

115TH CONGRESS
1ST SESSION

S. 858

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

IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, APRIL 4), 2017

Mrs. SHAHEEN (for herself, Mr. FRANKEN, Ms. STABENOW, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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 2017”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) Cities, towns, and rural communities in the
10 United States continue to face enormous challenges

1 regarding domestic violence, sexual assault, dating
2 violence, stalking, and other forms of intimate part-
3 ner violence.

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

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

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

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

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

17 (7) Research indicates that—

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

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

24 (C) victims become homeless as a result of
25 sexual assault, and once homeless, are vulner-

1 able to further sexual victimization and exploi-
2 tation.

3 (8) Surveys show that a majority of victims who
4 experience a sexual assault in their home do not re-
5 locate to a safe environment because they do not
6 have sufficient funds and are not aware of better op-
7 tions.

8 (9) Domestic and sexual violence victims often
9 find themselves trapped in homes where they are
10 further victimized by caregivers, parents, siblings,
11 landlords, intimate partners, neighbors, or others in
12 or near their home. Economic insecurity and the
13 trauma that often follows sexual assault make it dif-
14 ficult, if not impossible, for many victims to access
15 safe, affordable housing options for themselves and
16 their families.

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

21 (11) Research by the Attorney General of the
22 State of New York found that 67 percent of domes-
23 tic violence victims reported that discrimination by
24 landlords is a significant obstacle in obtaining hous-
25 ing.

1 (12) Research also shows that victims of domes-
2 tic violence or sexual assault are commonly denied
3 housing opportunities if a previous residence of the
4 victim was a domestic violence shelter, if the victim
5 has secured a protective order, or if there is other
6 evidence that the victim has experienced a previous
7 domestic violence incident.

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

11 (14) It is in the public interest to ensure that
12 victims of domestic violence, sexual assault, dating
13 violence, stalking, and other forms of intimate part-
14 ner violence are not discriminated against, particu-
15 larly with respect to housing, based on their status
16 as victims or the crimes committed against them.

17 (15) Nothing in this Act should be interpreted
18 to limit the ability of victims of domestic violence or
19 sexual assault to recover for claims of discrimination
20 on the basis of sex or race under the Fair Housing
21 Act (42 U.S.C. 3601 et seq.), including with respect
22 to failure to conform to gender stereotypes or poli-
23 cies that disproportionately affect women.

1 **SEC. 3. SURVIVORS OF DOMESTIC VIOLENCE OR SEXUAL**
 2 **ASSAULT AS PROTECTED CLASS UNDER THE**
 3 **FAIR HOUSING ACT.**

4 (a) IN GENERAL.—The Fair Housing Act (42 U.S.C.
 5 3601 et seq.) is amended—

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

8 “(p) ‘Domestic violence’—

9 “(1) has the meaning given the term in section
 10 40002(a) of the Violence Against Women Act of
 11 1994 (42 U.S.C. 13925(a)); and

12 “(2) includes—

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

15 “(B) threatened domestic violence.

16 “(q) ‘Sexual assault’—

17 “(1) has the meaning given the term in section
 18 40002(a) of the Violence Against Women Act of
 19 1994 (42 U.S.C. 13925(a)); and

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

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

22 (A) in subsection (a), by inserting “, or be-
 23 cause the person is a survivor of domestic vio-
 24 lence or sexual assault” before the period at the
 25 end;

1 (B) in subsection (b), by inserting “, or
 2 because the person is a survivor of domestic vio-
 3 lence or sexual assault” before the period at the
 4 end;

5 (C) in subsection (c), by striking “or na-
 6 tional origin” and inserting, “national origin, or
 7 whether a person is a survivor of domestic vio-
 8 lence or sexual assault”;

9 (D) in subsection (d), by inserting “, or
 10 because the person is a survivor of domestic vio-
 11 lence or sexual assault,” after “national origin”;
 12 and

13 (E) in subsection (e), by inserting “, or of
 14 a person or persons who are survivors of domes-
 15 tic violence or sexual assault” before the period
 16 at the end;

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

18 (A) in subsection (a), by inserting “, or be-
 19 cause the person is a survivor of domestic vio-
 20 lence or sexual assault” before the period at the
 21 end; and

22 (B) in subsection (c), by striking “or fa-
 23 milial status” and inserting “familial status, or
 24 whether a person is a survivor of domestic vio-
 25 lence or sexual assault”;

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

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

7 “(c) Nothing in this title shall prohibit Federal,
 8 State, or local governmental or other assistance or a pref-
 9 erence program designed to assist or benefit domestic vio-
 10 lence or sexual assault survivors in seeking, securing, or
 11 maintaining dwellings, shelters, or any other form of hous-
 12 ing, including associated notices, statements, or advertise-
 13 ments.”; and

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

17 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
 18 ING CASES.—The Civil Rights Act of 1968 (42 U.S.C.
 19 1301 et seq.) is amended—

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

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

24 (B) in subsection (b)(1), by inserting “or
 25 because the person is a survivor of domestic vio-

1 lence or sexual assault,” after “national ori-
2 gin,”; and

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

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

8 “DEFINITIONS

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

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