, personal property insurance, medical, low-income subprime, supplementary reports, utilities, retail, and gaming reports. https://files.consumerfinance.gov/f/201604 cfpb list-of-consumer-reporting-companies.pdf



credit bureau and specialty consumer reporting agency. You must request the free file disclosure from the report's creating agency.* The Consumer Finance Protection Bureau has a list of all of the consumer reporting companies at https://files.consumerfinance.gov/f/201604_cfpb_list-of-consumer-reporting-companies.pdf and you can request your free annual credit report at www.annualcreditreport.com.

In addition to the free annual file disclosure, you can get a free file disclosure if:

- someone took adverse action against you—like refusing to rent you an apartment, give you a job, or give you a loan because of the information in a consumer report;
- you are the victim of identity theft and place a fraud alert in your file;
- your file contains inaccurate information as a result of fraud;
- you are on public assistance;
- you are unemployed, but expect to apply for employment within 60 days.

How Do I Know if Someone Used a Consumer Report Against Me?

If a person or business uses a consumer report to take an adverse action against you—like denying you housing, a loan, or a job—they must tell you they relied on the report, and give you the following information:

- the reporting agency's name and contact information;
- that they—not the screening company—made the adverse decision;
- that you have a right to dispute the report's information with the reporting agency and receive a free copy of the report from the agency within 60 days of requesting the report; and
- your credit score, if they received it from the reporting agency.xi

Does Someone Who Used My Consumer Report Against Me Have to Give Me a Copy of the Report?

No, they only have to tell you the information listed above. However, if you ask for the report, they may choose to give you a copy. If the report they relied on is incorrect, letting them know quickly could lead them to change their decision against you. xii

Negative Information Usually Cannot Stay in Your File Forever

Most of the time, a consumer reporting agency may not report negative information that is more than 7 years old, including eviction cases where you lost at trial. Reporting agencies may report bankruptcies for 10 years.xiii

<u>How Do I Get More Assistance?</u> Visit FVAP's website at http://www.fvaplaw.org for more legal information and resources, or contact FVAP at info@fvaplaw.org or (510) 858-7358 for questions.

ⁱ This information applies to all consumers.

[&]quot; 15 U.S.C. § 1681a(d)

[&]quot;Guidebook on Consumer & Economic Civil Legal Advocacy for Survivors, Center for Survivor Agency & Justice, (2017), p. 22.

iv Id.

v *Id*. at 21.

vi 15 U.S.C § 1681c.

vii *Id.* at § 1681i.

viii Id. at § 1681a(q)(3); 12 C.F.R. § 1022.3(h).

^{ix}15 U.S.C. § 1681c-2; Cal. Civil Code §§ 1785.11.2, 1785.16(k); 1785.16.1, 1785.16.3; Cal. Penal Code § 530.6.

^x *Id*. at § 1681i.

xi Id.

xii Id.

xiii *Id.* at § 1681c; Cal. Civ. Code § 1785.13.



TEMPLATE LETTERS:

Disputing Incorrect or Incomplete Information in Your Credit Report and Requesting a Fraud Alert Due to Identity Theft

As explained in FVAP's *Know Your Rights: How Credit Affects Survivors' Housing Choices*, you have the right to dispute incorrect or incomplete information in your credit report and to protect yourself against identity theft.¹ Because many survivors of domestic violence experienced financial abuse and identity theft from their abusers, FVAP is providing links to template letters that survivors can use to deal with these issues.

- Template letters for disputing information in your credit report may be found at https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/sample-letters-dispute-credit-report-information/. The Federal Consumer Financial Protection Bureau created these templates.
- Template letter requesting an extended fraud alert due to identity theft may be found at http://nhlp.org/files/Credit%20History%20Info%20Packet%2010.23.14.pdf on page 27. Bay Area Legal Aid created this template. An extended fraud alert may prevent future identity theft.
- Template letter to creditor disputing entry on credit report due to identity theft
 http://nhlp.org/files/Credit%20History%20Info%20Packet%2010.23.14.pdf on page 28. Bay Area Legal Aid created this template

When using any template letter, survivors should *date and sign the letter* and keep a copy of the completed letter for their records. It is best practice to send the letter by certified mail with a return receipt requested, and include with the letter a copy of your credit report with the errors you circled or highlighted. You may also include with the letter copies of documents you have that support your claim that information in your credit report is incorrect and/or that you are a victim of identity theft. If you do not receive a response from the credit reporting agency within 45 days, you may follow up with a letter insisting they delete the inaccurate or incomplete information from your report.

<u>A Credit Reporting Agency Did Not Respond to My Letter, What Can I Do?</u> You may file a complaint with the Federal Consumer Financial Protection Bureau at https://www.consumerfinance.gov/complaint/. Talk with your local legal aid organization to explore your best options. To locate your local legal aid organization, visit https://www.lawhelpca.org/

¹ Sara K. Pratt, U.S. Dept. of Housing and Urban Dev., Office of Fair Hous. & Equal Opportunity, Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act and the Violence Against Women Act (2011).



KNOW YOUR RIGHTS: Affordable Housingⁱ

What is Affordable Housing?

Affordable housing is housing that is less expensive than market rate housing. Market rate housing is housing rented for its full price, as determined by the housing market. Housing may be called affordable housing because it is subsidized by the government, a governmental agency or a private organization, or because the rent amount is controlled by a city or county's rent control regulation.

What is Subsidized Housing?

Subsidized housing is rental housing in which a governmental agency or a private organization, pays part or all of a tenant's rent, or owns and/or operates a housing complex that maintains its housing units at a reduced cost to tenants. The government also subsidizes housing by providing incentives, like tax credits, to developers to develop and/or maintain affordable housing units.

What is Rent Control?

Rent control is a regulation that limits how much landlords can increase the rent of a rental unit. Only sixteen cities in California have rent control.¹ The type of housing units protected by rent control and the amount a landlord may raise the rent each year varies from city to city. Find basic information about each city's rent control at https://california-policies.glitch.me/ and more in depth information on the city's website.

How Do I Know if I Have Affordable or Subsidized Housing?

To find out if your apartment is under rent control, visit your city's website to see if your city has a rent control ordinance and if your apartment is covered by rent control. You can check to see if your housing unit is subsidized by visiting https://nhpd.preservationdatabase.org/Account. This website's housing database provides information on housing units subsidized by the federal government. You must register on the website to access the database, but access is free to individuals and people affiliated with non-profit organizations, universities, and government entities.

How Can I Find Affordable Housing?

The U.S. Department of Housing and Urban Development has a list of Low Income Housing Tax Credit properties, a type of subsidized housing, which you can find at https://lihtc.huduser.gov/. Affordable Housing Online, located at https://affordablehousingonline.com provides lists of affordable housing by city. This is not a comprehensive list of resources and you should refer to local service providers for more housing resources.

<u>If you Have More Questions About What Is Affordable Housing</u> Contact FVAP at <u>info@fvaplaw.org</u> or (510) 858-7358 for questions.

ⁱ This tip sheet provides an overview of affordable housing and does not cover every type of affordable housing in California.

¹ Berkeley, Beverly Hills, East Palo Alto, Hayward, Los Angeles, Los Gatos, Mountain View, Oakland, Palm Springs, Richmond, San Francisco, San Jose, Santa Monica, Thousand Oaks and West Hollywood have rent control ordinances.



KNOW YOUR RIGHTS:

Illegal Discrimination Against Survivors of Domestic Violence Looking for Housing¹

Is it Illegal to Discriminate Against Survivors of Domestic Violence?

In certain circumstances, federal lawⁱ makes it is illegal for housing providers, like landlords and property managers, to discriminate against tenants and potential tenants because they are survivors of domestic violence. Discrimination is when a housing provider treats a survivor worse than other tenants because they are a domestic violence survivor. Landlords requiring that a survivor pay a larger security deposit or higher rent, or who require a survivor to have a larger income than other potential tenants because they are a survivor of domestic violence, are examples of discrimination.

Which Housing Providers Are Not Allowed to Discriminate Against Tenants and Potential Tenants?

It is illegal for almost all types of housing providers to discriminate against tenants and potential tenants that are survivors of domestic violence because of they are survivors of domestic violence.² So, if you are living in subsidized housing, below market rate housing, market rate housing, a homeless or domestic violence shelter, or a motel, you are likely protected by federal law from certain types of discrimination. ii

I Was Discriminated Against Because I am a Survivor of Domestic Violence, What Can I do?

You have many options including the following:

1. Inform the housing provider of your rights as a survivor

You may need to educate the housing provider about your rights as a survivor. If you were denied housing because of an eviction, poor credit, or criminal history caused by domestic violence, you may use FVAP's template letter Requesting a Landlord or Property Manager Reconsider Your Application After Being Denied Housing Because You Are a Survivor of Domestic Violence. If the housing provider is requiring you to pay higher rent or a security deposit because you are a survivor, you may use FVAP's template Requesting a Landlord or Property Manager Stop Treating You Unfavorably Because You Are a Survivor of Domestic Violence.

2. Explore Your Legal Options

If a housing provider violates the Fair Housing Act, you have the right to file a complaint with the U.S. Department of Justice and/or file an action in state or federal court. Talk with your local legal aid organization to explore your best options. To locate your local legal aid organization, visit https://www.lawhelpca.org/

How Does Federal Law Make Discrimination Illegal?

The Fair Housing Act is a federal law that bans housing providers, like landlords, housing authorities, and property managers, from treating tenants or potential tenants unequally because of their disability, race, color, religion, sex, familial status, or national origin. iii

¹ According to the Federal Law. 42 U.S.C. §§ 3601-3619

² The Fair Housing Act does not apply to owner occupied homes, dwellings with four or fewer units where the owner occupies one of the units, some housing controlled by religious organizations and private clubs, and some housing designated for elderly persons. 42 U.S.C. §§ 3604(b); 3607.



How are Domestic Violence Survivors Protected Under Federal Law?

The Fair Housing Act does not specifically state it is illegal to discriminate against domestic violence survivors. However, since most survivors are women—and discriminating against survivors would have a larger impact on women than men—it can be illegal. Discrimination against survivors of domestic violence may be illegal sex discrimination when:

- (1) it is disparate (unequal) treatment based on gender or gender stereotypes about survivors, or
- (2) it has a disparate (unequal) impact, i.e., it effects women more often than men.^v

Illegal Discrimination: Disparate Treatment

Disparate treatment is unequal treatment. The Fair Housing Act makes the unequal treatment of survivors illegal when it is based on the survivor's gender or because of gender stereotypes. For example, a tenant's husband assaulted her, so she got a restraining order against him. Her landlord evicted her for her husband's violence because the landlord believed the survivor was at least partly responsible for her husband's abuse. The landlord's decision to evict her was based on a gender stereotype that women are responsible for their abuse. The landlord's view that women survivors are responsible for their abuse is a gender stereotype about women survivors. There was not a legitimate and nondiscretionary reason for the landlord's unequal treatment of the survivor tenant. So, the landlord's decision to evict the tenant because she is a survivor of domestic violence is illegally discriminating against the survivor and disparate treatment.

Illegal Discrimination: Disparate Impact

Disparate impact is a neutral policy or practice that has a larger negative effect on survivors of domestic violence than non-survivors. For example, a landlord may have a practice of denying all applicants with evictions in their tenant screening reports. Since an abuser's actions often cause a survivor to be evicted, survivors are more likely to have evictions in their tenant history reports than other applicants. Because most survivors of domestic violence are women, vi the landlord's policy of denying all applicants with an eviction in their tenant history report may have a disparate impact on women. Therefore, the policy of denying all applicants with evictions in their tenant screening report could be illegal discrimination because it is causing more women than men to be denied housing. vii

¹ 42 U.S.C. § 3604; Sara K. Pratt, U.S. Dept. of Housing and Urban Dev., Office of Fair Hous. & Equal Opportunity, Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act and the Violence Against Women Act (2011).

[&]quot; 42 U.S.C. § 3604.

iii *Id*; 24 C.F.R. §§ 100.60 - 100.80

iv Alvera v. CBM Group, Case No. 01-857 (D. Or. 2001).

^v Sara K. Pratt, U.S. Dept. of Housing and Urban Dev., Office of Fair Hous. & Equal Opportunity, Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act and the Violence Against Women Act (2011).

v Id.

vi U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Crime Data Brief, Intimate Partner Violence, 1993-2001 (2003).

vii Id. at 4-5; 24 C.F.R. 100.500(a).



TEMPLATE LETTER:

Requesting a Landlord or Property Manager Reconsider Your Application After Being Denied Housing Because You Are a Survivor of Domestic Violence

As explained in FVAP's *Illegal Discrimination Against Survivors of Domestic Violence Looking for Housing* tip sheet, it is sometimes illegal for housing providers to deny housing to a survivor of domestic violence because of issues directly related to being a survivor of domestic violence.¹ So, FVAP created a template letter that survivors can give landlords or property managers that denied them housing because of issues related to being a survivors of domestic violence. The template letter explains the law and asks the landlord or property manager to reconsider the survivor's housing application.

This packet includes a template letter that can be filled out electronically and a template letter that can be printed and filled out by hand. Survivors and advocates using the electronic template should fill out the highlighted areas and either: (1) choose and complete one of the given examples of why their housing application denial was caused by domestic violence, or (2) write their own explanation of why their housing denial was caused by domestic violence.

Advocates and survivors using the template letter that can be printed and filled out by hand should use the electronic template as a guide to what information can be filled into the blank lines.

When using the electronic or printed template, survivors should *date and sign the letter* and keep a copy of the completed letter for their records. If you do not have access to a copier, take a picture of the final document before giving it to the potential landlord or property manager.

¹ Sara K. Pratt, U.S. Dept. of Housing and Urban Dev., Office of Fair Hous. & Equal Opportunity, Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act and the Violence Against Women Act (2011).

[ELECTRONIC TEMPLATE]

[<mark>Survivor Name</mark>] [Survivor Contact Address]

[Insert Date]

[PROPERTY MANAGER/LANDLORD NAME]
[PROPERTY MANAGER/LANDLORD COMPANY]
[PROPERTY MANAGER/LANDLORD ADDRESS]

Re: Request to reconsider my application for rental unit at [insert housing address]

Dear [PROPERTY MANAGER/LANDLORD NAME]:

On [insert date], I applied for rental housing at [insert address]. Unfortunately, my application was denied because [examples: I have an eviction on my record/ I have bad credit/ I have a criminal history], which was caused by domestic violence committed against me. Denying all applicants with [example: past evictions/bad credit/criminal records] may have a disparate impact on women because most survivors of domestic violence are women, so a policy denying all applicants with [example: past evictions/bad credit/a criminal record] is illegal discrimination under the Fair Housing Act. (42 U.S.C. § 3604; Sara K. Pratt, U.S. Dept. of Housing and Urban Dev., Office of Fair Hous. & Equal Opportunity, Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act and the Violence Against Women Act (2011).) Therefore, I am asking you to reconsider my application in light of the domestic violence that caused you to deny my application.

[Examples of Domestic Violence Causing Eviction: Choose One or Write Your Own]

- The eviction from [insert date] was a direct result of domestic violence because my abuser damaged the rental property during the abuse and I was evicted because of the damage.
- The eviction from [insert date] was a direct result of domestic violence because abuse forced me to flee the home I shared with my abuser. After I moved out, my abuser was evicted. Because my name was on the lease, I was named in the eviction and the eviction now appears in my tenant history.
- The eviction from [insert date] was a direct result of domestic violence because I was evicted due to too many 911 calls and law enforcement visits. The 911 calls and law enforcement visits were in response to domestic violence committed against me.
- The eviction from [insert date] was a direct result of domestic violence because my abuser's abusive behavior created a nuisance at my former residence. I was evicted because of the nuisance my abuser's abusive behavior created.
- The eviction from [insert date] was a direct result of domestic violence because my abuser had coercive control over me and controlled my money. Because my abuser controlled my money, I was unable to pay rent and was evicted.

Examples of Domestic Violence Causing Bad Credit: Choose One or Write Your Own

- My bad credit is a direct result of domestic violence because my bad credit history is the result of my [exspouse's/ex-partner's] financial abuse of our resources. My [ex-spouse/ex-partner] was abusive and controlled our financial resources. When I [example: filed for divorce/separated from] my abusive [exspouse/ex-partner] retaliated [examples: by running up debt in our names/failing to make payments on shared debts]. I was not able to pay off the debts my abuser created and now I have bad credit. Therefore, my bad credit is a result of domestic violence.
- My bad credit is a direct result of domestic violence because my bad credit history was caused by my abuser. I was in an abusive relationship, and as part of the abuse, my abuser created debts in my name and controlled my finances. As a result of the abuse, I have poor credit history. Therefore, my bad credit is a direct result of domestic violence.

[Examples of Domestic Violence Causing Criminal History: Use Template or Write Your Own]

- My criminal history is a direct result of domestic violence because my abuser's abuse caused me to be arrested. I am a survivor of domestic violence. Law enforcement responded to an incident where my abuser was [examples: physically abusing me/threatening to physically abuse me/yelling at me/throwing things]. Because [examples: I defended myself/my abuser spoke English better than me/ my abuser spoke to law enforcement first/I was the same sex as my abuser/ my abuser manipulated law enforcement] I was arrested [examples: instead of my abuser/with my abuser].
- My criminal history is a direct result of domestic violence because I was arrested for protecting my [child/children] from my abuser. I am a survivor of domestic violence. I survived domestic violence caused by my [child's/children's] abusive parent. I violated our custody order to protect my [child/children] from their abusive parent. I was arrested for violating our custody order, so my criminal history is a direct result of domestic violence.

Therefore, I am a survivor of domestic violence and [example: the eviction/my bad credit/my criminal history] was a direct result of domestic violence. As a result, my housing application may not be denied because of [example: the eviction/my bad credit/my criminal history] and pursuant to federal law, you must reconsider my housing application.

Thank you for the opportunity to explain [example: the eviction/my bad credit/my criminal history] and how it was a result of domestic violence. [OPTIONAL: If you deny my housing application because I am a survivor of domestic violence, I have several legal remedies, including filing a complaint with the Department of Justice for violations of the Fair Housing Act and/or filing suit in federal or state court. To avoid liability please reconsider my housing application.]

Sincerely,
[<mark>Survivor's Signature</mark>]
[Survivor's Name Printed]
Enclosures: [list what you are enclosing]

		
		
Re: Request to	reconsider my application for rental unit at	-
Dear		
Dea1	<i>→</i>	
On	, I applied for rental housing at	
	Unfortunately, my application was denie	ed because
	, which was caused by domestic viol	lence
committed against me	. Denying all applicants with	·····
may have a disparate i	mpact on women because most survivors of domestic violence are wom	ien, so a policy
	with is illegal di	
	; Act. (42 U.S.C. § 3604; Sara K. Pratt, U.S. Dept. of Housing and Urban De	
	portunity, Assessing Claims of Housing Discrimination against Victims of I	
	r Housing Act and the Violence Against Women Act (2011).) Therefore,	
		٠.
to reconsider my appil	cation in light of the domestic violence that caused you to deny my appl	ication.
·		

Therefore, I am a survivor of domestic violence and
was a caused by domestic violence. As a result, my housing application may not be denied because of
, and pursuant to federal law, you must reconsider my
application.
Thank you for the opportunity to explain and how it was
caused by domestic violence
Sincerely,
Enclosures:



TEMPLATE LETTER:

Requesting a Landlord or Property Manager Stop Treating You Unfavorably Because You Are a Survivor of Domestic Violence

As explained in FVAP's *Illegal Discrimination Against Survivors of Domestic Violence Looking for Housing* tip sheet, it is sometimes illegal for landlords and property managers to give a survivor of domestic violence less favorable rental agreements because they are a survivor of domestic violence.¹ Unfortunately, landlords and property managers still give survivors of domestic violence less favorable rental agreements, such as higher rents or security deposits, because they are a survivor of domestic violence. FVAP has created a template letter that survivors of domestic violence can give landlords or property managers that explains the law and asks the landlord or property manager to give the survivor the same treatment as other tenants, such as the same rental rate and/or security deposit requirement.

This packet includes a template letter that can be filled out electronically and a template letter that can be printed and filled out by hand. Survivors and advocates using the electronic template must fill out the highlighted areas and either (1) choose the reason explaining why their less favorable rental offer was caused by domestic violence, or (2) write their own explanation of why their less favorable rental offer was caused by domestic violence.

Advocates and survivors using the template letter that can be printed and filled out by hand should use the electronic template as a guide for what information to fill into the blank lines.

When using the electronic or printed template, survivors should *date and sign the letter* and keep a copy of the completed letter for their records. If you do not have access to a copier, take a picture of the final document before giving it to the potential landlord or property manager.

¹ Sara K. Pratt, U.S. Dept. of Housing and Urban Dev., Office of Fair Hous. & Equal Opportunity, Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act and the Violence Against Women Act (2011).

[ELECTRONIC TEMPLATE]

[Survivor Name]
[Survivor Contact Address]

[Insert Date]

[PROPERTY MANAGER/LANDLORD]
[Addressee]
[Addressee's Address]

Re: Request for Equal Treatment

Dear [addressee]:

On [insert date], I applied for rental housing at [insert address]. My housing application was accepted, but you are requiring I [example: pay higher rent/ pay a higher security deposit] because [examples: I have an eviction on my record/ I have bad credit/ I have a criminal history], which was caused by domestic violence committed against me. Requiring all tenants with [example: past evictions/bad credit/criminal records] to [example: pay a higher rent/ pay a higher security deposit] may have a disparate impact on women because most survivors of domestic violence are women, so a policy requiring all tenants with [example: past evictions/bad credit/a criminal record] to [example: pay a higher rent/ pay a higher security deposit] is illegal discrimination under the Fair Housing Act. (42 U.S.C. § 3604; Sara K. Pratt, U.S. Dept. of Housing and Urban Dev., Office of Fair Hous. & Equal Opportunity, Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act and the Violence Against Women Act (2011).) As explained below, because [example: the past evection/my bad credit/my criminal history] was the result of domestic violence committed against me, and requiring all tenants [example: pay a higher rent/ pay a higher security deposit] because of [example: past evictions/bad credit/criminal history] may have a disproportionate negative impact on domestic violence survivors, and therefore women, you may not require I [example: pay a higher rent/pay a higher security deposit].

[Examples of Domestic Violence Causing Eviction: Choose One or Write Your Own]

- The eviction from [insert date] was a direct result of domestic violence because my abuser damaged the rental property during the abuse and I was evicted because of the damage.
- The eviction from [insert date] was a direct result of domestic violence because abuse forced me to flee the home I shared with my abuser. After I moved out, my abuser was evicted. Because my name was on the lease, I was named in the eviction, and the eviction now appears in my tenant history.
- The eviction from [insert date] was a direct result of domestic violence because I was evicted due to too many 911 calls and law enforcement visits. The 911 calls and law enforcement visits were in response to domestic violence committed against me.
- The eviction from [insert date] was a direct result of domestic violence because my abuser's abusive behavior created a nuisance at my former residence. I was evicted because of the nuisance my abuser's abusive behavior created.

• The eviction from [insert date] was a direct result of domestic violence because my abuser had coercive control over me and controlled my money. Because my abuser controlled my money, I was unable to pay rent and was evicted.

[Examples of Domestic Violence Causing Bad Credit: Choose One or Write Your Own]

- My bad credit is a direct result of domestic violence because my bad credit history is the result of my [exspouse's/ex-partner's] financial abuse of our resources. My [ex-spouse/ex-partner] was abusive and controlled our financial resources. When I [example: filed for divorce/separated from] my abusive [exspouse/ex-partner] retaliated [examples: by running up debt in our names/failing to make payments on shared debts]. I was not able to pay off the debts my abuser created and now I have bad credit. Therefore, my bad credit is a result of domestic violence.
- My bad credit is a direct result of domestic violence because my bad credit history was caused by my abuser. I was in an abusive relationship, and as part of the abuse, my abuser created debts in my name and controlled my finances. As a result of the abuse, I have poor credit history. Therefore, my bad credit is a direct result of domestic violence.

[Examples of Domestic Violence Causing Criminal History: Use Template or Write Your Own]

- My criminal history is a direct result of domestic violence because my abuser's abuse caused me to be arrested. I am a survivor of domestic violence. Law enforcement responded to an incident where my abuser was [examples: physically abusing me/threatening to physically abuse me/yelling at me/throwing things]. Because [examples: I defended myself/my abuser spoke English better than me/ my abuser spoke to law enforcement first/I was the same sex as my abuser/ my abuser manipulated law enforcement] I was arrested [examples: instead of my abuser/with my abuser].
- My criminal history is a direct result of domestic violence because I was arrested for protecting my
 [child/children] from my abuser. I am a survivor of domestic violence. I survived domestic violence caused
 by my [child's/children's] abusive parent. I violated our custody order to protect my [child/children] from
 their abusive parent. I was arrested for violating our custody order, so my criminal history is a direct result
 of domestic violence.

Therefore, I am a survivor of domestic violence and [example: the eviction/my bad credit/my criminal history] was a direct result of domestic violence. So, under federal law, my [example: rent may not be higher/security deposit my not be higher] than other tenants because of [example: the eviction/my bad credit/my criminal history].

Thank you for the opportunity to explain [example: the eviction/my bad credit/my criminal history] and how it was a result of domestic violence. [OPTIONAL: If you do not offer me the same rental conditions as other tenants because I am a survivor of domestic violence, I have several legal remedies, including filing a complaint with the Department of Justice for violations of the Fair Housing Act and/or filing suit in federal or state court. To avoid liability please reconsider my housing application.]

Sincerely,	
[<mark>Survivor's Signature</mark>]	
[<mark>Survivor's Name Printed</mark>]	

Enclosures: [list what you are enclosing]

_			
Re: Request for Equal Treati	ment		
Dear,			
Jean			
On, I applied for	r rental housing at		. Mv housing
application was accepted, but you a			
because			
committed against me. Requiring a			
to			
because most survivors of domestic			det en wennen
		pone, requiring an tenante man	is illegal
discrimination under the Fair Housir			
Dev., Office of Fair Hous. & Equal Op		-	_
Domestic Violence under the Fair Ho			
below, because			·
committed against me, and requirin			
eommicea agamse me, ana requim			
violence survivors, and therefore wo			

Therefore, I am a survivor of domestic violence, and	was a
caused by domestic violence. So, under federal law my	
other tenants because of	<u>.</u>
Thank you for the opportunity to explain	and how it was
caused by domestic violence	
Sincerely,	
Sincerely,	



KNOW YOUR RIGHTS:

Illegal Discrimination Against Survivors of Domestic Violence Looking for Subsidized Housing

It is Illegal for Many Subsidized Housing Providers to Deny You Housing Based on Your Status as a Survivor The Violence Against Women Act (VAWA) is a federal law that bans many affordable housing providers from denying housing to *survivors of domestic violence, dating violence, sexual assault, and stalking* because they are survivors. Under VAWA, it is illegal to discriminate against survivors of all genders and gender identities.

What Housing Providers are Not Allowed to Discriminate Survivors Under VAWA?

VAWA makes it illegal for housing providers in the housing programs below to discriminate against survivors:

- Public housing
- Section 8 project-based housing
- Section 811 housing for people with disabilities
- Rural Development (RD) multifamily housing
- Low-Income Housing Tax Credit (LIHTC) housing
- Housing Opportunities for Persons with AIDS (HOPWA)ⁱⁱⁱ

- Section 8 Housing Choice Voucher program
- Section 202 housing for the elderly
- Section 236 multifamily rental housing
- HOME
- McKinney-Vento Act homeless programs¹
- Section 221(d)(3) Below Market Interest Rate (BMIR)

Figure out which type of subsidized housing you are looking at with the help our tip sheet <u>Know Your Rights:</u> Affordable Housing.

How Can VAWA Help Survivors Find Affordable Housing?

VAWA helps survivors find affordable housing by making it illegal for the housing providers listed above to deny housing to a survivor because they are a survivor. For example, if domestic violence directly caused a survivor to be evicted from an apartment they used to live in, it is illegal for a qualified housing provider to deny the survivor housing based on that eviction. Denying the survivor housing because of that eviction would be discrimination against the survivor because they are a survivor.

Additionally, housing providers may give preference to survivors and their families when deciding who will receive rental assistance or admission to affordable housing.^v

¹ This includes the Emergency Solutions Grants program, the Continuum of Care program, and the Rural Housing Stability Assistance Program.



How Can I Stop My Status as a Survivor From Preventing Me From Obtaining Housing?

1. Tell the housing provider you are a survivor

You will need to disclose your status as a domestic violence survivor to receive VAWA's protections. A qualifying housing provider may require you verify that you are a survivor. You can verify that you are survivor by providing **your choice of one** of the following documents:²

- a) A self-certification form:³ the form will need to include your name, state that you are a survivor, and state your abuser's name (if it is safe to provide), and a description of the abuse;^{vi} or
- b) A letter from a qualified 3rd party: a qualified 3rd party must state in a letter that they believe the abuse you described occurred.^{vii} Victim service providers (like a domestic or sexual violence counselor), attorneys, and medical or mental health professionals are all qualified 3rd parties. The letter must be signed by you and the qualified 3rd party; **or**
- c) A police, court, or administrative record: a police report, or restraining order, or other police, court, or administrative record that shows you are a survivor and documents the domestic violence should be an acceptable form of documentation.

2. Show that domestic violence caused your housing application to be denied

You may need to show the housing provider that domestic violence caused them to deny you housing or housing assistance. For example, if you are being denied housing because of a past eviction that was a *direct result* of domestic violence, you may need to explain exactly how that eviction resulted from domestic violence. Similarly, if you are being denied housing because of a criminal record or bad credit that was a direct result of domestic violence, you may need to explain how the domestic violence caused your criminal record or bad credit. Below are some ways to show domestic violence caused the housing denial.

- Letter from you explaining the connection
- Letter from domestic violence advocate
- Letter from an attorney
- Court record, like a restraining order
- Letter from case manager
- Medical record

- Bank record
- Credit card record
- Mental health record
- Letter from friend or family
- Letter from former landlord

3. Inform the housing provider that it is illegal to deny you housing based on your status as a survivor You may need to educate the housing provider on your rights as a survivor. You may use our template letter Requesting a Subsidized Housing Provider Reconsider Your Application After Being Denied

² If the housing provider receives information from another person, such as your abuser, claiming that you are not a victim of domestic violence, the housing provider may require you provide additional proof that you are a victim of domestic violence. 34 U.S.C. § 12491(c)(7).

³ Contact your Housing Authority or Local Legal Aid office to find the correct form for you. To locate your local legal aid organization, visit https://www.lawhelpca.org/.



<u>Housing Because You Are a Survivor of Domestic Violence</u> if you were denied housing because of eviction, criminal history, or bad credit, caused by domestic violence. However, if possible, talk with your local legal aid organization to explore your best options. To locate your local legal aid organization, visit https://www.lawhelpca.org/

4. Request an informal review or meeting on the denial of your housing application

If you are denied a housing choice voucher, project based voucher, or admission to public housing, the housing provider must let you request an informal review of the denial. Housing providers may limit how much time you have to request the review, so ask the housing provider about deadlines to request a review. You can request an informal meeting with our template Requesting an Informal Review of a Housing Application Denial. If you are denied housing by section 221(d)(3) BMIR housing, section 8 project-based assistance, Section 202 housing for the elderly, Section 236 multifamily rental housing, or section 811 housing for people with disabilities, you have the right to dispute the rejection in writing or ask for a meeting to discuss the rejection within 14 days of being rejected. *i

5. Explore your legal options

If a covered housing provider violates VAWA, you may have the right to file a complaint with the U.S. Department of Fair Housing and Equal Opportunity and/or file an action in state or federal court. Talk with your local legal aid organization to explore your best options. To locate your local legal aid organization, visit https://www.lawhelpca.org/

Does the Housing Provider Have to Keep My Survivor Status Confidential?

Yes. Generally, qualifying housing programs are required to keep your status as a survivor and any information related to you being a survivor confidential. xii The information may only be shared if you give consent in writing to disclose your information, or if disclosing your information is required for an eviction or termination from a covered housing program, or if disclosing your information is required by law. xiii

¹34 U.S.C. § 12491(b).

[&]quot;34 U.S.C. § 12291(b)(13).

iii 34 U.S.C. § 12491(a)(3); 24 C.F.R § 5.2003.

iv 34 U.S.C. § 12491(b).

^v 24 C.F.R. §§ 960.206(b)(4), 982.207(b)(4).

vi 34 U.S.C. § 12491(c)(3)(B)(a); 24 C.F.R § 5.2007(b)(1)(i).

^{vii} 34 U.S.C. § 12491(c)(3)(B)(b); 24 C.F.R § 5.2007(b)(1)(ii).

viii 34 U.S.C. § 12491(c)(3)(B)(c); 24 C.F.R § 5.2007(b)(1)(iii).

^{ix} U.S. Dept. of Housing and Urban Develop., Violence Against Women Reauthorization Act of 2013 Guidance, *Notice PIH-2017-08* (HA) (May 19, 2017).

^{* 24} C.F.R. §§ 960.208(a), 982.554, 983.2.

xi HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs 4-9 C 2 b (Nov. 2013).

xii 34 U.S.C. § 12491(c)(4); 24 C.F.R § 5.2007(c).

xiii Id.



TEMPLATE LETTER:

Requesting a Subsidized Housing Provider Reconsider Your Application After Being Denied Housing Because You Are a Survivor of Domestic Violence

As explained in FVAP's *Illegal Discrimination Against Survivors of Domestic Violence Looking for Subsidized Housing* tip sheet, it is illegal for subsidized housing providers covered by the Violence Against Women Act ("VAWA") to deny housing to a survivor of domestic violence because they are a survivor of domestic violence.¹ Unfortunately, covered subsidized housing providers still deny people housing because they are survivors of domestic violence. Therefore, FVAP created a template letter that survivors can use to demand the covered subsidized housing provider reconsider their housing application because the application.

This packet includes two template letters, one that can be filled out electronically and one that can be printed and filled out by hand. Survivors and advocates using the electronic template should fill out the highlighted areas and either: (1) choose the example that correctly explains why their housing application denial was caused by domestic violence, or (2) write their own explanation of why their housing denial was caused by domestic violence. Survivors and advocates using this template can select the subsidized housing provider that denied them housing from the drop down menus, which are located where it is says *Choose an Item*.

Advocates and survivors using the template letter that can be printed and filled out by hand, should use the electronic template as a guide for what information to fill into the blank lines. Advocates and survivors using this template should complete the blank lines that correspond to the phrase <u>Choose an Item</u> on the electronic template with housing provider's subsidized housing type. VAWA covers these subsidized housing types:

- Public Housing
- Section 8 project-based housing
- Section 811 housing for people with disabilities
- Rural Development (RD) multifamily housing
- Low-Income Housing Tax Credit (LIHTC) housing
- Housing Opportunities for Persons with AIDS (HOPWA)
- Section 8 Housing Choice Voucher program
- Section 202 housing for the elderly
- Section 236 multifamily rental housing
- HOME
- McKinney-Vento Act homeless programs²
- Section 221(d)(3) Below Market Interest Rate (BMIR) housing

Find out the housing provider's subsided type by visiting https://nhpd.preservationdatabase.org/Account.

When using the electronic or printed template, the survivor should *date and sign the letter* and keep a copy of the completed letter for their records. If the survivor or advocate does not have access to a copier, they may photograph the final document before giving it to the housing provider. Keeping a copy or photograph of the letter may be important to prove the survivor requested reconsideration of their application.

¹ Also, included survivors of dating violence, sexual assault, and stalking. 34 U.S.C. § 12491(b).

² This includes the Emergency Solutions Grants program, the Continuum of Care program, and the Rural Housing Stability Assistance Program.

This Information sheet is not providing legal advice and should not replace the advice of an attorney. This resource uses California and Federal law only. Last updated on 12/17/18. Copyright © Family Violence Appellate Project 2019.

[ELECTRONIC TEMPLATE]

[Survivor Name]
[Survivor Contact Address]

[Insert Date]

[PROPERTY MANAGER/LANDLORD]
[Addressee]
[Addressee's Address]

Re: Request to reconsider my application for rental unit at [insert housing address]

Dear [addressee]:

On [insert date], I applied for rental housing at [insert address]. Unfortunately, my application was not approved because [examples: I have an eviction in my record/I have bad credit/I have a criminal history]. Because [examples: the eviction/my bad credit/my criminal record] was the direct result of domestic violence committed against me, and <u>Choose an item.</u> is covered by the Violence Against Women Act ("VAWA"), you must reconsider my application.

VAWA is a federal law what requires <u>Choose an item.</u> not deny survivors of domestic violence housing because they are survivors of domestic violence. (34 U.S.C. § 12491(b)). As a result, a housing applicant cannot be denied because of something that was a direct result of domestic violence. Specifically, the U.S. Department of Housing and Urban Development states that a covered housing provider, such as <u>Choose an item.</u> cannot "denying assistance or admission, . . . based on an adverse factor, if the <u>adverse factor is determined to be a direct result of the fact</u> that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking." (U.S. Dept. of Hous. & Urban Develop., Notice PIH-2017-08 (HA) (May 19, 2017)). Therefore, as explained below, because [example: the evection/my bad credit/my criminal history] was the direct result of domestic violence committed against me, you must reconsider my application.

[Examples of Domestic Violence Causing Eviction: Choose One or Write Your Own]

- The eviction from [insert date] was a direct result of domestic violence because my abuser damaged the rental property during the abuse and I was evicted because of the damage.
- The eviction from [insert date] was a direct result of domestic violence because abuse forced me to flee the home I shared with my abuser. After I moved out, my abuser was evicted. Because my name was on the lease, I was named in the eviction and the eviction now appears in my tenant history.
- The eviction from [insert date] was a direct result of domestic violence because I was evicted due to too many 911 calls and law enforcement visits. The 911 calls and law enforcement visits were in response to domestic violence committed against me.
- The eviction from [insert date] was a direct result of domestic violence because my abuser's abusive behavior created a nuisance at my former residence. I was evicted because of the nuisance my abuser's abusive behavior created.

• The eviction from [insert date] was a direct result of domestic violence because my abuser had coercive control over me and controlled my money. Because my abuser controlled my money, I was unable to pay rent and was evicted.

[Examples of Domestic Violence Causing Bad Credit: Choose One or Write Your Own]

- My bad credit is a direct result of domestic violence because my bad credit history is the result of my [exspouse's/ex-partner's] financial abuse of our resources. My [ex-spouse/ex-partner] was abusive and controlled our financial resources. When I [example: filed for divorce/separated from] my abusive [exspouse/ex-partner] retaliated [examples: by running up debt in our names/failing to make payments on shared debts]. I was not able to pay off the debts my abuser created and now I have bad credit. Therefore, my bad credit is a result of domestic violence.
- My bad credit is a direct result of domestic violence because my bad credit history was caused by my abuser. I was in an abusive relationship, and as part of the abuse, my abuser created debts in my name and controlled my finances. As a result of the abuse, I have poor credit history. Therefore, my bad credit is a direct result of domestic violence.

[Examples of Domestic Violence Causing Criminal History: Use Template or Write Your Own]

- My criminal history is a direct result of domestic violence because my abuser's abuse caused me to be arrested. I am a survivor of domestic violence. Law enforcement responded to an incident where my abuser was [examples: physically abusing me/threatening to physically abuse me/yelling at me/throwing things]. Because [examples: I defended myself/my abuser spoke English better than me/ my abuser spoke to law enforcement first/I was the same sex as my abuser/ my abuser manipulated law enforcement] I was arrested [examples: instead of my abuser/with my abuser].
- My criminal history is a direct result of domestic violence because I was arrested for protecting my
 [child/children] from my abuser. I am a survivor of domestic violence. I survived domestic violence caused
 by my [child's/children's] abusive parent. I violated our custody order to protect my [child/children] from
 their abusive parent. I was arrested for violating our custody order, so my criminal history is a direct result
 of domestic violence.

I am a survivor of domestic violence and [example: the eviction/my bad credit/my criminal history] was a direct result of domestic violence. My housing application may not be denied because of [example: the eviction/my bad credit/my criminal history], and pursuant to federal law, you must reconsider my application.

Thank you for the opportunity to explain [example: the eviction/my bad credit/my criminal history] and how it was a direct result of domestic violence. I request that my status as a survivor of domestic violence be kept confidential as required by and in accordance with federal law. (34 U.S.C. § 12491(c)(4)) [OPTIONAL: If you deny my housing application because I am a survivor of domestic violence, I have several legal remedies, including filing a complaint with the Department of Housing and Urban Development for violations of the Fair Housing Act and filing suit in federal court. To avoid liability please reconsider my housing application.]

Sincerely,
[Survivor's Signature]
[Survivor's Name Printed]
Enclosures: [list what you are enclosing]

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	_		
	-		
	_		
	-		
Re: Request to reconside	er my application for rental ui	nit at	
	, app		
Dear,			
, , , , , , , , , , , , , , , , , , ,			
On, I applied	d for rental housing at	·	Unfortunately, my
application was not approved be	ecause		Because
	was t	he direct result of don	nestic violence committed
against me, and	is covered by the	· Violence Against Wo	men Act ("VAWA"), you are
required to reconsider my applic		_	
. , , , , ,			
VAWA is a federal law what requ	uires	not deny housing	to survivors of domestic
violence housing because they a	re survivors of domestic viole	ence. (34 U.S.C. § 1249	91(b)). As a result, a
housing applications cannot be	denied because of something	that was a direct resu	It of domestic violence.
Specifically, the U.S. Departmen	t of Housing and Urban Devel	opment states that a	covered housing provider,
such as	cannot "denying assistar	ice or admission, b	ased on an adverse factor,
if the adverse factor is determin	ed to be a direct result of the	fact that the applicant	is or has been a victim of
domestic violence, dating violen	ce, sexual assault, or stalking	." (U.S. Dept. of Hous.	& Urban Develop., Notice
PIH-2017-08 (HA) (May 19, 2017	')). Therefore, as explained be	elow, because	
	was t		nestic violence committed
against me, you must reconside			



TEMPLATE LETTER:

Requesting an Informal Review of a Housing Application Denial

As explained in FVAP's *Illegal Discrimination Against Survivors of Domestic Violence Looking for Subsidized Housing* tip sheet, applicants applying for Public Housing, a section 8 housing choice voucher or a section 8 project based voucher are entitled to an informal review if their applications are denied.¹ The applicant must request the informal review of their denial.

This packet includes a template letter requesting an informal review of a housing application denial that can be filled out electronically and a template letter that can be printed and filled out by hand. Survivors and advocates using the electronic template should fill out the highlighted areas, including the date, print and sign the letter.

Advocates and survivors using the template letter that can be printed and filled out by hand should use the electronic template as a guide for what information to fill into the blank lines.

When using the electronic or printed template, the survivor should *date and sign the letter* and keep a copy of the completed letter for their records. If the survivor or advocate does not have access to a copier, they may take a picture of the final document before giving a copy to the housing program. Keeping a copy or photograph of the letter may be important to prove the survivor requested an informal review.

¹ 24 C.F.R. §§ 960.208(a), 982.554, 983.2.

[ELECTRONIC TEMPLATE]

[Survivor Name]
[Survivor Contact Address]

[Insert Date]

[Public Housing Authority Name]
[Addressee]
[Addressee's Address]

Re: Request for an informal review of the decision to deny my housing application

To Whom It May Concern;

On [insert date], I applied for [Choose: a Housing Choice Voucher / Public Housing / Project Based Section 8 Housing]. My application was denied on [insert date]. Under federal law, I am entitled to an informal review of my housing application denial. Pursuant to my rights, I request an informal review of the denial of my application. If you fail to provide me an informal review, I have several legal remedies, including filing a complaint with the U.S. Department of Housing and Urban Development. To avoid liability, please provide me an informal review of my housing application denial.

Sincerely,	
[Survivor's Signature]	
[Survivor's Name Printed]	

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	_			
Re: Request for an inform	nal review of the d	ecision to deny m	y housing application	on
Dear,				
,				
On, I applied	for			My application
was denied on				
application denial. Pursuant to n	ny rights, I request	an informal revie	w of the denial of n	ny application. If you
fail to provide me an informal rev	view, I have severa	l legal remedies, i	ncluding filing a cor	mplaint with the U.S.
Department of Housing and Urba	n Development. T	o avoid liability, p	olease provide me a	n informal review of
my housing application denial.				
Cia a a a a la				
Sincerely,				