



**Written Testimony of the American Civil Liberties Union  
Before the U.N. Special Rapporteur on Adequate Housing, North  
American Consultation on Women and Housing\***

**October 2005**

**The American Civil Liberties Union and Women's Right to Housing**

The American Civil Liberties Union (ACLU) is a national, nonpartisan public interest organization of more than 500,000 members, dedicated to protecting the constitutional rights of individuals. Through its Women's Rights Project, founded in 1972 by Ruth Bader Ginsburg, the ACLU has long been a leader in the legal battles to ensure women's full equality in the United States. This commitment includes fighting for equal housing opportunities for women and working to protect the rights of women victimized by violence. Moreover, in recent years, the ACLU Women's Rights Project has taken a leading role at the local, state, and national levels in working to improve access to safe housing and employment opportunities for survivors of domestic violence and their children and in seeking to protect immigrant domestic workers from violence and abuse. Through these efforts, the ACLU has been at the forefront of the campaign to establish that discrimination against domestic violence victims is a form of gender discrimination under federal and state civil rights laws. In addition, through its Human Rights Working Group, founded in 2004, the ACLU is working to bring human rights analyses and frameworks to its domestic advocacy, with a primary focus on the rights of women.

Much of the ACLU's work on behalf of battered women and their families has focused on securing safe housing for survivors of domestic violence because a woman's ability to escape an abusive relationship will often depend on socio-economic factors such as her success in finding a home that provides safety to her and her children. Obstacles to affordable housing leave women more vulnerable to domestic violence, because these obstacles constrict their economic independence and limit their choices. Once in a violent relationship, a lack of alternative housing can make it all but impossible for women to escape the abuse and achieve independence, even when their lives and the lives of their children are in danger. Poor women and immigrant women are especially vulnerable to being trapped in cycles of abuse.

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The ACLU also has addressed issues of inadequate housing and violence against women by seeking to protect the rights of immigrant domestic workers who are exploited and abused by their employers. Because the work they do is hidden from the public eye and because they are often without connection to support networks or resources in the United States, immigrant women doing domestic work are especially vulnerable to unscrupulous employers; often they are forced to live and work in unhealthy conditions, which can include harassment, violence, and sexual assault by their employers.

### **Domestic Violence and Housing in the United States**

According to the U.S. Department of Justice's Bureau of Justice Statistics, women were the victims in about 84% of violent crimes committed by spouses and about 86% of crimes committed by boyfriends or girlfriends from 1998-2002.<sup>1</sup> These statistics are consistent with the Department of Justice's 1998 data, in which women were found to be the victims in about 85% of crimes committed by intimate partners.<sup>2</sup>

Similarly, data collected by the National Institute of Justice and the Centers for Disease Control and Prevention indicate that women are significantly more likely than men to experience violence at the hand of an intimate partner and that the difference between women's and men's rate of physical assault by an intimate partner increases as the seriousness of the assault increases. For example, while women were two to three times more likely than men to report that an intimate partner threw something that could hurt them or pushed, grabbed, or shoved them, they were seven to fourteen times more likely than men to report that an intimate partner beat them up, choked or tried to drown them, or threatened them with a gun or knife.<sup>3</sup> Women are also 73% of the victims of stalking nationwide.<sup>4</sup>

Not only are women more likely than men to experience domestic violence, a significant percentage of women in the United States experience such violence. Nationally, 26 percent of women, compared to 8 percent of men, reported having been victimized by an intimate partner in their lifetime.<sup>5</sup>

Nor are all women in the United States equally likely to experience such violence. Poor women experience victimization by intimate partners at

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<sup>1</sup> Matthew R. Durose, Caroline W. Harlow & Patrick A. Langan, et al., U.S. Dep't of Justice, NCJ 207846, *Family Violence Statistics 1* (2005).

<sup>2</sup> Callie Marie Rennison & Sarah Welchans, U.S. Dep't of Justice, NCJ 178247, *Intimate Partner Violence 1* (2000).

<sup>3</sup> Patricia Tjaden & Nancy Thoennes, U.S. Dep't of Justice, NCJ 181867, *Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Study 17* (2000).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 9.

higher rates than women with higher household incomes; between 1993 and 1998, women with annual household incomes of less than \$7,500 were nearly seven times as likely as women with annual household incomes over \$75,000 to experience domestic violence.<sup>6</sup> Data indicate that women are at much greater risk of domestic violence when their partners are experiencing job instability or when the couple reports financial strain.<sup>7</sup>

Women living in rental housing experience intimate partner violence at more than three times the rate than women who own their own homes.<sup>8</sup> Women living in urban areas also experience higher rates of domestic violence.<sup>9</sup> Women living in disadvantaged neighborhoods are more likely to be the victims of domestic violence than women in more advantaged neighborhoods.<sup>10</sup> Indeed, women in financially distressed couples who live in a disadvantaged neighborhoods are twice as likely to be victims of domestic violence than are equally financially distressed couples living in more advantaged neighborhoods.<sup>11</sup> While African-Americans and whites with the same economic characteristics experience similar levels of domestic violence, African-Americans experience a higher rate of domestic violence in part because they are more likely to live in disadvantaged neighborhoods and experience economic distress.<sup>12</sup>

Moreover, domestic violence itself tends to render women economically vulnerable. For instance, studies indicate that a large proportion of welfare recipients have been or are victims of abuse by an intimate partner.<sup>13</sup> Violent partners often seek to limit a woman's ability to find or keep a job, and the violence itself can pose a significant barrier to employment. For all these reasons, women who are most vulnerable to the loss of housing and who are the least likely to be able to locate affordable replacement housing, are at the greatest risk of domestic violence, and domestic violence in turn further increases women's economic vulnerability.

Indeed, local and regional studies across the United States confirm that domestic violence is a primary cause of homelessness. Between 22 and 50 percent of homeless women report that they are homeless as a direct result of domestic violence.<sup>14</sup> Some women and children lose their homes when they

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<sup>6</sup> *Id.* at 4.

<sup>7</sup> Michael L. Benson & Greer Litton Fox, U.S. Dep't of Justice, Nat'l Inst. of Justice, *When Violence Hits Home: How Economics and Neighborhood Play a Role 2* (2004).

<sup>8</sup> Rennison & Welchans, *supra*, at 5.

<sup>9</sup> *Id.*

<sup>10</sup> Benson & Fox, *supra*, at 1.

<sup>11</sup> *Id.* at 3-4.

<sup>12</sup> *Id.* at 2.

<sup>13</sup> Rennison & Welchans, *supra*, at 3.

<sup>14</sup> See, e.g., Center for Impact Research, *Pathways to and from Homelessness: Women and Children in Chicago Shelters* (January 2004) (finding 56 percent of women in Chicago shelters had been victims of domestic violence, and domestic violence was the immediate cause of homelessness for 22 percent of women in Chicago shelters); Wilder Research

flee abuse and cannot subsequently find affordable transitional or long-term housing at a time when affordable housing increasingly scarce in the United States and public housing assistance is increasingly meager.

Other domestic violence survivors become homeless as the result of “zero tolerance” housing policies that permit the eviction of all members of a household when any crime occurs in the home, without regard to whether the tenant was victim or perpetrator. Indeed, federal law requires public housing authorities and most federally-subsidized housing providers to include provisions in all leases permitting evictions for criminal activity without regard to the fault of the tenant.<sup>15</sup> Some public housing authorities and landlords have relied on this provision to evict women because they have been the victims of domestic violence in their home, thus punishing women for being battered.<sup>16</sup> Many private landlords, especially landlords renting to low-income families, have sought to evict battered women on the basis of similar lease provisions.

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When a public housing authority or landlord evicts an individual because she has suffered abuse in her home, it sends a pernicious message to tenants: keep domestic abuse secret or risk homelessness. This message is dangerous because the steps that a victim undertakes to end an abusive relationship are the very steps likely to escalate an abuser’s violence, make the abuse public, and expose her to the risk of eviction. Some abusers will retaliate against a victim who has ended an abusive relationship by means of property damage to a victim’s home, as well as further violence, which is likely to alert a landlord to the abuse in the relationship. In other instances, victims lose

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Center, *Homeless in Minnesota 2003* (February 2004) (finding 31 percent of homeless women in Minnesota homeless because of domestic violence); National Conference of Mayors, *Hunger and Homelessness Survey* (December 2003) (finding 36 percent of cities surveyed identified domestic violence as major cause of homelessness); Missouri Association for Social Welfare, *Homelessness in Missouri: The Rising Tide* (May 2002) (finding 27 percent of all homeless persons to be survivors of domestic violence and identifying domestic violence as a primary cause of homelessness); Institute for Children and Poverty, *The Hidden Migration: Why New York City Shelters Are Overflowing with Families* (April 2002) (finding almost half of all homeless parents in New York City have been abused and one quarter of all homeless parents are homeless as a direct result of domestic violence); Joan Zorza, *Woman Battering: A Major Cause of Homelessness*, 25 *Clearinghouse Review* 420 (1991) (citing 1990 study finding that 50 percent of homeless women and children are fleeing abuse).

<sup>15</sup> “Each public housing agency shall utilize leases which . . . provide that any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants . . . engaged in by a public housing tenant, any member of the tenant’s household, or any guest or other person under the tenant’s control, shall be cause for termination of tenancy.” 42 U.S.C. § 1437d(k). See *Dep’t of Housing & Urban Dev. v. Rucker*, 535 U.S. 125 (2002) (holding that this provision gives a public housing authority discretion to evict a tenant regardless of the tenant’s fault or knowledge).

<sup>16</sup> See, e.g., Brief of Amici Curiae National Network to End Domestic Violence, et al., *Dep’t of Housing & Urban Dev. v. Rucker*, Nos. 00-1770, 00-1781 (U.S. Sup. Ct. December 20, 2001).

their homes when they call the police for help or give a landlord a copy of a protective order. An individual who knows that she may lose her home if her landlord learns about the abuse is far less likely to bar her abuser from her home and risk angering him, call the police for help, seek a personal protection order, or alert her landlord to a need for an accommodation (such as an emergency transfer to another apartment or an improvement in building security) that will enhance her safety and that of the property, because these acts that expose the violence threaten her with homelessness. The abuse is thus more likely to continue, because the risk of eviction makes it impossible to take the actions necessary to change the situation. Moreover, victims who are evicted may be exposed to the physical and emotional risks of homelessness. In this way, housing discrimination against domestic violence survivors undermines a battered woman's efforts to successfully escape the abuse and enhances the danger to her and her children.

### **Abuse of Immigrant Domestic Workers in the United States**

Immigrant domestic workers working in the United States are often denied adequate housing and safe living conditions. Because their profession generally requires that they live in their employers' home, out of public view and with no oversight of their working conditions, immigrant domestic workers often find themselves in severely exploitative employment upon their arrival to the U.S. However, many are afraid to take steps to remedy their situation because of fear of losing their jobs, linguistic isolation, lack of familiarity with the rights and remedies available to them under U.S. law, and fear of deportation or other forms of legal intrusion. Unfortunately, some employers increase this fear with misrepresentations of the options available to the worker and threats about the consequences of leaving the work place. As result, many live-in immigrant domestic workers endure exploitative and abusive work situations and consequently are subjected to degrading living conditions. Inadequate living conditions in an exploitative work place result in isolation from the outside world and simultaneously in a lack of personal privacy and control. The lack of adequate housing dramatically exacerbates an immigrant domestic worker's vulnerability to abuse and exploitation. Because the worker's home is also her workplace, these women know that if they lose their job or are dismissed from their job, they lose their home also. In the most extreme circumstances, these workers are held in conditions equivalent to slavery.

Abusive housing conditions vary, but can include employers requiring workers to sleep on the floor in kitchens, living rooms, and children's rooms; employers denying access to medical care; employers denying permission to eat food available in the home; employers feeding workers only leftovers from the family's meals; employers refusing access to toiletries and other personal hygiene items such as sanitary napkins; employers prohibiting

workers from having contact with family members in their home country either by threats of docked pay or by denial of access to the telephone; employers requiring workers to wear old damaged clothing discarded by the employer; and employers prohibiting the worker from leaving the home.

Migrant domestic workers around the world often face this kind of exploitation and abuse. Because effective supervisory mechanisms are not in place to protect migrant domestic workers from exploitation, workers exploited in the U.S have been compelled to file suit against their employers to seek redress and justice. However, immigrant domestic workers employed by the staff of international institutions or by diplomatic staff in the U.S. are often barred from seeking such redress because their employers can claim immunity from civil and criminal jurisdiction. These domestic workers have no means to enforce their human rights or rights under United States law.

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### **Stories of Housing Discrimination and Domestic Violence**

Tiffanie Alvera was a 22-year-old mother of an infant when in 1999, she was assaulted by her husband in their federally-subsidized apartment in rural Oregon. She went to the hospital, and he was jailed. The next day, Ms. Alvera obtained a temporary restraining order against him. She gave a copy of the order to the manager of her apartment complex, which was owned by the C.B.M. Group. Two days later, Ms. Alvera received a notice to vacate the apartment within 24 hours. The notice said, “You, someone in your control, or your pet, has seriously threatened immediately to inflict personal injury, or has inflicted substantial personal injury upon the landlord or other tenants,” and specified the assault by her husband. C.B.M. claimed that the policy applied to Ms. Alvera although she was the victim, not the perpetrator, of the violence. Ms. Alvera tried to have her husband taken off the lease and requested a move to a one-bedroom apartment, since she would now be a single-person household. But the resident manager refused to accept her rent, and until a lawyer became involved several months later, refused to give her a one-bedroom apartment. Ms. Alvera filed a discrimination complaint with the U.S. Department of Housing and Urban Development (HUD), arguing that this discrimination against victims of domestic violence constituted unlawful sex discrimination, and HUD issued a finding that Ms. Alvera’s rights had likely been violated. The U.S. Department of Justice and Ms Alvera thereafter brought a first-of-its-kind suit against the landlord. Represented by the ACLU Women’s Rights Project, Legal Aid Services of Oregon, Oregon Law Center, and NOW Legal Defense & Education Fund, Ms. Alvera entered into a settlement with C.B.M. in 2001, which prohibited C.B.M. from applying its “zero-tolerance for violence” policy to victims of domestic violence in the hundreds of properties it managed, required C.B.M.’s managers to undergo training on domestic violence and fair housing, and paid damages to Ms. Alvera.

Unfortunately, Ms. Alvera's story, though notable in leading to a first-of-its-kind lawsuit and settlement, is not unique. In a similar case, the ACLU of Michigan, in consultation with the ACLU Women's Rights Project, represented Aaronica Warren, a single mother and VISTA worker who lived in public housing operated by the Ypsilanti Housing Commission in Ypsilanti, Michigan. One evening in 2000, an ex-boyfriend appeared at her door after she put her son to bed and immediately became argumentative and abusive. According to legal papers, he threw Ms. Warren into her entertainment center, picked her off the ground, dragged her outside, and threw her face first onto the pavement. Thereafter he fled, and Ms. Warren called the police. When the Ypsilanti Housing Commission learned about the violence, instead of attempting to assist Ms. Warren by banning her abuser from the property, or perhaps relocating her to another unit in order to help her evade her abuser, the Housing Commission sought to evict Ms. Warren and her son based on the provision in Ms. Warren's lease permitting eviction for any criminal activity within the apartment. While as a result of the ACLU's involvement, Ms. Warren was not forced to leave her home and the Ypsilanti Housing Commission ultimately agreed in 2003 to stop enforcing the one-strike provision against domestic violence victims, Ms. Warren's case demonstrates the risk of homelessness too often faced by victims of domestic violence in public housing.

Private landlords discriminate in similar ways. In 2003, Quinn Bouley lived in an apartment in rural Vermont with her husband and two children. One night in 2003, when she arrived home her husband physically attacked her. She managed to call the police and escape from the apartment, where she sought shelter with the apartment's manager. Her husband was arrested and did not return to live at the apartment thereafter. Two days later, Ms. Bouley's landlord visited her to discuss the incident. At that meeting, the landlord asked about Ms. Bouley's religion and encouraged her to seek help through Christ. Ms. Bouley angrily responded that she did not want to discuss her religious beliefs with the landlord. Later that day the landlord sent a letter to Ms. Bouley demanding that she vacate the apartment because it was clear given Ms. Bouley's behavior in their meeting that the violence in her apartment would continue. Vermont Legal Aid, with the assistance of the ACLU Women's Rights Project (first as amicus and then co-counsel), brought suit against the landlord arguing that her actions constituted discrimination on the basis of sex and religion in violation of the Fair Housing Act. Specifically, Vermont Legal Aid and the ACLU argued that the attempted eviction of Ms. Bouley was based on her failure to conform to the landlord's gender stereotypes about how "real" victims of domestic violence should behave. In 2005, the court denied the landlord's motion for summary judgment in the case, issuing the first opinion by a federal court holding that a plaintiff makes a prima facie case of sex discrimination under the federal Fair Housing Act if she shows that she was threatened with

eviction immediately after a domestic assault. Shortly, thereafter, the case settled.

Laura K. (an immigrant from Tanzania) and her husband moved into a private apartment complex in Wayne County, Michigan, in the fall of 2003. When they moved in, the management of the apartment complex said that Laura should not sign the lease with her husband, because she was not working at the time, so her husband signed the lease and she was listed as an occupant. A few months later, in the spring of 2004, her husband assaulted her in their home. She called the police, and he was arrested. As a condition of his bail, the court ordered him to stay away from Laura and their apartment. Laura told the apartment management about this court order, but was told that the management would not get involved, because her husband's name was the name on the lease. Approximately three days after the arrest, while Laura and her six-week-old infant were on an errand to the post office, her husband approached the apartment management and requested that the locks to the apartment be changed. Management complied. When Laura and her infant returned home and she found that she could not open her front door, she sought help from apartment management. She was told that despite the court order, she had no rights to her home, because she was only an occupant and her name was not on the lease. She was told that it was her husband's decision whether or not she could live there and if she persisted in her efforts to gain entry, she would be arrested. She was told that another reason the apartment management could not help her was that her husband has told them she was not a legal citizen. She and her infant were left homeless. She knew almost no one in this country and had to seek shelter with friends of her husband's family. She lost almost all her and her infant's belongings as a result of the lockout. Represented by the ACLU and the Michigan Poverty Law Project, Laura K. reached a confidential settlement with the apartment management, which consistently denied wrongdoing. The agreement provided for a cash settlement, policy changes at the complex explicitly protecting the housing rights of domestic violence victims, and training in fair housing and domestic violence for staff at the complex.

Similarly, the ACLU recently settled a case on behalf of "Linda," a young woman living in public housing with her three children in St. Louis, Missouri. Linda faced eviction because her physically abusive ex-boyfriend was stalking her and over the course of a year had repeatedly broken her apartment windows from the outside when she refused to allow him into her home. Although Linda had called the police each time her home was vandalized, filed complaints against her ex-boyfriend, sought and obtained civil protective orders barring him from the property, reported each incident to apartment management, and requested that she be moved to a different unit in order to conceal her location from her ex-boyfriend, the public housing authority instead sought to evict Linda, claiming that the ex-boyfriend that she barred from her home was her "guest" and thus that she



was responsible for his actions and for the damage to the property. The apartment management also demanded that Linda pay for the broken windows.

Previously this year, the ACLU represented “Denise,” who lived in an apartment in Cincinnati, Ohio, subsidized by a Section 8 housing voucher. In 2004, the Cincinnati Housing Authority terminated her voucher--and as a result she lost her home--because she was the victim of repeated attacks by her ex-boyfriend that finally led to him being jailed for domestic abuse. Unfortunately, Denise disappeared after reaching out to legal services attorneys and the ACLU for assistance. Whether the disappearance stemmed from her homelessness, the violence against her, or some other factor, we do not know. The ACLU has also recently consulted on a similar case in Baltimore, Maryland, where in 2004 a woman was subject to repeated violence by her abuser, which led her to call the police for assistance on multiple occasions. Her landlord complained to the housing authority about the police visits, and as a result, the woman lost her voucher and thus her home.

Sometimes, a public housing authority endangers victims of domestic violence by requiring unreasonable levels of documentation to prove that violence is occurring in the household. For instance, the ACLU represented Rubi Hernandez, who lived in California with her children in public housing operated by the Housing Authority of the City of Stanislaus. When her abusive estranged husband repeatedly physically attacked her, Ms. Hernandez fled to an emergency shelter with her children and obtained a protective order. She also sought an emergency transfer from the housing authority in an attempt to flee her husband. The housing authority initially refused the request, saying that despite Ms. Hernandez’s protective order and despite the fact that she had fled to shelter, she could not prove that she was in danger from her husband without a police report documenting her ex-husband’s violation of the protective order. Ms. Hernandez had not called the police and thus had no such report, because her husband had pulled the phones out of the wall and had taken Ms. Hernandez’s cell phone away from her; because she knew the local police often responded slowly to domestic violence calls; and because she feared her husband would violently retaliate against her or their children for making the violence public. After the ACLU’s intervention in the case, the housing authority agreed that its initial denial was inappropriate and helpfully cooperated in finding a solution that protected Ms. Hernandez’s safety. Ms. Hernandez’s case, however, demonstrates the danger posed when housing authorities demand unreasonable levels of documentation to prove that domestic violence is occurring in the household.

These cases represent the tip of a much larger iceberg. In the past six months alone, the ACLU has consulted on similar cases involving domestic

violence victims threatened with the loss their homes in California, South Carolina, North Carolina, Illinois, Texas, Michigan, Delaware, and Arizona. Legal services attorneys report that they see such cases on a regular basis. While in most of the cases described above, a solution was found that allowed the woman threatened with the loss of her home to remain, in many instances no attorney advocate is available to ensure that a battered woman is not twice victimized, first by her batterer and then by eviction from her home.

### **Stories of Abuse of Immigrant Domestic Workers**

Swarna Vishranthamma, a domestic worker from India, was trafficked to the United States and abused by her employer, a country mission representative to the United Nations. For four years, Ms. Vishranthamma lived in her employer's home where she was forced to work as a nanny and housekeeper. Her employer confiscated her passport. She worked seven days a week, up to 18 hours a day. She was subjected to physical and sexual abuse, threatened with physical force, and verbally assaulted. On one occasion her employer hit her in the face, and on another the employer threw a suitcase at her. She was kept in near isolation. Her employer required her to keep her eyes on the ground when she was taken out of the house, so as to avoid making eye contact or speaking with anyone. To further her isolation, her employer also limited her contact with her family, and locked her in a room when visitors came to the apartment. Ms. Vishranthamma was locked inside the apartment when her employer's family went out and was never permitted to go out alone. She was threatened with arrest her if she left the home alone. In addition, Ms. Vishranthamma's employer prevented her from practicing her religion freely. Though she feared retaliation from her employers, after four years of abuse, when she was unable to endure her working and living conditions any longer, she finally escaped from their home.

With the assistance of Andolan, an organization that advocates on behalf of low-wage, immigrant South Asian workers in the New York City area, Ms. Vishthanthamma was able to find legal representation and filed suit against her employers seeking restitution for the abuses she suffered. She sought the wages to which she was entitled under U.S. law and redress for the violation of her civil rights she experienced. Ms. Vishranthamma testified before a federal U.S. court about the abuse and exploitation. Though she waited for two years while her case moved through the legal process, the case was ultimately dismissed because her employer was a diplomat immune to civil suit. As a result, although Ms. Vishranthamma's employer was obligated to abide by U.S. domestic and international laws and clearly violated these laws and agreements in their treatment of her, she is foreclosed from seeking any judicial remedy or redress of violation of her civil and human rights.

Beletashalew Chere is an Ethiopian domestic worker who was trafficked to New Jersey, where she was held in conditions of forced labor by her employers. She was required to live in her employer's home and to work 70 to 85 hours a week as a nanny and servant, but she never received any payment for her work. Her employers required Ms. Chere to sleep on their child's floor. Ms. Chere was fed nothing other than bread, tea, and leftovers from the family's meals. She was verbally and sexually abused by her employers, denied access to medical care, and coerced by threats to remain in her position. In addition, she was prohibited from speaking to anyone outside the family and was not permitted to use the telephone. Her employers kept her from contacting her family in Ethiopia. When she finally managed to escape from her employers, they brought a frivolous criminal charge against her, alleging that she stole from them; the case was dismissed for failure of proof. Today, represented by the ACLU, Ms. Chere has brought a lawsuit for redress against her employers, alleging involuntary servitude and trafficking in violation of domestic and international law, wage and hour violations, and various torts.

### **Women and Housing in the United States: Some Relevant Laws**

- Universal Declaration of Human Rights.
- International Covenant on Civil and Political Rights, protecting the right to life, prohibiting cruel, inhuman, or degrading punishment, and requiring that these rights will be protected without discrimination.
- International Convention on the Elimination of All Forms of Racial Discrimination, protecting the right to housing free of racial discrimination.
- Equal Protection Clause of the U.S. Constitution, prohibiting state actors from intentionally discriminating on the basis of sex unless that discrimination is at least substantially related to an important state interest.
- The Thirteenth Amendment of the U.S. Constitution, prohibiting involuntary servitude and slavery.
- Federal Fair Housing Act, prohibiting intentional and unintentional housing discrimination on the basis of sex, race, or the presence of children in the home.
- The Trafficking Victims Protection Act, prohibiting international labor trafficking.
- Nonbinding guidance from the U.S. Department of Housing and Urban Development urging public housing authorities to take constructive steps to address the needs of domestic violence victims seeking or residing in public housing, including providing preferences for domestic violence victims in admission to public housing, creating emergency transfer options for domestic violence

victims needing to relocate quickly, and evicting the perpetrator of domestic violence rather than the victim.

- The Violence Against Women Act of 2005, currently before the U.S. Congress, would prohibit public housing authorities and many federally-subsidized private landlords from evicting victims of domestic violence based on the criminal activity in their homes unless the violence could be shown to pose a direct and imminent threat to others in the community.
- State fair housing laws, which typically prohibit discrimination on the basis of sex and race and, in Washington and Rhode Island, prohibit discrimination on the basis of one's status as a victim of domestic violence.
- State landlord-tenant law, which in a few states specifically offers defenses to eviction for victims of domestic violence.
- State laws allowing courts to issue protective order for victims of domestic violence, giving them possession of a residence and prohibiting abusers from entering the residence.

### **Recommendations for Promoting Safe and Stable Housing for Women**

The principle that discrimination on the basis of domestic violence constitutes unlawful sex discrimination, both because of the disparate impact such discrimination has on women and because such discrimination grows out of the gender stereotype that women are responsible for the violence against them, must be clearly established as law. This is true not only because it will prevent unjust evictions of the type described above, but also because bringing the concepts of fair housing and gender discrimination to an analysis of domestic violence is an important step in revealing the intricate interlinkages between domestic violence, housing instability, and women's inequality.

Even more importantly, affordable, secure housing options must be made available for women and families fleeing domestic violence, so that escape from abuse does not end in homelessness. More broadly, effective antipoverty policies, including efforts to increase housing mobility and help families who wish to leave disadvantaged neighborhoods, is also likely to lead to lower rates of domestic violence and greater safety for women in their homes, given the greater risk of domestic violence that impoverished women in disadvantaged neighborhoods face.

By its very nature, domestic violence robs its victims of safe, secure housing. A conversation that recognizes domestic violence as both a cause and manifestation of inadequate housing and the need for housing options as a response to domestic violence is necessary to any effort to protect women's housing rights or to meaningfully address violence against women. Therefore, we urge the Special Rapporteur to help advance this conversation

by addressing the impact of violence against women on women's right to adequate housing in the United States.

Similarly, abuse and exploitation of migrant domestic workers who live in their employers' homes rob women of safe and adequate housing by making their home the site of violence and coercion. For these women, economic dependence, immigration status, and gender conspire to trap them in their employers' residences, where abuse sometimes rising to conditions of slavery can continue unseen and unchecked. The location of this work in the home permits and protects such abuse. Moreover, when domestic workers are employed in the United States by international institutions, diplomatic immunity prevents them from seeking any redress for violation of their rights in the courts. Therefore, we urge the Special Rapporteur to address the condition of migrant domestic workers in his report on women's right to housing in the United States. We further urge the Special Rapporteur to encourage the international community to provide a system for complaints and redress so that domestic workers employed by those enjoying diplomatic immunity will have an opportunity to seek justice for violation of their rights, consistent with the 2004 recommendations of the Special Rapporteur on Migrant Workers.

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