

Housing Help

Protections Available for Survivors of Domestic Violence



Who

Survivors of domestic violence, sexual assault, or stalking¹ are entitled to various housing protections under the law.



What

Federal and state laws² protect survivors and their families from wrongful eviction or being denied housing because of the violence committed against them.³ Survivors also have the ability to get out of a lease early, and the right to change their locks to increase their safety.



Where

Some protections exist nationwide, while others, like the ability to get out of a lease early, are specific to Washington State.



When

Protections in Washington State went into effect in March 2004. Federal protections under the Violence Against Women Act went into effect in January 2006.



How

There are certain steps survivors must take in order to break their lease or notify their landlord or housing authority of their status as a survivor. The next page outlines your rights and how this process works.

¹ *Domestic violence* is a pattern of abusive behavior used by someone to control an intimate partner. The abuse can be physical, sexual, verbal, emotional, or psychological. *Sexual assault* is any unwanted sexual contact, either physical or verbal. *Stalking* can be any intentional incident of threatening, harassing, following, surveillance and/or coercive behavior that occurs more than once and causes you to fear for your safety, the safety of someone you know, or your property.

² Federal: Violence Against Women Act (VAWA) 2005 [42 U.S.C. §13925; Public Law 109-162]. State: Tenants who are victims of domestic violence, sexual assault, or stalking have increased protection under the Residential Landlord Tenant Act (RLTA). The RLTA is in the Revised Code of Washington (RCW 59.18).

³ Before complying with VAWA, a Public Housing Authority or Section 8 landlord may ask an individual for documentation that he or she is or has been a victim of domestic violence, dating violence, or stalking. Documentation can include: a victim's statement, a police or court record, a statement signed by certain professionals (including DV advocates), or a HUD-approved certification form.



Terminating a Lease

Survivors can terminate their lease early if they meet these three conditions:

1. They have a valid order for protection OR a record of reporting the incident of domestic violence to a "qualified third party."⁴
2. They notify their landlord in writing that they are a victim and attach a copy of the order for protection or the record of the report with the letter.
3. They inform their landlord that they will be moving out within 90 days of the *incident that caused them to seek a protection order or make a report*. They can do this in the same letter that they used in step 2.

A landlord CANNOT legally terminate a lease, refuse to renew a lease, evict, or refuse to rent to a survivor just because they are a victim.

A landlord CAN evict a victim based on non-payment of rent or violation of other terms of the lease and CAN collect payment for rent owed prior to the incident or damage expenses.



Changing Locks

- A survivor must have a valid court order that excludes someone who is also on the lease from the home.
- The landlord must change the locks if the tenant (survivor) asks and provides a copy of the court order.
- The locks are changed at the *tenant's* expense
- The landlord cannot give copies of the keys to the tenant (abuser) excluded from the home by the order.



Getting Legal Help

If you believe that you are being discriminated against by a landlord because you are a victim of domestic violence, sexual assault, and/or stalking, you may be entitled to financial compensation from the landlord. For more information on legal options that may be available to you, go to www.washingtonlawhelp.org or contact:

- Northwest Justice Project's CLEAR hotline at: 1-888-201-1014 (for low-income callers) or
- Northwest Women's Law Center's Information & Referral Line at: 1-206-621-7691



No one has the right to threaten or hurt you.

If you think you may be a victim of domestic violence, sexual assault, and/or stalking, you can find support and resources near you by contacting the

Domestic Violence Hotline at 1-800-562-6025.

⁴ "Qualified third party" means any of the following people: law enforcement officers, state court employees, doctors, nurses and other health care professionals, licensed mental health professionals or counselors, members of clergy, or crime victim/witness program advocates (DV advocates).