

117TH CONGRESS
1ST SESSION

S. 1122

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

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2021

Mrs. SHAHEEN 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 violence 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 Violence Survivors Act of
6 2021”.

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, sex traf-
2 ficking, dating violence, stalking, and other forms of
3 intimate partner and gender-based 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) Among women experiencing sex trafficking,
11 many of their traffickers are also their intimate
12 partners.

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

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

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

20 (8) Research indicates that—

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

24 (B) 92 percent of homeless women report
25 having experienced severe physical or sexual vi-

1 olence at some point in their lives, including
2 sexual exploitation and trafficking;

3 (C) victims become homeless as a result of
4 sexual assault, and once homeless, are vulner-
5 able to further sexual victimization and exploi-
6 tation including sex trafficking;

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

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

14 (F) vulnerable women are also at risk of
15 sex trafficking and exploitation by landlords
16 who pressure them for sex in exchange for rent
17 or a delay in rent payments; and

18 (G) approximately 38 percent of all victims
19 of domestic violence become homeless at some
20 point in their life.

21 (9) Surveys show that a majority of victims who
22 experience a sexual assault in their home do not re-
23 locate to a safe environment because they do not
24 have sufficient funds and are not aware of better op-
25 tions.

1 (10) Domestic and sexual violence victims often
2 find themselves trapped in homes where they are
3 further victimized by caregivers, parents, siblings,
4 landlords, intimate partners, neighbors, or others in
5 or near their home. Economic insecurity and the
6 trauma that often follows sexual violence make it
7 difficult, if not impossible, for many victims to ac-
8 cess safe, affordable housing options for themselves
9 and their families.

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

14 (12) Research by the Attorney General of the
15 State of New York found that 67 percent of domes-
16 tic violence victims reported that discrimination by
17 landlords is a significant obstacle in obtaining hous-
18 ing.

19 (13) Research also shows that victims of domes-
20 tic violence or sexual assault are commonly denied
21 housing opportunities if a previous residence of the
22 victim was a domestic violence shelter, if the victim
23 has secured a protective order, or if there is other
24 evidence that the victim has experienced a previous
25 domestic violence incident.

1 (14) Studies show that victims of domestic vio-
2 lence or sexual assault often face eviction based on
3 a single domestic violence incident.

4 (15) Victims of sex trafficking face additional
5 challenges in obtaining and maintaining housing due
6 to criminal records incurred as a direct result of
7 their exploitation.

8 (16) It is in the public interest to ensure that
9 victims of domestic violence, sexual assault, sex traf-
10 ficking, dating violence, stalking, and other forms of
11 intimate partner and gender-based violence are not
12 discriminated against, particularly with respect to
13 housing, based on their status as victims or the
14 crimes committed against them.

15 (17) Nothing in this Act should be interpreted
16 to limit the ability of victims of domestic violence or
17 sexual violence to recover for claims of discrimina-
18 tion on the basis of sex or race under the Fair
19 Housing Act (42 U.S.C. 3601 et seq.), including
20 with respect to failure to conform to gender stereo-
21 types or policies that disproportionately affect
22 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 (34 U.S.C. 12291(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 (34 U.S.C. 12291(a)); and

20 “(2) includes threatened sexual assault.

21 “(r) ‘Sex trafficking’ has the meaning given the term
 22 in section 103 of the Trafficking Victims Protection Act
 23 of 2000 (22 U.S.C. 7102(12)).

24 “(s) ‘Coercion’ has the meaning given the term in sec-
 25 tion 103 of the Trafficking Victims Protection Act of 2000
 26 (22 U.S.C. 7102(3)).”;

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

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

6 (B) in subsection (b), by inserting “, or
7 because the person is a survivor of domestic vio-
8 lence, sexual assault, or sex trafficking” before
9 the period at the end;

10 (C) in subsection (c), by striking “or na-
11 tional origin” and inserting, “national origin, or
12 whether a person is a survivor of domestic vio-
13 lence, sexual assault, or sex trafficking”;

14 (D) in subsection (d), by inserting “, or
15 because the person is a survivor of domestic vio-
16 lence, sexual assault, or sex trafficking,” after
17 “national origin”; and

18 (E) in subsection (e), by inserting “, or of
19 a person or persons who are survivors of domes-
20 tic violence, sexual assault, or sex trafficking”
21 before the period at the end;

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

23 (A) in subsection (a), by inserting “, or be-
24 cause the person is a survivor of domestic vio-

1 lence, sexual assault, or sex trafficking” before
2 the period at the end; and

3 (B) in subsection (c), by striking “or fa-
4 miliar status” and inserting “familial status, or
5 whether a person is a survivor of domestic vio-
6 lence, sexual assault, or sex trafficking”;

7 (4) in section 806 (42 U.S.C. 3606), by striking
8 “or national origin” and inserting “national origin,
9 or whether a person is a survivor of domestic vio-
10 lence, sexual assault, or sex trafficking”;

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

13 “(c) Nothing in this title shall prohibit Federal,
14 State, or local governmental or other assistance or a pref-
15 erence program designed to assist or benefit domestic vio-
16 lence, sexual assault, or sex trafficking survivors in seek-
17 ing, securing, or maintaining dwellings, shelters, or any
18 other form of housing, including associated notices, state-
19 ments, or advertisements.”; and

20 (6) in section 808(e)(6) (42 U.S.C. 3608(e)(6)),
21 by inserting “status as a survivor of domestic vio-
22 lence, sexual assault, or sex trafficking,” after
23 “handicap,”.

1 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
 2 ING CASES.—The Civil Rights Act of 1968 (42 U.S.C.
 3 1301 et seq.) is amended—

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

5 (A) in the paragraph preceding subsection
 6 (a), by inserting “or coercion” after “threat of
 7 force”;

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

12 (C) in subsection (b)(1), by inserting “or
 13 because the person is a survivor of domestic vio-
 14 lence, sexual assault, or sex trafficking,” after
 15 “national origin,”; and

16 (D) in subsection (c), by inserting “or be-
 17 cause the person is a survivor of domestic vio-
 18 lence, sexual assault, or sex trafficking,” after
 19 “national origin,”; and

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

21 “DEFINITIONS

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

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