

August 24, 2021

Submitted via regulations.gov

Sasha Samberg-Champion
Deputy General Counsel for Enforcement and Fair Housing
Department of Housing and Urban Development
451 7th Street SW
Room 10110
Washington, DC 20410

Re: Docket No. FR-6251-P-01, Reinstatement of Discriminatory Effects Standard

Dear Mr. Samberg-Champion:

This letter is written on behalf of the undersigned organizations, in response to the notice of proposed rulemaking (NPRM) “Reinstatement of Discriminatory Effects Standard” issued by the Department of Housing and Urban Development (HUD) on June 24, 2021 (“Proposed Rule”). Our organizations work to advance the housing rights of survivors of gender-based violence, including domestic violence and sexual assault.

The undersigned organizations strongly support the reinstatement of HUD’s 2013 discriminatory effects standard (“2013 Rule”)¹ via the 2021 proposed rulemaking. HUD’s previous changes to the discriminatory effects standard reflected in HUD’s 2020 rulemaking (“2020 Rule”) would have fundamentally weakened the use of discriminatory effects liability as an enforcement tool, to the detriment of survivors and their families. The 2020 Rule sought to impose requirements for discriminatory effects cases that, in practice, would have been nearly impossible for survivors and other victims of housing discrimination to overcome -- even in instances of harmful discriminatory housing practices. Under the 2020 Rule, many survivors would have been unable to fully vindicate their fair housing rights. Therefore, the reinstatement of the 2013 Rule is vital to safeguarding the housing rights of survivors.

We offer the following comments outlining the basis for our support, as well as recommendations on how HUD can ensure that the discriminatory effects standard can be used to challenge discriminatory housing policies and practices that specifically harm survivors of gender-based violence.

¹ Implementation of the Fair Housing Act’s Discriminatory Effects Standard, Final Rule, 78 Fed. Reg. 11,460 (Feb. 15, 2013).

A. The Proposed Rule’s Reinstatement of HUD’s 2013 Rule is Necessary to Affirmatively Further Fair Housing and is Consistent with U.S. Supreme Court Precedent and the Biden-Harris Administration’s Stated Policy of Fighting Race and Gender Discrimination

Since 1968, the federal Fair Housing Act has imposed a statutory mandate on HUD to administer the agency’s “programs and activities relating to housing and urban development in a manner” that affirmatively furthers fair housing (AFFH).² Restoring the 2013 Rule is consistent with that AFFH duty, and, as partner organizations have observed in their comments, completely consistent with the U.S. Supreme Court’s interpretation of the Fair Housing Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project*.³ Furthermore, the reinstatement of a meaningful and effective discriminatory effects standard aligns with the Biden-Harris Administration’s stated policy priorities of addressing race and gender discrimination.⁴

As organizations work to combat discriminatory housing policies that negatively impact survivors of gender-based violence, we understand that a workable discriminatory effects framework is needed to dismantle long-standing barriers to safe, decent, and affordable housing for survivors, particularly BIPOC survivors, and survivors with children. Many organizations that work on behalf of survivors, including a number of the undersigned organizations, submitted or joined comments opposing the previous administration’s changes to the 2013 Rule. Survivor advocacy organizations understood those changes to be a profound threat to the ability of survivors and other groups to challenge discriminatory housing policies under the Fair Housing Act.

Therefore, we reiterate our strong support for the reinstatement of HUD’s 2013 Rule through the current rulemaking action.

B. HUD Has Long Recognized that Discriminatory Effects Liability Can Be Used to Challenge Policies and Practices that Negatively Impact Survivors of Gender-Based Violence and their Families, Underscoring the Importance of a Workable Discriminatory Effects Standard

Combating housing policies that harm survivors relies upon a viable discriminatory effects standard under the Fair Housing Act. Since most domestic violence survivors are women, policies that discriminate against survivors have an unlawful disparate impact on women.

² 42 U.S.C. § 3608(e)(5).

³ 576 U.S. 519 (2015).

⁴ See Memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies, 86 Fed. Reg. 7487, 7488 (Jan. 29, 2021) (noting the Biden-Harris Administration’s policy of working with communities to, among other objectives, “eliminate racial bias and other forms of discrimination in all stages of home-buying and renting”); see also Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 86 Fed. Reg. 7009 (Jan. 25, 2021); Executive Order 14020, Establishment of the White House Gender Policy Council, 86 Fed. Reg. 13,797 (Mar. 11, 2021).

Domestic violence is a leading cause of homelessness for women in the United States.⁵ Over 90% of homeless women report having experienced domestic abuse or sexual violence in their lives, while over 50% of homeless women report that domestic violence was the immediate cause of their homelessness.⁶ Access to housing is absolutely critical for survivors, as lack of safe and affordable housing options is regularly reported as a primary barrier to escaping abuse.⁷ Homelessness can also be a precursor to additional violence, because a survivor is at the greatest risk of violence when separating from an abusive partner.⁸

Reinstatement of HUD's 2013 Rule is necessary and consistent with HUD's long-standing views on the relationship between sex discrimination and gender-based violence. In 2011, HUD issued groundbreaking guidance entitled, "Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act (FHAct) and the Violence Against Women Act (VAWA)" ("2011 Fair Housing Guidance").⁹ A decade after it was issued, this guidance remains a key resource for the field -- specifically for advocates who are working on behalf of survivors facing eviction or other adverse housing consequences because of the actions of an abuser or perpetrator. HUD has also investigated and issued charges of housing discrimination regarding policies that have negatively impacted survivors of domestic violence.¹⁰ Furthermore, in 2016, HUD issued important fair housing guidance that addressed the issue of nuisance and crime-free housing policies, and how enforcement of such policies against survivors could constitute both intentional discrimination and have a possible discriminatory effect based upon sex.¹¹ This 2016 guidance explicitly relies upon the 2013 Rule's discriminatory effects framework. The Fair Housing Act is an important tool for enforcing the housing rights of survivors, particularly given the Violence Against Women Act's (VAWA) applicability to federally subsidized, but not private, unsubsidized housing.

Advocates have used discriminatory effects theory to challenge a range of discriminatory policies and practices that harm survivors:

⁵ See ACLU Women's Rights Project, *Domestic Violence and Homelessness* (2006), <http://www.aclu.org/pdfs/dvhomelessness032106.pdf>; see also U.S. Conference of Mayors, *A Status Report on Hunger and Homelessness in America's Cities: A 25-City Survey* (Dec. 2014); see also Baker et al., *Domestic Violence, housing instability, and homelessness: A review of housing policies and program practices for meeting the needs of survivors*, 15 *Aggression & Violent Behavior* 430 (2010).

⁶ Monica McLaughlin & Debbie Fox, *National Network to End Domestic Violence, Housing Needs of Victims of Domestic Violence, Sexual Assault, Dating Violence, and Stalking* (2019), https://nlihc.org/sites/default/files/AG-2019/06-02_Housing-Needs-Domestic-Violence.pdf.

⁷ See Charlene K. Baker et al., *Domestic violence, housing instability, and homelessness: A review of housing policies and program practices for meeting the needs of survivors*, 15 *Aggression & Violent Behavior* 430, 430–39 (2010), https://b3cdn.net/naeh/416990124d53c2f67d_72m6b5uib.pdf.

⁸ See *id.* at 431.

⁹ <https://www.hud.gov/sites/documents/FHEODOMESTICVIOLGUIDENG.PDF>

¹⁰ See, e.g., 2011 Fair Housing Guidance, at 6 (describing *Alvera* case).

¹¹ U.S. Dep't of Housing & Urban Development, *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services* (2016), <https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>.

- Housing providers' failure to provide emergency transfers for survivors under VAWA. Challenging the failure to provide a transfer using a disparate impact theory has resulted in the adoption of new policies that ensure that survivors who are in imminent danger may request and receive emergency transfers.¹²
- Some landlords and housing providers evict or threaten to evict domestic violence survivors in accordance with "one-strike" or "crime-free" policies that punish survivors because of the abuse they experienced in their home.¹³ These policies result in survivors and their children being evicted and rendered homeless for violence done to them or by their abusers.
- In many jurisdictions, nuisance ordinances coerce landlords to evict or threaten to evict households based on circumstances related to the fact that someone in the household is a survivor -- including noise, damage to the property, calls for police assistance or emergency services, and conduct of the perpetrator (such as drug-related criminal activity). Such ordinances disproportionately harm domestic violence survivors, particularly survivors of color. Research has also demonstrated that nuisance and crime-free ordinances disproportionately impact communities of color, low-income households, and people experiencing disabilities.¹⁴
- Landlords, including landlords not covered by VAWA, evict survivors and their children from housing for reasons directly related to domestic violence like noise complaints during abusive attacks, damage abusers do to the rental unit, and economic abuse.
- A public housing agency's failure to notify a survivor of the perpetrator's Section 8 voucher termination, where the survivor also lived in the unit.¹⁵
- Housing providers accepting and acting upon information from perpetrators (or others acting under their direction and control) about the survivor violating the terms of the program and their lease, including by having an unauthorized guest, the perpetrator, in their home and the perpetrator using the survivor's home address as their own.¹⁶

Additionally, survivors with children face significant barriers to housing due to unjust housing policies and practices that disproportionately harm families with children. More than half of

¹² See *Blackwell v. H.A. Hous. LP*, Civil Action No. 05-cv-01225-LTB-CBS (D. Colo. 2005) (alleging that failure to provide transfer to survivor had a disparate impact based on sex).

¹³ See, generally, *Warren v. Ypsilanti Hous. Auth.*, Case No. 4:02-cv-40034 (E.D. Mich. 2003) (defendant agreed to cease evicting survivors of domestic violence under its "one-strike policy").

¹⁴ ACLU & New York Civil Liberties Union, *More Than a Nuisance: The Outsized Consequences of New York's Nuisance Ordinances* (2018), https://www.nyclu.org/sites/default/files/field_documents/nyclu_nuisancereport_20180809.pdf; Joseph Mead, et al., Cleveland State University, and Elizabeth Bonham, ACLU of Ohio, *Who Is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio* (Nov. 2017) at 8, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3067028.

¹⁵ *A.S. v. Been*, 228 F. Supp. 3d 315 (S.D.N.Y. 2017) (denying PHA's motion to dismiss survivor's FHA claim under both disparate treatment and disparate impact theories arising out of abuser's Section 8 voucher termination that occurred without PHA notifying survivor who also lived in the unit).

¹⁶ *Floyd v. Housing Auth. of Cook Cty.*, Case No. 12 CH 14563, 2013 WL 753240 (Ill. Cir. Ct. Feb. 27, 2013).

female domestic violence survivors live in households with children under the age of 10.¹⁷ Access to safe and affordable housing options is critical to prevent homelessness for survivors and their children as they try to escape abusive relationships.¹⁸ The 2013 Rule affords vital housing protections for survivors with children and has allowed advocates to challenge unjust policies that harm families, such as overly restrictive occupancy requirements,¹⁹ which significantly limit housing opportunities for families with children and often have the harshest consequences for low-income women of color. Similarly, the Fair Housing Act's disparate impact theory has been used to challenge housing policies that restrict families from accessing certain amenities that are overwhelmingly enjoyed by children (e.g., pools, courtyards). For example, a landlord's policy against congregating in common areas may have a discriminatory impact on families with children when evidence shows that children are more likely than adults to play, or congregate, in such places.²⁰

The 2013 Rule ensures critical protections for domestic violence survivors who are denied housing because they accessed emergency services, defended themselves, experienced abuse in their homes, or who are being discriminated against because they have children. We, therefore, strongly support the adoption of the Proposed Rule.

C. HUD Must Refrain from Including Carve-Outs or Exemptions from Fair Housing Liability in Reinstating the 2013 Rule

We strongly oppose the adoption of any carve-outs or exemptions for any industries or practices from discriminatory effects liability under the Fair Housing Act, and we believe that the adoption of carve-outs would be harmful for all victims of housing discrimination, including survivors.

Certain industries, such as the insurance industry, have long sought an exemption from discriminatory effects liability under the Fair Housing Act.²¹ However, we urge HUD to reject any requested carve-outs or exceptions for any entity under the Fair Housing Act. Providing exemptions or carve-outs in the final rulemaking would allow parties to escape accountability for discriminatory and harmful housing practices. For example, if insurance companies were exempted from discriminatory effects liability, this could lead to insurance companies developing policies that are harmful to survivors. If a survivor could not prove discriminatory intent, a carve-out or exemption to liability would mean that the survivor would not have recourse under the Fair Housing Act to challenge such policies.

¹⁷ Marielsa Bernard, *Domestic Violence's Impact on Children*, 36-JUN Md. B.J 10, 12 (May/June 2003).

¹⁸ Meris L. Bergquist, Esq., *After the Violence: Using Fair Housing Laws to Keep Women and Children Safe at Home*, 34-SPG Vt. B.J. 46, 46–47 (Spring 2008).

¹⁹ See generally *Hous. Opps. Project for Excellence, Inc. v. Key Colony No. 4 Condo. Assoc.*, 510 F. Supp. 2d 1003 (S.D. Fla. 2007) (holding that residents had successfully stated a disparate impact claim because the restrictive occupancy rules had discouraging effects on families with more than two children).

²⁰ *Khalil v. Farash Corp.*, 260 F. Supp. 2d 582, 589 (W.D.N.Y. 2003).

²¹ See generally *Application of the Fair Housing Act's Discriminatory Effects Standard to Insurance*, 81 Fed. Reg. 69,012 (Oct. 5, 2016).

Insurance companies have previously been challenged under the Fair Housing Act for including unfavorable terms and conditions to housing providers who accept Section 8 Housing Choice Vouchers.²² Providing carve-outs could also lead to other discriminatory insurance policies -- such as charging housing providers higher premiums or imposing less favorable terms if a housing provider rents to survivors of gender-based violence.

We, therefore, strongly believe that HUD must reinstate the approach taken in the 2013 Rule, which requires that each case of alleged housing discrimination be examined individually, and on a case-by-case basis. The 2013 Rule's framework sufficiently addresses concerns that discriminatory effects liability will adversely affect legitimate, nondiscriminatory business or industry practices, and adequately allows defendants to defend their challenged policies and practices.

D. In Finalizing and Implementing HUD's Discriminatory Effects Standard as Outlined in the Proposed Rule, HUD Must Take Additional Actions to Expand Housing Opportunities for Survivors

In addition to the adoption of the Proposed Rule, we also urge HUD to take several measures to further implement the discriminatory effects standard.

Examples of Less Discriminatory Alternatives to Eviction in Cases Involving Survivors

In the preamble to the final discriminatory effects rule and in separate guidance, HUD should outline potentially less discriminatory alternatives to eviction in cases where a housing provider has a policy of evicting the household in light of certain types of lease violations (e.g., damage to the unit, noise), even though the lease violation stemmed from an instance or pattern of gender-based violence. In other words, HUD should outline alternatives to a policy (e.g., evicting survivors for lease violations) with actions that would similarly serve the housing provider's needs, but would still have a less discriminatory impact on the survivor.

HUD's VAWA regulations are instructive here, as they outline a series of steps that housing providers should take instead of eviction or subsidy termination of survivors. HUD regulations state, "Any eviction or termination of assistance ... should be utilized by a covered housing provider only when there are no other actions that could be taken to reduce or eliminate the threat," and then provided examples of eviction alternatives such as transferring the survivor to a different unit, barring a perpetrator from the property, or seeking "other legal remedies to prevent the perpetrator from acting on a threat."²³ HUD should include similar recommendations as less discriminatory alternatives to eviction or survivors in the final rule preamble and in separate guidance.

²² See, e.g., Nat'l Fair Hous. All. v. Travelers Indem. Co., et al., 261 F. Supp. 3d 20 (D.D.C. 2017) (denying insurance company's motion to dismiss regarding FHA and D.C. law claims).

²³ 24 C.F.R. § 5.2005(d)(4).

Updated Fair Housing Guidance

HUD must update its 2011 Fair Housing Guidance in several critical ways. First, the 2011 Fair Housing Guidance should frame this guidance primarily as fair housing guidance and disaggregate the discussion regarding VAWA. While a failure to comply with VAWA may also give rise to a sex discrimination claim under the Fair Housing Act (and any guidance should reiterate this point²⁴), alternating the discussion between the two statutes can create confusion. For example, the Fair Housing Act applies to both federally assisted and market-rate housing; VAWA's scope in terms of housing units covered is much more limited. We, therefore, ask HUD to specifically issue an updated guidance document that primarily focuses on how the Fair Housing Act's prohibition on sex discrimination can be used to challenge policies and practices that harm survivors.

Second, we ask HUD to update this guidance to be more inclusive of survivors of other types of gender-based violence, including sexual assault. Like domestic violence, most survivors of sexual assault are women and girls.²⁵ Accordingly, a similar legal theory that has prohibited discrimination against survivors of domestic violence under the Fair Housing Act should be applied to survivors of sexual assault.

Third, HUD should update the 2011 guidance to include coverage of discriminatory effects cases that arise in the admissions context. The guidance should address the significant barriers that survivors face when trying to obtain admission to a rental unit with negative rental history (e.g., credit history, eviction history, damage to a prior unit, negative landlord references) that directly relate to the violence committed against them. Such policies and practices, while facially neutral, pose substantial barriers to survivors being able to obtain subsequent safe housing. HUD has previously recognized these barriers in VAWA guidance to owners and public housing agencies (PHAs).²⁶ HUD's guidance explains to housing providers that while adverse factors such as negative credit or rental history may initially seem unrelated to domestic violence, these adverse factors should not be held against a tenant or applicant because these factors are based on their status as a survivor. HUD should similarly discuss these barriers in the Fair Housing Act context and discuss how HUD's reinstated discriminatory effects standard applies when such adverse factors are present.

²⁴ HUD should adopt a similar approach as it did in its guidance regarding the relationship between the Fair Housing Act and discrimination against persons with limited English proficiency. The guidance noted, "If a housing provider is required to provide housing-related language assistance services to LEP persons under federal, state or local law, or by contract, and the housing provider fails to comply with that requirement, this too may constitute intentional discrimination. [] By failing to comply with a requirement to provide language assistance, the housing provider may be denying individuals, based on their national origin, an equal opportunity to enjoy the housing benefits to which that requirement entitles them." HUD, Office of General Counsel Guidance on Fair Housing Act Protections For Persons With Limited English Proficiency, at 6 (Sep. 2016) (footnotes omitted). Similarly, a failure to comply with VAWA requirements may constitute sex discrimination under the FHA.

²⁵ <https://www.nsvrc.org/statistics>

²⁶ See Notice PIH 2017-08 (HA), at § 7.2; Notice H 2017-05, at § VII.

Fourth, updated HUD guidance should root out some common rental property owner leasing practices that adversely impact survivors and have the potential to place them in great physical danger. For example, when a survivor needs to end their lease early due to violence, a property owner will often require the survivor to seek the consent of other tenants on the lease, including the perpetrator of the violence. These policies force survivors to either stay in the tenancy that they need to leave due to safety or trauma or try to get consent from a person who has harmed them and will continue to harm them. Even where leases do not include the perpetrator, landlords place an illegitimate and financially burdensome barrier to survivors seeking safety. While many states have early lease termination laws allowing survivors to exit their leases early due to violence, landlords continue to use these leasing policies. Worse still, in states with early lease termination laws, landlords will still report rent they allege is owed after the lease is terminated as debt, thereby ruining a survivor's rental and credit history. Any updated or new guidance should address these common leasing policies and practices by finding that there is no legitimate basis (1) to deny a tenant's request to end their lease early due to safety or trauma, (2) to condition it upon the consent of other tenants, including the perpetrator, or (3) to use it as a basis to ruin a survivor's rental and credit history.

Finally, updated guidance should acknowledge that survivors of gender-based violence have intersecting identities that compound the negative impacts of housing discrimination. For example, survivors oftentimes experience disabilities, including trauma or physical disabilities, that result from the violence committed against them. In fact, the rate of violence against women who experience disabilities is three times higher than the rate of violence against women without disabilities.²⁷ Accordingly, survivors may not only be discriminated against as a survivor but may also be denied reasonable accommodations that are needed because of the violence. Survivors also face race discrimination. Studies have shown that Black women are disproportionately evicted from their homes,²⁸ including survivors who are seeking police or emergency assistance. Furthermore, the harmful effects of housing instability are compounded for Native American women and women of color, who face both increased barriers to housing and disproportionate rates of violence.²⁹ Survivors may also be limited English proficient and may be denied access to information about VAWA housing rights and obligations in their preferred language, which can constitute national origin discrimination. Additionally, LGBTQ+ individuals experience high rates of domestic violence, while 71% of survivors reported that they

²⁷ American Civil Liberties Union et al., *Domestic Violence & Sexual Assault in the United States: A Human Rights Based Approach & Practice Guide*, at 6 (Aug. 2014), https://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/dv_sa_hr_guide_reduce.pdf.

²⁸ See, e.g., Matthew Desmond, "Poor Black Women Are Evicted at Alarming Rates, Setting Off a Chain of Hardship" MacArthur Foundation Policy Research Brief (2014), https://www.macfound.org/media/files/hhm_research_brief_-_poor_black_women_are_evicted_at_alarming_rates.pdf

²⁹ See McLaughlin & Fox, *supra* note 6 at 1; see also Carolyn M. West & Kalimah Johnson, National Online Resource Ctr. on Violence Against Women, *Sexual Violence in the Lives of African American Women* (Mar. 2013), https://vawnet.org/sites/default/files/materials/files/2016-09/AR_SVAAWomenRevised.pdf; Smith, S.G., et al., *National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 state report* (Apr. 2017), <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

were denied shelter because of barriers related to gender identity.³⁰ In any updated or new guidance, HUD must acknowledge the intersecting identities of survivor victims of housing discrimination.

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In conclusion, our organizations applaud HUD's efforts to reinstate the HUD 2013 Rule through this 2021 Proposed Rule. Doing so will ensure that survivors of gender-based violence are able to challenge discriminatory policies and practices that bar survivors and their families from having equal access to safe, decent, and affordable housing.

If you have any questions about our comments, please contact Noelle Porter, National Housing Law Project's Director of Government Affairs, at nporter@nhlp.org.

Sincerely,

Asian Pacific Institute on Gender-Based Violence

National Alliance for Safe Housing

National Alliance to End Sexual Violence

National Domestic Violence Hotline

National Housing Law Project

National Low Income Housing Coalition

National Organization of Sisters of Color Ending Sexual Assault

National Network to End Domestic Violence

National Resource Center on Domestic Violence

RESULTS

Ujima: The National Center on Violence Against Women in the Black Community

Arizona Coalition to End Sexual and Domestic Violence

California Partnership to End Domestic Violence

³⁰ National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Intimate Partner Violence in 2015* (2016), http://avp.org/wp-content/uploads/2017/04/2015_ncavp_lgbtqipvreport.pdf.

CAWS North Dakota
Colorado Coalition Against Sexual Assault
Community Legal Services of Philadelphia
Housing Justice for Survivors Project, Legal Services Center of Harvard Law School
Idaho Coalition Against Sexual & Domestic Violence
Iowa Coalition Against Sexual Assault
Maryland Coalition Against Sexual Assault
Michigan Coalition to End Domestic & Sexual Violence
Mid-Minnesota Legal Aid
Nebraska Coalition to End Sexual and Domestic Violence
New Jersey Coalition to End Domestic Violence
New York State Coalition Against Domestic Violence
New York State Coalition Against Sexual Assault
Northern Marianas Coalition Against Domestic & Sexual Violence
Pennsylvania Coalition Against Domestic Violence
Texas Council on Family Violence
Vermont Network Against Domestic and Sexual Violence
Violence Free Minnesota
Virginia Sexual & Domestic Violence Action Alliance
Washington State Coalition Against Domestic Violence
West Virginia Foundation for Rape Information and Services
Wisconsin Coalition Against Sexual Assault