

116TH CONGRESS
1ST SESSION

H. R. 5531

To provide protection for survivors of domestic violence or sexual assault
under the Fair Housing Act.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2019

Ms. WASSERMAN SCHULTZ (for herself, Mrs. CAROLYN B. MALONEY of New York, Ms. KUSTER of New Hampshire, Ms. JAYAPAL, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide protection for survivors of domestic violence or
sexual assault under the Fair Housing Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Housing for Do-
5 mestic Violence and Sexual Assault Survivors Act of
6 2019”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1 (1) Cities, towns, and rural communities in the
2 United States continue to face enormous challenges
3 regarding domestic violence, sexual assault, dating
4 violence, stalking, and other forms of intimate part-
5 ner violence.

6 (2) One in 3 women have experienced rape,
7 physical violence, or stalking by an intimate partner
8 in their lifetime.

9 (3) Approximately 7,000,000 women are raped
10 or physically assaulted by a current or former inti-
11 mate partner each year.

12 (4) Each day, an average of 3 women are killed
13 by a current or former partner.

14 (5) Researchers estimate that domestic violence
15 costs employers up to \$13,000,000,000 each year.

16 (6) A fundamental component of ending domes-
17 tic and sexual violence is securing safe and afford-
18 able housing for victims.

19 (7) Research indicates that—

20 (A) nearly 50 percent of all homeless
21 women report that domestic violence was the
22 immediate cause of their homelessness;

23 (B) 92 percent of homeless women report
24 having experienced severe physical or sexual vi-
25 olence at some point in their lives;

1 (C) victims become homeless as a result of
2 sexual assault, and once homeless, are vulner-
3 able to further sexual victimization and exploi-
4 tation;

5 (D) women of color in the lowest income
6 category experience 6 times the rate of nonfatal
7 intimate partner violence compared to white
8 women in the highest income category;

9 (E) poor women of color, domestic violence
10 victims, and women with children have a high
11 risk of eviction; and

12 (F) approximately 38 percent of all victims
13 of domestic violence become homeless at some
14 point in their life.

15 (8) Surveys show that a majority of victims who
16 experience a sexual assault in their home do not re-
17 locate to a safe environment because they do not
18 have sufficient funds and are not aware of better op-
19 tions.

20 (9) Domestic and sexual violence victims often
21 find themselves trapped in homes where they are
22 further victimized by caregivers, parents, siblings,
23 landlords, intimate partners, neighbors, or others in
24 or near their home. Economic insecurity and the
25 trauma that often follows sexual assault make it dif-

1 difficult, if not impossible, for many victims to access
2 safe, affordable housing options for themselves and
3 their families.

4 (10) Domestic and sexual violence victims con-
5 tinue to face discrimination in securing and main-
6 taining housing based on their status as victims and
7 as a result of crimes committed against them.

8 (11) Research by the Attorney General of the
9 State of New York found that 67 percent of domes-
10 tic violence victims reported that discrimination by
11 landlords is a significant obstacle in obtaining hous-
12 ing.

13 (12) Research also shows that victims of domes-
14 tic violence or sexual assault are commonly denied
15 housing opportunities if a previous residence of the
16 victim was a domestic violence shelter, if the victim
17 has secured a protective order, or if there is other
18 evidence that the victim has experienced a previous
19 domestic violence incident.

20 (13) Studies show that victims of domestic vio-
21 lence or sexual assault often face eviction based on
22 a single domestic violence incident.

23 (14) It is in the public interest to ensure that
24 victims of domestic violence, sexual assault, dating
25 violence, stalking, and other forms of intimate part-

1 ner violence are not discriminated against, particu-
2 larly with respect to housing, based on their status
3 as victims or the crimes committed against them.

4 (15) Nothing in this Act should be interpreted
5 to limit the ability of victims of domestic violence or
6 sexual assault to recover for claims of discrimination
7 on the basis of sex or race under the Fair Housing
8 Act (42 U.S.C. 3601 et seq.), including with respect
9 to failure to conform to gender stereotypes or poli-
10 cies that disproportionately affect women.

11 **SEC. 3. SURVIVORS OF DOMESTIC VIOLENCE OR SEXUAL**
12 **ASSAULT AS PROTECTED CLASS UNDER THE**
13 **FAIR HOUSING ACT.**

14 (a) IN GENERAL.—The Fair Housing Act (42 U.S.C.
15 3601 et seq.) is amended—

16 (1) in section 802 (42 U.S.C. 3602), by adding
17 at the end the following:

18 “(p) ‘Domestic violence’—

19 “(1) has the meaning given the term in section
20 40002(a) of the Violence Against Women Act of
21 1994 (34 U.S.C. 12291(a)); and

22 “(2) includes—

23 “(A) dating violence and stalking, as de-
24 fined in such section 40002(a); and

25 “(B) threatened domestic violence.

1 “(q) ‘Sexual assault’—

2 “(1) has the meaning given the term in section
3 40002(a) of the Violence Against Women Act of
4 1994 (34 U.S.C. 12291(a)); and

5 “(2) includes threatened sexual assault.”;

6 (2) in section 804 (42 U.S.C. 3604)—

7 (A) in subsection (a), by inserting “, or be-
8 cause the person is a survivor of domestic vio-
9 lence or sexual assault” before the period at the
10 end;

11 (B) in subsection (b), by inserting “, or
12 because the person is a survivor of domestic vio-
13 lence or sexual assault” before the period at the
14 end;

15 (C) in subsection (c), by striking “or na-
16 tional origin” and inserting, “national origin, or
17 whether a person is a survivor of domestic vio-
18 lence or sexual assault”;

19 (D) in subsection (d), by inserting “, or
20 because the person is a survivor of domestic vio-
21 lence or sexual assault,” after “national origin”;
22 and

23 (E) in subsection (e), by inserting “, or of
24 a person or persons who are survivors of domes-

1 tic violence or sexual assault” before the period
2 at the end;

3 (3) in section 805 (42 U.S.C. 3605)—

4 (A) in subsection (a), by inserting “, or be-
5 cause the person is a survivor of domestic vio-
6 lence or sexual assault” before the period at the
7 end; and

8 (B) in subsection (c), by striking “or fa-
9 milial status” and inserting “familial status, or
10 whether a person is a survivor of domestic vio-
11 lence or sexual assault”;

12 (4) in section 806 (42 U.S.C. 3606), by striking
13 “or national origin” and inserting “national origin,
14 or whether a person is a survivor of domestic vio-
15 lence or sexual assault”;

16 (5) in section 807 (42 U.S.C. 3607), by adding
17 at the end the following:

18 “(c) Nothing in this title shall prohibit Federal,
19 State, or local governmental or other assistance or a pref-
20 erence program designed to assist or benefit domestic vio-
21 lence or sexual assault survivors in seeking, securing, or
22 maintaining dwellings, shelters, or any other form of hous-
23 ing, including associated notices, statements, or advertise-
24 ments.”; and

1 (6) in section 808(e)(6) (42 U.S.C. 3608(e)(6)),
 2 by inserting “status as a survivor of domestic vio-
 3 lence or sexual assault,” after “handicap,”.

4 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
 5 ING CASES.—The Civil Rights Act of 1968 (42 U.S.C.
 6 1301 et seq.) is amended—

7 (1) in section 901 (42 U.S.C. 3631)—

8 (A) in subsection (a), by inserting “, or be-
 9 cause the person is a survivor of domestic vio-
 10 lence or sexual assault,” after “national origin”;

11 (B) in subsection (b)(1), by inserting “or
 12 because the person is a survivor of domestic vio-
 13 lence or sexual assault,” after “national ori-
 14 gin,”; and

15 (C) in subsection (c), by inserting “or be-
 16 cause the person is a survivor of domestic vio-
 17 lence or sexual assault,” after “national ori-
 18 gin,”; and

19 (2) by inserting after section 901 the following:

20 “DEFINITIONS

21 “SEC. 902. In this title, the terms ‘domestic violence’
 22 and ‘sexual assault’ have the meanings given those terms
 23 in section 802.”.

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