

# ALABAMA

Alabama has enacted the following law regarding survivors' housing rights:

- Orders removing and excluding a restrained party from the residence of the protected party, regardless of ownership of the residence. ALA. CODE 1975 § 30-5-7

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## **Orders for protection or modification -- Authorized, issuance, relief, time, amendment, etc.**

ALA. CODE 1975 § 30-5-7

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(b) A court may grant any of the following relief without notice and a hearing in an ex parte protection order or an ex parte modification of a protection order:

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(7) Remove and exclude the defendant from the residence of the plaintiff, regardless of ownership of the residence.

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(c) The court may grant any of the following relief in a final protection order or a modification of a protection order after notice and a hearing, whether or not the defendant appears:

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(4) When the defendant has a duty to support the plaintiff or any children living in the residence or household and the defendant is the sole owner or lessee, grant to the plaintiff possession of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff, or both, or by consent agreement allowing the defendant to provide suitable alternate housing.

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# ALASKA

Alaska has enacted the following law regarding survivors' housing rights:

- Fees for police protection services may not be imposed on property owners for responses to calls that involve domestic violence. ALASKA STAT. § 29.35.125

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## **Fees for police protection services – No fees for responses to potential child neglect or potential domestic violence or potential stalking**

ALASKA STAT. § 29.35.125

(a) A municipality may by ordinance impose a fee on the owner of residential property, including multi-family housing, if a member of the municipal police department goes to the property an excessive number of times during a calendar year in response to a call for assistance, a complaint, an emergency, or a potential emergency. The number of responses considered to be excessive and the amount of the fee shall be set out in the ordinance that establishes the fee. The fee may not exceed the actual cost to the municipality for the excessive responses. A fee may not be imposed under this subsection for responses to calls that involve potential child neglect, potential domestic violence, as defined in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270.

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# ARIZONA

Arizona has enacted the following laws regarding survivors' housing rights:

- Tenant's right to call a peace officer or other emergency assistance. ARIZ. REV. STAT. ANN. §§ 33-1315, 33-1414.
- Early lease termination. ARIZ. REV. STAT. ANN. § 33-1318.
- Lock changes. ARIZ. REV. STAT. ANN. § 33-1318.

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## **Tenant's right to call for peace officer shall not be waived in rental agreement**

ARIZ. REV. STAT. ANN. § 33-1315 (Arizona Residential Landlord and Tenant Act)

A. A rental agreement shall not provide that the tenant does any of the following:

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4. Agrees to waive or limit the tenant's right to summon or any other person's right to summon a peace officer or other emergency assistance in response to an emergency.

5. Agrees to payment of monetary penalties or otherwise penalizes the tenant for the tenant summoning or for any other person summoning a peace officer or other emergency assistance in response to an emergency.

B. A provision that is prohibited by subsection A of this section and that is included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by the landlord to be prohibited, the tenant may recover actual damages sustained by the tenant and not more than two months' periodic rent.

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## **Prohibited provisions in rental agreements**

ARIZ. REV. STAT. ANN. § 33-1414 (Arizona Mobile Home Parks Residential Landlord and Tenant Act)

A. A rental agreement shall not provide that the tenant agrees to:

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6. Waive or limit the tenant’s right to summon or any other person’s right to summon a peace officer or other emergency assistance in response to an emergency.

7. Payment of monetary penalties or otherwise penalizes the tenant for the tenant summoning or for any other person summoning a peace officer or other emergency assistance in response to an emergency.

B. A provision that is prohibited by subsection A of this section and that is included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known to be prohibited, the tenant may recover actual damages sustained and the rental agreement is voidable by the tenant.

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**Early lease termination and lock changes**

ARIZ. REV. STAT. ANN. § 33-1318

A. A tenant may terminate a rental agreement pursuant to this section if the tenant provides to the landlord written notice pursuant to this section that the tenant is the victim of domestic violence as defined in § 13-3601. The tenant’s rights and obligations under the rental agreement are terminated and the tenant shall vacate the dwelling and avoid liability for future rent and shall not incur early termination penalties or fees if the tenant provides to the landlord a written notice requesting release from the rental agreement with a mutually agreed on release date within the next thirty days, accompanied by any one of the following:

- 1. A copy of any protective order issued pursuant to § 13-3602 to a tenant who is a victim of domestic violence. A landlord may also request a receipt or signed statement that the order of protection has been submitted to an authorized officer of a court for service.
- 2. A copy of a written departmental report from a law enforcement agency that states that the tenant notified the law enforcement agency that the tenant was a victim of domestic violence.

B. A landlord may request from the victim the name and address of the person named in an order of protection or a departmental report pursuant to subsection A of this section, in writing, if known by the victim.

C. The tenant may terminate the rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant being a victim of domestic violence as defined in § 13-3601 occurred within the thirty day period immediately preceding the written notice of termination to the landlord, unless waived by the landlord.

D. If the tenant terminates the rental agreement as prescribed by this section and if the tenant is solely or jointly liable on the rental agreement, the tenant is liable only for rent owed or paid through the date of the lease termination plus any previous obligations outstanding on that date. The amount due from the tenant shall be paid to the landlord on or before the date the tenant vacates the dwelling. If the tenant has prepaid rent that would apply for the month in which the lease is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant. If the tenant has paid a security deposit pursuant to § 33-1321, the security deposit shall not be withheld for the early termination of the lease if the tenant meets the requirements prescribed by subsection A of this section, but may be withheld for payment of damages which the landlord has suffered by reason of the tenant's noncompliance with § 33-1341.

E. A tenant who is a victim of domestic violence may require the landlord to install a new lock to the tenant's dwelling if the tenant pays for the cost of installing the new lock. A landlord may comply with this requirement by doing either of the following:

1. Rekeying the lock if the lock is in good working condition.
2. Replacing the entire locking mechanism with a locking mechanism of equal or better quality than the lock being replaced.

F. A landlord who installs a new lock at the tenant's request may retain a copy of the key that opens the new lock. Notwithstanding any provision in the rental agreement, the landlord may refuse to provide a key that opens the new lock to the person named in an order of protection or a departmental report pursuant to subsection A of this section.

G. A landlord shall refuse to provide access to the dwelling to reclaim property to any tenant if the tenant is the person named in an order of protection or a departmental report pursuant to subsection A of this section who has been served with an order of protection naming that tenant as the defendant and the landlord has received a copy of the order of protection, unless a law enforcement officer escorts the tenant into and out of the dwelling.

H. A tenant who terminates a lease pursuant to this section and who is convicted of falsely filing a departmental report or order of protection for domestic violence is liable to the landlord for treble damages for premature termination of the lease.

I. A person named in an order of protection or a departmental report pursuant to subsection A of this section who provokes an early lease termination under this section is deemed to have interfered with the residential rental agreement between the landlord and tenant regardless of whether the person named in an order of protection or a departmental report pursuant to subsection A of this section is a party to the rental agreement, and the person named in an order of protection or a departmental report pursuant to subsection A of this section may be civilly liable for all economic losses incurred by a landlord for the domestic violence early lease termination. This civil liability includes unpaid rent, early lease termination fees, costs to repair damage to the premises and any reductions or waivers of rent previously granted to the tenant who was the victim of domestic violence.

J. If there are multiple tenants who are parties to a rental agreement that has been terminated under this section, the tenancy for those tenants also terminates. The tenants who are not the victims of domestic violence, excluding the person named in an order of protection or a departmental report pursuant to subsection A of this section that caused the termination of the lease pursuant to this section, may be released from any financial obligations due under the previously existing rental agreement and the remaining tenants may be permitted to enter into a new lease with the landlord if the tenants meet all current application requirements.

K. An emergency order of protection or a protective order that is issued to a resident of a rental property automatically applies to the entire residential rental property in which the tenant has a rental agreement.

L. This section shall not be construed to limit a landlord's right to terminate a lease pursuant to § 33-1368 against the victim for actions unrelated to the act of domestic violence.

M. A landlord is not liable for any actions taken in good faith pursuant to this section.

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# ARKANSAS

Arkansas has enacted the following law regarding survivors' housing rights:

- Protection for victims of domestic violence. ARK. CODE ANN. § 18-16-112

This law includes provisions for:

1. protection against housing discrimination (protection from retaliation);
2. lock changes;
3. barring the perpetrator from the property;
4. evicting the perpetrator;
5. liability of the perpetrator for damages;
6. immunity from liability for a landlord acting in good faith; and
7. protection of the tenant's right to call for law enforcement assistance.

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## **Protection for victims of domestic abuse**

ARK. CODE ANN. § 18-16-112

(a) As used in this section:

(1) "Documented incident of domestic abuse" means evidence of domestic abuse contained in an order of a court of competent jurisdiction;

(2) "Domestic abuse" means:

(A) The infliction of physical injury or the creation of a reasonable fear that physical injury or harm will be inflicted upon a member of a household by a member or former member of the household; or

(B) The commission of a sex crime or act of stalking upon a member of a household;

(3) "Domestic abuse offender" means a person identified in a documented incident of domestic abuse as performing any act of domestic abuse;

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(5) "Stalking" means following or loitering near a person with the purpose of annoying, harassing, or committing an assault or battery against the person; and

(6) "Victim of domestic abuse" means a person or a member of the person's household who is identified in a documented incident of domestic abuse within:

(A) The immediately preceding sixty (60) days; or

(B) Sixty (60) days of the termination of a residential tenancy by the person, a member of the person's household, or landlord because of domestic abuse.

(b) If a residential tenant, an applicant for a residential tenancy, or a member of the tenant or applicant's household is a victim of domestic abuse as evidenced by a documented incident of domestic abuse:

(1) With respect to the victim of domestic abuse, a landlord shall not terminate or fail to renew a residential tenancy, refuse to enter into a residential tenancy, or otherwise retaliate in the leasing of a residence because of the domestic abuse; and

(2)(A) At the residential tenant's expense and with the landlord's prior consent, a landlord or a residential tenant other than a domestic abuse offender may change the locks to the residential tenant's residence.

(B) The landlord or residential tenant shall furnish the other a copy of the new key to the residential tenant's residence immediately after changing the locks or as soon after changing the locks as possible if either the landlord or residential tenant is unavailable.

(c) Notwithstanding a conflicting provision in a domestic abuse offender's residential tenancy agreement, if a domestic abuse offender is under a court order to stay away from a co-tenant residing in the domestic abuser's offender's residence or the co-tenant's residence:

(1) The domestic abuse offender under the court order may access either residence only to the extent permitted by the court order or another court order;

(2) A landlord may refuse access by a domestic abuse offender to the residence of a victim of domestic abuse unless the domestic offender is permitted access by court order; and

(3) A landlord may pursue all available legal remedies against the domestic abuse offender including, without limitation, an action:

(A) To terminate the residential tenancy agreement of the domestic abuse offender;

(B) To evict the domestic abuse offender whether or not a residential tenancy agreement between the landlord and domestic abuse offender exists; and

(C) For damages against the domestic abuse offender:

(i) For any unpaid rent owed by the domestic abuse offender; and

(ii) Resulting from a documented incident of domestic abuse.



(d) A landlord is entitled to a court order terminating the residential tenancy agreement of a person or evicting a person, or both, under subdivision (c)(3)(A) or (B) of this section upon proof that the person is a domestic abuse offender under this section.

(e) A landlord is immune from civil liability if the landlord in good faith:

(1) Changes the locks under subdivision (b)(2) of this section; or

(2) Acts in accordance with a court order under subsection (c) of this section.

(f) A residential tenant may not waive in a residential tenancy the residential tenant's right to request law enforcement assistance or other emergency assistance.

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# CALIFORNIA

California has enacted the following laws regarding survivors' housing rights:

- Lock changes. CAL. CIV. CODE §§ 1941.5, 1941.6
- Early lease termination by the victim. CAL. CIV. CODE § 1946.7
- Unlawful detainer by the perpetrator. CAL. CIV. PROC. CODE § 1161
- A landlord shall not terminate a tenancy based upon an act against a tenant that constitute domestic violence. CAL. CIV. PROC. CODE § 1161.3
- A court may issue an order excluding a party from the petitioner's dwelling, regardless of which party holds title or is the lessee of the dwelling. CAL. FAM. CODE § 6321
- Address confidentiality program. CAL. GOV'T CODE §§ 6205-6217
- Public housing reports on terminations of tenancies of victims of domestic violence in housing authority units, and terminations of Section 8 vouchers of victims of domestic violence. CAL. HEALTH & SAFETY CODE § 34328.1

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## **Lock changes where victim does not live with perpetrator**

### CAL. CIV. CODE § 1941.5

(a) This section shall apply if a person who is restrained from contact with the protected tenant under a court order or is named in a police report is not a tenant of the same dwelling unit as the protected tenant.

(b) A landlord shall change the locks of a protected tenant's dwelling unit upon written request of the protected tenant not later than 24 hours after the protected tenant gives the landlord a copy of a court order or police report, and shall give the protected tenant a key to the new locks.

(c) (1) If a landlord fails to change the locks within 24 hours, the protected tenant may change the locks without the landlord's permission, notwithstanding any provision in the lease to the contrary.

(2) If the protected tenant changes the locks pursuant to this subdivision, the protected tenant shall do all of the following:

(A) Change the locks in a workmanlike manner with locks of similar or better quality than the original lock.

(B) Notify the landlord within 24 hours that the locks have been changed.

(C) Provide the landlord with a key by any reasonable method agreed upon by the landlord and protected tenant.

(3) This subdivision shall apply to leases executed on or after the date the act that added this section takes effect.

(d) For the purposes of this section, the following definitions shall apply:

(1) "Court order" means a court order lawfully issued within the last 180 days pursuant to Section 527.6 of the Code of Civil Procedure, Part 3 (commencing with Section 6240), Part 4 (commencing with Section 6300), or Part 5 (commencing with Section 6400) of Division 10 of the Family Code, Section 136.2 of the Penal Code, or Section 213.5 of the Welfare and Institutions Code.

(2) "Locks" means any exterior lock that provides access to the dwelling.

(3) "Police report" means a written report, written within the last 180 days, by a peace officer employed by a state or local law enforcement agency acting in his or her official capacity, stating that the protected tenant or a household member has filed a report alleging that the protected tenant or the household member is a victim of domestic violence, sexual assault, or stalking.

(4) "Protected tenant" means a tenant who has obtained a court order or has a copy of a police report.

(5) "Tenant" means tenant, subtenant, lessee, or sublessee.

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**Lock changes where victim lives with perpetrator**

CAL. CIV. CODE § 1941.6

(a) This section shall apply if a person who is restrained from contact with a protected tenant under a court order is a tenant of the same dwelling unit as the protected tenant.

(b) A landlord shall change the locks of a protected tenant's dwelling unit upon written request of the protected tenant not later than 24 hours after the protected tenant gives the landlord a copy of a court order that excludes from the dwelling unit the restrained person referred to in subdivision (a). The landlord shall give the protected tenant a key to the new locks.

(c) (1) If a landlord fails to change the locks within 24 hours, the protected tenant may change the locks without the landlord's permission, notwithstanding any provision in the lease to the contrary.

(2) If the protected tenant changes the locks pursuant to this subdivision, the protected tenant shall do all of the following:

(A) Change the locks in a workmanlike manner with locks of similar or better quality than the original lock.

(B) Notify the landlord within 24 hours that the locks have been changed.

(C) Provide the landlord with a key by any reasonable method agreed upon by the landlord and protected tenant.

(3) This subdivision shall apply to leases executed on or after the date the act that added this section takes effect.

(d) Notwithstanding Section 789.3, if the locks are changed pursuant to this section, the landlord is not liable to a person excluded from the dwelling unit pursuant to this section.

(e) A person who has been excluded from a dwelling unit under this section remains liable under the lease with all other tenants of the dwelling unit for rent as provided in the lease.

(f) For the purposes of this section, the following definitions shall apply:

(1) "Court order" means a court order lawfully issued within the last 180 days pursuant to Section 527.6 of the Code of Civil Procedure, Part 3 (commencing with Section 6240), Part 4 (commencing with Section 6300), or Part 5 (commencing with Section 6400) of Division 10 of the Family Code, Section 136.2 of the Penal Code, or Section 213.5 of the Welfare and Institutions Code.

(2) "Locks" means any exterior lock that provides access to the dwelling.

(3) "Protected tenant" means a tenant who has obtained a court order.

(4) "Tenant" means tenant, subtenant, lessee, or sublessee.

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**Early lease termination by victim**

CAL. CIV. CODE § 1946.7

(a) A tenant may notify the landlord that he or she or a household member was a victim of an act that constitutes an act of domestic violence as defined in Section 6211 of the Family Code, sexual assault as defined in Sections 261, 261.5, 262, 286, 288a, or 289 of the Penal Code, stalking as defined in Section 1708.7, or abuse of an elder or a dependent adult as defined in Section 15610.07 of the Welfare and Institutions Code, and that the tenant intends to terminate the tenancy.

(b) A notice to terminate a tenancy under this section shall be in writing, with one of the following attached to the notice:

(1) A copy of a temporary restraining order, emergency protective order, or protective order lawfully issued pursuant to Part 3 (commencing with Section 6240) or Part 4 (commencing with Section 6300) of Division 10 of the Family Code, Section 136.2 of the Penal Code, Section 527.6 of the Code of Civil Procedure, or Section 213.5 or 15657.03 of the Welfare and Institutions Code that protects the tenant or household member from further domestic violence, sexual assault, stalking, or abuse of an elder or a dependent adult.

(2) A copy of a written report by a peace officer employed by a state or local law enforcement agency acting in his or her official capacity, stating that the tenant or household member has filed a report alleging that he or she or the household member is a victim of domestic violence, sexual assault, or stalking.

(c) The notice to terminate the tenancy shall be given within 180 days of the date that any order described in paragraph (1) of subdivision (b) was issued, within 180 days of the date that any written report described in paragraph (2) of subdivision (b) was made, or within the time period described in Section 1946.

(d) If notice to terminate the tenancy is provided to the landlord under this section, the tenant shall be responsible for payment of rent for 30 days following the giving of the notice, or within the appropriate period as described in Section 1946, and thereafter shall be released from any rent payment obligation under the rental agreement without penalty. Existing law governing the security deposit shall apply.

(e) If within the 30 days following the giving of the notice under this section the tenant quits the premises and the premises are rented to another party, the rent due on the premises for that 30-day period shall be prorated. Existing law governing the security deposit shall apply.

(f) Nothing in this section relieves a tenant, other than the tenant who is, or who has a household member who is, a victim of domestic violence, sexual assault, or stalking and members of that tenant's household, from their obligations under the rental agreement.

(g) "Household member" as used in this section means a member of the tenant's family who lives in the same household as the tenant.

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**Eviction Defense**

CAL. CIV. PROC. CODE § 1161.3

(a) Except as provided in subdivision (b), a landlord shall not terminate a tenancy or fail to renew a tenancy based upon an act or acts against a tenant or a tenant's household member that constitute domestic violence as defined in Section 6211 of the Family Code, sexual assault as defined in Section 1219, stalking as defined in Section 1708.7 of the Civil Code or Section 646.9 of the Penal Code, or abuse of an elder or a dependent adult as defined in Section 15610.07 of the Welfare and Institutions Code, if both of the following apply:

(1) The act or acts of domestic violence, sexual assault, or stalking have been documented by one of the following:

(A) A temporary restraining order, emergency protective order, or protective order lawfully issued within the last 180 days pursuant to Section 527.6, Part 3 (commencing with Section 6240), Part 4 (commencing with Section 6300), or Part 5 (commencing with Section 6400) of Division 10 of the Family Code, Section 136.2 of the Penal Code, or Section 213.5 or 15657.03 of the Welfare and Institutions Code that protects the tenant or household member from domestic violence, sexual assault, stalking, or abuse of an elder or a dependent adult.

(B) A copy of a written report, written within the last 180 days, by a peace officer employed by a state or local law enforcement agency acting in his or her official capacity, stating that the tenant or household member has filed a report alleging that he or she or the household member is a victim of domestic violence, sexual assault, stalking, or abuse of an elder or a dependent adult.

(2) The person against whom the protection order has been issued or who was named in the police report of the act or acts of domestic violence, sexual assault, stalking, or abuse of an elder or dependent adult is not a tenant of the same dwelling unit as the tenant or household member.

(b) A landlord may terminate or decline to renew a tenancy after the tenant has availed himself or herself of the protections afforded by subdivision (a) if both of the following apply:

(1) Either of the following:

(A) The tenant allows the person against whom the protection order has been issued or who was named in the police report of the act or acts of domestic violence, sexual assault, stalking, or abuse of an elder or a dependent adult to visit the property.

(B) The landlord reasonably believes that the presence of the person against whom the protection order has been issued or who was named in the police report of the act or acts of domestic violence, sexual assault, or stalking poses a physical threat to other tenants, guests, invitees, or licensees, or to a tenant's right to quiet possession pursuant to Section 1927 of the Civil Code.

(2) The landlord previously gave at least three days' notice to the tenant to correct a violation of paragraph (1).

(c) Notwithstanding any provision in the lease to the contrary, the landlord shall not be liable to any other tenants for any action that arises due to the landlord's compliance with this section.

(d) For the purposes of this section, "tenant" means tenant, subtenant, lessee, or sublessee.

(e) The Judicial Council shall, on or before January 1, 2014, develop a new form or revise an existing form that may be used by a party to assert in the responsive pleading the grounds set forth in this section as an affirmative defense to an unlawful detainer action.

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**Ex parte order excluding party from dwelling**

CAL. FAM. CODE § 6321

(a) The court may issue an ex parte order excluding a party from the family dwelling, the dwelling of the other party, the common dwelling of both parties, or the dwelling of the person who has care, custody, and control of a child to be protected from domestic violence for the period of time and on the conditions the court determines, regardless of which party holds legal or equitable title or is the lessee of the dwelling.

(b) The court may issue an order under subdivision (a) only on a showing of all of the following:

(1) Facts sufficient for the court to ascertain that the party who will stay in the dwelling has a right under color of law to possession of the premises.

(2) That the party to be excluded has assaulted or threatens to assault the other party or any other person under the care, custody, and control of the other party, or any minor child of the parties or of the other party.

(3) That physical or emotional harm would otherwise result to the other party, to any person under the care, custody, and control of the other party, or to any minor child of the parties or of the other party.

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**Application to have address designated by Secretary of State serve as person's address**

CAL. GOV'T CODE § 6206

(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the Secretary of State to have an address designated by the Secretary of State serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based victims'

assistance program. The application process shall include a requirement that the applicant shall meet with a victims' assistance counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

(1) A sworn statement by the applicant that the applicant has good reason to believe both of the following:

(A) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, or stalking.

(B) That the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made.

(2) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence or sexual assault, the application may be accompanied by evidence including, but not limited to, any of the following:

(A) Police, court, or other government agency records or files.

(B) Documentation from a domestic violence or sexual assault program if the person is alleged to be a victim of domestic violence or sexual assault.

(C) Documentation from a legal, clerical, medical, or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged domestic violence or sexual assault.

(D) Any other evidence that supports the sworn statement, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the act or acts of domestic violence or sexual assault.

(3) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of stalking, the application shall be accompanied by evidence including, but not limited to, any of the following:

(A) Police, court, or other government agency records or files.

(B) Legal, clerical, medical, or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged stalking.

(C) Any other evidence that supports the sworn statement, such as a sworn statement from any other individual with knowledge of the circumstances that provide the basis for the claim, or physical evidence of the act or acts of stalking.



(4) The name and last known address of the applicant's minor child or children, the name and last known address of the other parent or parents of the minor child or children of the applicant, and all court orders related to the minor child or children of the applicant, and legal counsel of record in those cases.

(5) A designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail.

(A) Service on the Secretary of State of any summons, writ, notice, demand, or process shall be made by delivering to the address confidentiality program personnel of the Office of the Secretary of State two copies of the summons, writ, notice, demand, or process.

(B) If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the Secretary of State's having received it.

(C) The Secretary of State shall keep a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State under this section and shall record the time of that service and the Secretary of State's action.

(D) The office of the Secretary of State and any agent or person employed by the Secretary of State shall be held harmless from any liability in any action brought by any person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

(6) The mailing address where the applicant can be contacted by the Secretary of State, and the phone number or numbers where the applicant can be called by the Secretary of State.

(7) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, or stalking.

(8) The signature of the applicant and of any individual or representative of any office designated in writing under Section 6208.5 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the Secretary of State.

(c) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State shall by rule establish a renewal procedure. A minor program participant, who reaches 18 years of age during his or her enrollment, may renew as an adult following the renewal procedures established by the Secretary of State.

(d) Upon certification, the Secretary of State shall, within 10 days, notify the other parent or parents identified pursuant to paragraph (4) of subdivision (a) of the designation of the Secretary of State as agent for purposes of service of process and, unless there is a court order prohibiting contact, the address designated by the Secretary of State for the program participant. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent to be notified. A copy shall also be sent to that parent's counsel of record, if provided to the Secretary of State by the applicant.

(e) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor. A notice shall be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties under this subdivision.

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**Public housing reports**

CAL. HEALTH & SAFETY CODE § 34328.1

(a) Every housing authority shall file on the first day of October of each year with the Department of Housing and Community Development a complete report of its activities during the previous fiscal year, with recommendations for needed legislation to carry on properly a program of housing and community development in this state.

(b) The authority shall provide the Department of Housing and Community Development funds as requested by the department to reimburse the department for the cost of processing the report required by this section.

(c) (1) The report shall include data on terminations of tenancies of victims of domestic violence in housing authority units, and terminations of Section 8 vouchers of victims of domestic violence. The data shall be included in all cases where a notice of termination was given, regardless of whether the termination was based in whole or in part on activity related to the domestic violence, and whether the notice resulted in the victim vacating the premises or actual termination of the voucher.

(2) For each termination, the report shall briefly specify steps taken, if any, by the authority to address the situation or assist the victim prior to the termination, and, if known, the subsequent housing obtained by the victim. If no steps were taken, the authority may include an explanation of why none were deemed necessary.

(3) The report shall include data on terminations of all victims of domestic violence, as reported or known to the authority, its employees, or agents, whether or not an arrest was made or any report was filed.

(4) The report may include any other information regarding domestic violence victim terminations deemed relevant by the authority.

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# SAN FRANCISCO, CALIFORNIA

San Francisco, California has enacted the following laws regarding survivors' housing rights:

- Eviction protection for victims of domestic violence, sexual assault, or stalking.  
S.F., CAL., ADMIN. CODE ch. 37, § 9

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## **Eviction protection for victims of domestic violence, sexual assault, or stalking**

S.F., CAL., ADMIN. CODE ch. 37, § 9

(a) A landlord shall not endeavor to recover possession of a rental unit unless:

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(3) The tenant is committing or permitting to exist a nuisance in, or is causing substantial damage to, the rental unit, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or tenants in the building, and the nature of such nuisance, damage or interference is specifically stated by the landlord in the writing as required by Section 37.9(c).

(3.1) Eviction Protection for Victims of Domestic Violence or Sexual Assault or Stalking:

(A) It shall be a defense to an action for possession of a unit under Subsection 37.9(a)(3) if the court determines that:

(i) The tenant or the tenant's household member is a victim of an act or acts that constitute domestic violence or sexual assault or stalking; and

(ii) The notice to vacate is substantially based upon the act or acts constituting domestic violence or sexual assault or stalking against the tenant or a tenant's household member, including but not limited to an action for possession based on complaints of noise, disturbances, or repeated presence of police.

(B) Evidence Required. In making the determination under Section 37.9(a)(3.1)(A) the court shall consider evidence, which may include but is not limited to:

(i) A copy of a temporary restraining order or emergency protective order issued pursuant to Part 3 (commencing with Section 6240) or Part 4 (commencing with Section 6300) or Part 5 (commencing with Section 6400) of the Family Code, Section 136.2 of the Penal Code, Section 527.6 of the Code of Civil Procedure, or Section 213.5 of the Welfare and Institutions Code, that protects the tenant or tenant's household member from further domestic violence, sexual assault, or stalking. And/or,

## SAN FRANCISCO, CALIFORNIA

(ii) A copy of a written report by a peace officer employed by a state or local law enforcement agency acting in his or her official capacity, stating that the tenant or tenant's household member has filed a report alleging that he or she is a victim of domestic violence, sexual assault, or stalking. And/or

(iii) Other written documentation from a qualified third party of the acts constituting domestic violence or sexual assault or stalking.

(C) Mutual Allegations of Abuse Between Parties. If two or more co-tenants are parties seeking relief under Subsection 37.9(a)(3.1)(A), and each alleges that he or she was a victim of domestic violence or sexual assault or stalking perpetrated by another co-tenant who is also a party, the court may determine whether a tenant acted as the dominant aggressor in the acts constituting a domestic violence or sexual assault or stalking offense. In making the determination, the court shall consider the factors listed in Section 13701(b)(1) of the Penal Code. A tenant who the court determines was the dominant aggressor in the acts constituting a domestic violence or sexual assault or stalking offense is not entitled to relief under Subsection 37.9(a)(3.1)(A).

(D) Limitations on Relief. Unless the tenant or the tenant's household member has obtained a protective order against the alleged abuser to vacate or stay from the unit as a result of acts constituting domestic violence or sexual assault or stalking against the tenant or tenant's household member, the tenant may not obtain relief under Subsection 37.9(a)(3.1) if:

(i) The tenant was granted relief under Subsection 37.9(a)(3.1) in an action for possession of the unit within the previous five years; and

(ii) A subsequent action for possession of the unit has now been filed; and

(iii) The notice to vacate in this subsequent action for possession is substantially based upon continuing acts constituting domestic violence or sexual assault or stalking by the same person alleged to be the abuser in the previous action for possession.

(E) Nothing in this Subsection 37.9(a)(3.1) shall be construed to affect the tenant's liability for delinquent rent or other sums owed to the landlord, or the landlord's remedies in recovering against the tenant for such sums.

(F) The provisions of Subsection 37.9(a)(3.1) are intended for use consistent with Civil Code Section 1946.7.

(3.2) Confidentiality of Information Received from Victims of Domestic Violence or Sexual Assault or Stalking. A landlord shall retain in strictest confidence all information that is received in confidence from a tenant or a tenant's household member who is a victim of domestic violence or sexual assault or stalking, regarding that domestic violence or sexual assault or stalking, except to the extent that such disclosure (A) is necessary to provide for a reasonable accommodation for the victim, or (B) is otherwise required pursuant to applicable federal, state or local law. The victim may authorize limited or general release of any information otherwise deemed confidential under this Subsection 37.9(a)(3.2).

SAN FRANCISCO, CALIFORNIA

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# COLORADO

Colorado has enacted the following laws regarding survivors' housing rights:

- A tenant cannot waive her right to call for police or other emergency assistance. COLO. REV. STAT. ANN. § 38-12-402
- Early lease termination. COLO. REV. STAT. ANN. § 38-12-402
- An unlawful detainer defense where domestic violence was the cause of or resulted in the alleged unlawful detention. COLO. REV. STAT. ANN. § 13-40-104

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## **Definitions**

COLO. REV. STAT. ANN. § 38-12-401

As used in this part 4, unless the context otherwise requires:

- (1) "Domestic abuse" shall have the same meaning as provided in section 13-14-101(2), C.R.S.
- (2) "Domestic violence" shall have the same meaning as provided in section 18-6-800.3(1), C.R.S.

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## **Protection for victims of domestic violence**

COLO. REV. STAT. ANN. § 38-12-402

(1) A landlord shall not include in a residential rental agreement or lease agreement for housing a provision authorizing the landlord to terminate the agreement or to impose a penalty on a residential tenant for calls made by the residential tenant for peace officer assistance or other emergency assistance in response to a domestic violence or domestic abuse situation. A residential tenant may not waive the residential tenant's right to call for police or other emergency assistance.

(2)(a) If a tenant to a residential rental agreement or lease agreement notifies the landlord in writing that he or she is the victim of domestic violence or domestic abuse and provides to the landlord evidence of domestic violence or domestic abuse in the form of a police report written within the prior sixty days or a valid protection order and the residential tenant seeks to vacate the premises due to fear of imminent danger for self or children because of the domestic violence or domestic abuse, then the residential tenant may terminate the residential rental agreement or lease agreement and vacate the premises without further obligation except as otherwise provided in paragraph (b) of this subsection (2).

(b) If a tenant to a residential rental agreement or lease agreement terminates the residential rental agreement or lease agreement and vacates the premises pursuant to paragraph (a) of this subsection (2), then the tenant shall be responsible for one month's rent following vacation of the premises, which amount shall be due and payable to the landlord within ninety days after the tenant vacates the premises. The landlord shall not be obligated to refund the security deposit to the tenant until such time as the tenant has paid the one month's rent pursuant to this section. Notwithstanding the provisions of section 38-12-103, the landlord and the tenant to a residential rental agreement or lease agreement may use any amounts owed to the other to offset costs for the one month's rent or the security deposit. The provisions of this paragraph (b) shall apply only if the landlord has experienced and documented damages equal to at least one month's rent as a result of the tenant's early termination of the agreement.

(3) Nothing in this part 4 authorizes the termination of tenancy and eviction of a residential tenant solely because the residential tenant is the victim of domestic violence or domestic abuse.

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**Unlawful detention defined**

COLO. REV. STAT. ANN. § 13-40-104

(1) Any person is guilty of an unlawful detention of real property in the following cases:

...

(d.5) When such tenant or lessee holds over, without the permission of the landlord, contrary to any condition or covenant the violation of which is defined as a substantial violation in section 13-40-107.5, and notice in writing has been duly served upon such tenant or lessee in accordance with section 13-40-107.5;

(e) When such tenant or lessee holds over, without such permission, contrary to any other condition or covenant of the agreement under which such tenant or lessee holds, and three days' notice in writing has been duly served upon such tenant or lessee requiring in the alternative the compliance with such condition or covenant or the delivery of the possession of the premises so held;

(e.5)(I) When a tenant or lessee has previously been served with the notice described in paragraph (e) of this subsection (1) requiring compliance with a condition or covenant of the agreement, and subsequent to that notice holds over, without permission of the tenant or lessee's landlord, contrary to the same condition or covenant. (II) A tenancy may be terminated at any time pursuant to this paragraph (e.5) on the basis of a subsequent violation. The termination shall be effective three days after service of written notice to quit.

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(4)(a) It shall not constitute an unlawful detention of real property as described in paragraph (d.5), (e), or (e.5) of subsection (1) of this section if the tenant or lessee is the victim of domestic violence, as that term is defined in section 18-6-800.3, C.R.S., or of domestic abuse, as that term



is defined in section 13-14-101(2), which domestic violence or domestic abuse was the cause of or resulted in the alleged unlawful detention and which domestic violence or domestic abuse has been documented by the following:

(I) A police report; or

(II) A valid civil or emergency protection order.

(b) A person is not guilty of an unlawful detention of real property pursuant to paragraph (a) of this subsection (4) if the alleged violation of the rental or lease agreement is a result of domestic violence or domestic abuse against the tenant or lessee.

(c) A rental, lease, or other such agreement shall not contain a waiver by the tenant or lessee of the protections provided in this subsection (4).

(d) Nothing in this subsection (4) shall prevent the landlord from seeking judgment for possession against the tenant or lessee of the premises who perpetuated the violence or abuse that was the cause of or resulted in the alleged unlawful detention.

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# CONNECTICUT

Connecticut has enacted the following law regarding survivors' housing rights:

- Early lease termination. CONN. GEN. STAT. § 47a-11e
- Protection orders enjoining the respondent from entering the family dwelling. CONN. GEN. STAT. § 46b-15
- Address confidentiality program. CONN. GEN. STAT. § 54-240 *et seq.*

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## **Early lease termination**

### CONN. GEN. STAT. § 47a-11e

(a) Notwithstanding the provisions of this chapter and chapter 831, [FN1] for rental agreements entered into or renewed on or after January 1, 2011, any tenant who (1) is a victim of family violence, as defined in section 46b-38a, and (2) reasonably believes it is necessary to vacate the dwelling unit due to fear of imminent harm to the tenant or a dependent of the tenant because of family violence, may terminate his or her rental agreement with the landlord for the dwelling unit that the tenant occupies without penalty or liability for the remaining term of the rental agreement by giving written notice to the landlord at least thirty days prior to the date the tenant intends to terminate the rental agreement.

(b) Such notice shall include: (1) A statement made under oath or affirmation that (A) the tenant or a dependent of the tenant is a victim of family violence; (B) the tenant intends to terminate the rental agreement and the date of such intended termination; and (C) the tenant has vacated the premises and removed all of his or her possessions and personal effects or, prior to the date of such termination, will vacate the premises and remove all of his or her possessions and personal effects and, if such possessions and personal effects have not been removed by the date of such termination, has abandoned such possessions and personal effects; and (2) (A) a copy of a police or court record detailing an act of family violence against the tenant or the tenant's dependent that is dated not more than ninety days prior to the date of the tenant's notice, or (B) a signed written statement from an employee of the Office of Victim Services within the Judicial Department or the Office of Victim Advocate detailing an act of family violence against the tenant or the tenant's dependent that is dated not more than thirty days prior to the date of the tenant's notice.

(c) The tenant's termination of his or her rental agreement with the landlord pursuant to this section shall not relieve (1) the tenant from liability to the landlord for any rent arrearage incurred prior to such termination of the rental agreement or from liability to the landlord for property damage caused by the tenant, or (2) any other tenant from liability to the landlord under the rental agreement.

(d) If the tenant terminates his or her rental agreement with the landlord pursuant to this section, any occupant without the right or privilege to occupy such dwelling unit shall vacate the premises prior to the date of such termination.

(e) If such tenant or occupant fails to vacate the premises as of the date of such termination, the landlord may bring an action pursuant to chapter 832.

(f) The landlord may bring an action in the housing session of the Superior Court for injunctive relief to prevent the termination of the rental agreement if the requirements set forth in this section for such termination have not been satisfied.

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**Relief from physical abuse by family or household member or person in dating relationship. Application. Court orders.**

CONN. GEN. STAT. § 46b-15

(a) Any family or household member as defined in section 46b-38a who has been subjected to a continuous threat of present physical pain or physical injury by another family or household member or person in, or has recently been in, a dating relationship who has been subjected to a continuous threat of present physical pain or physical injury by the other person in such relationship may make an application to the Superior Court for relief under this section.

(b) ... The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. ... Such orders may include temporary child custody or visitation rights and such relief may include but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. ...

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**Address Confidentiality Program. Program purpose. Regulations**

CONN. GEN. STAT. § 54-240a

(a) There shall be an address confidentiality program established in the office of the Secretary of the State to provide a substitute mailing address for any person who has been a victim of family violence, injury or risk of injury to a child, sexual assault or stalking, and who wishes to keep such person's residential address confidential because of safety concerns.

(b) The Secretary of the State shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the provisions of this chapter. Such regulations may include, but need not be limited to, provisions for applications for participation in the address confidentiality program, certification of program participants, certification cancellation, agency use of program addresses,

forwarding of program participants' mail, voting by program participants and recording of vital statistics for program participants.

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**Application for program participation. Application assistants**

CONN. GEN. STAT. § 54-240b

(a) An adult person, a guardian or conservator of the person acting on behalf of an adult person, or a parent or guardian acting on behalf of a minor may apply to the Secretary of the State for participation in the address confidentiality program and to have the Secretary of the State designate a program address to serve as the address of the adult person or of the minor. Each application for program participation shall be completed with the assistance of an application assistant.

(b) The Secretary of the State shall make available a list of entities that employ application assistants to assist applicants in applying for participation in the address confidentiality program, provided no entity shall be included on such list unless the entity has received sufficient funds from federal or state sources as reimbursement for the reasonable costs of implementing the provisions of this chapter.

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**Certification as program participant. Application requirements**

CONN. GEN. STAT. § 54-240c

The Secretary of the State shall certify an applicant or the person on whose behalf an application is made as a program participant if the application is filed in the manner and on the application form prescribed by the Secretary of the State and includes:

(1) A statement made under penalty of false statement, as provided in section 53a-157b, that (A) the applicant or the person on whose behalf the application is made is a victim of family violence, injury or risk of injury to a minor, sexual assault or stalking, and (B) the applicant fears for the applicant's safety, for the safety of the applicant's children, for the safety of the person on whose behalf the application is made, or for the safety of the children of the person on whose behalf the application is made;

(2) Documentation supporting the statement made pursuant to subdivision (1) of this section;

(3) A designation of the Secretary of the State as the agent of the applicant or the person on whose behalf the application is made for service of process and for receipt of first class mail;

(4) The residential address in this state, the work and school addresses in this state, if any, and the phone number or numbers, if available, that are to remain confidential, but which may be used by the Secretary of the State or authorized personnel to contact the applicant or the person on whose behalf the application is made; and

(5) The application preparation date, the applicant’s signature and the signature of the application assistant who assisted the applicant in completing the application.

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**Certification card**

CONN. GEN. STAT. § 54-240d

Upon certification of an applicant or a person on whose behalf an application is made as a program participant pursuant to section 54-240c, the Secretary of the State shall issue a certification card to such applicant or person, as appropriate. The certification card shall include the program participant's name and signature, a certification code, the program address and the certification expiration date. Such certification expiration date shall be four years from the date of issuance of the certification card.

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**Program address. Forwarding of mail**

CONN. GEN. STAT. § 54-240e

(a) The Secretary of the State shall maintain a post office box for the exclusive use of the program. The post office box number and a fictitious street address shall be the program address for program participants.

(b) The Secretary of the State shall open the post office box each day, other than Saturdays, Sundays and state holidays, and retrieve the contents. All first class mail addressed to a program participant shall be placed, unopened, into envelopes addressed to the participant and deposited at a United States post office the same day for delivery by first class mail to the participant at the confidential address indicated on the application by the participant or by the person applying on behalf of the participant.

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# DELAWARE

Delaware has enacted the following law regarding survivors' housing rights:

- Early lease termination. DEL. CODE ANN. tit. 25, § 5314

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## **Tenant's right to early termination**

DEL. CODE ANN. tit. 25, § 5314

(a) Except as is otherwise provided in this part, whenever either party to a rental agreement rightfully elects to terminate, the duties of each party under the rental agreement shall cease and all parties shall thereupon discharge any remaining obligations as soon as is practicable.

(b) Upon 30 days' written notice, which 30-day period shall begin on the first day of the month following the day of actual notice, the tenancy may be terminated:

...

(6) By a tenant who is the victim of domestic abuse, sexual offenses, stalking, or a tenant who has obtained or is seeking relief from domestic violence or abuse from any court, police agency, or domestic violence program or service; ...

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# DISTRICT OF COLUMBIA

The District of Columbia has enacted the following laws regarding survivors' housing rights:

- Housing anti-discrimination. D.C. CODE § 2-1402.21
- Right to call police. D.C. CODE § 2-1402.21
- Early lease termination. D.C. CODE § 42-3505.07
- Eviction defense. D.C. CODE § 42-3505.01
- Lock changes. D.C. CODE § 42-3505.08

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## **Intent of Council**

### D.C. CODE § 2-1401.01

It is the intent of the Council of the District of Columbia, in enacting this chapter, to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit, including, but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, and place of residence or business.

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## **Prohibitions**

### D.C. CODE § 2-1402.21

(a) *General.* -- It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, status as a victim of an intrafamily offense, or place of residence or business of any individual:

- (1) To interrupt or terminate, or refuse or fail to initiate or conduct any transaction in real property; or to require different terms for such transaction; or to represent falsely that an interest in real property is not available for transaction;
- (2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction;

## DISTRICT OF COLUMBIA

(3) To appraise a property, refuse to lend money, guarantee a loan, purchase a loan, accept residential real property as security for a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property;

(4) To refuse or restrict facilities, services, repairs or improvements for a tenant or lessee;

(5) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing relating thereto, which notice, statement, or advertisement unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, or place of residence or business, of any individual;

(6) To discriminate in any financial transaction involving real property, on account of the location of residence or business (i.e. to “red-line”); or

(7) To limit access to, or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting residential real estate, or to discriminate against any person in terms or conditions of access, membership or participation in any organization, service or facility.

(b) *Subterfuge*. -- It shall further be an unlawful discriminatory practice to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the actual or perceived: race, color, religion, national origin, sex, sexual orientation, gender identity or expression, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, status as victim of an intrafamily offense, or place of residence or business of any individual.

...

(f) *Victims of intrafamily offenses* --

(1) For purposes of this subsection, the term “record” means documentation produced by a law enforcement officer, as defined in § 4-1301.02(14), or a court order pursuant to § 16-1005.

(2) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsections (a) and (b) of this section wholly or partially based on the fact that a person residing, or intending to reside, in the dwelling is, has a record of being, a victim of an intrafamily offense, as defined in § 16-1001(8).

(3) It shall be an unlawful discriminatory practice to do any of the following additional acts, for purposes of this subsection, wholly or partially based on the fact that a person residing, or



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intending to reside, in the dwelling is, or has a record of being, a victim of an intrafamily offense, as defined in § 16-1001(8):

(A) Refusing to make a reasonable accommodation in restoring or improving security and safety measures beyond the housing provider’s duty of ordinary care and diligence, the costs of which the housing provide may charge to the tenant, when an accommodation is necessary to ensure the person's security and safety;

(B) Refusing to permit a person to terminate the lease of the premises early, without penalty, upon notice to the landlord and upon a showing that the person is a victim of an intrafamily offense, pursuant to § 42-3505.07;

(C)(i) Barring or limiting the right of a person to call for police or emergency assistance, which right, for purposes of this subsection, shall not be waivable; or

(ii) Imposing any penalty for calling police or emergency assistance.

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**Definitions**

D.C. CODE § 16-1001

For the purposes of this subchapter, the term:

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(5) “Domestic Violence Unit” means any subdivision of the court designated by court rule, or by order of the Chief Judge of the court, to hear proceedings under this subchapter.

(6) “Interpersonal violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

(A) With whom the offender shares or has shared a mutual residence; or

(B) Who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with another person who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with the offender.

(7) “Intimate partner violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

(A) To whom the offender is or was married;

(B) With whom the offender is or was in a domestic partnership; or

(C) With whom the offender is or was in a romantic, dating, or sexual relationship.

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(8) “Intrafamily offense” means interpersonal, intimate partner, or intrafamily violence.

(9) “Intrafamily violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership, or with whom the offender has a child in common.

(10) “Judicial officer” means the Chief Judge, an Associate Judge, or a Magistrate Judge of the court.

(11) “Minor” means a person under 18 years of age.

(12) “Petitioner” means any person who alleges, or for whom is alleged, that he or she is the victim of interpersonal, intimate partner, or intrafamily violence, stalking, sexual assault, or sexual abuse.

(13) “Respondent” means any person 12 years of age or older against whom a petition for civil protection is filed under this subchapter.

.....  
**Notice of lease termination by tenant who is a victim of an intrafamily offense**

D.C. CODE § 42-3505.07

(a) For purposes of this section, the term “qualified third party” means any of the following persons acting in their official capacity:

(1) A law enforcement officer, as defined in § 4-1301.02(14);

(2) A sworn officer of the D.C. Housing Authority Office of Public Safety;

(3) A health professional, as defined in § 3-1201.01(8); or

(4) A domestic violence counselor as defined in § 14-310(a)(2).

(b) If a tenant, who is a victim, or who is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in § 16-1001(8), provides a housing provider with a copy of an order under § 16-1005 in response to a petition filed by or on behalf of the tenant, the tenant shall be released from obligations under the rental agreement.

(c) If a tenant who is a victim, or who is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in § 16-1001(8), provides a housing provider with documentation signed by a qualified third party showing that

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the tenant has reported the intrafamily offense to the third party acting in his or her official capacity, the tenant shall be released from obligations under the rental agreement.

(d) The release from a rental agreement shall be effective upon the earlier of:

(1) Fourteen days after the housing provider receives:

(A) Written notice of the lease termination under this section; and

(B) Documentation pursuant to subsection (b) or (c) of this section; or

(2) Upon the commencement of a new tenancy for the unit.

(e) Any request by the tenant for termination of the rental agreement under this section shall be made within 90 days of the reported act, event, or circumstance that was cited in the petition or reported to a qualified third party.

(f) Notwithstanding any penalty provided under a rental agreement, a tenant who is released from the rental agreement under this section shall be liable only for his or her rental payment obligation, pro-rated to the earlier of:

(1) The date the housing provider rents the unit to a new tenant or party who succeeds to the tenant's rights under the original agreement; or

(2) Fourteen days after the request for the release.

(g) This section shall not affect section 2908 of the Housing Regulations of the District of Columbia, effective August 11, 1955 (C.O. 55-1503; 14 DCMR § 308 through § 311), or the tenant's liability for delinquent, unpaid rent, or other sums owed to the housing provider before the lease was terminated by the tenant under this section.

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**Evictions**

D.C. CODE § 42-3505.01

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(b) A housing provider may recover possession of a rental unit where the tenant is violating an obligation of tenancy and fails to correct the violation within 30 days after receiving from the housing provider a notice to correct the violation or vacate.

(c) A housing provider may recover possession of a rental unit where a court of competent jurisdiction has determined that the tenant, or a person occupying the premises with or in addition to the tenant, has performed an illegal act within the rental unit or the housing

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accommodation. The housing provider shall serve on the tenant a 30-day notice to vacate. The tenant may be evicted only if the tenant knew or should have known that an illegal act was taking place.

(c-1)(1) It shall be a defense to an action for possession under subsections (b) or (c) of this section that the tenant is a victim, or is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in § 16-1001(8), if the Court determines that the intrafamily offense, or actions relating to the intrafamily offense, are the basis for the notice to vacate.

(2) If, as a result of the intrafamily offense or the actions relating to the intrafamily offense that is the basis for the notice to vacate, the tenant has received a temporary or civil protection order ordering the respondent to vacate the home, the court shall not enter a judgment for possession.

(3) If, as a result of the intrafamily offense or the actions relating to the intrafamily offense that is the basis for the notice to vacate, the tenant provides to the court a copy of a police report written within the preceding 60 days or has filed for but has not received a temporary or civil protection order ordering the respondent to vacate the home, the court shall have the discretion not to enter a judgment for possession under this subchapter.

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**Victims of an intrafamily offense protection--change locks and notice**

D.C. CODE § 42-3505.08

(a) Upon the written request of a tenant who is the victim of an intrafamily offense, as defined in § 16-1001(8), a housing provider shall change the locks to all entrance doors to that tenant's unit within 5 business days; provided, that if the perpetrator of the intrafamily offense is a tenant in the same dwelling unit as the tenant who makes the request, the tenant who makes the request shall provide the landlord with a copy of a protective order issued pursuant to § 16-1005 ordering the perpetrator to stay away from, or avoid, the tenant who makes the request, any other household member, or the dwelling unit. If the perpetrator of the intrafamily offense is not, or is no longer, a tenant in the same dwelling unit as the tenant who makes the request, no documentation of the intrafamily offense shall be required.

(b) The housing provider shall pay the cost of changing the locks. No later than 45 days after the housing provider provides the tenant who makes the request with documentation of the cost of changing the locks, the tenant shall reimburse the housing provider for such cost and any associated fee; provided, that the fee shall not exceed the fee imposed on any other tenant for changing the locks under any other circumstances.

(c) Upon receipt of a copy of the court order pursuant to subsection (a) of this section, unless the court orders that the perpetrator be allowed to return to the unit for some purpose, the housing

DISTRICT OF COLUMBIA

provider shall not provide the perpetrator with keys to the unit or otherwise permit the perpetrator access to the unit or to property within the unit.

(d) The housing provider shall not be liable to the perpetrator for any civil damages as a result of actions the housing provider takes to comply with this section.

(e) This section shall not be construed to relieve the perpetrator of any obligation under a lease agreement or any other liability to the housing provider.

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# FLORIDA

Florida has enacted the following laws regarding survivors' housing rights:

- Address confidentiality program. FLA. STAT. ANN. § 741.403
- Relocation assistance. FLA. STAT. ANN. § 960.198
- Employer mandated support of domestic violence victim when victim needs work accommodation, such as time off to find new housing. FLA. STAT. ANN. § 741.313

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## **Address confidentiality program; application; certification**

FLA. STAT. ANN. § 741.403

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated under chapter 744 may apply to the Attorney General to have an address designated by the Attorney General serve as the person's address or the address of the minor or incapacitated person. To the extent possible within funds appropriated for this purpose, the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if it contains all of the following:

(a) A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, and that the applicant fears for his or her safety or his or her children's safety or the safety of the minor or incapacitated person on whose behalf the application is made.

(b) A designation of the Attorney General as agent for purposes of service of process and for the purpose of receipt of mail.

(c) The mailing address where the applicant can be contacted by the Attorney General, and the phone number or numbers where the applicant can be called by the Attorney General.

(d) A statement that the new address or addresses that the applicant requests must not be disclosed for the reason that disclosure will increase the risk of domestic violence.

(e) The signature of the applicant and of any individual or representative of any office designated in writing under s. 741.408 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications must be filed with the Office of the Attorney General. An application fee may not be charged.

(3) Upon filing a properly completed application, the Attorney General shall certify the applicant as a program participant. Applicants shall be certified for 4 years following the date of filing unless the certification is withdrawn or invalidated before that date. The Attorney General shall by rule establish a renewal procedure.

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**Relocation assistance for victims of domestic violence**

FLA. STAT. ANN. § 960.198

(1) Notwithstanding the criteria set forth in s. 960.13 for crime victim compensation awards, the department may award a one-time payment of up to \$1,500 on any one claim and a lifetime maximum of \$3,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

(2) In order for an award to be granted to a victim for relocation assistance:

- (a) There must be proof that a domestic violence offense was committed;
- (b) The domestic violence offense must be reported to the proper authorities;
- (c) The victim’s need for assistance must be certified by a certified domestic violence center in this state; and
- (d) The center certification must assert that the victim is cooperating with law enforcement officials, if applicable, and must include documentation that the victim has developed a safety plan.

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**Unlawful action against employees seeking protection**

FLA. STAT. ANN. § 741.313

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(2)(a) An employer shall permit an employee to request and take up to 3 working days of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence. This leave may be with or without pay, at the discretion of the employer.

(b) This section applies if an employee uses the leave from work to:

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4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator;

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# GEORGIA

Georgia has enacted the following law regarding survivors' housing rights:

- A court may grant a protective order that:
  1. Grants exclusive possession of the residence to the protected party. GA. CODE ANN. § 19-13-4
  2. Requires the restrained party to provide suitable alternate housing for the protected party. GA. CODE ANN. § 19-13-4
  3. Orders the eviction of the restrained party from the residence, and orders assistance to the protected party in returning to the residence. GA. CODE ANN. § 19-13-4

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## **Protective orders and consent agreements**

### GA. CODE ANN. § 19-13-4

(a) The court may, upon the filing of a verified petition, grant any protective order or approve any consent agreement to bring about a cessation of acts of family violence. ... The orders or agreements may:

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(2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household;

(3) Require a party to provide suitable alternate housing for a spouse, former spouse, or parent and the parties' child or children;

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(5) Order the eviction of a party from the residence or household and order assistance to the victim in returning to it, or order assistance in retrieving personal property of the victim if the respondent's eviction has not been ordered;

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# HAWAII

Hawaii has enacted the following laws regarding survivors' housing rights:

- A court may grant a restraining order enjoining the respondent from entering or visiting the protected party's residence. HAW. REV. STAT. § 586-4
- A person's right to apply for a protective order shall not be affected by the person's leaving the residence. HAW. REV. STAT. § 586-8

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## **Temporary restraining order**

HAW. REV. STAT. § 586-4

(a) Upon petition to a family court judge, an ex parte temporary restraining order may be granted without notice to restrain either or both parties from contacting, threatening, or physically abusing each other, notwithstanding that a complaint for annulment, divorce, or separation has not been filed. The order may be granted to any person who, at the time the order is granted, is a family or household member as defined in section 586-1 or who filed a petition on behalf of a family or household member. The order shall enjoin the respondent or person to be restrained from performing any combination of the following acts:

- (1) Contacting, threatening, or physically abusing the protected party;
- (2) Contacting, threatening, or physically abusing any person residing at the protected party's residence; or
- (3) Entering or visiting the protected party's residence.

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## **Right to apply for relief**

HAW. REV. STAT. § 586-8

(a) A person's right to apply for relief shall not be affected by the person's leaving the residence or household to avoid abuse.

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# IDAHO

Idaho has enacted the following laws regarding survivors' housing rights:

- Protection excluding any party from a shared dwelling. IDAHO CODE ANN. § 39-6308
- Address confidentiality program. IDAHO CODE ANN. §§ 19-5701 through 19-5708

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## **Ex parte temporary protection order**

### IDAHO CODE ANN. § 39-6308

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary protection order based upon the affidavit submitted or otherwise shall hold a hearing which may be ex parte on the day a petition is filed or on the following judicial day to determine whether the court should grant an ex parte temporary protection order, pending a full hearing, and grant such other relief as the court deems proper, including an order:

- (a) Restraining any party from committing acts of domestic violence;
- (b) Excluding any party from the dwelling shared or from the residence of the other until further order of the court;

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## **Address Confidentiality for Victims of Violence: Purpose**

### IDAHO CODE ANN. § 19-5701

The legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault or malicious harassment frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault or stalking, to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the secretary of state as a substitute mailing address.

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**Address Confidentiality for Victims of Violence: Definitions**

IDAHO CODE ANN. § 19-5702

Unless the context clearly requires otherwise, for purposes of this chapter the following terms have the following meanings:

- (1) “Address” means a residential street address of an individual as specified on the individual's application to be a program participant under this chapter.
- (2) “Program participant” means:
  - (a) An individual who has obtained an order of protection pursuant to section 39-6306, Idaho Code, after a hearing for which the defendant in the proceeding received notice; or
  - (b) An individual who has obtained a certification from a prosecutor stating that the individual is the victim of a crime in which the defendant has been charged pursuant to section 18-918, 18-1506, 18-1508, 18-1508A, 18-6101, 18-7902, 18-7905 or 18-7906, Idaho Code, or in which the defendant is charged with attempt to commit any of the foregoing crimes.

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**Address confidentiality program--Application--Certification**

IDAHO CODE ANN. § 19-5703

- (1) An adult person, a parent or a guardian acting on behalf of a minor, or a guardian appointed pursuant to section 15-5-304, Idaho Code, acting on behalf of an incapacitated person, may apply to the secretary of state to have an address designated by the secretary of state serve as the person’s address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:
  - (a) A sworn statement by the applicant that the applicant has good reason to believe:
    - (i) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, stalking, rape or malicious harassment, or any other crime listed in section 19-5702(2)(b), Idaho Code; and
    - (ii) That the applicant fears for his or her safety or his or her children’s safety, or the safety of the minor or incapacitated person on whose behalf the application is made.

(b) A certified copy of a domestic protection order issued pursuant to section 39-6306, Idaho Code, or a certified statement from a prosecutor stating that the individual is a victim of crime as provided in subsection (2)(b) of section 19-5702, Idaho Code.

(c) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail.

(d) The mailing address where the applicant can be contacted by the secretary of state, and the telephone number or numbers where the applicant can be called by the secretary of state.

(e) The address or addresses that the applicant requests not be disclosed.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four (4) years following the date of filing unless the certification is withdrawn or invalidated before that date. The application may be renewed at the end of four (4) years.

(4) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, shall be punishable under section 18-5414, Idaho Code, or other applicable statutes.

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**Address Confidentiality for Victims of Violence: Certification cancellation**

IDAHO CODE ANN. § 19-5704

(1) The secretary of state may cancel a program participant's certification if there is a change in the name or residential address from that listed on the application, unless the program participant provides the secretary of state with seven (7) days' prior notice of the change of name or address.

(2) The secretary of state may cancel certification of a program participant if mail forwarded by the secretary to the program participant's address is returned as nondeliverable.

(3) The secretary of state may cancel certification of a program participant who applies using false information.

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**Address Confidentiality for Victims of Violence: Use of designated address**

IDAHO CODE ANN. § 19-5705

(1) A program participant may request that state and local agencies use the address designated by the secretary of state as his or her address. When creating a new public record, state and local agencies shall accept the address designated by the secretary of state as a program participant's substitute address, unless the agency shows that:

- (a) The agency has a bona fide statutory or administrative requirement for the use of a program participant's address which would otherwise be confidential under this chapter;
- (b) The program participant's address will be used only for those statutory and administrative purposes; and
- (c) The agency takes reasonable precautions to protect the confidentiality of the program participant.

(2) A program participant may use the address designated by the secretary of state as his or her work address.

(3) The office of the secretary of state shall forward all first class mail to the appropriate program participant.

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# ILLINOIS

Illinois has enacted the following laws regarding survivors' housing rights:

- Eviction defense for victims of domestic violence, dating violence, stalking, or sexual violence. 735 ILL. COMP. STAT. ANN. 5/9-106.2
- Early lease termination. 765 ILL. COMP. STAT. ANN. 750/15
- Lock changes. 765 ILL. COMP. STAT. ANN. 750/20

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## **Affirmative defense for violence; barring persons from property**

735 ILL. COMP. STAT. ANN. 5/9-106.2

(a) It shall be an affirmative defense to an action maintained under this Article IX if the court makes one of the following findings that the demand for possession is:

(1) based solely on the tenant's, lessee's, or household member's status as a victim of domestic violence or sexual violence as those terms are defined in Section 10 of the Safe Homes Act, stalking as that term is defined in the Criminal Code of 1961, or dating violence;

(2) based solely upon an incident of actual or threatened domestic violence, dating violence, stalking, or sexual violence against a tenant, lessee, or household member;

(3) based solely upon criminal activity directly relating to domestic violence, dating violence, stalking, or sexual violence engaged in by a member of a tenant's or lessee's household or any guest or other person under the tenant's, lessee's, or household member's control, and against the tenant, lessee, or household member; or

(4) based upon a demand for possession pursuant to subsection (f) where the tenant, lessee, or household member who was the victim of domestic violence, sexual violence, stalking, or dating violence did not knowingly consent to the barred person entering the premises or a valid court order permitted the barred person's entry onto the premises.

(b) When asserting the affirmative defense, at least one form of the following types of evidence shall be provided to support the affirmative defense: medical, court, or police records documenting the violence or a statement from an employee of a victim service organization or from a medical professional from whom the tenant, lessee, or household member has sought services.

(c) Nothing in subsection (a) shall prevent the landlord from seeking possession solely against a tenant, household member, or lessee of the premises who perpetrated the violence referred to in subsection (a).

(d) Nothing in subsection (a) shall prevent the landlord from seeking possession against the entire household, including the tenant, lessee, or household member who is a victim of domestic violence, dating violence, stalking, or sexual violence if the tenant, lessee, or household member's continued tenancy would pose an actual and imminent threat to other tenants, lessees, household members, the landlord or their agents at the property.

(e) Nothing in subsection (a) shall prevent the landlord from seeking possession against the tenant, lessee, or household member who is a victim of domestic violence, dating violence, stalking, or sexual violence if that tenant, lessee, or household member has committed the criminal activity on which the demand for possession is based.

(f) A landlord shall have the power to bar the presence of a person from the premises owned by the landlord who is not a tenant or lessee or who is not a member of the tenant's or Lessee's household. A landlord bars a person from the premises by providing written notice to the tenant or lessee that the person is no longer allowed on the premises. That notice shall state that if the tenant invites the barred person onto any portion of the premises, then the landlord may treat this as a breach of the lease, whether or not this provision is contained in the lease. Subject to paragraph (4) of subsection (a), the landlord may evict the tenant.

(g) Further, a landlord may give notice to a person that the person is barred from the premises owned by the landlord. A person has received notice from the landlord within the meaning of this subsection if he has been notified personally, either orally or in writing including a valid court order as defined by subsection (7) of Section 112A-3 of the Code of Criminal Procedure of 1963 granting remedy (2) of subsection (b) of Section 112A-14 of that Code, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof. Any person entering the landlord's premises after such notice has been given shall be guilty of criminal trespass to real property as set forth in Section 21-3 of the Criminal Code of 1961. After notice has been given, an invitation to the person to enter the premises shall be void if made by a tenant, lessee, or member of the tenant's or lessee's household and shall not constitute a valid invitation to come upon the premises or a defense to a criminal trespass to real property.

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**Safe Homes Act**

765 ILL. COMP. STAT. ANN. 750/1

This Act may be cited as the Safe Homes Act.

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**Purpose**

765 ILL. COMP. STAT. ANN. 750/5

The purpose of this Act is to promote the State’s interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence and their families to flee existing dangerous housing in order to leave violent or abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences thereof.

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**Definitions**

765 ILL. COMP. STAT. ANN. 750/10

“Domestic violence” means “abuse” as defined in Section 103 of the Illinois Domestic Violence Act of 1986 by a “family or household member” as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

“Landlord” means the owner of a building or the owner's agent with regard to matters concerning landlord's leasing of a dwelling.

“Sexual violence” means any act of sexual assault, sexual abuse, or stalking of an adult or minor child, including but not limited to non-consensual sexual conduct or non-consensual sexual penetration as defined in the Civil No Contact Order Act and the offenses of stalking, aggravated stalking, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, and aggravated criminal sexual abuse as those offenses are described in the Criminal Code of 1961.

“Tenant” means a person who has entered into an oral or written lease with a landlord whereby the person is the lessee under the lease.

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**Affirmative defense**

765 ILL. COMP. STAT. ANN. 750/15

(a) In any action brought by a landlord against a tenant to recover rent for breach of lease, a tenant shall have an affirmative defense and not be liable for rent for the period after which a tenant vacates the premises owned by the landlord, if by preponderance of the evidence, the court finds that:

- (1) at the time that the tenant vacated the premises, the tenant or a member of tenant's household was under a credible imminent threat of domestic or sexual violence at the premises; and

(2) the tenant gave written notice to the landlord prior to or within 3 days of vacating the premises that the reason for vacating the premises was because of a credible imminent threat of domestic or sexual violence against the tenant or a member of the tenant's household.

(b) In any action brought by a landlord against a tenant to recover rent for breach of lease, a tenant shall have an affirmative defense and not be liable for rent for the period after which the tenant vacates the premises owned by the landlord, if by preponderance of the evidence, the court finds that:

(1) a tenant or a member of tenant's household was a victim of sexual violence on the premises that is owned or controlled by a landlord and the tenant has vacated the premises as a result of the sexual violence; and

(2) the tenant gave written notice to the landlord prior to or within 3 days of vacating the premises that the reason for vacating the premises was because of the sexual violence against the tenant or member of the tenant's household, the date of the sexual violence, and that the tenant provided at least one form of the following types of evidence to the landlord supporting the claim of the sexual violence: medical, court or police evidence of sexual violence; or statement from an employee of a victim services or rape crisis organization from which the tenant or a member of the tenant's household sought services; and

(3) the sexual violence occurred not more than 60 days prior to the date of giving the written notice to the landlord, or if the circumstances are such that the tenant cannot reasonably give notice because of reasons related to the sexual violence, such as hospitalization or seeking assistance for shelter or counseling, then as soon thereafter as practicable. Nothing in this subsection (b) shall be construed to be a defense against an action in forcible entry and detainer for failure to pay rent before the tenant provided notice and vacated the premises.

(c) Nothing in this Act shall be construed to be a defense against an action for rent for a period of time before the tenant vacated the landlord's premises and gave notice to the landlord as required in subsection (b).

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**Change of locks**

765 ILL. COMP. STAT. ANN. 750/20

(a)(1) Written leases. Upon written notice from all tenants who have signed as lessees under a written lease, the tenants may request that a landlord change the locks of the dwelling unit in which they live if one or more of the tenants reasonably believes that one of the tenants or a member of tenant's household is under a credible imminent threat of domestic or sexual violence at the premises. If the threat of violence is from a person who is not a lessee under the written lease, notice to the landlord requesting a change of locks shall be accompanied by at least one form of the following types of evidence to support a claim of domestic or sexual violence: medical, court or police evidence of domestic or sexual violence; or a statement from an employee of a victim services, domestic violence, or rape crisis organization from which the

tenant or a member of the tenant's household sought services. If the threat of violence is from a person who is a lessee under a written lease, notice to the landlord requesting a change of locks shall be accompanied by a plenary order of protection pursuant to Section 219 of the Illinois Domestic Violence Act of 1986 or Section 112A-19 of the Code of Criminal Procedure of 1963, or a plenary civil no contact order pursuant to Section 215 of the Civil No Contact Order Act, granting the tenant exclusive possession of the premises. The tenant requesting a change of locks shall not be required to obtain written notice from the person posing a threat who is a lessee under the written lease, provided that the notice is accompanied by a plenary order of protection or a plenary civil no contact order granting the tenant exclusive possession of the premises.

(2) Oral leases. Upon written notice from all tenants who are lessees under an oral lease, the tenants may request that a landlord change the locks of the dwelling unit in which they live if one or more of the tenants reasonably believes that one of the tenants or a member of tenant's household is under a credible imminent threat of domestic or sexual violence at the premises. Notice to the landlord requesting a change of locks shall be accompanied by a plenary order of protection pursuant to Section 219 of the Illinois Domestic Violence Act of 1986 or Section 112A-19 of the Code of Criminal Procedure of 1963, or a plenary civil no contact order pursuant to Section 215 of the Civil No Contact Order Act, granting the tenant exclusive possession of the premises. The tenant requesting a change of locks shall not be required to obtain written notice from the person posing a threat who is a lessee under the oral lease, provided that the notice is accompanied by a plenary order of protection or a plenary civil no contact order granting the tenant exclusive possession of the premises.

(b) Once a landlord has received notice of a request for change of locks and has received one form of evidence referred to in Section (a) above, the landlord shall, within 48 hours, change the locks or give the tenant the permission to change the locks. If the landlord changes the locks, the landlord shall make a good faith effort to give a key to the new locks to the tenant as soon as possible or not more than 48 hours of the locks being changed.

(1) The landlord may charge a fee for the expense of changing the locks. That fee must not exceed the reasonable price customarily charged for changing a lock.

(2) If a landlord fails to change the locks within 48 hours after being provided with the notice and evidence referred to in (a) above, the tenant may change the locks without the landlord's permission. If the tenant changes the locks, the tenant shall make a good faith effort to give a key to the new locks to the landlord within 48 hours of the locks being changed. In the case where a tenant changes the locks without the landlord's permission, the tenant shall do so in a workmanlike manner with locks of similar or better quality than the original lock.

(c) The landlord who changes locks or allows the change of locks under this Act shall not be liable to any third party for damages resulting from a person being unable to access the dwelling.

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**Penalty for violation of lock-change provisions**

765 ILL. COMP. STAT. ANN. 750/25

(a) If a landlord takes action to prevent the tenant who has complied with Section 20 of this Act from changing his or her locks, the tenant may seek a temporary restraining order, preliminary injunction, or permanent injunction ordering the landlord to refrain from preventing the tenant from changing the locks. A tenant who successfully brings an action pursuant to this Section may be awarded reasonable attorney's fees and costs.

(b) A tenant who changes locks and does not make a good faith effort to provide a copy of a key to the landlord within 48 hours of the tenant changing the locks, shall be liable for any damages to the dwelling or the building in which the dwelling is located that could have been prevented had landlord been able to access the dwelling unit in the event of an emergency.

(b-1) A landlord who changes the locks and does not make a good faith effort to provide a copy of a key to the tenant within 48 hours of the landlord changing the locks shall be liable for any damages to the tenant incurred as a result of not having access to his or her unit.

(c) The remedies provided to landlord and tenant under this Section 25 shall be sole and exclusive for violations of the lock-change provisions of this Act.

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**Nondisclosure, confidentiality, and privilege**

765 ILL. COMP. STAT. ANN. 750/27

(a) A landlord may not disclose to a prospective landlord (1) that a tenant or a member of tenant's household exercised his or her rights under the Act, or (2) any information provided by the tenant or a member of tenant's household in exercising those rights.

(b) The prohibition on disclosure under subsection (a) shall not apply in civil proceedings brought under this Act, or if such disclosure is required by law.

(c) A tenant or a member of tenant's household, who is the victim of domestic or sexual violence or is the parent or legal guardian of the victim of domestic or sexual violence, may waive the prohibition on disclosure under subsection (a) by consenting to the disclosure in writing.

(d) Furnishing evidence to support a claim of domestic or sexual violence against a tenant or a member of tenant's household pursuant to Section 15 or 20 shall not waive any confidentiality or privilege that may exist between the victim of domestic or sexual violence and a third party.

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**Nondisclosure violation penalty**

765 ILL. COMP. STAT. ANN. 750/29

A landlord who, in violation of Section 27, discloses that a tenant has exercised his or her rights under the Act, or discloses any information provided by the tenant in exercising those rights, shall be liable for actual damages up to \$2,000 resulting from the disclosure. A tenant who successfully brings an action pursuant to this Section may be awarded reasonable attorney's fees and costs.

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**Prohibition of waiver or modification**

765 ILL. COMP. STAT. ANN. 750/30

The provisions of this Act may not be waived or modified in any lease or separate agreement.

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**Public housing excluded**

765 ILL. COMP. STAT. ANN. 750/35

This Act does not apply to public housing, assisted under the United States Housing Act of 1937, as amended, 42 U.S.C. 1437 et seq., and its implementing regulations, with the exception of the tenant-based Housing Choice Voucher program. Public housing includes dwelling units in mixed-finance projects that are assisted through a public housing authority's capital, operating, or other funds.

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# INDIANA

Indiana has enacted the following laws regarding survivors' housing rights:

- Housing anti-discrimination. IND. CODE ANN. § 32-31-9-8
- Early lease termination. IND. CODE ANN. § 32-31-9-12
- Liability of perpetrator. IND. CODE ANN. § 32-31-9-14
- Lock changes. IND. CODE ANN. §§ 32-31-9-9, 32-31-9-10, 32-31-9-11
- Address confidentiality program. IND. CODE ANN. §§ 5-26.5-1-1 *et seq.*

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## **Application of chapter**

IND. CODE ANN. § 32-31-9-1

(a) This chapter applies only to a rental agreement for a dwelling unit that is entered into or renewed after June 30, 2007.

(b) This chapter applies to a landlord or tenant only with respect to a rental agreement for a dwelling unit that is entered into or renewed after June 30, 2007.

(c) A waiver of this chapter by a landlord or current or former tenant, by contract or otherwise, is void.

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## **Application of IC 32-41-3 definitions**

IND. CODE ANN. § 32-31-9-2

Except as otherwise provided in this chapter, the definitions in IC 32-31-3 apply throughout this chapter.

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## **“Applicable offense” defined**

IND. CODE ANN. § 32-31-9-3

As used in this chapter, “applicable offense” refers to any of the following:

(1) A crime involving domestic or family violence (as defined in IC 35-41-1-6.5).

(2) A sex offense under IC 35-42-4.

(3) Stalking under IC 35-45-10.

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**“Applicant” defined**

IND. CODE ANN. § 32-31-9-4

As used in this chapter, “applicant” means an individual who applies to a landlord to enter into a lease of a dwelling unit.

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**“Dwelling unit” defined**

IND. CODE ANN. § 32-31-9-5

As used in this chapter, “dwelling unit” has the meaning set forth in IC 32-31-5-3.

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**“Perpetrator” defined**

IND. CODE ANN. § 32-31-9-6

As used in this chapter, “perpetrator” means an individual who:

- (1) has been convicted of; or
- (2) for purposes of a civil protection order, has been determined to have committed; an applicable offense.

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**“Protected individual” defined**

IND. CODE ANN. § 32-31-9-7

As used in this chapter, “protected individual” means a tenant or applicant:

- (1) who is:
  - (A) a victim; or

(B) an alleged victim;

of an applicable offense; and

(2) who has received either of the following:

(A) A civil order for protection issued or recognized by a court under IC 34-26-5 that restrains a perpetrator from contact with the individual.

(B) A criminal no contact order that restrains a perpetrator from contact with the individual.

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**Retaliation against tenant prohibited**

IND. CODE ANN. § 32-31-9-8

(a) A landlord may not terminate a lease, refuse to renew a lease, refuse to enter into a lease, or retaliate against a tenant solely because:

(1) a tenant;

(2) an applicant; or

(3) an individual who is a member of the tenant’s or applicant’s household;

is a protected individual.

(b) A landlord may not refuse to enter into a lease with an applicant or retaliate against a tenant solely because:

(1) the tenant;

(2) the applicant; or

(3) an individual who is a member of the tenant’s or applicant’s household;

has terminated a rental agreement as a protected individual under section 12 of this chapter.

.....



**Change of tenant’s locks; outside perpetrators**

IND. CODE ANN. § 32-31-9-9

(a) This section applies if a perpetrator who is restrained from contact with the tenant referred to in subsection (b) under an order referred to in section 7(2)(A) or 7(2)(B) of this chapter is not a tenant of the same dwelling unit as the tenant referred to in subsection (b).

(b) A landlord shall change the locks of a tenant's dwelling unit upon the written request of the tenant not later than forty-eight (48) hours after the tenant gives the landlord a copy of a court order referred to in section 7(2) of this chapter, and shall give a key to the new locks to the tenant.

.....

**Change of tenant’s locks; resident perpetrators**

IND. CODE ANN. § 32-31-9-10

(a) This section applies if the perpetrator who is restrained from contact with the tenant referred to in subsection (b) under an order referred to in section 7(2)(A) or 7(2)(B) of this chapter is a tenant of the same dwelling unit as the tenant referred to in subsection (b).

(b) A landlord shall change the locks of a tenant’s dwelling unit, upon the written request of the tenant, not later than twenty-four (24) hours after the tenant provides the landlord with a copy of a court order referred to in section 7(2) of this chapter restraining the perpetrator referred to in subsection (a) from contact with the tenant, and shall give a key to the new locks to the tenant.

(c) Unless the court order provided to the landlord under subsection (b) allows the perpetrator to return to the dwelling unit to retrieve the perpetrator's personal property, a landlord to whom subsection (b) applies may not by any act provide the perpetrator access to the dwelling unit.

(d) A landlord to whom subsection (b) applies is immune from civil liability for:

(1) excluding the perpetrator from the dwelling unit under a court order; or

(2) loss of use of or damage to personal property while the personal property is present in the dwelling unit.

(e) A perpetrator who has been excluded from a dwelling unit under this section remains liable under the lease with all other tenants of the dwelling unit for rent or damages to the dwelling unit as provided in the lease.

.....

**Change of tenant's locks; reimbursement of expenses**

IND. CODE ANN. § 32-31-9-11

- (a) A tenant who provides notice or a copy of a court order under section 9 or 10 of this chapter shall reimburse the landlord for the actual expense incurred by the landlord in changing the locks.
- (b) If a landlord fails to change the locks within the time set forth in section 9(b) or 10(b) of this chapter, the tenant may change the locks without the landlord's permission, and the landlord shall reimburse the tenant for the actual expense incurred by the tenant in changing the locks.
- (c) If a tenant changes the locks of the tenant's dwelling unit under subsection (b), the tenant shall give a key to the new locks to the landlord not later than twenty-four (24) hours after the locks are changed.

.....

**Termination of lease; notice; liability for rent and expenses**

IND. CODE ANN. § 32-31-9-12

- (a) A protected individual who is a tenant may terminate the protected individual's rights and obligations under a rental agreement by providing the landlord with a written notice of termination in compliance with this section.
- (b) A protected individual must give written notice of termination under this section to the landlord at least thirty (30) days before the termination date stated in the notice.
- (c) The written notice required by this section must include:
  - (1) a copy of:
    - (A) a civil order for protection issued or recognized by a court under IC 34-26-5 that restrains a perpetrator from contact with the protected individual; or
    - (B) a criminal no contact order that restrains a perpetrator from contact with the protected individual; and
  - (2) if the protected individual is a victim of domestic violence or sexual assault, a copy of a safety plan, which must satisfy the following:
    - (A) The plan must be dated not more than thirty (30) days before the date on which the protected individual provides the written notice to the landlord under this section.
    - (B) The plan must be provided by an accredited domestic violence or sexual assault program.

(C) The plan must recommend relocation of the protected individual.

(d) If a protected individual's rights and obligations under a rental agreement are terminated under this section, the protected individual is liable for the rent and other expenses due under the rental agreement:

(1) prorated to the effective date of the termination; and

(2) payable at the time when payment of rent would have been required under the rental agreement.

A protected individual whose rights and obligations under a rental agreement are terminated under this section is not liable for any other rent or fees that would be due only because of the early termination of the protected individual's rights and obligations under the rental agreement. If a protected individual terminates the rental agreement at least fourteen (14) days before the protected individual would first have the right to occupy the dwelling unit under the lease, the individual is not subject to any damages or penalties.

(e) Notwithstanding section 13 of this chapter, a protected individual is entitled to deposits, returns, and other refunds as if the tenancy terminated by expiring under the terms of the rental agreement.

.....  
**Rights and obligations of other tenants under rental agreement unaffected; security deposits**

IND. CODE ANN. § 32-31-9-13

Notwithstanding:

(1) the termination of a protected individual's rights and obligations under a rental agreement under this chapter; or

(2) the exclusion of a perpetrator of an applicable offense from a dwelling unit under this chapter;

the rights and obligations of other adult tenants of the dwelling unit under the rental agreement continue unaffected. A landlord is not obligated to return or account for any security deposit associated with the rental agreement until forty-five (45) days after the tenancy of all tenants has terminated.

.....

**Lease obligations binding on excluded tenant perpetrator**

IND. CODE ANN. § 32-31-9-14

A perpetrator who is a tenant and who is excluded from a dwelling unit under a court order remains liable under the lease with other tenants of the dwelling unit for rent and for the cost of damages to the dwelling unit.

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**Landlord not liable for acts of perpetrator or third party**

IND. CODE ANN. § 32-31-9-15

This chapter does not make a landlord or the agent of a landlord liable for the actions of a perpetrator or a third party.

.....

**Address confidentiality program: Eligible applicants**

IND. CODE ANN. § 5-26.5-2-1

Sec. 1. The following individuals may apply to the office of the attorney general to have an address designated by the office of the attorney general serve as the individual’s address or as the address of a minor or an incapacitated individual:

- (1) An individual who is at least eighteen (18) years of age.
- (2) A parent or guardian acting on behalf of a minor.
- (3) A guardian acting on behalf of an incapacitated individual.
- (4) An emancipated minor.

.....

**Address confidentiality program: Approval of applications**

IND. CODE ANN. § 5-26.5-2-2

Sec. 2. The office of the attorney general shall approve an application filed in the manner and on a form prescribed by the office of the attorney general if the application contains the following:

- (1) A sworn statement by the applicant that the applicant has good reason to believe that:

(A) the applicant, or the minor or incapacitated individual on whose behalf the application is made, is a victim of:

- (i) domestic violence;
- (ii) sexual assault; or
- (iii) stalking; and

(B) the applicant fears for:

- (i) the applicant's safety; or
- (ii) the safety of a minor or an incapacitated individual on whose behalf the application is made.

(2) A copy of a valid protective order issued on behalf of the applicant or the minor or incapacitated individual on whose behalf the application is made.

(3) A designation of the office of the attorney general as an agent of the applicant for the purpose of:

- (A) service of process; and
- (B) receipt of mail.

(4) The:

- (A) mailing address; and
- (B) telephone number;

where the applicant may be contacted by the office of the attorney general.

(5) The new address that the applicant requests not be disclosed because disclosure may increase the risk of domestic violence.

(6) The signature of the applicant and of any representative of an agency designated under IC 5-26.5-3-4 that assisted in the preparation of the application.

(7) The date the applicant signed the application.

.....

# IOWA

Iowa has enacted the following laws regarding survivors' housing rights:

- An exception to the state's "clear and present danger" eviction law for tenants who have obtained a restraining order, sought law enforcement assistance, or have asked the person creating the danger not to return to the premises. IOWA CODE ANN. §§ 562A.27A, 562B.25A

.....

## **Termination for creating a clear and present danger to others**

IOWA CODE ANN. § 562A.27A

1. ... [I]f a tenant has created or maintained a threat constituting a clear and present danger to the health or safety of other tenants, the landlord, the landlord's employee or agent, or other persons on or within one thousand feet of the landlord's property, the landlord, after the service of a single three days' written notice of termination and notice to quit stating the specific activity causing the clear and present danger, and setting forth the language of subsection 3 which includes certain exemption provisions available to the tenant, may file suit against the tenant for recovery of possession of the premises ....

...

3. This section shall not apply to a tenant if the activities causing the clear and present danger, as defined in subsection 2, are conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

a. The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

b. The tenant reports the activities causing the clear and present danger to a law enforcement agency or the county attorney in an effort to initiate a criminal action against the person conducting the activities.

c. The tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this paragraph, without taking an action specified in paragraph "a" or "b" or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of

the actions specified in paragraph “a” or “b” to be exempt from proceedings pursuant to subsection 1.

However, in order to fall within the exemptions provided within this subsection, the tenant must provide written proof to the landlord, prior to the commencement of a suit against the tenant, that the tenant has taken one of the measures specified in paragraphs “a” through “c”.

.....

**Termination for creating a clear and present danger to others**

IOWA CODE ANN. § 562B.25A

1. ... [I]f a tenant has created or maintained a threat constituting a clear and present danger to the health or safety of other tenants, the landlord, the landlord's employee or agent, or other persons on or within one thousand feet of the landlord's property, the landlord, after the service of a single three days' written notice of termination and notice to quit stating the specific activity causing the clear and present danger, and setting forth the language of subsection 3 which includes certain exemption provisions available to the tenant, may file suit against the tenant for recovery of possession of the premises ....

...

3. This section shall not apply to a tenant if the activities causing the clear and present danger, as defined in subsection 2, are conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

a. The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

b. The tenant reports the activities causing the clear and present danger to a law enforcement agency or the county attorney in an effort to initiate a criminal action against the person conducting the activities.

c. The tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this paragraph, without taking an action specified in paragraph “a” or “b” or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of the actions specified in paragraph “a” or “b” to be exempt from proceedings pursuant to subsection 1.

However, in order to fall within the exemptions provided within this subsection, the tenant must provide written proof to the landlord, prior to the commencement of a suit against the tenant, that the tenant has taken one of the measures specified in paragraphs “a” through “c”.

.....



# KANSAS

Kansas has enacted the following laws regarding survivors' housing rights:

- Possession of residence and exclusion of the restrained party.  
KAN. STAT. ANN. § 60-3107
- Requirement that the restrained party pay for alternate housing.  
KAN. STAT. ANN. § 60-3107
- Provisions ordering law enforcement officers to evict a restrained party from the residence. KAN. STAT. ANN. § 60-3107
- Address confidentiality program. KAN. STAT. ANN. §§ 75-451 through 75-458

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## **Orders for relief of abuse, procedure; modifications; inconsistent orders; violation of orders, criminal violations and penalties**

KAN. STAT. ANN. § 60-3107

(a) The court may approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:

...

(2) Granting possession of the residence or household to the plaintiff to the exclusion of the defendant, and further restraining the defendant from entering or remaining upon or in such residence or household, subject to the limitation of subsection (d). Such order shall contain a statement that if such order is violated, such violation shall constitute criminal trespass as provided in subsection (c) of K.S.A. 21-3721, and amendments thereto, and violation of a protective order as provided in K.S.A. 21-3843, and amendments thereto. The court may grant an order, which shall expire 60 days following the date of issuance, restraining the defendant from cancelling utility service to the residence or household.

(3) Requiring defendant to provide suitable, alternate housing for the plaintiff and any minor children of the parties.

...

(5) Ordering a law enforcement officer to evict the defendant from the residence or household.

...

(d) If the parties to an action under the protection from abuse act are not married to each other and one party owns the residence or household, the court shall not have the authority to grant possession of the residence or household under subsection (a)(2) to the exclusion of the party who owns it.

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**Substitute mailing address: Purpose**

KAN. STAT. ANN. § 75-451

The legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, human trafficking or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of K.S.A. 75-451 to 75-458, inclusive, and amendments thereto, is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault, human trafficking or stalking, to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault, human trafficking or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the secretary of state as a substitute mailing address.

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**Substitute mailing address: Definitions**

KAN. STAT. ANN. § 75-452

The following words and phrases when used in K.S.A. 75-451 to 75-458, inclusive, and amendments thereto, shall have the meanings respectively ascribed to them herein, unless the context clearly requires otherwise:

(a) "Abuse" means:

- (1) Causing or attempting to cause physical harm;
- (2) placing another person in fear of imminent physical harm;
- (3) causing another person to engage involuntarily in sexual relations by force, threats or duress, or threatening to do so;
- (4) engaging in mental abuse, which includes threats, intimidation and acts designed to induce terror;
- (5) depriving another person of necessary health care, housing or food; or

(6) unreasonably and forcibly restraining the physical movement of another.

(b) “Confidential address” means a residential street address, school street address or work street address of an individual, as specified on the individual's application to be a program participant under K.S.A. 75-451 to 75-458, inclusive, and amendments thereto.

(c) “Confidential mailing address” means an address that is recognized for delivery by the United States postal service.

(d) “Domestic violence” means abuse committed against a victim or the victim's spouse or dependent child by:

(1) A current or former spouse of the victim;

(2) a person with whom the victim shares parentage of a child in common;

(3) a person who is cohabitating with, or has cohabitated with, the victim;

(4) a person who is related by blood or marriage; or

(5) a person with whom the victim has or had a dating or engagement relationship.

(e) “Program participant” means a person certified as a program participant under K.S.A. 75-453, and amendments thereto.

(f) “Enrolling agent” means state and local agencies, law enforcement offices, nonprofit agencies and any others designated by the secretary of state that provide counseling and shelter services to victims of domestic violence, sexual assault, human trafficking or stalking.

(g) “Sexual assault” means an act which if committed in this state would constitute any crime defined in article 35 of chapter 21 of the Kansas Statutes Annotated.

(h) “Stalking” means an act which if committed in this state would constitute “stalking” as defined by K.S.A. 60-31a01, and amendments thereto.

(i) “Human trafficking” means an act which if committed in this state would constitute the crime of human trafficking as defined by K.S.A. 21-3446, and amendments thereto.

.....

**Substitute mailing address; application requirements; procedure; certification into program; notification; penalty**KAN. STAT. ANN. § 75-453

(a) An adult person, an adult family member residing with the victim, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply by and through an enrolling agent to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. Program participants shall not apply directly to the secretary of state. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state signed by the applicant and enrolling agent under penalty of perjury and providing:

(1) A statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, human trafficking or stalking and:

(i) That the applicant fears for the applicant's safety or the applicant's children's safety or the safety of the minor or incapacitated person on whose behalf the application is made; or

(ii) that by virtue of living with an enrolled program participant, the applicant fears that the knowledge or publication of the applicants' whereabouts will put the enrolled participant in danger.

(2) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail.

(3) The confidential mailing address where the applicant can be contacted by the secretary of state, and the phone number or numbers where the applicant can be called by the secretary of state.

(4) The confidential address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, human trafficking or stalking.

(5) Evidence that the applicant or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, human trafficking or stalking, or is an adult family member residing with the victim. This evidence may include any of the following:

(A) Law enforcement, court or other federal, state or local government records or files.

(B) Documentation from a public or private entity that provides assistance to victims of domestic violence, sexual assault, human trafficking or stalking.

(C) Documentation from a religious, medical or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual assault, human trafficking or stalking.

(D) Other forms of evidence as determined by the secretary of state.

(6) A statement of whether there are any existing court orders involving the applicant for child support, child custody or child visitation and whether there are any active court actions involving the applicant for child support, child custody or child visitation, the name and address of legal counsel of record and the last known address of the other parent or parents involved in those court orders or court actions.

(7) The signature of the applicant and of any individual or representative of any enrolling agent who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed in accordance with procedures prescribed by the secretary of state.

(c) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule and regulation establish a renewal procedure.

(d) Upon certification in the program, in any case where there are court orders or court actions identified in subsection (a)(6), the secretary of state shall, within 10 days, notify the other parent or parents of the address designated by the secretary of state for the program participant and the designation of the secretary of state as agent for purpose of service of process. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent to be notified. A copy shall also be sent to that parent's counsel of record.

(e) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, shall be punishable under K.S.A. 21-3711, and amendments thereto, or other applicable statutes.

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# KENTUCKY

Kansas has enacted the following law regarding survivors' housing rights:

- A court may direct a restrained party to vacate the residence shared by the parties to the action. KY. REV. STAT. ANN. § 403.750

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## **Court orders; amendment**

KY. REV. STAT. ANN. § 403.750

(1) Following the hearing provided for under KRS 403.740 and 403.745, the court, if it finds from a preponderance of the evidence that an act or acts of domestic violence and abuse have occurred and may again occur, may:

...

(e) Direct the adverse party to vacate the residence shared by the parties to the action;

...

.....

# LOUISIANA

Louisiana has enacted the following laws regarding survivors' housing rights:

- Housing authorities may not terminate the tenancy a resident for reasons of domestic abuse, dating violence, or family violence committed against the resident.  
LA. REV. STAT. ANN. § 40:506
- Possession of property and exclusion of restrained party.  
LA. REV. STAT. ANN. § 46:2136
- Address confidentiality program. LA. REV. STAT. ANN. § 44:52

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## **Termination of tenancy**

LA. REV. STAT. ANN. § 40:506

A. Except as expressly provided herein, the landlord tenant relationship, and the termination thereof, is governed by state law applicable to privately owned, residential property.

B. Without limiting the foregoing, a local housing authority may terminate the tenancy of a household or a resident or terminate any other assistance provided by the authority for either:

(1) Any unlawful drug-related activity or other criminal behavior on the part of a recipient or head of household or any member of the household ....

...

D. (1) The local housing authority may not terminate the tenancy of a household or a resident or terminate any other assistance provided by the authority under Paragraph(B)(1) of this Section for reasons of domestic abuse, dating violence, or family violence committed against the head of household, a member of household, or a resident. The local housing authority may terminate the tenancy of or any other assistance provided to the perpetrator of the domestic abuse, dating violence, or family violence.

(2) For purposes of Paragraph (B)(1) of this Section, no person may be considered a guest or invitee of a member of a household without the consent of the head of household or a member of household. Consent is automatically withdrawn when a guest or invitee is a perpetrator of an act of domestic abuse, dating violence, or family violence.

.....

**Protective orders; content; modification; service**

LA. REV. STAT. ANN. § 46:2136

A. The court may grant any protective order or approve any consent agreement to bring about a cessation of abuse of a party, any minor children, or any person alleged to be incompetent, which relief may include but is not limited to:

...

(2) Where there is a duty to support a party, any minor children, or any person alleged to be incompetent living in the residence or household, ordering payment of temporary support or provision of suitable housing for them, or granting possession to the petitioner of the residence or household to the exclusion of the defendant, by evicting the defendant or restoring possession to the petitioner where the residence is solely owned by the defendant and the petitioner has been awarded the temporary custody of the minor children born of the parties.

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**Address confidentiality program; application; certification; substitute address; renewal**

LA. REV. STAT. ANN. § 44:52

A. (1) The Louisiana Department of State Address Confidentiality Program is hereby established to provide for the confidentiality of the physical addresses of program participants who are victims of abuse, sexual assault, or stalking.

(2) The secretary of state shall promulgate and adopt rules as necessary to effectuate the provisions and purposes of this Part. Any act or omission of the secretary of state in the implementation of the provisions of this Part shall be reviewable upon filing a petition for judicial review in the Nineteenth Judicial District Court. However, the secretary of state, his employees, application assistance agencies or organizations designated under R.S. 44:56, and the employees or volunteers of such agencies or organizations shall not be liable for any injury, loss, or damage resulting from any act or omission under this Part, except when such injury, loss, or damage is caused by an act or omission described in Paragraph (3) or (4) of Subsection B of this Section that is criminal, grossly negligent, intentional, or willful.

(3) The following persons may make application to the secretary of state to participate in the address confidentiality program:

(a) Any person who is a victim of abuse, sexual assault, or stalking and fears for his or her safety.

(b) A parent on behalf of his minor child, which child is the victim of abuse, sexual assault, or stalking, and for whom the parent fears for the safety.



(c) A guardian on behalf of a minor or incapacitated person in his care, which minor or incapacitated person is a victim of abuse, sexual assault, or stalking, and for whom the guardian fears for the safety.

(4) An application to the secretary of state for certification to participate in the address confidentiality program shall include the following:

(a) A sworn statement by the applicant attesting that the applicant has good reason to believe:

(i) That the applicant or the minor or incapacitated person on whose behalf the application is made is a victim of abuse, sexual assault, or stalking; and

(ii) That the applicant fears for his or her safety, or the safety of the minor or incapacitated person on whose behalf the application is made.

(b) A designation of the secretary of state as agent for purposes of service of process and receipt of mail.

(c) The mailing address and the telephone number or numbers where the applicant can be contacted by the secretary of state.

(d) The physical address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of abuse, sexual assault, or stalking.

(e) A statement attesting that the applicant understands that as program participant, if he is a registered voter, he voluntarily waives his right to vote in person during early voting or at the polls on election day, but is eligible to vote absentee by mail.

(f) The signature of the applicant and the signature of any person who assisted the applicant in completing the application, as authorized in R.S. 44:56.

B. (1) Applications shall be filed in the office of the secretary of state.

(2) Upon the filing of a properly completed application, the secretary of state shall certify the applicant as a program participant. Such certification shall be valid for four years following the date of filing unless the certification is canceled. The secretary of state may establish a renewal procedure for program participants by administrative rule in accordance with the Administrative Procedure Act. The secretary of state shall designate a substitute address to each program participant. The secretary of state shall forward all first-class mail to each program participant's physical address.

(3) A person who falsely attests in an application that the applicant or the minor or incapacitated person on whose behalf the application is made is a victim of abuse, sexual assault, or stalking, or falsely attests that the applicant fears for his or her safety, or the safety of the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor and shall be

fined not more than one thousand dollars or be imprisoned for not more than one year, or both. On a second offense, or any succeeding offense, the penalty shall be a fine of not more than two thousand five hundred dollars or imprisonment for not more than five years, or both.

(4) No person shall intentionally, and knowing that he is not authorized to do so, obtain or cause the release of a program participant's physical address from the secretary of state, a state agency, a parish or local governmental agency, a law enforcement agency, or an application assistance agency or organization designated pursuant to R.S. 44:56. Whoever violates the provisions of this Paragraph is guilty of a misdemeanor and shall be fined not more than two thousand dollars or imprisoned for not more than one year, or both. On a second offense, or any succeeding offense, the penalty shall be a fine of not more than three thousand five hundred dollars or imprisonment for not more than five years, or both.

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# MAINE

Maine has enacted the following laws regarding survivors' housing rights:

- Possession of property and exclusion of the restrained party.  
ME. REV. STAT. ANN. tit. 19-A, § 4007
- Requirement that the restrained party pay for alternative housing.  
ME. REV. STAT. ANN. tit. 19-A, § 4007
- Requirement that the restrained party pay for moving expenses.  
ME. REV. STAT. ANN. tit. 19-A, § 4007
- Address confidentiality program. ME. REV. STAT. ANN. tit. 5, § 90-B

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## Relief

ME. REV. STAT. ANN. tit. 19-A, § 4007

**1. Protection order; consent agreement.** The court, after a hearing and upon finding that the defendant has committed the alleged abuse or engaged in the alleged conduct described in section 4005, subsection 1, may grant a protective order or, upon making that finding, approve a consent agreement to bring about a cessation of abuse or the alleged conduct. This subsection does not preclude the parties from voluntarily requesting a consent agreement without a finding of abuse. The court may enter a finding that the defendant represents a credible threat to the physical safety of the plaintiff or a minor child residing in the plaintiff's household. Relief granted under this section may include:

...

**E.** When the mutual residence or household of the parties is jointly owned or jointly leased or when one party has a duty to support the other or their minor children living in the residence or household and that party is the sole owner or lessee:

(1) Granting or restoring possession of the residence or household to one party, excluding the other; or

(2) A consent agreement, allowing the party with the duty to support to provide suitable alternate housing;

...

**K.** Ordering payment of monetary compensation to the abused person for losses suffered as a direct result of the abuse. Compensatory losses are limited to loss of earnings or support, reasonable expenses incurred for personal injuries or property damage and reasonable moving expenses. ...

.....

**Address confidentiality program**

ME. REV. STAT. ANN. tit. 5, § 90-B

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

**A.** “Address” means a residential street, school or work address of an individual, including any geographically specific description or coordinate that identifies a residential address, as specified on the individual's application to be a program participant under this section.

**B.** “Application assistant” means an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter or other specialized service to victims of domestic abuse, rape, sexual assault or stalking and who has been designated by the respective agency, and trained, accepted and registered by the secretary to assist individuals in the completion of program participation applications.

**C.** “Designated address” means the address assigned to a program participant by the secretary pursuant to this section.

**D.** “Mailing address” means an address that is recognized for delivery by the United States Postal Service.

**E.** “Program” means the Address Confidentiality Program established in this section.

**F.** “Program participant” means a person certified by the Secretary of State to participate in the program.

**G.** “Secretary” means the Secretary of State.

**2. Program established.** The Address Confidentiality Program is established to protect victims of domestic violence, stalking or sexual assault by authorizing the use of designated addresses for such victims. The program is administered by the secretary under the following application and certification procedures.

**A.** Upon recommendation of an application assistant, an adult person, a parent or guardian acting on behalf of a minor or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person.

**B.** The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application must contain:

(1) The application preparation date, the applicant's signature and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(2) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail;

(3) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and

(4) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household.

**C.** Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for 4 years following the date of initial certification unless the certification is withdrawn or invalidated before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least 4 weeks prior to the expiration of the program participant's certification.

**D.** The secretary shall forward first-class mail to the appropriate program participants.

**E.** A person who violates this paragraph commits a Class E crime.

(1) An applicant may not file an application knowing that it:

(a) Contains false or incorrect information; or

(b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

(2) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

(a) Contains false or incorrect information; or

(b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

**3. Cancellation.** Certification for the program may be canceled if one or more of the following conditions apply:

**A.** If the program participant obtains a name change, unless the program participant provides the secretary with documentation of a legal name change within 10 business days of the name change;

**B.** If there is a change in the residential street address from the one listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary provides by rule; or

**C.** The applicant or program participant violates subsection 2, paragraph E, subparagraph (1).

**4. Use of designated address.** Upon demonstration of a program participant's certification in the program, state and local agencies and the courts shall accept the designated address as a program participant's address when creating a new public record unless the secretary has determined that:

**A.** The agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the residential address; and

**B.** The program participant's address or mailing address will be used only for those statutory and administrative purposes.

**5. Disclosure to law enforcement and state agencies.** If the secretary determines appropriate, the secretary may make a program participant's address or mailing address available for inspection or copying, under the following circumstances:

**A.** If requested of the secretary by a law enforcement agency in the manner provided for by rule; or

**B.** Upon request to the secretary by a commissioner of a state agency or the commissioner's designee in the manner provided for by rule and upon a showing of a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that the commissioner or the commissioner's designee is unable to fulfill statutory duties and obligations without the address or mailing address.

**6. Disclosure pursuant to court order or canceled certification.** If the secretary determines appropriate, the secretary shall make a program participant's address and mailing address available for inspection or copying under the following circumstances:

**A.** To a person identified in a court order, upon the secretary's receipt of that court order that specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure; or

**B.** If the certification has been canceled because the applicant or program participant violated subsection 2, paragraph E, subparagraph (1).

**7. Confidentiality.** The program participant's application, supporting materials and the program's state e-mail account are not a public record and must be kept confidential by the secretary.

**8. Rules.** The secretary shall adopt rules to carry out this section. These rules are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

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# MARYLAND

Maryland has enacted the following laws regarding survivors' housing rights:

- Protective orders requiring the restrained party to vacate the home immediately and awarding temporary use and possession of the home to the protected party.  
MD. CODE ANN., FAM. LAW §§ 4-504.1, 4-505
- Early lease termination. MD. CODE ANN., REAL PROP. §§ 8-5A-02 through 8-5A-04
- Eviction defense for victims of domestic violence and sexual assault.  
MD. CODE ANN., REAL PROP. § 8-5A-05
- Lock changes for victims of domestic violence and sexual assault.  
MD. CODE ANN., REAL PROP. § 8-5A-06
- Address confidentiality program. MD. CODE ANN., FAM. LAW § 4-520 *et seq.*

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## **Interim protective orders**

MD. CODE ANN., FAM. LAW § 4-504.1

When petition filed with commissioner

(a) A petition under this subtitle may be filed with a commissioner when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open for business.

Issuance of interim protective order

(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.

Scope of interim protective order

(c) An interim protective order may:

...

(4) if a person eligible for relief and the respondent are residing together at the time of the alleged abuse:



- (i) order the respondent to vacate the home immediately;
- (ii) award to a person eligible for relief custody of any child of the person eligible for relief and respondent then residing in the home; and
- (iii) subject to the limits as to a nonspouse specified in § 4-505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to the person eligible for relief ...

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**Temporary protective orders**

MD. CODE ANN., FAMILY LAW, § 4-505

In general

(a)(1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.

(2) The temporary protective order may order any or all of the following relief:

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(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

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**Rental housing – victims of domestic violence and sexual assault**

MD. CODE ANN., REAL PROP. § 8-5A-01

(a) In this subtitle the following words have the meanings indicated.

(b) “Legal occupant” means an occupant who resides on the premises with the actual knowledge and permission of the landlord.

(c) "Offender" means a person who commits an act of domestic violence or commits a sexual assault offense.

(d) "Peace order" means an enforceable final peace order.

(e) "Protective order" means an enforceable final protective order.

(f) "Victim of domestic violence" means a person who is:

(1) A victim of domestic abuse as defined in § 4-501 of the family law article; and

(2) A person eligible for relief, as defined in § 4-501 of the family law article.

(g) "Victim of sexual assault" means a person who is a victim of:

(1) A sexual crime under title 3, subtitle 3 of the criminal law article;

(2) Child sexual abuse under § 3-602 of the criminal law article; or

(3) Sexual abuse of a vulnerable adult under § 3-604 of the criminal law article.

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**Lease termination**

MD. CODE ANN., REAL PROP. § 8-5A-02

(a) Subject to the requirements of subsections (b) and (c) of this section, a tenant may terminate the tenant's future liability under a residential lease if the tenant or legal occupant is:

(1) A victim of domestic violence; or

(2) A victim of sexual assault.

(b) If a tenant or legal occupant is a victim of domestic violence or a victim of sexual assault, the tenant may provide to the landlord the written notice required under § 8-5a-03 or § 8-5a-04 and, if the written notice is provided, the tenant shall have 30 days to vacate the leased premises from the date of providing the written notice.

(c) A tenant who vacates leased premises under this section is responsible for rent only for the 30 days following the tenant providing notice of an intent to vacate.

(d) If a tenant does not vacate the leased premises within 30 days of providing to the landlord the written notice required under § 8-5a-03 or § 8-5a-04 of this subtitle, the landlord is, at the landlord's option and with written notice to the tenant, entitled to:

(1) All legal remedies against a tenant holding over available under § 8–402 of this title; or

(2) Deem the tenant’s notice of an intent to vacate to have been rescinded and the terms of the original lease to be in full force and effect.

(e) The termination of a tenant's future liability under a residential lease under this section does not terminate or in any other way impact the future liability of a tenant who is the respondent in the action that results in:

(1) A protective order issued for the benefit of the victim tenant or victim legal occupant under § 4–506 of the Family Law Article; or

(2) A peace order issued for the benefit of the victim tenant or victim legal occupant for which the underlying act was sexual assault under § 3–1505 of the Courts Article.

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**Notice required—victim of domestic violence**

MD. CODE ANN., REAL PROP. § 8–5A–03

(a) If a tenant or legal occupant is a victim of domestic violence, the tenant may terminate the tenant's future liability under a residential lease under § 8–5a–02 of this subtitle if the tenant provides the landlord with written notice by first–class mail or hand delivery of an intent to vacate the premises and notice of the tenant’s or legal occupant’s status as a victim of domestic violence.

(b) The notice provided under subsection (a) of this section shall include a copy of a protective order issued for the benefit of the tenant or legal occupant under § 4–506 of the family law article.

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**Notice required—victim of sexual assault**

MD. CODE ANN., REAL PROP. § 8–5A–04

(a) If a tenant or legal occupant is a victim of sexual assault, the tenant may terminate the tenant's future liability under residential lease under § 8–5a–02 of this subtitle if the tenant provides the landlord with written notice by first–class mail or hand delivery of an intent to vacate the leased premises, including the tenant’s or legal occupant’s status as a victim of sexual assault.

(b) The notice provided under subsection (a) of this section shall include:

(1) A copy of a protective order issued for the benefit of the tenant or legal occupant under § 4–506 of the family law article; or

(2) A copy of a peace order issued for the benefit of the tenant or legal occupant for which the underlying act was sexual assault under § 3–1505 of the Courts Article.

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**Eviction defense for victims of domestic violence and sexual assault**

MD. CODE ANN., REAL PROP. § 8–5A–05

(a) This section applies to an action for possession of property under § 8–402.1 of this title against a tenant or legal occupant who is a victim of domestic violence or a victim of sexual assault in which the basis for the alleged breach is an act or acts of domestic violence or sexual assault.

(b) (1) A tenant is deemed to have raised a rebuttable presumption that the alleged breach of the lease does not warrant an eviction if the tenant provides to the court:

(i) A copy of a protective order issued for the benefit of the tenant or legal occupant under § 4–506 of the Family Law Article; or

(ii) A copy of a peace order issued for the benefit of the tenant or legal occupant for which the underlying act was sexual assault under § 3–1505 of the Courts Article.

(2) If domestic violence or sexual assault is raised as a defense in an action for possession of property under § 8–402.1 of this title, the court, in its discretion, may enter a judgment in favor of a tenant who does not provide the evidence described in paragraph (1) of this subsection.

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**Lock changes**

MD. CODE ANN., REAL PROP. § 8–5A–06

(a) A person who is a victim of domestic violence or a victim of sexual assault and who is a tenant under a residential lease may provide to the landlord a written request to change the locks of the leased premises if the protective order or peace order issued for the benefit of the tenant or legal occupant requires the respondent to refrain from entering or to vacate the residence of the tenant or legal occupant.

(b) The written request provided under subsection (a) of this section shall include:

(1) A copy of a protective order issued for the benefit of the tenant or legal occupant under § 4–506 of the family law article; or

(2) A copy of a peace order issued for the benefit of the tenant or legal occupant for which the underlying act was sexual assault under § 3–1505 of the courts article.

(c) (1) The landlord shall change the locks on the leased premises by the close of the next business day after receiving a written request under subsection (a) of this section.

(2) If the landlord fails to change the locks as required under paragraph (1) of this subsection, the tenant:

(i) May have the locks changed by a certified locksmith on the leased premises without permission from the landlord; and

(ii) Shall give a duplicate key to the landlord or the landlord's agent by the close of the next business day after the lock change.

(d) If a landlord changes the locks on a tenant's leased premises under subsection (c) of this section, the landlord:

(1) Shall provide a copy of the new key to the tenant who made the request for the change of locks at a mutually agreed time not to exceed 48 hours following the lock change; and

(2) May charge a fee to the tenant not exceeding the reasonable cost of changing the locks.

(e)(1) If a landlord charges a fee to the tenant for changing the locks on a tenant's leased premises under subsection (d) of this section, the tenant shall pay the fee within 45 days of the date the locks are changed.

(2) If a tenant does not pay a fee as required under paragraph (1) of this subsection, the landlord may:

(i) Charge the fee as additional rent; or

(ii) Withhold the amount of the fee from the tenant's security deposit.

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**Address confidentiality program; Purpose**

MD. CODE ANN., FAM. LAW § 4-520

The purpose of this part is to enable:

(1) State and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence;

(2) interagency cooperation in providing address confidentiality for victims of domestic violence; and

(3) State and local agencies to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address.

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**Establishment of Program**

MD. CODE ANN., FAM. LAW § 4-521

The Secretary of State shall establish and administer an Address Confidentiality Program for victims of domestic violence.

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**Eligibility; application**

MD. CODE ANN., FAM. LAW § 4-522

Eligible individuals

(a) Any of the following individuals may apply to participate in the Program:

- (1) an individual acting on the individual's own behalf;
- (2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; or
- (3) a guardian acting on behalf of a disabled person.

Application form

(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

- (1) a statement that:
  - (i) the applicant is a victim of domestic violence; and
  - (ii) the applicant fears for the applicant's safety or the safety of the applicant's child;
- (2) evidence that the applicant is a victim of domestic violence, including:
  - (i) certified law enforcement, court, or other federal or State agency records or files;
  - (ii) documentation from a domestic violence program; or

- (iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of domestic violence;
- (3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;
- (4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first-class, certified, or registered mail;
- (5) the mailing address and telephone number where the applicant may be contacted by the Secretary of State;
- (6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of domestic violence;
- (7) a statement as to whether there is any existing court order or pending court action involving the applicant and related to divorce proceedings, child support, child custody, or child visitation, and the court that issued the order or has jurisdiction over the action;
- (8) a sworn statement by the applicant that to the best of the applicant's knowledge all of the information contained in the application is true;
- (9) the signature of the applicant and the date on which the applicant signed the application; and
- (10) a voluntary release and waiver of all future claims against the State for any claim that may arise from participation in the Program except for a claim based on gross negligence.

Review of application; designation as Program participant

- (c)(1)(i) On the filing of a properly completed application and release, the Secretary of State shall:
  - 1. review the application and release; and
  - 2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.
- (ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4-year period.
- (2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.

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# MASSACHUSETTS

Massachusetts has enacted the following laws regarding survivors' housing rights:

- Early lease termination. MASS. GEN. LAWS ANN. 186 § 24
- Lock changes for victims of domestic violence, sexual assault, and stalking. MASS. GEN. LAWS ANN. 186 § 26
- Orders requiring the restrained party to vacate the family dwelling. MASS. GEN. LAWS ANN. 209A § 3
- Orders requiring the restrained party to pay replacement costs for locks and moving expenses. MASS. GEN. LAWS ANN. 209A § 3; MASS. GEN. LAWS ANN. 258E § 3
- Address confidentiality program. MASS. GEN. LAWS ANN. 9A §§ 2 *et seq.*

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## Definitions

### MASS. GEN. LAWS ANN. 186 § 23

(a) For the purposes of sections 23 to 29, inclusive, the following words shall have the following meanings:-

“Co-tenant”, a person who shares the legal obligation to pay rent or use and occupancy for the premises with a tenant and who occupies the premises.

“Domestic violence”, the occurrence of 1 or more of the following acts between family or member of a household:

- (i) attempting to cause or causing physical harm;
- (ii) placing another in fear of imminent serious physical harm;
- (iii) causing another to engage involuntarily in sexual relations by force, threat or duress.

“Housing subsidy provider”, a local housing authority, agency or other entity providing or administering a federal or state rental subsidy within the commonwealth under applicable law.

“Member of the household”, a person residing with a tenant or co-tenant as an authorized occupant of the premises. In the case of an application for housing, such term shall include a person identified by the applicant as a proposed household member who would be living with the applicant in the premises.



“Owner”, as defined in 105 C.M.R. 410.020.

“Qualified third party”, a police officer, as defined by section of chapter 90C, law enforcement professional including but not limited to a district attorney, assistant district attorney, a victim-witness advocate, probation or parole officer; an employee of the Victims Services Unit of the department of criminal justice information services; an application assistant in the address confidentiality program of the secretary of the commonwealth under section 2 of chapter 9A; a licensed medical care provider; an employee of the department of children and families or the department of transitional assistance charged with providing direct service to clients, or a manager or designated domestic violence or abuse advocate within either department; an active licensed social worker; a licensed mental health professional; a sexual assault counselor as defined in section 20J of chapter 233; or a domestic violence victims’ counselor as defined in section 20K of said chapter 233.

“Quitting date”, the date that a tenant or co-tenant surrenders such person’s interest in the premises; provided further that such date shall be determined as: (i) if the tenant or co-tenant has vacated the premises, the date notice is given to the owner of the intent to abandon the premises and not to return; or (ii) if the tenant or co-tenant has not vacated the premises, either (A) the date the tenant or co-tenant intends to vacate the premises or (B) the actual date that the tenant or co-tenant has vacated after providing such notice.

“Rape”, as set forth in sections 22, 22A, 22B, 22C, 23, 23A, 23B, 24 or 24B of chapter 265 or sections 2, 3 or 17 of chapter 272.

“Sexual assault”, as set forth in sections 13B, 13B½, 13B¾, 13F, 13H or 13K of chapter 265 or section 35A of chapter 272.

“Stalking”, stalking as set forth in section 43 of chapter 265 or criminal harassment as set forth in sections 43 or 43A chapter 265.

“Tenant”, (i) a person who has entered into an oral or written lease or rental agreement with the owner or (ii) a person who remains on the premises after such person’s tenancy has terminated or after the expiration of such person’s lease.

### **Early Lease Termination**

#### MASS. GEN. LAWS ANN. 186 § 24

(a) A tenant or co-tenant may terminate a rental agreement or tenancy and quit the premises upon written notification to the owner that a member of the household is a victim of domestic violence, rape, sexual assault or stalking, if such notification is made within 3 months of the most recent act, of domestic violence, rape, sexual assault or stalking; or if a member of a tenant’s household is reasonably in fear of imminent serious physical harm from domestic violence, rape, sexual assault or stalking. An owner shall have the right to request proof of the status as a victim of domestic violence rape, sexual assault or stalking including the name of the perpetrator, if known, as provided in subsection (e).

## MASSACHUSETTS

(b) Within 3 months of written notification to the owner to terminate a rental agreement or tenancy under subsection (a), a tenant, co-tenant or any household member who is not the perpetrator of the domestic violence, rape, sexual assault or stalking shall quit the premises. If the tenant or co-tenant fails to quit the premises within 3 months, the notice to terminate the rental agreement or tenancy shall be void.

(c) A tenant or co-tenant to whom this section applies shall be discharged from liability for rent or use and occupancy for 30 days or 1 full rental period after the quitting date, whichever last occurs, to the extent that a rental agreement and applicable law may otherwise impose such liability beyond the quitting date. Such tenant or co-tenant shall be entitled to a refund of any prepaid rent for any period thereafter. The tenant or co-tenant shall receive a full and specific statement of the basis for retaining any of the security deposit together with any refund due in compliance with section 15B of within 30 days of the conclusion of the tenancy and the delivery of full possession of the leased premises by all occupants to the landlord.

(d) No other tenant or co-tenant who is a party to the rental agreement shall be released from such tenant's or co-tenant's obligations under the rental agreement or other obligations under this chapter. If the tenant or co-tenant to whom this section applies vacates but leaves belongings, such belongings shall be deemed abandoned and may be disposed of under applicable law, unless the tenant or co-tenant indicates in writing the responsibility for such belongings and the action to be taken with respect to such belongings. If the tenant or co-tenant to whom this section applies vacates, but another person remains in the premises other than another tenant or co-tenant, nothing in this section shall affect the owner's rights and obligations with regard to such remaining person. A landlord who in good faith initiates an action against a remaining tenant, co-tenant or household member, or a housing subsidy provider who terminates or denies a rental subsidy to a remaining tenant, co-tenant or household member, or takes any other action under this section, shall not be subject to a claim of retaliation or any other claim under this chapter.

(e) If relief is sought because of recent or ongoing domestic violence, rape, sexual assault or stalking, an owner may request that proof be provided to show that a protective order or third party verification is in effect or was obtained within the prior 3 months, or a tenant or co-tenant is reasonably in fear of imminent serious physical harm. Proof of status as a victim of domestic violence, rape, sexual assault or stalking shall be satisfied by production of any 1 of the following documents:

(1) a copy of a valid protection order under chapter 209A or 258E obtained by the tenant, co-tenant or member of the household;

(2) a record from a federal, state or local court or law enforcement of an act of domestic violence, rape, sexual assault or stalking and the name of the perpetrator if known; or

(3) a written verification from any other qualified third party to whom the tenant, co-tenant or member of the tenant or co-tenant's household reported the domestic violence, rape, sexual assault or stalking; provided, however, that the verification shall include the name of the organization, agency, clinic or professional service provider and include the date of the domestic violence, rape, sexual assault or stalking, and the name of the perpetrator if known; and provided

further, that any adult victim who has the capacity to do so shall provide a statement, under the penalty of perjury, that the incident described in such verification is true and correct.

(f) An owner or housing subsidy provider who obtains written proof of status as a victim of domestic violence, rape, sexual assault or stalking shall keep such documentation and the information contained in the documentation confidential, and shall not provide or allow access to such documentation in any way to any other person or agency, unless the victim provides written authorization for the release of such information or unless required by court order, government regulation or governmental audit requirements.

### **Nondiscrimination**

#### MASS. GEN. LAWS ANN. 186 § 25

An owner shall not refuse to enter into a rental agreement, nor shall a housing subsidy provider deny assistance, based on an applicant having terminated a rental agreement under section 24 or based upon an applicant having requested a change of locks under section 26.

#### MASS. GEN. LAWS ANN. 186 § 26

(a) For purposes of this section, the term “household member” shall mean a person residing with the tenant or co-tenant as an authorized occupant of the premises, and who is 18 years of age or older or an emancipated minor.

(b) An owner shall, upon the request of a tenant, co-tenant or a household member, change the locks of the individual dwelling unit in which the tenant, co-tenant or household member lives if the tenant, co-tenant or household member reasonably believes that the tenant, co-tenant or household member is under an imminent threat of domestic violence, rape, sexual assault or stalking at the premises. An owner shall have the right to request, in good faith, proof of the status as a victim of domestic violence rape, sexual assault or stalking including the name of the perpetrator, if known, as provided in subsection (e) of section 24.

(c) If the threat of domestic violence, rape, sexual assault or stalking is posed by a person who is a tenant, co-tenant or household member, the owner may change the locks and deny a key to the alleged perpetrator upon receipt of a request to change the locks; provided, however, that such request shall be accompanied by: (i) a copy of a valid protective order issued under chapter 209A or chapter 258E issued against a tenant, co-tenant or household member; or (ii) a record from a federal, state or local court or law enforcement, indicating that a tenant, co-tenant or household member thereof poses an imminent threat of domestic violence, rape, sexual assault or stalking.

(d) An owner who has received notice of a request for change of locks under this section shall, within 2 business days, make a good faith effort to change the locks or give the tenant, co-tenant or household member permission to change the locks. If the owner changes the locks, the owner shall make a good faith effort to give a key to the new locks to the tenant, co-tenant or household member requesting the lock change as soon as possible, but within the same 2 business day period. An owner may charge a fee for the expense of changing the locks. The fee shall not exceed the reasonable price customarily charged for changing such locks in that community.

## MASSACHUSETTS

(e) If an owner fails to change the locks after receipt of a request under this section within 2 business days, the tenant, co-tenant or household member may change the locks without the owner's permission. If the rental agreement requires that the owner retain a key to the leased residential premises and if a tenant, co-tenant or household member changes the locks, the tenant, co-tenant or household member shall make a good faith effort to provide a key to the new locks to the owner within 2 business days of the locks being changed. If a tenant, co-tenant or household member changes the locks without the owner's permission, such person shall change the locks in a workmanlike manner with locks of similar or better quality than the original locks. An owner may replace a lock installed by the tenant, co-tenant, or household member, or seek reimbursement for additional costs incurred, if the owner believes that the locks were not of equal or better quality or were not installed properly, and such action shall be deemed not to be in retaliation.

(f) If the locks are changed under this section, a tenant, co-tenant or household member shall not voluntarily give the new key to the perpetrator. An owner who refuses to provide a key to any person based on the reasonable belief that such person is the perpetrator of alleged domestic violence, rape, sexual assault or stalking, shall not be liable for such refusal.

(g) An owner who takes action to prevent the tenant, co-tenant or household member who has complied with subsection (b) from changing the locks, or any owner who changes the locks but fails to make a good faith effort to provide a key to the tenant, co-tenant or household member requesting the lock change as provided in subsection (d), shall be liable for actual and consequential damages or 3 months' rent, whichever is greater, and the costs of the action including reasonable attorneys' fees, all of which may be applied in setoff or recoupment against any claim for rent owed or owing for use and occupancy. Damages shall not be imposed if the court determines that the owner acted in good faith.

### **Jurisdiction**

#### MASS. GEN. LAWS ANN. 186 § 27

The superior court, housing court, district court and Boston municipal court shall have jurisdiction in equity to restrain violations of sections 23 to 26, inclusive. Section 18 of this chapter and section 2A of chapter 239 shall apply to an act taken in reprisal against a person for requesting that locks be changed under section 26. Notwithstanding sections 23 to 26, inclusive, if a court has issued a protective order under chapter 209A, or any other law, ordering a tenant, co-tenant or member of the household to vacate the dwelling unit, the owner shall not interfere with the order and upon a request to change the locks as described in section 26, shall comply with such request.

### **Waiver**

#### MASS. GEN. LAWS ANN. 186 § 28

A waiver of sections 23 to 27, inclusive, in any lease or other rental agreement, except as otherwise provided by law or by federal, state or local regulation shall be void and unenforceable.

**Liability**

MASS. GEN. LAWS ANN. 186 § 29

(a) An owner complying with sections 23 to 28, inclusive, or with the requirements of an order under chapter 209A or any other law, shall be relieved of any liability to the vacated tenant, co-tenant or member of the tenant's household, or to any other third party on account of the owner's good faith compliance with a court order or changing the locks as provided in section 26 including, but not limited to, withholding a key from the alleged perpetrator, as provided in subsection (c) of section 26. Damages shall not be imposed if the court determines that the matter was of a good faith dispute between the owner and tenants.

(b) Notwithstanding any general or special law to the contrary, any owner who demonstrates that such owner's conduct constituted a good faith effort to comply with sections 23 to 29, inclusive shall not be liable for multiple damages or for attorney's fees.

**Remedies; period of relief**

MASS. GEN. LAWS ANN. 209A § 3

A person suffering from abuse from an adult or minor family or household member may file a complaint in the court requesting protection from such abuse, including, but not limited to, the following orders:

...

(c) ordering the defendant to vacate forthwith and remain away from the household, multiple family dwelling, and workplace. Notwithstanding the provisions of section thirty-four B of chapter two hundred and eight, an order to vacate shall be for a fixed period of time, not to exceed one year, at the expiration of which time the court may extend any such order upon motion of the plaintiff, with notice to the defendant, for such additional time as it deems necessary to protect the plaintiff from abuse;

...

(f) ordering the defendant to pay the person abused monetary compensation for the losses suffered as a direct result of such abuse. Compensatory losses shall include, but not be limited to, loss of earnings or support, costs for restoring utilities, out-of-pocket losses for injuries sustained, replacement costs for locks or personal property removed or destroyed, medical and moving expenses and reasonable attorney's fees;

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**Harassment Prevention Orders**

MASS. GEN. LAWS ANN. 258E § 3

(a) A person suffering from harassment may file a complaint in the appropriate court requesting protection from such harassment. A person may petition the court under this chapter for an order that the defendant:

...

(iv) pay the plaintiff monetary compensation for the losses suffered as a direct result of the harassment; provided, however, that compensatory damages shall include, but shall not be limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement of locks, medical expenses, cost for obtaining an unlisted phone number and reasonable attorney's fees.

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**Address confidentiality program; application and certification procedures**

MASS. GEN. LAWS ANN. 9A § 2

There is hereby established an address confidentiality program to be administered by the secretary under the following application and certification procedures:

(1) Upon recommendation of an application assistant, an adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have an address designated by the secretary serve as the person's address or the address of the minor or incapacitated person.

(2) The secretary shall approve an application only if it is filed with the office of the secretary in the manner established by regulation, and on a form prescribed by the secretary. A completed application shall contain:

(i) the application preparation date, the applicant's signature and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(ii) a designation of the secretary as agent for purposes of service of process and for receipt of first-class mail;

(iii) the mailing address where the applicant may be contacted by the secretary, or his designee, and the telephone number or numbers where the applicant may be called by the secretary or his designee; and,

# MASSACHUSETTS

(iv) one or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household.

(3) Upon receipt of a properly completed application, the secretary shall certify the applicant as a program participant. An applicant shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.

(4) The secretary shall forward all first class mail to the appropriate program participants.

(5) A person who knowingly provides false or incorrect information in an application or who knowingly falsely attests that disclosure of the applicant's address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made, shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six months in a house of correction and by cancellation of program certification.

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# MICHIGAN

Michigan has enacted the following law regarding survivors' housing rights:

- Early lease termination by the victim. MICH. COMP. LAWS § 554.601b
- Protection orders restraining a party from entering the premises.  
MICH. COMP. LAWS § 600.2950

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## **Rental agreements; release from payment obligation of tenant having reasonable apprehension of present danger from domestic violence, sexual assault, or stalking**

MICH. COMP. LAWS § 554.601b

Sec. 1b. (1) A tenant who has a reasonable apprehension of present danger to the tenant or his or her child from domestic violence, sexual assault, or stalking while that person is a tenant shall be released from his or her rental payment obligation in accordance with the requirements of this section after submittal of written notice of his or her intent to seek a release and written documentation that the tenant has a reasonable apprehension of present danger to the tenant or his or her child from domestic violence, sexual assault, or stalking. Submittal of written notice shall be made by certified mail. A rental agreement may contain a provision stating "A tenant who has a reasonable apprehension of present danger to him or her or his or her child from domestic violence, sexual assault, or stalking may have special statutory rights to seek a release of rental obligation under MCL 554.601b." If the rental agreement does not contain such a provision, the landlord shall post written notice visible to a reasonable person in the landlord's property management office or deliver written notice to the tenant when the lease agreement is signed. The content of the written notice shall be identical to the provision in this section.

(2) The tenant shall include in the submittal required under subsection (1) a written statement that the tenant or a child of the tenant has a reasonable apprehension of present danger from domestic violence, sexual assault, or stalking. For purposes of releasing a tenant from his or her obligation to pay rent, the tenant is released from an obligation to pay rent no later than the first day of the second month that rent is due after notice is given. A release of a rental obligation under this section does not apply to prepaid amounts, including, but not limited to, prepayment of first and last months' rent. A release of rental obligation under this section does not take effect before the tenant vacates the premises. Nothing in this section shall prevent a landlord from withholding security deposits pursuant to section 13(1)(d). This subsection does not affect other sums that may be withheld by the landlord under this act or other applicable law.

(3) The requirement in subsection (1) that a tenant provide written documentation that the tenant has a reasonable apprehension of present danger to the tenant or his or her child from domestic violence, sexual assault, or stalking is satisfied by providing 1 or more of the following written documents to the landlord:



(a) A valid personal protection order or foreign protection order as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h, or an order removing an abusive person from a home under MCL 712A.13a(4), issued by a court of competent jurisdiction that remains in effect on the date of submittal.

(b) A valid probation order, conditional release order, or parole order that is still in effect on the date of submittal if the probation order, conditional release order, or parole order indicates that the individual subject to the order is subject to conditions reasonably necessary to protect the tenant or child of the tenant, including a condition that the individual is to have no contact with the tenant or child of the tenant.

(c) A written police report that has resulted in the filing of charges by the prosecuting attorney that has jurisdiction over the matter if the charges were filed not more than 14 days before submittal of the written notice required under subsection (1).

(d) A written police report that has resulted in the filing of charges by the prosecuting attorney that has jurisdiction over the matter if the charges were filed more than 14 days before submittal of the written notice required under subsection (1). A tenant who uses a police report under this subdivision shall demonstrate a verifiable threat of present danger from domestic violence, sexual assault, or stalking. Filing of the form under subdivision (e) shall be a demonstration of a verifiable threat of present danger from domestic violence, sexual assault, or stalking.

(e) Submittal to the landlord of a report that is verified by a qualified third party in substantially the following form:

[Name of organization, agency, clinic, professional service provider]

I and/or my (child) have/has a reasonable apprehension of present danger from

domestic violence as defined by MCL 400.1501.

sexual assault as defined by MCL 750.520a to 750.520l.

stalking as defined by MCL 750.411h or 750.411i.

Briefly describe the incident giving rise to the reasonable apprehension of domestic violence, sexual assault, or stalking:

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s): \_\_\_\_\_ and at the following location(s):

The incident(s) that I rely on in support of this declaration was/were committed by the following person(s), if known:

I state under penalty of perjury under the laws of the state of Michigan that the foregoing is true and correct. By submitting this statement I do not waive any legally recognized privilege protecting any communications that I may have with the agency or representative whose name appears below or with any other person or entity. I understand that my obligation to pay rent will end no later than the first day of the second month that rent is due after I give notice. My obligation to pay rent does not end until I vacate the premises. I understand that my landlord may keep prepaid amounts, including first and last months' rent and all or part of my security deposit or other amounts as allowed under law.

Dated at (city), Michigan, this \_\_ day of \_\_\_\_\_, 20\_\_

Signature of Tenant or Household Member

I verify under penalty of perjury under the laws of the state of Michigan that I have provided services to the person whose signature appears above and that, based on information communicated to me by the person whose signature appears above, the individual has a reasonable apprehension of present danger to the individual or his or her child from domestic violence, sexual assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the actions, giving rise to the apprehension if known. This verification does not waive any legally recognized privilege that I, my agency, or any of its representatives have with the person whose signature appears above.

Dated this \_\_ day of \_\_\_\_\_, 20\_\_

Signature of authorized officer/employee of (organization, agency, clinic, professional service provider)

License number or organizational tax identification number

Organization name

Printed address

(4) The landlord shall reveal forwarding address information submitted by the tenant to other individuals only as reasonably necessary to accomplish the landlord's regular and ordinary business purpose. The landlord shall not intentionally reveal forwarding address information or documentation submitted by the tenant under this section to the person that the tenant has identified as the source of the reasonable apprehension of domestic violence, sexual assault, or stalking.

(5) If a rental agreement obligates multiple tenants to be liable for rental obligations and a tenant is released from his or her rental obligations under this section, all other tenants who are parties to the rental agreement remain subject to the rental agreement.

(6) This section applies only to leases entered into, renewed, or renegotiated after the effective date of the amendatory act that added this section.

(7) Nothing in this act shall prejudice a landlord's right to pursue available remedies against other parties under this act.

(8) As used in this section:

(a) "Child" means the minor child residing with the tenant or an adult child who is a legally incapacitated individual as that term is defined in section 1105 of the estates and protected individuals code, 1998 PA 386, MCL 700.1105.

(b) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.

(c) "Qualified third party" means 1 or more of the following:

(i) A sexual assault or domestic violence counselor.

(ii) A health professional licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(iii) A mental health professional as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

(iv) A member of the clergy, if the clergy member is affiliated with a tax-exempt religious institution under section 501(c)(3) of the internal revenue code [FN2] that is listed in a telephone directory.

(d) "Sexual assault" means conduct described in sections 520a to 520l of the Michigan penal code, 1931 PA 328, MCL 750.520a to 750.520l.

(e) "Sexual assault or domestic violence counselor" means a person who is employed at or who volunteers service at a sexual assault or domestic violence crisis center and who, in that capacity, provides advice, counseling, or other assistance to victims of sexual assault or domestic violence and their families.

(f) "Stalking" means that term as defined in section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.

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**Personal protection orders**

MICH. COMP. LAWS § 600.2950

Sec. 2950. (1) Except as provided in subsections (27) and (28), by commencing an independent action to obtain relief under this section, by joining a claim to an action, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner from doing 1 or more of the following:

(a) Entering onto premises.

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# MINNESOTA

Minnesota has enacted the following laws regarding survivors' housing rights:

- A landlord may not restrict a tenant's right to call for police or emergency assistance. MINN. STAT. ANN. § 504B.205
- Early lease termination. MINN. STAT. ANN. § 504B.206.
- Address confidentiality program. MINN. STAT. ANN. § 5B.01 *et seq.*

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## **Residential tenant's right to seek police and emergency assistance**

### MINN. STAT. ANN. § 504B.205

Subdivision 1. Definitions. In this section, "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

Subd. 2. Emergency calls permitted. (a) A landlord may not:

(1) bar or limit a residential tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct; or

(2) impose a penalty on a residential tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct.

(b) A residential tenant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

Subd. 3. Local preemption. This section preempts any inconsistent local ordinance or rule including, without limitation, any ordinance or rule that:

(1) requires an eviction after a specified number of calls by a residential tenant for police or emergency assistance in response to domestic abuse or any other conduct; or

(2) provides that calls by a residential tenant for police or emergency assistance in response to domestic abuse or any other conduct may be used to penalize or charge a fee to a landlord.

This subdivision shall not otherwise preempt any local ordinance or rule that penalizes a landlord for, or requires a landlord to abate, conduct on the premises that constitutes a nuisance or other disorderly conduct as defined by local ordinance or rule.

Subd. 4. Residential tenant responsibility. This section shall not be construed to condone or permit any breach of a lease or of law by a residential tenant including, but not limited to, disturbing the peace and quiet of other tenants, damage to property, and disorderly conduct.

Subd. 5. Residential tenant remedies. A residential tenant may bring a civil action for a violation of this section and recover from the landlord \$250 or actual damages, whichever is greater, and reasonable attorney's fees.

Subd. 6. Attorney general authority. The attorney general has authority under section 8.31 to investigate and prosecute violations of this section.

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**Right of victims of domestic abuse to terminate lease**

MINN. STAT. ANN. § 504B.206

Subdivision 1. Right to terminate; procedure. (a) A tenant to a residential lease who is a victim of domestic abuse and fears imminent domestic abuse against the tenant or the tenant's minor children if the tenant or the tenant's minor children remain in the leased premises may terminate a lease agreement without penalty or liability as provided in this section. The tenant must provide advance written notice to the landlord stating that:

- (1) the tenant fears imminent domestic abuse from a person named in an order for protection or no contact order;
- (2) the tenant needs to terminate the tenancy; and
- (3) the specific date the tenancy will terminate.

(b) The written notice must be delivered before the termination of the tenancy by mail, fax, or in person, and be accompanied by the order for protection or no contact order.

(c) For purposes of this section, an order for protection means an order issued under chapter 518B. A no contact order means a no contact order currently in effect, issued under section 518B.01, subdivision 22, or chapter 609.

Subd. 2. Treatment of information. A landlord must not disclose information provided to the landlord by a tenant documenting domestic abuse under subdivision 1. The information must not be entered into any shared database or provided to any person or entity but may be used when required as evidence in an eviction proceeding, action for unpaid rent or damages arising out of the tenancy, claims under section 504B.178, with the consent of the tenant, or as otherwise required by law.

Subd. 3. Liability for rent; termination of tenancy. (a) A tenant terminating a lease under subdivision 1 is responsible for the rent payment for the full month in which the tenancy terminates and an additional amount equal to one month's rent. The tenant is relieved of any other contractual obligation for payment of rent or any other charges for the remaining term of the lease, except as provided in this section.

(b) This section does not affect a tenant’s liability for delinquent, unpaid rent or other amounts owed to the landlord before the lease was terminated by the tenant under this section.

(c) The tenancy terminates, including the right of possession of the premises, on the termination date stated in the notice under subdivision 1. The amount equal to one month’s rent must be paid on or before the termination of the tenancy for the tenant to be relieved of the contractual obligations for the remaining term of the lease as provided in this section.

(d) For purposes of this section, the provisions of section 504B.178 are triggered as follows:

(1) if the only tenant is the tenant who is the victim of domestic abuse and the tenant’s minor children, if any, upon the first day of the month following the later of:

(i) the date the tenant vacates the premises; or

(ii) the termination of the tenancy indicated in the written notice under subdivision 1; or

(2) if there are additional tenants bound by the lease, upon the expiration of the lease.

Subd. 4. Multiple tenants. Notwithstanding the release of a tenant from a lease agreement under this section, if there are any remaining tenants the tenancy continues for those remaining tenants.

Subd. 5. Waiver prohibited. A residential tenant may not waive, and a landlord may not require the residential tenant to waive, the tenant's rights under this section.

Subd. 6. Definition. For purposes of this section, “domestic abuse” has the meaning given in section 518B.01, subdivision 2.

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**Data Protection for Victims of Violence; Findings; Purpose**

MINN. STAT. ANN. § 5B.01

The legislature finds that individuals attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic violence, sexual assault, or stalking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault, or stalking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for all purposes.

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**Data Protection for Victims of Violence; Definitions**

MINN. STAT. ANN. § 5B.02

(a) For purposes of this chapter and unless the context clearly requires otherwise, the definitions in this section have the meanings given them.

(b) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in section 524.5-102.

(d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2, paragraph (a), and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in section 524.5-102 for whom there is good reason to believe (i) that the eligible person is a victim of domestic violence, sexual assault, or stalking, or (ii) that the eligible person fears for the person's safety or the safety of persons on whose behalf the application is made. A person registered or required to register as a predatory offender under section 243.166 or 243.167, or the law of another jurisdiction, is not an eligible person.

(f) "Mail" means first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogues, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a government agency.

(g) "Program participant" means an individual certified as a program participant under section 5B.03.

(h) "Stalking" means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

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**Data Protection for Victims of Violence; Address confidentiality program**

MINN. STAT. ANN. § 5B.03

Subdivision 1. Application. The secretary of state shall certify an eligible person as a program participant when the secretary receives an application that must contain:

- (1) the name of the eligible person;
- (2) a statement by the applicant that the applicant has good reason to believe (i) that the eligible person listed on the application is a victim of domestic violence, sexual assault, or stalking, (ii) that the eligible person fears for the person's safety or the safety of persons on whose behalf the application is made, and (iii) that the eligible person is not applying for certification as a program participant in order to avoid prosecution for a crime;



(3) a designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(4) the mailing address where the eligible person can be contacted by the secretary of state, and the phone number or numbers where the applicant or eligible person can be called by the secretary of state;

(5) the physical address or addresses of the eligible person, disclosure of which will increase the risk of domestic violence, sexual assault, or stalking;

(6) a statement whether the eligible person would like information on becoming an ongoing absentee ballot recipient pursuant to section 5B.06;

(7) a statement from the eligible person that gives the secretary of state consent to confirm the eligible person's participation in Safe at Home to a third party who provides the program participant's first and last name and Safe at Home lot number listed on the program participant's card;

(8) the signature of the applicant, an indicator of the applicant's authority to act on behalf of the eligible person, if appropriate, the name and signature of any individual or representative of any person who assisted in the preparation of the application, and the date on which the application was signed; and

(9) any other information as required by the secretary of state.

Subd. 2. Filing. Applications must be filed with the secretary of state and are subject to the provisions of section 5.15.

Subd. 3. Certification. Upon filing a completed application, the secretary of state shall certify the eligible person as a program participant. Program participants shall be certified for four years following the date of filing unless the certification is canceled, withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

Subd. 4. Changes in information. Program participants or applicants must inform the secretary of state of any changes in the information submitted on the application.

Subd. 5. Designated address. The secretary of state must designate a mailing address to which all mail for program participants is to be sent.

Subd. 6. Attaining age of majority. An individual who became a program participant as a minor assumes responsibility for changes in information and renewal when the individual reaches age 18.

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# MISSISSIPPI

Mississippi has enacted the following laws regarding survivors' housing rights:

- Protection orders granting possession to the petitioner of the residence to the exclusion of the respondent. MISS. CODE ANN. § 93-21-15
- Protection orders requiring the respondent to provide suitable alternate housing to the petitioner. MISS. CODE ANN. § 93-21-15
- Protection orders requiring the respondent to pay moving expenses. MISS. CODE ANN. § 93-21-15
- Address confidentiality program. MISS. CODE ANN. § 99-47-1

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## **Domestic abuse protection temporary and final orders**

### MISS. CODE ANN. § 93-21-15

(1)(a) After a hearing is held as provided in Section 93-21-11 for which notice and opportunity to be heard has been granted to the respondent, and upon a finding that the petitioner has proved the existence of abuse by a preponderance of the evidence, the municipal and justice courts shall be empowered to grant a temporary domestic abuse protection order to bring about a cessation of abuse of the petitioner, any minor children, or any person alleged to be incompetent. The relief the court may provide includes, but is not limited to, the following:

...

(iv) Granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or both; or

(v) Prohibiting the transferring, encumbering or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business.

...

(2)(a) After a hearing is held as provided in Section 93-21-11 for which notice and opportunity to be heard has been granted to the respondent, and upon a finding that the petitioner has proved the existence of abuse by a preponderance of the evidence, the chancery or county court shall be empowered to grant a final domestic abuse protection order or approve any consent agreement to bring about a cessation of abuse of the petitioner, any minor children, or any person alleged to be incompetent. In granting a final domestic abuse protection order, the chancery or county court may provide for relief that includes, but is not limited to, the following:

...

(ii) Granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or both;

(iii) When the respondent has a duty to support the petitioner, any minor children, or any person alleged to be incompetent living in the residence or household and the respondent is the sole owner or lessee, granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or both, or by consent agreement allowing the respondent to provide suitable, alternate housing;

...

(vi) Ordering the respondent to pay to the abused person monetary compensation for losses suffered as a direct result of the abuse, including, but not limited to, medical expenses resulting from such abuse, loss of earnings or support, out-of-pocket losses for injuries sustained, moving expenses, a reasonable attorney's fee, or any combination of the above;

(vii) Prohibiting the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business;

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**Address confidentiality program**

MISS. CODE ANN. § 99-47-1

(1) **Definitions.** As used in this section:

(a) "Confidential address" means any residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this section.

(b) "Program participant" means a person certified as a program participant under this section.

(c) "Domestic violence" means any of the following acts committed against a current or former spouse, a current or former family or household member, a person with a child in common, or a person in a current or former dating relationship:

(i) A violation of a domestic violence protection order;

(ii) Simple or aggravated domestic violence as defined in Section 97-3-7(3) or 97-2-7(4); or

(iii) Threats of such acts.

- (d) “Sexual assault” means an act as defined in Section 45-33-23(g) as a sex offense.
- (e) “Stalking” means an act as defined in Section 97-3-107 or Section 97-45-15.
- (f) “Substitute address” means an address designated and assigned by the Office of the Attorney General to a program participant as a substitute mailing address under the Address Confidentiality Program.
- (g) “Victim” means an individual against whom domestic violence, sexual assault, or stalking has been committed.

**(2) Address Confidentiality Program.** (a) An adult, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply to the Office of the Attorney General to have an address designated by the Office of the Attorney General serve as the substitute address for the person, the minor or the incapacitated person. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Office of the Attorney General and if it contains:

- (i) A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, stalking, or sexual assault, and that the applicant fears for his or her safety, or his or her children’s safety, or the safety of the minor or incapacitated person on whose behalf the application is made;
- (ii) A designation of the Office of the Attorney General as agent for purposes of services of process and for the purpose of receipt of mail;
- (iii) The confidential address where the applicant can be contacted by the Office of the Attorney General, and the telephone number or numbers where the applicant can be contacted by the Office of the Attorney General;
- (iv) The confidential address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, stalking, or sexual assault;
- (v) A statement of any existing or pending court order or court action involving the applicant that is related to divorce proceedings, child support, child custody, or child visitation; the court that issued each order or has jurisdiction over an action shall be noted;
- (vi) The signature of the applicant and a representative of a domestic violence shelter or rape crisis center as designated under subsection (6) who assisted in the preparation of the application.
- (vii) The date on which the applicant signed the application; and
- (viii) Evidence that the applicant is a victim of domestic violence, sexual assault, or stalking. This evidence shall include at least one (1) of the following:

1. Law enforcement, court or other local, state or federal agency records or files;
2. Documentation from a domestic violence shelter or rape crisis center; or
3. Other form of evidence as determined by the Office of the Attorney General.

(b) Applications shall be filed with the Office of the Attorney General.

(c) Upon approval of an application, the Office of the Attorney General shall certify the applicant as a program participant. Upon certification, the Office of the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. Applicants shall be certified for four (4) years following the date of certification unless the certification is withdrawn, cancelled or invalidated before that date.

(d) A program applicant who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application or while a program participant, shall be guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed six (6) months.

(e) A fraudulent attempt to gain access to a program participant's confidential address shall constitute a felony, punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a term not to exceed two (2) years.

(f) Knowingly entering the address confidentiality program to evade civil liability or criminal prosecution shall constitute a felony, punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a term not to exceed two (2) years.

(g) A program participant may terminate the certification by filing a notarized request for withdrawal from the program with the Office of the Attorney General.

(3) **Certification cancellation.** (a) If the program participant obtains a name change, the person's program participation is terminated and the person may immediately reapply for certification under the new name.

(b) The Office of the Attorney General may cancel a program participant's certification if there is a change in the residential address or telephone number from the address or the telephone number listed for the program participant on the application unless the program participant provides the Office of the Attorney General with a minimum of seven (7) days' notice before the change of address occurs.

(c) The Office of the Attorney General may cancel certification of a program participant if mail forwarded by the Office of the Attorney General to the program participant's confidential address is returned as undeliverable or if service of process documents are returned to the Office of the Attorney General as unable to be served.

(d) The Office of the Attorney General shall cancel certification of a program participant who applies using false information.

(e) The Office of the Attorney General shall send notice of cancellation to the program participant. Notice of cancellation shall set out the reasons for cancellation. That program participant shall have thirty (30) days from receipt of notification of cancellation to appeal the cancellation decisions under procedures adopted by the Office of the Attorney General.

(f) An individual who ceases to be a program participant is responsible for notifying persons, who use the substitute address designated by the Office of the Attorney General as the program participant's address, that the designated substitute address is no longer the individual's address.

**(4) Agency use of designated address.** (a) Except as otherwise provided in this section, a program participant may request that public bodies use the address designated by the Office of the Attorney General as the participant's substitute address. The program participant, and not the Office of the Attorney General, is responsible for requesting that any public body use the address designated by the Office of the Attorney General as the substitute address of the program participant. If there is any criminal proceeding on behalf of the program participant, the program participant is also responsible for notifying any law enforcement agency and the district attorney's office of the person's participation in the program. There shall be no responsibility on the part of any district attorney's office or any law enforcement agency to request that a public body use the substitute address. Public bodies shall accept the address designated by the Office of the Attorney General as a program participant's substitute address, unless the Office of the Attorney General has determined that:

(i) The public body has a bona fide statutory or administrative requirement for the use of the confidential address of the program participant as defined in this section; and

(ii) The confidential address will be used only for those statutory and administrative purposes.

(b) A program participant may use the substitute address designated by the Office of the Attorney General as his or her work address.

(c) The Office of the Attorney General shall forward all first-class, certified or registered mail to the program participant at the confidential address provided by the program participant. The Office of the Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered.

(d) A program participant's confidential address, telephone number and any other identifying information within the possession of a public body, as defined by Section 25-61-3, shall not constitute a public record within the meaning of the Mississippi Public Records Act of 1983. The program participant's actual address and telephone number shall be confidential and no public body shall disclose the program participant's address, telephone number, or any other identifying information.

(5) **Disclosure of records prohibited; exceptions.** A program participant's confidential address and telephone number and any other identifying information in the possession of the Office of the Attorney General shall not constitute a public record within the meaning of the Mississippi Public Records Act of 1983, and shall not be disclosed during discovery in any criminal prosecution. The Office of the Attorney General shall not make any records in a program participant's file available for inspection or copying other than the address designated by the Office of the Attorney General, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency for official use only, but not to be included in any reports made by the law enforcement agency or required to be produced in discovery in any criminal prosecution;

(b) If directed by a court order, to a person identified in the order;

(c) If certification has been cancelled, withdrawn, or invalidated; or

(d) To verify, if requested by a public body, the participation of a specific program participant, in which case the Office of the Attorney General may only confirm participation in the program and confirm information supplied by the requester.

(6) **Assistance for program applicants.** The Office of the Attorney General shall refer participants or potential participants to domestic violence shelters or rape crisis centers that provide shelter and counseling services to either victims of domestic violence, stalking, or sexual assault to assist persons applying to be program participants.

(7) **Address Confidentiality Funding.** Expenses of administering the Address Confidentiality Program shall be paid from the Crime Victims' Compensation Fund.

(8) **Immunity.** The Office of the Attorney General and/or its agents and/or employees are immune from civil and/or criminal liability for damages for conduct within the scope and arising out of the performance of the duties imposed under this section. Any district attorney and his agents and employees and any law enforcement agency and its agents and employees are immune from liability, whether civil or criminal, for damages for conduct within the scope and arising out of the program. Any employee or representative of a domestic violence shelter or rape crisis center who acts in good faith to assist a victim complete an application for participation in the Address Confidentiality Program shall be immune from civil and/or criminal liability. Any assistance and/or counseling rendered pursuant to this section, by the Office of the Attorney General, its agents or employees, shall in no way be construed as legal advice.

(9) **Adoption of rules.** The Office of the Attorney General Victim Compensation Division is authorized to adopt rules and regulations as shall be necessary for carrying out the provisions of this section.

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# MISSOURI

Missouri has enacted the following laws regarding survivors' housing rights:

- Victim's right to protection order not compromised by leaving residence. MO. STAT. § 455.020
- Exclusion of the restrained party from residence. MO. STAT. § 455.045
- Address confidentiality program. MO. STAT. § 589.672

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## **Relief may be sought--order of protection effective, where**

MO. STAT. § 455.020

1. Any adult who has been subject to abuse by a present or former adult family or household member, or who has been the victim of stalking, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such abuse or stalking by the respondent.
2. An adult's right to relief under sections 455.010 to 455.085 shall not be affected by his leaving the residence or household to avoid abuse.

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## **Temporary relief available**

MO. STAT. § 455.045

Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

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- (2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:
  - (a) Jointly owned, leased or rented or jointly occupied by both parties; or
  - (b) Owned, leased, rented or occupied by petitioner individually; or



(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

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**Address confidentiality program, creation--purpose, procedures--application, contents--certification as participant**

MO. STAT. § 589.663

There is created in the office of the secretary of state a program to be known as the “Address Confidentiality Program” to protect victims of domestic violence, rape, sexual assault, or stalking by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary under the following application and certification procedures:

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person’s address or the address of the minor or incapacitated person;

(2) The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain:

(a) The application preparation date, the applicant’s signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(b) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail;

(c) A sworn statement by the applicant that the applicant has good reason to believe that he or she:

a. Is a victim of domestic violence, rape, sexual assault, or stalking; and

b. Fears further violent acts from his or her assailant;

(d) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary’s designee; and

(e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household;

(3) Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or cancelled before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant's certification;

(4) The secretary shall forward first-class mail, legal documents, and certified mail to the appropriate program participants.

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# MONTANA

Montana has enacted the following laws regarding survivors' housing rights:

- Protection orders removing and excluding the respondent from the residence of the petitioner, regardless of ownership of the residence. MONT. CODE ANN. § 40-15-201
- Address confidentiality program. MONT. CODE ANN. §§ 40-15-115 through 40-15-121

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## **Temporary order of protection**

### MONT. CODE ANN. § 40-15-201

(1) A petitioner may seek a temporary order of protection from a court listed in 40-15-301. The petitioner shall file a sworn petition that states that the petitioner is in reasonable apprehension of bodily injury or is a victim of one of the offenses listed in 40-15-102, has a relationship to the respondent if required by 40-15-102, and is in danger of harm if the court does not issue a temporary order of protection immediately.

(2) Upon a review of the petition and a finding that the petitioner is in danger of harm if the court does not act immediately, the court shall issue a temporary order of protection that grants the petitioner appropriate relief. The temporary order of protection may include any or all of the following orders:

(e) removing and excluding the respondent from the residence of the petitioner, regardless of ownership of the residence;

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(g) prohibiting the respondent from transferring, encumbering, concealing, or otherwise disposing of any property except in the usual course of business or for the necessities of life and, if so restrained, requiring the respondent to notify the petitioner, through the court, of any proposed extraordinary expenditures made after the order is issued;

(h) directing the transfer of possession and use of the residence, an automobile, and other essential personal property, regardless of ownership of the residence, automobile, or essential personal property, and directing an appropriate law enforcement officer to accompany the petitioner to the residence to ensure that the petitioner safely obtains possession of the residence, automobile, or other essential personal property or to supervise the petitioner's or respondent's removal of essential personal property;

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**Policy--program**

MONT. CODE ANN. § 40-15-115

- (1) It is the policy of this state to ensure the safety and security of a victim of partner or family member assault, sexual assault, or stalking or a person eligible to petition for an order of protection under 40-15-102 by providing the victim or eligible person with certain, limited services.
- (2) The assistance and services provided by the state to implement the policy stated in subsection (1) are limited to a program administered by the department that provides to a participant:
  - (a) a substitute address that can be used by the participant for official purposes; and
  - (b) a service that allows the department to:
    - (i) receive service of process and mail addressed to the participant; and
    - (ii) forward to the participant any process served on the participant and all mail received on the participant's behalf.

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**Definitions**

MONT. CODE ANN. § 40-15-116

As used in 40-15-115 through 40-15-121, the following definitions apply:

- (1) "Applicant" means a victim and includes a parent or guardian who acts on behalf of a victim.
- (2) "Department" means the department of justice.
- (3) "Participant" means an applicant who has submitted an application pursuant to 40-15-117 that has been approved by the department.
- (4) "Partner or family member assault" has the meaning provided in 45-5-206.
- (5) "Sexual assault" means sexual assault as defined in 45-5-502, sexual intercourse without consent as defined in 45-5-503, incest as defined in 45-5-507, or sexual abuse of children as defined in 45-5-625.
- (6) "Stalking" has the meaning provided in 45-5-220.
- (7) "Victim" means an individual who has been a victim of partner or family member assault, sexual assault, or stalking or who is otherwise eligible to file a petition for an order of protection under 40-15-102.

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**Substitute address for participant--application**

MONT. CODE ANN. § 40-15-117

- (1) A victim who is a resident of this state may apply to the department to have a substitute address designated by the department to serve as the official address of the applicant.

(2) An application for the issuance of a substitute address must include:

(a) proof that the victim is a resident of this state and specific evidence showing that, before the applicant files the application, the applicant has been a victim;

(b) the address that is requested to be kept confidential;

(c) a telephone number at which the department may contact the applicant;

(d) a question asking whether the applicant wishes to register to vote or, if registered, to change the applicant's address for voter registration;

(e) a designation of the department as agent for the applicant for the purposes of service of process and receipt of mail;

(f) the signature of the applicant;

(g) the date on which the applicant signed the application; and

(h) any other information required by the department.

(3) The department shall approve or disapprove an application within 5 business days after the application is filed.

(4)(a) The department:

(i) shall approve an application that is accompanied by specific evidence that the applicant has been a victim within 4 years prior to filing the application; and

(ii) may approve an application if the applicant does not provide specific evidence or the crime against the applicant was committed more than 4 years prior to the applicant filing the application.

(b) Specific evidence that would meet the requirements of this subsection (4) includes but is not limited to a copy of an applicable record of conviction, a temporary restraining order, a protective order granted by a court of competent jurisdiction, or a sworn statement of the victim.

(5) If a participant indicates in response to the question asked in subsection (2)(d) that the participant wishes to register to vote or to change the participant's address used for voter registration:

(a) the department shall furnish the participant with a form developed by the department to register the participant or change the participant's address for voter registration; and

(b) the participant shall complete and sign the form and return it to the department.

(6) A person who knowingly attests falsely or provides incorrect information in the application is guilty of false swearing under 45-7-202.

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**Designation of substitute address--forwarding of mail--disclosure of confidential address**

MONT. CODE ANN. § 40-15-118

(1) Upon approving an application, the department shall:

- (a) designate a substitute address for the participant;
- (b) receive mail addressed to the participant;
- (c) forward mail that the department receives on behalf of the participant to the participant.

(2) The department may not divulge in any manner the name of a participant or the confidential address or substitute address of a participant unless:

- (a) the participant's name, confidential address, or substitute address is requested by a law enforcement agency, in which case the department shall provide the name, confidential address, or substitute address to the law enforcement agency; or
- (b) a court of competent jurisdiction orders the department to make the name, confidential address, or substitute address available, in which case the department shall provide the name, confidential address, or substitute address to the person identified in the order.

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# NEBRASKA

Nebraska has enacted the following laws regarding survivors' housing rights:

- Exclusion of the restrained party from the residence. NEB. REV. STAT. § 42-924
- Address confidentiality program. NEB. REV. STAT. §§ 42-1202 through 42-1210

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## **Protection order; when authorized; term; violation; penalty; construction of sections**

### NEB. REV. STAT. § 42-924

(1) Any victim of domestic abuse may file a petition and affidavit for a protection order as provided in subsection (2) of this section. Upon the filing of such a petition and affidavit in support thereof, the judge or court may issue a protection order without bond granting the following relief:

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(d) Removing and excluding the respondent from the residence of the petitioner, regardless of the ownership of the residence;

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## **Address Confidentiality Act; Findings**

### NEB. REV. STAT. § 42-1202

The Legislature finds that persons attempting to escape from actual or threatened abuse, sexual assault, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purposes of the Address Confidentiality Act are to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of abuse, sexual assault, or stalking, to enable interagency cooperation with the office of the Secretary of State in providing address confidentiality for victims of abuse, sexual assault, or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

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**Address Confidentiality Act; Terms, defined**

NEB. REV. STAT. § 42-1203

For purposes of the Address Confidentiality Act:

(1) Abuse means causing or attempting to cause physical harm, placing another person in fear of physical harm, or causing another person to engage involuntarily in sexual activity by force, threat of force, or duress, when committed by (a) a person against his or her spouse, (b) a person against his or her former spouse, (c) a person residing with the victim if such person and the victim are or were in a dating relationship, (d) a person who formerly resided with the victim if such person and the victim are or were in a dating relationship, (e) a person against a parent of his or her children, whether or not such person and the victim have been married or resided together at any time, (f) a person against a person with whom he or she is in a dating relationship, (g) a person against a person with whom he or she formerly was in a dating relationship, or (h) a person related to the victim by consanguinity or affinity;

(2) Address means a residential street address, school address, or work address of an individual as specified on the individual's application to be a program participant;

(3) Dating relationship means an intimate or sexual relationship;

(4) Program participant means a person certified as a program participant under section 42-1204;

(5) Sexual assault has the same meaning as in section 28-319, 28-319.01, 28-320, 28-320.01, or 28-386; and

(6) Stalking has the same meaning as in sections 28-311.02 to 28-311.05.

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**Substitute address; application to Secretary of State; approval; certification; renewal**

NEB. REV. STAT. § 42-1204

(1) An adult, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person as defined in section 30-2601 may apply to the Secretary of State to have an address designated by the Secretary of State serve as the substitute address of such adult, minor, or incapacitated person. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains:

(a) A sworn statement by the applicant that the applicant has good reason to believe (i) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of abuse, sexual assault, or stalking and (ii) that the applicant fears for his or her safety,



his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;

(b) A designation of the Secretary of State as agent for purposes of service of process and receipt of mail;

(c) The mailing address and the telephone number or numbers where the applicant can be contacted by the Secretary of State;

(d) The new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of abuse, sexual assault, or stalking; and

(e) The signature of the applicant and of any individual or representative of any office designated in writing under section 42-1209 who assisted in the preparation of the application and the date on which the applicant signed the application.

(2) Applications shall be filed in the office of the Secretary of State.

(3) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Such certification shall be valid for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State may by rule and regulation establish a renewal procedure.

(4) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant, the applicant's children, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a Class II misdemeanor.

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# NEVADA

Nevada has enacted the following laws regarding survivors' housing rights:

- Unwanted entry into residence can constitute domestic violence. NEV. REV. STAT. § 33.018
- Exclusion of the restrained party from the protected party's residence. NEV. REV. STAT. § 33.030
- Orders requiring the restrained party to pay rent or make payments on a mortgage on the protected party's place of residence. NEV. REV. STAT. § 33.030
- Address confidentiality program. NEV. REV. STAT. §§ 217.462 through 217.468

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## **Acts which constitute domestic violence**

NEV. REV. STAT. § 33.018

1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

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(g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

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## **Contents of order; interlocutory appeal**

NEV. REV. STAT. § 33.030

1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

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2. The court by an extended order may grant any relief enumerated in subsection 1 and:

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(c) Order the adverse party to:

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(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

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**Fictitious address for victim of domestic violence, sexual assault or stalking: Eligibility; application to Secretary of State**

NEV. REV. STAT. § 217.462

1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incompetent person may apply to the Secretary of State to have a fictitious address designated by the Secretary of State serve as the address of the adult, child or incompetent person.

2. An application for the issuance of a fictitious address must include:

(a) Specific evidence showing that the adult, child or incompetent person has been a victim of domestic violence, sexual assault or stalking before the filing of the application;

(b) The address that is requested to be kept confidential;

(c) A telephone number at which the Secretary of State may contact the applicant;

(d) A question asking whether the person wishes to:

(1) Register to vote; or

(2) Change the address of his or her current registration;

(e) A designation of the Secretary of State as agent for the adult, child or incompetent person for the purposes of:

(1) Service of process; and

(2) Receipt of mail;

(f) The signature of the applicant;

(g) The date on which the applicant signed the application; and

(h) Any other information required by the Secretary of State.

3. It is unlawful for a person knowingly to attest falsely or provide incorrect information in the application. A person who violates this subsection is guilty of a misdemeanor.

4. The Secretary of State shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, that the adult, child or incompetent person has been a victim of domestic violence, sexual assault or stalking before the filing of the application.

5. The Secretary of State shall approve or disapprove an application for a fictitious address within 5 business days after the application is filed.

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**Fictitious address for victim of domestic violence, sexual assault or stalking: Designation of fictitious address; forwarding of mail**

NEV. REV. STAT. § 217.464

1. If the Secretary of State approves an application, the Secretary of State shall:

(a) Designate a fictitious address for the participant; and

(b) Forward mail that the Secretary of State receives for a participant to the participant.

2. The Secretary of State shall not make any records containing the name, confidential address or fictitious address of a participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the Secretary of State shall make the address available to the law enforcement agency; or

(b) The Secretary of State is directed to do so by lawful order of a court of competent jurisdiction, in which case the Secretary of State shall make the address available to the person identified in the order.

3. If a pupil is attending or wishes to attend a public school that is located outside the zone of attendance as authorized by paragraph (c) of subsection 2 of NRS 388.040 or a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Secretary of State shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Secretary of State shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

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# NEW HAMPSHIRE

New Hampshire has enacted the following laws regarding survivors' housing rights:

- Eviction defense for victims of domestic violence, sexual assault, and stalking. N.H. REV. STAT. ANN. § 540:2
- Partial eviction of a household member accused of domestic violence, sexual assault, or stalking. N.H. REV. STAT. ANN. § 540:14
- Orders providing exclusive use and possession of the home. N.H. REV. STAT. ANN. § 173-B:4
- Orders barring the restrained party from taking any action which would lead to the discontinuance of existing contracts, including mortgage or rental agreements. N.H. REV. STAT. ANN. § 173-B:4
- Address confidentiality program. N.H. REV. STAT. ANN. §§ 7:41 through 7:45

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## **Termination of Tenancy**

N.H. REV. STAT. ANN. § 540:2

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VII.(a) No lessor or owner of restricted property shall terminate a tenancy solely based on a tenant or a household member of a tenant having been a victim of domestic violence as defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a, provided that the tenant or household member of a tenant who is the victim provides the lessor or owner with written verification that the tenant or household member of a tenant who is the victim has obtained a valid protective order against the perpetrator of the domestic violence, sexual assault, or stalking.

(b) A tenant who has obtained a protective order from a court of competent jurisdiction granting him or her possession of a dwelling to the exclusion of one or more other tenants or household members may request that a lock be replaced or configured for a new key at the tenant's expense. The lessor or owner shall, if provided a copy of the protective order, comply with the request and shall not give copies of the new keys to the tenant or household member restrained or excluded by the protective order.

(c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance with subparagraph (b) shall not be liable for any damages that result directly from the lock replacement or reconfiguration.

(d) If, after a hearing in the possessory action, the court finds that there are grounds under this section to evict the tenant or household member accused of the domestic violence, sexual assault, or stalking, it may issue a judgment in favor of the lessor or owner of the property against the person accused, and allow the tenancy of the remainder of the residents to continue undisturbed. The lessor or owner of the rental unit at issue in the possessory action shall have the right to bar the person accused of the domestic violence, sexual assault, or stalking from the unit and from the lessor's or owner's property once judgment in the possessory action becomes final against such person. Thereafter, and notwithstanding RSA 635:2, the person's entry upon the lessor's or owner's property after being notified in writing that he or she has been barred from the property shall constitute a trespass.

(e) Nothing in this section shall preclude eviction for nonpayment of rent. A landlord may evict on any grounds set forth in RSA 540:2, II which are unrelated to domestic violence, sexual assault, or stalking.

(f) The defense set forth in subparagraph VII(a) shall be an affirmative defense to possessory actions brought pursuant to subparagraph II(b), (c), (d), or (e) of this section.

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**Judgment**

N.H. REV. STAT. ANN. § 540:14

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IV. If the court renders judgment against any one tenant or member of a multiperson household pursuant to RSA 540:2, VII(d), the court shall specify in its order that the writ of possession shall only be used to remove the tenant or household member against whom the judgment issued, and that the other tenants or household members may remain in residence.

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**Temporary Relief**

N.H. REV. STAT. ANN. § 173-B:4

I. Upon a showing of an immediate and present danger of abuse, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile. Such telephonically issued orders shall be made by a district or superior court judge to a law enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the close of the next regular court business day. Such orders shall be returnable to the district court where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing justice. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such orders. Such hearing shall be held no less than 3 business days and no more than 5 business days after the request is received by the

clerk. Such hearings may constitute the final hearing described in RSA 173-B:3, VII. Such temporary relief may direct the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other temporary relief may include:

...

(b) Other relief, including but not limited to:

(1) Awarding to the plaintiff the exclusive use and possession of an automobile, home, and household furniture, if the defendant has the legal duty to support the plaintiff or the plaintiff's minor children, or the plaintiff has contributed to the household expenses. The court shall consider the type and amount of contribution to be a factor.

(2) Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties' household, or the discontinuance of existing business or service contracts, including, but not limited to, mortgage or rental agreements.

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**Address Confidentiality Program for Victims of Domestic Violence, Stalking, or Sexual Assault; Findings and Purpose**

N.H. REV. STAT. ANN. § 7:41

The legislature finds that persons attempting to escape from actual or threatened domestic violence, stalking, or sexual assault frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this program is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, stalking, or sexual assault, to enable interagency cooperation with the attorney general in providing address confidentiality for victims of domestic violence, stalking, or sexual assault, and to enable state and local agencies to accept a program participant's use of an address designated by the attorney general as a substitute mailing address.

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**Address Confidentiality Program for Victims of Domestic Violence, Stalking, or Sexual Assault; Definitions**

N.H. REV. STAT. ANN. § 7:42

As used in this subdivision:

I. "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this subdivision.

II. "Program participant" means a person certified as a program participant under RSA 7:43.



III. "Domestic violence" means an act as defined in RSA 173-B and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

IV. "Sexual assault" means an act as defined in RSA 632-A.

V. "Stalking" means an act as defined in RSA 633:3-a.

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**Address Confidentiality Program**

N.H. REV. STAT. ANN. § 7:43

I. An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply to the attorney general to have an address designated by the attorney general serve as the person's address or the address of the minor or incapacitated person. The attorney general shall approve an application if it is filed in the manner and on the form prescribed by the attorney general and if it contains:

- (a) A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, stalking, or sexual assault; and that the applicant fears for his or her safety, or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;
- (b) A designation of the attorney general as agent for purposes of service of process and for the purpose of receipt of mail;
- (c) The mailing address where the applicant can be contacted by the attorney general, and the phone number or numbers where the applicant can be called by the attorney general;
- (d) The new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, stalking, or sexual assault; and
- (e) The signature of the applicant and the date on which the applicant signed the application.

II. Applications shall be filed with the attorney general.

III. Upon filing a properly completed application, the attorney general shall certify the applicant as a program participant. Applicants shall be certified for 4 years following the date of filing unless the certification is withdrawn or invalidated before that date.

IV. A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or

NEW HAMPSHIRE

incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, shall be guilty of a class B misdemeanor.

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# NEW JERSEY

New Jersey has enacted the following laws regarding survivors' housing rights:

- Early lease termination by the victim. N.J. STAT. ANN. § 46:8-9.5 *et seq.*
- Orders granting exclusive possession to a protected party. N.J. STAT. ANN. § 2C:25-29
- Orders requiring the restrained party to pay the protected party's rent if it is not possible for the protected party to remain in the residence previously shared by the parties. N.J. STAT. ANN. § 2C:25-29
- Orders requiring the restrained party to make rent or mortgage payments on the residence occupied by the protected party. N.J. STAT. ANN. § 2C:25-29
- Prohibition on in-house restraining orders. N.J. STAT. ANN. § 2C:25-28.1
- Domestic violence shelters shall be a permitted use in all residential districts of a municipality. N.J. STAT. ANN. § 40:55D-66.1
- Address confidentiality program. N.J. STAT. ANN. §§ 47:4-2 through 47:4-4

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## **Legislative findings and declarations; reduction of domestic violence**

N.J. STAT. ANN. § 46:8-9.5

The Legislature finds and declares:

- a. Domestic violence is a serious crime that materially affects the health and safety of numerous New Jersey tenants and there are thousands of persons in this State who are regularly beaten, tortured, sexually assaulted and, in some cases, killed by their spouses or cohabitants;
- b. The inability to terminate a lease and its corresponding financial obligations may prevent domestic violence victims from leaving abusive relationships and seeking help;
- c. Domestic violence victims require an efficient method of terminating their lease obligations to escape abuse without that damaging their credit and rental history and, consequently, their ability to secure other safe housing; and
- d. The assistance and cooperation of the entire community, including landlords, neighbors, and employers, is necessary to reduce the incidence of domestic violence in our State.

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**Early termination of residential lease; conditions permitting termination**

N.J. STAT. ANN. § 46:8-9.6

The tenant may terminate any lease of a residential property that has been leased and used by the tenant solely for the purpose of providing a dwelling place for the tenant, or for the tenant's family, prior to the expiration date thereof, if the tenant fulfills all requirements and procedures as established by P.L.2008, c. 111 (C.46:8-9.4 et al.) and provides the landlord with:

- a. written notice that the tenant or a child of the tenant faces an imminent threat of serious physical harm from another named person if the tenant remains on the leased premises; and
- b. any of the following:
  - (1) a certified copy of a permanent restraining order issued by a court pursuant to section 13 of "The Prevention of Domestic Violence Act of 1991," P.L.1991, c. 261 (C.2C:25-29), and protecting the tenant from the person named in the written notice;
  - (2) a certified copy of a permanent restraining order from another jurisdiction, issued pursuant to the jurisdiction's laws concerning domestic violence, and protecting the tenant from the person named in the written notice;
  - (3) a law enforcement agency record documenting the domestic violence, or certifying that the tenant or a child of the tenant is a victim of domestic violence;
  - (4) medical documentation of the domestic violence provided by a health care provider;
  - (5) certification, provided by a certified Domestic Violence Specialist, or the director of a designated domestic violence agency, that the tenant or a child of the tenant is a victim of domestic violence; or
  - (6) other documentation or certification, provided by a licensed social worker, that the tenant or a child of the tenant is a victim of domestic violence.

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**Date of termination; payment of rent; holding over of co-tenants**

N.J. STAT. ANN. § 46:8-9.7

- a. Lease terminations pursuant to section 3 of P.L.2008, c. 111 (C.46:8-9.6) shall take effect on the thirtieth day following receipt by the landlord of notice complying with section 3 of P.L.2008, c. 111 (C.46:8-9.6), unless the landlord and tenant agree on an earlier termination date. The rent shall be paid, pro rata, up to the time a lease terminates pursuant to this section.
- b. A lease terminates under section 3 of P.L.2008, c. 111 (C.46:8-9.6) only if the victim of domestic violence acts in good faith and fulfills all requirements and procedures as established by section 3 of P.L.2008, c. 111 (C.46:8-9.6) in terminating the lease.
- c. If there are tenants on the lease other than the tenant who has given notice of termination as described in section 3 of P.L.2008, c. 111 (C.46:8-9.6), those co-tenants' lease also terminates,

notwithstanding any provisions in section 2 of P.L.1974, c. 49 (C.2A:18-61.1) requiring certain grounds for eviction to the contrary. The co-tenants may enter into a new lease, for a new term, at the option of the landlord. Nothing in this section shall prohibit any co-tenants of the victim of domestic violence from holding over if holding over is permitted by the landlord.

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**Public housing or redevelopment agency leases; notice requirements**

N.J. STAT. ANN. § 46:8-9.8

Where the leased premises are under the control of a public housing authority or redevelopment agency, the victim of domestic violence shall give notice in accordance with any relevant regulations pertaining to public housing leases. When the terms of the tenancy are controlled by a publicly-funded housing assistance contract, notice and security deposit terms, requirements, and protections shall conform and be subject to restrictions, limitations or other requirements imposed by State or federal law.

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**Waiver of rights and remedies under the act disallowed**

N.J. STAT. ANN. § 46:8-9.9

The parties to a lease agreement creating a tenancy in residential rental property may not agree to waive any rights or remedies arising under P.L.2008, c. 111 (C.46:8-9.4 et al.)

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**Effect upon leases existing at time prior to act**

N.J. STAT. ANN. § 46:8-9.10

Nothing in P.L.2008, c. 111 (C.46:8-9.4 et al.) shall operate to alter, limit or impair the terms of lease agreements existing at the time of the adoption of P.L.2008, c. 111 (C.46:8-9.4 et al.)

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**Confidentiality of domestic violence information within landlord’s knowledge**

N.J. STAT. ANN. § 46:8-9.11

A landlord shall not disclose information documenting domestic violence that has been provided to the landlord by a victim of domestic violence pursuant to section 3 of P.L.2008, c. 111 (C.46:8-9.6). The information shall not be entered into any shared database or provided to any person or entity, but may be used when required as evidence in an eviction proceeding, action for unpaid rent or damages arising out of the tenancy, with the consent of the tenant, or as otherwise required by law.

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**Hearing; factors considered; orders for relief**

N.J. STAT. ANN. § 2C:25-29

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b. In proceedings in which complaints for restraining orders have been filed, the court shall grant any relief necessary to prevent further abuse. In addition to any other provisions, any restraining order issued by the court shall bar the defendant from purchasing, owning, possessing or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58-3 during the period in which the restraining order is in effect or two years whichever is greater, except that this provision shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty. At the hearing the judge of the Family Part of the Chancery Division of the Superior Court may issue an order granting any or all of the following relief:

...

(2) An order granting exclusive possession to the plaintiff of the residence or household regardless of whether the residence or household is jointly or solely owned by the parties or jointly or solely leased by the parties. This order shall not in any manner affect title or interest to any real property held by either party or both jointly. If it is not possible for the victim to remain in the residence, the court may order the defendant to pay the victim's rent at a residence other than the one previously shared by the parties if the defendant is found to have a duty to support the victim and the victim requires alternative housing.

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(8) An order requiring that the defendant make or continue to make rent or mortgage payments on the residence occupied by the victim if the defendant is found to have a duty to support the victim or other dependent household members; provided that this issue has not been resolved or is not being litigated between the parties in another action.

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**In-house restraining orders prohibited**

N.J. STAT. ANN. § 2C:25-28.1

Notwithstanding any provision of P.L.1991, c. 261 (C.2C:25-17 et seq.) to the contrary, no order issued by the Family Part of the Chancery Division of the Superior Court pursuant to section 12 or section 13 of P.L.1991, c. 261 (C.2C:25-28 or 2C:25-29) regarding emergency, temporary or final relief shall include an in-house restraining order which permits the victim and the defendant to occupy the same premises but limits the defendant's use of that premises.

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**Community residences for developmentally disabled or persons with head injuries; community shelters for victims of domestic violence; residential districts; conditional use permits**

N.J. STAT. ANN. § 40:55D-66.1

Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family care homes for elderly persons and physically disabled adults shall be a permitted use in all residential districts of a municipality, and the requirements therefor shall be the same as for single family dwelling units located within such districts.

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**Address Confidentiality Program; Legislative findings and declarations**

N.J. STAT. ANN. § 47:4-2

The Legislature finds that persons attempting to escape from actual or threatened domestic violence frequently establish new addresses to prevent their assailants from finding them. The purpose of this act is to enable public agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, to enable interagency cooperation with the Secretary of State in providing address confidentiality for victims of domestic violence, and to enable public agencies to accept a program participant’s use of an address designated by the Secretary of State as a substitute mailing address.

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**Address Confidentiality Program; Definitions**

N.J. STAT. ANN. § 47:4-3

As used in this act:

“Address” means a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant under this act.

“Program participant” means a person certified by the Secretary of State as eligible to participate in the Address Confidentiality Program established by this act.

“Department” means the Department of State.

“Domestic violence” means an act defined in section 3 of P.L.1991, c. 261 (C.2C:25-19), if the act has been reported to a law enforcement agency or court.

“Secretary” means the Secretary of State.

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**Address Confidentiality Program; Definitions**

N.J. STAT. ANN. § 47:4-4

a. There is created in the department a program to be known as the “Address Confidentiality Program.” A person 18 years of age or over, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have an address designated by the secretary as the applicant’s address. The secretary shall approve an application if it is filed in the manner and on the form prescribed by the secretary and if it contains:

- (1) a sworn statement by the applicant that the applicant has good reason to believe:
  - (a) that the applicant is a victim of domestic violence as defined in this act; and
  - (b) that the applicant fears further violent acts from the applicant's assailant;
- (2) a designation of the secretary as agent for the purpose of receiving process and for the purpose of receipt of mail;
- (3) the mailing address where the applicant can be contacted by the secretary, and a telephone number where the applicant can be called;
- (4) the new address or addresses that the applicant requests not be disclosed because of the increased risk of domestic violence; and
- (5) the signature of the applicant and any person who assisted in the preparation of the application, and the date.

b. An application shall be filed with the secretary.

c. Upon approving a completed application, the secretary shall certify the applicant as a program participant. An applicant shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.

d. A program participant may apply to be recertified every four years thereafter.

e. A program participant may use the address designated by the secretary as his or her work address.



f. Upon receipt of first class mail addressed to a program participant, the secretary or a designee shall forward the mail to the actual address of the participant. The secretary may arrange to receive and forward other kinds and classes of mail for any program participant at the participant's expense. The actual address of a program participant shall be available only to the secretary and to those employees involved in the operation of the address confidentiality program and to law enforcement officers for law enforcement purposes.

g. The secretary, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act.

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# NEW MEXICO

New Mexico has enacted the following laws regarding survivors' housing rights:

- Eviction defense for victims of domestic violence. N.M. STAT. ANN. § 47-8-33
- Orders granting sole possession of the residence to the protected party. N.M. STAT. ANN. § 40-13-5
- Orders requiring restrained party to provide for alternative housing. N.M. STAT. ANN. § 40-13-5
- Confidential address program for victims of domestic violence. N.M. STAT. ANN. § 40-13-11

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## **Breach of agreement by resident and relief by owner**

N.M. STAT. ANN. § 47-8-33

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I. If the resident knowingly commits or consents to another person in the dwelling unit or on the premises knowingly committing a substantial violation, the owner shall deliver a written notice to the resident specifying the time, place and nature of the act constituting the substantial violation and that the rental agreement will terminate upon a date not less than three days after receipt of the notice.

J. In any action for possession under Subsection I of this section, it shall be a defense that the resident is a victim of domestic violence. If the resident has filed for or secured a temporary domestic violence restraining order as a result of the incident that is the basis for the termination notice or as a result of a prior incident, the writ of restitution shall not issue. In all other cases where domestic violence is raised as a defense, the court shall have the discretion to evict the resident accused of the violation, while allowing the tenancy of the remainder of the residents to continue undisturbed.

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## **Order of protection; contents; remedies; title to property not affected; mutual order of protection**

N.M. STAT. ANN. § 40-13-5

A. Upon finding that domestic abuse has occurred or upon stipulation of the parties, the court shall enter an order of protection ordering the restrained party to refrain from abusing the

protected party or any other household member. The court shall specifically describe the acts the court has ordered the restrained party to do or refrain from doing. As a part of any order of protection, the court may:

(1) grant sole possession of the residence or household to the protected party during the period the order of protection is effective or order the restrained party to provide temporary suitable alternative housing for the protected party and any children to whom the restrained party owes a legal obligation of support;

...

(5) order the restrained party to reimburse the protected party or any other household member for expenses reasonably related to the occurrence of domestic abuse, including medical expenses, counseling expenses, the expense of seeking temporary shelter, expenses for the replacement or repair of damaged property or the expense of lost wages;

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**Substitute address**

N.M. STAT. ANN. § 40-13-11

A. A victim of domestic abuse, or the victim’s representative pursuant to Section 31-26-3 NMSA 1978, who has good reason to believe that the victim’s safety is at risk may apply to the secretary of state for the use of the secretary of state as a substitute address. The application shall be on a form provided by the secretary of state and shall include:

- (1) a statement that the secretary of state is acting as an agent of the victim for purposes of the forwarding of mail;
- (2) a mailing address for forwarding received mail and a telephone number where the victim can be contacted by the secretary of state;
- (3) payment of a seventy-five-dollar (\$75.00) application fee, which may be waived if the applicant is indigent; and
- (4) the signature of the victim or the victim’s representative.

B. The secretary of state shall maintain a confidential record of applications for a substitute address and forward any mail received on behalf of a victim of domestic abuse to the new mailing address provided on the application.

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# NEW YORK

New York has enacted the following laws regarding survivors' housing rights:

- Early lease termination. N.Y. REAL PROP. LAW § 227-c
- Address confidentiality program. N.Y. EXEC. LAW § 108

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## **Termination of residential lease by victims of domestic violence**

### N.Y. REAL PROP. LAW § 227-c

1. In any lease or rental agreement covering premises occupied for dwelling purposes, a lessee or tenant for whose benefit any order of protection has been issued by a court of competent jurisdiction, shall be permitted to terminate such lease or rental agreement and quit and surrender possession of the leasehold premises, and of the land so leased or occupied pursuant to the provisions of this section and to be released from any liability to pay to the lessor or owner, rent or other payments in lieu of rent for the time subsequent to the date of termination of such lease in accordance with subdivision two of this section.

2. (a) A lessee or tenant for whose benefit any order of protection has been issued by a court of competent jurisdiction, may, on ten days' notice to the lessor or owner of the premises occupied by such person, and to any co-tenants of such lessee or tenant, seek an order of the court that issued such order of protection authorizing such lessee or tenant to terminate such party's lease or rental agreement. Such court shall hear any such application at any time that the order of protection remains in effect, whether or not the action in which it was issued remains open.

(b) The court shall issue such order only if the applicant lessee or tenant establishes to the satisfaction of the court that:

(i) notwithstanding the existence of an order of protection there continues to exist a substantial risk of physical or emotional harm to such person or such person's child from the party covered by the order of protection if the parties remain in the premises and that relocation will substantially reduce such risk;

(ii) the lessee or tenant attempted to secure the voluntary consent of the lessor or owner to terminate the lease or rental agreement and the lessor or owner refused to permit termination; and

(iii) the lessee or tenant is acting in good faith.

(c) The court shall condition the granting of the order on the following terms:

(i) All sums due under the lease or rental agreement through the termination date of such lease or rental agreement are timely paid;

(ii) That upon termination:

(a) the premises are delivered to the lessor or owner free of all tenants and occupants and in accordance with the terms of the lease relating to delivery of the premises at the termination of the lease, provided that the applicant shall not be responsible for ensuring that the person covered by the order of protection is not present; or

(b) if there are also tenants on the lease other than the applicant tenant and the person covered by the order of protection, the court shall not, except upon consent of such additional tenants, terminate the entire co-tenancy, but the court may sever the co-tenancy, in which case the applicant tenant shall vacate by the termination date; and

(iii) That adjustments be made through to termination date for any rent or other payments made in advance or which have accrued by the terms of such lease or rental agreement.

(d) The order shall specify the termination date which shall be no earlier than thirty days and no later than one hundred fifty days after the due date of the next rental payment subsequent to the date such order is served on the lessor or owner.

(e) The order shall be served on the lessor or owner and any co-tenants by the court or in the manner directed by the court.

3. The lessor or owner and any co-tenants shall be afforded an opportunity to be heard by the court and express opposition to the issuance or terms of a termination order. If the court is not satisfied that there has been adequate notice of the application to the lessor, owner, or any co-tenants, it may briefly adjourn the matter or take other steps to provide for such notice, but shall not direct that the applicant lessee or tenant make personal service of the application, or of a termination order, upon a co-tenant covered by the order of protection.

4. Any agreement by a lessee or tenant of premises occupied for dwelling purposes waiving or modifying his or her rights as set forth in this section shall be void as contrary to public policy.

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**Address Confidentiality Program**

N.Y. EXEC. LAW § 108

There is created in the office of the secretary of state a program to be known as the “address confidentiality program” to protect victims of domestic violence by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary of state.

1. Definitions. For the purposes of this section the following words shall, unless the context requires otherwise, have the following meanings:

- (a) "Victim of domestic violence" shall have the same meaning as is ascribed to such term by section four hundred fifty-nine-a of the social services law.
- (b) "Actual address" means the residential street address, school address or work address of an individual, as specified on his or her application to be a program participant under this section.
- (c) "Program participant" means a person certified as a program participant under this section.
- (d) "Mail" means first class letters delivered via the United States Postal Service, including priority, express and certified mail, and excluding packages, parcels, periodicals and catalogues, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a government agency.
- (e) "Substitute address" means the secretary's designated address for the address confidentiality program.
- (f) "Secretary" means the secretary of state.
- (g) "Public record" means any information kept, held, filed, produced or reproduced by, with or for an agency, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.
- (h) "Process" means judicial process and all orders, demands, notices or other papers required or permitted by law to be served on a program participant.
2. Address confidentiality program; application; certification. (a) An adult person, a parent or legal guardian acting on behalf of a minor, or a legal guardian acting on behalf of an incapacitated person, may apply to the secretary to have an address designated by the secretary to serve as the person's address or address of the minor or incapacitated person in lieu of the person's actual address. The secretary shall approve an application if it is filed in the manner and on the form prescribed by the secretary, and if it includes:
- (i) a signed written statement affirmed by the applicant that:
- (A) the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence;
- (B) the applicant, or the minor or incapacitated person on whose behalf the application is made, has left his or her residence because of such violence;
- (C) the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made; and
- (D) the parent or legal guardian applying on behalf of a minor or incapacitated person has legal authority to act on the person's behalf;

(ii) a designation of the secretary as agent for purposes of service of process and for the purpose of receipt of mail;

(iii) the mailing address where the applicant can be contacted by the secretary and the telephone number or numbers where the applicant can be called by the secretary;

(iv) the actual address or addresses that the applicant requests not be disclosed because of the increased risk of domestic violence; and

(v) the name of any person who resides with the applicant who also needs to be a program participant in order to ensure the safety of the applicant and, if the person named in the application is eighteen years of age or older, the consent of such person to be a program participant and designation by such person of the secretary as agent for purposes of service of process and for the purpose of receipt of mail; and

(vi) the signature of the applicant and the name and signature of any individual or representative of any office designated by the secretary under subdivision three of this section who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) The secretary shall establish, distribute and make available a form for the purpose of making applications pursuant to this section.

(c) Applications shall be filed with the office of the secretary.

(d) Upon receipt of a properly completed application, the secretary shall certify the applicant as a program participant and shall serve as the participant's agent for service of process and receipt of mail for the duration of the term of certification.

(e) Participants shall be certified for four years following the date of filing, unless the certification is withdrawn or cancelled before that date. The secretary shall promulgate rules and regulations for renewal of applications pursuant to this section.

3. Designation of agencies to assist applicants. The secretary shall designate state, local or nonprofit agencies that provide counseling, referral, shelter or other specialized services to victims of domestic violence to assist persons applying to be program participants. Such persons providing assistance shall be trained by the secretary. Any assistance and counseling rendered by an officer of the secretary or his or her designees to applicants shall in no way be construed as legal advice.

4. Use and acceptance of substitute address; mail forwarding. (a) A program participant may request that state and local agencies use the substitute address. When creating, modifying or maintaining a public record, state and local agencies shall accept the substitute address upon demonstration by a program participant of his or her certification in the program, unless the secretary waives this requirement after determining that:

(i) the agency has a bona fide statutory or administrative requirement for the use of the participant's actual address which would otherwise be confidential under this section; and

(ii) the agency has explained how its acceptance of the substitute address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or administrative obligation by a change in its internal procedures.

(b) Any agency receiving a waiver shall maintain the confidentiality of the program participant's address by redacting the actual address when the record is released to any person and shall not make the program participant's actual address available for inspection or copying, except under the following circumstances:

(i) there is a bona fide statutory or administrative requirement for the communication of an actual address to another agency that has received a waiver from the secretary, provided that each waiver specifically authorizes such communication with the specified agency; or

(ii) if directed by a court order to a person identified in the order.

(c) Upon receipt by the secretary of a process or mail for a participant, the office of the secretary shall immediately forward all such process or mail to the appropriate program participants at the address specified by the participant for that purpose, and shall record the date of such forwarding. Service of process on a program participant, a program participant's minor child, incapacitated person or other adult member of the program participant's household shall be complete when the secretary receives such process by mail or otherwise.

(d) A program participant may use the substitute address as his or her work address.

(e) The secretary or any member of the department of state who reasonably and in good faith handles any process or mail on behalf of a participant in accordance with this section shall be immune from any civil liability which might otherwise result by reason of such actions.

5. Cancellation of certification. (a) The secretary may cancel a program participant's certification if, after the passage of fourteen days:

(i) from the date of changing his or her name, the program participant does not notify the secretary that he or she has obtained a name change; however, the program participant may reapply under his or her new name;

(ii) from the date of changing his or her actual address, the program participant fails to notify the secretary of the change of such address; or

(iii) from the date the secretary first receives mail, forwarded to the program participant's address, returned as nondeliverable.

(b) The secretary shall cancel certification of a program participant who applies using false information.

(c) The secretary shall cancel certification of a program participant if the participant's certification term has expired and certification renewal has not been completed.

(d) The secretary shall send notice of cancellation to the program participant. Notice of cancellation shall set out the reasons for cancellation. The program participant shall have thirty days to appeal the cancellation decision under procedures developed by the secretary.



(e) Program participants may withdraw from the program by giving the secretary written notice of their withdrawal and his or her current identification card. The secretary shall establish, by rule, a secure procedure for ensuring that the request for withdrawal is legitimate.

(f) Any records or documents pertaining to a program participant shall not be a public record and shall be retained and held confidential for a period of three years after termination of certification and then destroyed.

6. Disclosure of participant information prohibited; exceptions. (a) The secretary shall not make a program participant's information, other than the substitute address, available for inspection or copying, except under any of the following circumstances:

(i) if requested by a law enforcement agency for a legitimate law enforcement purpose as determined by the law enforcement agency; or

(ii) to a person identified in a court order, upon the secretary's receipt of that court order which specifically orders the disclosure of a particular program participant's address and the reasons stated therefor.

(b) The secretary may verify the participation of a specific program participant, in which case the secretary may only confirm information supplied by the requester.

7. Rules and regulations. The secretary shall promulgate rules and regulations necessary to implement the provisions of this section.

8. Report to the legislature. The secretary shall submit to the legislature, no later than February first of each year, a report that includes for each county, the total number of applications received, the total number of persons participating in the program established by this section during the previous calendar year and the total number of pieces of mail forwarded to program participants during the previous calendar year.

# WESTCHESTER COUNTY, NEW YORK

Westchester County, New York has enacted the following laws regarding survivors' housing rights:

- It is unlawful to discriminate against any person because of such person's status as a victim of domestic violence, sexual abuse or stalking, in the terms, conditions or privileges of the sale or rental of property. WESTCHESTER COUNTY CODE §§ 700.05, 700.02

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## Definitions

### WESTCHESTER COUNTY CODE § 700.02

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22. Victim of domestic violence, sexual abuse or stalking.

1. A victim of domestic violence shall mean:

(a) any person who has been subjected to an act or series of acts that:

(1) would constitute a misdemeanor, felony or other violation of law against the person as defined in state or federal law; or

(2) would constitute a misdemeanor, felony or other violation of law against property as defined in state or federal law.

(b) Such act or series of acts as defined in subdivision (a) must have been committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.

(c) Such act or series of acts as defined in subdivision (a) and (b) must also

(1) result in the actual physical or emotional injury of the person whether or not such conduct has actually resulted in criminal charges, prosecution or conviction; or

(2) create a substantial risk of physical or emotional harm to such person whether or not such conduct has actually resulted in criminal charges, prosecution or conviction.

2. A victim of sexual abuse or stalking shall mean any person who has been:

(a) a victim of an act or series of acts which would constitute a violation of article 130 of the penal law; or

WESTCHESTER COUNTY, NEW YORK

(b) a victim of an act of series of acts which would constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

3. A victim of domestic violence, sexual abuse or stalking shall also include any individual that is perceived to be a person who has been, or is currently being, subjected to acts or series of acts as set forth in subdivision 1 and 2 above.

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**Unlawful discriminatory practices in the sale, lease or rental of land or commercial property**

WESTCHESTER COUNTY CODE § 700.05

It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sub-lessee, or managing agent of, or other person having the right of ownership or possession of, or the right to sell, rent or lease, or the right to approve the sale, rental or lease of, land or commercial property or an interest therein:

- 1. To refuse to sell, rent, lease or otherwise deny to or withhold from any person or group of persons land or commercial property because of the actual or perceived group identity of such person or persons or because of such person's status as a victim of domestic violence, sexual abuse or stalking;
- 2. To discriminate against any person because of his or her actual or perceived group identity or because of such person's status as a victim of domestic violence, sexual abuse or stalking, in the terms, conditions or privileges of the sale, rental or lease of any such land or commercial property or in the furnishing of facilities or services in connection therewith; or
- 3. To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such land or commercial property or to make any record or inquiry in connection with the prospective purchase, rental or lease of such land or commercial property which expresses, directly or indirectly, any limitation, specification or discrimination as to group identity or because of a person's status as a victim of domestic violence, sexual abuse or stalking, or any intent to make any such limitation, specification or discrimination.

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# NORTH CAROLINA

North Carolina has enacted the following laws regarding survivors' housing rights:

- Address confidentiality program. N.C. GEN. STAT. ANN. § 15C-4
- Laws prohibiting landlords from discriminating against a tenant or applicant based substantially on the tenant or applicant's status as a victim of domestic violence, sexual assault, or stalking. N.C. GEN. STAT. ANN. § 42-42.2
- Early lease termination. N.C. GEN. STAT. ANN. § 42-45.1
- Lock changes. N.C. GEN. STAT. ANN. § 42-42.3
- Orders excluding the restrained party from the household. N.C. GEN. STAT. ANN. § 50B-3
- Orders requiring the restrained party to pay for alternate housing. N.C. GEN. STAT. ANN. § 50B-3
- Orders evicting the restrained party from the residence and providing assistance to the victim in returning to it. N.C. GEN. STAT. ANN. § 50B-3

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## **Filing and certification of applications; authorization card**

N.C. GEN. STAT. ANN. § 15C-4

(a) An individual who wants to participate in the Address Confidentiality Program shall file an application with the Attorney General with the assistance of an application assistant. Any of the following individuals may apply to the Attorney General to have an address designated by the Attorney General to serve as the substitute address of the individual:

- (1) An adult individual.
- (2) A parent or guardian acting on behalf of a minor when the minor resides with the individual.
- (3) A guardian acting on behalf of an incapacitated individual.

(b) The application shall be dated, signed, and verified by the applicant and shall be signed by the application assistant who assisted in the preparation of the application.

(c) The application shall contain all of the following:

## NORTH CAROLINA

- (1) A statement by the applicant that the applicant is a victim of domestic violence, sexual offense, stalking, or human trafficking and that the applicant fears for the applicant's safety or the safety of the applicant's child.
- (2) Evidence that the applicant is a victim of domestic violence, sexual offense, stalking, or human trafficking. This evidence may include any of the following:
  - a. Law enforcement, court, or other federal or state agency records or files.
  - b. Documentation from a domestic violence program if the applicant is alleged to be a victim of domestic violence.
  - c. Documentation from a religious, medical, or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, or stalking.
  - d. Documentation submitted to support a victim of human trafficking's application for federal assistance or benefits under federal human trafficking laws.
- (3) A statement by the applicant that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's child.
- (4) A statement by the applicant that the applicant has or will confidentially relocate in North Carolina.
- (5) A designation of the Attorney General as an agent for the applicant for purposes of service of process and the receipt of first-class mail or certified or registered mail.
- (6) The mailing address and telephone number where the applicant can be contacted by the Attorney General.
- (7) The address that the applicant requests not to be disclosed by the Attorney General that directly relates to the increased risk of domestic violence, sexual offense, or stalking.
- (8) A statement as to whether there is any existing court order or court action involving the applicant related to divorce proceedings, child support, child custody, or child visitation and the court that issued the order or has jurisdiction over the action.
- (9) A statement by the applicant that to the best of the applicant's knowledge, the information contained in the application is true.
- (10) A recommendation of an application assistant that the applicant have an address designated by the Attorney General to serve as the substitute address of the applicant.
  - (d) Upon the filing of a properly completed application, the Attorney General shall certify the applicant as a program participant. Upon certification, the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. The Address Confidentiality Program authorization card shall remain valid for so long as the program participant remains certified under the Program.
  - (e) Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or canceled prior to the end of the four-year period. A program participant may

withdraw the certification by filing a request for withdrawal acknowledged before a notary with the Attorney General. A certification may be renewed by filing an application containing the information required by G.S. 15C-3 with the Attorney General at least 30 days prior to expiration of the current certification.

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**Victim protection -- nondiscrimination**

N.C. GEN. STAT. ANN. § 42-42.2

A landlord shall not terminate a tenancy, fail to renew a tenancy, refuse to enter into a rental agreement, or otherwise retaliate in the rental of a dwelling based substantially on: (i) the tenant, applicant, or a household member’s status as a victim of domestic violence, sexual assault, or stalking; or (ii) the tenant or applicant having terminated a rental agreement under G.S. 42-45.1. Evidence provided to the landlord of domestic violence, sexual assault, or stalking may include any of the following:

- (1) Law enforcement, court, or federal agency records or files.
- (2) Documentation from a domestic violence or sexual assault program.
- (3) Documentation from a religious, medical, or other professional.

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**Early termination of rental agreement by victims of domestic violence, sexual assault, or stalking**

N.C. GEN. STAT. ANN. § 42-45.1

(a) Any protected tenant may terminate his or her rental agreement for a dwelling unit by providing the landlord with a written notice of termination to be effective on a date stated in the notice that is at least 30 days after the landlord’s receipt of the notice. The notice to the landlord shall be accompanied by either: (i) a copy of a valid order of protection issued by a court pursuant to Chapter 50B or 50C of the General Statutes, other than an ex parte order, (ii) a criminal order that restrains a person from contact with a protected tenant, or (iii) a valid Address Confidentiality Program card issued pursuant to G.S. 15C-4 to the victim or a minor member of the tenant’s household. A victim of domestic violence or sexual assault must submit a copy of a safety plan with the notice to terminate. The safety plan, dated during the term of the tenancy to be terminated, must be provided by a domestic violence or sexual assault program which substantially complies with the requirements set forth in G.S. 50B-9 and must recommend relocation of the protected tenant.

(b) Upon termination of a rental agreement under this section, the tenant who is released from the rental agreement pursuant to subsection (a) of this section is liable for the rent due under the rental agreement prorated to the effective date of the termination and payable at the time that

would have been required by the terms of the rental agreement. The tenant is not liable for any other rent or fees due only to the early termination of the tenancy. If, pursuant to this section, a tenant terminates the rental agreement 14 days or more before occupancy, the tenant is not subject to any damages or penalties.

(c) Notwithstanding the release of a protected tenant from a rental agreement under subsection (a) of this section, or the exclusion of a perpetrator of domestic violence, sexual assault, or stalking by court order, if there are any remaining tenants residing in the dwelling unit, the tenancy shall continue for those tenants. The perpetrator who has been excluded from the dwelling unit under court order remains liable under the lease with any other tenant of the dwelling unit for rent or damages to the dwelling unit.

(d) The provisions of this section may not be waived or modified by agreement of the parties.

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**Victim protection -- change locks**

N.C. GEN. STAT. ANN. § 42-42.3

(a) If the perpetrator of domestic violence, sexual assault, or stalking is not a tenant in the same dwelling unit as the protected tenant, a tenant of a dwelling may give oral or written notice to the landlord that a protected tenant is a victim of domestic violence, sexual assault, or stalking and may request that the locks to the dwelling unit be changed. A protected tenant is not required to provide documentation of the domestic violence, sexual assault, or stalking to initiate the changing of the locks, pursuant to this subsection. A landlord who receives a request under this subsection shall change the locks to the protected tenant’s dwelling unit or give the protected tenant permission to change the locks within 48 hours.

(b) If the perpetrator of the domestic violence, sexual assault, or stalking is a tenant in the same dwelling unit as the victim, any tenant or protected tenant of a dwelling unit may give oral or written notice to the landlord that a protected tenant is a victim of domestic violence, sexual assault, or stalking and may request that the locks to the dwelling unit be changed. In these circumstances, the following shall apply:

(1) Before the landlord or tenant changes the locks under this subsection, the tenant must provide the landlord with a copy of an order issued by a court that orders the perpetrator to stay away from the dwelling unit.

(2) Unless a court order allows the perpetrator to return to the dwelling to retrieve personal belongings, the landlord has no duty under the rental agreement or by law to allow the perpetrator access to the dwelling unit, to provide keys to the perpetrator, or to provide the perpetrator access to the perpetrator’s personal property within the dwelling unit once the landlord has been provided with a court order requiring the perpetrator to stay away from the dwelling. If a landlord complies with this section, the landlord is not liable for civil damages, to a perpetrator excluded from the dwelling unit, for loss of use of the dwelling unit or loss of use or damage to the perpetrator’s personal property.

(3) The perpetrator who has been excluded from the dwelling unit under this subsection remains liable under the lease with any other tenant of the dwelling unit for rent or damages to the dwelling unit.

A landlord who receives a request under this subsection shall change the locks to the protected tenant's dwelling unit or give the protected tenant permission to change the locks within 72 hours.

(c) The protected tenant shall bear the expense of changing the locks. If a landlord fails to act within the required time, the protected tenant may change the locks without the landlord's permission. If the protected tenant changes the locks, the protected tenant shall give a key to the new locks to the landlord within 48 hours of the locks being changed.

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**Relief**

N.C. GEN. STAT. ANN. § 50B-3

(a) If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an act of domestic violence has occurred, the court shall grant a protective order restraining the defendant from further acts of domestic violence. A protective order may include any of the following types of relief:

- (1) Direct a party to refrain from such acts.
- (2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household.
- (3) Require a party to provide a spouse and his or her children suitable alternate housing.

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(5) Order the eviction of a party from the residence or household and assistance to the victim in returning to it.

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# NORTH DAKOTA

North Dakota has enacted the following law regarding survivors' housing rights:

- Orders excluding the restrained party from the protected party's residence. N.D. CODE §§ 14-07.1-02, 14-07.1-03
- Victim's right to protection order not compromised by leaving residence. N.D. CODE § 14-07.1-05
- Early lease termination. N.D. CODE § 47-16-17.1

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## **Domestic violence protection order**

N.D. CODE § 14-07.1-02

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4. Upon a showing of actual or imminent domestic violence, the court may enter a protection order after due notice and full hearing. The relief provided by the court may include any or all of the following:

- a. Restraining any party from threatening, molesting, injuring, harassing, or having contact with any other person.
- b. Excluding either the respondent or any person with whom the respondent lives from the dwelling they share, from the residence of another person against whom the domestic violence is occurring, or from a domestic violence care facility, if this exclusion is necessary to the physical or mental well-being of the applicant or others.

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## **Temporary protection order--Copy to law enforcement agency**

N.D. CODE § 14-07.1-03

1. If an application under section 14-07.1-02 alleges an immediate and present danger of domestic violence to the applicant, based upon an allegation of a recent incident of actual domestic violence, the court may grant an ex parte temporary protection order, pending a full hearing, granting such relief as the court deems proper.

2. An ex parte temporary protection order may include:

- a. Restraining any party from having contact with or committing acts of domestic violence on another person.

b. Excluding the respondent or any person with whom the respondent lives from the dwelling they share, from the residence of another person, or from a domestic violence shelter care facility.

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**Right to apply for relief**

N.D. CODE § 14-07.1-05

A person’s right to apply for relief under section 14-07.1-02 or 14-07.1-03 is not affected if the person leaves the residence or dwelling to avoid domestic violence. The court may not require security or bond from any party unless the court deems it necessary in exceptional cases.

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**Termination due to domestic abuse**

N.D. CODE § 47-16-17.1

1. A tenant to a residential lease who is a victim of domestic violence as defined in section 14-07.1-01 or fears imminent domestic violence against the tenant or the tenant’s minor children if the tenant or the tenant’s minor children remain in the leased premises may terminate a lease agreement, as provided in this section, without penalty or liability.

2. The tenant must provide advance written notice to the landlord stating that the tenant fears imminent domestic violence from a person named in a protection order after a hearing under section 14-07.1-02 or an order prohibiting contact, the tenant needs to terminate the tenancy, and the specific date the tenancy will terminate. The notice must be delivered by mail, facsimile communication, or in person before the termination of the tenancy, and be accompanied by the protection order or the order prohibiting contact.

3. A landlord may not disclose information provided to the landlord by a tenant documenting domestic violence under this section. The information may not be entered into any shared data base or provided to any person, but may be used as evidence in an eviction proceeding, in a claim for unpaid rent or damages arising out of the tenancy, or as otherwise required by law.

4. A tenant terminating a lease under this section is responsible for the rent payment for the full month in which the tenancy terminates and an additional amount equal to one month’s rent, subject to the landlord’s duty to mitigate. The tenant is relieved of any other contractual obligation for payment of rent or any other charges for the remaining term of the lease, except as provided in this section.

5. This section does not affect a tenant’s liability for delinquent, unpaid rent, or other amounts owed to the landlord before the lease was terminated by the tenant under this section.

6. The tenancy terminates, including the right of possession of the premises, on the termination date stated in the notice under subsection 2. The amount equal to one month’s rent must be paid

on or before the termination of the tenancy for the tenant to be relieved of the contractual obligations for the remaining term of the lease as provided in this section.

7. For purposes of this section, timing for the payment of the lessee's security deposit under section 47-16-07.1 is triggered by either of the following:

a. If the only tenant, including the tenant's minor children, is the tenant who is the victim of domestic violence, upon the first day of the month following the date the tenant vacates the premises.

b. If there are additional tenants bound by the lease, upon the expiration of the lease.

8. Notwithstanding the release of a tenant from a lease agreement under this section, the tenancy continues for any remaining tenants.

9. A person may not refuse to rent, refuse to negotiate for the rental of, or in any other manner make unavailable or deny a dwelling to an individual, or otherwise retaliate in the rental of a dwelling solely because a tenant or applicant or a household member of the tenant or applicant exercised the right to terminate a lease under this section.

10. In an action for a violation of this section, the court may award statutory damages of one thousand dollars. The court also may award actual damages, reasonable attorney's fees, costs, and disbursements.

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# OHIO

Ohio has enacted the following laws regarding survivors' housing rights:

- A petitioner's right to obtain a protection order is not affected if the petitioner leaves the residence. OHIO REV. CODE ANN. § 3113.31
- Orders excluding the restrained party from the petitioner's residence. OHIO REV. CODE ANN. § 3113.31
- Orders requiring the restrained party to provide suitable alternate housing. OHIO REV. CODE ANN. § 3113.31
- Domestic violence shelters do not qualify for funds if they discriminate on the basis of basis of race, religion, color, age, marital status, national origin, or ancestry. OHIO REV. CODE ANN. § 3113.36

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## **Petitions; protection orders concerning domestic violence or sexually oriented offense; support orders**

OHIO REV. CODE ANN. § 3113.31

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(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

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(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may:

- (a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members;
- (b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

(c) When the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

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(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E)(7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, and, if the court includes any requirement of that type in an order or agreement, the court also shall include in the order provisions of the type described in division (E)(7) of this section.

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(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

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**Qualifications for funding**

OHIO REV. CODE ANN. § 3113.36

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(B) A shelter for victims of domestic violence does not qualify for funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, marital status, national origin, or ancestry. A shelter does not qualify for funds in the second half of any year if its application projects the provision of residential service and such service has not been provided in the first half of that year; such a shelter does not qualify for funds in the following year.



# OKLAHOMA

Oklahoma has enacted the following law regarding survivors' housing rights:

- Address confidentiality program. OKLA. STAT. tit. 22, § 60.14

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## **Address confidentiality program**

OKLA. STAT. tit. 22, § 60.14

A. The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this section is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic abuse, sexual assault, or stalking, to enable interagency cooperation with the Attorney General in providing address confidentiality for victims of domestic abuse, sexual assault, or stalking, and to enable state and local agencies to accept an address designated by the Attorney General by a program participant as a substitute mailing address.

B. As used in this section:

1. "Address" means a residential street address, school address, or work address of an individual, as specified on the application of an individual to be a program participant under this section;
2. "Program participant" means a person certified as a program participant under this section;
3. "Domestic abuse" means an act as defined in Section 60.1 of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers; and
4. "Stalking" means an act as defined in Section 60.1 of this title regardless of whether the acts have been reported to law enforcement.

C. The Address Confidentiality Program shall be staffed by unclassified employees, who have been subjected to a criminal history records search.

D. 1. An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined by Section 1-111 of Title 30 of the Oklahoma Statutes, may apply to the Attorney General to have an address designated by the Attorney General serve as the address of the person or the address of the minor or incapacitated person. The Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if it contains:

a. a sworn statement by the applicant that the applicant has good reason to believe:

- (1) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic abuse, sexual assault, or stalking, and

(2) that the applicant fears for the safety of self or children, or the safety of the minor or incapacitated person on whose behalf the application is made,

b. a designation of the Attorney General as agent for purposes of service of process and for the purpose of receipt of mail,

c. the mailing address where the applicant can be contacted by the Attorney General, and the phone number or numbers where the applicant can be called by the Attorney General,

d. the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic abuse, sexual assault, or stalking, and

e. the signature of the applicant and application assistant who assisted in the preparation of the application, and the date on which the applicant signed the application.

2. An adult or minor child who resides with the applicant who also needs to be a program participant in order to ensure the safety of the applicant may apply. Each adult living in the household must complete a separate application. An adult may apply on behalf of a minor.

3. Applications shall be filed with the Office of the Attorney General.

4. Upon filing a properly completed application, the Attorney General shall certify the applicant as a program participant. Applicants shall be certified for four (4) years following the date of filing unless the certification is withdrawn or invalidated before that date. The Attorney General shall by rule establish a renewal procedure.

5. A person who falsely attests in an application that disclosure of the address of the applicant would endanger the safety of the applicant or the safety of the children of the applicant or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, may be found guilty of perjury under Sections 500 and 504 of Title 21 of the Oklahoma Statutes.

E. 1. If the program participant obtains a name change, the participant loses certification as a program participant.

2. The Attorney General may cancel the certification of a program participant if there is a change in the residential address, unless the program participant provides the Attorney General notice no later than seven (7) days after the change occurs.

3. The Attorney General may cancel certification of a program participant if mail forwarded by the Attorney General to the address of the program participant is returned as nondeliverable.

4. The Attorney General shall cancel certification of a program participant who applies using false information.

F. 1. A program participant may request that state and local agencies use the address designated by the Attorney General as the address of the participant. When creating a new public record, state and local agencies shall accept the address designated by the Attorney General as a substitute address for the program participant, unless the Attorney General has determined that:



a. the agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this section, and

b. this address will be used only for those statutory and administrative purposes.

2. A program participant may use the address designated by the Attorney General as a work address.

3. The Office of the Attorney General shall forward all first class, certified and registered mail to the appropriate program participants for no charge. The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a participant unless the mail is certified or registered mail.

G. The Attorney General may not make any records in a file of a program participant available for inspection or copying, other than the address designated by the Attorney General, except under the following circumstances:

1. If directed by a court order, to a person identified in the order; or

2. To verify the participation of a specific program participant to a state or local agency, in which case the Attorney General may only confirm information supplied by the requester.

No employee of a state or local agency shall knowingly and intentionally disclose a program participant's actual address unless disclosure is permitted by law.

H. The Attorney General shall designate state and local agencies, federal government, federally recognized tribes, and nonprofit agencies to assist persons in applying to be program participants. A volunteer or employee of a designated entity that provides counseling, referral, shelter, or other services to victims of domestic abuse, sexual assault, or stalking and has been trained by the Attorney General shall be known as an application assistant. Any assistance and counseling rendered by the Office of the Attorney General or an application assistant to applicants shall in no way be construed as legal advice.

I. The Attorney General may enter into agreements with the federal government and federally recognized tribes in the State of Oklahoma or other entities for purposes of the implementation of the Address Confidentiality Program, including the use and acceptance of the substitute address designated by the Attorney General.

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# OREGON

Oregon has enacted the following laws regarding survivors' housing rights:

- Partial eviction of a tenant who perpetrates domestic violence, sexual assault or stalking against a household member. OR. REV. STAT. ANN. §§ 90.445, 105.128
- Housing discrimination against victims of domestic violence, sexual assault, or stalking is prohibited. OR. REV. STAT. ANN. § 90.449
- Early lease termination. OR. REV. STAT. ANN. §§ 90.453, 90.456
- Lock changes. OR. REV. STAT. ANN. § 90.459
- Address confidentiality program. OR. REV. STAT. ANN. § 192.826

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## **Termination of rental agreement of tenant who perpetrates domestic violence, sexual assault or stalking against household member**

### OR. REV. STAT. ANN. § 90.445

(1) If a tenant perpetrates a criminal act of physical violence related to domestic violence, sexual assault or stalking against a household member who is a tenant, after delivery of at least 24 hours' written notice specifying the act or omission constituting the cause and specifying the date and time of the termination, the landlord may:

(a) Terminate the rental agreement of the perpetrating tenant, but may not terminate the rental agreement of the other tenants; and

(b) If the perpetrator of the criminal act of physical violence related to domestic violence, sexual assault or stalking continues to occupy the premises after the termination date and time specified in the notice, seek a court order under ORS 105.128 to remove the perpetrator from the premises and terminate the perpetrator's tenancy without seeking a return of possession from the remaining tenants.

(2) A landlord that terminates the tenancy of a perpetrator under this section may not require the remaining tenants to pay additional rent or an additional deposit or fee due to exclusion of the perpetrator.

(3) The perpetrator is jointly liable with any other tenants of the dwelling unit for rent or damages to the premises incurred prior to the later of the date the perpetrator vacates the premises or the termination date specified in the notice.

(4) The landlord's burden of proof in a removal action sought under this section is by a preponderance of the evidence.

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**Discrimination against victims of domestic violence, sexual assault or stalking prohibited**

OR. REV. STAT. ANN. § 90.449

(1) A landlord may not terminate or fail to renew a tenancy, serve a notice to terminate a tenancy, bring or threaten to bring an action for possession, increase rent, decrease services or refuse to enter into a rental agreement:

(a) Because a tenant or applicant is, or has been, a victim of domestic violence, sexual assault or stalking.

(b) Because of a violation of the rental agreement or a provision of this chapter, if the violation consists of an incident of domestic violence, sexual assault or stalking committed against the tenant or applicant.

(c) Because of criminal activity relating to domestic violence, sexual assault or stalking in which the tenant or applicant is the victim, or of any police or emergency response related to domestic violence, sexual assault or stalking in which the tenant or applicant is the victim.

(2) A landlord may not impose different rules, conditions or standards or selectively enforce rules, conditions or standards against a tenant or applicant on the basis that the tenant or applicant is or has been a victim of domestic violence, sexual assault or stalking.

(3) Notwithstanding subsections (1) and (2) of this section, a landlord may terminate the tenancy of a victim of domestic violence, sexual assault or stalking if the landlord has previously given the tenant a written warning regarding the conduct of the perpetrator relating to domestic violence, sexual assault or stalking and:

(a) The tenant permits or consents to the perpetrator's presence on the premises and the perpetrator is an actual and imminent threat to the safety of persons on the premises other than the victim; or

(b) The perpetrator is an unauthorized occupant and the tenant permits or consents to the perpetrator living in the dwelling unit without the permission of the landlord.

(4) If a landlord violates this section:

(a) A tenant or applicant may recover up to two months' periodic rent or twice the actual damages sustained by the tenant or applicant, whichever is greater;

(b) The tenant has a defense to an action for possession by the landlord; and

(c) The applicant may obtain injunctive relief to gain possession of the dwelling unit.

(5) Notwithstanding ORS 105.137 (4), if a tenant asserts a successful defense under subsection (4) of this section to an action for possession, the tenant is not entitled to prevailing party fees, attorney fees or costs and disbursements if the landlord:

(a) Did not know, and did not have reasonable cause to know, at the time of commencing the action that a violation or incident on which the action was based was related to domestic violence, sexual assault or stalking; and

(b) Promptly dismissed tenants other than the perpetrator from the action upon becoming aware that the violation or incident on which the action was based was related to domestic violence, sexual assault or stalking.

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**Victim of domestic violence, sexual assault or stalking; release from rental agreement; verification statement**

OR. REV. STAT. ANN. § 90.453

(1) As used in this section:

(a) "Immediate family member" means, with regard to a tenant who is a victim of domestic violence, sexual assault or stalking, any of the following who is not a perpetrator of the domestic violence, sexual assault or stalking against the tenant:

(A) An adult person related by blood, adoption, marriage or domestic partnership, as defined in ORS 106.310, or as defined or described in similar law in another jurisdiction;

(B) A cohabitant in an intimate relationship;

(C) An unmarried parent of a joint child; or

(D) A child, grandchild, foster child, ward or guardian of the victim or of anyone listed in subparagraph (A), (B) or (C) of this paragraph.

(b) "Qualified third party" means a person that has had individual contact with the tenant and is a law enforcement officer, attorney or licensed health professional or is a victim's advocate at a victim services provider.

(c) "Verification" means:

(A) A copy of a valid order of protection issued by a court pursuant to ORS 30.866, 107.095 (1)(c), 107.716, 107.718 or 163.738 or any other federal, state, local or tribal court order that restrains a person from contact with the tenant;

(B) A copy of a federal agency or state, local or tribal police report regarding an act of domestic violence, sexual assault or stalking against the tenant;

(C) A copy of a conviction of any person for an act of domestic violence, sexual assault or stalking against the tenant; or

(D) A statement substantially in the form set forth in subsection (3) of this section.

(d) "Victim services provider" means:

(A) A nonprofit agency or program receiving moneys administered by the Department of Human Services or the Department of Justice that offers safety planning, counseling, support or advocacy to victims of domestic violence, sexual assault or stalking; or

(B) A prosecution-based victim assistance program or unit.

(2)(a) If a tenant gives a landlord at least 14 days' written notice, and the notice so requests, the landlord shall release the tenant and any immediate family member of the tenant from the rental agreement.

(b) The notice given by the tenant must specify the release date and must list the names of any immediate family members to be released in addition to the tenant.

(c) The notice must be accompanied by verification that the tenant:

(A) Is protected by a valid order of protection; or

(B) Has been the victim of domestic violence, sexual assault or stalking within the 90 days preceding the date of the notice. For purposes of this subparagraph, any time the perpetrator was incarcerated or residing more than 100 miles from the victim's home does not count as part of the 90-day period.

(3) A verification statement must be signed by the tenant and the qualified third party and be in substantially the following form:

\_\_\_\_\_

QUALIFIED THIRD PARTY

VERIFICATION

Name of qualified third party

\_\_\_\_\_

Name of tenant

\_\_\_\_\_

PART 1. STATEMENT BY TENANT

I, \_\_\_\_\_ (Name of tenant), do hereby state as follows:

(A) I or a minor member of my household have been a victim of domestic violence, sexual assault or stalking, as those terms are defined in ORS 90.100.

(B) The most recent incident(s) that I rely on in support of this statement occurred on the following date(s): \_\_\_\_\_.

\_\_\_ The time since the most recent incident took place is less than 90 days; or

\_\_\_ The time since the most recent incident took place is less than 90 days if periods when the perpetrator was incarcerated or was living more than 100 miles from my home are not counted. The perpetrator was incarcerated from \_\_\_\_\_ to \_\_\_\_\_. The perpetrator lived more than 100 miles from my home from \_\_\_\_\_ to \_\_\_\_\_.

(C) I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

(Signature of tenant)

Date: \_\_\_\_\_

**PART 2. STATEMENT BY QUALIFIED THIRD PARTY**

I, \_\_\_\_\_ (Name of qualified third party), do hereby verify as follows:

(A) I am a law enforcement officer, attorney or licensed health professional or a victim's advocate with a victims services provider, as defined in ORS 90.453.

(B) My name, business address and business telephone are as follows:

(C) The person who signed the statement above has informed me that the person or a minor member of the person's household is a victim of domestic violence, sexual assault or stalking, based on incidents that occurred on the dates listed above.

(D) I reasonably believe the statement of the person above that the person or a minor member of the person's household is a victim of domestic violence, sexual assault or stalking, as those terms are defined in ORS 90.100. I understand that the person who made the statement may use this document as a basis for gaining a release from the rental agreement with the person's landlord.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

\_\_\_\_\_

(Signature of qualified third party)

making this statement)

Date: \_\_\_\_\_

(4) A tenant and any immediate family member who is released from a rental agreement pursuant to subsection (2) of this section:

(a) Is not liable for rent or damages to the dwelling unit incurred after the release date; and

(b) Is not subject to any fee solely because of termination of the rental agreement.

(5) Notwithstanding the release from a rental agreement of a tenant who is a victim of domestic violence, sexual assault or stalking and any tenant who is an immediate family member of that tenant, other tenants remain subject to the rental agreement.

(6) A landlord may not disclose any information provided by a tenant under this section to a third party unless the disclosure is:

(a) Consented to in writing by the tenant;

(b) Required for use in an eviction proceeding;

(c) Made to a qualified third party; or

(d) Required by law.

(7) The provision of a verification statement under subsection (2) of this section does not waive the confidential or privileged nature of a communication between the victim of domestic violence, sexual assault or stalking and a qualified third party.

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**Victim of domestic violence, sexual assault or stalking; continuation of tenancy**

OR. REV. STAT. ANN. § 90.456

Notwithstanding the release of a tenant who is a victim of domestic violence, sexual assault or stalking, and any immediate family members of that tenant, from a rental agreement under ORS 90.453 or the exclusion of a perpetrator of domestic violence, sexual assault or stalking as provided in ORS 90.459 or 105.128, if there are any remaining tenants of the dwelling unit, the tenancy shall continue for those tenants. Any fee, security deposit or prepaid rent paid by the victim, perpetrator or other tenants shall be applied, accounted for or refunded by the landlord following termination of the tenancy and delivery of possession by the remaining tenants as provided in ORS 90.300 and 90.302.

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**Victim of domestic violence, sexual assault or stalking; changing of locks**

OR. REV. STAT. ANN. § 90.459

(1) A tenant may give actual notice to the landlord that the tenant is a victim of domestic violence, sexual assault or stalking and may request that the locks to the dwelling unit be changed. A tenant is not required to provide verification of the domestic violence, sexual assault or stalking to initiate the changing of the locks.

(2) A landlord who receives a request under subsection (1) of this section shall promptly change the locks to the tenant’s dwelling unit at the tenant's expense or shall give the tenant permission to change the locks. If a landlord fails to promptly act, the tenant may change the locks without the landlord’s permission. If the tenant changes the locks, the tenant shall give a key to the new locks to the landlord.

(3) If the perpetrator of the domestic violence, sexual assault or stalking is a tenant in the same dwelling unit as the victim:

(a) Before the landlord or tenant changes the locks under this section, the tenant must provide the landlord with a copy of an order issued by a court pursuant to ORS 107.716 or 107.718 or any other federal, state, local or tribal court that orders the perpetrator to move out of the dwelling unit.

(b) The landlord has no duty under the rental agreement or by law to allow the perpetrator access to the dwelling unit or provide keys to the perpetrator, during the term of the court order or after expiration of the court order, or to provide the perpetrator access to the perpetrator's personal property within the dwelling unit. Notwithstanding ORS 90.425, 90.435 or 90.675, if a landlord complies completely and in good faith with this section, the landlord is not liable to a perpetrator excluded from the dwelling unit.

(c) The perpetrator is jointly liable with any other tenant of the dwelling unit for rent or damages to the dwelling unit incurred prior to the date the perpetrator was excluded from the dwelling unit.

(d) Except as provided in subsection (2) of this section, the landlord may not require the tenant to pay additional rent or an additional deposit or fee because of the exclusion of the perpetrator.

(e) The perpetrator’s tenancy terminates by operation of law upon an order described in paragraph (a) of this subsection becoming a final order.

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**Termination of perpetrator’s tenancy; possession of dwelling unit**

OR. REV. STAT. ANN. § 105.128

In an action for possession of a dwelling unit to which ORS chapter 90 applies:

(1) If the defendant raises a defense under ORS 90.449 based upon the defendant’s status as a victim of domestic violence, sexual assault or stalking and the perpetrator is a tenant of the dwelling unit, the court may issue an order terminating the tenancy of the perpetrator and ordering the perpetrator to vacate the dwelling unit without terminating the tenancy of the other tenants and without awarding possession to the plaintiff.

(2) If the action is based upon a notice terminating the tenancy of a perpetrator under ORS 90.445, the court may issue an order upholding the termination of the perpetrator’s tenancy and ordering the perpetrator to vacate the dwelling unit without the tenancy of the other tenants being terminated and without awarding possession to the plaintiff.

(3) If a court issues an order described in subsection (1) or (2) of this section, the court may enter judgment in favor of the plaintiff against the perpetrator. The plaintiff may enforce the judgment against the perpetrator as provided in ORS 105.151, but may not enforce the judgment against any other tenant of the dwelling unit. The sheriff shall remove only the perpetrator from the dwelling unit. The sheriff may not return possession of the dwelling unit to the plaintiff.

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**Participation in Address Confidentiality Program**

OR. REV. STAT. ANN. § 192.826

(1) Any of the following individuals with the assistance of an application assistant may file an application with the Attorney General to participate in the Address Confidentiality Program:

- (a) An adult individual.
- (b) A parent or guardian acting on behalf of a minor when the minor resides with the parent or guardian.
- (c) A guardian acting on behalf of an incapacitated individual.

(2) The application must be dated, signed and verified by the applicant and the application assistant who assisted in the preparation of the application.

(3) The application must contain all of the following:

- (a) A statement by the applicant that the applicant or the applicant's child or ward is a victim of domestic violence, a sexual offense, stalking or human trafficking and that the applicant fears for the applicant's safety or the safety of the applicant’s child or ward.

(b) Evidence that the applicant or the applicant's child or ward is a victim of domestic violence, a sexual offense, stalking or human trafficking. This evidence may include any of the following:

(A) Law enforcement, court or other federal, state or local government records or files;

(B) Documentation from a public or private entity that provides assistance to victims of domestic violence, a sexual offense, stalking or human trafficking if the applicant or the applicant's child or ward is an alleged victim of domestic violence, a sexual offense, stalking or human trafficking;

(C) Documentation from a religious, medical or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, stalking or human trafficking; or

(D) Other forms of evidence as determined by the Attorney General by rule.

(c) A statement by the applicant that disclosure of the actual address of the applicant would endanger the safety of the applicant or the safety of the applicant's child or ward.

(d) A statement by the applicant that the applicant:

(A) Resides at a location in this state that is not known by assailants or potential assailants of the applicant or the applicant's child or ward; and

(B) Will not disclose the location to assailants or potential assailants of the applicant or the applicant's child or ward while the applicant is a program participant.

(e) Written consent permitting the Attorney General to act as an agent for the applicant for the service of all legal process in this state and the receipt of first-class, certified or registered mail.

(f) The mailing address and telephone number at which the Attorney General can contact the applicant.

(g) The actual address that the applicant requests not be disclosed by the Attorney General that directly relates to the increased risk of the applicant or the applicant's child or ward as a victim of domestic violence, a sexual offense, stalking or human trafficking.

(h) A sworn statement by the applicant that to the best of the applicant's knowledge the information contained in the application is true.

(i) A recommendation by an application assistant that the applicant be a participant in the Address Confidentiality Program.

(4) Upon the filing of a properly completed application and upon approval by the Attorney General, the Attorney General shall certify the applicant as a program participant.

(5) Upon certification, the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. The Address Confidentiality Program authorization card is valid as long as the program participant remains certified under the program.

(6) The term of certification shall be for a period of time determined by the Attorney General by rule, unless prior to the end of the period one of the following occurs:

(a) The program participant withdraws the certification by filing with the Attorney General a request for withdrawal signed by the program participant and acknowledged in writing by a notary public or an application assistant; or

(b) The Attorney General cancels the certification under ORS 192.834.

(7) A program participant may renew the certification by filing an application for renewal with the Attorney General at least 30 days prior to expiration of the current certification.

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# PENNSYLVANIA

Pennsylvania has enacted the following laws regarding survivors' housing rights:

- Protection orders granting possession to the plaintiff of the residence to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff.  
23 PA. CONS. STAT. ANN. § 6108
- Protection orders directing the defendant to provide suitable alternate housing.  
23 PA. CONS. STAT. ANN. § 6108
- Protection orders directing the defendant to make or continue to make rent or mortgage payments on the residence of the plaintiff to the extent that the defendant has a duty to support the plaintiff or other dependent household members.  
23 PA. CONS. STAT. ANN. § 6108
- Protection orders directing the defendant to pay the plaintiff's relocation and moving expenses. 23 PA. CONS. STAT. ANN. § 6108
- Rights of victims of domestic violence to appeal a judgment for possession.  
68 PA. CONS. STAT. ANN. § 250.513
- Address confidentiality program. 23 PA. CONS. STAT. ANN. §§ 6703 through 6705

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## Relief

23 PA. CONS. STAT. ANN. § 6108

**(a) General rule.--**The court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff if the residence or household is jointly owned or leased by the parties, is owned or leased by the entireties or is owned or leased solely by the plaintiff.

(3) If the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or

restoring possession to the plaintiff or, with the consent of the plaintiff, ordering the defendant to provide suitable alternate housing.

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(5) After a hearing in accordance with section 6107(a), directing the defendant to pay financial support to those persons the defendant has a duty to support, requiring the defendant, under sections 4324 (relating to inclusion of medical support) and 4326 (relating to mandatory inclusion of child medical support), to provide health coverage for the minor child and spouse, directing the defendant to pay all of the unreimbursed medical expenses of a spouse or minor child of the defendant to the provider or to the plaintiff when he or she has paid for the medical treatment, and directing the defendant to make or continue to make rent or mortgage payments on the residence of the plaintiff to the extent that the defendant has a duty to support the plaintiff or other dependent household members. The support order shall be temporary, and any beneficiary of the order must file a complaint for support under the provisions of Chapters 43 (relating to support matters generally) and 45 (relating to reciprocal enforcement of support orders) within two weeks of the date of the issuance of the protection order. If a complaint for support is not filed, that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a complaint for support, the portion of the protection order requiring the defendant to pay support expires.

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(8) Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the defendant or at the direction of the defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the defendant to pay reasonable attorney fees. An award under this chapter shall not constitute a bar to litigation for civil damages for injuries sustained from the acts of abuse giving rise to the award or a finding of contempt under this chapter.

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**Appeal by tenant to common pleas court**

68 PA. CONS. STAT. ANN. § 250.513

(a) Every tenant who files an appeal to a court of common pleas of a judgment of the lower court involving an action under this act for the recovery of possession of real property or for rent due shall deposit with the prothonotary a sum equal to the amount of rent due as determined by the lower court. This sum representing the rent due or in question shall be placed in a special escrow account by the prothonotary. The prothonotary shall only dispose of these funds by order of court.

(b) Within ten days after the rendition of judgment by a lower court arising out of residential lease or within thirty days after a judgment by a lower court arising out of a nonresidential lease or a residential lease involving a victim of domestic violence, either party may appeal to the court of common pleas, and the appeal by the tenant shall operate as a supersedeas only if the tenant pays in cash or bond the amount of any judgment rendered by the lower court or is a victim of domestic violence and pays in cash any rent which becomes due during the court of common pleas proceedings within ten days after the date each payment is due into an escrow account with the prothonotary or the supersedeas shall be summarily terminated.

(c) Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(d) Upon application by the tenant, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to directly compensate those providers of habitable services which the landlord is required to provide under law or under the lease.

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**“Lower court.”** District justice, magistrate or any other court having jurisdiction over landlord and tenant matters, excluding a court of common pleas.

**“Victim of domestic violence.”** A person who has obtained a protection from abuse order against another individual or can provide other suitable evidence as the court shall direct.

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**Address Confidentiality Program**

23 PA. CONS. STAT. ANN. § 6703

**(a) Establishment.--**The Office of Victim Advocate shall establish a program to be known as the Address Confidentiality Program. Upon application and certification, persons eligible under section 6704 (relating to persons eligible to apply) shall receive a confidential substitute address provided by the Office of Victim Advocate.

**(b) Administration.--**The Office of Victim Advocate shall forward all first class, registered and certified mail at no expense to a program participant within three business days. The Office of Victim Advocate may arrange to receive and forward other classes or kinds of mail at the program participant's expense.

**(c) Notice.--**Upon certification, the Office of Victim Advocate shall provide notice of participation and the program participant's substitute address to appropriate officials involved in an ongoing civil or criminal case in which a program participant is a victim, witness, plaintiff or defendant.

(d) **Records.**--All records relating to applicants and program participants are the property of the Office of Victim Advocate. These records, including program applications, participants' actual addresses and waiver proceedings, shall be kept confidential and shall not be subject to the provisions of the act of June 21, 1957 (P.L. 390, No. 212), referred to as the Right-to-Know Law, except that records may be released as specifically set forth in this chapter and to a district attorney to the extent necessary for the prosecution of conduct as set forth in section 6711 (relating to penalties).

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**Domestic and Sexual Violence Victim Address Confidentiality; Persons eligible to apply**

23 PA. CONS. STAT. ANN. § 6704

The following persons shall be eligible to apply to become program participants:

- (1) A victim of domestic violence who files an affidavit with the Office of Victim Advocate stating the affiant's eligibility for a protection from abuse order and further stating that the affiant fears future violent acts by the perpetrator of the abuse.
- (2) A victim of sexual assault who files an affidavit with the Office of Victim Advocate describing the perpetrator's violent actions or threatened violent actions toward the affiant and further stating that the affiant fears future violent acts by the perpetrator of the sexual violence.
- (3) A victim of stalking who files an affidavit with the Office of Victim Advocate describing the perpetrator's course of conduct or repeated actions toward the affiant meeting the criteria enumerated in 18 Pa.C.S. § 2709.1 (relating to stalking) and further stating that the affiant fears future violent acts by the perpetrator of the stalking.
- (4) A person who is a member of the same household as a program participant.
- (5) A program participant who notifies the Office of Victim Advocate of the participant's intent to continue in the program prior to the expiration of certification.

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**Domestic and Sexual Violence Victim Address Confidentiality; Application and certification process**

23 PA. CONS. STAT. ANN. § 6705

(a) **General rule.**--A person must file an application with the Office of Victim Advocate on a form prescribed by the Office of Victim Advocate. The Office of Victim Advocate shall certify eligible applicants as program participants in accordance with the procedures outlined in

subsection (b). Certification shall be valid for a period of three years following the date of certification unless the certification is withdrawn or canceled before the expiration of that period.

**(b) Requirements for certification.**--The Office of Victim Advocate shall certify an applicant as a program participant if:

- (1) The applicant meets the eligibility requirements under section 6704 (relating to persons eligible to apply).
- (2) The applicant designates the Office of Victim Advocate as an agent for the purpose of receiving service of process.
- (3) The application contains the applicant's actual address and telephone number where the applicant can be contacted.
- (4) The application contains a list of all pending civil and criminal proceedings in which the applicant is a victim, witness, plaintiff or defendant and, if applicable, the applicant's involvement with State and county probation and parole.
- (5) The application contains a statement signed by the applicant affirming that the information provided by the applicant is true to the best of the applicant's information, knowledge and belief.
- (6) The application contains a statement signed by the applicant acknowledging that the applicant has a continuing duty to notify the Office of Victim Advocate of any change in the information provided to the Office of Victim Advocate in accordance with this chapter. The duty shall remain in effect for the duration of participation in the program.
- (7) The application contains the date, the applicant's signature and the signature of any person who assisted in the preparation of the application.

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# RHODE ISLAND

Rhode Island has enacted the following laws regarding survivors' housing rights:

- Owners are prohibited from discriminating against victims of domestic abuse. R.I. GEN. LAWS §§ 34-37-1 through 34-37-4
- Address confidentiality program. R.I. GEN. LAWS § 17-28-3

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## **Finding and declaration of policy**

### R.I. GEN. LAWS § 34-37-1

(a) In the State of Rhode Island and Providence Plantations, hereinafter referred to as the state, many people are denied equal opportunity in obtaining housing accommodations and are forced to live in circumscribed areas because of discriminatory housing practices based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. These practices tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under depressed living conditions in crowded, unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard; endanger the public health; jeopardize the public safety, general welfare and good order of the entire state; and impose substantial burdens on the public revenues for the abatement and relief of conditions so created. These discriminatory and segregative housing practices are inimical to and subvert the basic principles upon which the colony of Rhode Island and Providence Plantations was founded and upon which the state and the United States were later established. Discrimination and segregation in housing tend to result in segregation in our public schools and other public facilities, which is contrary to the policy of the state and the constitution of the United States. Further, discrimination and segregation in housing adversely affect urban renewal programs and the growth, progress, and prosperity of the state. In order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of discrimination.

(b) It is hereby declared to be the policy of the state to assure to all individuals regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, or disability, age, familial status, or those tenants or applicants, or members of a household, who are, or have been, or are threatened with being, the victims of domestic abuse, or those tenants or applicants who have obtained, or sought, or are seeking, relief from any court in the form of a restraining order for protection from domestic abuse, equal opportunity to live in

decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health, safety, and general welfare of all the inhabitants of the state may be protected and insured.

(c) The practice of discrimination in rental housing based on the potential or actual tenancy of a person with a minor child, or on the basis that a tenant or applicant, or a member of the household, is or has been or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse is declared to be against public policy.

(d) This chapter shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health, and peace of the people of the state.

(e) Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with § 34-18-24(7).

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**Right to equal housing opportunities--Civil rights**

R.I. GEN. LAWS § 34-37-2

The right of all individuals in the state to equal housing opportunities and regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or regardless of the fact that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, is hereby recognized as, and declared to be, a civil right. Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with § 34-18-24(7).

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**Unlawful housing practices**

R.I. GEN. LAWS § 34-37-4

(a) No owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(11), or an agent of any of these shall, directly or indirectly, make or cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin or disability, age, familial status nor make any written or oral inquiry concerning whether a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, occupant, or tenant of the housing accommodation; or shall, directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing

accommodation because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, or familial status of the individual or the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin or disability, age, or familial status of any person with whom the individual is or may wish to be associated; or shall, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. Nor shall an owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(11), or an agent of any of these, directly or indirectly, issue any advertisement relating to the sale, rental, or lease of the housing accommodation which indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate against any individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, in the terms, conditions, or privileges of the sale, rental, or lease of any housing accommodation or in the furnishing of facilities or services in connection with it. Nothing in this subsection shall be construed to prohibit any oral or written inquiry as to whether the prospective purchaser or tenant is over the age of eighteen (18).

(b) No person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation, whether secured or unsecured shall directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or any express written or oral inquiry into whether a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of any individual seeking the financial assistance, or of existing or prospective occupants or tenants of the housing accommodation; nor shall any person to whom the application is made in the manner provided, directly or indirectly, discriminate in the terms, conditions, or privileges relating to the obtaining or use of any financial assistance against any applicant because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant or of the existing or prospective occupants or tenants. Nothing in this

subsection shall be construed to prohibit any written or oral inquiry as to whether the applicant is over the age of eighteen (18).

(c) Nothing in this section contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease, or manage a housing accommodation to establish standards and preferences and set terms, conditions, limitations, or specifications in the selling, renting, leasing, or letting thereof or in the furnishing of facilities or services in connection therewith which do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, lessee, tenant, or occupant thereof or on the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, or familial status of any person with whom the prospective purchaser, lessee, tenant, or occupant is or may wish to be associated. Nothing contained in this section shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations to set standards and preferences, terms, conditions, limitations, or specifications for the granting of loans or financial assistance which do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant for the loan or financial assistance or of any existing or prospective owner, lessee, tenant, or occupant of the housing accommodation.

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**Address confidentiality program--Application--Certification**

R.I. GEN. LAWS § 17-28-3

(a) An adult person who is a victim of domestic violence and any member of his/her household may apply to the secretary of state to have an address designated by the secretary of state serve as the person’s address. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(1) A sworn statement by the applicant:

(i) That the applicant is a victim of domestic violence, as defined in § 17-28-2(c) of this chapter;

(ii) That the applicant fears for his or her safety or his or her children’s safety;

(iii) That the applicant resides in the same household as a victim of domestic violence, as defined in subsection 17-28-2(c); and

(iv) That the individual who committed the domestic violence has knowledge that the applicant lives in the same household as the victim of domestic violence, as defined in subsection 17-28-2(c).

(2) The mailing address where the applicant can be contacted by the secretary of state, and the phone number or numbers where the applicant can be called by the secretary of state;

(3) The new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence;

(4) The signature of the applicant, and of any individual or representative of any office designated in writing under § 17-28-6 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the secretary of state.

(c) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four (4) years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall establish by rule a renewal procedure.

(d) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children, or who knowingly provides false or incorrect information upon making an application, shall be punished by a fine of not more than five hundred dollars (\$500).

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# SOUTH CAROLINA

South Carolina has enacted the following law regarding survivors' housing rights:

- Orders excluding the restrained party from the protected party's residence.  
S.C. CODE ANN. § 20-4-60

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**Order of protection; contents.**

S.C. CODE ANN. § 20-4-60

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(C) When the court has, after a hearing for any order of protection, issued an order of protection, it may, in addition:

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(3) when the respondent has a legal duty to support the petitioner or minor children living in the household and the household's residence is jointly leased or owned by the parties or the respondent is the sole owner or lessee, grant temporary possession to the petitioner of the residence to the exclusion of the respondent;

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# SOUTH DAKOTA

South Dakota has enacted the following law regarding survivors' housing rights:

- Orders excluding the restrained party from the protected party's residence.  
S.D. CODIFIED LAWS §§ 25-10-5, 25-10-6

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## **Relief authorized on finding abuse--Time limitation**

S.D. CODIFIED LAWS § 25-10-5

Upon notice and a hearing, if the court finds by a preponderance of the evidence that domestic abuse has taken place, the court may provide relief as follows:

- (1) Restrain any party from committing acts of domestic abuse;
- (2) Exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

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## **Ex parte temporary protection order**

S.D. CODIFIED LAWS § 25-10-6

When an affidavit filed with an application under this chapter alleges that immediate and irreparable injury, loss, or damage will result before an adverse party or his attorney can be heard in opposition, the court may grant an ex parte temporary protection order pending a full hearing and granting relief as the court deems proper, including an order:

- (1) Restraining any family or household member from committing acts of domestic abuse;
- (2) Excluding any family or household member from the dwelling or the residence of the petitioner.

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# TENNESSEE

Tennessee has enacted the following law regarding survivors' housing rights:

- Protection orders granting the petitioner possession of the residence to the exclusion of the respondent by evicting the respondent, restoring possession to the petitioner, or both. TENN. CODE ANN. § 36-3-606
- Protection orders directing the respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence. TENN. CODE ANN. § 36-3-606
- Protection orders directing the respondent to pay the petitioner all costs and fees related to the petitioner's breach of a lease if continuing to reside in the rental unit may jeopardize the safety of the petitioner. TENN. CODE ANN. § 36-3-606
- The petitioner's right to relief is not affected by the petitioner's leaving the residence. TENN. CODE ANN. § 36-3-613

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## Protection orders; contents

### TENN. CODE ANN. § 36-3-606

(a) A protection order granted under this part to protect the petitioner from domestic abuse, stalking or sexual assault may include, but is not limited to:

...

(4) Granting to the petitioner possession of the residence or household to the exclusion of the respondent by evicting the respondent, by restoring possession to the petitioner, or by both;

(5) Directing the respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence or household;

...

(10) Directing the respondent to immediately and temporarily vacate a residence shared with the petitioner, pending a hearing on the matter, notwithstanding any provision of this part to the contrary; or

(11) Directing the respondent to pay the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property if the petitioner is a party to the lease or rental agreement and if the court finds that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's



children. Nothing in this subdivision (a)(11) shall be construed as altering the terms of, liability for, or parties to such lease or rental agreement.

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(b) Relief granted pursuant to subdivisions (a)(4)-(8) shall be ordered only after the petitioner and respondent have been given an opportunity to be heard by the court.

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(d) No order of protection made under this part shall in any manner affect title to any real property.

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**Leaving residence or household to avoid domestic abuse**

TENN. CODE ANN. § 36-3-613

(a) The petitioner's right to relief under this part is not affected by the petitioner's leaving the residence or household to avoid domestic abuse, stalking or sexual assault.

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# TEXAS

Texas has enacted the following laws regarding survivors' housing rights:

- Protection of the tenant's right to call for law enforcement assistance. TEX. PROP. CODE. ANN. § 92.015
- Early lease termination. TEX. PROP. CODE. ANN. § 92.016
- Address confidentiality program. TEX. CODE CRIM. PROC. ANN. art. 56.82 through 56.83

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## **Tenant's Right to Summon Police or Emergency Assistance**

TEX. PROP. CODE. ANN. § 92.015

(a) A landlord may not:

- (1) prohibit or limit a residential tenant's right to summon police or other emergency assistance in response to family violence; or
- (2) impose monetary or other penalties on a tenant who summons police or emergency assistance in response to family violence.

(b) A provision in a lease is void if the provision purports to:

- (1) waive a tenant's right to summon police or other emergency assistance in response to family violence; or
- (2) exempt any party from a liability or a duty under this section.

(c) In addition to other remedies provided by law, if a landlord violates this section, a tenant is entitled to recover from or against the landlord:

- (1) a civil penalty in an amount equal to one month's rent;
- (2) actual damages suffered by the tenant as a result of the landlord's violation of this section;
- (3) court costs;
- (4) injunctive relief; and
- (5) reasonable attorney's fees incurred by the tenant in seeking enforcement of this section.

(d) For purposes of this section, if a tenant's rent is subsidized in whole or in part by a governmental entity, "one month's rent" means one month's fair market rent.

(e) For purposes of this section, "family violence" has the meaning assigned by Section 71.004, Family Code.

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**Right to Vacate and Avoid Liability Following Family Violence**

TEX. PROP. CODE ANN. § 92.016

(a) For purposes of this section:

- (1) "Family violence" has the meaning assigned by Section 71.004, Family Code.
- (2) "Occupant" means a person who has the landlord's consent to occupy a dwelling but has no obligation to pay the rent for the dwelling.

(b) A tenant may terminate the tenant's rights and obligations under a lease and may vacate the dwelling and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the dwelling before the end of the lease term if the tenant complies with Subsection (c) and provides the landlord or the landlord's agent a copy of one or more of the following orders protecting the tenant or an occupant from family violence:

- (1) a temporary injunction issued under Subchapter F, Chapter 6, Family Code;
- (2) a temporary ex parte order issued under Chapter 83, Family Code; or
- (3) a protective order issued under Chapter 85, Family Code.

(c) A tenant may exercise the rights to terminate the lease under Subsection (b), vacate the dwelling before the end of the lease term, and avoid liability beginning on the date after all of the following events have occurred:

- (1) a judge signs an order described by Subsection (b);
- (2) the tenant provides a copy of the relevant documentation described by Subsection (b) to the landlord;
- (3) the tenant provides written notice of termination of the lease to the landlord on or before the 30th day before the date the lease terminates;
- (4) the 30th day after the date the tenant provided notice under Subdivision (3) expires; and
- (5) the tenant vacates the dwelling.

(c-1) If the family violence is committed by a cotenant or occupant of the dwelling, a tenant may exercise the right to terminate the lease under the procedures provided by Subsection (b)(1) or (3) and Subsection (c), except that the tenant is not required to provide the notice described by Subsection (c)(3).

(d) Except as provided by Subsection (f), this section does not affect a tenant's liability for delinquent, unpaid rent or other sums owed to the landlord before the lease was terminated by the tenant under this section.

(e) A landlord who violates this section is liable to the tenant for actual damages, a civil penalty equal in amount to the amount of one month's rent plus \$500, and attorney's fees.

(f) A tenant who terminates a lease under Subsection (b) is released from all liability for any delinquent, unpaid rent owed to the landlord by the tenant on the effective date of the lease termination if the lease does not contain language substantially equivalent to the following:

“Tenants may have special statutory rights to terminate the lease early in certain situations involving family violence or a military deployment or transfer.”

(g) A tenant's right to terminate a lease before the end of the lease term, vacate the dwelling, and avoid liability under this section may not be waived by a tenant.

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**Address Confidentiality Program**

TEX. CODE CRIM. PROC. ANN. art. 56.82

(a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in maintaining a confidential address.

(b) The attorney general shall:

(1) designate a substitute post office box address that a participant may use in place of the participant's true residential, business, or school address;

(2) act as agent to receive service of process and mail on behalf of the participant; and

(3) forward to the participant mail received by the office of the attorney general on behalf of the participant.

(c) A summons, writ, notice, demand, or process may be served on the attorney general on behalf of the participant by delivery of two copies of the document to the office of the attorney general. The attorney general shall retain a copy of the summons, writ, notice, demand, or process and

forward the original to the participant not later than the third day after the date of service on the attorney general.

(d) The attorney general shall make and retain a copy of the envelope in which certified mail is received on behalf of the participant.

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**Eligibility to Participate in Program**

TEX. CODE CRIM. PROC. ANN. art. 56.83

(a) To be eligible to participate in the program, an applicant must:

(1) meet with a victim’s assistance counselor from a state or local agency or other entity, whether for-profit or nonprofit that is identified by the attorney general as an entity that provides counseling and shelter services to victims of family violence;

(2) file an application for participation with the attorney general or a state or local agency or other entity identified by the attorney general under Subdivision (1);

(3) designate the attorney general as agent to receive service of process and mail on behalf of the applicant; and

(4) live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code.

(b) An application under Subsection (a)(2) must contain:

(1) a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a threat of immediate or future harm caused by the person who committed or is alleged to have committed the family violence or an offense under Section 22.011, 22.021, 25. 02, or 42.072, Penal Code;

(2) the applicant’s true residential address and, if applicable, the applicant’s business and school addresses; and

(3) a statement by the applicant of whether there is an existing court order or a pending court case for child support or child custody or visitation that involves the applicant and, if so, the name and address of:

(A) the legal counsel of record; and

(B) each parent involved in the court order or pending case.

(c) An application under Subsection (a)(2) must be completed by the applicant in person at the state or local agency or other entity with which the application is filed. An applicant who knowingly or intentionally makes a false statement in an application under Subsection (a)(2) is subject to prosecution under Chapter 37, Penal Code.

(d) A state or local agency or other entity with which an application is filed under Subsection (a)(2) shall forward the application to the office of the attorney general.

(e) The attorney general by rule may establish additional eligibility requirements for participation in the program that are consistent with the purpose of the program as stated in Article 56.82(a). The attorney general may establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Subsection (a)(2) independent documentary evidence of family violence or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in the form of:

(1) an active or recently issued protective order;

(2) an incident report or other record maintained by a law enforcement agency or official;

(3) a statement of a physician or other health care provider regarding the applicant's medical condition as a result of the family violence or offense; or

(4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the applicant in addressing the effects of the family violence or offense.

(f) Any assistance or counseling provided by the attorney general or an employee or agent of the attorney general to an applicant does not constitute legal advice.

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# UTAH

Utah has enacted the following laws regarding survivors' housing rights:

- Lock changes. UTAH CODE ANN. § 57-22-5.1
- Early lease termination. UTAH CODE ANN. § 57-22-5.1

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## **Crime victim's right to new locks--Domestic violence victim's right to terminate rental agreement**

UTAH CODE ANN. § 57-22-5.1

(1) As used in this section:

(a) "crime victim" means a victim of:

(i) domestic violence, as defined in Section 77-36-1;

(ii) stalking as defined in Section 76-5-106.5;

(iii) a crime under Title 76, Chapter 5, Part 4, Sexual Offenses;

(iv) burglary or aggravated burglary under Section 76-6-202 or 76-6-203; or

(v) dating violence, consisting of verbal, emotional, psychological, physical, or sexual abuse of one person by another in a dating relationship.

(b) "Public safety agency" means a governmental entity that provides fire protection, law enforcement, ambulance, medical, or similar service.

(2) An acceptable form of documentation of an act listed in Subsection (1) is:

(a) a protective order protecting the renter issued pursuant to Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act, subsequent to a hearing of which the petitioner and respondent have been given notice under Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act; or

(b) a copy of a police report documenting an act listed in Subsection (1).

(3)(a) A renter who is a crime victim may require the renter's owner to install a new lock to the renter's residential rental unit if the renter:

(i) provides the owner with an acceptable form of documentation of an act listed in Subsection (1); and

(ii) pays for the cost of installing the new lock.

(b) An owner may comply with Subsection (3)(a) by:

(i) rekeying the lock if the lock is in good working condition; or

(ii) changing the entire locking mechanism with a locking mechanism of equal or greater quality than the lock being replaced.

(c) An owner who installs a new lock under Subsection (3)(a) may retain a copy of the key that opens the new lock.

(d) Notwithstanding any rental agreement, an owner who installs a new lock under Subsection (3)(a) shall refuse to provide a copy of the key that opens the new lock to the perpetrator of the act listed in Subsection (1).

(e) Notwithstanding Section 78B-6-814, if an owner refuses to provide a copy of the key under Subsection (3)(d) to a perpetrator who is not barred from the residential rental unit by a protective order but is a renter on the rental agreement, the perpetrator may file a petition with a court of competent jurisdiction within 30 days to:

(i) establish whether the perpetrator should be given a key and allowed access to the residential rental unit; or

(ii) whether the perpetrator should be relieved of further liability under the rental agreement because of the owner's exclusion of the perpetrator from the residential rental unit.

(f) Notwithstanding Subsection (3)(e)(ii), a perpetrator may not be relieved of further liability under the rental agreement if the perpetrator is found by the court to have committed the act upon which the landlord's exclusion of the perpetrator is based.

(4) A renter who is a victim of domestic violence, as defined in Section 77-36-1, may terminate a rental agreement if the renter:

(a) is in compliance with:

(i) all provisions of Section 57-22-5; and

(ii) all obligations under the rental agreement;

(b) provides the owner:

(i) written notice of termination; and



(ii) a protective order protecting the renter from a domestic violence perpetrator or a copy of a police report documenting that the renter is a victim of domestic violence and did not participate in the violence; and

(c) no later than the date that the renter provides a notice of termination under Subsection (4)(b)(i), pays the owner the equivalent of 45 days' rent for the period beginning on the date that the renter provides the notice of termination.

(5) An owner may not:

(a) impose a restriction on a renter's ability to request assistance from a public safety agency; or

(b) penalize or evict a renter because the renter makes reasonable requests for assistance from a public safety agency.

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# VERMONT

Vermont has enacted the following laws regarding survivors' housing rights:

- Orders excluding the restrained party from the protected party's residence. 15 VT. STAT. ANN. §§ 1103, 1104
- Address confidentiality program. 15 VT. STAT. ANN. § 1152

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## **Requests for relief**

### 15 VT. STAT. ANN. § 1103

(a) Any family or household member may seek relief from abuse by another family or household member on behalf of him or herself or his or her children by filing a complaint under this chapter. The plaintiff shall submit an affidavit in support of the order.

(b) Except as provided in section 1104 of this title, the court shall grant relief only after notice to the defendant and a hearing. The plaintiff shall have the burden of proving abuse by a preponderance of the evidence.

(c)(1) The court shall make such orders as it deems necessary to protect the plaintiff or the children, or both, if the court finds that the defendant has abused the plaintiff, and:

(A) there is a danger of further abuse; or

(B) the defendant is currently incarcerated and has been convicted of one of the following: murder, attempted murder, kidnapping, domestic assault, aggravated domestic assault, sexual assault, aggravated sexual assault, stalking, aggravated stalking, lewd or lascivious conduct with child, use of a child in a sexual performance, or consenting to a sexual performance.

(2) The court order may include the following:

(A) an order that the defendant refrain from abusing the plaintiff, his or her children or both and from interfering with their personal liberty, including restrictions on the defendant's ability to contact the plaintiff or the children in person, by phone or by mail and restrictions prohibiting the defendant from coming within a fixed distance of the plaintiff, the children, the plaintiff's residence, or other designated locations where the plaintiff or children are likely to spend time;

(B) an order that the defendant immediately vacate the household and that the plaintiff be awarded sole possession of a residence;

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(E) if the court finds that the defendant has a duty to support the plaintiff, an order that the defendant pay the plaintiff's living expenses for a fixed period of time not to exceed three months;

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**Emergency relief**

15 VT. STAT. ANN. § 1104

(a) In accordance with the rules of civil procedure, temporary orders under this chapter may be issued ex parte, without notice to defendant, upon motion and findings by the court that defendant has abused plaintiff, his or her children, or both. The plaintiff shall submit an affidavit in support of the order. Relief under this section shall be limited as follows:

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(2) upon a finding that the plaintiff, his or her children or both have been forced from the household and will be without shelter unless the defendant is ordered to vacate the premises, the court may order the defendant to vacate immediately the household and may order sole possession of the premises to the plaintiff;

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**Address confidentiality program; application; certification**

15 VT. STAT. ANN. § 1152

(a) An adult person, a parent or legal guardian acting on behalf of a minor, or a legal guardian acting on behalf of an incapacitated person, may apply to the secretary of state to have an address designated by the secretary serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state, and if it contains:

(1) a statement made under oath by the applicant that:

(A) the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, or stalking;

(B) the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;

(C) the parent or legal guardian applying on behalf of a minor or incapacitated person has legal authority to act on the person's behalf;

(D) if the applicant is under the supervision of the department of corrections, the applicant has notified the department of the actual address and the applicant authorizes the release of the actual address to the department; and

(E) if the applicant is required to report the actual address for the sex offender registry under subchapter 3 of chapter 167 of Title 13, the applicant authorizes the release of the actual address to the registry;

(2) a designation of the secretary as agent for purposes of service of process and for the purpose of receipt of mail;

(3) the mailing address where the applicant can be contacted by the secretary and the phone number or numbers where the applicant can be called by the secretary;

(4) the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault or stalking;

(5) the signature of the applicant and the name of any individual or representative of any office who assisted in the preparation of the application and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the secretary.

(c) Upon receipt of a properly completed application, the secretary shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing, unless the certification is withdrawn or cancelled before that date. The secretary shall by rule establish a renewal procedure.

(d) A person who knowingly provides false or incorrect information to the secretary as required by this chapter may be prosecuted under section 2904 of Title 13.

(e) A program participant shall notify the secretary of state of a change of actual address within seven days of the change of address.

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# VIRGINIA

Virginia has enacted the following laws regarding survivors' housing rights:

- Courts may grant protective orders that do the following:
  1. Grant the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person. VA. CODE ANN. §§ 16.1-253.1, 16.1-279.1
  2. Enjoining the respondent from terminating utility service to a premises that a petitioner has been granted possession of. VA. CODE ANN. §§ 16.1-253.1, 16.1-279.1
  3. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner. VA. CODE ANN. §§ 16.1-253.1, 16.1-279.1
- A lease shall not terminate due solely to an act of family abuse against the tenant. VA. CODE ANN. § 55-248.31
- Lock changes. VA. CODE ANN. §§ 55-225.5, 55-248.18:1
- Address confidentiality program (limited to certain counties). VA. CODE ANN. § 2.2-515.2

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## **Preliminary protective orders in cases of family abuse**

VA. CODE ANN. § 16.1-253.1

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A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:

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3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.

4. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.

...

6. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided.

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**Protective order in cases of family abuse**

VA. CODE ANN. § 16.1-279.1

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

...

3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;

4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;

...

6. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;

...

.....

**Noncompliance with rental agreement; monetary penalty**

VA. CODE ANN. § 55-248.31

A. Except as provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a violation of § 55-248.16 materially affecting health and safety, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice if the breach is not remedied in 21 days, and that the rental agreement shall terminate as provided in the notice.

...

D. If the tenant is a victim of family abuse as defined in § 16.1-228 that occurred in the dwelling unit or on the premises and the perpetrator is barred from the dwelling unit pursuant to § 55-248.31:01 based upon information provided by the tenant to the landlord, or by a protective order from a court of competent jurisdiction pursuant to § 16.1-253.1, 16.1-279.1, or subsection B of § 20-103, the lease shall not terminate due solely to an act of family abuse against the tenant. However, these provisions shall not be applicable if (i) the tenant fails to provide written documentation corroborating the tenant's status as a victim of family abuse and the exclusion from the dwelling unit of the perpetrator no later than 21 days from the alleged offense or (ii) the perpetrator returns to the dwelling unit or the premises, in violation of a bar notice, and the tenant fails promptly to notify the landlord within 24 hours thereafter that the perpetrator has returned to the dwelling unit or the premises, unless the tenant proves by a preponderance of the evidence that the tenant had no actual knowledge that the perpetrator violated the bar notice, or it was not possible for the tenant to notify the landlord within 24 hours, in which case the tenant shall promptly notify the landlord, but in no event more than 7 days thereafter. If the provisions of this subsection are not applicable, the tenant shall remain responsible for the acts of the other co-tenants, authorized occupants or guests or invitees pursuant to § 55-248.16, and is subject to termination of the tenancy pursuant to the lease and this chapter.

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**Access following entry of certain court orders**

VA. CODE ANN. § 55-225.5

A. A tenant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant to do so, provided:

1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and

2. A duplicate copy of all keys and instructions of how to operate all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. A landlord who has received a copy of a court order in accordance with subsection A shall not provide copies of any keys to the dwelling unit to any person excluded from the premises by such order.

C. This section shall not apply when the court order excluding a person was issued ex parte.

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**Access; consent; correction of nonemergency conditions; relocation of tenant**

VA. CODE ANN. § 55-248.18

...

D. The tenant may install, within the dwelling unit, new burglary prevention, including chain latch devices approved by the landlord, carbon monoxide detection devices, and fire detection devices, that the tenant may believe necessary to ensure his safety, provided:

1. Installation does no permanent damage to any part of the dwelling unit.

2. A duplicate of all keys and instructions of how to operate all devices are given to the landlord.

3. Upon termination of the tenancy the tenant shall be responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

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**Access following entry of certain court orders**

VA. CODE ANN. § 55-248.18:1

A. A tenant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security



devices on the exterior doors of the dwelling unit at the landlord’s actual cost or (ii) permit the tenant to do so, provided:

- 1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and
- 2. A duplicate copy of all keys and instructions of how to operate all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. A landlord who has received a copy of a court order in accordance with subsection A shall not provide copies of any keys to the dwelling unit to any person excluded from the premises by such order.

C. This section shall not apply when the court order excluding a person was issued ex parte.

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**Address confidentiality program established; victims of domestic violence; application; disclosure of records**

VA. CODE ANN. § 2.2-515.2

A. As used in this section:

“Address” means a residential street address, school address, or work address of a person as specified on the person's application to be a program participant.

“Applicant” means a person who is a victim of domestic violence or is a parent or guardian of a minor child or incapacitated person who is the victim of domestic violence.

“Domestic violence” means an act as defined in § 38.2-508 and includes threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law-enforcement officers. Such threat must be a threat of force which would place any person in reasonable apprehension of death or bodily injury.

“Domestic violence programs” means public and not-for-profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence.

“Program participant” means a person certified by the Office of the Attorney General as eligible to participate in the Address Confidentiality Program.

B. The Statewide Facilitator for Victims of Domestic Violence shall establish a program to be known as the “Address Confidentiality Program” to protect victims of domestic violence by

authorizing the use of designated addresses for such victims. An individual who is at least 18 years of age, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of an incapacitated person, or an emancipated minor may apply in person, at domestic violence programs that provide services where the role of the services provider is (i) to assist the eligible person in determining whether the address confidentiality program should be part of such person's overall safety plan; (ii) to explain the address confidentiality program services and limitations; (iii) to explain the program participant's responsibilities; and (iv) to assist the person eligible for participation with the completion of application materials. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if the application contains the following:

1. A sworn statement by the applicant declaring to be true and correct under penalty of perjury that the applicant has good reason to believe that:

a. The applicant, or the minor or incapacitated individual on whose behalf the application is made, is a victim of domestic violence;

b. The applicant fears further violent acts from the applicant's assailant; and

c. The applicant is not on active parole or probation supervision requirements under federal, state, or local law.

2. A designation of the Office of the Attorney General as agent for the purpose of receiving mail on behalf of the applicant;

3. The applicant's actual address to which mail can be forwarded and a telephone number where the applicant can be called;

4. A listing of any minor children residing at the applicant's actual address, each minor child's date of birth, and each minor child's relationship to the applicant; and

5. The signature of the applicant and any person who assisted in the preparation of the application and the date.

C. Upon approval of a completed application, the Office of the Attorney General shall certify the applicant as a program participant. An applicant shall be certified for one year following the date of the approval, unless the certification is withdrawn or invalidated before that date. A program participant may apply to be recertified every year.

D. Upon receipt of first-class mail addressed to a program participant, the Attorney General or his designee shall forward the mail to the actual address of the program participant. The actual address of a program participant shall be available only to the Attorney General and to those employees involved in the operation of the Address Confidentiality Program and to law-enforcement officers. A program participant's actual address may be entered into the Virginia Criminal Information Network (VCIN) system so that it may be made known to law-enforcement officers accessing the VCIN system for law-enforcement purposes.

E. The Office of the Attorney General may cancel a program participant's certification if:

1. The program participant requests withdrawal from the program;
2. The program participant obtains a name change through an order of the court;
3. The program participant changes his residence address and does not provide seven days' notice to the Office of the Attorney General prior to the change of address;
4. The mail forwarded by the Office of the Attorney General to the address provided by the program participant is returned as undeliverable;
5. Any information contained in the application is false;
6. The program participant has been placed on parole or probation while a participant in the address confidentiality program; and
7. The applicant is required to register as a sex offender pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

For purposes of the address confidentiality program, residents of temporary housing for 30 days or less are not eligible to enroll in the address confidentiality program until a permanent residential address is obtained.

The application form shall contain a statement notifying each applicant of the provisions of this subsection.

F. A program participant may request that any state or local agency use the address designated by the Office of the Attorney General as the program participant's address, except when the program participant is purchasing a firearm from a dealer in firearms. The agency shall accept the address designated by the Office of the Attorney General as a program participant's address, unless the agency has received a written exemption from the Office of the Attorney General demonstrating to the satisfaction of the Attorney General that:

1. The agency has a bona fide statutory basis for requiring the program participant to disclose to it the actual location of the program participant;
2. The disclosed confidential address of the program participant will be used only for that statutory purpose and will not be disclosed or made available in any way to any other person or agency; and
3. A state agency may request an exemption by providing in writing to the Office of the Attorney General identification of the statute or administrative rule that demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual. A request for a waiver from an agency may be for an individual program participant, a class of program

participants, or all program participants. The denial of an agency's exemption request shall be in writing and include a statement of the specific reasons for the denial. Acceptance or denial of an agency's exemption request shall constitute final agency action.

Any state or local agency that discloses the program participant's confidential address provided by the Office of the Attorney General shall be immune from civil liability unless the agency acted with gross negligence or willful misconduct.

A program participant's actual address shall be disclosed pursuant to a court order.

G. Records submitted to or provided by the Office of the Attorney General in accordance with this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to the extent such records contain information identifying a past or current program participant, including such person's name, actual and designated address, telephone number, and any email address. However, access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of a program participant in cases where the program participant is a minor child or an incapacitated person, except when the parent or legal guardian is named as the program participant's assailant.

H. Neither the Office of the Attorney General, its officers or employees, or others who have a responsibility to a program participant under this section shall have any liability nor shall any cause of action arise against them in their official or personal capacity from the failure of a program participant to receive any first class mail forwarded to him by the Office of the Attorney General pursuant to this section. Nor shall any such liability or cause of action arise from the failure of a program participant to timely receive any first class mail forwarded by the Office of the Attorney General pursuant to this section.

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# WASHINGTON

Washington has enacted the following laws regarding survivors' housing rights:

- Early lease termination. WASH. REV. CODE ANN. §§ 59.18.352, 59.18.575
- A landlord may not discriminate against a tenant or applicant based on the tenant's or applicant's status as a victim of domestic violence, sexual assault, or stalking. WASH. REV. CODE ANN. § 59.18.580
- Lock changes. WASH. REV. CODE ANN. § 59.18.585
- Address confidentiality program. WASH. REV. CODE ANN. §§ 40.24.010 through 40.24.040

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## **Threatening behavior by tenant--Termination of agreement--Written notice--Financial obligations**

WASH. REV. CODE ANN. § 59.18.352

If a tenant notifies the landlord that he or she, or another tenant who shares that particular dwelling unit has been threatened by another tenant, and:

- (1) The threat was made with a firearm or other deadly weapon as defined in RCW 9A.04.110; and
- (2) The tenant who made the threat is arrested as a result of the threatening behavior; and
- (3) The landlord fails to file an unlawful detainer action against the tenant who threatened another tenant within seven calendar days after receiving notice of the arrest from a law enforcement agency;

then the tenant who was threatened may terminate the rental agreement and quit the premises upon written notice to the landlord without further obligation under the rental agreement.

A tenant who terminates a rental agreement under this section is discharged from payment of rent for any period following the quitting date, and is entitled to a pro rata refund of any prepaid rent, and shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280.

Nothing in this section shall be construed to require a landlord to terminate a rental agreement or file an unlawful detainer action.

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**Threatening behavior by landlord--Termination of agreement--Financial obligations**

WASH. REV. CODE ANN. § 59.18.354

If a tenant is threatened by the landlord with a firearm or other deadly weapon as defined in RCW 9A.04.110, and the threat leads to an arrest of the landlord, then the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement. The tenant is discharged from payment of rent for any period following the quitting date, and is entitled to a pro rata refund of any prepaid rent, and shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280.

.....  
**Victim protection--Definitions**

WASH. REV. CODE ANN. § 59.18.570

The definitions in this section apply throughout this section and RCW 59.18.575 through 59.18.585 unless the context clearly requires otherwise.

- (1) "Credit reporting agency" has the same meaning as set forth in RCW 19.182.010(5).
- (2) "Domestic violence" has the same meaning as set forth in RCW 26.50.010.
- (3) "Household member" means a child or adult residing with the tenant other than the perpetrator of domestic violence, stalking, or sexual assault.
- (4) "Landlord" has the same meaning as in RCW 59.18.030 and includes the landlord's employees.
- (5) "Qualified third party" means any of the following people acting in their official capacity:
  - (a) Law enforcement officers;
  - (b) Persons subject to the provisions of chapter 18.120 RCW;
  - (c) Employees of a court of the state;
  - (d) Licensed mental health professionals or other licensed counselors;
  - (e) Employees of crime victim/witness programs as defined in RCW 7.69.020 who are trained advocates for the program; and
  - (f) Members of the clergy as defined in RCW 26.44.020.

(6) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(7) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(8) "Tenant screening service provider" means any nongovernmental agency that provides, for a fee, background information on prospective tenants to landlords.

(9) "Unlawful harassment" has the same meaning as in RCW 10.14.020 and also includes any request for sexual favors to a tenant or household member in return for a change in or performance of any or all terms of a lease or rental agreement.

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**Victim protection--Notice to landlord--Termination of rental agreement--Procedures**

WASH. REV. CODE ANN. § 59.18.575

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, unlawful harassment, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapter 7.90, 26.50, or 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, unlawful harassment, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter 59.18 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, unlawful harassment, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking. The qualified third party shall keep a

WASHINGTON

copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

.....

[Name of organization, agency, clinic, professional service provider]

I and/or my ..... (household member) am/is a victim of

... domestic violence as defined by RCW 26.50.010.

... sexual assault as defined by RCW 70.125.030.

... stalking as defined by RCW 9A.46.110.

... unlawful harassment as defined by RCW 59.18.570.

Briefly describe the incident of domestic violence, sexual assault, unlawful harassment, or stalking:

.....

.....

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the following location(s): .....

The incident(s) that I rely on in support of this declaration were committed by the following person(s): .....

.....

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct. Dated at ..... (city) ..., Washington, this ... day of ..., 20....

.....

Signature of Tenant or

Household Member

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and that the individual was a victim of an act that constitutes a crime of



domestic violence, sexual assault, unlawful harassment, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.

Dated this ... day of ..., 20...

.....

Signature of authorized officer/employee of (Organization, agency, clinic, professional service provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, unlawful harassment, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3)(a) Notwithstanding any other provision under this section, if a tenant or a household member is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under this chapter prior to making a copy of a valid order for protection or a written record of a report signed by a qualified third party available to the landlord, provided that:

(i) The tenant must deliver a copy of a valid order for protection or written record of a report signed by a qualified third party to the landlord by mail, fax, or personal delivery by a third party within seven days of quitting the tenant's dwelling unit; and

(ii) A written record of a report signed by the qualified third party must be substantially in the form specified under subsection (1)(b) of this section. The record of the report provided to the landlord must not include the name of the alleged perpetrator of the act. On written request by the landlord, the qualified third party shall, within seven days, provide the name of the alleged perpetrator of the act to the landlord only if the alleged perpetrator was a person meeting the definition of the term "landlord" under RCW 59.18.570.

(b) A tenant who terminates his or her rental agreement under this subsection is discharged from the payment of rent for any period following the latter of: (i) The date the tenant vacates the unit; or (ii) the date the record of the report of the qualified third party and the written notice that the tenant has vacated are delivered to the landlord by mail, fax, or personal delivery by a third party. The tenant is entitled to a pro rata refund of any prepaid rent and must receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280.

(4) If a tenant or a household member is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may change or add locks to the tenant's dwelling unit at the tenant's expense. If a tenant exercises his or her rights to change or add locks, the following rules apply:

(a) Within seven days of changing or adding locks, the tenant must deliver to the landlord by mail, fax, or personal delivery by a third party: (i) Written notice that the tenant has changed or added locks; and (ii) a copy of a valid order for protection or a written record of a report signed by a qualified third party. A written record of a report signed by a qualified third party must be substantially in the form specified under subsection (1)(b) of this section. The record of the report provided to the landlord must not include the name of the alleged perpetrator of the act. On written request by the landlord, the qualified third party shall, within seven days, provide the name of the alleged perpetrator to the landlord only if the alleged perpetrator was a person meeting the definition of the term "landlord" under RCW 59.18.570.

(b) After the tenant provides notice to the landlord that the tenant has changed or added locks, the tenant's rental agreement shall terminate on the ninetieth day after providing such notice, unless:

(i) Within sixty days of providing notice that the tenant has changed or added locks, the tenant notifies the landlord in writing that the tenant does not wish to terminate his or her rental agreement. If the perpetrator has been identified by the qualified third party and is no longer an employee or agent of the landlord or owner and does not reside at the property, the tenant shall provide the owner or owner's designated agent with a copy of the key to the new locks at the same time as providing notice that the tenant does not wish to terminate his or her rental agreement. A tenant who has a valid protection, antiharassment, or other protective order against the owner of the premises or against an employee or agent of the landlord or owner is not required to provide a key to the new locks until the protective order expires or the tenant vacates; or

(ii) The tenant exercises his or her rights to terminate the rental agreement under subsection (3) of this section within sixty days of providing notice that the tenant has changed or added locks.

(c) After a landlord receives notice that a tenant has changed or added locks to his or her dwelling unit under (a) of this subsection, the landlord may not enter the tenant's dwelling unit except as follows:

(i) In the case of an emergency, the landlord may enter the unit if accompanied by a law enforcement or fire official acting in his or her official capacity. If the landlord reasonably concludes that the circumstances require immediate entry into the unit, the landlord may, after notifying emergency services, use such force as necessary to enter the unit if the tenant is not present; or

(ii) The landlord complies with the requirements of RCW 59.18.150 and clearly specifies in writing the time and date that the landlord intends to enter the unit and the purpose for entering the unit. The tenant must make arrangements to permit access by the landlord.

(d) The exercise of rights to change or add locks under this subsection does not discharge the tenant from the payment of rent until the rental agreement is terminated and the tenant vacates the unit.

(e) The tenant may not change any locks to common areas and must make keys for new locks available to other household members.

(f) Upon vacating the dwelling unit, the tenant must deliver the key and all copies of the key to the landlord by mail or personal delivery by a third party.

(5) A tenant's remedies under this section do not preempt any other legal remedy available to the tenant.

(6) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section.

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**Victim protection--Limitation on landlord's rental decisions**

WASH. REV. CODE ANN. § 59.18.580

(1) A landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement based on the tenant's or applicant's or a household member's status as a victim of domestic violence, sexual assault, or stalking, or based on the tenant or applicant having terminated a rental agreement under RCW 59.18.575.

(2) A landlord who refuses to enter into a rental agreement in violation of this section may be liable to the tenant or applicant in a civil action for damages sustained by the tenant or applicant. The prevailing party may also recover court costs and reasonable attorneys' fees.

(3) It is a defense to an unlawful detainer action under chapter 59.12 RCW that the action to remove the tenant and recover possession of the premises is in violation of subsection (1) of this section.

(4) This section does not prohibit adverse housing decisions based upon other lawful factors within the landlord's knowledge.

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**Victim protection--Possession of dwelling unit--Exclusion of others--New lock or key**

WASH. REV. CODE ANN. § 59.18.585

(1) A tenant who has obtained a court order from a court of competent jurisdiction granting him or her possession of a dwelling unit to the exclusion of one or more cotenants may request that a lock be replaced or configured for a new key at the tenant’s expense. The landlord shall, if provided a copy of the order, comply with the request and shall not provide copies of the new keys to the tenant restrained or excluded by the court's order. This section does not release a cotenant, other than a household member who is the victim of domestic violence, sexual assault, or stalking, from liability or obligations under the rental agreement.

(2) A landlord who replaces a lock or configures for a new key of a residential housing unit in accordance with subsection (1) of this section shall be held harmless from liability for any damages that result directly from the lock change.

.....  
**Address Confidentiality for Victims of Domestic Violence, Sexual Assault, and Stalking; Findings—Purpose**

WASH. REV. CODE ANN. § 40.24.010

The legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, trafficking, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault, trafficking, or stalking, to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault, trafficking, or stalking, and to enable state and local agencies to accept a program participant’s use of an address designated by the secretary of state as a substitute mailing address.

.....  
**Address Confidentiality for Victims of Domestic Violence, Sexual Assault, and Stalking; Findings—Definitions**

WASH. REV. CODE ANN. § 40.24.020

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(2) "Domestic violence" means an act as defined in RCW 10.99.020 and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(3) "Program participant" means a person certified as a program participant under RCW 40.24.030.

(4) "Stalking" means an act defined in RCW 9A.46.110 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

(5) "Trafficking" means an act as defined in RCW 9A.40.100 or an act recognized as a severe form of trafficking under 22 U.S.C. Sec. 7102(8) as it existed on June 12, 2008, or such subsequent date as may be provided by the secretary of state by rule, consistent with the purposes of this subsection, regardless of whether the act has been reported to law enforcement.

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**Address confidentiality program--Application—Certification**

WASH. REV. CODE ANN. § 40.24.030

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined in RCW 11.88.010, and (b) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), and any family members residing with him or her, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made; or (B) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking

perpetrated by an employee of a law enforcement agency, or (B) threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or (b) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or any family members residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.

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# WEST VIRGINIA

West Virginia has enacted the following laws regarding survivors' housing rights:

- Address confidentiality program. W. VA. CODE §§ 48-28A-101 through 48-28A-108

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## **Purpose**

### W. VA. CODE § 48-28A-101

The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently find it necessary to establish a new address in order to prevent their assailants or probable assailants from finding them. The purpose of this article is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic abuse, sexual assault, or stalking; to enable interagency cooperation with the Secretary of State in providing address confidentiality for victims of domestic abuse, sexual assault, or stalking; and to enable state and local agencies to accept an address designated by the Secretary of State by a program participant as a substitute for a residential or mailing address.

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## **Definitions**

### W. VA. CODE § 48-28A-102

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

- (1) "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter or other specialized service to victims of domestic abuse, rape, sexual assault or stalking, and who has been designated by the respective agency or nonprofit program, and trained, accepted and registered by the Secretary of State to assist individuals in the completion of program participation applications.
- (2) "Designated address" means the address assigned to a program participant by the Secretary of State pursuant to section one hundred three of this article.
- (3) "Mailing address" means an address that is recognized for delivery by the United States Postal Service.
- (4) "Program" means the Address Confidentiality Program established by this article.
- (5) "Program participant" means a person certified by the Secretary of State to participate in the program.

(6) "Residential Address" means a residential street, school or work address of an individual, as specified on the individual's application to be a program participant under this article.

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**Address Confidentiality Program**

W. VA. CODE § 48-28A-103

(a) On or after the effective date of the enactment of this article, the Secretary of State shall create an Address Confidentiality Program to be staffed by full time employees who have been subjected to a criminal history records search.

(b) Upon recommendation of an application assistant, an adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the Secretary of State to have a designated address assigned by the Secretary of State.

(c) The Secretary of State may approve an application only if it is filed with the office of the Secretary of State in the manner established by rule and on a form prescribed by the Secretary of State. A completed application must contain the following information:

(1) The application preparation date, the applicant's signature and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(2) A designation of the Secretary of State as agent for purposes of service of process and for receipt of certain first-class mail;

(3) The mailing address where the applicant may be contacted by the Secretary of State or a designee and the telephone number or numbers where the applicant may be contacted by the Secretary of State or the Secretary of State's designee; and

(4) A residential or mailing address or both types of addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household.

(d) Upon receipt of a properly completed application, the Secretary of State may certify the applicant as a program participant. A program participant is certified for a period of four years following the date of initial certification unless the certification is withdrawn or invalidated before that date. The Secretary of State shall send notification of a lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant's certification.

(e) The Secretary of State shall forward to the program participant first-class mail received at the program participant's designated address.



(f)(1) An applicant may not file an application knowing that it:

(A) Contains false or incorrect information; or

(B) Falsely claims that disclosure of either the applicant’s residential or mailing address or both types of addresses threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

(2) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

(A) Contains false or incorrect information; or

(B) Falsely claims that disclosure of either the applicant’s residential or mailing address or both types of addresses threatens the safety of the applicant or the applicant’s children or the minor or incapacitated person on whose behalf the application is made.

(g) A person who violates the provisions of subsection (f) of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be confined in jail for a period of not more than one year.

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**Use of designated address**

W. VA. CODE, § 48-28A-105

(a) Upon demonstration of a program participant’s certification in the program, state and local agencies and the courts of this state shall accept the designated address as a program participant's address for the purposes of creating a new public record unless the Secretary of State has determined that:

(1) The agency or court has a bona fide statutory or administrative requirement for the use of the program participant's residential or mailing address, such that the agency or court is unable to fulfill its statutory duties and obligations without the program participant's residential or mailing address; and

(2) The program participant’s residential or mailing address will be used only for those statutory and administrative purposes, and shall be kept confidential, subject to the confidentiality provisions of section one hundred eight of this article.

(b) Notwithstanding the provisions of subsection (a) and upon the request of the Secretary of State, the Division of Motor Vehicles shall use the designated address for the purposes of issuing a driver's license or identification card: *Provided*, That the division of motor vehicles shall not be prohibited from collecting and retaining a program participant's residential or mailing address or both addresses to be used only for statutory and administrative purposes. Any residential or

mailing address of a program participant collected and retained pursuant to this subsection shall be kept confidential, subject to the provisions of section one hundred eight of this article.

(c) A designated address may be a post office box and may be used by a participant for voter registration purposes, as long as the Secretary of State has on file for the participant a residential and mailing address, as provided in section one hundred three of this article.

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**Confidentiality**

W. VA. CODE, § 48-28A-108

A program participant's application and supporting materials are not a public record and shall be kept confidential by the Secretary of State. Any employee of any agency or court who willfully breaches the confidentiality of these records or willfully discloses the name, residential or mailing address both or addresses of a program participant in violation of the provisions of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars or confined in jail not more than one year, or both fined and confined.

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# WISCONSIN

Wisconsin has enacted the following laws regarding survivors' housing rights:

- Provisions prohibiting housing discrimination against victims of domestic abuse, sexual assault, or stalking. WIS. STAT. ANN. § 106.50
- Eviction defense for victims of domestic abuse, sexual abuse, or stalking. WIS. STAT. ANN. § 106.50
- Early lease termination. WIS. STAT. ANN. § 704.16
- A landlord may terminate the tenancy of an offending tenant if the offending tenant commits acts that cause another tenant who occupies a dwelling unit in the same rental unit or apartment complex as the offending tenant to face an imminent threat of serious physical harm. WIS. STAT. ANN. § 704.16
- Lock changes. WIS. STAT. ANN. § 704.16

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## **Open housing**

WIS. STAT. ANN. § 106.50

(1) Intent. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under ss. 66.0125 and 66.1011. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences that are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be considered an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity, and human rights of the people of this state.

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(1m) Definitions. In this section:

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(h) "Discriminate" means to segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r) because of sex, race, color, sexual

orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

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(nm) "Member of a protected class" means a group of natural persons, or a natural person, who may be categorized because of sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual abuse, or stalking, lawful source of income, age, or ancestry.

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(u) "Status as a victim of domestic abuse, sexual assault, or stalking" means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in s. 813.12(1)(am), sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s. 940.32.

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**(2) Discrimination prohibited.** It is unlawful for any person to discriminate:

(a) By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.

(b) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

(c) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

(d) By advertising in a manner that indicates discrimination by a preference or limitation.

(e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

(f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(g) In providing the privileges, services or facilities that are available in connection with housing.

(h) By falsely representing that housing is unavailable for inspection, rental or sale.

(i) By denying access to, or membership or participation in, a multiple listing service or other real estate service.

(j) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.

(k) In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:

1. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.

2. Selling, brokering or appraising residential real property.

(L) By otherwise making unavailable or denying housing.

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**(5m) Exemptions and exclusions.**

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(d) Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual that caused harm or damage, that directly threatened harm or damage, or that caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the tenant's status as a victim of domestic abuse, sexual assault, or stalking.

(dm) It is not discrimination based on status as a victim of domestic abuse, sexual abuse, or stalking for a landlord to bring an action for eviction of a tenant based on a violation of the rental agreement or of a statute that entitles the landlord to possession of the premises, unless subd. 1. or 2. applies. A tenant has a defense to an action for eviction brought by a landlord if the tenant proves by a preponderance of the evidence that the landlord knew or should have known any of the following:

1. That the tenant is a victim of domestic abuse, sexual abuse, or stalking and that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse, or stalking by a person who was not the invited guest of the tenant.

2. That the tenant is a victim of domestic abuse, sexual abuse, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse, or stalking by a person who was the invited guest of the tenant, and that the tenant has done one of the following:

a. Sought an injunction under s. 813.12, 813.122, 813.123, or 813.125 enjoining the person from appearing on the premises.

b. Upon receiving notice under s. 704.17, provided a written statement to the landlord indicating that the person will no longer be an invited guest of the tenant and has not subsequently invited the person to be a guest of the tenant.

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**Termination of tenancy for imminent threat of serious physical harm; changing locks**

WIS. STAT. ANN. § 704.16

**(1) Terminating tenancy by tenant.** A residential tenant may terminate his or her tenancy and remove from the premises if both of the following apply:

(a) The tenant or a child of the tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises.

(b) The tenant provides the landlord with notice in the manner provided under s. 704.21 and with a certified copy of any of the following:

1. An injunction order under s. 813.12(4) protecting the tenant from the person.

2. An injunction order under s. 813.122 protecting a child of the tenant from the person.

3. An injunction order under s. 813.125(4) protecting the tenant or a child of the tenant from the person, based on the person's engaging in an act that would constitute sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s. 940.32, or attempting or threatening to do the same.

4. A condition of release under ch. 969 ordering the person not to contact the tenant.

5. A criminal complaint alleging that the person sexually assaulted the tenant or a child of the tenant under s. 940.225, 948.02, or 948.025.

6. A criminal complaint alleging that the person stalked the tenant or a child of the tenant under s. 940.32.

7. A criminal complaint that was filed against the person as a result of the person being arrested for committing a domestic abuse offense against the tenant under s. 968.075.

**(2) Not liable for rent.** If a residential tenant removes from the premises because of a threat of serious physical harm to the tenant or to a child of the tenant from another person and provides the landlord with a certified copy specified under sub. (1) and with notice that complies with s. 704.21, the tenant shall not be liable for any rent after the end of the month following the month in which he or she provides the notice or removes from the premises, whichever is later. The tenant's liability for rent under this subsection is subject to the landlord's duty to mitigate damages as provided in s. 704.29(2).

**(3) Termination of tenancy by landlord.** (a) In this subsection, "offending tenant" is a tenant whose tenancy is being terminated under this subsection.

(b) A landlord may terminate the tenancy of an offending tenant if all of the following apply:

1. The offending tenant commits one or more acts, including verbal threats, that cause another tenant, or a child of that other tenant, who occupies a dwelling unit in the same single-family rental unit, multiunit dwelling, or apartment complex as the offending tenant to face an imminent threat of serious physical harm from the offending tenant if the offending tenant remains on the premises.

2. The offending tenant is the named offender in any of the following:

a. An injunction order under s. 813.12(4) protecting the other tenant from the offending tenant.

b. An injunction order under s. 813.122 protecting the child of the other tenant from the offending tenant.

c. An injunction order under s. 813.125(4) protecting the other tenant or the child of the other tenant from the offending tenant, based on the offending tenant's engaging in an act that would constitute sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s. 940.32, or attempting or threatening to do the same.

d. A condition of release under ch. 969 ordering the offending tenant not to contact the other tenant.

e. A criminal complaint alleging that the offending tenant sexually assaulted the other tenant or the child of the other tenant under s. 940.225, 948.02, or 948.025.

f. A criminal complaint alleging that the offending tenant stalked the other tenant or the child of the other tenant under s. 940.32.

g. A criminal complaint that was filed against the offending tenant as a result of the offending tenant being arrested for committing a domestic abuse offense against the other tenant under s. 968.075.

3. The landlord gives the offending tenant written notice that complies with s. 704.21 requiring the offending tenant to vacate on or before a date that is at least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the right of the offending tenant to contest the termination of tenancy in an eviction action under ch. 799. If the offending tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the landlord by the greater preponderance of the credible evidence of the allegations against the offending tenant.

**(4) Changing locks.** (a) Subject to pars. (b) and (c), regardless of whether sub. (1) applies, at the request of a residential tenant who provides the landlord with a certified copy of a document specified in sub. (1)(b)1. to 7., a landlord shall change the locks to the tenant's premises.

(b) A landlord shall have the locks changed, or may give the tenant permission to change the locks, within 48 hours after receiving a request and certified copy under par. (a). The tenant shall be responsible for the cost of changing the locks. If the landlord gives the tenant permission to change the locks, within a reasonable time after any lock has been changed the tenant shall provide the landlord with a key for the changed lock.

(c)1. If the person who is the subject of the document provided to the landlord under par. (a) is also a tenant of the specific premises for which the locks are requested to be changed, the landlord is not required to change the locks under this subsection unless the document provided by the tenant requesting that the locks be changed is any of the following:

a. A document specified in sub. (1)(b)1., 2., or 3. that directs the tenant who is the subject of the document to avoid the residence of the tenant requesting that the locks be changed.

b. A document specified in sub. (1)(b)4. that orders the tenant who is the subject of the document not to contact the tenant requesting that the locks be changed.

2. Nothing in this subsection shall be construed to relieve a tenant who is the subject of the document provided to the landlord under par. (a) from any obligation under a rental agreement or any other liability to the landlord.

(d) A landlord is not liable for civil damages for any action taken to comply with this subsection.

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# WYOMING

Wyoming has enacted the following law regarding survivors' housing rights:

- Early lease termination by the victim. WYO. STAT. ANN. § 1-21-1303
- A petitioner for a protection order may be granted sole possession of the residence. WYO. STAT. ANN. § 35-21-105
- A restrained party may be ordered to provide alternative housing for the petitioner. WYO. STAT. ANN. § 35-21-105

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## Short title

WYO. STAT. ANN. § 1-21-1301

This act shall be known and may be cited as the “Wyoming Safe Homes Act.”

## Definitions

WYO. STAT. ANN. § 1-21-1302

(a) As used in this act:

- (i) “Domestic abuse” means as defined in W.S. 35-21-102(a)(iii);
- (ii) “Landlord” means the owner of a building or the owner’s agent with regard to matters concerning the landlord’s renting or leasing of a dwelling;
- (iii) “Sexual violence” means any act of sexual assault, sexual abuse or stalking of an adult or minor, including any nonconsensual sexual contact or intrusion as those terms are defined in the Wyoming Criminal Code;
- (iv) “Tenant” means a person who has entered into an oral or written lease with a landlord whereby the person is the lessee under the lease;
- (v) “This act” means W.S. 1-21-1301 through 1-21-1304.

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**Breach of lease; recovery of rent; affirmative defense.**

WYO. STAT. ANN. § 1-21-1303

(a) In any action brought by a landlord against a tenant to recover rent for breach of lease, the tenant shall have an affirmative defense and not be liable for rent for the period after which a tenant vacates the premises owned by the landlord and covered by the lease, if by a preponderance of the evidence, the court finds that:

(i) At the time the tenant vacated the premises, the tenant or a member of the tenant's household was under a credible imminent threat of domestic abuse or sexual violence at the premises, as demonstrated by medical, court or police evidence of domestic abuse or sexual violence; and

(ii) The tenant gave seven (7) days written notice to the landlord prior to vacating the premises stating that the reason for vacating the premises was because of a credible imminent threat of domestic abuse or sexual violence against the tenant or a member of the tenant's household.

(b) In any action brought by a landlord against a tenant to recover rent for breach of lease, the tenant shall have an affirmative defense and not be liable for rent for the period after which a tenant vacates the premises owned by the landlord and covered by the lease, if by a preponderance of the evidence, the court finds that:

(i) The tenant or a member of the tenant's household was a victim of domestic abuse or sexual violence on the premises that are owned or controlled by the landlord and the tenant has vacated the premises as a result of the sexual violence;

(ii) The tenant gave seven (7) days written notice to the landlord prior to vacating the premises stating that the reason for vacating the premises was because of the domestic abuse or sexual violence against the tenant or a member of the domestic abuse or tenant's household, the date of the sexual violence, and that the tenant provided medical, court or police evidence of domestic abuse or sexual violence to the landlord supporting the claim of domestic abuse or sexual violence; and

(iii) The domestic abuse or sexual violence occurred not more than sixty (60) days prior to the date of giving the written notice to the landlord, or if circumstances are such that the tenant could not reasonably give notice within that time period because of reasons related to the domestic abuse or sexual violence, including, but not limited to, hospitalization or seeking assistance for shelter or counseling, then as soon thereafter as practicable.

(c) A landlord may not terminate a tenancy based solely on the tenant's or applicant's or a household member's status as a victim of domestic abuse or sexual violence. This subsection does not prohibit adverse housing decisions based upon other lawful factors within the landlord's knowledge.

(d) Nothing in this act shall be construed to be a defense against:

(i) An action for recovery of rent for the period of time before the tenant vacated the landlord's premises and gave notice to the landlord as required in this section; or

(ii) Forcible entry and detainer for failure to pay rent before the tenant gave notice to the landlord as required in this section and vacated the premises.

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**Prohibition of waiver or modification**

WYO. STAT. ANN. § 1-21-1304

The provisions of this act shall not be waived or modified in any lease or separate agreement between a landlord and tenant.

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**Order of protection; contents; remedies; order not to affect title to property; conditions**

WYO. STAT. ANN. § 35-21-105

(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:

(i) Grant sole possession of the residence or household to the petitioner during the period the order of protection is effective or order the respondent to provide temporary suitable alternative housing for petitioner and any children to whom the respondent owes a legal obligation of support;

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