

118TH CONGRESS  
1ST SESSION

# S. 1293

To provide protection for survivors of domestic violence, sexual violence,  
and sex trafficking under the Fair Housing Act.

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IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

Mrs. SHAHEEN introduced the following bill; which was read twice and  
referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To provide protection for survivors of domestic violence, sexual  
violence, and sex trafficking 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 Sur-  
5 vivors Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Cities, towns, and rural communities in the  
9 United States continue to face enormous challenges  
10 regarding domestic violence, sexual assault, sex traf-

1       ficking, dating violence, stalking, and other forms of  
2       intimate partner and gender-based violence.

3               (2) One in three women and one in ten men in  
4       the United States have experienced rape, physical vi-  
5       olence, or stalking by an intimate partner in their  
6       lifetime.

7               (3) Intimate partner violence alone affects more  
8       than 12,000,000 people in the United States every  
9       year.

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

13              (5) Among women experiencing sex trafficking,  
14       many of their traffickers are also their intimate  
15       partners.

16              (6) Each day, an average of three women are  
17       killed by a current or former partner.

18              (7) Researchers estimate that domestic violence  
19       costs employers up to \$13,000,000,000 each year.

20              (8) A fundamental component of ending domes-  
21       tic and sexual violence is securing safe and afford-  
22       able housing for survivors.

23              (9) Research indicates that:

1 (A) As many as fifty-seven percent of  
2 homeless women report that domestic violence  
3 was the immediate cause of their homelessness.

4 (B) Ninety-two percent of homeless women  
5 report having experienced severe physical or  
6 sexual violence at some point in their lives, in-  
7 cluding sexual exploitation and trafficking.

8 (C) Eighty-four percent of survivors in do-  
9 mestic violence shelters reported that they need-  
10 ed help finding affordable housing. The Na-  
11 tional Network to End Domestic Violence's DV  
12 Counts Report finds that the majority of sur-  
13 vivors' unmet needs are related to housing and  
14 shelter. In another nationwide study, more than  
15 half of the victims who identified a need for  
16 housing services did not receive them.

17 (D) Survivors who become homeless as a  
18 result of sexual assault are vulnerable to fur-  
19 ther sexual victimization and exploitation in-  
20 cluding sex trafficking.

21 (E) Women of color in the lowest income  
22 category experience six times the rate of  
23 nonfatal intimate partner violence compared to  
24 white women in the highest income category.

1 (F) Poor women of color, domestic violence  
2 survivors, and women with children are among  
3 those at the highest risk of eviction.

4 (G) Housing insecurity can exacerbate sur-  
5 vivors' vulnerability. Women and men who expe-  
6 rienced food or housing insecurity in a 12-  
7 month period had a significantly higher preva-  
8 lence of rape, physical violence, or stalking by  
9 an intimate partner in that same time period,  
10 as compared to those who did not experience  
11 food or housing insecurity.

12 (H) Vulnerable women are also at risk of  
13 sex trafficking and exploitation by landlords  
14 who pressure them for sex in exchange for rent  
15 or a delay in rent payments.

16 (I) Approximately thirty-eight percent of  
17 all survivors of domestic violence become home-  
18 less at some point in their life.

19 (10) Surveys show that a majority of survivors  
20 who experience a sexual assault in their home do not  
21 relocate to a safe environment because they do not  
22 have sufficient funds and are not aware of better op-  
23 tions.

24 (11) Domestic and sexual violence survivors  
25 often find themselves trapped in homes where they

1 are further victimized by caregivers, parents, sib-  
2 lings, landlords, intimate partners, neighbors, or oth-  
3 ers in or near their home. Economic insecurity and  
4 the trauma that often follows sexual violence make  
5 it difficult, if not impossible, for many survivors to  
6 access safe, affordable housing options for them-  
7 selves and their families.

8 (12) Domestic and sexual violence survivors  
9 continue to face discrimination in securing and  
10 maintaining housing based on their status as sur-  
11 vivors and as a result of crimes committed against  
12 them.

13 (13) Research by the Attorney General of the  
14 State of New York found that sixty-seven percent of  
15 domestic violence survivors reported that discrimina-  
16 tion by landlords is a significant obstacle in obtain-  
17 ing housing.

18 (14) Research also shows that survivors of do-  
19 mestic violence or sexual assault are commonly de-  
20 nied housing opportunities if a previous residence of  
21 the survivor was a domestic violence shelter, if the  
22 survivor has secured a protective order, or if there  
23 is other evidence that the survivor has experienced  
24 a previous domestic violence incident.

1           (15) Studies show that survivors of domestic vi-  
2           olence or sexual assault often face eviction based on  
3           a single domestic violence incident.

4           (16) Survivors 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           (17) It is in the public interest to ensure that  
9           survivors of domestic violence, sexual assault, sex  
10          trafficking, dating violence, stalking, and other  
11          forms of intimate partner and gender-based violence  
12          are not discriminated against, particularly with re-  
13          spect to housing, based on their status as victims of  
14          the crimes committed against them.

15 **SEC. 3. SURVIVORS OF DOMESTIC VIOLENCE OR SEXUAL**  
16 **ASSAULT AS PROTECTED CLASS UNDER THE**  
17 **FAIR HOUSING ACT.**

18          (a) IN GENERAL.—The Fair Housing Act (42 U.S.C.  
19 3601 et seq.) is amended—

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

22           “(p) ‘Domestic violence’—

23           “(1) has the meaning given the term in section  
24           40002(a) of the Violence Against Women Act of  
25           1994 (34 U.S.C. 12291(a)); and

1 “(2) includes—

2 “(A) dating violence and stalking, as such  
3 terms are defined in such section 40002(a); and

4 “(B) threatened domestic violence.

5 “(q) ‘Sexual assault’—

6 “(1) has the meaning given the term in section  
7 40002(a) of the Violence Against Women Act of  
8 1994 (34 U.S.C. 12291(a)); and

9 “(2) includes threatened sexual assault.

10 “(r) ‘Severe forms of trafficking in persons’ has the  
11 meaning given the term in section 103 of the Trafficking  
12 Victims Protection Act of 2000 (22 U.S.C. 7102).

13 “(s) ‘Coercion’ has the meaning given the term in sec-  
14 tion 103 of the Trafficking Victims Protection Act of 2000  
15 (22 U.S.C. 7102).

16 “(t) ‘Survivor of domestic violence, sexual assault, or  
17 severe forms of trafficking in persons’ includes any person  
18 who experienced or is perceived to have experienced do-  
19 mestic violence, sexual assault, or severe forms of traf-  
20 ficking in persons.”;

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

22 (A) in subsection (a), by striking “or na-  
23 tional origin” and inserting “national origin, or  
24 whether a person is a survivor of domestic vio-

1           ence, sexual assault, or severe forms of traf-  
2           ficking in persons”;

3           (B) in subsection (b), by striking “or na-  
4           tional origin” and inserting “national origin, or  
5           whether a person is a survivor of domestic vio-  
6           lence, sexual assault, or severe forms of traf-  
7           ficking in persons”;

8           (C) in subsection (c), by striking “or na-  
9           tional origin” and inserting “national origin, or  
10          whether a person is a survivor of domestic vio-  
11          lence, sexual assault, or severe forms of traf-  
12          ficking in persons”;

13          (D) in subsection (d), by striking “or na-  
14          tional origin” and inserting “national origin, or  
15          whether a person is a survivor of domestic vio-  
16          lence, sexual assault, or severe forms of traf-  
17          ficking in persons”; and

18          (E) in subsection (e), by striking “or na-  
19          tional origin” and inserting “national origin, or  
20          whether a person is a survivor of domestic vio-  
21          lence, sexual assault, or severe forms of traf-  
22          ficking in persons”;

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

24                 (A) in subsection (a), by striking “or na-  
25                 tional origin” and inserting “national origin, or



1           whether a person is a survivor of domestic vio-  
2           lence, sexual assault, or severe forms of traf-  
3           ficking in persons”; and

4           (B) in subsection (c), by striking “or fa-  
5           miliar status” and inserting “familial status, or  
6           whether a person is a survivor of domestic vio-  
7           lence, sexual assault, or severe forms of traf-  
8           ficking in persons”;

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

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

16          “(c) Nothing in this title shall prohibit a Federal,  
17          State, unit of local government, or other assistance or  
18          preference program from being designed to assist or ben-  
19          efit survivors of domestic violence, sexual assault, or se-  
20          vere forms of trafficking in persons in seeking, securing,  
21          or maintaining dwellings, shelters, or any other form of  
22          housing for such survivors, including associated notices,  
23          statements, or advertisements of such dwelling.”; and

24          (6) in section 808(e)(6) (42 U.S.C. 3608(e)(6)),  
25          by inserting “status as a survivor of domestic vio-

1 lence, sexual assault, or severe forms of trafficking  
2 in persons,” after “handicap,”.

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

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

7 (A) in the matter preceding subsection (a),  
8 by inserting “or coercion” after “threat of  
9 force”;

10 (B) in subsection (a), by striking “or na-  
11 tional origin” and inserting “national origin, or  
12 because the person is a survivor of domestic vio-  
13 lence, sexual assault, or severe forms of traf-  
14 ficking in persons”;

15 (C) in subsection (b)(1), by striking “or  
16 national origin” and inserting “national origin,  
17 or because a person is a survivor of domestic vi-  
18 olence, sexual assault, or severe forms of traf-  
19 ficking in persons”; and

20 (D) in subsection (c), by striking “or na-  
21 tional origin” and inserting “national origin, or  
22 because a person is a survivor of domestic vio-  
23 lence, sexual assault, or severe forms of traf-  
24 ficking in persons”; and

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

1 **“SEC. 902. DEFINITIONS.**

2       “**In this title, the terms ‘domestic violence’, ‘sexual**  
3 **assault’, ‘severe forms of trafficking in persons’, ‘coercion’,**  
4 **and ‘survivor of domestic violence, sexual assault, or se-**  
5 **vere forms of trafficking in persons’ shall have the mean-**  
6 **ing given such terms in section 802.’”.**

7       **(c) PRESERVATION OF SURVIVORS’ ABILITY TO RE-**  
8 **COVER FOR OTHER FORMS OF DISCRIMINATION.—**Noth-  
9 **ing in this Act, or an amendment made by this Act, shall**  
10 **be interpreted to limit the ability of survivors of domestic**  
11 **violence, sexual assault, or severe forms of trafficking in**  
12 **persons to recover for any other claims of discrimination**  
13 **under the Fair Housing Act (42 U.S.C. 3601 et seq.), in-**  
14 **cluding with respect to failure to conform to gender stereo-**  
15 **types or policies that disproportionately affect women.**

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