Overview of Protections & Rights: Addressing Gender-Based Violence and Housing

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Disclaimer: This document is not intended to provide legal advice. For legal advice, please consult an attorney.

This document was created by national gender-based violence (GBV) housing advocates to serve as a resource for state and local sexual assault (SA), domestic violence (DV), human trafficking (HT), and culturally specific organizations providing homeless/housing services to survivors of SA, DV, dating violence, stalking, and HT. This resource will be updated periodically.

Key Federal Housing Protections & Requirements

The Violence Against Women Act (VAWA), Family Violence Prevention and Services Act (FVPSA), and Victims of Crime Act (VOCA) **continue to** provide protections for survivors of SA, DV, dating violence, stalking, and HT, as well as outline requirements for grantees, recipients, and subrecipients.

The chart below outlines **statutory and regulatory protections and requirements** that apply to the administration of these federal funds through local governments, states, U.S. territories, and Tribes (some provisions may differ for Tribes[1]). These protections and requirements apply to grantees, recipients, and subrecipients (see "Covered Victim Service Providers" category below under "Key Area").

KEY AREA	VAWA	FVPSA	VOCA
Covered Victim Service Providers	**Covers** nonprofit and tribal organizations funded under VAWA to provide victim services or federally-subsidized housing assistance (including through a CoC) to survivors of SA, DV, dating violence, and stalking. This includes survivors of HT who have also experienced SA, DV, dating violence, and/or stalking.[2]	**Covers** nonprofit and tribal organizations funded under FVPSA to provide immediate shelter and supportive services for adults and youth who experience DV or dating violence, including survivors of HT who have also experienced DV or dating violence.[3]	**Covers** nonprofit organizations and tribal assistance programs funded under VOCA to provide survivors of SA, DV, dating violence, and/or stalking with specified services (e.g., crisis intervention, temporary housing, legal assistance, payment for forensic medical exams, etc.)[4]

[1] VAWA and FVPSA recognize the authority of Tribes to take independent civil and criminal actions to address sexual assault, domestic violence, dating violence, and stalking. VAWA and FVPSA also grant discretion to Tribes to design funded programs that best meet the needs of their communities. *See, e.g.*, 25 U.S.C. § 1304, 34 U.S.C § 10452; 45 C.F.R. § 1370.4(g)(2), 45 C.F.R. § 1370.10(a), and 45 C.F.R. § 1370.30(a)(2).

[2] 34 U.S.C. §§ 12291(a)(50)-(51), 34 U.S.C. § 12291(b)(14), 24 C.F.R. § 5.2001(a), and 24 C.F.R. § 5.2003.

[3] 42 U.S.C. §§ 10408(a)-(c) and 45 C.F.R. § 1370.10(d).

[4] 34 U.S.C. § 20103(b), 28 C.F.R. § 94.102, 34 U.S.C. § 20103(d).

Voluntary Services	**Prohibits** mandating services. Under VAWA, all support services **must** be voluntary and not a condition of receiving transitional housing or short-term housing assistance.[5]	**Prohibits** mandating services. Under FVPSA, all support services **must** be voluntary and not a condition of receiving immediate shelter (e.g., emergency shelter, temporary lodging in hotels/ apartments, rental subsidies, etc.) Similarly, the receipt of immediate shelter services must be voluntary and not conditioned on participation in other services.[6]	**Can fund** voluntary support services provided in connection with transitional housing services. Survivors also have the **right to request services**.[7]
Confidentiality and Privacy[8]	**Prohibits** the disclosure of a survivor's personally identifying information or individual information, including information related to the location of a survivor.[9] **Prohibits** the disclosure of personally identifying information or individual information to state, federal, territorial, or tribal grant programs (e.g., grants funded by the U.S. Department of Justice (DOJ), U.S. Department of Housing and Urban Development (HUD), and state agencies), unless the survivor consents or disclosure is required by statute or a court order. If disclosure is compelled, then grantees and subgrantees must make reasonable efforts to notify the survivor whose information may be disclosed and take all necessary steps to protect the privacy and safety of any	**Prohibits** the disclosure of a survivor's personally identifying information, including information related to the location of a survivor.[11] **Prohibits** the disclosure of personally identifying information or individual information to state, federal, territorial, or tribal grant programs (e.g., grants funded by DOJ, HUD, and state agencies), unless the survivor consents or disclosure is required by statute or a court order. If disclosure is compelled, then grantees and subgrantees must make reasonable efforts to notify the survivor whose information may be disclosed and take all necessary steps to protect the privacy and safety of any individuals affected by such disclosure.[12]	**Prohibits** the disclosure of a survivor's personally identifying or individual information, including information related to the location of a survivor.[13] **Prohibits** disclosure to government funding agencies (e.g., grants funded by DOJ, HUD, and state agencies), unless the survivor consents or disclosure is required by statute or a court order.[14]

[5] 34 U.S.C. §§ 12351(b)(C) and 12351(g)(2)(D)(iv).
[6] 42 U.S.C. § 10408(d)(2) and 45 C.F.R. § 1370.10(b)(10).
[7] 28 C.F.R. § 94.119(k) and 34 U.S.C. § 20141(b).
[8] There are also state, local, professional licensure, and other protections in place for information shared by survivors of sexual assault, domestic violence, dating violence, stalking, and human trafficking.
[9] 34 U.S.C. § 12291(a)(25), 34 U.S.C. § 12291(b)(2), 34 U.S.C. § 12491(c)(4), 34 U.S.C. § 12491(e)(2), 28 C.F.R. § 90.4(b), 24 C.F.R. § 5.2007(c), and 24 C.F.R. § 5.2005(e)(4).
[11] 42 U.S.C. § 10402(7), 42 U.S.C. § 10406(c)(5), and 45 C.F.R. § 1370.4.
[12] 42 U.S.C. § 10406(b)(2) and 45 C.F.R. § 1370.4.
[13] 28 C.F.R. § 94.115.
[14] 28 C.F.R. § 94.115.

	individuals affected by such disclosure.[10]		
Non-Discrimination	**Prohibits** denying services and discriminating based on actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability.[15] **Allows** sex-segregated and sex-specific programming only when necessary to the essential operation of the program and comparable services are provided to individuals who cannot be served by that program.[16]	**Prohibits** discrimination based on race, color, national origin, sex, religion, disability, and age.[17]	**Prohibits** discrimination based on race, color, religion, national origin, sex, and disability.[18]
Immigration	**Prohibits** conditioning services on a survivor's immigration status.[19]	**Prohibits** requiring documentation of immigration status to receive services.[20]	**Prohibits** conditioning services on a survivor's immigration status.[21]

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 & Federal Public Benefits

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) restricts access to federal public benefits to "qualified" immigrants. However, certain programs are available to anyone, regardless of immigration status. These programs include Emergency Medicaid; short-term, non-cash disaster relief; public health assistance for immunizations and testing, and treatment of symptoms of communicable diseases; and programs, services, or assistance specified by the Attorney General as necessary for the protection of life and safety (such as soup kitchens, crisis counselling and intervention, and short-term shelter) so long as no individual or household income is required.

In 2016, DOJ, HHS, and HUD issued a joint letter reminding recipients of federal financial assistance

[10] 34 U.S.C. § 12291(b)(2).
[15] 34 U.S.C. § 12291(b)(13)(A).
[16] 34 U.S.C. § 12291(b)(13)(B). A sex-segregated program offers separate services for people on the basis of sex (e.g., sex-segregated housing). A sex-specific program provides services that are designed to meet the unique needs of a particular sex (e.g., women's health services). Whether these approaches are necessary to the program's operation must be determined based on facts, best practices, and research, as opposed to assumptions and stereotypes. In addition, although the comparable services provided to those not served by the program do not have to be identical, they must be of similar quality and duration, and must provide a substantially equal benefit. See Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, *Frequently Asked Questions: Nondiscrimination Grant Condition in the Violence Against Women Reauthorization Act of 2013* (April 9, 2014). *But see* Office of the U.S. Attorney General, *Memorandum Re: Guidance for Recipient of Federal Funding Regarding Unlawful Discrimination* (July 29, 2025).
[17] 42 U.S.C. § 10406(c)(2).
[18] 34 U.S.C. § 20110(e).
[19] 28 C.F.R. § 90.4(c).
[20] 45 C.F.R. § 1370.5(d).
[21] 28 C.F.R. § 94.103(a).

that they should not withhold certain services based on immigration status when the services are necessary to protect life or safety. In the same year, HUD released guidance indicating that these Continuum of Care (CoC) and Emergency Solutions Grants (ESG) services were necessary to protect life or safety and not subject to immigration-based restrictions: Street Outreach Services, Emergency Shelter, Safe Haven, Rapid Re-Housing, and transitional housing when the recipient or subrecipient owns or leases the building used to provide transitional housing. Furthermore, under PRWORA, nonprofit organizations, including recipients of HUD CoC and ESG funding, **are not required to verify or track the immigration status** of individuals seeking or receiving their services.

Note: Other federal, state, and local laws provide additional protections for survivors and requirements for grantee organizations that serve them.

Federal Laws on GBV, Housing & Homelessness

Violence Against Women Act Housing Protections

VAWA provides critical housing protections for all survivors who are experiencing or have experienced sexual assault, domestic violence, dating violence, or stalking, either as part of, or separate from, being trafficked. VAWA's housing protections only apply to survivors who apply for or live in certain federally subsidized housing. These safeguards include the right not to be discriminated against because of the violence, the right to confidentiality of information regarding their status as a survivor, the right to request emergency transfers for safety reasons, the right not to be retaliated against by certain housing providers for exercising VAWA protections, and others.

VAWA prohibits denying services and discriminating based on actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability.

VAWA's housing protections apply to survivors regardless of their immigration status. However, a survivor with VAWA protections must still meet program eligibility requirements (*these are statutory and regulatory requirements*) to qualify for the housing or homeless assistance that they are seeking.

Federal Fair Housing Act

The federal Fair Housing Act (FHA) prohibits discrimination in housing based on race, color, religion, sex, national origin, familial status, or disability. Over time, this has been interpreted by courts and HUD to include protections against sexual harassment and to apply a "disparate impact" theory for discrimination based on sex, which can protect survivors. Therefore, a seemingly neutral housing policy that disproportionately harms a protected class (such as a "zero tolerance" policy that evicts survivors for crimes committed by the person who harmed them) can be illegal under the FHA. 42 U.S.C. §§ 3601, *et seq.*

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act prohibits housing providers who receive federal funding from discrimination based on disability, and provides for reasonable accommodations/modifications and

accessibility in existing properties and new construction. This includes prohibiting discrimination against housing applicants and tenants. The Act requires strict confidentiality protections. 29 U.S.C. § 794 and 24 CFR Part 8.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits discrimination against individuals with disabilities in public accommodations and applies to all shelters operated by the government and to private shelters. 42 U.S.C. §§ 12101 et seq., 28 CFR Part 35, and 28 CFR Part 36.

Title VI of the Civil Rights Act

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin (e.g., a person's or their ancestors' place of origin or characteristics like ethnicity, culture, or language) in any program or activity that receives federal financial assistance, including any program or activity receiving federal financial assistance from HUD. 42 U.S.C. § 2000d and 24 CFR Part 1.

Age Discrimination Act of 1975

The Age Discrimination Act of 1975 prohibits discrimination based on age in any program or activity that receives federal financial assistance. It applies to people of all ages and prevents unfair exclusion or denial of benefits, including housing. 42 U.S.C. §§ 6101–6107 and 24 CFR Part 146.

Frequently Asked Questions

Q. Do VAWA's housing protections apply to Continuums of Care (CoCs)?

A. Yes, CoCs are covered housing programs under VAWA and are required to abide by VAWA.

Q. Do CoCs have to comply with VAWA's confidentiality and privacy provisions?

A. Yes, VAWA's housing protections include confidentiality requirements with very narrow exceptions.

Q. Are victim service providers (e.g., SA, DV, HT, and culturally specific organizations that provide homeless/housing services) funded through HUD CoC funds still required under VAWA to abide by confidentiality provisions with very narrow exceptions?

A. Yes, victim service providers are required to comply with VAWA's housing protections and, if their organizations are funded by VAWA, FVPSA, or VOCA, are further prohibited from entering client-level data into a Homeless Management Information System (HMIS) (*data collection system used by HUD's mainstream CoC system*). Victim service providers must instead enter data into a comparable database.

If a recipient or subrecipient is a victim service provider, it is prohibited from entering client-level data into an HMIS and must, instead, enter data into a comparable database.

Q. My organization is prohibited from disclosing and sharing survivors' personally identifying information (PII), with limited exceptions, can we still be part of our local CoC application/receive HUD CoC FY25 funds?

A. Yes, your organization can still apply in your local CoC competition and be funded through the HUD CoC FY25 NOFO. If a recipient or subrecipient of HUD CoC funds is a victim service provider, it is prohibited from entering client-level data into an HMIS and must, instead, enter data into a comparable database. If awarded HUD funds, your organization must also abide by federal, state, and local law requirements.

Q. Are there any court cases impacting SA, DV, HT, and culturally specific homeless/housing service providers that I should be aware of?

A. Yes, for an up-to-date list of court cases see Just Security's Litigation Tracker: Legal Challenges to Trump Administration Actions.

Additionally, in a case called *Rhode Island Coalition Against Domestic Violence v. Kennedy*, on October 10, 2025, a federal district court issued a decision granting a preliminary injunction requested by the plaintiffs who are comprised of over twenty DV and SA coalitions. These DV/SA coalitions, which receive federal grants to support DV/SA survivors and provide homeless and housing assistance, sued HUD and HHS by alleging that the agencies sprung new conditions on them as federal grantees and required compliance with new spending restrictions on grant funds in violation of federal laws. These new conditions and certifications compel compliance with sweeping changes imposed by certain Executive Orders aimed at eliminating programs that are perceived as promoting gender ideology; diversity, equity, and inclusion; elective abortions; and anti-discrimination.

In the decision, the court preliminarily sets aside the new grant conditions and certifications, prohibiting HUD and HHS from requiring any grantee or subgrantee to agree to such requirements or substantially similar requirements that are based on the Executive Orders and future Executive Orders. The court deemed that any action taken to implement or enforce the conditions, or similar conditions, would be null and void. This includes any effort by the agencies to delay or withhold funding from grantees based on such conditions.

- A **preliminary injunction** is not a final judgment. It is a temporary measure to require a party (here, HUD and HHS) from doing something before the final judgment of a case, to maintain the current situation until a case can be fully decided.
- A **Presidential Executive Order (EO)** is issued by the President of the United States directed at some or all federal government agencies and their staff, not at organizations outside of the federal government. For more information about EOs, please see Legal Defense Fund Executive Orders 101: What Executive Orders Actually Do and How They Might Impact You.

Resources

VAWA Housing Protections

- HUD, VAWA Information and Resources
- HUD, VAWA Covered Housing Programs

State and Local Housing Protections

- National Housing Law Project, Housing Rights of Domestic Violence and Sexual Assault Survivors: A State and Local Law Compendium (2024)

Immigration

- Alliance for Immigrant Survivors, Access and Confidentiality: Safeguarding Services for Immigrant Survivors (September 19, 2025)
- Protecting Immigrant Families and National Immigration Law Center, Explainer: The U.S. Department of Health and Human Services Notice on Federal Public Benefits (September 12, 2025)
- HUD, The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs (August 16, 2016)
- National Housing Law Project, Immigration Requirements: Assistance Programs for Housing and Homelessness, Energy, Disaster, and Water (ESG, CoC, CDBG, HOME, FEMA, RUSH, LIHEAP, LIWHAP, CRF, and ERAP) (October 2024)
- Office of the U.S. Attorney General, Memorandum Re: Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination (July 29, 2025)
- Public Counsel, FAQs on Nonprofit and Small Business Rights with Respect to Immigration Enforcement (January 2025)
- HUD, HHS, and DOJ, Joint Letter to Recipients of Federal Financial Assistance Regarding Immigrant Access to Services Necessary to Protect Life or Safety (August 5, 2016)
- U.S. Congress, Noncitizen Eligibility for Federal Housing Programs (January 23, 2023) (*Note: Some eligibility standards described in this resource may be affected by recent Executive Orders)

Confidentiality & Privacy

- Victim Rights Law Center, VAWA, VOCA, and FVPSA Confidentiality Laws: A Comparison Chart
- Safety Net Project, National Network to End Domestic Violence Confidentiality Toolkit

Non-Discrimination

- Legal Defense Fund, *et al.*, The Department of Justice's "Guidance for Recipients of Federal Funding on Unlawful Discrimination": What You Need to Know
- National Fair Housing Alliance, 2025 Fair Housing Trends Report

Additional Relevant Resources

- Democracy Forward
- Enfuse Action Collective
- Framework Strategies

- National Alliance to End Homelessness
- National Alliance to End Sexual Violence
- National Council of Nonprofits
- National Domestic Violence Hotline
- National Low Income Housing Coalition
- National Network to End Domestic Violence
- National Organization of Sisters of Color Ending Sexual Assault (SCESA)
- Public Citizen
- Ujima, The National Center on Violence Against Women in the Black Community