
Protecting Survivors of Domestic and Sexual Violence during COVID-19: A Q&A for Housing Providers

As the COVID-19 epidemic continues, stay-at-home orders are making violence in homes more frequent and dangerous. Individuals experiencing domestic or sexual violence cannot alert authorities because they are trapped at home with their perpetrators who can easily track their activities through technology, such as home cameras.

Housing providers can play a critical role in helping tenants/program participants who experience domestic or sexual violence access safe housing and supportive services. This Q&A provides information for owners and landlords on how to help tenants/program participants experiencing domestic or sexual violence during this crisis.

This Q&A is provided for informational purposes only and is not legal advice. Housing providers who need legal advice should consult an attorney.

1. I am a property manager. Recently, one of my maintenance workers said that she heard a lot of yelling, crying, and things breaking from one of our apartments. She thinks that it's domestic violence. What should I do?

Housing providers must be careful not to jeopardize the safety of tenants/program participants who are already experiencing violence at the hands of perpetrators who are living with them. We encourage housing providers to seek support and guidance by contacting their state, local, or territory [domestic violence](#) and [sexual violence](#) coalitions or local domestic and sexual violence programs. Housing providers can work with survivor advocates at the coalitions and programs to determine safe approaches to help tenants/program participants.

2. Can tenants/program participants be evicted or removed from their programs for domestic or sexual violence given the national eviction moratorium?

It depends. Tenants/program participants who experience domestic or sexual violence cannot be evicted, be removed from a housing program, or have their rental assistance terminated because of the violence committed against them. This includes evictions, removals, or terminations due to property damage caused by the perpetrator. Tenants/program participants experiencing violence also cannot be evicted or removed from their programs for seeking help by calling 911 or emergency services. Further, housing providers cannot treat survivors more harshly than they treat other tenants/program participants. These protections for survivors apply independently of the current public health crisis.

In many states, housing providers can remove a tenant/program participant from a unit (also known as a lease bifurcation) for committing violence against another tenant/program participant. This means that if a perpetrator is also a tenant/program participant, the perpetrator can be removed from the lease or program. This promotes the safety of the survivors as well as other tenants/program participants.

The [federal eviction moratorium](#) prohibits providers of federally subsidized housing from evicting tenants/program participants for nonpayment of rent, fees, or other charges. This

moratorium does not prohibit evictions due to other lease violations. Therefore, tenants/program participants can be evicted or removed from their programs for perpetrating criminal acts against other tenants/program participants, such as domestic or sexual violence.

If your units are not federally subsidized, they may still be subject to a [state or local eviction moratorium](#). Many of these state and local moratoria include exceptions for criminal activity such that perpetrators of domestic and sexual violence can still be evicted during the crisis. Rental units that are not subsidized may also be subject to [state or local protections prohibiting eviction](#) due to domestic or sexual violence.

Housing providers must follow federal, state, and local laws when bifurcating leases.

3. A tenant/program participant says that his ex-girlfriend threatens to kill him and has the key to his apartment. He wants to get his locks changed. Can we change locks during this crisis?

Yes. [Many states and localities](#) have laws that permit tenants/program participants who have experienced domestic or sexual violence (and other forms of violence) to change their locks for safety reasons. These housing protections continue to be in effect. Therefore, housing providers must adhere to their obligations outlined in these laws. When changing locks, housing providers should take proper precautions following the Center for Disease Control (CDC) guidelines and the direction of their [local health department](#) officials.

If the unit is subsidized by a recipient or subrecipient of Continuum of Care (CoC) funds (for example, Rapid Re-Housing), the CoC funding recipient or subrecipient can help pay for the costs of safety measures, such as lock changes.

4. A tenant/program participant says that his roommate raped him. He wants to terminate his lease and move out of his unit for safety reasons. What do I do?

[Many states and localities](#) have laws that permit tenants/program participants who have experienced domestic or sexual violence (and other forms of violence) to end their leases early without penalties for safety reasons. These laws continue to be in effect. Therefore, housing providers must adhere to their obligations outlined in these laws.

For federally subsidized housing providers, housing protections under the [Violence Against Women Act](#) (VAWA) remain in effect. These providers must have an emergency transfer policy in place that is operable for tenants/program participants who need to move quickly for safety reasons. Tenants'/program participants' requests for emergency moves and other safety measures under VAWA, such as lease bifurcations, must continue to be prioritized.

Housing providers can facilitate emergency transfers by allowing survivors to bypass waiting lists through adopting admissions preferences for individuals who have experienced domestic or sexual violence and other forms of violence. In particular, public housing agencies can use their [COVID-19 waiver authority](#) granted by HUD to amend their waiting list policies and adopt these admissions preferences for survivors.

Furthermore, [Continuum of Care \(CoC\) and Emergency Solutions Grant \(ESG\) waiver authority](#) allows recipients and subrecipients to waive the limit on using grant leasing funds to pay above fair market rent, which could help expedite finding a safe unit for survivors. Additionally, CoC funding recipients or subrecipients can pay for moving costs, storage, and security deposits for new units.

5. A tenant with a Housing Choice Voucher does not feel safe because of her abusive husband. She wants to port (use her voucher to relocate) to another building located in another county, but the head of household on the voucher is her husband. Can she still port with the voucher?

Yes. Under the [Violence Against Women Act](#), a survivor who is not the head of the household can request that the voucher be transferred solely to their name because of the violence committed against them. Once the voucher is transferred, the survivor can work with the public housing agency to port to a unit in another county. During this crisis, HUD strongly encourages public housing agencies to continue to process requests for incoming and outgoing portability moves remotely.

6. How do I collect documentation from a tenant/program participant who says that they are or have experienced domestic or sexual violence?

Housing providers are not required to request written proof from tenants/program participants who ask for specific safety measures because of violence committed against them. If a federally subsidized housing provider subject to VAWA does request written documentation, survivors must be able to provide a [self-certification](#) (Form HUD-5382 is available in [15 different languages](#)) to replace documents that cannot be obtained because of the crisis, such as police reports and restraining orders. Importantly, for safety reasons, housing providers must not demand that a survivor obtain a restraining order or file a police report against the perpetrator as a condition of remaining in their housing.

7. Are there steps I should take to protect the confidentiality and privacy of tenants/program participants who have experienced domestic or sexual violence?

Yes. Under the [Violence Against Women Act](#), federally subsidized housing providers must adhere to certain confidentiality requirements, such as not sharing the survivor's information about the domestic or sexual violence with others and not placing the information in a shared database. In general, these are best practices that all housing providers should follow to ensure the safety of tenants/program participants. Housing providers should also work with advocates at their state, local, or territory [domestic violence](#) and [sexual violence](#) coalitions to determine how best to protect the privacy of survivors.

8. A tenant is having trouble paying rent because her partner, who controlled the family's finances, has been removed from the unit because of domestic violence. Is there rental assistance that is available to her?

Housing providers should remind federally subsidized tenants (whose subsidy levels are determined by the household's income) that they can request an interim recertification if they have experienced a decrease in income during COVID-19, so that their rental assistance can be adjusted accordingly. HUD permits tenants to self-certify for recertifications or provide documentation for recertification by email or other electronic delivery. Federally subsidized housing providers should encourage tenants who have experienced income loss to recertify their income as soon as possible. Note that HUD has stated that the economic stimulus payments under the CARES Act and the temporary \$600 federal enhancement to unemployment insurance are NOT considered part of a household's income for federally subsidized tenants.

Furthermore, HUD has created flyers for subsidized tenants in HUD programs, available in a number of languages, about obtaining an income recertification or re-examination due to a loss of income during the pandemic. Section 8 Housing Choice Voucher and public housing tenants can access a flyer [here](#), with translated versions posted [here](#). The flyer for HUD multifamily programs is available [here](#), with translated versions posted [here](#).

[Emergency Solutions Grant \(ESG\) funds](#), including ESG funds through the CARES Act to recipients and subrecipients, can also be used for [emergency rental assistance for survivors of domestic violence](#). ESG funds can also be used for rent arrears. Continuum of Care (CoC) Rapid Re-Housing funds can also be used for rental assistance. The target usage of [ESG and CoC funds for rental assistance](#) differs, directly connecting to the type of household served, but survivors could be eligible for either.

Some states and localities have created [emergency rental assistance programs](#) for tenants who cannot pay rent during COVID-19. For information specific to survivors experiencing housing instability during COVID-19, see [these resources](#).

This project was supported by Grant Nos. 2016-TA-AX-K028 and 2018-SI-AX-K005 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.