



February 5, 2020

Contact:

Redmond Haskins
The Legal Aid Society
rhaskins@legal-aid.org
(929) 441-2384

*****FOR IMMEDIATE RELEASE*****

***Legal Aid & Weil, Gotshal & Manges Secure HPD Policy
Change To Provide Domestic Violence Survivors Due Process
In Housing Hearings***

***Settlement Could Impact Thousands Of Domestic Violence
Survivors In NYC***

(NEW YORK, NY) – **The Legal Aid Society** announced a settlement today in *B.D. v. New York City Department of Housing and Preservation* (HPD), [litigation](#) brought last January challenging the HPD’s practice of excluding domestic violence survivors from Section 8 voucher “bifurcation” hearings that determine whether or not a survivor is able to stay in their home. Weil, Gotshal & Manges LLP is serving as counsel on this matter and helped negotiate the settlement.

Per the terms of the settlement, HPD created a new Section 8 voucher preference for domestic violence survivors enabling a survivor to obtain a new voucher in the survivor’s name, thereby obviating the need to obtain the voucher through a termination proceeding.

Background

Domestic violence is a public health and human rights crisis and approximately one third of women have suffered from domestic violence across the United States. In New York City during 2017 alone, the New York City Police Department (NYPD) received over 100,000 reports of domestic violence. Coincidentally, many domestic violence survivors also rely on federal, state,

and local housing subsidies, and when a low-income survivor decides to leave an abusive living situation, there is a risk that they may not be able to secure government assistance for new housing.

In 2005, Congress reauthorized the Violence Against Women Act (VAWA) to protect survivors of displacement from their homes. Specifically, Congress authorized the owner of a housing unit who was benefitting from public assistance the opportunity to bifurcate a lease. The purpose of a lease bifurcation is to remove the perpetrator from a unit without evicting, removing, terminating assistance to, or otherwise penalizing a survivor who seeks to remain in the unit. In 2013, Congress again reauthorized VAWA and added a provision requiring landlords and public housing agencies to provide survivors an opportunity to establish eligibility for a housing program after the abuser had been evicted and when the abuser was previously the only tenant receiving said housing assistance.

In New York City, HPD administers the Housing Choice Voucher Program (Section 8), which provides assistance to eligible low- and moderate-income families to rent housing in the private market. Section 8 allows for “co-heads of households,” but it’s commonplace for abusers to only list themselves as the “head of household” to control the Section 8 voucher.

Often, when survivors reported instances of domestic violence to HPD, only the abusers were notified of their due process rights, including official notice of the bifurcation hearing and an opportunity to share their side of the story. HPD did not provide similar due process rights to the survivors of domestic violence. Survivors were not formally notified of the bifurcation hearing or even allowed to be heard at the hearing. This egregious policy violated survivors’ due process rights and, because most survivors of domestic abuse are women, discriminated on the basis of sex.

This lawsuit was filed on behalf of B.D. – a survivor of domestic violence whose housing was jeopardized because of HPD’s current bifurcation practice – pursuant to the Fourteenth Amendment and the Fair Housing Act.

“With this policy change, low-income survivors of domestic violence will no longer have to choose between homelessness or continuing to endure an abusive living situation,” said **Ellen Davidson, Staff Attorney with the Civil Law Reform Unit at The Legal Aid Society.** “Survivors will now be able to obtain a new voucher instead of waiting until the adjudication of a termination proceeding to conclude, which often did not bifurcate a voucher. No New Yorker should be deprived due process in any housing context, especially those suffering domestic violence.”

###

The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>

Founded in 1931, Weil, Gotshal & Manges LLP has been a preeminent provider of legal services for more than 80 years. With approximately 1,100 lawyers in offices on three continents, Weil has been a pioneer in establishing a geographic footprint that has allowed the Firm to partner with clients wherever they do business. The Firm's four departments, Corporate, Litigation, Business Finance & Restructuring, and Tax, Executive Compensation & Benefits, and more than two dozen practice groups are consistently recognized as leaders in their respective fields.