

**6. Can a housing provider share the information I provide about the abuse with others?**

No. The housing authority or landlord cannot give the information you provide about the abuse to others. The information may be shared if you agree in writing, or if it is needed to evict the abuser from the housing.

**7. Does this mean that a victim of domestic violence, dating violence, or stalking cannot be evicted at all?**

No. You can still be evicted for serious or repeated lease violations that aren't related to the abuse. The landlord or housing authority must hold you to the same standard as other tenants. **If you receive any type of eviction notice, call a legal aid office immediately.**

**8. What can I do to enforce these rights?**

If you believe your housing authority or landlord isn't following VAWA, contact an attorney, fair housing agency, or domestic violence agency. They can help explain your rights and options.



703 Market St., Suite 2000  
San Francisco, CA 94103  
415-546-7000

**This project was supported by a generous grant from Verizon Wireless.**

## **Know Your Rights: Domestic Violence and Assisted Housing**

### **The Violence Against Women Act**

Are you a victim of domestic violence, dating violence, or stalking?  
Do you live in public housing, Section 8 housing, or supportive housing for the elderly or disabled?

**A law called VAWA, the Violence Against Women Act, may help you.**

# The Rights of Domestic Violence Victims Living in Assisted Housing

## 1. Does VAWA protect me?

VAWA applies only to tenants in certain assisted housing programs:

- public housing,
- Section 8 vouchers,
- project-based Section 8,
- Section 202 housing for the elderly, or
- Section 811 housing for people with disabilities.

The law does not cover tenants who live in private housing with no rental assistance.

VAWA protects victims of domestic violence, dating violence, and stalking. It also covers the victim's immediate family members, except for the abuser. You don't have to be married to or living with the abuser to be covered by VAWA.

## 2. What rights does VAWA offer?

Rights for victims of domestic violence, dating violence, and stalking include:

- If you are applying for housing, you can't be denied simply because you are a victim.

- You can't be evicted or lose your voucher based on violence against you.
- Acts of violence against you cannot be "serious or repeated violations" of your lease or "good cause" for evicting you or ending your voucher.

## 3. What if I need to get the abuser out of the home?

If a member of your household uses violence against you, the housing authority or your landlord may evict the abuser alone, and let you and your family stay in the home.

## 4. What if I need to move to escape the abuse?

If you have a Section 8 voucher, VAWA states that the housing authority may permit you to move and keep your voucher, even if your lease has not ended. The housing authority may ask you to prove that you are moving because of violence.

VAWA does not cover emergency moves for public housing tenants. You can still ask the housing authority to transfer you to another unit. The housing authority may ask you to put your request in writing and to prove that you are moving for safety reasons.

## 5. How do I prove that I can use VAWA's protections?

To see if you can use VAWA, the housing authority or your landlord may ask for information or "certification" showing that you are a victim of domestic violence, dating violence, or stalking. There are three ways you can show that you are a victim:

- Complete a certification form. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time and place of the violence, and a description of the violence. To get the form, call the housing authority or a legal aid office.
- Provide a letter signed by a victim service provider, attorney, or medical professional who has helped you with the abuse. You must also sign this letter.
- Provide a police or court record, such as a restraining order.

The housing authority or your landlord must give you at least 14 business days (weekends and holidays do not count) to provide proof of the violence.

**CERTIFICATION OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
OR STALKING**

**U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing**

OMB Approval No. 2577-0249  
Exp. (07/31/2007)

**Public reporting burden** for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. Information provided is to be used by PHAs and Section 8 owners or managers to request a tenant to certify that the individual is a victim of domestic violence, dating violence or stalking. The information is subject to the confidentiality requirements of the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Purpose of Form:** The Violence Against Women and Justice Department Reauthorization Act of 2005 protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

**Use of Form:** A family member must complete and submit this certification, or the information that may be provided in lieu of the certification, within 14 business days of receiving the written request for this certification by the PHA, owner or manager. The certification or alternate documentation must be returned to the person and address specified in the written request for the certification. If the family member has not provided the requested certification or the information that may be provided in lieu of the certification by the 14th business day or any extension of the date provided by the PHA, manager and owner, none of the protections afforded to victims of domestic violence, dating violence or stalking (collectively "domestic violence") under the Section 8 or public housing programs apply.

Note that a family member may provide, in lieu of this certification (or in addition to it):

- (1) A Federal, State, tribal, territorial, or local police or court record; or
- (2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

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**TO BE COMPLETED BY THE VICTIM OF DOMESTIC VIOLENCE:**

**Date Written Request Received By Family Member:** \_\_\_\_\_

**Name of the Victim of Domestic Violence:** \_\_\_\_\_

**Name(s) of other family members listed on the lease** \_\_\_\_\_

**Name of the abuser:** \_\_\_\_\_

**Relationship to Victim:** \_\_\_\_\_

**Date the incident of domestic violence occurred:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location of Incident:** \_\_\_\_\_

Name of victim:

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Description of Incident:

[INSERT TEXT LINES HERE]

I hereby certify that the information that I have provided is true and correct and I believe that, based on the information I have provided, that I am a victim of domestic violence, dating violence or stalking and that the incident(s) in question are bona fide incidents of such actual or threatened abuse. I acknowledge that submission of false information relating to program eligibility is a basis for termination of assistance or eviction.

Signature \_\_\_\_\_ Executed on (Date) \_\_\_\_\_

All information provided to a PHA, owner or manager relating to the incident(s) of domestic violence, including the fact that an individual is a victim of domestic violence shall be retained in confidence by an owner and shall neither be entered into any shared database nor provided to any related entity, except to the extent that such disclosure is (i) requested or consented to by the individual in writing; (ii) required for use in an eviction proceeding or termination of assistance; or (iii) otherwise required by applicable law.

**To get counseling about the abuse you experienced:**

- National Domestic Violence Hotline, 1-800-799-7233
- National Center for Victims of Crime, 1-800-394-2255
- National Sexual Assault Hotline, 1-800-656-4673

**For other information:**

- Dial 211 to get information on agencies that can help you find new housing, counseling, and legal services.



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## **Know Your Rights: Breaking Your Lease to Escape Violence**

### **Civil Code 1946.7**

Are you a victim of domestic violence,  
sexual assault, or stalking?  
Do you need to break your lease and  
move to protect your safety?

**Civil Code 1946.7 may help you.**

# The Right to Break Your Lease to Escape Violence

## 1. What is Civil Code 1946.7?

Civil Code 1946.7 allows people who have a restraining order or a police report to break their leases without owing additional rent.

The law applies only to victims of:

- Domestic violence,
- Sexual assault, OR
- Stalking.

## 2. What is the law's purpose?

Usually, if you move before your lease ends, you can be held responsible for all the rent that would be owed until your lease expires. Your landlord can sue you for this money. Civil Code 1946.7 allows you to break the lease, move out, and no longer be required to pay rent.

## 3. When should I use this law?

You can use the law if you:

- Rent an apartment and have a lease.
- Have a restraining order or police report.
- Need to move because you are a victim of domestic violence, sexual assault, or stalking.

## 4. How do I notify the landlord?

You must notify your landlord in writing that you were a victim of domestic violence, sexual assault, or stalking, and that you want to end the lease. Be sure to date the notice.

## 5. How much notice must I give the landlord?

You must give the landlord at least 30 days' notice before the lease can end. You are free to leave your apartment anytime after giving your landlord the notice. But you will still be responsible for the rent up to 30 days after giving the landlord the notice.

## 6. What type of proof do I need?

You must give your landlord either:

- A restraining order, OR
- A police report showing that you were the victim of domestic violence, sexual assault, or stalking.

The police report or restraining order can be no more than 60 days old.

## 7. What if I have roommates?

Your roommates can remain in the unit, even after you move out. They must continue to pay the full amount of rent, including your share.

## 8. What will happen to my deposit?

Your deposit will be treated the same way as if you had moved out at the end of your lease. The landlord must return your deposit within 21 days after you leave. The landlord can deduct money for unpaid rent, damages beyond ordinary wear and tear, and cleaning charges.

## 9. What if I have a month-to-month rental agreement?

You do not need to use Civil Code 1946.7 if you have a month-to-month rental agreement. You can move by giving your landlord written notice that you will leave the unit in 30 days.

## 10. What if I do not have a police report or restraining order?

The law requires that you have either a police report or restraining order. If you don't have these documents, ask a domestic violence agency or legal aid to help you talk to your landlord. These agencies can also help you get a restraining order.

## 11. What if I need help to use the law?

If you believe your landlord isn't following the law, contact a legal aid attorney, fair housing agency, or domestic violence agency.

## Breaking Your Lease to Escape Violence

This is an example of a letter that notifies a landlord that a tenant is a victim of domestic violence, sexual assault, or stalking and needs to break the lease. Contact legal aid or a domestic violence agency for help if you need to break your lease.

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### 30-Day Notice Terminating Tenancy Pursuant to Civil Code § 1946.7

Date: \_\_\_\_\_

Dear \_\_\_\_\_:

I am a tenant living at \_\_\_\_\_. I am a victim of domestic violence, sexual assault, or stalking within the past 60 days. Pursuant to California Civil Code Section 1946.7, this is my 30-day notice that I will end my rental agreement on \_\_\_\_\_.

I have enclosed (choose one or both)  a copy of my restraining order, or  a copy of a police report showing that I was the victim of an act of domestic violence, sexual assault or stalking.

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Address

**To file a complaint against your housing provider:**

- Department of Fair Employment and Housing, 1-800-233-3212
- Department of Housing and Urban Development, 1-800-669-9777

**To get counseling about the harassment you experienced:**

- National Sexual Assault Hotline, 1-800-656-4673

**For other information:**

- Dial 211 to get information on agencies that can help you find new housing, counseling, and legal services.



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## **Know Your Rights: Sexual Harassment and Housing**

### **Fair Housing Protections**

Have you experienced unwanted touching, unwanted sexual advances, sexual jokes, comments, or gestures in your rental housing?

**Fair housing laws may help you.**

# The Right to Be Free From Sexual Harassment in Rental Housing

## 1. What are my rights?

Under state and federal laws, it is illegal for landlords or their employees to discriminate against tenants because of their sex. They also cannot sexually harass tenants. These laws are known as “fair housing laws.” They may protect you from sexual harassment and discrimination in housing.

## 2. What is sexual harassment?

Sexual harassment can be many things, such as sexual favors, unwanted sexual advances, touching or comments of a sexual nature.

For example:

- The landlord tells you he’ll only keep renting to you if you go on a date with him.
- A maintenance person comes to fix your sink and makes sexual jokes, comments, and gestures to you while there.
- Your property manager tells you, “I’ll take \$100 off your rent—if you...”
- You experience harassing behavior directed at you because of your sex.

## 3. Who must obey the law?

Fair housing laws apply to a variety of people, including:

- Landlords
- Property managers
- Maintenance people
- Other tenants

If the landlord or manager knew or should have known about the harassment and did not stop it, the landlord or manager could be held responsible.

## 4. What should I do if I have been sexually harassed?

If you are experiencing sexual harassment, act quickly. Tell someone about it. Write down the following:

- What happened.
- When and where it happened.
- The name of the harasser.
- The names, addresses, and phone numbers of any witnesses or any other tenants who have been harassed.

Keep any documents related to the harassment, such as:

- Notes or gifts from the harasser.
- Rent increase notices.
- Warning notices.
- Eviction notices.

## 5. Who can help me?

If you have been sexually harassed in your housing, contact a legal aid attorney or fair housing agency. They can help explain your rights and options. If you fear that the harasser may harm you or your family, call the police immediately.

## 6. Can I be evicted if I report the harassment?

It is illegal for the landlord to try to evict you or raise your rent for reporting the harassment. **If you receive any type of eviction notice, call a legal aid office immediately.**

## 7. What are some of my options?

If you are a victim of sexual harassment, some of your options include:

- Having legal aid contact the landlord to make the harassment stop.
- Having a fair housing agency investigate the harassment.
- Filing a complaint with government agencies.
- Suing the harasser in court.

You only have a limited time to enforce your rights, so it is important to seek help from legal aid or a fair housing agency quickly.

## Community Resources

These agencies may be able to help if you have been denied housing, if you are facing eviction, if you have been discriminated against in your housing, or if you have other housing issues.

### Legal Aid Agencies

Affordable Housing Advocates  
303 A Street, Suite 300  
San Diego, CA 92101  
(619) 233-8441

Bay Area Legal Aid  
405 14th Street, 9th Floor  
Oakland, CA  
(510) 663-4744  
*Serves:* Alameda County, Contra Costa County, Marin County, Napa County, San Francisco County, San Mateo County, Santa Clara County

Bet Tzedek Legal Services  
145 So. Fairfax Avenue, #200  
Los Angeles, CA 90036  
(323) 939-0506

California Indian Legal Services Inc.  
609 S. Escondido Blvd.  
Escondido, CA 92025  
(760) 746-8941  
*Serves:* Alpine County, Inyo County, Mono County, Native Americans living in California

California Rural Legal Assistance Inc.  
631 Howard Street Suite 300  
San Francisco, CA 94105-3907  
(415) 777-2752  
*Serves:* Colusa County, Imperial County, Kern County, Madera County, Monterey County, San Benito County, San Joaquin County, San Luis Obispo County, Santa Barbara County, Santa Clara County, Santa Cruz County, Sonoma County, Stanislaus County, Sutter County, Ventura County, Yuba County

Central California Legal Services  
1401 Fulton Street, Suite 700  
Fresno, CA 93721  
(559) 441-1611  
*Serves:* Fresno County, Kings County, Mariposa County, Merced County, Tulare County, Tuolumne County

Centro Legal De La Raza  
3022 International Blvd, Suite 410  
Oakland, CA 94601  
(510) 437-1554

Community Legal Services in East Palo Alto  
2117-B University Avenue  
East Palo Alto, CA 94303  
(650) 326-6440

East Bay Community Law Center  
2921 Adeline Street  
Berkeley, CA 94703  
(510) 548-4040

Family Violence Law Center  
PO Box 22009  
Oakland, CA 94623-2009  
(510) 208-0255  
Serves: Alameda County

Greater Bakersfield Legal Assistance Inc.  
615 California Avenue  
Bakersfield, CA 93304  
(805) 325-5943  
Serves: Kern County

Inland Counties Legal Services Inc.  
1040 Iowa Avenue, Suite 109  
Riverside, CA 92507  
(909) 368-2555  
Serves: Riverside County, San Bernardino County

Inner City Law Center  
506 S. Main St.  
Los Angeles, CA 90013  
(213) 833-5024

La Raza Centro Legal  
474 Valencia St. #295  
San Francisco, CA 94103  
(415) 575-3500

Law Foundation of Silicon Valley  
152 North 3rd Street  
San Jose, CA 95112  
(408) 293-4790

Legal Aid Foundation of Los Angeles  
1102 South Crenshaw Boulevard  
Los Angeles, CA 90019-3111  
(800) 399-4529  
Serves: Greater Long Beach & Los Angeles Harbor area, Greater City of Los Angeles area

Legal Aid Foundation of Santa Barbara  
301 East Canon Perdido Street  
Santa Barbara, CA 93101  
(805) 963-6754

Legal Aid of Marin  
30 N. San Pedro Rd., Suite 220  
San Rafael, CA 94903  
(415) 492-0230

Legal Aid of Sonoma County  
1105 N. Dutton Ave., Suite B  
Santa Rosa, CA 95401  
(707) 542-1290

Legal Aid Society of Orange County Inc.  
2101 N. Tustin Ave.  
Santa Ana, CA 92705  
(800) 834-5001  
Serves: Orange County, Los Angeles (southeast portion)

Legal Aid Society of San Diego Inc.  
110 South Euclid Avenue  
San Diego, CA 92114  
(877) 534-2524  
Serves: San Diego County

Legal Aid Society of San Mateo County  
521 East 5th Avenue  
San Mateo, CA 94402  
(650) 558-0915

Legal Services of Northern California Inc.  
517 12th Street  
Sacramento, CA 95814  
(916) 551-2150  
Serves: Amador County, Butte County, Calaveras County, Del Norte County, El Dorado County, Glenn County, Humboldt County, Lake County, Lassen County, Mendocino County, Modoc County, Nevada County, Placer County, Plumas County, Sacramento County, Shasta County, Sierra County, Siskiyou County, Solano County, Tehama County, Trinity County, Yolo County

Los Angeles Center for Law and Justice  
1241 S. Soto Street, Suite 102  
Los Angeles, CA 90023  
(323) 980-3500

Mexican American Legal Defense and Educational Fund  
634 S. Spring Street  
Los Angeles, CA 90014  
(213) 629-2512

Neighborhood Legal Services of Los Angeles County  
1102 E. Chevy Chase Drive  
Glendale, CA 91205  
(818) 896-5211

Serves: Los Angeles County (San Fernando, Santa Clarita and Antelope Valleys, Glendale, Burbank, San Gabriel, Pomona Valley including Pasadena)

Public Counsel Law Center  
610 South Ardmore Avenue  
Los Angeles, CA 90005  
(213) 385-2977

Public Law Center  
601 Civic Center Drive West  
Santa Ana, CA 92701-4002  
(714) 541-1010

### **Fair Housing Agencies**

ECHO Housing Assistance Center  
770 A Street  
Hayward, CA 94541  
(510) 581-9380

Fair Housing Council of Central California  
560 E. Shields, #103  
Fresno, CA 93704  
(559) 244-2950

Fair Housing Council of Orange County  
201 S. Broadway  
Santa Ana, CA 92701-5633  
(714) 569-0823

Fair Housing Council of Riverside County, Inc.  
3600 Lime Street, Suite 613  
Riverside, CA 92501  
(909) 682-6581

Fair Housing Council of San Diego  
625 Broadway Suite 1114  
San Diego, CA 92101  
(619) 699-5888

Fair Housing Foundation  
3605 Long Beach Blvd., #302  
Long Beach, CA 90807  
(562) 989-1206

Fair Housing Napa Valley  
601 Cabot Way  
Napa, CA 94559  
(707) 224-9720

Fair Housing of Marin  
615 B Street  
San Rafael, CA 94901  
(415) 457-5025

Fair Housing of Sonoma County  
250 Sebastopol Rd.  
Santa Rosa, CA 95407  
(707) 579-5033

Housing Equality Law Project  
3 Embarcadero Center, Suite 420  
San Francisco, CA 94111  
(415) 434-9400

Housing Rights Center  
520 S. Virgil Avenue, Suite 400  
Los Angeles, CA 90020  
(213) 381-8555  
Serves: Los Angeles County, Ventura County

Housing Rights, Inc.  
P.O. Box 12895  
Berkeley, CA 94712  
(510) 548-8776  
Serves: Alameda County, Contra Costa County

Project Sentinel  
430 Sherman Avenue, #308  
Palo Alto, CA 94306  
(650) 321-6291

San Fernando Valley Fair Housing Council  
8134 Van Nuys Blvd., Suite 426  
Panorama City, CA 91402  
(818) 373-1185

San Francisco Human Rights Commission  
25 Van Ness Avenue  
San Francisco, CA 94102-6033  
(415) 252-2500