



HOUSING RIGHTS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT SURVIVORS

A STATE AND LOCAL LAW COMPENDIUM

nhlp

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HOUSING RIGHTS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT SURVIVORS: A STATE AND LOCAL LAW COMPENDIUM

February 2024

DEAR ADVOCATES:

The following is a compendium of state and local laws, enacted as of September 2023, that affect the housing rights of domestic violence and sexual assault survivors. This compendium is designed to serve as a starting point for advocates conducting research on housing protections that their state and local laws offer survivors. Advocates should review provisions affecting domestic violence and sexual assault survivors' housing rights on a case-by-case basis to ensure their validity and enforceability in each jurisdiction.

Since we began publishing this compendium in 2010, we have seen a major increase in state and local jurisdictions enacting and implementing a variety of housing protections for survivors. These laws are often the result of efforts by domestic violence, sexual assault, and housing advocacy communities to address obstacles that survivors face in accessing and maintaining housing.

Our most recent review shows that:

- 38 states and localities have eviction defense laws for survivors;
- 40 states have early lease termination laws for survivors;
- 19 states have lock change laws for survivors;
- 14 states allow for lease bifurcation;
- 18 states and localities have laws protecting survivor-tenants' right to call police, law enforcement, or for emergency assistance;
- 47 states permit courts to exclude the abuser from the housing and/or grant the possession of the property to the survivor;
- 31 states can require abusers to pay for or provide housing for survivors;
- 16 states impose liability on the perpetrator for damages to the unit, lock changes, moving expenses, and other housing costs related to the violence;
- 9 states provide relocation assistance or a right to emergency shelter for survivors;
- 50 states and localities have laws pertaining to confidentiality of housing records and documentation of survivors, or have an address confidentiality program.

Since many states are in the process of adopting and amending domestic violence, sexual assault, and housing laws, advocates should carefully check their state and local laws and pending legislation to obtain the most current information. Also, please note that the headers within this compendium are intended to be descriptive and do not necessarily match the headers within state statutory codes.

This compendium would not have been possible without the invaluable contributions of Arianna Cook-Thajudeen, Evan Enzer, Melissa Marshall, Justin Bargar, Natalie Kirsten, Renee Williams, Martha Bridegam, K.C. Shah, Sarah Brandon, and Lawrence McDonough.

Thank you for all of the work that you do every day on behalf of survivors.

Sincerely,

Kate Walz

Associate Director of Litigation

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This publication is intended to be used to provide background information only and is not intended to provide legal advice or the complete statutory provisions. Specific questions regarding legal issues and compliance with federal and state laws and regulations should be referred to legal counsel.

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ALABAMA



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

- Orders removing and excluding restrained party from residence of protected party, regardless of ownership of residence. ALA. CODE § 30-5-7.
- Confidentiality of voter records. ALA. CODE §§ 11-46-36, 17-4-33, 17-9-15, 17-11-5.
- Confidentiality of plaintiff's home address or domestic violence shelter addresses in domestic violence petition. ALA. CODE § 30-5-5.

EX PARTE PROTECTION ORDER OR MODIFICATION OF PROTECTION ORDER

ALA. CODE § 30-5-7

...

- a. 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:

...

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

...

- 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:

...

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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PREPARATION, CERTIFICATION, FILING, AND PUBLICATION OF LISTS OF QUALIFIED REGULAR VOTERS

ALA. CODE § 11-46-36

...

- b. Following each election, the municipal clerk shall make a copy of that portion of the poll list to be made a public record and shall maintain the original in his or her office. The clerk shall redact any information required to be redacted pursuant to Section 17-4-33 from the copy to be made a public record. This subsection shall not affect poll lists used at local precincts.

.....

COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST

ALA. CODE § 17-4-33

- a. The State of Alabama shall provide, through the Secretary of State, a nondiscriminatory, single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered by the Secretary of State, with advice from the Voter Registration Advisory Board and the President of the Alabama Probate Judges Association, which contains the name and registration information of every legally registered voter in the state....
- ...
- b.
 - 1. The Secretary of State, or judge of probate, or absentee election manager, or municipal clerk, or registrar shall include the name and omit all other information of a registered voter on any generally available list of registered voters, except for those lists provided to federal and state agencies, upon the written signed affidavit of the registered voter to the board of registrars of the county in which the individual is registered or intends to register, affirming one of the following:
 - a. That the registered voter, or a minor who is in the legal custody of the registered voter, is or has been the victim of domestic violence as provided in Article 7, commencing with Section 13A-6-130, of Chapter 6 of Title 13A.
 - b. That a domestic violence order is or has been issued by a judge or magistrate pursuant to the Domestic Violence Protection Order Enforcement Act, to restrain access to the registered voter or a minor who is in the legal custody of the registered voter.

.....

DISPOSITION OF RECORDS AND FORMS AFTER CLOSE OF POLLS

ALA. CODE § 17-9-15

After the close of the polls in all primary, special, general, and municipal elections held in the state, the records and forms produced at the polling places shall be returned as follows:

- 1. The list of registered voters, the affirmations of provisional voters, the statements of election officials challenging provisional voters, and the voter reidentification forms shall be sealed in an envelope addressed to the board of registrars and the inspectors and any poll watchers present shall sign across the seal. The board of registrars shall hold the list of registered voters while using it to update their voter histories in accordance with Article 2 of Chapter 4. A copy of the list of registered voters shall be made a public record after the information specified in subdivision (1) of subsection (b) of Section 17-4-33 has been redacted by the board of registrars. The original and copies of the list shall then be returned to the city clerk in municipal elections and the judge of probate in all other elections.

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DELIVERY OF ABSENTEE BALLOTS; MAINTENANCE OF VOTER LISTS

ALA. CODE § 17-11-5

- ...
- c.
 - 2. The absentee election manager shall redact any information required to be redacted pursuant to Section 17-4-33 from any copy of an absentee voter list. This subdivision shall not affect poll lists used at local precincts.

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STANDING TO FILE SWORN PETITION FOR PROTECTION ORDER; DISCLOSURE OF INFORMATION; COSTS AND FEES

ALA. CODE § 30-5-5

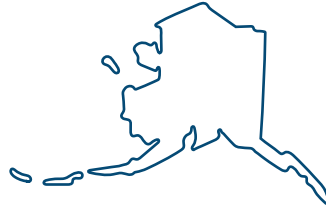
- a. The following persons have standing to file a sworn petition for a protection order under this chapter as a plaintiff:
 - 1. A person who is at least 18 years old or is otherwise emancipated and is the victim of abuse, as defined in Section 30-5-2, or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of abuse.
 - 2. A parent, legal guardian, next friend, court-appointed guardian ad litem, or the State Department of Human Resources

...

- f.
 - 1. The following information shall not be contained on any court document made available to the public and the defendant by the circuit clerk's office: The plaintiff's home address and, if applicable, business address; a plaintiff's home telephone number and, if applicable, business telephone number; the home or business address or telephone number of any member of the plaintiff's family or household; or an address that would reveal the confidential location of a shelter for victims of domestic violence as defined in Section 30-6-1.
 - 2. If disclosure of the plaintiff's address, the address of any member of the plaintiff's family or household, or an address that would reveal the confidential location of a shelter for victims of domestic violence is necessary to determine jurisdiction or to consider a venue issue, it shall be made orally and in camera.
 - 3. If the plaintiff has not disclosed an address or telephone number under this section, the plaintiff shall satisfy one of the following requirements:
 - a. Designate and provide to the court an alternative address.
 - b. Elect to substitute the business address and telephone number of his or her attorney of record in place of the address of the plaintiff on any court document.

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ALASKA



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

- Definition of “domestic violence” and “sexual assault.” ALASKA STAT. § 18.66.990.
- Fees for “excessive” police calls may not be imposed on property owners for calls involving child neglect, domestic violence, or stalking. ALASKA STAT. § 29.35.125.
- Notification to survivors of domestic violence. ALASKA STAT. § 18.65.520.
- Protective orders for survivors of domestic violence: exclusion of perpetrator, possession of residence, and liability of perpetrator for shelter expense. ALASKA STAT. § 18.66.100.

DEFINITIONS

ALASKA STAT. § 18.66.990

In this chapter,

...

3. “domestic violence” and “crime involving domestic violence” mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:
 - A. a crime against the person under AS 11.41;
 - B. burglary under AS 11.46.300–11.46.310;
 - C. criminal trespass under AS 11.46.320–11.46.330;
 - D. arson or criminally negligent burning under AS 11.46.400–11.46.430;
 - E. criminal mischief under AS 11.46.475–11.46.486;
 - F. terrorist threatening under AS 11.56.807 or 11.56.810;
 - G. violating a protective order under AS 11.56.740(a)(1);
 - H. harassment under AS 11.61.120(a)(2)–(4) or (6); or
 - I. cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet;

...

10. “sexual assault” means a crime specified in AS 11.41.410–11.41.450;

...

.....

FEES FOR POLICE PROTECTION SERVICES

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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NOTIFICATION TO VICTIMS OF DOMESTIC VIOLENCE

ALASKA STAT. § 18.65.520

- a. A peace officer investigating a crime involving domestic violence shall orally and in writing inform the victim of the rights of victims of domestic violence and the services available to them. The notice must be in substantially the following form:

If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency protective order.

You may also request the officer to assist you in obtaining your essential personal belongings and locating and taking you to a safe place, including a designated meeting place or shelter, the residence of a household member or friend, or a similar place of safety. In some places in Alaska there are organizations that provide aid and shelter to victims of domestic violence. The nearest organization is located at _____.

...

You also have the right to file a petition in court requesting a protective order that may include any of the following provisions:

...

2. prohibit your abuser from stalking, harassing, telephoning, contacting, or otherwise communicating with you, directly or indirectly;
 3. remove your abuser from your residence;
 4. order your abuser to stay away from your residence, school, place of employment, or any other specified place frequented by you or another designated household member;
- ...
8. request a peace officer to accompany you to your residence to ensure your safe possession of the residence, vehicle, or other items, or to ensure your safe removal of personal items from the residence;
- ...
13. require your abuser to reimburse you for your expenses caused by domestic violence, including medical bills, or for your costs in getting a protective order;
- ...

- b. If the victim of domestic violence does not understand English, the police officer shall make reasonable efforts to inform the victim of the services and rights specified in (a) of this section in a language the victim understands.

...

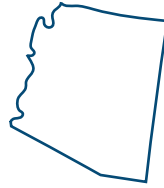
PROTECTIVE ORDERS: ELIGIBLE PETITIONERS; RELIEF

ALASKA STAT. § 18.66.100

- a. A person who is or has been a victim of a crime involving domestic violence may file a petition in the district or superior court for a protective order against a household member. A parent, guardian, or other representative appointed by the court under this section may file a petition for a protective order on behalf of a minor. The court may appoint a guardian ad litem or attorney to represent the minor. Notwithstanding AS 25.24.310 or this section, the office of public advocacy may not be appointed as a guardian ad litem or attorney for a minor in a petition filed under this section unless the petition has been filed on behalf of the minor.
...
- c. A protective order under this section may
 - 2. prohibit the respondent from telephoning, contacting, or otherwise communicating directly or indirectly with the petitioner;
 - 3. remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;
 - 4. direct the respondent to stay away from the residence, school, or place of employment of the petitioner or any specified place frequented by the petitioner or any designated household member;
...
 - 8. request a peace officer to accompany the petitioner to the petitioner's residence to ensure that the petitioner
 - A. safely obtains possession of the petitioner's residence, vehicle, or personal items; and
 - B. is able to safely remove a vehicle or personal items from the petitioner's residence;
...
 - 13. require the respondent to reimburse the petitioner or other person for expenses associated with the domestic violence, including medical expenses, counseling, shelter, and repair or replacement of damaged property;
...

.....

ARIZONA



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

- Early lease termination, lock changes, access, damages for false report by tenant, and landlord immunity. ARIZ. REV. STAT. ANN. § 33-1318.
- Tenant's right to call a peace officer or other emergency assistance.
 - ◁ Arizona Residential Landlord and Tenant Act. ARIZ. REV. STAT. ANN. § 33-1315.
 - ◁ Arizona Mobile Home Parks Residential Landlord and Tenant Act. ARIZ. REV. STAT. ANN. § 33-1414.
- Order of protection includes court's power to grant exclusive possession of home.
- ARIZ. REV. STAT. ANN. §§ 13-3602, 13-3624.
- Right against insurance discrimination. ARIZ. REV. STAT. ANN. § 20-448.
- Address confidentiality program and voter registration. ARIZ. REV. STAT. ANN. §§ 41-161–41-169.
- Confidential voter registration. ARIZ. REV. STAT. ANN. § 16-153.
- County Recorder confidentiality. ARIZ. REV. STAT. ANN. § 11-483.
- County Assessor & Treasurer confidentiality. ARIZ. REV. STAT. ANN. § 11-484.
- Department of Transportation records confidentiality, including for driver's licensing and vehicle registration. ARIZ. REV. STAT. ANN. § 28-454.

EARLY TERMINATION BY TENANT; DOMESTIC VIOLENCE; SEXUAL ASSAULT; REQUIREMENTS; LOCK REPLACEMENT; ACCESS REFUSAL; TREBLE DAMAGES; IMMUNITY

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 or was the victim, in the tenant's dwelling, of sexual assault pursuant to § 13-1406. 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 or sexual assault. 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 or sexual assault.
- 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 or sexual assault pursuant to § 13-1406 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 landlord shall not withhold the security deposit for the early termination of the lease if the tenant meets the requirements prescribed by subsection A of this section, but may withhold the security deposit for payment of damages that the landlord suffered by reason of the tenant's noncompliance with § 33-1341.
- e. A tenant who is a victim of domestic violence or sexual assault 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 or sexual assault 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 or sexual assault 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 or sexual assault.
- 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 or sexual assault, 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 allowed 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 does not 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 or sexual assault.
- m. A landlord is not liable for any actions taken in good faith pursuant to this section.

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PROHIBITED PROVISIONS IN RENTAL AGREEMENTS

ARIZ. REV. STAT. ANN. § 33-1315

- a. A rental agreement shall not provide that the tenant does any of the following:
 - 1. Agrees to waive or to forego rights or remedies under this chapter.
 - ...
 - 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.
-

PROHIBITED PROVISIONS IN RENTAL AGREEMENTS; LATE PAYMENT PENALTY

ARIZ. REV. STAT. ANN. § 33-1414

- a. A rental agreement shall not provide that the tenant agrees to:
 - 1. Waive or to forego rights or remedies under this chapter.
 - ...
 - 4. 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. Payment of monetary penalties or otherwise penalizes [sic] 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.
-

ORDER OF PROTECTION; PROCEDURE; CONTENTS; ARREST FOR VIOLATION; PENALTY; PROTECTION ORDER FROM ANOTHER JURISDICTION; DEFINITION

ARIZ. REV. STAT. ANN. § 13-3602

- A. A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence.... If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff....
-

G. If a court issues an order of protection, the court may do any of the following:

...

2. Grant one party the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result. If the other party is accompanied by a law enforcement officer, the other party may return to the residence on one occasion to retrieve belongings.... While the order of protection is in effect, if a party was granted the use and exclusive possession of the parties' residence and subsequently moves out of the house, the party must file a notice in writing with the court within five days after moving out of the residence. After receiving the notification from the plaintiff, the court shall provide notice to the defendant that the plaintiff has moved out of the residence and of the defendant's right to request a hearing pursuant to subsection L of this section.

...

L. At any time during the period during which the order is in effect, a party who is under an order of protection or who is restrained from contacting the other party is entitled to one hearing on written request. No fee may be charged for requesting a hearing. A hearing that is requested by a party who is under an order of protection or who is restrained from contacting the other party shall be held within ten days from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing shall be held within five days from the date requested. The hearing shall be held at the earliest possible time. An ex parte order that is issued under this section shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the order. If the exclusive use of the home is awarded to the party, the court, on written request of a party, may hold additional hearings at any time if there is a change in circumstances related to the primary residence.

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N. An order of protection that is not served on the defendant within one year after the date that the order is issued expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires two years after service on the defendant. A modified order is effective on service and expires two years after service of the initial order and petition.

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EMERGENCY ORDERS OF PROTECTION

ARIZ. REV. STAT. ANN. § 13-3624

A. In counties with a population of one hundred fifty thousand persons or more, the presiding judge of the superior court, during the hours that the courts are closed, shall make available on a rotating basis a judge, justice of the peace, magistrate or commissioner who shall issue emergency orders of protection by telephone. In counties with a population of less than one hundred fifty thousand persons, any judge, justice of the peace, magistrate or commissioner may issue emergency orders of protection by telephone during the hours that the courts are closed.

...

D. An emergency order of protection may include any of the following:

...

2. One party may be granted the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result.

...

E. An emergency order of protection expires seven calendar days after issuance, unless otherwise continued by the court.

D. ... If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff.... The emergency order shall be served on the defendant, and a copy shall be given to the protected party.... If a person who is named in the order and who has not received personal service of the order but has received actual notice of the existence and substance of the order commits an act that violates the order, the person is subject to any penalty for the violation.

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UNFAIR DISCRIMINATION; DEFINITIONS

ARIZ. REV. STAT. ANN. § 20-448

...

H. An insurer that offers life, disability, property or liability insurance contracts shall not deny a claim incurred or deny, refuse, refuse to renew, restrict, cancel, exclude or limit coverage or charge a different rate for the same coverage solely on the basis that the insured or proposed insured is or has been a victim of domestic violence or is an entity or individual that provides counseling, shelter, protection or other services to victims of domestic violence. If an insurer that offers life, disability, property or liability insurance contracts denies a claim incurred or denies, refuses, refuses to renew, restricts, cancels, excludes or limits coverage or charges a different rate for the same coverage on the basis of a mental or physical condition and the insured or the proposed insured is or has been a victim of domestic violence, the insurer shall submit a written explanation to the insured or proposed insured of the reasons for the insurer's actions, in accordance with § 20-2110. The fact that an insured or proposed insured is or has been the victim of domestic violence is not a mental or physical condition. This subsection is not intended to provide any private right or cause of action to or on behalf of any applicant or insured. It is the specific intent of this subsection to provide solely an administrative remedy to the director for any violation of this section. This subsection does not prevent an insurer from refusing to issue a life insurance policy insuring a person who has been the victim of domestic violence if either of the following is true:

1. The family or household member who commits the act of domestic violence is the applicant for or prospective owner of the policy or would be the beneficiary of the policy and any of the following is true:
 - B. The applicant or prospective beneficiary of the policy is known, on the basis of police or court records, to have committed an act of domestic violence.
 - C. The insurer has knowledge of an arrest or conviction for a domestic violence related offense by the family or household member.
 - D. The insurance company has other reasonable grounds to believe, and those grounds are corroborated, that the applicant or proposed beneficiary of a policy is a family or household member committing acts of domestic violence.

2. The applicant or prospective owner of the policy lacks an insurable interest in the insured.

I. Subsection H of this section does not prevent an insurer that:

...

2. Offers property or liability insurance contracts from underwriting coverage on the basis of the insured's claims history or characteristics of the insured's property and using rating criteria consistent with § 20-384.

...

K. A property or liability insurer may exclude coverage for losses caused by an insured's intentional or fraudulent act. The exclusion shall not deny an insured's otherwise covered property loss if the property loss is caused by an act of domestic violence by another insured under the policy and the insured who claims the property loss cooperates in any investigation relating to the loss and did not cooperate in or contribute to the creation of the property loss. The insurer may apply reasonable standards of proof for claims filed under this subsection. The insurer may limit the payment to the insured's insurable interest in the property minus any payment made to any mortgagee or other party with a secured interest in the property. This subsection does not require an insurer to pay any amount that is more than the amount of the loss or property coverage limits. An insurer who pays a claim under this subsection has the right of subrogation against any person except the victim of the domestic violence.

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ADDRESS CONFIDENTIALITY; DUTIES OF SECRETARY OF STATE; APPLICATION ASSISTANT

ARIZ. REV. STAT. ANN. § 41-162

- A. On or before December 31, 2012, the secretary of state shall establish the address confidentiality program to allow persons who have been subjected to domestic violence offenses, sexual offenses or stalking to keep their residence addresses confidential and not accessible to the general public. Participants in the program shall receive a substitute address that becomes the participant's lawful address of record.
 - B. The secretary of state shall:
 - 1. Designate a substitute address for a program participant that is used by state and local government entities as set forth in this section.
 - 2. Receive mail sent to a program participant at a substitute address and forward the mail to the program participant as set forth in paragraph 3 of this subsection.
 - 3. Receive first-class, certified or registered mail on behalf of a program participant and forward the mail to the program participant for no charge. The secretary of state may arrange to receive and forward other classes or kinds of mail at the program participant's expense. The secretary of state is not required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered mail.
 - C. Notwithstanding any other law and except as provided by court rule, a program participant may be served by registered mail or by certified mail, return receipt requested, addressed to the program participant at the program participant's substitute address with any process, notice or demand required or allowed by law to be served on the program participant. This subsection does not prescribe the only means, or necessarily the required means, of serving a program participant in this state.
 - D. The secretary of state may designate as an application assistant any person who:
 - 1. Provides counseling, referral or other services to victims of domestic violence, a sexual offense or stalking.
 - 2. Completes any training and registration process required by the secretary of state.
 - E. Any assistance and counseling rendered by the secretary of state or an application assistant to an applicant related to this section is not legal advice.
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FILING AND CERTIFICATION OF APPLICATIONS; AUTHORIZATION CARDS

ARIZ. REV. STAT. ANN. § 41-163

- A. On the recommendation of an application assistant, an individual may apply to the secretary of state to participate in the address confidentiality program. The following individuals may apply to the secretary of state to have an address designated by the secretary of state to serve as the substitute address of the individual and any individuals identified pursuant to subsection C, paragraph 10 of this section:
 - 1. An adult individual.
 - 2. A parent or guardian acting on behalf of a minor if the minor resides with the individual.
 - 3. A guardian acting on behalf of an incapacitated individual.
- B. An application assistant shall assist the individual in the preparation of the application. The application shall be dated, signed and verified by the applicant and shall be signed and dated by the application assistant who assisted in the preparation of the application. The signature of the application assistant serves as the recommendation by the application assistant that the applicant have an address designated by the secretary of state to serve as the substitute address of the applicant. A minor or incapacitated individual on whose behalf a parent or guardian completes an application pursuant to the authority set forth in subsection A, paragraph 2 or 3 of this section is considered the applicant, but any statements that are required to be made by the applicant shall be made by the parent or guardian acting on behalf of the minor or incapacitated individual.

- C. The application shall be on a form prescribed by the secretary of state and shall contain all of the following:
1. The applicant's name.
 2. A statement by the applicant that the applicant is a victim of domestic violence, a sexual offense or stalking and that the applicant fears for the applicant's safety.
 3. Evidence that the applicant is a victim of domestic violence, a sexual offense or stalking. This evidence shall include at least one of the following:
 - A. Law enforcement, court or other state or local government entity or federal agency records or files.
 - B. Documentation from a domestic violence program or facility, including a battered women's shelter or safe house, if the applicant is alleged to be a victim of domestic violence.
 - C. Documentation from a sexual assault program if the applicant is alleged to be a victim of a sexual offense.
 - D. 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.
 4. A statement by the applicant that disclosure of the applicant's actual address would endanger the applicant's safety.
 5. A statement by the applicant that the applicant has confidentially relocated in the past ninety days or will confidentially relocate in this state.
 6. A designation of the secretary of state as an agent for the applicant for purposes of receiving service of process and first class, election, registered and certified mail.
 7. The mailing address and telephone number where the applicant can be contacted by the secretary of state.
 8. The actual address that the applicant requests not to be disclosed by the secretary of state and that directly relates to the increased risk of domestic violence, a sexual offense or stalking.
 9. A statement as to whether there is any existing court order or court action involving the applicant or an individual identified pursuant to paragraph 10 of this subsection related to dissolution of marriage proceedings, child support or the allocation of parental responsibilities or parenting time. The statement shall include the name of the court that issued the order or that has jurisdiction over the action, the case number and the judge assigned to the case.
 10. The name of any person who resides with the applicant and 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 the person to be a program participant.
 11. A statement by the applicant, under penalty of perjury, that to the best of the applicant's knowledge, the information contained in the application is true.
- D. On determining that an application is properly completed, the secretary of state shall certify the applicant and any individual who is identified pursuant to subsection C, paragraph 10 of this section as program participants. On certification, the secretary of state shall issue to the program participant an address confidentiality program authorization card, which shall include the program participant's substitute address. The card remains valid while the program participant remains certified under the program.
- E. Applicants and individuals identified pursuant to subsection C, paragraph 10 of this section are certified for five years following the date of filing unless the certification is withdrawn or canceled before the end of the five-year period. A program participant may withdraw the certification by filing a request for withdrawal acknowledged before a notary public. A certification may be renewed by filing a renewal application with the secretary of state at least thirty days before the expiration of the current certification. The renewal application shall be dated, signed and verified by the applicant. The renewal application shall contain:
1. Any statement or information that is required by subsection C of this section and that has changed from the original application or a prior renewal application.
 2. A statement by the applicant, under penalty of perjury, that to the best of the applicant's knowledge, the information contained in the renewal application and a prior application is true.

ADDRESS USE BY STATE OR LOCAL GOVERNMENT ENTITIES

ARIZ. REV. STAT. ANN. § 41-166

- A. The program participant, and not the secretary of state, is responsible for requesting that a state or local government entity use the program participant's substitute address as the program participant's residential, work or school address for all purposes for which the state or local government entity requires or requests the residential, work or school address.
- B. Except as otherwise provided in this section or unless the secretary of state grants a state or local government entity's request for disclosure pursuant to § 41-167, if a program participant submits a current and valid address confidentiality program authorization card to the state or local government entity, the state or local government entity shall accept the substitute address designation on the card as the program participant's address for use as the program participant's residential, work or school address when creating a new public record. The substitute address given to the state or local government entity is considered the last known address for the program participant used by the state or local government entity until the time that the state or local government entity receives notification pursuant to § 41-164. The state or local government entity may make a photocopy of the card for the records of the state or local government entity and shall immediately return the card to the program participant.
- C. Except as otherwise provided in this section or by order of the court, if a program participant submits a current and valid address confidentiality program authorization card to the court, the court shall accept the substitute address designation on the card as the program participant's address for use as the program participant's residential, work or school address. The substitute address given to the court is considered the last known address for the program participant used by the court until the time that the court receives notification pursuant to § 41-164. The court may make a photocopy of the card for the court file and shall return the card to the program participant.
- D. When a person with an existing voter registration record becomes a program participant, the secretary of state shall secure the participant's voter registration record and notify the appropriate county recorder of the participant's secured status, current residence address and substitute address for the county recorder to revise the participant's voter registration record so that the participant's address can be kept confidential in the same manner as prescribed by § 16-153. A program participant who is not already registered to vote may register to vote using the substitute address and must provide the election official with the participant's actual residence address for precinct designation purposes. If the participant registers to vote other than online or at a driver license examination facility, the participant shall present a completed voter registration form with the participant's substitute address and address confidentiality program card to the appropriate election official.
- E. A designated election official shall use the actual address of a program participant for precinct designation and all official election-related purposes and shall keep the program participant's actual address confidential from the public. The election official shall use the substitute address for all correspondence and mailings placed in the United States mail. The substitute address shall not be used as an actual residence address for voter registration.
- ...
- G. A program participant who completes an application to register to vote at a driver license examination facility while receiving a driver license or an identification card is required to have the program participant's actual address on the driver license or identification card. A program participant whose driver license has the substitute address may register to vote, if otherwise eligible, pursuant to subsection E of this section.
- H. The substitute address shall not be used for purposes of listing, appraising or assessing property taxes and collecting property taxes. If a program participant would like to keep records maintained by the county assessor and county treasurer confidential, the program participant shall comply with § 11-484.
- ...
- K. The substitute address shall not be used on any document related to real property recorded with a recorder. If a program participant would like to keep real property records confidential, the program participant shall comply with § 11-483.
- L. A public school shall accept the substitute address as the address of record and shall verify student enrollment eligibility through the secretary of state. The secretary of state shall facilitate the transfer of student records from one school to another.

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VOTER REGISTRATION; CONFIDENTIALITY; DEFINITIONS

ARIZ. REV. STAT. ANN. § 16-153

- A. Eligible persons, and any other registered voter who resides at the same residence address as the eligible person, may request that the general public be prohibited from accessing the eligible person's identifying information, including any of that person's documents and voting precinct number contained in their voter registration record.
- B. Eligible persons may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties and an organization of peace officers:
 - 1. The person's full legal name, residential address and date of birth.
 - 2. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment.
 - 3. The reasons for reasonably believing that the person's life or safety or that of another person is in danger and that sealing the identifying information and voting precinct number of the person's voting record will serve to reduce the danger.
- ...
- J. On request by a person who is protected under an order of protection or injunction against harassment and presentation of an order of protection issued pursuant to § 13-3602, an injunction against harassment issued pursuant to § 12-1809 or an order of protection or injunction against harassment issued by a court in another state or a program participant in the address confidentiality program pursuant to title 41, chapter 1, article 3, ... the county recorder shall seal the voter registration record of the person who is protected and, on request, any other registered voter who resides at the residence address of the protected person. The record shall be sealed no later than one hundred twenty days from the date of receipt of the court order. The information in the registration shall not be disclosed and is not a public record.
- K. For the purposes of this section:
 - 4. "Eligible person" means a public official, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, justice, judge, commissioner, hearing officer, public defender, prosecutor, member of the commission on appellate court appointments, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety.
- ...
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RECORDS MAINTAINED BY COUNTY RECORDER; CONFIDENTIALITY; DEFINITIONS

ARIZ. REV. STAT. ANN. § 11-483

- A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and may request the county recorder to prohibit access to that person's identifying information, including any of that person's documents, instruments or writings recorded by the county recorder.

- B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the department of transportation:
 1. The person's full legal name and residential address.
 2. The full legal description and parcel number of the person's property.
 3. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment or an eligible person who is a participant in the address confidentiality program shall instead attach a copy of the participant's current and valid address confidentiality program authorization card issued pursuant to § 41-163 and a statement of certification provided by the secretary of state's office.
 4. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that restricting access pursuant to this section will serve to reduce the danger.
 5. The document locator number and recording date of each instrument for which the person requests access restriction pursuant to this section.
 6. A copy of pages from each instrument that includes the document locator number and the person's identifying information, including the person's full legal name and residential address or full legal name and telephone number.

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- O. For the purposes of this section:

...

- 4. "Eligible person" means a former public official, peace officer, spouse of a peace officer, ... person who is protected under an order of protection or injunction against harassment, person who is a participant in the address confidentiality program pursuant to title 41, chapter 1, article 3

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RECORDS MAINTAINED BY COUNTY ASSESSOR AND COUNTY TREASURER; REDACTION; DEFINITIONS

ARIZ. REV. STAT. ANN. § 11-484

- A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing that person's identifying information, including any of that person's documents, instruments, writings and information maintained by the county assessor and the county treasurer.
- B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the department of transportation:
 1. The person's full legal name and residential address.
 2. The full legal description and parcel number of the person's property.
 3. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall attach a copy of the order of protection or injunction against harassment or an eligible person who is a participant in the address confidentiality program shall instead attach a copy of the participant's current and valid address confidentiality program authorization card issued pursuant to § 41-163 and a statement of certification provided by the secretary of state's office.
 4. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that

redacting the person's identifying information, including the residential address and telephone number will serve to reduce the danger.

- C. If an eligible person is also requesting pursuant to § 11-483 that the general public be prohibited from accessing records maintained by the county recorder, the eligible person may combine the request pursuant to subsection B of this section with the request pursuant to § 11-483 by filing one affidavit. The affidavit and subsequent action by the appropriate authorities shall meet all of the requirements of this section and § 11-483.

...

- K. For the purposes of this section:

...

- 4. "Eligible person" means a former public official, peace officer, spouse of a peace officer, ... person who is protected under an order of protection or injunction against harassment, person who is a participant in the address confidentiality program pursuant to title 41, chapter 1, article 3

...

RECORDS MAINTAINED BY DEPARTMENT OF TRANSPORTATION; REDACTION; DEFINITIONS

ARIZ. REV. STAT. ANN. § 28-454

- A. Notwithstanding §§ 28-447 and 28-455, an eligible person may request that persons be prohibited from accessing the eligible person's identifying information, including any of that person's documents, contained in any record maintained by the department.
- B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the department:
 - 1. The person's full legal name and residential address.
 - 2. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall attach a copy of the order of protection or injunction against harassment.
 - 3. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that redacting the identifying information from the department's public records will serve to reduce the danger.

...

The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. The presiding judge of the superior court shall order the redaction of the residence address and telephone number from the public records maintained by the department if the judge concludes that this action will reduce a danger to the life or safety of the affiant or another person.

- F. On entry of the court order, the clerk of the superior court shall file the court order with the department. Not more than one hundred fifty days after the date the department receives the court order, the department shall redact the identifying information of the affiants listed in the court order from the public records of the department. The identifying information shall not be disclosed and is not part of a public record.
- G. If the court denies an affiant's request pursuant to this section, the affiant may request a court hearing. The hearing shall be conducted by the court in the county where the petition was filed.

...

- K. For the purposes of this section:

...

- 4. "Eligible person" means a former public official, peace officer, spouse of a peace officer, ... person who is protected under an order of protection or injunction against harassment

ARKANSAS



Arkansas has enacted the following laws 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.
- Protective order excluding abusing party from shared dwelling or survivor's residence; law enforcement assistance. ARK. CODE ANN. §§ 9-15-205, 9-15-206, 9-15-208.
- Address confidentiality program. ARK. CODE ANN. § 27-16-811.
- Address confidentiality in voter lists and voter registration. ARK. CODE ANN. § 7-5-112.
- Privileged communications in seeking housing due to domestic violence. ARK. CODE ANN. § 9-6-112.

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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;
- ...
- 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:

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
 - 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 (c)(3)(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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RELIEF GENERALLY — DURATION

ARK. CODE ANN. § 9-15-205

- a. (a) At the hearing on the petition filed under this chapter, upon a finding of domestic abuse as defined in § 9-15-103, the court may provide the following relief:
 - 1. Exclude the abusing party from the dwelling that the parties share or from the residence of the petitioner or victim;
 - 2. Exclude the abusing party from the place of business or employment, school, or other location of the petitioner or victim;...
- b. Any relief granted by the court for protection under the provisions of this chapter shall be for a fixed period of time not less than ninety (90) days nor more than ten (10) years in duration, in the discretion of the court, and may be renewed at a subsequent hearing upon proof and a finding by the court that the threat of domestic abuse still exists.

TEMPORARY ORDER

ARK. CODE ANN. § 9-15-206

- a. When a petition for an order of protection under this chapter alleges an immediate and present danger of domestic abuse or that the respondent is scheduled to be released from incarceration within thirty (30) days and upon the respondent's release there will be an immediate and present danger of domestic abuse, the court shall grant a temporary order of protection pending a full hearing if the court finds sufficient evidence to support the petition.
- b. An ex parte temporary order of protection may:
 - 1. Include any of the orders provided in §§ 9-15-203 and 9-15-205; and
 - 2. Provide the following relief:
 - A. Exclude the abusing party from the dwelling that the parties share or from the residence of the petitioner or victim;...
- c. An ex parte temporary order of protection is effective until the date of the hearing described in § 9-15-204.

LAW ENFORCEMENT ASSISTANCE

ARK. CODE ANN. § 9-15-208

- a. When an order of protection is issued under this chapter, upon request of the petitioner the circuit court may order a law enforcement officer with jurisdiction to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence or to otherwise assist in execution or service of the order of protection.
- b. The court may also order a law enforcement officer to assist the petitioner in returning to the residence and getting personal effects.

EXCEPTION TO DISCLOSING RESIDENCE ADDRESS — ADDRESS CONFIDENTIALITY PROGRAM

ARK. CODE ANN. § 27-16-811

- a. As used in this section,
 - 1. "Domestic violence" means:

- A. Physical harm, bodily harm causing injury, or an assault against a person caused by:
 - ii. A family or household member; or
 - iii. Another person with whom the victim is in a dating relationship;
 - B. Mental or emotional harm to a person caused by:
 - i. A family or household member; or
 - ii. Another person with whom the victim is in a dating relationship; or
 - C. Sexual abuse caused by:
 - i. A family or household member; or
 - ii. Another person with whom the victim is in a dating relationship; and
2. "Licensee" means a person who is applying for, renewing, or requesting a change to his or her driver's license issued or to be issued under this chapter and who is:

The victim of domestic violence; or

- B. The dependent of a victim of domestic violence.
- b. A licensee shall qualify for the exception for disclosing a residence address under this section if he or she:
- 1. Presents a valid order of protection issued under the Domestic Abuse Act of 1991, § 9-15-101 et seq.;
 - 2. Presents an affidavit in which the licensee states that he or she:
 - A. Is a victim of domestic violence, or is the dependent of a victim of domestic violence; or
 - B. Fears further acts of domestic violence, or resides with the victim of domestic violence and fears further acts of domestic violence against his or her parent, custodian, or guardian; and
 - 3. Agrees to the terms of participation in the address confidentiality program.
- c.
- 1. A licensee who participates in the address confidentiality program under this section shall be issued a driver's license that discloses a post office box address in lieu of his or her residence address.
 - A. The licensee shall provide to the Department of Finance and Administration his or her residence address, which shall be kept on file with the department for as long as the licensee holds a license that displays a post office box in lieu of a residence address.
 - B. The licensee shall update his or her residence address and post office box address with the department if a change occurs.
 - A. The department shall only disclose the residence address to a person who:
 - i. Presents a current and valid court order from a court in this state finding a compelling reason for access to the residence address;
 - ii. Presents valid identification to the department; and
 - iii. Is not a person who has been convicted of domestic violence against whom the order of protection has been entered or who is related by blood or marriage to the person against whom the order of protection has been entered.
 - B. The department shall maintain a record of each and every person to whom the department discloses the residence address.
 - C. The department shall provide written notice to the licensee that advises him or her of a disclosure to a third party.
 - i. The department shall accept complaints from the licensee if the licensee objects to the disclosure to a third party.

- ii. The department shall refer a complaint to the prosecuting attorney for prosecution for perjury or another offense relating to judicial or other official proceedings under § 5-53-101 et seq. related to a false compelling reason stated in an affidavit under subdivision (c)(3)(A)(i) of this section.
 - d. The Secretary of the Department of Finance and Administration shall promulgate rules and forms to administer the address confidentiality program under this section.
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SECURE VOTER REGISTRATION FOR DOMESTIC VIOLENCE VICTIMS

ARK. CODE ANN. § 7-5-112

- a. A registered voter who is a victim of domestic violence may request secure voter status for his or her voter registration information.
 - b. A registered voter designated as a secure voter is required to comply with all voter identification requirements when casting a ballot.
 - c. Any address information for a secure voter is confidential and is not a public record under the Freedom of Information Act of 1967, § 25-19-101 et seq.
 - d. The Secretary of State shall promulgate rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to implement the process by which a registered voter who is the victim of domestic violence may request secure voter status from the county clerks, including without limitation the:
 - 1. Administrative process a county clerk shall use to verify eligibility for secure voter status;
 - 2. Documentation required for domestic violence victims to be approved for secure voter status;
 - 3. Format in which the county clerk shall maintain any addresses of all registered voters listed on the voter registration roll when the registered voter has a secure voter status; and
 - 4. Process for complying with a post-election challenge involving a secure voter.
 - e. As used in §§ 7-5-109 and 7-5-110 and this section, “secure voter” means a registered voter who requests to have his or her address or addresses protected from public release and is a domestic violence victim who:
 - 1. Is the victim of any offense under § 5-26-301 et seq. as adjudicated by a court;
 - 2. Has been granted an order of protection under the Domestic Abuse Act of 1991, § 9-15-101 et seq.; or
 - 3. Is recognized as a victim of domestic violence in any court order or ruling.
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PRIVILEGED COMMUNICATIONS MADE BY VICTIM OF DOMESTIC VIOLENCE

ARK. CODE ANN. § 9-6-112

- a. As used in this section:
 - 1. “Advocate for victims of domestic violence” means an employee, supervisor, administrator, or volunteer of a shelter or center for victims of domestic violence authorized and regulated under this chapter;
 - 2. “Communication” means verbal, written, or electronic communications of any kind;
- ...
- B.
 - 1. Except as provided under subsection (e) of this section, communication between a victim of domestic violence and an advocate

for victims of domestic violence is privileged and shall not be disclosed by the advocate for victims of domestic violence without the consent of the victim of domestic violence.

2. A victim of domestic violence or an advocate for victims of domestic violence may not be compelled to disclose the contents of any communication made to the advocate for victims of domestic violence by the victim of domestic violence.

c. The privilege under this section only applies when the communication was made to the advocate for victims of domestic violence while the victim of domestic violence was seeking or in the course of ... housing ... or any other assistance related to the domestic violence

...

E. A communication privileged under this section may be disclosed if:

1. The communication is made to another person employed by or volunteering at a shelter or center for victims of domestic violence and the disclosure is for the purposes of furthering the advocacy process; or

2. A court compels disclosure after an in-camera hearing

F. The privilege under this section is waived if:

1. The advocate for victims of domestic violence was a witness or a party to the incident ... and the communication is required by law enforcement to investigate

2. The communication reveals the intended commission of a crime or harmful act and the disclosure is determined to be necessary by the advocate for victims of domestic violence to protect any person from a clear, imminent risk

3. The victim of domestic violence waives the privilege

...

.....

CALIFORNIA



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

- Landlord shall not terminate a tenancy based upon acts of abuse or violence against a tenant, a tenant's household member, or a tenant's immediate family member. Abuse or violence is domestic violence, sexual assault, stalking, human trafficking, elder or dependent adult abuse, and crime where the victim, experienced or was threatened with force or a deadly weapon. Form to be used in presenting documentation of such acts as affirmative defense to unlawful detainer. Cal. Civ. Proc. Code § 1161.3.
- Eviction defense; partial eviction of perpetrator living with survivor. Cal. Civ. Proc. Code § 1174.27.
- Lock changes excluding non-tenant or other tenant. Cal. Civ. Code §§ 1941.5, 1941.6.
- Early lease termination by survivor, their immediate family member, or their household member. Cal. Civ. Code § 1946.7.
- Landlords prohibited from penalizing calls for law enforcement or emergency assistance.
- Cal. Civ. Code § 1946.8.
- Local agencies prohibited from penalizing or requiring landlord to penalize number of calls for law enforcement or emergency assistance. Cal. Gov't Code § 53165.
- Court may issue order excluding party from petitioner's dwelling, regardless of which party holds title or is the lessee of the dwelling. Cal. Fam. Code § 6321.
- Court may grant possession of real property and order the perpetrator to pay the rent or mortgage. Cal. Fam. Code § 6324.
- Eligibility for homeless assistance due to domestic violence. Cal. Welf. & Inst. § 11450(f)(2)(E)(iii).
- Address confidentiality program. Cal. Gov't Code §§ 6205-6210.
- Address confidentiality with Dept. of Motor Vehicles. Cal. Vehicle Code § 1808.21.
- Address confidentiality with homeowners' associations. Cal. Civ. Code § 5216.
- Pseudonym in court proceedings. Cal. Civ. Proc. Code § 367.3.
- Public housing reports to include domestic violence information. Cal. Health & Safety Code § 34328.1.

TERMINATION OF LEASE PROHIBITED BASED UPON ACTS OF ABUSE OR VIOLENCE; DOCUMENTATION; EXCEPTIONS; LIMITATION OF LANDLORD LIABILITY TO OTHER TENANTS; DISCLOSURE TO THIRD PARTIES; FORMS

CAL. CIV. PROC. CODE § 1161.3

- a. For purposes of this section:
 1. "Abuse or violence" means 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, human trafficking as defined in Section 236.1 of the Penal Code, abuse of an elder or a dependent adult as defined in Section 15610.07 of the Welfare and Institutions Code, or any act described in paragraphs (6) to (8), inclusive, of subdivision (a) of Section 1946.7 of the Civil Code.

2. "Documentation evidencing abuse or violence against the tenant, the tenant's immediate family member, or the tenant's household member" means any 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, the tenant's immediate family member, or the tenant's household member from abuse or violence.
 - 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 the officer's official capacity, stating that the tenant, the tenant's immediate family member, or the tenant's household member has filed a report alleging that they are a victim of abuse or violence.
 - i. Documentation from a qualified third party based on information received by that third party while acting in their professional capacity to indicate that the tenant, the tenant's immediate family member, or the tenant's household member is seeking assistance for physical or mental injuries or abuse resulting from an act of abuse or violence, which shall contain, in substantially the same form, the following:

.....

Tenant Statement and Qualified Third Party Statement Under Code of Civil Procedure Section 1161.3

Part I. Statement By Tenant

I, [insert name of tenant], state as follows:

I, my immediate family member, or a member of my household, have been a victim of:

[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult abuse, a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use or threat of force against the victim.]

The most recent incident(s) happened on or about:

[insert date or dates.]

The incident(s) was/were committed by the following person(s), with these physical description(s), if known and safe to provide:

[if known and safe to provide, insert name(s) and physical description(s).]

(signature of tenant) (date)

Part II. Qualified Third Party Statement

I, [insert name of qualified third party], state as follows:

My business address and phone number are:

[insert business address and phone number.]

Check and complete one of the following:

___ I meet the requirements for a sexual assault counselor provided in Section 1035.2 of the Evidence Code and I am either engaged in an office, hospital, institution, or center commonly known as a rape crisis center described in that section or employed by an organization providing the programs specified in Section 13835.2 of the Penal Code.

___ I meet the requirements for a domestic violence counselor provided in Section 1037.1 of the Evidence Code and I am employed, whether financially compensated or not, by a domestic violence victim service organization, as defined in that section.

___ I meet the requirements for a human trafficking caseworker provided in Section 1038.2 of the Evidence Code and I am employed, whether financially compensated or not, by an organization that provides programs specified in Section 18294 of the

Welfare and Institutions Code or in Section 13835.2 of the Penal Code.

___ I meet the definition of “victim of violent crime advocate” provided in Section 1946.7 of the Civil Code and I am employed, whether financially compensated or not, by an agency or organization that has a documented record of providing services to victims of violent crime or provides those services under the auspices or supervision of a court or a law enforcement or prosecution agency.

___ I am licensed by the State of California as a:

[insert one of the following: physician and surgeon, osteopathic physician and surgeon, registered nurse, psychiatrist, psychologist, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor.] and I am licensed by, and my license number is:

[insert name of state licensing entity and license number.]

The person who signed the Statement By Tenant above stated to me that they, a member of their immediate family, or a member of their household is a victim of:

[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult abuse, a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use or threat of force against the victim.]

The person further stated to me the incident(s) occurred on or about the date(s) stated above.

(signature of qualified third party) (date)

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- ii. The documentation may be signed by a person who meets the requirements for a sexual assault counselor, domestic violence counselor, a human trafficking caseworker, or a victim of violent crime advocate only if the documentation displays the letterhead of the office, hospital, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, this counselor, caseworker, or advocate.
 - d. Any other form of documentation or evidence that reasonably verifies that the abuse or violence occurred.
 3. “Health practitioner” means a physician and surgeon, osteopathic physician and surgeon, psychiatrist, psychologist, registered nurse, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor.
 4. “Immediate family member” has the same meaning as defined in Section 1946.7 of the Civil Code.
 5. “Perpetrator of abuse or violence” means any of the following:
 - A. The person against whom an order described in subparagraph (A) of paragraph (1) of subdivision (a) has been issued.
 - B. The person who was named or referred to as causing the abuse or violence in the report described in subparagraph (B) of paragraph (1) of subdivision (a).
 - C. The person who was named or referred to as causing the abuse or violence in the documentation described in subparagraph (C) of paragraph (1) of subdivision (a).
 - D. The person who was named or referred to as causing the abuse or violence in the documentation described in subparagraph (D) of paragraph (1) of subdivision (a).
 6. “Qualified third party” means a health practitioner, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, a human trafficking caseworker, as defined in Section 1038.2 of the Evidence Code, or a victim of violent crime advocate.
 7. “Tenant” means tenant, subtenant, lessee, or sublessee.
 6. “Tenant in residence” means a tenant who is currently residing in the unit and has full physical and legal access to the unit.
 7. “Victim of violent crime advocate” has the same meaning as defined in Section 1946.7 of the Civil Code.

- b.
 - 1. A landlord shall not terminate a tenancy or fail to renew a tenancy based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member if the landlord has received documentation evidencing abuse or violence against the tenant, the tenant's immediate family member, or the tenant's household member.
 - 2. Notwithstanding paragraph (1), a landlord may terminate a tenancy or fail to renew a tenancy based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member even after receiving documentation of abuse or violence against the tenant, the tenant's immediate family member, or the tenant's household member if either of the following apply:
 - A. The perpetrator of abuse or violence is a tenant in residence of the same dwelling unit as the tenant, the tenant's immediate family member, or household member.
 - B. Both of the following apply:
 - i. The perpetrator of abuse or violence's words or actions have threatened the physical safety of other tenants, guests, invitees, or licensees.
 - ii. After expiration of a three-day notice requiring the tenant not to voluntarily permit or consent to the presence of the perpetrator of abuse or violence on the premises, the tenant continues to do so.
- c. Notwithstanding any provision in a lease to the contrary, a landlord shall not be liable to any other tenants for any action that arises due to the landlord's compliance with this section.
- d. A violation of subdivision (b) by the landlord shall be an affirmative defense to a cause of action for unlawful detainer that is based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member as follows:
 - 1. If the perpetrator of the abuse or violence is not a tenant in residence of the same dwelling unit as the tenant, the tenant's immediate family member, or household member, then the defendant shall have a complete defense as to that cause of action, unless each clause of subparagraph (B) of paragraph (2) of subdivision (b) applies.
 - 2. If the perpetrator of the abuse or violence is a tenant in residence of the same dwelling unit as the tenant, the tenant's immediate family member, or household member, the court shall proceed in accordance with Section 1174.27.
- e.
 - 1. A landlord shall not disclose any information provided by a tenant under this section to a third party unless either of the following is true:
 - A. The tenant has consented in writing to the disclosure.
 - B. The disclosure is required by law or court order.
 - 3. A landlord's communication with the qualified third party who provides documentation in order to verify the contents of that documentation is not a disclosure for purposes of this subdivision.
- f. The Judicial Council shall review its forms 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 and, by January 1, 2024, make any changes to those forms that the Judicial Council deems necessary to conform them to this section.

UNLAWFUL DETAINER PROCEEDINGS

CAL. CIV. PROC. CODE § 1174.27

- a. This section shall apply to an unlawful detainer proceeding in which all of the following are true:
 - 1. The proceeding involves a residential premises.
 - 2. The complaint includes a cause of action based on an act of abuse or violence against a tenant, a tenant's immediate family

member, or a tenant's household member.

3. A defendant has invoked paragraph (2) of subdivision (d) of Section 1161.3 as an affirmative defense to the cause of action described in paragraph (2).
- b. For the purposes of this section, the definitions in subdivision (a) of Section 1161.3 apply.
 - c. The court shall determine whether there is documentation evidencing abuse or violence against the tenant, the tenant's immediate family member, or the tenant's household member.
 - d. If the court determines there is not documentation evidencing abuse or violence against the tenant, the court shall deny the affirmative defense.
 - e. If the court determines that there is documentation evidencing abuse or violence against the tenant, the tenant's immediate family member, or the tenant's household member, and the court does not find the defendant raising the affirmative defense guilty of an unlawful detainer on any other grounds, then both of the following:
 1. The defendant raising the affirmative defense and any other occupant not found guilty of an unlawful detainer shall not be guilty of an unlawful detainer and shall not be named in any judgment in favor of the landlord.
 2. The defendant raising the affirmative defense and any other occupant not found guilty of an unlawful detainer shall not be held liable to the landlord for any amount related to the unlawful detainer, including, but not limited to, holdover damages, court costs, lease termination fees, or attorney's fees.
 - f. (1) If the court makes the determination described in subdivision (e), upon a showing that any other defendant was the perpetrator of the abuse or violence on which the affirmative defense was based and is guilty of an unlawful detainer, the court shall do both of the following:
 - A. Issue a partial eviction ordering the removal of the perpetrator of abuse or violence and ordering that person be immediately removed and barred from the dwelling unit, but the court shall not order the tenancy terminated.
 - B. Order the landlord to change the locks and to provide the remaining occupants with the new key.
 2. If a court issues a partial eviction order as described in subparagraph (A) of paragraph (1), then only a defendant found guilty of an unlawful detainer may be liable for holdover damages, court costs, lease termination fees, or attorney's fees, as applicable.
 3. If the court makes the determination described in subdivision (e), the court may, upon a showing that any other defendant was the perpetrator of the abuse or violence on which the affirmative defense was based and is guilty of an unlawful detainer, do any of the following:
 - A. Permanently bar the perpetrator of abuse or violence from entering any portion of the residential premises.
 - B. Order as an express condition of the tenancy that the remaining occupants shall not give permission to or invite the perpetrator of abuse or violence to live in the dwelling unit.
 4. In exercising its discretion under this subdivision, the court shall take into account custody or visitation orders or arrangements and any other factor that may necessitate the temporary reentry of the perpetrator of abuse or violence.
 - g. The Judicial Council shall develop a judgment form for use in a ruling pursuant to subdivision (e) or (f).
 - h. Notwithstanding any other law, a determination that a person is a perpetrator of abuse or violence under subdivision (e) or (f) shall not constitute a finding that the person is a perpetrator of abuse or violence for any other purposes and shall not be admissible as evidence that the person committed a crime or is a perpetrator of abuse or violence in any other proceeding, including, but not limited to, a civil action or proceeding, a criminal action or proceeding, and a proceeding involving a juvenile for a criminal offense.
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CHANGE OF LOCKS ON DWELLING UNIT

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.
 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.

TENANT PROTECTED BY RESTRAINING ORDER AGAINST ANOTHER TENANT; CHANGE OF LOCKS ON DWELLING UNIT; LIABILITY REGARDING PERSON EXCLUDED; DEFINITIONS

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.
 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.

VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING, HUMAN TRAFFICKING, OR ABUSE OF ELDER OR DEPENDENT ADULT; WRITTEN NOTICE TO TERMINATE TENANCY; REQUIREMENTS OF NOTICE; LANDLORD DISCLOSURE TO THIRD PARTY; VIOLATIONS AND REMEDIES

CAL. CIV. CODE § 1946.7

- a. A tenant may notify the landlord that the tenant intends to terminate the tenancy if the tenant, a household member, or an immediate family member was the victim of an act that constitutes any of the following:
 - 1. Domestic violence as defined in Section 6211 of the Family Code.
 - 2. Sexual assault as defined in Section 261, 261.5, 286, 287, or 289 of the Penal Code.
 - 3. Stalking as defined in Section 1708.7.
 - 4. Human trafficking as defined in Section 236.1 of the Penal Code.
 - 5. Abuse of an elder or a dependent adult as defined in Section 15610.07 of the Welfare and Institutions Code.
 - 6. A crime that caused bodily injury or death.
 - 7. A crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument.
 - 8. A crime that included the use of force against the victim or a threat of force against the victim.
- b. A notice to terminate a tenancy under this section shall be in writing, with one of the following attached to the notice:
 - 1. 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, household member, or immediate family member from further domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or any act or crime listed in subdivision (a).
 - 2. A copy of a written report by a peace officer employed by a state or local law enforcement agency acting in the peace officer's official capacity stating that the tenant, household member, or immediate family member has filed a report alleging that the tenant, the household member, or the immediate family member is a victim of an act or crime listed in subdivision (a).
 - A. Documentation from a qualified third party based on information received by that third party while acting in the third party's professional capacity to indicate that the tenant, household member, or immediate family member is seeking assistance for

physical or mental injuries or abuse resulting from an act or crime listed in subdivision (a).

B. The documentation shall contain, in substantially the same form, the following:

.....
.....

Tenant Statement and Qualified Third Party Statement under Civil Code Section 1946.7

Part I. Statement By Tenant

I, [insert name of tenant], state as follows:

I, or a member of my household or immediate family, have been a victim of:

[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult abuse, or a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use of force against the victim or a threat of force against the victim.]

The most recent incident(s) happened on or about:

[insert date or dates.]

The incident(s) was/were committed by the following person(s), with these physical description(s), if known and safe to provide:

[if known and safe to provide, insert name(s) and physical description(s).]

(signature of tenant) (date)

Part II. Qualified Third Party Statement

I, [insert name of qualified third party], state as follows:

My business address and phone number are:

[insert business address and phone number.]

Check and complete one of the following:

___ I meet the requirements for a sexual assault counselor provided in Section 1035.2 of the Evidence Code and I am either engaged in an office, hospital, institution, or center commonly known as a rape crisis center described in that section or employed by an organization providing the programs specified in Section 13835.2 of the Penal Code.

___ I meet the requirements for a domestic violence counselor provided in Section 1037.1 of the Evidence Code and I am employed, whether financially compensated or not, by a domestic violence victim service organization, as defined in that section.

___ I meet the requirements for a human trafficking caseworker provided in Section 1038.2 of the Evidence Code and I am employed, whether financially compensated or not, by an organization that provides programs specified in Section 18294 of the Welfare and Institutions Code or in Section 13835.2 of the Penal Code.

___ I meet the definition of "victim of violent crime advocate" provided in Section 1947.6 of the Civil Code and I am employed, whether financially compensated or not, by an agency or organization that has a documented record of providing services to victims of violent crime or provides those services under the auspices or supervision of a court or a law enforcement or prosecution agency.

___ I am licensed by the State of California as a:

[insert one of the following: physician and surgeon, osteopathic physician and surgeon, registered nurse, psychiatrist, psychologist, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor.] and I am licensed by, and my license number is:

[insert name of state licensing entity and license number.]

The person who signed the Statement By Tenant above stated to me that the person, or a member of the person's household or immediate family, is a victim of:

[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult abuse, or a crime that caused physical injury, emotional injury and the threat of physical injury, or death.]

The person further stated to me the incident(s) occurred on or about the date(s) stated above.

I understand that the person who made the Statement By Tenant may use this document as a basis for terminating a lease with the person's landlord.

(signature of qualified third party)

(date)

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-
- C. The documentation may be signed by a person who meets the requirements for a sexual assault counselor, domestic violence counselor, a human trafficking caseworker, or a victim of violent crime advocate only if the documentation displays the letterhead of the office, hospital, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, this counselor, caseworker, or advocate.
4. Any other form of documentation that reasonably verifies that the crime or act listed in subdivision (a) occurred.
- c. If the tenant is terminating tenancy pursuant to subdivision (a) because an immediate family member is a victim of an eligible act or crime listed in subdivision (a) and that tenant did not live in the same household as the immediate family member at the time of the act or crime, and no part of the act or crime occurred within the dwelling unit or within 1,000 feet of the dwelling unit of the tenant, the tenant shall attach to the notice and other documentation required by subdivision (b) a written statement stating all of the following:
1. The tenant's immediate family member was a victim of an act or crime listed in subdivision (a).
 2. The tenant intends to relocate as a result of the tenant's immediate family member being a victim of an act or crime listed in subdivision (a).
 3. The tenant is relocating to increase the safety, physical well-being, emotional well-being, psychological well-being, or financial security of the tenant or of the tenant's immediate family member as a result of the act or crime.
- D. 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, within 180 days of the date that an act or crime described in subdivision (a) occurred, or within the time period described in Section 1946.
- e. If notice to terminate the tenancy is provided to the landlord under this section, the tenant shall be responsible for payment of rent for no more than 14 calendar days following the giving of the notice, or for any shorter appropriate period as described in Section 1946 or the lease or rental agreement. The tenant shall be released without penalty from any further rent or other payment obligation to the landlord under the lease or rental agreement. If the premises are relet to another party prior to the end of the obligation to pay rent, the rent owed under this subdivision shall be prorated.
- f. Notwithstanding any law, a landlord shall not, due to the termination, require a tenant who terminates a lease or rental agreement pursuant to this section to forfeit any security deposit money or advance rent paid. A tenant who terminates a rental agreement pursuant to this section shall not be considered for any purpose, by reason of the termination, to have breached the lease or rental agreement. In all other respects, the law governing the security deposit shall apply.
- g. This section does not relieve a tenant, other than the tenant who is, or who has a household member or immediate family member who is, a victim of an act or crime listed in subdivision (a) and members of that tenant's household, from their obligations under the lease or rental agreement.
- H. For purposes of this section, the following definitions apply:

1. "Household member" means a member of the tenant's family who lives in the same residential unit as the tenant.
2. "Health practitioner" means a physician and surgeon, osteopathic physician and surgeon, psychiatrist, psychologist, registered nurse, licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor, or a victim of violent crime advocate.
3. "Immediate family member" means the parent, stepparent, spouse, child, child-in-law, stepchild, or sibling of the tenant, or any person living in the tenant's household at the time the crime or act listed in subdivision (a) occurred who has a relationship with the tenant that is substantially similar to that of a family member.
4. "Qualified third party" means a health practitioner, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, or a human trafficking caseworker, as defined in Section 1038.2 of the Evidence Code.
5. "Victim of violent crime advocate" means a person who is employed, whether financially compensated or not, for the purpose of rendering advice or assistance to victims of violent crimes for an agency or organization that has a documented record of providing services to victims of violent crime or provides those services under the auspices or supervision of a court or a law enforcement or prosecution agency.

i.

1. A landlord shall not disclose any information provided by a tenant under this section to a third party unless the disclosure satisfies one or more of the following:
 - A. The tenant consents in writing to the disclosure.
 - B. The disclosure is required by law or order of the court.
2. A landlord's communication to a qualified third party who provides documentation under paragraph (3) of subdivision (b) to verify the contents of that documentation is not disclosure for purposes of this subdivision.

j. An owner or an owner's agent shall not refuse to rent a dwelling unit to an otherwise qualified prospective tenant or refuse to continue to rent to an existing tenant solely on the basis that the tenant has previously exercised the tenant's rights under this section or has previously terminated a tenancy because of the circumstances described in subdivision (a).

k. A landlord or agent of a landlord who violates this section shall be liable to the tenant in a civil action for both of the following:

1. The actual damages sustained by the tenant.
 - A. Statutory damages of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000)
 - B. Notwithstanding subparagraph (A), a landlord or agent of a landlord who violates this section shall not be liable for statutory damages if the tenant provided documentation of the crime or act to the landlord or the agent of the landlord pursuant to paragraph (4) of subdivision (b) only.

l. The remedies provided by this section shall be in addition to any other remedy provided by law.

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SUMMONING LAW ENFORCEMENT ASSISTANCE OR EMERGENCY ASSISTANCE; LEASE OR AGREEMENT PROVISIONS PROHIBITING OR LIMITING RIGHT VOID; PENALTIES PROHIBITED; ESTABLISHING BELIEF; WAIVER VOID AND UNENFORCEABLE; AFFIRMATIVE DEFENSE; REMEDIES

CAL. CIV. CODE § 1946.8

- a. For purposes of this section:
 1. "Individual in an emergency" means a person who believes that immediate action is required to prevent or mitigate the loss or impairment of life, health, or property.
 2. "Occupant" means a person residing in a dwelling unit with the tenant. "Occupant" includes lodgers as defined in Section 1946.5.
 3. "Penalties" means the following:
 - A. The actual or threatened assessment of fees, fines, or penalties.
 - B. The actual or threatened termination of a tenancy or the actual or threatened failure to renew a tenancy.
 - C. Subjecting a tenant to inferior terms, privileges, and conditions of tenancy in comparison to tenants who have not sought law enforcement assistance or emergency assistance.
 4. "Resident" means a member of the tenant's household or any other occupant living in the dwelling unit with the consent of the tenant.
 5. "Victim of abuse" includes:
 - A. A victim of domestic violence as defined in Section 6211 of the Family Code.
 - B. A victim of elder or dependent adult abuse as defined in Section 15610.07 of the Welfare and Institutions Code.
 - C. A victim of human trafficking as described in Section 236.1 of the Penal Code.
 - D. A victim of sexual assault, meaning a victim of any act made punishable by Section 261, 264.1, 285, 286, 288, 288a, or 289 of the Penal Code.
 - E. A victim of stalking as described in Section 1708.7 of this code or Section 646.9 of the Penal Code.
 6. "Victim of crime" means any victim of a misdemeanor or felony.
- b. Any provision in a rental or lease agreement for a dwelling unit that prohibits or limits, or threatens to prohibit or limit, a tenant's, resident's, or other person's right to summon law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency, if the tenant, resident, or other person believes that the law enforcement assistance or emergency assistance is necessary to prevent or address the perpetration, escalation, or exacerbation of the abuse, crime, or emergency, shall be void as contrary to public policy.
- c. A landlord shall not impose, or threaten to impose, penalties on a tenant or resident who exercises the tenant's or resident's right to summon law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency, based on the person's belief that the assistance is necessary, as described in subdivision (b). A landlord shall not impose, or threaten to impose, penalties on a tenant or resident as a consequence of a person who is not a resident or tenant summoning law enforcement assistance or emergency assistance on the tenant's, resident's, or other person's behalf, based on the person's belief that the assistance is necessary.
- d. Documentation is not required to establish belief for purposes of subdivision (b) or (c), but belief may be established by documents such as those described in Section 1161.3 of the Code of Civil Procedure.
- e. Any waiver of the provisions of this section is contrary to public policy and is void and unenforceable.
- f.
 1. In an action for unlawful detainer, a tenant, resident, or occupant may raise, as an affirmative defense, that the landlord or owner violated this section.

2. There is a rebuttable presumption that a tenant, resident, or occupant has established an affirmative defense under this subdivision if the landlord or owner files a complaint for unlawful detainer within 30 days of a resident, tenant, or other person summoning law enforcement assistance or emergency assistance and the complaint is based upon a notice that alleges that the act of summoning law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency constitutes a rental agreement violation, lease violation, or a nuisance. A reference to a person summoning law enforcement in a notice that is the basis for a complaint for unlawful detainer that is necessary to describe conduct that is alleged to constitute a violation of a rental agreement or lease is not, in itself, an allegation for purposes of this paragraph.
 3. A landlord or owner may rebut the presumption described in paragraph (2) by demonstrating that a reason other than the summoning of law enforcement or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency was a substantial motivating factor for filing the complaint.
- g. In addition to other remedies provided by law, a violation of this section entitles a tenant, a resident, or other aggrieved person to seek injunctive relief prohibiting the landlord from creating or enforcing policies in violation of this section, or from imposing or threatening to impose penalties against the tenant, resident, or other aggrieved person based on summoning law enforcement or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency.
 - h. This section does not permit an injunction to be entered that would prohibit the filing of an unlawful detainer action.
 - i. This section does not limit a landlord's exercise of the landlord's other rights under a lease or rental agreement, or under other law pertaining to the hiring of property, with regard to matters that are not addressed by this section.

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SUMMONING LAW ENFORCEMENT ASSISTANCE OR EMERGENCY ASSISTANCE BY VICTIM OF ABUSE, VICTIM OF CRIME, OR INDIVIDUAL IN EMERGENCY; LOCAL AGENCY ORDINANCE, ETC. LIMITING RIGHT PROHIBITED; REMEDIES; PREEMPTION

CAL. GOVT CODE § 53165

- a. (a) For purposes of this section:
 1. "Individual in an emergency" means a person who believes that immediate action is required to prevent or mitigate the loss or impairment of life, health, or property.
 2. "Local agency" means a county, city, whether general law or chartered, city and county, town, housing authority, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.
 3. "Occupant" means any person residing in a dwelling unit with the tenant. "Occupant" includes a lodger as defined in Section 1946.5 of the Civil Code.
 4. "Penalty" means the following:
 - A. The actual or threatened assessment of fees, fines, or penalties.
 - B. The actual or threatened termination of a tenancy or the actual or threatened failure to renew a tenancy.
 - C. The actual or threatened revocation, suspension, or nonrenewal of a rental certificate, license, or permit.
 - D. The designation or threatened designation as a nuisance property or as a perpetrator of criminal activity under local law, or imposition or threatened imposition of a similar designation.
 - E. Subjecting a tenant to inferior terms, privileges, and conditions of tenancy in comparison to tenants who have not sought law enforcement assistance or emergency assistance.
 5. "Resident" means a member of the tenant's household or any other occupant living in the dwelling unit with the consent of the tenant.
 6. "Tenant" means tenant, subtenant, lessee, or sublessee.

7. "Victim of abuse" includes:
 - A. (A) A victim of domestic violence as defined in Section 6211 of the Family Code.
 - B. (B) A victim of elder or dependent adult abuse as defined in Section 15610.07 of the Welfare and Institutions Code.
 - C. (C) A victim of human trafficking as described in Section 236.1 of the Penal Code.
 - D. (D) A victim of sexual assault means a victim of any act made punishable by Section 261, 264.1, 285, 286, 288, 288a, or 289 of the Penal Code.
 - E. (E) A victim of stalking as described in Section 1708.7 of the Civil Code or Section 646.9 of the Penal Code.
8. "Victim of crime" means any victim of a misdemeanor or felony.
- b. A local agency shall not promulgate, enforce, or implement any ordinance, rule, policy, or regulation, that authorizes, or requires the imposition, or threatened imposition, of a penalty against a resident, owner, tenant, landlord, or other person as a consequence of law enforcement assistance or emergency assistance being summoned by, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency.
- c. If a local agency violates this section, a resident, tenant, owner, landlord, or other person may obtain the following:
 1. (1) A court order requiring the local agency to cease and desist the unlawful practice.
 2. (2) A court order rendering null and void any ordinance, rule, policy, or regulation that violates this section.
 3. (3) Other equitable relief as the court may deem appropriate.
- d. This section preempts any local ordinance, rule, policy, or regulation insofar as it is inconsistent with this section, irrespective of the effective date of the ordinance, rule, policy, or regulation.

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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. (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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EX PARTE ORDER REGARDING REAL OR PERSONAL PROPERTY

CAL. FAM. CODE § 6324

The court may issue an ex parte order determining the temporary use, possession, and control of real or personal property of the parties and the payment of any liens or encumbrances coming due during the period the order is in effect.

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PAYMENT OF AID TO NEEDY FAMILIES; PREGNANT WOMEN; SPECIAL NEEDS; HOMELESS ASSISTANCE; NOTICE OF AVAILABILITY OF BENEFITS; CHILDREN RECEIVING KIN-GAP

*CAL. WELF. & INST. § 11450(f)(3)**

(E)(iii) A family is eligible for homeless assistance if homelessness is a direct result of domestic violence by a spouse, partner, or roommate; physical or mental illness that is medically verified that shall not include a diagnosis of alcoholism, drug addiction, or psychological stress; or the uninhabitability of the former residence caused by sudden and unusual circumstances beyond the control of the family, including natural catastrophe, fire, or condemnation. These circumstances shall be verified by a third-party governmental or private health and human services agency, except that domestic violence may also be verified by a sworn statement by the victim, as provided under Section 11495.25. Homeless assistance payments based on these specific circumstances may not be received more often than once in any 12-month period. In addition, if the domestic violence is verified by a sworn statement by the victim, the homeless assistance payments shall be limited to two periods of not more than 16 cumulative calendar days of temporary shelter assistance and two payments of permanent [housing]* assistance. A county may require that a recipient of homeless assistance benefits who qualifies under this paragraph for a second time in a 24-month period participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits. The county welfare department shall immediately inform recipients who verify domestic violence by a sworn statement of the availability of domestic violence counseling and services, and refer those recipients to services upon request.

(iv) If a county requires a recipient who verifies domestic violence by a sworn statement to participate in a homelessness avoidance case plan pursuant to clause (iii), the plan shall include the provision of domestic violence services, if appropriate.

(v) If a recipient seeking homeless assistance based on domestic violence pursuant to clause (iii) has previously received homeless avoidance services based on domestic violence, the county shall review whether services were offered to the recipient and consider what additional services would assist the recipient in leaving the domestic violence situation.

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**Note: The California Legislature has enacted several versions of § 11450 since 2019. Current and future effective dates are contingent on budget availability and/or automation progress. The above paragraph appears consistently in all recent versions as of this writing (mid-August 2022), except that the word "housing" appears in some texts but not others.*

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APPLICATION TO ADDRESS DESIGNATED BY SECRETARY OF STATE SERVE AS PERSON'S ADDRESS; ADULTS OR PERSONS DOMICILED IN CALIFORNIA AND ACTING ON BEHALF OF MINORS OR INCAPACITATED PERSONS; CONTENTS OF APPLICATION; FILING; CERTIFICATION AS PROGRAM PARTICIPANT; PENALTIES

CAL. GOVT 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, who is domiciled in California, 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 or a community-based assistance program that serves victims of elder or dependent adult abuse pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code). The application process shall include a requirement that the applicant 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, stalking, human trafficking, or elder or dependent adult abuse, or is a household member of a victim who is making or has made an application pursuant to this section, unless the applicant is the perpetrator of the crime which provided the basis for that victim's application.

- B. That the applicant fears for their safety, the safety of their children or household members, 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, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, 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, sexual assault, stalking, or human trafficking.
 - 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, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.
 - 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, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.
 3. If the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a household member of a person described in paragraph (2), the application shall include the name of that person and evidence that the applicant is a household member.
 4. The name and last known address of the applicant's minor child or children, and the name and last known address of all other parents or guardians of the minor child or children of the applicant, as legally established by voluntary declaration of paternity, court order, placement on the child's birth certificate, or other legal method pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code). If no other parent or guardian has been established for the applicant's minor child or children, this section may be left blank.
 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 a copy 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 and the telephone number or numbers where the applicant can be called by the Secretary of State, and if available, the email address where the applicant can be contacted 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, stalking, human trafficking, or elder or dependent adult abuse.
 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. Commencing January 1, 2023, the Secretary of State shall make the application form for participation in the program and any explanatory materials available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the application available in additional languages.

- c. Applications shall be filed with the office of the Secretary of State.
- d. 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 their enrollment may renew as an adult following the renewal procedures established by the Secretary of State.
- e. ... [U]pon certification, the Secretary of State shall, within 10 days, notify all other parents or guardians 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 or parents to be notified. A copy shall also be sent to that parent's or guardian's counsel of record, if provided to the Secretary of State by the applicant.
- f. 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 household members, 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. Commencing January 1, 2023, the Secretary of State shall make the notice required by this subdivision available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the notice available in additional languages.

USE OF SUBSTITUTE ADDRESS BY STATE AND LOCAL AGENCIES; MAIL FORWARDING

CAL. GOVT CODE § 6207

- a. 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 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 Secretary of State has determined both of the following:
 - 1. The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this chapter.
 - 2. This address will be used only for those statutory and administrative purposes and shall not be publicly disseminated.
- b. 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 modifying or maintaining a public record, excluding the record of any birth, fetal death, death, or marriage registered under Division 102 (commencing with Section 102100) of the Health and Safety Code, state and local agencies shall accept the address designated by the Secretary of State as a program participant's substitute address, unless the Secretary of State has determined both of the following:
 - 1. The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this chapter.
 - 2. This address will be used only for those statutory and administrative purposes and shall not be publicly disseminated.
- c. A program participant may use the address designated by the Secretary of State as his or her work address.
- d. The office of the Secretary of State shall forward all first-class mail and all mail sent by a governmental agency to the appropriate program participants. The office of the Secretary of State may, in its discretion, refuse to handle or forward packages regardless of size or type of mailing.
- e. Notwithstanding subdivisions (a) and (b), program participants shall comply with the provisions specified in subdivision (d) of Section 1808.21 of the Vehicle Code if requesting suppression of the records maintained by the Department of Motor Vehicles. Program participants shall also comply with all other provisions of the Vehicle Code relating to providing current address information to the department.

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VOTING

CAL. GOVT CODE § 6207.5

A program participant who is otherwise qualified to vote may seek to register and vote in a confidential manner pursuant to Section 2166.5 of the Elections Code.

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DISCLOSURE OF PARTICIPANT'S ADDRESS OR NAME CHANGE

CAL. GOVT CODE § 6208

The Secretary of State may not make a program participant's address, other than the address designated by the Secretary of State, or a program participant's name change available for inspection or copying, except under any of the following circumstances:

- a. If requested by a law enforcement agency, to the law enforcement agency.
 - b. If directed by a court order, to a person identified in the order.
 - c. If certification has been terminated as a result of paragraph (2) of subdivision (b) of Section 6206.7.
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POSTING OR TRADING ON INTERNET OF PARTICIPANT'S ADDRESS, TELEPHONE NUMBER, OR IMAGE; REMEDIES OF PARTICIPANT.

CAL. GOVT CODE § 6208.1

1. No person, business, association, or other entity shall knowingly and intentionally publicly post or publicly display on the Internet or any other public space the home address, home telephone number, or image of a program participant or other individuals residing at the same home address with the intent to do either of the following:
 - A. Incite a third person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, where the third person is likely to commit this harm.
 - B. Threaten the person identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for their personal safety....
 2. A participant whose home address, home telephone number, or image is made public as a result of a violation of paragraph (1) may do either or both of the following:
 - A. Bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the successful plaintiff court costs and reasonable attorney's fees.
 - B. Bring an action for money damages in any court of competent jurisdiction. In addition to any other legal rights or remedies, if a jury or court finds that a violation has occurred, it shall award damages to that individual in an amount up to a maximum of three times the actual damages, but in no case less than four thousand dollars (\$4,000).
- b.
1. No person, business, association, or other entity shall knowingly and intentionally publicly post or publicly display on the Internet or other public space the home address or home telephone number of a participant if that individual has made a written demand of that person, business, or association to not disclose their home address or home telephone number. A demand made under this paragraph shall include a sworn statement declaring that the person is subject to the protection of

this section and describing a reasonable fear for the safety of that individual or of any person residing at the individual's home address, based on a violation of subdivision (a). A written demand made under this paragraph shall be effective for four years, regardless of whether or not the individual's program participation has expired prior to the end of the four-year period.

2. A participant whose home address or home telephone number is made public as a result of a failure to honor a demand made pursuant to paragraph (1) may bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the successful plaintiff court costs and reasonable attorney's fees.
3. This subdivision shall not apply to a person or entity defined in Section 1070 of the Evidence Code.

c.

1. No person, business, or association shall solicit, sell, or trade on the Internet the home address, home telephone number, or image of a participant with the intent to do either of the following:
 - A. Incite a third person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, where the third person is likely to commit this harm.
 - B. Threaten the person identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for their personal safety.
2. A participant whose home address, home telephone number, or image is solicited, sold, or traded in violation of paragraph (1) may bring an action in any court of competent jurisdiction. In addition to any other legal rights and remedies, if a jury or court finds that a violation has occurred, it shall award damages to that individual in an amount up to a maximum of three times the actual damages, but in no case less than four thousand dollars (\$4,000).

d. An interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, shall not be liable under this section unless the service or provider intends to abet or cause bodily harm that is likely to occur or threatens to cause bodily harm to a participant or any person residing at the same home address.

e. Nothing in this section is intended to preclude prosecution under any other provision of law.

f. For the purposes of this section, the following terms are defined as follows:

1. "Image" includes, but is not limited to, any photograph, video, sketch, or computer-generated image that provides a means to visually identify the person depicted.
2. "Program participant" means a person certified as a program participant in the manner described in Section 6206.
3. "Publicly post" or "publicly display" means to communicate or otherwise make available to the general public.

POSTING ON INTERNET OF PARTICIPANT'S ADDRESS, TELEPHONE NUMBER, OR PERSONAL IDENTIFYING INFORMATION; MISDEMEANOR

CAL. GOVT CODE § 6208.2

1. No person shall post on the Internet, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against the participant or the program participant's family members who are participating in the program, the home address, the telephone number, or personal identifying information of a program participant or the program participant's family members who are participating in the program.
2. A violation of this subdivision is a misdemeanor punishable by a fine of up to two thousand five hundred dollars (\$2,500), or imprisonment of up to six months in a county jail, or by both that fine and imprisonment.
3. A violation of this subdivision that leads to the bodily injury of the program participant, or of any of the program participant's family members who are participating in the program, is a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000), or imprisonment of up to one year in a county jail, or by both that fine and imprisonment.

- d. Nothing in this section shall preclude prosecution under any other provision of law.
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NOTICE PROVIDED TO PROGRAM PARTICIPANTS; CONTENTS

CAL. GOVT CODE § 6209.5

- a. The Secretary of State shall provide each program participant a notice in clear and conspicuous font that contains all of the following information:
 - 1. The program participant is authorized by law to request to use the address designated by the Secretary of State on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home.
 - 2. The program participant may create a revocable living trust and place their real property into the trust to protect their residential street address from disclosure in real property transactions.
 - 3. The program participant may obtain a change of their legal name to protect their anonymity.
 - 4. A list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtaining a name change
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CONFIDENTIAL RECORDS; RESIDENCE OR MAILING ADDRESS; CONSENT TO SERVICE OF PROCESS; GROUNDS FOR SUPPRESSION

CAL. VEHICLE CODE § 1808.21

- a. Any residence address in any record of the department is confidential and shall not be disclosed to any person, except a court, law enforcement agency, or other government agency, or as authorized in Section 1808.22 or 1808.23.
- b. Release of any mailing address or part thereof in any record of the department may be restricted to a release for purposes related to the reasons for which the information was collected, including, but not limited to, the assessment of driver risk, or ownership of vehicles or vessels. This restriction does not apply to a release to a court, a law enforcement agency, or other governmental agency, or a person who has been issued a requester code pursuant to Section 1810.2.
- c. Any person providing the department with a mailing address shall declare, under penalty of perjury, that the mailing address is a valid, existing, and accurate mailing address and shall consent to receive service of process pursuant to subdivision (b) of Section 415.20, subdivision (a) of Section 415.30, and Section 416.90 of the Code of Civil Procedure at the mailing address.
 - 1. Any registration or driver's license record of a person may be suppressed from any other person, except those persons specified in subdivision (a), if the person requesting the suppression submits either of the following:
 - A. A certificate or identification card issued to the person as a program participant by the Secretary of State pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code.
 - B. Verification acceptable to the department that he or she has reasonable cause to believe either of the following:
 - i. That he or she is the subject of stalking, as specified in Section 1708.7 of the Civil Code or Section 646.9 of the Penal Code.
 - ii. That there exists a threat of death or great bodily injury to his or her person, as defined in Section 12022.7 of the Penal Code.
 - 2. Upon suppression of a record, each request for information about that record shall be authorized by the subject of the record or verified as legitimate by other investigative means by the department before the information is released.

e.

1. The suppression of a record pursuant to a verification under subparagraph (B) of paragraph (1) of subdivision (d) shall occur for one year after approval by the department. Not less than 60 days prior to the date the suppression of the record would otherwise expire, the department shall notify the subject of the record of its impending expiration. The suppression may be continued for two additional periods of one year each if a letter is submitted to the department stating that the person continues to have a reasonable cause to believe that he or she is the subject of stalking or that there exists a threat of death or great bodily injury as described in subparagraph (B) of paragraph (1) of subdivision (d). The suppression may be additionally continued at the end of the second one-year period by submitting verification acceptable to the department. The notification described in this subdivision shall instruct the person of the method to reapply for record suppression.
 2. The suppression of a record made in accordance with the submission of a certificate or identification card under subparagraph (A) of paragraph (1) of subdivision (d) shall occur for four years following the submission of the certificate or identification card described in this paragraph. The suppression may be continued for an additional four-year period, and for subsequent four-year periods, upon the submission of a current certificate or identification card described in this paragraph.
- f. For the purposes of subdivisions (d) and (e), “verification acceptable to the department” means recent police reports, court documentation, or other documentation from a law enforcement agency.
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SAFE AT HOME MEMBER REQUEST; ASSOCIATION DUTIES

CAL. CIV. CODE § 5216

- a. Notwithstanding any other law, upon request of a member of an association who is an active participant in the Safe at Home program, the association shall do both of the following:
 1. Accept and use the address designated by the Secretary of State as the Safe at Home participant's substitute address under the Safe at Home program for all association communications.
 2. Withhold or redact information that would reveal the name, community property address, or email address of the Safe at Home participant from both of the following:
 - A. All resident community membership lists, including mailbox bank listings, resident directories, electronic keypads, unit property numbers, and internet web portal accounts.
 - B. Any membership list that will be shared with other members of the association.
 - c. An association shall keep member participation in the Safe at Home program confidential.
 - d. For purposes of this section:
 1. “Community property address” means the address of the member's property within the community governed by the association.
 2. “Safe at Home participant” means a person certified as a program participant in the Safe at Home program.
 3. “Safe at Home program” means the address confidentiality program established pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code.
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PROTECTED PERSONS; DEFINITIONS; USE OF PSEUDONYM; PROTECTION OF IDENTIFYING INFORMATION; SANCTIONS; SEVERABILITY

CAL. CIV. PROC. CODE § 367.3

- a. For purposes of this section, the following definitions apply:
 - 1. "Identifying characteristics" means the name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to other parties, and race or ethnic background, telephone number, email address, social media profiles, online identifiers, contact information, or any other information, including images of the protected person, from which the protected person's identity can be discerned.
 - 2. "Online identifiers" means any personally identifying information or signifiers that would tie an individual to a particular electronic service, device, or internet application, website, or platform account, including, access names, access codes, account names, aliases, avatars, credentials, gamer tags, display names, handles, login names, member names, online identities, pseudonyms, screen names, user accounts, user identifications, usernames, Uniform Resource Locators (URLs), domain names, Internet Protocol (IP) addresses, and media access control (MAC) addresses.
 - 3. "Protected person" means a person who is an active participant in the address confidentiality program created pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code.
- b.
 - 1. A protected person who is a party in a civil proceeding may proceed using a pseudonym, either John Doe, Jane Doe, or Doe, for the true name of the protected person and may exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the protected person....
 - ...
 - 4. The court, on motion of the protected person, may order a record or part of a record to be filed under seal in accordance with Rules 2.550 and 2.551 of the California Rules of Court, as those rules may be amended.
 - ...

ANNUAL REPORT OF ACTIVITIES TO DEPARTMENT; RECOMMENDATIONS; REIMBURSEMENT OF PROCESSING COSTS; CONTENTS OF REPORT

CAL. HEALTH & SAFETY CODE § 34328.1

- a. (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....
- ...
- 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.
 - ...

SAN FRANCISCO, CALIFORNIA

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

- Eviction protection for victims of domestic violence, sexual assault, or stalking. S.F., Cal., Admin. Code § 37.9(a)(3.1)-(3.2).

EVICTON PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

S.F., CAL., ADMIN. CODE § 37.9(A)(3.1)-(3.2)

- a. A landlord shall not endeavor to recover possession of a rental unit unless:
.....
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, the activities are severe, continuing or recurring in nature, 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,
 - 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).

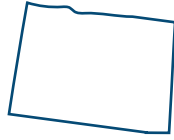
- D. Limitations on Relief. Unless the tenant or the tenant's household member has obtained a protective order against the alleged abuser to vacate or stay from the unit as a result of acts constituting domestic violence or sexual assault or stalking against the tenant or tenant's household member, the 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)....

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COLORADO



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

- Civil protection order: exclusion of abuser; order to abuser to pay rent or mortgage and other household expense. COLO. REV. STAT. ANN. § 13-14-105.
- Defense to eviction if domestic violence caused violation of rental or lease agreement. COLO. REV. STAT. ANN. § 13-40-104.
- Defense to eviction if domestic violence caused “substantial violation” by tenant or guest.
- COLO. REV. STAT. ANN. § 13-40-107.5.
- Early lease termination. COLO. REV. STAT. ANN. § 38-12-402.
- Tenant cannot waive the right to call for police or other emergency assistance. COLO. REV. STAT. ANN. § 38-12-402.
- Housing conditions caused by domestic violence are not misconduct by survivor in the context of a landlord's warranty of habitability. COLO. REV. STAT. ANN. § 38-12-503.
- Tenants' remedies for breach of warranty of habitability include deducting cost of repairs from domestic violence damage. COLO. REV. STAT. ANN. § 38-12-507.
- Address confidentiality program. COLO. REV. STAT. ANN. §§ 24-30-2104; 18-9-313.

PROVISIONS RELATING TO CIVIL PROTECTION ORDERS

COLO. REV. STAT. ANN. § 13-14-105

1. A municipal court of record that is authorized by its municipal governing body to issue protection or restraining orders and any county court, in connection with issuing a civil protection order, has original concurrent jurisdiction with the district court to include any provisions in the order that the municipal or county court deems necessary for the protection of persons, including but not limited to orders:

...

- d. Excluding a party from the home of another party upon a showing that physical or emotional harm would otherwise result;
- e.
 - i. Awarding temporary care and control of any minor children of either party involved for a period of not more than one year.

...

- j.
 - i. Entering a temporary injunction restraining the respondent from ceasing to make payments for mortgage or rent, insurance, utilities or related services, transportation, medical care, or child care when the respondent has a prior existing duty or legal obligation or from transferring, encumbering, concealing, or in any way disposing of personal effects or real property, except in the usual course of business or for the necessities of life and requiring the restrained party to account to the court for all extraordinary expenditures made after the injunction is in effect.

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UNLAWFUL DETENTION DEFINED

COLO. REV. STAT. ANN. § 13-40-104

...

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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TERMINATION OF TENANCY FOR SUBSTANTIAL VIOLATION — DEFINITION — LEGISLATIVE DECLARATION

COLO. REV. STAT. ANN. § 13-40-107.5

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4.

- a. A tenancy may be terminated at any time on the basis of a substantial violation. The termination shall be effective three days after service of written notice to quit.

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5.

- a. In any action for possession under this section, the landlord has the burden of proving the occurrence of a substantial violation by a preponderance of the evidence.
- b. In any action for possession under this section, it shall be a defense that:
 - II. The tenant did not know of, and could not reasonably have known of or prevented, the commission of a substantial violation by a guest or invitee but immediately notified a law enforcement officer of his or her knowledge of the substantial violation.
 - I. The landlord shall not have a basis for possession under 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 substantial violation and which

...

domestic violence or domestic abuse has been documented pursuant to the provisions set forth in section 13-40-104(4).

- II. Nothing in this paragraph (c) shall prevent the landlord from seeking possession against a tenant or lessee of the premises who perpetuated the violence or abuse that was the cause of or resulted in the alleged substantial violation.

PROTECTION FOR VICTIMS OF UNLAWFUL SEXUAL BEHAVIOR, STALKING, OR 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 situation involving domestic violence, domestic abuse, unlawful sexual behavior, or stalking. A residential tenant may not waive the residential tenant's right to call for police or other emergency assistance.
 - 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 unlawful sexual behavior, stalking, domestic violence, or domestic abuse and provides to the landlord evidence of unlawful sexual behavior, stalking, domestic violence, or domestic abuse victimization as described in subsection (2)(a.5) of this section, and the residential tenant seeks to vacate the premises due to fear of imminent danger for self or children because of the unlawful sexual behavior, stalking, 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 subsection (2)(b) of this section.
 - a.5. For the purposes of subsection (2)(a) of this section:
 - I. To provide evidence that he or she is a victim of unlawful sexual behavior, domestic violence, or domestic abuse, a tenant may provide to his or her landlord a police report written within the prior sixty days, a valid protection order, or a written statement from a medical professional or application assistant who has examined or consulted with the victim, which written statement confirms such fact; and
 - II. To provide evidence that he or she is a victim of stalking, a tenant may provide to his or her landlord a police report written within the prior sixty days, a valid protection order, or a written statement from an application assistant who has consulted with the victim, which written statement confirms such fact.
 - 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 subsection (2)(a) of this section, then the tenant is responsible for one month's rent following vacation of the premises, which amount is due and payable to the landlord within ninety days after the tenant vacates the premises. The landlord is not obligated to refund the security deposit to the tenant until 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 subsection (2)(b) 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 unlawful sexual behavior, stalking, domestic violence, or domestic abuse.
 - a. If a tenant to a residential rental agreement or lease agreement notifies the landlord that the tenant is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse, the landlord shall not disclose such fact to any person except with the consent of the victim or as the landlord may be required to do so by law.
 - b. If a tenant to a residential rental agreement or lease agreement terminates his or her lease pursuant to this section because he or she is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse, and the tenant provides the landlord with a new address, the landlord shall not disclose such address to any person except with the consent of the victim or as the landlord may be required to do so by law.

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WARRANTY OF HABITABILITY

COLO. REV. STAT. ANN. § 38-12-503

1. In every rental agreement, the landlord is deemed to warrant that the residential premises is fit for human habitation.
 2. Except as described in subsection (2.2) of this section, a landlord breaches the warranty of habitability set forth in subsection (1) of this section if:
 - a. A residential premises is:
 - I. Uninhabitable as described in section 38-12-505 or otherwise unfit for human habitation; or
 - II. In a condition that materially interferes with the tenant's life, health, or safety; and
 - b. The landlord has received reasonably complete written or electronic notice of the condition described in subsection (2)(a) of this section and failed to commence remedial action by employing reasonable efforts within the following period after receiving the notice:
 - I. Twenty-four hours, where the condition is as described in subsection (2)(a)(II) of this section; or
 - II. Ninety-six hours, where the condition is as described in subsection (2)(a)(I) of this section and the tenant has included with the notice permission to the landlord or to the landlord's authorized agent to enter the residential premises.
 - ...
 3. When any condition described in subsection (2) of this section is caused by the misconduct of the tenant, a member of the tenant's household, a guest or invitee of the tenant, or a person under the tenant's direction or control, the condition does not constitute a breach of the warranty of habitability. It is not misconduct by a victim of domestic violence; domestic abuse; unlawful sexual behavior, as described in section 16-22-102(9); or stalking under this subsection (3) if the condition is the result of domestic violence; domestic abuse; unlawful sexual behavior, as described in section 16-22-102(9); or stalking and the landlord has been given written or electronic notice and evidence of domestic violence; domestic abuse; unlawful sexual behavior, as described in section 16-22-102(9); or stalking, as described in section 38-12-402(2)(a).
 - a. If the notice sent pursuant to subsection (2)(b) of this section concerns a condition that is described by subsection (2)(a)(II) of this section, the landlord, at the request of the tenant, shall provide the tenant:
 - I. A comparable dwelling unit, as selected by the landlord, at no expense or cost to the tenant; or
 - II. A hotel room, as selected by the landlord, at no expense or cost to the tenant.
 - b. A landlord is not required to pay for any other expenses of a tenant that arise after the relocation period. A tenant continues to be responsible for payment of rent under the rental agreement during the period of any temporary relocation and for the remainder of the term of the rental agreement following the remediation.
 5. Except as set forth in this part 5, any agreement waiving or modifying the warranty of habitability shall be void as contrary to public policy.
 6. Nothing in this part 5 shall:
 - a. Prevent a landlord from terminating a rental agreement as a result of a casualty or catastrophe to the dwelling unit without further liability to the landlord or tenant; or
 - b. Preclude a landlord from initiating an action for nonpayment of rent, breach of the rental agreement, violation of section 38-12-504, or as provided for under article 40 of title 13, C.R.S.
-

BREACH OF WARRANTY OF HABITABILITY — TENANT'S REMEDIES

COLO. REV. STAT. ANN. § 38-12-507

1. If there is a breach of the warranty of habitability as set forth in section 38-12-503(2):

...

e.

- I. Pursuant to this subsection (1)(e), the tenant may deduct from one or more rent payments the cost of repairing or remedying a condition that is the basis of a breach of the warranty of habitability described in section 38-12-503, if the tenant provides notice of the condition to the landlord as described in section 38-12-503(2)(b) or (2.2) and the landlord fails to:
 - A. Commence remedial action by employing reasonable efforts within the applicable period described in section 38-12-503(2)(b); or
 - B. Complete the actions described in section 38-12-503(2.2).
- II. At least ten days before deducting costs from a rent payment as described in this subsection (1)(e), a tenant shall provide the landlord with written or electronic notice of the tenant's intent to do so....

...

- VII. Notwithstanding any provision of this subsection (1)(e) to the contrary, a tenant shall not deduct costs from one or more rent payments if the condition that is the basis for the alleged breach of the warranty of habitability is caused by the misconduct of the tenant, a member of the tenant's household, a guest or invitee of the tenant, or a person under the tenant's direction or control; except that this subsection (1)(e)(VII) does not apply if:
 - A. The tenant is a victim of domestic violence; domestic abuse; unlawful sexual behavior, as described in section 16-22-102(9); or stalking;
 - B. The condition is the result of domestic violence; domestic abuse; unlawful sexual behavior, as described in section 16-22-102(9); or stalking; and
 - C. The landlord has been given written or electronic notice and evidence of domestic violence; domestic abuse; unlawful sexual behavior, as described in section 16-22-102(9); or stalking.

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ADDRESS CONFIDENTIALITY PROGRAM — CREATION — SUBSTITUTE ADDRESS — USES — SERVICE BY MAIL — APPLICATION ASSISTANCE CENTERS

COLO. REV. STAT. ANN. § 24-30-2104

1. There is hereby created the address confidentiality program in the department to protect the confidentiality of the actual address of a relocated victim of domestic violence, a sexual offense, or stalking and to prevent the victim's assailants or potential assailants from finding the victim through public records. Under the program, the executive director or his or her designee shall:
 - a. Designate a substitute address for a program participant that shall be used by state and local government agencies as set forth in this part 21; and
 - b. Receive mail sent to a program participant at a substitute address and forward the mail to the participant as set forth in subsection (2) of this section.
2. The executive director or his or her designee shall receive first-class, certified, or registered mail on behalf of a program participant and forward the mail to the participant for no charge. The executive director or his or her designee may arrange to receive and forward other classes or kinds of mail at the participant's expense. Neither the executive director nor his or her designee shall

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.

- a. Notwithstanding any provision of law to the contrary, a program participant may be served by registered mail or by certified mail, return receipt requested, addressed to the participant at his or her substitute address with any process, notice, or demand required or permitted by law to be served on the program participant. Service is perfected under this subsection (3) at the earliest of:
 - II. The date the program participant receives the process, notice, or demand; or
 - III. Five days after the date shown on the return receipt if signed on behalf of the program participant.
 - b. This subsection (3) does not prescribe the only means, or necessarily the required means, of serving a program participant in the state.
 - c. Whenever the laws of the state provide a program participant a legal right to act within a prescribed period of ten days or less after the service of a notice or other paper upon the participant and the notice or paper is served upon the participant by mail pursuant to this subsection (3) or by first-class mail as otherwise authorized by law, five days shall be added to the prescribed period.
4. The executive director or his or her designee may designate as an application assistant any person who:
- a. Provides counseling, referral, or other services to victims of domestic violence, a sexual offense, or stalking; and
 - b. Completes any training and registration process required by the executive director or his or her designee.
5. Any assistance and counseling rendered by the executive director or his or her designee or an application assistant to an applicant related to this part 21 shall in no way be construed as legal advice.

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PERSONAL INFORMATION ON THE INTERNET — LAW ENFORCEMENT OFFICIAL — VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Colo. Rev. Stat. Ann. § 18-9-313

1. As used in this section:
- ...
- j. "Participant in the address confidentiality program" means an individual accepted into the address confidentiality program in accordance with part 21 of article 30 of title 24.
- ...
- l. "Personal information" means the home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, or a personal photograph of a participant in the address confidentiality program or protected person; directions to the home of a participant in the address confidentiality program or protected person; or photographs of the home or vehicle of a participant in the address confidentiality program or protected person.
- ...
- 2.5. An address confidentiality program participant may submit a written request to a state or local government official and follow the process in section 24-30-2108, C.R.S., including the presentation of a valid address confidentiality program authorization card. If a state or local government official has received the above information, then the state or local government official shall not knowingly make available on the internet personal information about such participant in the address confidentiality program or the actual address, as defined in section 24-30-2103(1), C.R.S., of such participant in the address confidentiality program.

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CONNECTICUT



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

- Early lease termination. Conn. Gen. Stat. § 47a-11e.
- Housing discrimination. Conn. Gen. Stat. § 46a-58.
- Definitions. Conn. Gen. Stat. § 46a-51.
- Family relations matters and domestic violence defined. Conn. Gen. Stat. § 46b-1.
- Court may issue protection order for family or household member enjoining respondent from entering family dwelling and may order respondent to make rent or mortgage payments and to maintain utility services and insurance coverage. Conn. Gen. Stat. § 46b-15.
- Court may issue civil protection order for survivor of sexual abuse, sexual assault, or stalking, enjoining respondent from entering survivor's dwelling and barring disclosure of survivor's location information. Conn. Gen. Stat. § 46b-16a.
- Special needs benefit for emergency housing under temporary family assistance program and state supplementation program. Conn. Gen. Stat. § 17b-808(a)(2), (4).
- Insurance discrimination against survivors prohibited. Conn. Gen. Stat. § 38a-816(19).
- Law enforcement records of survivors' names and addresses not disclosable under Freedom of Information Act. Conn. Gen. Stat. § 1-210(b)(3)(G).
- Address confidentiality program. Conn. Gen. Stat. §§ 54-240–54-249.

TERMINATION OF RENTAL AGREEMENT BY TENANT WHO IS A VICTIM OF FAMILY VIOLENCE OR SEXUAL ASSAULT

CONN. GEN. STAT. § 47A-11E

- a. Notwithstanding the provisions of this chapter and chapter 831, 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. Notwithstanding the provisions of this chapter and chapter 831, for rental agreements entered into or renewed on or after January 1, 2014, any tenant who (A) is a victim of sexual assault under any provision of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or is the parent or guardian with physical custody of a dependent who is the victim of sexual assault under section 53a-70c, and (B) 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 such sexual assault, 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 or sexual assault, as the case may be; (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 or sexual assault 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 or sexual assault 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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DEPRIVATION OF RIGHTS; DESECRATION OF PROPERTY; PLACING OF BURNING CROSS OR NOOSE ON PROPERTY; PENALTY; RESTITUTION

CONN. GEN. STAT. § 46A-58

- a. It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of ... status as a victim of domestic violence.

...

.....

DEFINITIONS

CONN. GEN. STAT. § 46A-51

As used in section 4a-60a and this chapter:

....

- 25. "Domestic violence" has the same meaning as provided in subsection (b) of section 46b-1;

.....

FAMILY RELATIONS MATTERS AND DOMESTIC VIOLENCE DEFINED

CONN. GEN. STAT. § 46B-1

....

- B. As used in this title, “domestic violence” means: (1) A continuous threat of present physical pain or physical injury against a family or household member, as defined in section 46b-38a; (2) stalking, including, but not limited to, stalking as described in section 53a-181d, of such family or household member; (3) a pattern of threatening, including, but not limited to, a pattern of threatening as described in section 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following:
- A. Isolating the family or household member from friends, relatives or other sources of support;
 - B. Depriving the family or household member of basic necessities;
 - C. Controlling, regulating or monitoring the family or household member’s movements, communications, daily behavior, finances, economic resources or access to services;
 - D. Compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue;
 - E. Committing or threatening to commit cruelty to animals that intimidates the family or household member; or
 - F. Forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person’s sexuality or threats to release sexual images.

.....

RELIEF FOR VICTIM OF DOMESTIC VIOLENCE; APPLICATION; COURT ORDERS; DURATION; SERVICE OF APPLICATION, AFFIDAVIT, ANY EX PARTE ORDER AND NOTICE OF HEARING; COPIES; EXPEDITED HEARING FOR VIOLATION OF ORDER; OTHER REMEDIES

CONN. GEN. STAT. § 46B-15

- a. Any family or household member, as defined in section 46b-38a, who is the victim of domestic violence, as defined in section 46b-1, by another family or household member may make an application to the Superior Court for relief under this section. The court shall provide any person who applies for relief under this section with the information set forth in section 46b-15b.
 - 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 ... (3) entering the family dwelling or the dwelling of the applicant
- ...
- d. Any ex parte restraining order entered under subsection (b) of this section in which the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, may include, if no order exists, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, in addition to any orders authorized under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or necessary services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any ... homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; or (2) an order providing the applicant with temporary possession of ... documentation of ...

homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects.

- e. At the hearing on any application under this section, if the court grants relief pursuant to subsection (b) of this section and the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, any orders entered by the court may include, in addition to the orders authorized under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any ... homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; (2) an order providing the applicant with temporary possession of ... documentation of ... homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects; or (3) an order that the respondent: (A) Make rent or mortgage payments on the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (B) maintain utility services or other necessary services related to the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (C) maintain all existing ... homeowners insurance coverage without change in coverage or beneficiary designation, or (D) provide financial support for the benefit of any dependent child or children in common of the applicant and the respondent, provided the respondent has a legal duty to support such child or children and the ability to pay. The court shall not enter any order of financial support without sufficient evidence as to the ability to pay, including, but not limited to, financial affidavits....

...

- i. A caretaker who is providing shelter in his or her residence to a person sixty years or older shall not be enjoined from the full use and enjoyment of his or her home and property. The Superior Court may make any other appropriate order under the provisions of this section.

...

.....

ISSUANCE OF CIVIL PROTECTION ORDER ON BEHALF OF PERSON WHO HAS BEEN VICTIM OF SEXUAL ABUSE, SEXUAL ASSAULT, OR STALKING; APPLICATION; HEARING; COURT ORDERS; DURATION; NOTICE; OTHER REMEDIES

CONN. GEN. STAT. § 46B-16A

- a. Any person who has been the victim of sexual abuse, sexual assault or stalking may make an application to the Superior Court for relief under this section, provided such person has not obtained any other court order of protection arising out of such abuse, assault or stalking and does not qualify to seek relief under section 46b-15. As used in this section, “stalking” means two or more wilful acts, performed in a threatening, predatory or disturbing manner of: Harassing, following, lying in wait for, surveilling, monitoring or sending unwanted gifts or messages to another person directly, indirectly or through a third person, by any method, device or other means, that causes such person to reasonably fear for his or her physical safety.
- b. The application shall be accompanied by an affidavit made by the applicant under oath that includes a statement of the specific facts that form the basis for relief. If the applicant attests that disclosure of the applicant’s location information would jeopardize the health, safety or liberty of the applicant or the applicant’s children, the applicant may request, on a form prescribed by the Chief Court Administrator, that his or her location information not be disclosed.... If the court finds that there are reasonable grounds to believe that an imminent danger exists to the applicant, the court may issue an ex parte order ... Such orders may include, but are not limited to, an order enjoining the respondent from: ... (3) entering the dwelling of the applicant.

...

- f. An action under this section shall not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances.

.....

SPECIAL NEEDS BENEFIT FOR EMERGENCY HOUSING; LIMITATION

CONN. GEN. STAT. § 17B-808

- a. The Commissioner of Social Services shall provide a special needs benefit for emergency housing to any recipient of payments under the temporary family assistance program and the optional state supplementation program who cannot remain in permanent housing because ... (2) the recipient has left to escape domestic violence ... (4) the recipient shares an apartment with a primary tenant who is being evicted or is engaged in criminal activity; ... Any person receiving a benefit under this section shall agree to reside in any housing which was constructed, renovated or rehabilitated with state or federal financial assistance. Notwithstanding the provisions of this section, any family receiving the benefit under this section pursuant to subdivision (7) shall not be required to reside in any housing in which the paint contains a toxic level of lead as defined by the Commissioner of Public Health in regulations adopted pursuant to section 19a-111. Under the temporary family assistance program, any person not eligible for the benefit under this section shall be referred to the Department of Social Services' program for emergency shelter services.
- ...
-

UNFAIR PRACTICES DEFINED

CONN. GEN. STAT. § 38A-816(19)

The following are defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

- ...
- 19. With respect to a property and casualty insurer delivering, issuing for delivery, renewing, amending, continuing or endorsing a property or casualty insurance policy, making any distinction or discrimination against an individual in delivering, issuing for delivery, renewing, amending, continuing, endorsing, offering, withholding, cancelling or setting premiums for such policy, or in the terms of such policy, because the individual has been a victim of domestic violence, as defined in section 17b-112a.
- ...
-

ACCESS TO PUBLIC RECORDS; EXEMPT RECORDS

CONN. GEN. STAT. § 1-210(b)(3)(G)

- ...
- b. Nothing in the Freedom of Information Act shall be construed to require disclosure of:
- ...

- 3. Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of ... (G) the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, injury or risk of injury, or impairing of morals under section 53-21 or family violence, as defined in section 46b-38a, or of an attempt thereof
- ...
-

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 wishes to keep such person's residential address confidential because of safety concerns and (1) has been a victim of (A) family violence, (B) injury or risk of injury to a child, (C) kidnapping, (D) sexual assault, (E) stalking, (F) trafficking in persons, or (G) child abuse or neglect, where such abuse or neglect was substantiated by the Department of Children and Families and was the basis for the issuance of a restraining order under section 46b-15 or civil protection order under section 46b-16a, or (2) a termination of parental rights was granted pursuant to section 45a-717 or 46b-129.

...

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.

.....

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 the applicant or the person on whose behalf the application is made (A) is a victim of (i) family violence, (ii) injury or risk of injury to a minor, (iii) kidnapping, (iv) sexual assault, (v) stalking, (vi) trafficking in persons, or (vii) child abuse or neglect, where such abuse or neglect was substantiated by the Department of Children and Families and was the basis for the issuance of a restraining order under section 46b-15 or civil protection order under section 46b-16a, or (B) a termination of parental rights was granted pursuant to section 45a-717 or 46b-129, and (C) the applicant fears for the safety of the applicant, children living in the applicant's home, person on whose behalf the application is made, or 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.

.....

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.

.....

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.
-

DELAWARE



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

- Protective order: exclude abuser, grant possession of residence, and order abuser to pay expenses. DEL. CODE ANN. tit. 10, § 1045.
- Eviction protection. DEL. CODE ANN. tit. 25, § 5316.
- Early lease termination. DEL. CODE ANN. tit. 25, § 5314.
- Victims' Compensation Assistance Program may award compensation for pecuniary losses on application by survivors, including temporary housing, moving expenses, essential personal safety property, housing-related expenses, or lock changes. DEL. CODE ANN. tit. 11, §§ 9002-9023.
- Address confidentiality program. DEL. CODE ANN. tit. 11, §§ 9611-9619.
- Confidential voter registration. DEL. CODE ANN. tit. 15, §§ 1303, 2050A. *Note: § 2050A, enacted June 30, 2021, becomes effective either June 30, 2023 or sooner pursuant to §5 of 83 Del. Laws c. 71 (2021) (formerly S.B. 5).*
- Confidential motor vehicle registration. DEL. CODE ANN. tit. 21, § 305.

RELIEF AVAILABLE; DURATION OF ORDERS, MODIFICATION AND TERMINATION

DEL. CODE ANN. TIT. 10, § 1045

- a. After consideration of a petition for a protective order, the Court may grant relief as follows:

...

(3) Grant exclusive possession of the residence or household to the petitioner or other resident, regardless of in whose name the residence is titled or leased. Such relief shall not affect title to any real property;

...

(7) Order the respondent to pay to the petitioner or any other family member monetary compensation for losses suffered as a direct result of domestic violence committed by the respondent, including medical, dental and counseling expenses, loss of earnings or other support, cost of repair or replacement of real or personal property damaged or taken, moving or other travel expenses and litigation costs, including attorney's fees;

...

(13) Grant any other reasonable relief necessary or appropriate to prevent or reduce the likelihood of future domestic violence.

...

PROTECTION FOR VICTIMS OF DOMESTIC ABUSE, SEXUAL OFFENSES, AND/OR STALKING

DEL. CODE ANN. TIT. 25, § 5316

- a. A landlord may not pursue any action for summary possession, demand any increase in rent, decrease any services, or otherwise cause any tenant to quit a rental unit where said tenant is a victim of domestic abuse, sexual offenses, or stalking, and where said tenant has obtained or has sought assistance for domestic abuse, sexual offenses, or stalking from any court, police, medical emergency, domestic violence, or sexual offenses program or service.
- b. (b) If the tenant proves that the landlord instituted any of the actions prohibited by subsection (a) of this section, above, within 90 days of any incident in which the tenant was a victim of domestic abuse, sexual offenses and/or stalking, it shall be a rebuttable presumption that said action is in violation of subsection (a) of this section, above.
- c. A landlord may rebut the presumption that the prohibited action is in violation of subsection (a) of this section, above, if:
 1. The landlord is seeking to recover possession of the rental unit on the basis of an appropriate notice to terminate which was given to the tenant prior to the incident of domestic abuse, sexual offenses, or stalking;
 2. The landlord seeks in good faith to recover possession of the rental unit for immediate use as the landlord's own residence;
 3. The landlord seeks in good faith to recover possession of the rental unit for the purpose of substantially altering, remodeling or demolishing the premises;
 4. The landlord seeks in good faith to recover possession of the rental unit for the purpose of immediately terminating, for at least 6 months, use of the premises as a rental unit;
 5. The landlord has in good faith contracted to sell the property and the contract of sale contains a representation from the purchaser confirming that purchaser's intent to use the property in consistency with paragraphs (2), (3) or (4) of this subsection;
 6. The landlord has become liable for a substantial increase in property taxes or a substantial increase in other maintenance or operating costs, and such liability occurred not less than 4 months prior to the demand for the increase in rent, and the increase in rent does not exceed the prorata portion of the net increase in taxes or cost;
 7. The landlord has completed a substantial capital improvement of the rental unit or the property of which it is a part, not less than 4 months prior to the demand for increased rent, and such increase in rent does not exceed the amount which may be claimed for federal income tax purposes as a straight-line depreciation of the improvement, prorated among the rental units benefited by the improvement;
 8. The landlord can establish, by competent evidence, that the rent now demanded of the tenant does not exceed the rent charged other tenants of similar rental units in the same complex;
 9. The landlord can establish, by competent evidence, that the domestic abuse, sexual assault and/or stalking constitutes a viable and substantial risk of serious physical injury to a tenant who currently resides in another unit of the same multi-unit building as the domestic violence, sexual assault or stalking victim; or
 10. The landlord, after being given notice of the tenant's victimization per § 5141(9) or (33) of this title, discontinues those actions prohibited by subsection (a) of this section, above.
- d. A tenant who is otherwise delinquent in the payment of rent may not take advantage of the protection provided in this section.

TENANT'S RIGHT TO EARLY TERMINATION

Del. Code Ann. tit. 25, § 5314

- a. (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....

...

.....

DEFINITIONS

DEL. CODE ANN. TIT. 11, § 9002

For purposes of this chapter:

...

- 6. "Crime" means any of the following:
 - a. Any specific offense set forth in Chapter 5 of this title, if the offense was committed after July 1, 1973, and contains the characteristics of ... rape, unlawful sexual intercourse ... unlawful sexual contact ... stalking....

...

- g. Any act that contains the characteristics of domestic violence or abuse.
- h. Any act that contains the characteristics of human trafficking as defined in § 787 of this title.

...

- 10. "Pecuniary loss" means any expenses actually and necessarily incurred as a result of personal injury or death resulting from a crime, but it does not include property damage. "Pecuniary loss" includes the following, except that for secondary victims, "pecuniary loss" means what is in paragraphs (10)d. and (10)o. of this section, and for claimants in homicide cases, "pecuniary loss" means what is in paragraphs (10)b., (10)c., (10)d., (10) f., (10)h., (10)o., (10)s., (10)t., and (10)u. of this section:

...

- b. Temporary housing not to exceed \$1,500.
- c. Moving expenses not to exceed \$1,000.
- d. Essential personal safety property not to exceed \$1,500.

...

- h. Housing-related expenses, including mortgage, rent, security deposit, or other housing costs and furniture not to exceed 3 times the claimant's monthly prospective housing cost.

...

- k. The cost to change locks and replace items seized as evidence.

...

- 13. "Secondary victim" means any parent, stepparent, grandparent, son, daughter, spouse, sibling, half-sibling, fiancé, caretaker of the victim, any child who resides on a regular or semi-regular basis with any adult who is the victim of, or convicted of, any crime involving an act of domestic violence, the parents of a victim's spouse, or any person who resided in the victim's household at the time of the crime or at the time of the discovery of the crime. For purposes of receiving mental health counseling only, this definition includes any person who discovers and reports a homicide.

14. "Victim" means a person who sustains a personal injury or is killed by the act of any other person during the commission of a crime.

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ADMINISTRATIVE PROVISIONS; COMPENSATION

DEL. CODE ANN. TIT. 11, § 9009

A claimant, including an estate, may file a claim with the Agency for indemnification of all pecuniary loss:

1. If a claim is approved, the award must be the amount of pecuniary loss minus the amount the claimant has received or will receive as indemnification from any other source, including any applicable insurance.
 2. In the event of a death caused by a crime, a person who legally or voluntarily assumes the obligation to pay the medical or burial expenses incurred as a direct result of the injury and death is eligible to file a claim with the Agency. This provision for payment in case of death does not apply to any insurer or public entity.
 3. The Agency is not compelled to provide compensation in any case, nor is it compelled to award the full amount claimed. The Agency may make its award of compensation dependent on conditions it deems desirable.
- ...
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ADDRESS CONFIDENTIALITY PROGRAM

DEL. CODE ANN. TIT. 11, § 9612

- a. The Department of Justice shall establish a program to be known as the Address Confidentiality Program. Upon application and certification, persons eligible pursuant to this subchapter shall be provided a substitute address by the Program.
 - b. The Program shall forward all correspondence sent by first class, express, registered and certified mail at no expense to a program participant and may arrange to receive and forward other classes or kinds of mail at the program participant's expense.
 - c. Upon a person's certification for participation in the Program, the Department of Justice will provide notice of that fact and the program participant's substitute address to the appropriate officials and parties involved in an ongoing civil or criminal case in which a program participant is a victim, witness, or party.
 - d. All records relating to applicants and program participants are the property of the Department of Justice. These records, including but not limited to program applications, a participants' actual addresses and waiver proceedings, shall be deemed to be confidential, and shall also not be subject to the provisions of Chapter 100 of Title 29.
-

PERSONS ELIGIBLE TO APPLY

DEL. CODE ANN. TIT. 11, § 9613

The following persons shall be eligible to apply to become program participants:

1. A victim of domestic violence, sexual assault, or stalking who has filed for a protection from abuse order or who is or was named as a victim in any criminal or delinquency proceeding brought for the purpose of determining liability for the commission of any crime or offense as those terms are defined in § 233 of this title, and who further states that the victim fears future violent acts by the perpetrator of the abuse; or
2. A person who has a valid agreement with the Department of Justice as set out in § 9601(f) of this title; or

3. A person who is a member of the same household as a program participant. A parent or guardian may apply to the program on behalf of a minor; or in the case of an adult individual who is incapacitated, application may be made by the person holding power of attorney;
4. A person who has obtained or is seeking relief from a domestic violence program or service, as certified by the director of that program or the director's designee.

...

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APPLICATION, CERTIFICATION, AND TERMINATION PROCESS

DEL. CODE ANN. TIT. 11, § 9614

A person shall file an application with the Program in a manner prescribed by the Program. The Department of Justice shall have the authority to promulgate appropriate policies and procedures regarding certification and termination. Certification shall be valid for a period of 3 years following the date of certification unless the certification is withdrawn or canceled before the expiration of that period, or a person's participation in the program is otherwise terminated.

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PUBLICLY POSTING OR DISPLAYING PROGRAM PARTICIPANT'S ACTUAL ADDRESS, TELEPHONE NUMBER, OR IMAGE ON THE INTERNET

DEL. CODE ANN. TIT. 11, § 9616A

- a. No person shall post or display publicly on the Internet, or solicit, sell, or trade on the Internet, the actual address, telephone number, or image of a program participant with the intent to do either of the following:
 1. Incite another person to imminently use that information to commit a crime involving violence or a threat of violence against, or to cause bodily harm to, the program participant identified in the posting or display, or any member of the program participant's household.
 2. Threaten the program participant identified in the posting or display, or any member of the program participant's household, in a manner that places the person or persons threatened in objectively reasonable fear for their personal safety.
- b. No person shall post or display publicly on the Internet the actual address or telephone number of a program participant if that program participant, a parent or guardian of that program participant if the program participant is a minor, or a person holding power of attorney for the program participant if the program participant is an incapacitated adult individual, has made a written demand of that person not to disclose the program participant's actual address or telephone number. A written demand made under this subsection shall include a sworn statement declaring that the program participant is subject to the protection of this subchapter and describing a reasonable fear

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PENALTIES

DEL. CODE ANN. TIT. 11, § 9619

- a. Any person who knowingly provides false information in regard to a material fact contained in any application made pursuant to this subchapter shall be subject to termination from the program and to criminal penalties under § 1233 of this title, or any other applicable provision of this Code.
- b. Any person who intentionally, knowingly or recklessly attempts to gain access to or gains access to a program participant's actual

address by fraud or misrepresentation may be subject to criminal penalties under §§ 873, 876, and 932 of this title, or any other applicable provision of this Code.

- c. A person who lawfully obtains a program participant's actual address and who subsequently discloses or uses the actual address in a manner not authorized by this subchapter may be subject to criminal penalties under §§ 873, 876, and 932 of this title, or any other applicable provision of this Code.
- d. A person who violates § 9616A(a) of this title is guilty of a class A misdemeanor, except that the violation is:
 - 1. A class G felony if the violation results in physical injury to the program participant or a member of the program participant's household; or
 - 2. A class D felony if the violation results in serious physical injury to the program participant or a member of the program participant's household.
- e. The remedies for aggrieved persons set forth in § 941 of this title are available to program participants for violations of § 9616A of this title.

CONFIDENTIALITY OF ADDRESSES

DEL. CODE ANN. TIT. 15, § 1303

- a. A person may petition the Superior Court for an order to have that person's own address, which is required to be placed on voter application, registration or transfer records, kept confidential upon a showing of a legitimate need and lawful purpose. A person's participation in Department of Justice's Address Confidentiality Program shall constitute a legitimate need and lawful purpose for the purposes of this section. Upon submission to the State Election Commissioner and department of elections for the county in which the voter seeks to register of a certified copy of the court order granting confidentiality, the person's address shall be removed from all voter records available for public inspection, as long as the submission is not 21 days prior to an election, in which case the person's address shall be removed from the voter records within 7 days after the election.
- b. Following submission of the court order, the person's address may not be made available for public inspection or copying, except under the following circumstances:
 - 1. If requested, to a law-enforcement agency; or
 - 2. If directed by a court order, to a person identified in the order.

Within 3 days of the date of any disclosure of a confidential address under paragraph (b)(2) of this section, the State Election Commissioner shall give to the person whose address was disclosed written notification of the disclosure, the name of the person to whom the information was disclosed and the reason for the disclosure. The Commissioner may attach a copy of the court order to satisfy these requirements. A person to whom disclosure is made under paragraph (b)(2) of this section shall sign a statement agreeing to keep such information confidential.

- c. Any address rendered confidential pursuant to this section shall remain confidential for as long as the Court shall order.
- d. Unlawful acts and penalties. —
 - 1. Procurement for unlawful purposes. — It shall be unlawful for any person knowingly to obtain or disclose any address from voter records that is rendered confidential for any use not permitted under this section.
 - 2. False representation. — It shall be unlawful for any person to make false representation to obtain from voter records a person's address that has been rendered confidential under this section.
 - 3. Penalties. — Any person requesting the disclosure of personal information from voter registration records who misrepresents the person's identity or knowingly makes a false statement in order to obtain restricted information or who knowingly violates any other provision of this chapter shall be guilty of a class A misdemeanor.
- e. The State's election officials shall use e-mail addresses obtained through registration and absentee voting activities for official

business only; these addresses shall not be subject to Freedom of Information requests and shall not be disseminated outside of the Departments of Elections on lists of registered voters or in any other manner.

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AUTOMATIC VOTER REGISTRATION AT THE DIVISION OF MOTOR VEHICLES AND OTHER AGENCIES

DEL. CODE ANN. TIT. 15, § 2050A (SEE EFFECTIVE DATE NOTES ABOVE.)

...

1. Upon receiving a complete electronic record for an individual who is not registered to vote, is of sufficient age to register to vote, and who has demonstrated United States citizenship, the Department of Elections shall, upon determination that the individual is eligible to register to vote, do all of the following:
 - a. Register the individual to vote.
 - b. Mark the individual as unaffiliated.
 - c. Send the individual a notice under paragraph (e)(1) of this section.

...

e.

1. For any individual registered to vote pursuant to paragraph (d)(1) of this section, the Department of Elections shall send to the person's address of record, by non-forwardable mail, a notice that the individual has been registered to vote that contains a postage paid preaddressed return form by which the person may affiliate with a political party or decline to be registered.

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5. The notice provided under paragraph (e)(1) of this section must provide information regarding participation in the Address Confidentiality Program pursuant to § 1303 of this title.

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PRIVACY ACT GOVERNING THE RELEASE OF MOTOR VEHICLE DRIVING HISTORY AND LICENSE RECORDS

DEL. CODE ANN. TIT. 21, § 305

- a. In general. — Except as provided in subsections (b), (d), (e) and (i) of this section, the Division of Motor Vehicles and any officer, employee or contractor thereof or any other person shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the Division in connection with a motor vehicle record. Only driver license and driver performance records which are 3 years old or less shall be made available to authorized persons or agencies, except persons requesting their own records, law-enforcement officers, the courts and other motor vehicle jurisdictions may also have access to those records and to vehicle title and registration information which are over 3 years old and are being retained by the Division. Division motor vehicle records can be transmitted to other motor vehicle jurisdictions electronically over authorized networks.

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- c. (Requests for additional protection of personal information. — A person may submit a notarized affidavit to be supplied by the Division requesting that person's address, phone number and social security number contained in the driver or vehicle records of the Division be kept confidential except from those named in paragraphs (b)(1), (2) and (6) of this section. The affidavit must swear or affirm that the request is being made because of the person's fear of harm from another individual to themselves, a family or household member or their property. A properly submitted notarized affidavit satisfying these conditions shall be honored by the Division and shall remain in effect until the record is purged from the Division's files or until the requesting person submits written

notice requesting the release of that person's personal information. This section does not prohibit the Division from the normal practice of returning a vehicle title with personal information displayed to a lienholder or lessor. In addition, the Division may return a vehicle title and registration card to a dealership who has submitted the title application for their customer.

...

- j. Wrongful disclosure. — If the Division discovers at any time that any information protected under subsection (c) of this section has been wrongfully disclosed, it shall notify the holder of that information that the information was wrongfully disclosed and may not be used, resold or redisclosed in any way. The Division shall also inform the person who the information pertains to that the person's personal information was disclosed.

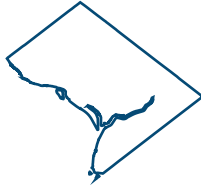
...

- m. Unlawful acts. —
 - 1. Procurement for unlawful purposes. — It shall be unlawful for any person knowingly to obtain or disclose personal information from a motor vehicle record for any use not permitted under this title.
 - 2. False representation. — It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.
- n. Penalties. — Any person requesting the disclosure of personal information from Department records who misrepresents the person's identity or knowingly makes a false statement to the Department in order to obtain restricted information or who knowingly violates any other provision of this chapter shall be guilty of a class A misdemeanor.
- o. Civil actions. —
 - 1. Cause of action. — A person who knowingly obtains, discloses or uses personal information from a motor vehicle record for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains.
 - 2. Remedies. — The court may award:
 - a. Actual damages, but not less than liquidated damages in the amount of \$2,500;
 - b. Punitive damages upon proof of wilful or reckless disregard of the law;
 - c. Reasonable attorney's fees and other litigation costs reasonably incurred; and
 - d. Such other preliminary and equitable relief as the court determines to be appropriate.

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DISTRICT OF COLUMBIA



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

- Eviction defenses. D.C. CODE § 42-3505.01. *Note: Many short-term amendments to this statute were enacted during 2021-2022. Readers should confirm that the law remains in effect. may wish to check for currently effective temporary legislation.*
- Early lease termination. D.C. CODE § 42-3505.07.
- Lock changes. D.C. CODE § 42-3505.08.
- Housing anti-discrimination. D.C. CODE §§ 2-1401.01, 2-1402.21.
- Right to call police. D.C. CODE § 2-1402.21. *Note: These protections do not apply for tenants of some small-scale or owner-occupant landlords. See § 2-1402.24.*
- Nondiscrimination in public services to survivors. D.C. CODE § 2-1402.73.
- Protective orders directing respondent to refrain from entering dwelling.
- D.C. CODE §§ 16-1001, 16-1005.
- Crime victims' compensation program, D.C. CODE §§ 4-501–4-518.
- Sealing court records, limiting screening inquiry, after failed &/or improper eviction attempt. D.C. CODE §§ 42-3505.09, 42-3505.10.
- Address confidentiality program, D.C. CODE §§ 4-555.01–4-555.12.

EVICCTIONS

D.C. CODE § 42-3505.01

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- b. A housing provider may recover possession of a rental unit when the tenant is violating an obligation of tenancy, other than nonpayment of rent, and fails to correct the violation within 30 days after receiving notice from the housing provider.
- 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 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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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(15);
 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 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.

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 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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INTENT OF COUNCIL

D.C. CODE § 2-1401.01

It is the intent of the Council of the District of Columbia, in enacting this unit, 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, sealed eviction record, status as a victim of an intrafamily offense, place of residence or business, status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, and homeless status.

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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, sealed eviction record, status as a victim of an intrafamily offense, place of residence or business, or homeless status 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;

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, place of residence or business, or homeless status 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, place of residence or business, or homeless status 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 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;
 - 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.
- ...
- h. Sealed eviction records. —
1. It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsection (a) or subsection (b) of this section based on information contained within a sealed eviction record or the actual knowledge or belief that a person has a sealed eviction record.

2. It shall be an unlawful discriminatory practice to inquire about the existence of or content of a sealed eviction record in connection with, or to require a person to disclose a sealed eviction record as a condition of:
 - A. Entering into any transaction in real property;
 - B. Inclusion of any clause, condition, or restriction in the terms of a transaction in real property;
 - C. Appraisal of a property, agreement 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 make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair, or maintenance of real property, or to provide title or other insurance relating to ownership or use of any interest in real property;
 - D. Access to facilities, services, repairs, or improvements for a tenant or lessee; or
 - E. 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, including in terms or conditions of access to or membership or participation in any such organization, service, or facility.
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APPLICATION TO THE DISTRICT GOVERNMENT

D.C. CODE § 2-1402.73

Except as otherwise provided for by District law or when otherwise lawfully and reasonably permitted, it shall be an unlawful discriminatory practice for a District government agency or office to limit or refuse to provide any facility, service, program, or benefit to any individual on the basis of an individual's 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, place of residence or business, status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, or homeless status.

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DEFINITIONS

D.C. CODE § 16-1001

For the purposes of this subchapter, the term:

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4. "Domestic partnership" shall have the same meaning as provided in § 32-701(4).
5. "Domestic Violence Division" 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.
- 5A. "Family member" means a person:
 - A. To whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership; or
 - B. Who is the child of an intimate partner.
- 5B.
 - A. "Household member" means a person with whom, in the past year, the offender:
 - i. Shares or has shared a mutual residence; and
 - ii. Has maintained a close relationship, beyond mere acquaintances, rendering application of the statute appropriate.
 - B. For the purposes of this paragraph, the term "close relationship" does not include a relationship based solely on a landlord-

tenant relationship.

6A. "Intimate partner" means a person:

- A. To whom the offender is or was married;
- B. With whom the offender is or was in a domestic partnership;
- C. With whom the offender has a child in common; or
- D. With whom the offender is, was, or is seeking to be in a romantic, dating, or sexual relationship.

...

8. "Intrafamily offense" means:

- A. An offense punishable as a criminal offense against an intimate partner, a family member, or a household member; or
- B. An offense punishable as cruelty to animals, under § 22-1001 or § 22-1002, against an animal that an intimate partner, family member, or household member owns, possesses, or controls.

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HEARING; EVIDENCE; PROTECTION ORDER

D.C. CODE § 16-1005

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c. If, after hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or against an animal the petitioner owns, possesses, or controls, or with the consent of both parties, the judicial officer may issue a protection order that:

...

2. Requires the respondent to stay away from or have no contact with the petitioner and any other protected persons or locations specified in the order;

...

4. Directs the respondent to refrain from entering, or to vacate, the dwelling unit of the petitioner when the dwelling is:

- A. Marital property of the parties;
- B. Jointly owned, leased, or rented and occupied by both parties; provided, that joint occupancy shall not be required if the respondent's actions caused the petitioner to relinquish occupancy;
- C. Owned, leased, or rented by the petitioner individually; or
- D. Jointly owned, leased, or rented by the petitioner and a person other than the respondent;

5. Directs the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the petitioner individually;

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DEFINITIONS

D.C. CODE § 4-501

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2. "Claimant" means a person who makes a claim for compensation under this chapter and who is a:
 - A. Victim; or
 - B. Secondary victim.
 - C. Repealed.

...

6. "Crime" means the following offenses, or the attempt to commit the following offenses, whether prosecuted under the District of Columbia Official Code or substantially similar offense defined in the United States Code, and whether committed in the District against any person or outside of the United States against a resident of the District:

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7.
 - A. "Economic loss" means:

...

- iii. The reasonable cost of temporary emergency food and housing not exceeding 120 days;

...

- x. The reasonable cost of replacing doors, windows, locks or other items to secure the victim's home or other place of residence;

...

- xii. Reasonable moving expenses where necessary for health or safety ...

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10. "Personal injury" means physical injury, emotional trauma, or both.

...

14. "Victim" means a person who suffers personal injury or death ...

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ELIGIBILITY FOR COMPENSATION

D.C. CODE § 4-506

- a. A claimant is eligible to receive compensation under this subchapter if:
 1. The claimant filed a claim under this subchapter within one year after:
 - A. The crime occurred;
 - B. Learning of the Program, with an adequate showing that the delay in learning of the Program was reasonable;
 - C. The resolution of a first application, or any subsequent application entertained by the court, for a sentence modification as described in § 24-403.03; or

D. The resolution of a motion to modify a term of imprisonment as described in § 24-403.04; and

2. The crime was reported to a law enforcement office within 7 days after its occurrence or, if the crime could not be reasonably reported within that time period, within 7 days from the time a report can reasonably be made.

a-1.

1. Notwithstanding any other provision of law, a victim of the offense of malicious burning, destruction, or injury of another's property, as described in § 4-501(6)(Y), whose claim is barred under subsection (a)(1)(A) of this section, may file a claim under this subchapter during the one-year period after the April 6, 2023, which shall be deemed timely filed under subsection (a)(1)(A) of this section; provided, that the offense occurred within the 2-year period before April 6, 2023.
2. (2) Compensation awarded for a claim filed under paragraph (1) of this subsection shall be limited to the reasonable cost of replacing doors, windows, locks, or other items to secure the victim's home or other place of residence, which shall not exceed \$1,000.

a-2.

1. A claimant shall not be deemed ineligible to receive compensation in cases where the claimant is a family member or household member of the perpetrator of the crime for which compensation is sought.
 2. The identification, arrest, prosecution, or conviction of a perpetrator of the crime for which compensation is sought is not required for a claimant to be eligible for compensation.
 3. Unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or hearing has been ordered, conviction of the perpetrator of the crime for which compensation is sought is conclusive evidence that a crime was committed.
 4. If the offense listed in the police report or criminal charge is not a crime eligible for compensation, the Program may determine a claimant's eligibility based on the facts of the incident for which compensation is sought instead of the offense listed in the police report or criminal charge.
- b. The offender shall not be unjustly enriched by an award of compensation to the claimant, except that this requirement may be waived in cases involving extraordinary circumstances where the interests of justice so require.
- c. Notwithstanding subsection (a)(2) of this section, the victim may satisfy the reporting requirement by:
1. In the case of a domestic violence victim, obtaining a:
 - A. Temporary protection order or civil protection order from the Court; or
 - B. Forensic medical examination;
 2. In the case of a stalking victim, obtaining a temporary anti-stalking order or anti-stalking order from the Court;
 3. In the case of a sexual assault victim:
 - A. Obtaining a:
 - i. Temporary civil protection order or civil protection order from the Court; or
 - ii. Forensic medical examination; or
 - B. Reporting the offense to a law enforcement office before expiration of the applicable statute of limitations for that offense, as provided in § 23-113;
 4. In the case of a victim of cruelty to children, the filing of a neglect petition by the District of Columbia in the Court; or
 5. For any victim, if the Program determines that the claimant's ability to report the crime may be impacted due to the claimant's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the claimant's well-being, as described in 34 U.S.C. § 20102(b)(2), including in their application any of the following documents establishing they are a victim:
 - A. An order or judgement from any court of competent jurisdiction;

- B. Records from a law enforcement agency; or
 - C. Records from a medical professional from whom the victim has sought assistance in dealing with the alleged crime.
- d. The time limit requirements of this section may be waived for good cause shown, including compelling health or safety concerns.
 - e. Any written requests for information release issued to providers of medical services to victims or secondary victims, including to hospitals, physicians, and mental health clinics, shall:
 1. Not be made available to the public;
 2. Limit the request for information from the provider to an acknowledgement of their treatment of the victim or secondary victim, and that such treatment was in connection to the crime for which the claimant is requesting compensation;
 3. Include a limitation on the time or duration of the authorization for release of information;
 4. Notify the victim or secondary victim that they may submit a written revocation of the authorization for release of information;
 5. Include a disclaimer that the provider is not authorized to discuss the victim's or secondary victim's health information or medical care with anyone other than the Program; and
 6. Include a disclaimer that the provider must notify the victim or secondary victim if any additional information about the victim's or secondary victim's treatment is requested by:
 - A. The Program; or
 - B. Any other person or entity related to a claim under this subchapter.
 - f. In evaluating the claimant's application, the Program shall not require a victim or secondary victim to affirmatively and fully waive the physician-patient privilege as a condition to claiming such compensation.

AWARDS OF COMPENSATION

D.C. CODE § 4-507

- a. The Court shall award compensation in an amount equal to the claimant's economic loss, decreased by the amount available to the claimant from collateral sources.
- a-1. (Notwithstanding subsection (a) of this section, if a victim or secondary victim is a dependent on a primary insurance holder's insurance policy, the primary insurance holder's insurance policy shall not constitute a collateral source for the purposes of subsection (a) of this section, unless the victim or secondary victim chooses to avail himself or herself of the benefits or compensation from the primary insurance holder's insurance policy.
- b. The Court shall not award compensation in an amount exceeding \$25,000 per victimization ...
- c. The Court shall calculate awards in a fair and equitable manner.
- d. The payment of compensation may provide for apportionment, the holding of the compensation or any part thereof in trust, payment in a lump sum or periodic installments, or payment directly to the provider of medical services or economic loss expenses.
- e. An award is not subject to enforcement, attachment, or garnishment, except that an award may be subject to a claim of a creditor if the cost of products, services, or accommodations included in the award were covered by the creditor.
- f. If a claimant is awarded compensation prior to the sentencing of an offender convicted of the crime which was the subject of the claim, the Court shall notify the sentencing judge of the amount of the award, notwithstanding that the files and records of the claim remain otherwise confidential as provided in § 4-511. Restitution ordered for an offense that was the basis for an award under this chapter, up to the amount of the award, shall be payable directly to the Fund as provided in § 4-509.
- g. Eligibility for public benefits shall not be affected by the receipt of crime victims compensation funds.

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DISQUALIFICATIONS AND REDUCTIONS

D.C. CODE § 4-508

- a. The Court shall not award compensation if the:
 - 1. Claimant knowingly or willingly participated in the commission of the crime ...
 - 2. Injury or death for which compensation is sought was caused by the victim's consent, substantial provocation, or substantial incitement.
 - b. An application for assistance may be denied, in whole or in part, if the Court finds:
 - 1. Denial is appropriate due to the nature of the victim's or secondary victim's involvement in the events leading to the relevant crime; or
 - A. The victim failed to reasonably cooperate with law enforcement; and
 - B. The victim's cooperation was not impacted by the factors described in § 4-506(c).
 - ...
 - d. ... co-habitation with the offender is not considered a disqualifying factor under subsections (a) or (b) of this section, unless the claimant will be substantially and unjustly enriched by the award.
 - ...
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SEALING COURT RECORDS

D.C. CODE § 42-3505.09

- a. The Superior Court of the District of Columbia ("Superior Court") shall seal all court records relating to an eviction proceeding:
 - 1. If the eviction proceeding does not result in a judgment for possession in favor of the housing provider, 30 days after the final resolution of the eviction proceeding; or
 - 2. If the eviction proceeding results in a judgement for possession in favor of the housing provider, 3 years after the final resolution of the eviction proceeding.
- b. For court records relating to an eviction proceeding filed before March 11, 2020, the requirements of subsection (a) of this section shall apply as of January 1, 2022.
 - 1. The Superior Court shall seal court records relating to an eviction proceeding at any time, upon a motion by a tenant, if:
 - A. The tenant demonstrates by a preponderance of the evidence that:
 - ...
 - v. The housing provider initiated the eviction proceedings because of an incident that would constitute a defense to an action for possession under § 42-3505.01(c-1) or a federal law pertaining to domestic violence, dating violence, sexual assault, or stalking ...
- ...
- g. The Superior Court shall not order the redaction of the tenant's name from any published opinion of the trial or appellate courts that refer to a record sealed under this section.

h.

1. Where a housing provider intentionally bases an adverse action taken against a prospective tenant on an eviction court record that the housing provider knows to be sealed pursuant to this section, the prospective tenant may bring a civil action in the Superior Court within one year after the alleged violation and, upon prevailing, shall be entitled to the following relief:
 - A. Reasonable attorneys' fees and costs;
 - B. Incidental damages; and
 - C. Equitable relief as may be appropriate.

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TENANT SCREENING

D.C. CODE § 42-3505.10

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- d. For the purposes of tenant screening, a housing provider shall not make an inquiry about, require the prospective tenant to disclose or reveal, or base an adverse action on:
 1. Whether a previous action to recover possession from the prospective tenant occurred if the action:
 - A. Did not result in a judgment for possession in favor of the housing provider; or
 - B. Was filed 3 or more years ago.
 2. Any allegation of a breach of lease by the prospective tenant if the alleged breach:
 - A. Stemmed from an incident that the prospective tenant demonstrates may constitute a defense to an action for possession under § 42-3505.01(c-1) or a federal law pertaining to domestic violence, dating violence, sexual assault, or stalking, including records of civil or criminal protection orders sought or obtained by the prospective tenant or of criminal matters in which the prospective tenant is a witness;
 - B. Stemmed from an incident in which the prospective tenant was a victim of a crime in the unit subject to the lease;
 - C. Is related to the prospective tenant or household member's disability; or
 - D. Took place 3 or more years ago.

...

h.

1. A prospective tenant may file a complaint with the Office of Human Rights if he or she believes that a housing provider violated this section. If the Office of Human Rights determines that there is probable cause to believe that a housing provider has knowingly violated this section, the Office of Human Rights shall certify the complaint to the Commission on Human Rights. The Commission on Human Rights may impose the following penalties, of which half shall be awarded to the complainant and half shall be deposited into the General Fund of the District of Columbia:
 - A. For a housing provider that owns or leases 1 to 10 rental units, a fine of up to \$1,000;
 - B. For a housing provider that owns or leases 11 to 19 rental units, a fine of up to \$2,500; and
 - C. For a housing provider that owns or leases 20 or more rental units, a fine of up to \$5,000.
2. The fines set forth in paragraph (1) of this subsection may be doubled for any provider that:
 - A. Violates this section more than twice within a calendar year; or

- B. Fails to implement a corrective action ordered by the Commission on Human Rights within 90 days after the corrective action is ordered.
 - 3. For any violation that occurs within 6 months after the applicability date of this subsection, the Commission on Human Rights shall issue warnings and orders to correct in lieu of penalties. The Commission on Human Rights may impose penalties as provided in this subsection for violations that occur more than 6 months after the applicability date of this subsection.
 - 4. The Mayor, pursuant to Title I of Chapter 5 of Title 2, may issue rules to implement the provisions of this subsection.
- i.
- 1. A prospective tenant may bring a civil action in Superior Court against a housing provider who violates this section within one year after the alleged violation; except, that prospective tenant may not pursue a civil action against a housing provider if he or she has filed a complaint with the Office of Human Rights pursuant to subsection (h) of this section.
 - 2. When a prospective tenant prevails in a civil action brought pursuant to this subsection, he or she shall be entitled to the following relief:
 - A. Reasonable attorney's fees and costs;
 - B. Incidental damages; and
 - C. Equitable relief as may be appropriate.

...

DEFINITIONS

D.C. CODE § 4-555.01

For the purposes of this subchapter, the term:

- 1. "Actual address" means a participant's residential, work, or school address, or a combination thereof, as specified on an applicant's application to participate in the Program.
 - 2. "Applicant" means a District resident who:
 - A. Submits or intends to submit an application to OVSJG to participate in the Program; and
 - B. Is a victim of a covered offense or a covered employee.
- ...
- 5. "Covered offense" means domestic violence, a sexual offense, stalking, or human trafficking.
- ...
- 8. "Domestic violence" shall have the same meaning as provided in § 4-551(1).
- ...
- 11. "OVSJG" means the Office of Victim Services and Justice Grants.
 - 12. "Participant" means an applicant who is certified under § 4-555.03.
- ...
- 16. "Stalking" means an act prohibited by § 22-3133.
 - 17. "Substitute address" means an address designated by OVSJG under the Program that can be used by a participant or a participant's representative pursuant to this subchapter, instead of the participant's actual address.

18. "Tribunal" means a court, administrative agency, or other body acting in an adjudicative capacity that, after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party's interests in a matter.
-

ESTABLISHMENT OF THE ADDRESS CONFIDENTIALITY PROGRAM

D.C. CODE § 4-555.02

- a. There is established the Address Confidentiality Program to be administered by OVSJG to protect the confidentiality of the actual address of a participant.
 - b. Under the Program, OVSJG shall:
 - 1. Designate a substitute address for a participant that shall be used as provided in this subchapter; and
 - 2. Receive first-class, certified, and registered mail sent to a participant's substitute address and forward the mail to the participant or the participant's representative within 3 business days after receipt.
 - c. OVSJG shall maintain records of any certified or registered mail received on behalf of a participant.
 - d. A participant's actual address shall not be disclosed under subchapter II of Chapter 5 of Title 2.
-

PROGRAM APPLICATIONS AND CERTIFICATION OF PARTICIPANTS

D.C. CODE § 4-555.03

...

- c. To apply to participate in the Program, an applicant or an applicant's representative shall meet with an application assistant to fill out an application together.
- d. The application shall be on a form prescribed by OVSJG and contain the following:
 - 1. The applicant's name;
 - 2. Evidence that the applicant is a victim of a covered offense or is a covered employee, including at least one of the following:
 - A. A sworn affidavit by the applicant or the applicant's representative, stating that the applicant:
 - i. Is a victim of a covered offense or is a covered employee; and
 - ii. Fears for her or his safety;
 - B. Law enforcement agency or other District agency records or files;
 - C. An order of a tribunal;
 - D. If the applicant is alleged to be a victim of domestic violence, documentation from a domestic violence program or facility, including a shelter or safe house;
 - E. If the applicant is alleged to be a victim of a sexual offense, documentation from a sexual assault program or facility;
 - F. If the applicant is alleged to be a victim of human trafficking, documentation from a human trafficking program or facility, including a shelter or safe house;
 - G. If the applicant is alleged to be a victim of stalking, documentation from a program or facility providing services for victims of stalking; or
 - H. Documentation from a medical professional from whom the applicant has sought assistance in dealing with the alleged covered offense;

3. A statement by the applicant or the applicant's representative that disclosure of the applicant's actual address would endanger the applicant's safety;
 4. The actual address that the applicant is seeking to have protected by OVSJG;
 5. A statement as to whether there are any existing orders or pending actions of a tribunal involving the applicant, and if so, describing those orders or actions;
 6. A statement designating the Director of OVSJG, or the Director's designee as an agent for purposes of service of process and receiving mail;
 7. If applicable, the name and contact information of the applicant's representative; and
 8. A statement by the applicant or the applicant's representative, under penalty of perjury, that to the best of the applicant's or the applicant's representative's knowledge, the information contained in the application is true.
- e.
1. Before submitting an application to OVSJG, the application assistant may attach a statement to the application describing whether the application assistant believes the applicant to be a strong candidate for the Program, and the application assistant's reasoning.
 2. A completed application shall be signed and dated by the applicant or the applicant's representative and the application assistant.
- f. After reviewing a completed application, OVSJG shall certify an applicant to be a participant if the applicant:
1. Meets the requirements of this subchapter; and
 2. Would benefit from participation in the Program.
- g. Upon certifying a participant, OVSJG shall issue to the participant or the participant's representative a Program authorization card, which shall identify the participant's substitute address.
- h.
1. A certification shall remain valid for 3 years following the date of certification unless the certification is cancelled by OVSJG or the participant or the participant's representative before the end of the 3-year period.
 2. At least 60 days before a participant's certification expires, OVSJG shall send the participant or the participant's representative written notice of the upcoming expiration.
 3. A certification may be renewed for an additional 2 years by filing a renewal application with the Director. The renewal application shall be signed and dated by the participant or the participant's representative and an application assistant. The renewal application shall contain a statement by the participant or the participant's representative, under penalty of perjury, that, to the best of the participant's or the participant's representative's knowledge, the information contained in the renewal application is true.
- i. If any of the information provided in an application or renewal application changes, including the participant's name, address, or telephone number, the participant or the participant's representative shall notify OVSJG within 30 days of the change.

ADDRESS USE BY DISTRICT AGENCIES

D.C. CODE § 4-555.05

- a. Notwithstanding any other law, except as provided in this section, a participant or the participant's representative shall not be required to provide the participant's actual address for any purpose for which a District agency requires or requests a residential, work, or school address.

- b. Only a participant’s actual address shall be used as part of a registration required by Chapter 40 of Title 22.
 - 1. After a participant who is eligible to vote is certified to participate in the Program, unless the participant opts out, OVSJG shall send the participant’s actual address and a copy of the participant’s Program authorization card to the District of Columbia Board of Elections (“Board”), which the Board shall maintain.
 - 2. If a participant decides to vote, the participant shall vote by absentee ballot.
 - 3. If a participant decides to sign a petition to be filed with the Board, the participant may use her or his substitute address to sign the petition.
 - 1. Only a participant’s actual address shall be used on any document filed with the Office of Tax and Revenue.
 - 2. The Office of Tax and Revenue shall not index by a participant’s name in any online database of the agency relating to:
 - A. Assessment and tax information; and
 - B. All recorded documents; provided, that a court order, a judgment, a lien, or any document related to debt collection that is not a security interest instrument, may be indexed by the participant’s name.
 - 3. The participant’s name may be included in any notice or index published by the Office of Tax and Revenue for the collection of debt, including taxes.
 - 4. This subsection shall not require the Office of Tax and Revenue to redact or otherwise erase a participant’s name or address in any document or electronic record in its online database.
 - 5. Except as provided in this subsection, the Office of Tax and Revenue shall not disclose a participant’s actual address, unless OVSJG permits disclosure pursuant to the rules issued under § 4-555.12.
- e.
 - 1. Upon written request by a supervisor at the rank of sergeant or above of the Metropolitan Police Department (“MPD”), OVSJG shall provide a participant’s actual address to MPD for law enforcement purposes only.
 - 2. MPD shall not publish a participant’s actual address pursuant to § 5-113.06.
- f.
 - 1. If a participant or a participant’s representative is or becomes aware that a District agency has made public the participant’s actual address, the participant or the participant’s representative may submit a written request, along with a copy of the participant’s Program authorization card, to the District agency, asking the District agency to remove any publicly accessible references to the participant’s actual address.
 - 2. Upon receipt of a request pursuant to paragraph (1) of this subsection, the District agency shall remove publicly accessible references to the participant’s actual address, including any references on the District agency’s website, within 10 business days of receiving the request.
 - 3. This subsection shall not apply to the Office of Tax and Revenue.

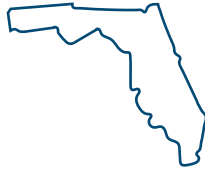
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PENALTIES

D.C. CODE §§ 4-555.08

- a. Except as provided by this subchapter, no person shall intentionally obtain from a District agency, other than the Office of Tax and Revenue, or disclose a participant’s actual address knowing that the participant is participating in the Program, unless required by existing law or by OVSJG pursuant to the rules issued under § 4-555.12.
- b. A person violating subsection (a) of this section shall be subject to a civil fine of not more than \$10,000.

FLORIDA



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

- Protective order may grant possession of residence to survivors of domestic violence. FLA. STAT. ANN. §§ 741.28, 741.30.
- Relocation assistance for survivors of human trafficking, domestic violence, sexual battery and other serious exploitation crimes. FLA. STAT. ANN. §§ 960.196–960.199.
- Services to immigrant survivors of human trafficking, domestic violence, and other serious crimes. FLA. STAT. ANN. § 402.87.
- Reemployment Assistance (unemployment compensation) benefits eligibility; time off work to find new housing. FLA. STAT. ANN. §§ 443.101, 443.131(3)(a)6., 741.313.
- Address confidentiality program. FLA. STAT. ANN. §§ 741.401–741.409, 741.465, 741.4651.
- Exemptions from inspection or copying of public records. FLA. STAT. ANN. §§ 119.071(2)(j), 119.0714.

DOMESTIC VIOLENCE; DEFINITIONS

FLA. STAT. ANN. § 741.28

As used in ss. 741.28-741.31:

...

2. “Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
3. “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

...

DOMESTIC VIOLENCE; INJUNCTION; POWERS AND DUTIES OF COURT AND CLERK; PETITION; NOTICE AND HEARING; TEMPORARY INJUNCTION; ISSUANCE OF INJUNCTION; STATEWIDE VERIFICATION SYSTEM; ENFORCEMENT; PUBLIC RECORDS EXEMPTION

FLA. STAT. ANN. § 741.30

1. There is created a cause of action for an injunction for protection against domestic violence.
 - a. Any person described in paragraph (e), who is either the victim of domestic violence as defined in s. 741.28 or has reasonable

cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

...

- e. This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

...

- h. Nothing in this section shall affect the title to any real estate.

...

2. ...

1. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section.
2. All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.
3. The clerk of the court shall advise petitioners of the opportunity to apply for a certificate of indigence in lieu of prepayment for the cost of the filing fee, as provided in paragraph (a).
4. The clerk of the court shall ensure the petitioner's privacy to the extent practical while completing the forms for injunctions for protection against domestic violence.

...

- a. If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

...

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

...

- c. Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

6.

- a. Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

...

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

...

8.

1. ...
2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that

an officer from the appropriate law enforcement agency accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. A law enforcement officer must accept a copy of an injunction for protection against domestic violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

...

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.
3. Relocation payments for a domestic violence claim shall be denied if the department has previously approved or paid out a human trafficking or sexual battery relocation claim under s. 960.196 or s. 960.199 to the same victim regarding the same incident.

RELOCATION ASSISTANCE FOR VICTIMS OF SEXUAL BATTERY

FLA. STAT. ANN. § 960.199

1. 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 sexual battery, as defined in s. 794.011, who needs relocation assistance.
2. In order for an award to be granted to a victim for relocation assistance:
 - a. There must be proof that a sexual battery offense was committed.
 - b. The sexual battery offense must be reported to the proper authorities.
 - c. The victim's need for assistance must be certified by a certified rape crisis center in this state.
 - d. The center's 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.
 - e. The act of sexual battery must be committed in the victim's place of residence or in a location that would lead the victim to reasonably fear for his or her continued safety in the place of residence.
3. Relocation payments for a sexual battery claim under this section shall be denied if the department has previously approved or paid out a human trafficking or domestic violence relocation claim under s. 960.196 or s. 960.198 to the same victim regarding the same incident.

SERVICES TO IMMIGRANT SURVIVORS OF HUMAN TRAFFICKING, DOMESTIC VIOLENCE, AND OTHER SERIOUS CRIMES

FLA. STAT. ANN. § 402.87

The Department of Children and Families shall establish a structure by which the department shall:

1. Provide services to immigrant survivors of human trafficking, domestic violence, and other serious crimes, during the interim period between the time the survivor applies for a visa and receives such visa from the United States Department of Homeland Security or receives certification from the United States Department of Health and Human Services.
2. Ensure that immigrant survivors of serious crimes are eligible to receive existing state and local benefits and services to the same extent that refugees receive those benefits and services.
3. Ensure that immigrant survivors of serious crimes have access to state-funded services that are equivalent to the federal programs that provide cash, medical services, and social service for refugees.
4. Provide survivors of serious crimes with medical care, mental health care, and basic assistance in order to help them secure housing, food, and supportive services.
5. Create a state-funded component of the cash, medical, and social services programs for refugees for the purpose of serving immigrant survivors during the temporary period while they wait for federal processing to be completed.
6. Provide that a sworn statement by a survivor is sufficient evidence for the purposes of determining eligibility if that statement is supported by at least one item of additional evidence, including, but not limited to:
 - a. Police and court records;
 - b. News articles;
 - c. Documentation from a professional agency;
 - d. Physical evidence; or
 - e. A statement from an individual having knowledge of the circumstances providing the basis for the claim.

...

DISQUALIFICATION FOR BENEFITS

FLA. STAT. ANN. § 443.101

An individual shall be disqualified for benefits:

- a. For the week in which he or she has voluntarily left work without good cause attributable to his or her employing unit or for the week in which he or she has been discharged by the employing unit for misconduct connected with his or her work ...
 1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing ... until the individual has earned income equal to or greater than 17 times his or her weekly benefit amount....
 2. An individual is not disqualified under this subsection for:
 - ...
 - c. Voluntarily leaving work if he or she proves that his or her discontinued employment is a direct result of circumstances related to domestic violence as defined in s. 741.28. An individual who voluntarily leaves work under this subparagraph must:

- I. Make reasonable efforts to preserve employment, unless the individual establishes that such remedies are likely to be futile or to increase the risk of future incidents of domestic violence. Such efforts may include seeking a protective injunction, relocating to a secure place, or seeking reasonable accommodation from the employing unit, such as a transfer or change of assignment;
 - II. Provide evidence such as an injunction, a protective order, or other documentation authorized by state law which reasonably proves that domestic violence has occurred; and
 - III. Reasonably believe that he or she is likely to be the victim of a future act of domestic violence at, in transit to, or departing from his or her place of employment.
3. The employment record of an employing unit may not be charged for the payment of benefits to an individual who has voluntarily left work under sub-subparagraph 2.c.

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CONTRIBUTIONS

FLA. STAT. ANN. § 443.131(3)(A)6

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6. If an individual is separated from work as a direct result of domestic violence and meets all requirements in s. 443.101(1)(a)2.c., benefits subsequently paid to the individual based on wages paid by the employer before separation may not be charged to the employment record of the employer.

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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:
 1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
 2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;
 3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;
 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;

...

3. This section applies to an employer who employs 50 or more employees and to an employee who has been employed by the employer for 3 or more months.
4.
 - a. Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this section must provide to his or her employer appropriate advance notice of the leave as required by the employer’s policy along with sufficient documentation of the act of domestic violence or sexual violence as required by the employer.
 - b. An employee seeking leave under this section must, before receiving the leave, exhaust all annual or vacation leave, personal leave, and sick leave, if applicable, that is available to the employee, unless the employer waives this requirement.
 1. A private employer must keep all information relating to the employee’s leave under this section confidential.

...

7.
 - a. Personal identifying information that is contained in records documenting an act of domestic violence or sexual violence submitted by an agency employee to an agency, as defined in chapter 119, under the requirements of this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 - b. A written request for leave that is submitted by an agency employee under the requirements of this section and any agency time sheet that reflects such a request are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until 1 year after the leave has been taken.

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DEFINITIONS

FLA. STAT. ANN. § 741.402

Unless the context clearly requires otherwise, as used in ss. 741.401–741.409, the term:

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3. “Domestic violence” means an act as defined in s. 741.28 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.

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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.
 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, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
 5. Any person who attempts to gain access to a program participant's actual address through fraud commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 6. Any person who knowingly enters the address confidentiality program to evade prosecution of criminal laws or civil liability commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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AGENCY USE OF DESIGNATED ADDRESS

FLA. STAT. ANN. § 741.405

1. A program participant may request that state and local agencies or other governmental entities use the address designated by the Attorney General as his or her address. When creating a new public record, state and local agencies or other governmental entities shall accept the address designated by the Attorney General as a program participant's substitute address, unless the Attorney General has determined that:
 - a. (a) The agency or entity has a bona fide statutory or administrative requirement for the use of the address that would otherwise be confidential under ss. 741.401-741.409;
 - b. (b) This address will be used only for those statutory and administrative purposes;
 - c. (c) The agency or entity has identified the specific program participant's record for which the waiver is requested;
 - d. (d) The agency or entity has identified the individuals who will have access to the record; and
 - e. (e) The agency or entity has explained how its acceptance of a 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.
2. During the review, evaluation, and appeal of an agency's request, the agency shall accept the use of a program participant's substitute address.

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VOTING BY PROGRAM PARTICIPANT; USE OF DESIGNATED ADDRESS BY SUPERVISOR OF ELECTIONS

FLA. STAT. ANN. § 741.406

A program participant who is otherwise qualified to vote may request a vote-by-mail ballot pursuant to s. 101.62. The program participant shall automatically receive vote-by-mail ballots for all elections in the jurisdictions in which that individual resides in the same manner as vote-by-mail voters. The supervisor of elections shall transmit the vote-by-mail ballot to the program participant at the address designated by the participant in his or her application as a vote-by-mail voter. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.

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PUBLIC RECORDS EXEMPTION FOR THE ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE

FLA. STAT. ANN. § 741.465

1. The addresses, corresponding telephone numbers, and social security numbers of program participants in the Address Confidentiality Program for Victims of Domestic Violence held by the Office of the Attorney General are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except the information may be disclosed under the following circumstances: to a law enforcement agency for purposes of assisting in the execution of a valid arrest warrant; if directed by a court order, to a person identified in the order; or if the certification has been canceled. For purposes of this section, the term “address” means a residential street address, school address, or work address, as specified on the individual’s application to be a program participant in the Address Confidentiality Program for Victims of Domestic Violence.
 2. The names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in voter registration and voting records held by the supervisor of elections and the Department of State are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except the information may be disclosed under the following circumstances: to a law enforcement agency for purposes of assisting in the execution of an arrest warrant or, if directed by a court order, to a person identified in the order. This exemption applies to information made exempt by this subsection before, on, or after the effective date of the exemption.
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PUBLIC RECORDS EXEMPTION; VICTIMS OF STALKING OR AGGRAVATED STALKING

FLA. STAT. ANN. § 741.4651

The names, addresses, and telephone numbers of persons who are victims of stalking or aggravated stalking are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution in the same manner that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are held by the Attorney General under s. 741.465 are exempt from disclosure, provided that the victim files a sworn statement of stalking with the Office of the Attorney General and otherwise complies with the procedures in ss. 741.401 – 741.409.

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GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS

FLA. STAT. ANN. § 119.071(2)(j)

...

2.

j.

1. Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any information not otherwise held confidential or exempt from s. 119.07(1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this section.

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COURT FILES; COURT RECORDS; OFFICIAL RECORDS

FLA. STAT. ANN. § 119.0714

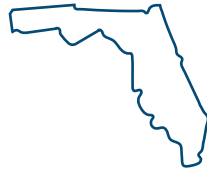
1. Court files.—Nothing in this chapter shall be construed to exempt from s. 119.07(1) a public record that was made a part of a court file and that is not specifically closed by order of court, except:

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k.

1. A petition, and the contents thereof, for an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued on or after July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
2. A petition, and the contents thereof, for an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued before July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution only upon request by an individual named in the petition as a respondent. The request must be in the form of a signed, legibly written request specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, or electronic transmission or in person to the clerk of the court. A fee may not be charged for such request.
3. Any information that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking, and any affidavits, notice of hearing, and temporary injunction, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction.

MIAMI-DADE COUNTY, **FLORIDA**



Miami-Dade County, Florida has enacted the following laws regarding survivors' housing rights:

- Prohibiting housing discrimination based on status as survivor of domestic violence, dating violence, or stalking (in privately owned housing under larger-scale ownership). Miami-Dade County, Fla., Code §§ 11A-1, 11A-2, 11A-12, 11A-13
 - Anti-discrimination provisions incorporated by reference in Miami-Dade County Tenant's Bill of Rights. Miami-Dade County, Fla., Code §§ 17-173, 17-176
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DECLARATION OF POLICY AND SCOPE

MIAMI-DADE COUNTY, FLA., CODE § 11A-1

1. Policy. It is hereby declared to be the policy of Miami-Dade County, in the exercise of its police power for the public safety, health and general welfare, to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking. It is further hereby declared to be the policy of Miami-Dade County to eliminate and prevent discrimination in housing based on source of income.
 2. Jurisdiction and area of application.
 - a. The provisions of this chapter shall not apply to any complaint naming Miami-Dade County, the State of Florida, the federal government, or any of their agencies or employees as a respondent.
- ...
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DEFINITIONS

MIAMI-DADE COUNTY, FLA., CODE § 11A-2

The definitions set out herein shall apply to articles II, III, IV and V:

...

8. Discrimination shall mean any difference, distinction or preference in treatment, access or impact because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, source of income, or actual or perceived status as a victim of domestic violence, dating violence or stalking.
 24. Victim of domestic violence shall mean a person who has been subjected to acts or threats of violence, not including acts of self defense, 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 cohabitating with or has cohabitated 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.

25. Victim of dating violence shall mean a person who has or had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

A dating relationship must have existed within the past six (6) months;

The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and

The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

26. Victim of stalking shall mean a victim of acts which constitute [sic] are deemed under Florida Law to be willful, malicious, and repeated following, harassing, or cyber stalking of another person, and/or the making of a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent.

UNLAWFUL HOUSING PRACTICES

MIAMI-DADE COUNTY, FLA., CODE § 11A-12

1. Discrimination in sale or rental of housing and other prohibited practices. It shall be unlawful for any person, owner, financial institution, real estate broker, real estate agent or any representative of the above to engage in any of the following acts because of race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, familial status, gender identity, gender expression, sexual orientation, source of income, or actual or perceived status as a victim of domestic violence, dating violence or stalking, of a prospective buyer, renter, lessee.
 - a. To refuse to sell, purchase, rent, lease, finance, negotiate or otherwise deny to or withhold any dwelling or to evict a person; or
 - b. To discriminate against a person in the terms, conditions, or privileges of the sale, purchase, rental or lease or any dwelling, or in the furnishing of facilities or services in connection therewith; or
 - c. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any dwelling; or
 - d. To represent to a person that any dwelling is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any dwelling; or
 - e. To refuse to lend money, whether or not secured by mortgage, or otherwise refuse to make funds available

...

- i. To offer, solicit, accept or use a listing of any dwelling for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental, lease, or the furnishing of facilities or services in connection therewith; or
- j. To directly or indirectly induce or attempt to induce for profit, the sale, purchase, rental, lease or the listing for any of the above, of any dwelling by representing that the presence or anticipated presence of a person of a particular race, color, religion, national origin, age, sex, disability, familial status, marital status, sexual orientation, source of income, or actual or perceived status as a victim of domestic violence, dating violence or stalking, will or may result in blockbusting, such as but not limited to:

The lowering of property values in the area;

An increase in criminal or anti-social behavior in the area; or

A decline in the quality of the schools or other services or facilities in the area; or

- ...
- p. To deny or withhold any dwelling from a person on any basis prohibited by this chapter, or
- ...
- r. To coerce, intimidate, make threats, or harass people who have aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this article.
- ...

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EXCEPTIONS TO UNLAWFUL HOUSING PRACTICES

MIAMI-DADE COUNTY, FLA., CODE § 11A-13

1. Private individual owner.
 - a. Dwelling site. The provisions of this article shall not apply to the rental, lease or sale of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of one another, if the owner actually maintains and occupies one (1) of the living quarters as his or her residence.
2. The provisions of this article shall not apply to any private individual owner who sells or rents a single-family dwelling when the following conditions exist:
 - i. The private individual owner does not own more than three (3) such single-family dwellings at any one (1) time; and
 - ii. In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of the sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period; and
 - iii. The private individual owner does not own any interest in, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time; and
 - iv. The sale or rental of any such single-family residence occurs without the use of sales or rental facilities or services of any real estate agent, broker or salesperson or his or her employee or agent or any person in the business of selling or renting dwellings and without the publication, posting or mailing, after notice of any advertisement or written notice in violation of this article.

However, nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

- ...
- 7. Furnishing appraisals. Nothing in this article prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, familial status, marital status, national origin, sexual orientation, source of income, or actual or perceived status as a victim of domestic violence, dating violence or stalking.
- ...

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APPLICABILITY AND EXCLUSIONS

MIAMI-DADE COUNTY, FLA., CODE § 17-173

This article shall be applicable to tenancies subject to chapter 83, part II, Florida Statutes, and which are in existence on or after the effective date of this ordinance, and any extensions of such tenancies. This article shall further apply to dwelling units located in the unincorporated

and incorporated areas of Miami-Dade County with the monitoring of the provisions of this article being the responsibility of the County. The County Mayor or the County Mayor's designee shall designate an Office of Housing Advocacy or such other person or office designated by the County Mayor to monitor the provisions of this article.

In accordance with chapter 83, part II, Florida Statutes, this article or the rights conferred herein shall not apply to: (1) residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services; (2) occupancy under a contract of sale of a dwelling unit or the property of which it is a part in which the buyer has paid at least 12 months' rent or in which the buyer has paid at least 1 month's rent and a deposit of at least 5 percent of the purchase price of the property; (3) transient occupancy in a hotel, condominium, motel, rooming house, or similar public lodging, or transient occupancy in a mobile home park; (4) occupancy by a holder of a proprietary lease in a cooperative apartment; (5) occupancy by an owner of a condominium unit; (6) occupancy of a dwelling unit by a squatter or any person who does not have a lawful right to occupy a dwelling unit; and (7) housing owned by the United States government, State of Florida, or Miami-Dade County.

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UNLAWFUL PRACTICES

MIAMI-DADE COUNTY, FLA., CODE § 17-176

1. Existing laws affording protections for tenants. It is the intent of this Board to restate and incorporate by reference the following unlawful practices, which are presently codified in the Code and state law, and it shall be unlawful for any landlord to:
 - ...
 - c. Engage in any prohibited acts as set forth in Chapter 11A of the Code, including discrimination on the basis of a tenant's race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, actual or perceived status as a victim of domestic violence, dating violence or stalking, or stalking, or source of income. Any person aggrieved by this section may file a housing discrimination complaint as prescribed by Section 11A-14 or may file a civil action in a court of competent jurisdiction in accordance with Section 11A-15 of the Code. Notwithstanding the foregoing, it is not the intent of this subsection (c) to supersede the requirements or the remedies set forth in Chapter 11A of the Code.

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GEORGIA



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

- Lease termination for tenant protected by order against family violence or stalking. GA. CODE ANN. § 44-7-23.
- Family violence protective orders. GA. CODE ANN. § 19-13-4.
- Granting exclusive possession of the residence to protected party. GA. CODE ANN. § 19-13-4.
- Requiring restrained party to provide suitable alternate housing for protected party.
- GA. CODE ANN. § 19-13-4.
- Ordering eviction of restrained party from the residence and assistance to protected party in returning to the residence. GA. CODE ANN. § 19-13-4.
- Prohibiting insurance discrimination against survivors and protecting confidentiality in connection with insurance. GA. CODE ANN. § 33-6-4.
- Voter address confidentiality for electors protected by orders against family violence or stalking. GA. CODE ANN. § 21-2-225.1.

DEFINITIONS; RENTAL OR LEASE AGREEMENTS; APPLICABILITY

GA. CODE ANN. § 44-7-23

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- b. A tenant may terminate his or her residential rental or lease agreement for real estate effective 30 days after providing the landlord with a written notice of termination when a civil family violence order, civil stalking order, criminal family violence order, or criminal stalking order has been issued:
 1. Protecting such tenant or his or her minor child; or
 2. Protecting such tenant when he or she is a joint tenant, or his or her minor child, even when such protected tenant had no obligation to pay rent to the landlord.
- c. The notice to the landlord pursuant to subsection (b) of this Code section shall be accompanied by a copy of the applicable civil family violence order, civil stalking order, criminal family violence order, or criminal stalking order and a copy of the police report if such order was an ex parte temporary protective order.
- d. Upon termination of a residential rental or lease agreement under this Code section, the tenant may occupy the real estate until the termination is effective. Such tenant shall be liable for the rent due under such agreement prorated to the effective date of the termination, payable at such time as would have otherwise been required by the terms of such agreement, and for any delinquent or unpaid rent or other sums owed to the landlord prior to the termination of such agreement. The tenant shall not be liable for any other fees, rent, or damages due to the early termination of the tenancy as provided for in this Code section. Notwithstanding any provision of law to the contrary, if a tenant terminates a residential rental or lease agreement pursuant to this Code section 14 or more days prior to occupancy, no damages or penalties of any kind will be assessable.

- e. This Code section shall not be waived or modified by the agreement of the parties under any circumstances.

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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:
 - ...
 - 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;
 - ...
 - 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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UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES

GA. CODE ANN. § 33-6-4

- b.
 - 15.
 - A. As used in this paragraph, the term:
 - i. "Confidential abuse information" means ... the home and work addresses and telephone numbers of a subject of family violence or sexual assault.
 - ...
 - B. No person shall deny or refuse to accept an application; refuse to insure ... on the basis that the applicant or insured is or has been a victim of family violence or sexual assault or that such person knows or has reason to know the applicant or insured may be a victim of family violence or sexual assault
 - ...
 - G. No person shall fail to pay losses arising out of family violence or sexual assault against an innocent first-party claimant to the extent of such claimant's legal interest in the covered property, if the loss is caused by the intentional act of an insured against whom a family violence or sexual assault complaint is brought for the act causing this loss.

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CONFIDENTIALITY OF VOTER ADDRESSES

GA. CODE ANN. § 21-2-225.1

- a. Any registered elector in this state who has obtained a protective order under Code Section 19-13-4 or under a similar provision of law in another state or who has obtained a restraining order or protective order under Code Section 16-5-94 or under a similar provision of law in another state may request the board of registrars of such elector's county of residence to make such elector's residence address confidential. An elector who is a bona fide resident of a family violence shelter, as defined in Code Section 19-13-20, may request to have his or her address made confidential without having to obtain a restraining order or protective order.
 - b. Upon the filing of a request with an affidavit under oath with the board of registrars by a registered elector stating that the elector has obtained a protective order under Code Section 19-13-4 or similar provision of law from another state or a restraining order or protective order under Code Section 16-5-94 or a similar provision of law of another state or, if the elector is a resident of a family violence shelter, a certification by the operators of such family violence shelter that such elector is a bona fide resident of such shelter, the registrars shall immediately review such request and supporting documents and, if such request and documentation is sufficient, shall approve the request and immediately take such steps as necessary to make the residence address of the elector confidential.
 - c. A request under this Code section, once approved, shall be effective for a period of four years following its approval by the registrars and may be renewed for additional four-year periods by the filing of a new request with the supporting documentation required by subsection (b) of this Code section prior to the end of each four-year period. If the elector registers to vote in another county in this state or another state, a new request for confidentiality of the elector's residence address with the supporting documentation required in subsection (b) of this Code section shall be filed with the new county in order to continue the confidentiality of the elector's residence address or the confidentiality shall terminate.
 - d. The Secretary of State shall provide by procedure, rule, or regulation for the mechanism by which such information shall be made confidential on the voter registration data base and may provide for forms for use in making such requests and for the use of alternate addresses for electors who file requests for the confidentiality of their residence addresses.
 - e. Information made confidential pursuant to this Code section shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50.
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HAWAII



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

- Early lease termination by survivor; landlord shall continue lease for remaining tenants who show ability to pay as determined by landlord, otherwise may terminate lease for remaining tenants without penalty or fee for early termination. Landlord may recover actual damages from perpetrator and may terminate co-tenant perpetrator's lease.
- HAW. REV. STAT. § 521-80.
- Lock changes for survivor or immediate family member. HAW. REV. STAT. § 521-81.
- If court orders a domestic violence perpetrator to vacate a dwelling unit, landlord and remaining tenant have no duty to grant access or keys to the removed person and the order ends the removed person's interest (if any) in the tenancy. HAW. REV. STAT. § 521-82.
- Court may enjoin respondent from entering or visiting the protected party's residence. HAW. REV. STAT. § 586-4.
- Court may order police assistance to place petitioner in possession of residence.
- Haw. Rev. Stat. § 586-7.
- Right to apply for a protective order not affected by applicant leaving the residence. HAW. REV. STAT. § 586-8.
- Address Confidentiality Program. HAW. REV. STAT. § 801GG-2.

EARLY TERMINATION OF TENANCY; VICTIMS OF DOMESTIC VIOLENCE

HAW. REV. STAT. § 521-80

- (a) A tenant may terminate a rental agreement of a term of one year or less without penalty or fees for early termination or liability for future rent if the tenant or an immediate family member of the tenant residing at the dwelling unit has been the victim of domestic violence during the ninety days preceding the date the notice of early termination is provided to the landlord. The notice shall be given at least fourteen days prior to the early termination date specified in the notice, which shall be no more than one hundred four days from the date of the most recent act of domestic violence. The notice shall be accompanied by one of the following documents:
 1. Certified or exemplified restraining orders, injunctions against harassment, and documents from criminal cases;
 2. Documentation from a victim services organization or domestic violence program, agency, or facility, including a shelter or safe house for victims of domestic violence; or
 3. Documentation from a medical professional, mental health care provider, attorney, advocate, social worker, or member of the clergy from whom the victim has sought assistance in relation to the domestic violence. The tenant shall also provide to the landlord a written statement, which describes that the tenant reasonably believes that the person who committed the domestic violence knows the address or location where the tenant or immediate family member of the tenant resides, unless the person who committed the domestic violence resides in the same dwelling unit.
- b. If the tenant is solely liable on the rental agreement, the rental agreement shall terminate on the early termination date described in subsection (a), and the tenant shall be liable for rent owed through the early termination date plus any previous obligations

outstanding as of that date. The amount due from the tenant shall be paid to the landlord on or before the early termination date.

- c. If there are multiple tenants who are parties to the rental agreement, the release of one or more tenants under this section shall not terminate the rental agreement with respect to the other non-terminating tenants; provided that the other non-terminating tenants demonstrate an ability to pay the rent under the rental agreement, as determined by the landlord. If the other non-terminating tenants fail to demonstrate an ability to pay the rent, the landlord may terminate the rental agreement by giving notice of early termination to the other non-terminating tenants at least fourteen days prior to the early termination date specified in the notice; provided that the landlord shall not assess any penalty or fees for the early termination. The amount due from the other non-terminating tenants shall be paid to the landlord on or before the early termination date.

The landlord shall not be required to refund security deposits under section 521-44 or prepaid rent until:

- 1. The rental agreement terminates with respect to all tenants and the dwelling unit is surrendered to the landlord; or
 - 2. Early termination is effected pursuant to this subsection, in which case each terminating tenant shall receive a prorated share of any security deposit or prepaid rent from the landlord upon termination of the rental agreement; provided that the percentage of any security deposit to be returned shall be determined by the court or by the parties in writing; provided further that if there is no determination made by the court or by the parties regarding the percentage share of the security deposit, the landlord shall be permitted to refund the security deposit in equal shares to each tenant on the rental agreement.
- d. If a tenant submits notice of early termination in compliance with this section, the landlord shall:
 - 1. Return a prorated share of all security deposits recoverable by the terminating tenant under section 521-44 and prepaid rent recoverable by the terminating tenant following the tenant's surrender of the dwelling unit, except as otherwise provided in subsection (c); provided that the landlord may withhold a prorated amount of the security deposit for payment of damages that the landlord has suffered by reason of the terminating tenant's noncompliance with section 521-51;
 - 2. Not assess any fee or penalty against the terminating tenant for exercising any right granted under this section; and
 - 3. Not disclose any information reported to the landlord under this section unless:
 - A. The tenant consents to the disclosure of the information in a statement signed by the tenant;
 - B. The information is required or is relevant in a judicial action; or
 - C. The disclosure is required by other law.
 - e. The landlord may recover from the person who committed domestic violence against the tenant or tenant's immediate family member actual damages resulting from the tenant's exercise of rights under this section. In addition, if the person who committed domestic violence is a party to the rental agreement, the landlord may:
 - 1. Allow the person to remain in possession of the dwelling unit and hold the person liable on the rental agreement for all future rents payable thereunder; or
 - 2. Terminate the person's interest under the rental agreement by notifying the person in writing at least five days in advance of the anticipated termination. The landlord may evict the person if the person fails to vacate the dwelling unit on the specified termination date.
 - f. If a tenant knowingly submits false notice or accompanying documentation to a landlord in support of the right to be released from the rental agreement under this section, the landlord may recover an amount equal to three months periodic rent or threefold actual damages, whichever is greater, plus costs and reasonable attorney's fees.
 - g. The person who committed domestic violence against the tenant or immediate family member of the tenant shall not be entitled to any damages or other relief against the landlord or tenant who complies with this section in good faith.
 - e. This section shall not affect a tenant's liability for delinquent, unpaid rent, or other amounts owed to the landlord before the rental agreement was terminated by the tenant under this section.

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CHANGE OF LOCKS; VICTIMS OF DOMESTIC VIOLENCE

HAW. REV. STAT. § 521-81

- a. Subject to subsections (b) and (c), if a tenant of a dwelling unit or an immediate family member of the tenant has been the victim of domestic violence and the tenant does not elect to be released from the rental agreement pursuant to section 521-80, the tenant may require the landlord to change the locks to the dwelling unit by submitting a request to the landlord to do so.
 - b. Within three days of the receipt of the request in subsection (a), the landlord shall change the locks at the tenant's expense. If the landlord fails to act within the three-day period, the tenant may change the locks without the landlord's permission and shall give the landlord a key to the new locks.
 - c. If the person who committed domestic violence against the tenant or immediate family member of the tenant is also a party to the rental agreement, the locks shall not be changed unless there is a court order requiring the person to vacate the dwelling unit and a copy of the order has been furnished to the landlord.
 - d. The tenant shall not be required to pay any additional rent, fees, or security deposit because of the exclusion of the person who committed domestic violence from the dwelling unit.
 - e. The person who committed domestic violence against the tenant or immediate family member of the tenant shall not be entitled to any damages or other relief against the landlord or the tenant who in good faith complies with this section.
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COURT ORDER TO VACATE; DOMESTIC VIOLENCE

HAW. REV. STAT. § 521-82

- a. If a court of competent jurisdiction, in an action relating to domestic violence, has ordered the person who committed domestic violence against the tenant or immediate family member of the tenant to vacate the dwelling unit, upon issuance of the order, neither the landlord nor the tenant shall have any duty to:
 1. Allow the person access to the dwelling unit, unless the person is accompanied by a law enforcement officer; or
 2. Provide the person with keys to the dwelling unit.
 - b. If the person is a party to the rental agreement, then upon issuance of the court order requiring the person to vacate the dwelling unit, the person's interest in the tenancy shall terminate, and the landlord and tenant shall be entitled to any actual damages resulting from that termination.
 - c. Pursuant to section 521-80, the landlord shall return security deposits recoverable under section 521-44 and recoverable prepaid rent following the termination of the rental agreement and the surrender of the dwelling unit to the landlord.
 - d. The tenant shall not be required to pay any additional rent, fees, or security deposit because of the termination of the person's interest as a tenant of the dwelling unit.
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ADDRESS CONFIDENTIALITY PROGRAM

HAW. REV. STAT. § 801G-2

- a. There is established the address confidentiality program in the office of the lieutenant governor to protect the confidentiality of the actual address of a victim of domestic abuse, a sexual offense, or stalking and to prevent the victim's assailants or potential assailants from finding the victim through public records. The program shall:
 1. Assign a substitute address to the program participant that shall be used by agencies;
 2. Receive first-class, certified, or registered mail sent to a program participant at the substitute address and forward the mail

to the program participant at no cost to the program participant; provided that the program shall not be required to track or maintain records of mail or to forward packages, bulk mail, or pre-sorted mail; provided further that the program shall maintain a log of certified or registered mail or service of legal process received on behalf of a program participant; and

3. Act as the agent of the program participant for purposes of service of all legal process in the State.
- b. The program shall consist of a program director and other personnel necessary for the efficient functioning of the program. The program director and personnel shall be appointed without regard to chapter 76, but shall be subject to chapter 89.
- c. The program director shall designate application assistants to assist applicants with the application process and assist in the certification of the applicant; provided that any assistance provided shall not be construed as legal advice.

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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The ex parte temporary restraining order may also enjoin or restrain both of the parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court.

- b. For any person who is alleged to be a family or household member by virtue of a dating relationship, the court may consider the following factors in determining whether a dating relationship exists:
 1. The length of the relationship;
 2. The nature of the relationship; and
 3. The frequency of the interaction between the parties.
- c. The family court judge may issue the ex parte temporary restraining order orally, if the person being restrained is present in court.... Where necessary, the order may require either or both of the parties involved to leave the premises during the period of the order; may also restrain the party or parties to whom it is directed from contacting, threatening, or physically abusing the applicant's family or household members; and may enjoin or restrain both parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court. The order shall not only be binding upon the parties to the action, but also upon their officers, agents, servants, employees, attorneys, or any other persons in active concert or participation with them. 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;
 3. Entering or visiting the protected party's residence; or

- g. If the court denies a temporary restraining order, the court may order upon the oral request of the respondent or the person to be restrained that the petition record be withheld from public inspection; provided that the record shall remain accessible to law enforcement officers without a court order.

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ASSISTANCE OF POLICE IN SERVICE OR EXECUTION

HAW. REV. STAT. § 586-7

When an order is issued under this chapter upon request of the petitioner, the court may order the police department to serve the order and related documents upon respondent and to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or 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. §§ 39-6306, 39-6308.
- Prohibitions and protection orders against stalking. IDAHO CODE ANN. §§ 18-7907, 18-7908.
- Address confidentiality program. IDAHO CODE ANN. §§ 19-5701–19-5708.
- Records exempt from disclosure. IDAHO CODE ANN. § 74-106 (21), (25), (27), (33).

HEARING ON PETITION FOR PROTECTION ORDER — RELIEF PROVIDED AND REALIGNMENT OF DESIGNATION OF PARTIES

IDAHO CODE ANN. § 39-6306

1. Upon filing of a petition based upon a sworn affidavit for a protection order, the court shall hold a hearing to determine whether the relief sought shall be granted within fourteen (14) days. If either party is represented by counsel at a hearing seeking entry of a protection order, the court shall permit a continuance, if requested, of the proceedings so that counsel may be obtained by the other party. If the court finds that it is necessary for both parties to be represented by counsel, the court shall enter appropriate orders to ensure that counsel is retained. The order entered may require either the petitioner or respondent, or both, to pay for costs of counsel. Upon a showing that there is an immediate and present danger of domestic violence to the petitioner the court may, if requested, order for a period not to exceed one (1) year that:
 - ...
 - b. A party be restrained from committing acts of domestic violence;
 - c. Exclude the respondent from the dwelling which the parties share or from the residence of the petitioner;
 - ...
 - f. The respondent be required to pay service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee;
 - ...
 - h. The respondent be restrained from entering any premises when it appears to the court that such restraint is necessary to prevent the respondent from contacting, harassing, annoying, disturbing the peace of or telephoning the petitioner or the minor children whose custody is awarded to the petitioner; and/or
3. No order made under this chapter shall in any manner affect title to real property.
...
6. In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence.

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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;
 - ...
 - f. Restraining the respondent from entering any premises when it appears to the court that such restraint is necessary to prevent the respondent from contacting, molesting, interfering with or menacing the petitioner or the minor children whose custody is awarded to the petitioner; and/or
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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. "Domestic violence" means an act pursuant to section 18-918, Idaho Code.
 3. "Human trafficking" means an act pursuant to section 18-8602, Idaho Code.
 4. "Malicious harassment" means an act pursuant to section 18-7902, Idaho Code.
 5. "Program participant" means a person certified as a program participant pursuant to section 19-5703, Idaho Code.
 6. "Sexual assault" means an act pursuant to section 18-1506, 18-1508, 18-1508A or 18-6101, Idaho Code.
 7. "Stalking" means an act pursuant to section 18-7905 or 18-7906, Idaho Code.
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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 19-5701, 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 designation of the secretary of state 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 secretary of state, and the telephone number or numbers where the applicant can be called by the secretary of state; and
 - d. The address or addresses that the applicant requests not be disclosed.
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, sexual assault or human trafficking, the application must 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 or facility if the person is alleged to be a victim of domestic violence, sexual assault or human trafficking;
 - 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, sexual assault or human trafficking; and
 - d. A certified copy of a no contact order or a temporary or permanent civil protection order.
 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 or malicious harassment, the application must 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 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 or malicious harassment; and
 - c. A certified copy of a no contact order or a temporary or permanent civil protection order.
 4. Applications shall be filed with the office of the secretary of state.
 5. 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.
 6. 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 priority and other mail as deemed necessary by the secretary of state to the appropriate program participant.

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RECORDS EXEMPT FROM DISCLOSURE — PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, AND PROFESSIONAL DISCIPLINE

IDAHO CODE ANN. § 74-106

The following records are exempt from disclosure:

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21. Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

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25. The physical voter registration application on file in the county clerk's office; however, a redacted copy of said application shall be made available consistent with the requirements of this section. Information from the voter registration application maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection, good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

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27. Records in an address confidentiality program participant's file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:
 - a. If requested by a law enforcement agency, to the law enforcement agency; or
 - b. If directed by a court order, to a person identified in the order.

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33. Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

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ILLINOIS



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

- Affirmative eviction defense for survivors of domestic violence, dating violence, stalking, or sexual violence. 735 ILL. COMP. STAT. ANN. § 5/9-106.2.
- Ordinances penalizing tenants who contact police or other emergency services prohibited.
 - ◁ Illinois Municipal Code: 65 ILL. COMP. STAT. ANN. § 5/1-2-1.5
 - ◁ Counties Code: 55 ILL. COMP. STAT. ANN. § 5/5-1005.10.
- Utility deposit deferral for survivors. 220 ILL. COMP. STAT. ANN. § 5/8-201.6.
- Safe Homes Act. 765 ILL. COMP. STAT. ANN. §§ 750/1-750/35, which includes:
 - ◁ Early lease termination. 765 ILL. COMP. STAT. ANN. § 750/15.
 - ◁ Lock changes. 765 ILL. COMP. STAT. ANN. § 750/20.
 - ◁ Nondisclosure, confidentiality, and privilege. 765 ILL. COMP. STAT. ANN. § 750/27.
- Illinois Human Rights Act: unlawful discrimination includes discrimination because of order of protection status. 775 ILL. COMP. STAT. ANN. §§ 5/1-102, 5/1-103.
- Order of protection; court may grant remedies including exclusive possession of residence, order for respondent to provide alternate housing or pay for losses, etc.
 - ◁ 725 ILL. COMP. STAT. ANN. § 5/112A-14.
- Omitting address from court documents. 750 ILL. COMP. STAT. ANN. § 36/209
- Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act. 750 ILL. COMP. STAT. ANN. §§ 61/1-61 /45, which includes:
 - ◁ Application and certification. 750 ILL. COMP. STAT. ANN. § 61/15.

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 2012, 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 2012. 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.

ORDINANCES PENALIZING TENANTS WHO CONTACT POLICE OR OTHER EMERGENCY SERVICES PROHIBITED

65 ILL. COMP. STAT. ANN. § 5/1-2-1.5

- a. Definitions. As used in this Section:

“Contact” includes any communication made by a tenant, landlord, guest, neighbor, or other individual to police or other emergency services.

“Criminal activity” means a violation of the Criminal Code of 2012, of the Cannabis Control Act, of the Illinois Controlled Substances Act, or of the Methamphetamine Control and Community Protection Act.

“Disability” means, with respect to a person:

1. a physical or mental impairment which substantially limits one or more of such person's major life activities:

2. a record of having such impairment; or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in the federal Controlled Substances Act, 21 U.S.C. 802.

“Domestic violence”, “landlord”, “sexual violence”, and “tenant” have the meanings provided under Section 10 of the Safe Homes Act.

“Dwelling unit” has the meaning provided under subsection (a) of Section 15 of the Landlord and Tenant Act.

“Penalizes” includes, but is not limited to:

1. assessment of fees or fines;
2. revocation, suspension, or nonrenewal of any license or permit required for the rental or occupancy of any dwelling unit;
3. termination or denial of a subsidized housing contract or housing subsidy; and
4. terminating the nonrenewal of a residential lease agreement.

“Subsidized housing” has the meaning provided under subsection (a) of Section 9-119 of the Code of Civil Procedure.

b. Protection.

1. No municipality shall enact or enforce an ordinance or regulation that penalizes tenants or landlords based on:
 - A. contact made to the police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;
 - B. an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or
 - C. criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest or other party.
2. Nothing with respect to this Section:
 - A. limits enforcement of Section 15.2 of the Emergency Telephone System Act, Article 26 of the Criminal Code of 2012, or Article IX of the Code of Civil Procedure;
 - B. prohibits municipalities from enacting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or a local ordinance violation not covered by paragraph (1) of subsection (b) of this Section and to the extent otherwise permitted by existing State and federal law; or
 - C. limits or prohibits the eviction of or imposition of penalties against the perpetrator of the domestic violence, sexual violence, or other criminal activity.

c. Remedies. If a municipality enacts or enforces an ordinance or regulation against a tenant or landlord in violation of subsection (b), the tenant or landlord may bring a civil action to seek any one or more of the following remedies:

1. an order invalidating the ordinance or regulation to the extent required to bring the ordinance or regulation into compliance with the requirements of subsection (b);
2. compensatory damages;
3. reasonable attorney fees and court costs; or
4. other equitable relief as the court may deem appropriate and just.

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ORDINANCES PENALIZING TENANTS WHO CONTACT POLICE OR OTHER EMERGENCY SERVICES PROHIBITED

55 ILL. COMP. STAT. § 5/5-1005.10

a. Definitions. As used in this Section:

“Contact” includes any communication made by a tenant, landlord, guest, neighbor, or other individual to police or other emergency services.

“Criminal activity” means a violation of the Criminal Code of 2012, of the Cannabis Control Act, of the Illinois Controlled Substances Act, or of the Methamphetamine Control and Community Protection Act.

“Disability” means, with respect to a person:

1. a physical or mental impairment which substantially limits one or more of such person’s major life activities;
2. a record of having such an impairment; or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in the federal Controlled Substances Act, 21 U.S.C. 802.

“Domestic violence”, “landlord”, “sexual violence”, and “tenant” have the meanings provided under Section 10 of the Safe Homes Act.

“Dwelling unit” has the meaning provided under subsection (a) of Section 15 of the Landlord and Tenant Act.

“Penalizes” includes, but is not limited to:

1. assessment of fees or fines;
2. revocation, suspension, or nonrenewal of any license or permit required for the rental or occupancy of any dwelling unit;
3. termination or denial of a subsidized housing contract or housing subsidy; and
4. termination or nonrenewal of a residential lease agreement.

“Subsidized housing” has the meaning provided under subsection (a) of Section 9-119 of the Code of Civil Procedure.

b. Protection.

1. No county shall enact or enforce an ordinance or regulation that penalizes tenants or landlords based on:
 - A. contact made to police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual’s disability;
 - B. an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or
 - C. criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant’s household, guest, or other party, and against a tenant, household member, guest, or other party.
2. Nothing with respect to this Section:
 - A. limits enforcement of Section 15.2 of the Emergency Telephone System Act, Article 26 of the Criminal Code of 2012, or Article IX of the Code of Civil Procedure;
 - B. prohibits counties from enacting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or a local ordinance violation not covered by paragraph (1) of subsection (b) of this Section and to the extent otherwise permitted by existing State and federal law; or
 - C. limits or prohibits the eviction of or imposition of penalties against the perpetrator of the domestic violence, sexual violence, or other criminal activity.

- c. Remedies. If a county enacts or enforces an ordinance or regulation against a tenant or landlord in violation of subsection (b), the tenant or landlord may bring a civil action to seek any one or more of the following remedies:
 - 1. an order invalidating the ordinance or regulation to the extent required to bring the ordinance or regulation into compliance with the requirements of subsection (b);
 - 2. compensatory damages;
 - 3. reasonable attorney fees and court costs; or
 - 4. other equitable relief as the court may deem appropriate and just.

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DEFERRAL OF DEPOSIT; VICTIMS OF DOMESTIC VIOLENCE

220 ILL. COMP. STAT. ANN. § 5/8-201.6

For the purposes of this Section, “domestic violence” means abuse by a family or household member, as “abuse” and “family or household members” are defined in Section 103 of the Illinois Domestic Violence Act of 1986.

A utility shall defer the utility’s initial credit and deposit requirements for a period of 60 days for a residential customer or applicant who is a victim of domestic violence. To be eligible for the deferral under this Section, the domestic violence must:

- 1. have been the basis for the issuance of an order of protection or
- 2. be certified by treating medical personnel, law enforcement personnel, a State’s Attorney, the Attorney General, or a domestic violence shelter. The certification letter must be printed on the certifying entity’s letterhead or accompanied by a letter on the certifying entity’s letterhead that identifies the certifying individual.

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 eviction action 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).

CHANGE OF LOCKS

765 ILL. COMP. STAT. ANN. § 750/20

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 [sic] 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.
-

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.
-

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.
-

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.

.....

DOMESTIC VIOLENCE ORDER OF PROTECTION; REMEDIES

725 ILL. COMP. STAT. ANN. § 5/112A-14

...

- b. The court may order any of the remedies listed in this subsection (b). The remedies listed in this subsection (b) shall be in addition to other civil or criminal remedies available to petitioner.
 1. Prohibition of abuse. Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation, as defined in this Article, if such abuse has occurred or otherwise appears likely to occur if not prohibited.
 2. Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence, household, or premises of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence, household, or premises shall not affect title to real property, nor shall the court be limited by the standard set forth in subsection (c-2) of Section 501 of the Illinois Marriage and Dissolution of Marriage Act.
 - A. Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.
 - B. Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need

not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead of excluding respondent from a mutual residence or household.

...

11. Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging, or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

- i. petitioner, but not respondent, owns the property; or
- ii. the petitioner and respondent own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

...

13. Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs, and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

...

16. Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.

...

c. Relevant factors; findings.

...

2. In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including but not limited to the following:

- i. availability, accessibility, cost, safety, adequacy, location and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;
- ii. the effect on the party's employment; and
- iii. the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church, and community.

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INFORMATION TO BE SUBMITTED TO COURT

750 ILL. COMP. STAT. ANN. § 36/209

- a. Subject to any other law providing for the confidentiality of procedures, addresses, and other identifying information, in a child-custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period....
- ...
- f. If a party states in the pleading or the affidavit that disclosure of an address would risk abuse or harm to the party or a family member, the address may be omitted from documents filed with the court. A party is not required to include in the pleading or affidavit a domestic violence safe house address or an address changed as a result of a protective order.

ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION; CERTIFICATION

750 ILL. COMP. STAT. ANN. § 61/15

- a. (a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person with a disability, as defined in Article 11a of the Probate Act of 1975, 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 person with a disability. The Attorney General shall approve an application if it is filed in the manner and on the form prescribed by him or her and if it contains:
 1. a sworn statement by the applicant that the applicant has good reason to believe (i) that the applicant, or the minor or person with a disability on whose behalf the application is made, is a victim of domestic violence, sexual assault, human trafficking, or stalking; 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 person with a disability on whose behalf the application is made;
 2. a designation of the Attorney General as agent for purposes of service of process and receipt of mail;
 3. a State 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;
 - 3.5. proof of a State residential street address where the applicant resides or a signed statement affirming the applicant's status as homeless in this State;
 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, human trafficking, or stalking; and
 5. the signature of the applicant and of any individual or representative of any office designated in writing under Section 40 of this Act 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 Attorney General.
- c. 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.
- 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 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 3 felony.

EVANSTON, ILLINOIS



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

- Definitions. Evanston, Ill., Code of Ordinances § 5-5-5.
- Discrimination prohibited. Evanston, Ill., Code of Ordinances § 5-5-6.

DEFINITIONS

EVANSTON, ILL., CODE OF ORDINANCES § 5-5-5

For the purpose of this Chapter:

...

DOMESTIC VIOLENCE

"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.

DISCRIMINATION PROHIBITED

EVANSTON, ILL., CODE OF ORDINANCES § 5-5-6

No person, including, but not limited to, any owner, manager, lessee or sublessee of real property, real estate broker, lender, financial institution, advertiser, real estate appraiser or agent of any of the foregoing, shall discriminate against any other person (or discriminate against such person because of ... actual or perceived status as a victim of domestic violence) in regard to the sale or rental of or dealings concerning real property....

...

- D. Change in Neighborhood. Solicit or to enter into any agreement for the sale, lease or listing for sale or lease of any real property within the City (on the ground of loss of value) due to the present or prospective entry into any neighborhood of any person or persons of ... actual or perceived status as a victim of domestic violence.
- E. Inducing Sales. Distribute or cause to be distributed written material or statements designed to induce any person to sell or lease real property because of the alleged or actual or because of any present or prospective change in the ... actual or perceived status as a victim of domestic violence in the City or neighborhood.
- F. Misrepresentation. Make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any real property for the purpose of inducing or attempting to induce the sale or listing for sale of any real property by representing that the presence or anticipated presence of ... actual or perceived status as a victim of domestic violence in the area will or may result in the lowering of real property values in the block, neighborhood or area in which the property is located.

G. Refusal to Sell. Refuse to sell or rent real property because of ... actual or perceived status as a victim of domestic violence.

...

J. Withholding Housing. Represent to any person that any real property is not available, or otherwise to withhold real property from any person because of ... actual or perceived status as a victim of domestic violence.

K. Refusal to Show Real Estate. Refuse to show real estate because of ... actual or perceived status as a victim of domestic violence of the residents in the area in which the property is located.

L. Steering. Encourage or discourage the sale or rental of real property because of ... actual or perceived status as a victim of domestic violence of the individual and/or persons in the neighborhood in which the property is located. This shall include but is not limited to directing persons into or away from areas because of ... actual or perceived status as a victim of domestic violence of the individual and/or persons in the area or purported to be moving into the area.

M. Differential Treatment. Make any differential treatment toward any prospective seller, purchaser, or tenant because of ... actual or perceived status as a victim of domestic violence

...

S. Redlining. To discriminate by differential treatment of a geographic area in the setting of insurance rates or appraised valuations or the availability of financing of property, based on ... actual or perceived status as a victim of domestic violence of persons in the area or purported to be moving into the area.

T. Listing Agreement and Multiple Listing Service.

1. Entering into a listing agreement which discriminates against any person due to their ... actual or perceived status as a victim of domestic violence.

2. Deny a person access to, or membership or participation in any multiple listing service, real estate broker's organization or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership, or participation, on account of ... actual or perceived status as a victim of domestic violence.

U. Aid or Abet. Discriminating by aiding or abetting acts performed in violation of this Chapter.

V. Coercion. Coercion, intimidation, retaliation, threatening or interference with any person in the exercise or enjoyment of, or on account of his/her having exercised or enjoyed, or on account of his/her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Chapter.

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INDIANA



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

- Rights of tenants who are victims of certain crimes. IND. CODE ANN. §§ 32-31-9-1-32-31-9-15, including:
 - ◁ Retaliation against tenant prohibited. IND. CODE ANN. § 32-31-9-8.
 - ◁ Lock changes. IND. CODE ANN. §§ 32-31-9-9, 32-31-9-10, 32-31-9-11.
 - ◁ Early lease termination. IND. CODE ANN. § 32-31-9-12.
 - ◁ Rights and obligations of other tenants under rental agreement unaffected; security deposits. IND. CODE ANN. § 32-31-9-13.
 - ◁ Liability of tenant perpetrator under lease for rent and cost of damages to unit. IND. CODE ANN. § 32-31-9-14.
 - ◁ Landlord not liable for acts of perpetrator or third party. IND. CODE ANN. § 32-31-9-15.
 - Protective order may grant exclusive possession of residence, order perpetrator to pay rent or mortgage payment, and reimburse tenant for expenses related to domestic or family violence or harassment. IND. CODE ANN. § 34-26-5-9
 - Address confidentiality program for survivors of domestic violence and other offenses; landlord may not disclose or display address. IND. CODE ANN. § 5-26.5-1-1
-

APPLICATION OF CHAPTER

IND. CODE ANN. § 32-31-9-1

- a. (a) This chapter applies only to a rental agreement for a dwelling unit that is entered into or renewed after June 30, 2007.
 - b. (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. (c) A waiver of this chapter by a landlord or current or former tenant, by contract or otherwise, is void.
-

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 35-31.5-2-76).
 2. A sex offense under IC 35-42-4.
 3. Stalking under IC 35-45-10.
-

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.
-

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.
-

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.

.....

EX PARTE ORDERS; AUTHORITY AND JURISDICTION OF COURT; RELIEF AVAILABLE; NOTIFICATION AND EFFECTIVENESS OF ORDER; SUBSEQUENT CASE OR HEARINGS

IND. CODE ANN. § 34-26-5-9

- a. If it appears from a petition for an order for protection or from a petition to modify an order for protection that domestic or family violence has occurred or that a modification of an order for protection is required, a court may:
 1. without notice or hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte; or
 2. upon notice and after a hearing, whether or not a respondent appears, issue or modify an order for protection.
- b. If it appears from a petition for an order for protection or from a petition to modify an order for protection that harassment has occurred, a court:
 1. may not, without notice and a hearing, issue an order for protection ex parte or modify an order for protection ex parte; but
 2. may, upon notice and after a hearing, whether or not a respondent appears, issue or modify an order for protection.
- c. A court may grant the following relief without notice and hearing in an ex parte order for protection or in an ex parte order for protection modification under subsection (a):

.....

 4. Remove and exclude a respondent from the residence of a petitioner, regardless of ownership of the residence.
 5. Order a respondent to stay away from the residence, school, or place of employment of a petitioner or a specified place frequented by a petitioner and each designated family or household member.
 6. Order that a petitioner has the exclusive possession, care, custody, or control of any animal owned, possessed, kept, or cared for by the petitioner, respondent, minor child of either the petitioner or respondent, or any other family or household member.
 7. Prohibit a respondent from removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm, or otherwise disposing of an animal described in subdivision (6).
 8. Order possession and use of the residence, an automobile, and other essential personal effects, regardless of the ownership of the residence, automobile, and essential personal effects. If possession is ordered under this subdivision or subdivision (6), the court may direct a law enforcement officer to accompany a petitioner to the residence of the parties to:
 - A. ensure that a petitioner is safely restored to possession of the residence, automobile, animal, and other essential personal effects; or
 - B. supervise a petitioner's or respondent's removal of personal belongings and animal.

9. Order other relief necessary to provide for the safety and welfare of a petitioner and each designated family or household member.
- d. A court may grant the following relief after notice and a hearing, whether or not a respondent appears, in an order for protection or in a modification of an order for protection:
1. Grant the relief under subsection (c).
- ...
3. Order a respondent to:
 - A. pay attorney's fees;
 - B. pay rent or make payment on a mortgage on a petitioner's residence;
 - C. if the respondent is found to have a duty of support, pay for the support of a petitioner and each minor child;
 - D. reimburse a petitioner or other person for expenses related to the domestic or family violence or harassment, including:
 - i. medical expenses;
 - ii. counseling;
 - iii. shelter; and
 - iv. repair or replacement of damaged property;
- ...
- f. Except as provided in subsection (g), an order for protection issued ex parte or upon notice and a hearing, or a modification of an order for protection issued ex parte or upon notice and a hearing, is effective for two (2) years after the date of issuance unless another date is ordered by the court. The sheriff of each county shall provide expedited service for an order for protection.
- ...
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APPROVAL OF APPLICATIONS

IND. CODE ANN. § 5-26.5-2-2

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, the minor or incapacitated individual on whose behalf the application is made, or a household member of the applicant is a victim of:
 - i. domestic violence;
 - ii. harassment;
 - iii. human trafficking;
 - iv. intimidation;
 - v. invasion of privacy;
 - vi. sexual assault; or
 - vii. 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.
- 3. A copy of a valid protective order, if any, that has been issued on behalf of the applicant, or the minor or incapacitated individual on whose behalf the application is made, or household member of the applicant.
- 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.
- 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.
- 8. A description of the applicant's plan, developed with the assistance of a representative of an agency designated under IC 5-26.5-3-4, to maintain the confidentiality of the applicant's new address.
- 9. The office of the attorney general may require the applicant to provide additional information:
 - A. to determine the truth or falsity of the sworn statement as described in subdivision (1); or
 - B. about the applicant's plan described in subdivision (8).

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WRITTEN NOTICE; LANDLORD; DISCLOSURE AND APPLICATION

IND. CODE ANN. § 5-26.5-5-2.6

- a. Except as provided in subsection (c), if a program participant provides written notice to a person on the form prescribed under section 1 of this chapter:
 - 1. that the individual is a program participant; and
 - 2. of the requirements of this section;
 the person may not knowingly disclose the program participant's address.
- b. A landlord that receives a written notice under section 1 of this chapter is also prohibited from displaying the program participant's name at the program participant's address. If the program participant resides in a unit of a multifamily building or complex, a landlord may not display the program participant's name at the unit, building, or complex, including display of the name on a mailbox, door, or in a tenant directory, clubhouse, or other common area.
- c. After a person receives written notice under section 1 of this chapter, the person may disclose the program participant's information under the following circumstances:
 - 1. If the program participant provides written consent to the person for disclosure of the program participant's address, the person may disclose the information only for the purpose for which the consent was given.
 - 2. A landlord may provide a program participant's name to the state or a political subdivision only when responding to a specific

request made in connection to:

- A. an active investigation or inspection of an alleged health, building, or fire code violation; or
- B. an active investigation of a violation of the law allegedly committed by the program participant.

d. This section does not apply to records of the judicial branch.

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COVERED PERSON DEFINED

IND. CODE ANN. § 36-1-8.5-2

As used in this chapter, "covered person" means

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- 3. An address confidentiality program participant.

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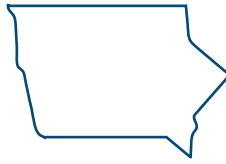
ESTABLISHMENT OF PROCESS TO PREVENT ILLEGAL ACCESS TO HOME ADDRESS VIA WEBSITE

IND. CODE ANN. § 36-1-8.5-7

- a. A covered person who wants to restrict access to the covered person's home address by means of a public property data base Internet web site must submit a written request to the unit that operates the public property data base Internet web site.
- b. A unit that operates a public property data base Internet web site, directly or through a third party, shall establish a process to prevent a member of the general public from gaining access to the home address of a covered person by means of the public property data base Internet web site.
- c. In establishing a process under subsection (b), a unit shall do all of the following:
 - 1. Determine which person or department of the unit will receive and process the request.
 - 2. Provide a method under which a covered person is notified of the procedure to be used to restrict or allow disclosure of the home address of the covered person under this chapter.
- d. A unit may charge a covered person a reasonable fee to make a written request under this section.

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IOWA



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

- Exception to “clear and present danger” eviction grounds where tenant sought law enforcement or court assistance against person creating danger:
 - ◁ Uniform Residential Landlord and Tenant Law: IOWA CODE ANN. §§ 562A.27A.
 - ◁ Manufactured Home Communities or Mobile Home Parks Residential Landlord and Tenant Law: IOWA CODE ANN. § 562B.25A.
 - Right to summon emergency assistance; preemption of local ordinances, rules, or regulations; right to recover damages and/or injunctive relief for violation.
 - Uniform Residential Landlord and Tenant Law: IOWA CODE ANN. §§ 562A.27B.
 - Manufactured Home Communities or Mobile Home Parks Residential Landlord and Tenant Law: IOWA CODE ANN. § 562B.25B.
 - Powers and Duties of a County: IOWA CODE ANN. § 331.304
 - Powers and Duties of Cities: IOWA CODE ANN. § 364.3
 - ◁ Protective order or court approval of consent agreement may provide for possession of residence, exclusion of the restrained party, or requirement for restrained party to provide alternate housing for protected party. IOWA CODE ANN. § 236.5.
 - Address confidentiality:
 - ◁ Domestic violence protective orders and consent agreements. IOWA CODE ANN. § 236.10.
 - ◁ Sexual abuse protective orders and consent agreements. IOWA CODE ANN. § 236A.11
 - ◁ Address confidentiality program. IOWA CODE ANN. §§ 9E.1–9E.8.
-

TERMINATION FOR CREATING A CLEAR AND PRESENT DANGER TO OTHERS

IOWA CODE ANN. § 562A.27A

1. Notwithstanding section 562A.27 or 648.3, if 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 pursuant to chapter 648, except as otherwise provided in subsection 3. The petition shall state the incident or incidents giving rise to the notice of termination and notice to quit. The tenant shall be given the opportunity to contest the termination in the court proceedings by notice thereof at least three days prior to the hearing.
2. A clear and present danger to the health or safety of other tenants, the landlord, the landlord’s employees or agents, or other persons on or within one thousand feet of the landlord’s property includes, but is not limited to, any of the following activities of the

tenant or of any person on the premises with the consent of the tenant:

- a. Physical assault or the threat of physical assault.
- b. Illegal use of a firearm or other weapon, the threat to use a firearm or other weapon illegally, or possession of an illegal firearm. The mere possession or storage of a firearm by a tenant in the dwelling unit that the tenant rents does not constitute a clear and present danger.
- c. Possession of a controlled substance unless the controlled substance was obtained directly from or pursuant to a valid prescription or order by a licensed medical practitioner while acting in the course of the practitioner's professional practice. This paragraph applies to any other person on the premises with the consent of the tenant, but only if the tenant knew of the possession by the other person of a controlled substance.

3.

- a. 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:
 1. The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 235F, 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.
 2. 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.
 3. 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 subparagraph, without taking an action specified in subparagraph (1) or (2) 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 subparagraph (1) or (2) to be exempt from proceedings pursuant to subsection 1.
- b. 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 paragraph "a", subparagraphs (1) through (3).

TERMINATION FOR CREATING A CLEAR AND PRESENT DANGER TO OTHERS

IOWA CODE ANN. § 562B.25A

1. Notwithstanding section 562B.25 or 648.3, if 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 pursuant to chapter 648, except as otherwise provided in subsection 3. The petition shall state the incident or incidents giving rise to the notice of termination and notice to quit. The tenant shall be given the opportunity to contest the termination in the court proceedings by notice thereof at least three days prior to the hearing.
2. A clear and present danger to the health or safety of other tenants, the landlord, the landlord's employees or agents, or other persons on or within one thousand feet of the landlord's property includes, but is not limited to, any of the following activities of the tenant or of any person on the premises with the consent of the tenant:
 - a. Physical assault or the threat of physical assault.

- b. Illegal use of a firearm or other weapon, the threat to use a firearm or other weapon illegally, or possession of an illegal firearm. The mere possession or storage of a firearm by a tenant in the tenant’s dwelling unit does not constitute a clear and present danger.
- c. Possession of a controlled substance unless the controlled substance was obtained directly from or pursuant to a valid prescription or order by a licensed medical practitioner while acting in the course of the practitioner’s professional practice. This paragraph applies to any other person on the premises with the consent of the tenant, but only if the tenant knew of the possession by the other person of a controlled substance.

3.

- a. 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:
 - 1. The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 235F, 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.
 - 2. 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.
 - 3. 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 subparagraph, without taking an action specified in subparagraph (1) or (2) 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 subparagraph (1) or (2) to be exempt from proceedings pursuant to subsection 1.
- b. 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 paragraph “a”, subparagraphs (1) through (3).

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RIGHT TO SUMMON EMERGENCY ASSISTANCE — WAIVER OF RIGHTS

IOWA CODE ANN. § 562A.27B

- a. A landlord shall not prohibit or limit a resident’s or tenant’s rights to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.
- b. A landlord shall not impose monetary or other penalties on a resident or tenant who exercises the resident’s or tenant’s right to summon law enforcement assistance or other emergency assistance.
- c. Penalties prohibited by this subsection include all of the following:
 - 1. The actual or threatened assessment of penalties, fines, or fees.
 - 2. The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.
- d. Any waiver of the provisions of this subsection is contrary to public policy and is void, unenforceable, and of no force or effect.
- e. This subsection shall not be construed to prohibit a landlord from recovering from a resident or tenant an amount equal to the costs incurred to repair property damage if the damage is caused by law enforcement or other emergency personnel summoned by the resident or tenant.
- f. This section does not prohibit a landlord from terminating, evicting, or refusing to renew a tenancy or rental agreement when

such action is premised upon grounds other than the resident's or tenant's exercise of the right to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.

2.
 - a. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord was a victim of abuse or crime.
 - b. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord sought law enforcement assistance or other emergency assistance for a victim of abuse, a victim of a crime, or an individual in an emergency, if either of the following is established:
 1. The resident, owner, tenant, or landlord seeking assistance had a reasonable belief that the emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime, or emergency.
 2. In the event of abuse, crime, or other emergency, the emergency assistance was actually needed.
 - c. Penalties prohibited by this subsection include all of the following:
 1. The actual or threatened assessment of penalties, fines, or fees.
 2. The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.
 3. The actual or threatened revocation, suspension, or nonrenewal of a rental certificate, license, or permit.
 - d. This subsection does not prohibit a city, county, or other governmental entity from enforcing any ordinance, rule, or regulation premised upon grounds other than a request for law enforcement assistance or other emergency assistance by a resident, owner, tenant, or landlord, or the fact that the resident, owner, tenant, or landlord was a victim of crime or abuse.
 - e. This subsection does not prohibit a city, county, or other governmental entity from collecting penalties, fines, or fees for services provided which are necessitated by the cleanup of hazardous materials, the cleanup of vandalism, or a response to a false alarm call, which are incurred by the provision of emergency medical services, or which reflect other costs incurred by the city, county, or other governmental entity unrelated to responding to a call for law enforcement assistance or other emergency assistance.
3. In addition to other remedies provided by law, if an owner or landlord violates the provisions of this section, a resident or tenant is entitled to recover from the owner or landlord any of the following:
 - a. A civil penalty in an amount equal to one month's rent.
 - b. Actual damages.
 - c. Reasonable attorney fees the tenant or resident incurs in seeking enforcement of this section.
 - d. Court costs.
 - e. Injunctive relief.
4. In addition to other remedies provided by law, if a city, county, or other governmental entity violates the provisions of this section, a resident, owner, tenant, or landlord is entitled to recover from the city, county, or other governmental entity any of the following:
 - a. An order requiring the city, county, or other governmental entity to cease and desist the unlawful practice.
 - b. Other equitable relief, including reinstatement of a rental certificate, license, or permit, as the court may deem appropriate.
 - c. Actual damages.
 - d. In a case brought by a resident or tenant, the reasonable attorney fees the resident or tenant incurs in seeking enforcement of this section.
 - e. Court costs.

5. For purposes of this section, “resident” means a member of a tenant’s family and any other person occupying the dwelling unit with the consent of the tenant.

RIGHT TO SUMMON EMERGENCY ASSISTANCE — WAIVER OF RIGHTS

IOWA CODE ANN. § 562B.25B

- a. A landlord shall not prohibit or limit a resident’s or tenant’s rights to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.
 - b. A landlord shall not impose monetary or other penalties on a resident or tenant who exercises the resident’s or tenant’s right to summon law enforcement assistance or other emergency assistance.
 - c. Penalties prohibited by this subsection include all of the following:
 1. The actual or threatened assessment of penalties, fines, or fees.
 2. The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.
 - d. Any waiver of the provisions of this subsection is contrary to public policy and is void, unenforceable, and of no force or effect.
 - e. This subsection shall not be construed to prohibit a landlord from recovering from a resident or tenant an amount equal to the costs incurred to repair property damage if the damage is caused by law enforcement or other emergency personnel summoned by the resident or tenant.
 - f. This section does not prohibit a landlord from terminating, evicting, or refusing to renew a tenancy or rental agreement when such action is premised upon grounds other than the resident’s or tenant’s exercise of the right to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.
2.
 - a. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord was a victim of abuse or crime.
 - b. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord sought law enforcement assistance or other emergency assistance for a victim of abuse, a victim of a crime, or an individual in an emergency, if either of the following is established:
 1. The resident, owner, tenant, or landlord seeking assistance had a reasonable belief that the emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime, or emergency.
 2. In the event of abuse, crime, or other emergency, the emergency assistance was actually needed.
 - c. Penalties prohibited by this subsection include all of the following:
 1. The actual or threatened assessment of penalties, fines, or fees.
 2. The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.
 3. The actual or threatened revocation, suspension, or nonrenewal of a rental certificate, license, or permit.
 - d. This subsection does not prohibit a city, county, or other governmental entity from enforcing any ordinance, rule, or regulation premised upon grounds other than a request for law enforcement assistance or other emergency assistance by a resident, owner, tenant, or landlord, or the fact that the resident, owner, tenant, or landlord was a victim of crime or abuse.
 - e. This subsection does not prohibit a city, county, or other governmental entity from collecting penalties, fines, or fees for services provided which are necessitated by the cleanup of hazardous materials, the cleanup of vandalism, or a response to a false

alarm call, which are incurred by the provision of emergency medical services, or which reflect other costs incurred by the city, county, or other governmental entity unrelated to responding to a call for law enforcement assistance or other emergency assistance.

3. In addition to other remedies provided by law, if an owner or landlord violates the provisions of this section, a resident or tenant is entitled to recover from the owner or landlord any of the following:
 - a. A civil penalty in an amount equal to one month's rent.
 - b. Actual damages.
 - c. Reasonable attorney fees the tenant or resident incurs in seeking enforcement of this section.
 - d. Court costs.
 - e. Injunctive relief.
4. In addition to other remedies provided by law, if a city, county, or other governmental entity violates the provisions of this section, a resident, owner, tenant, or landlord is entitled to recover from the city, county, or other governmental entity any of the following:
 - a. An order requiring the city, county, or other governmental entity to cease and desist the unlawful practice.
 - b. Other equitable relief, including reinstatement of a rental certificate, license, or permit, as the court may deem appropriate.
 - c. Actual damages.
 - d. In a case brought by a resident or tenant, the reasonable attorney fees the resident or tenant incurs in seeking enforcement of this section.
 - e. Court costs.
5. For purposes of this section, "resident" means a member of a tenant's family and any other person occupying the dwelling unit with the consent of the tenant.

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PROCEDURAL LIMITATIONS ON GENERAL COUNTY POWERS

IOWA CODE ANN. § 331.304

If a county proposes to exercise any of the following powers, it shall do so in accordance with the following limitations:

...

11. A county shall not adopt or enforce any ordinance or regulation in violation of section 562A.27B or 562B.25B.

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LIMITATION OF POWERS

IOWA CODE ANN. § 364.3

The following are limitations upon the powers of a city:

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11. A city shall not adopt or enforce any ordinance or regulation in violation of section 562A.27B or 562B.25B.

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DISPOSITION

IOWA CODE ANN. § 236.5

Upon a finding that the defendant has engaged in domestic abuse:

...

2. The court may grant a protective order or approve a consent agreement which may contain but is not limited to any of the following provisions:

...

- b. That the defendant grant possession of the residence to the plaintiff to the exclusion of the defendant or that the defendant provide suitable alternate housing for the plaintiff.
- c. That the defendant stay away from the plaintiff's residence, school, or place of employment.

...

- e. Unless prohibited pursuant to 28 U.S.C. § 1738B, that the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.

An order for counseling, a protective order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. At the time of the extension, the parties need not meet the requirement in section 236.2, subsection 2, paragraph "d", that the parties lived together during the last year if the parties met the requirements of section 236.2, subsection 2, paragraph "d", at the time of the original order. The number of extensions that can be granted by the court is not limited.

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3. The court may order that the defendant pay the plaintiff's attorney fees and court costs.
5. An order or consent agreement under this section shall not affect title to real property.

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PLAINTIFF'S ADDRESS — CONFIDENTIALITY OF RECORDS

IOWA CODE ANN. § 236.10

1. A person seeking relief from domestic abuse under this chapter may use any of the following addresses as a mailing address for purposes of filing a petition under this chapter, as well as for the purpose of obtaining any utility or other service:
 - a. The mailing address of a shelter or other agency.
 - b. A public or private post office box.
 - c. Any other mailing address, with the permission of the resident of that address.
 2. A person shall report any change of address, whether designated according to subsection 1 or otherwise, to the clerk of court no more than five days after the previous address on record becomes invalid.
 3. The entire file or a portion of the file in a domestic abuse case shall be sealed by the clerk of court as ordered by the court to protect the privacy interest or safety of any person.
 4. Notwithstanding subsection 3, court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records.
-

PLAINTIFF'S ADDRESS — CONFIDENTIALITY OF RECORDS

IOWA CODE ANN. § 236A.11

1. A plaintiff seeking relief from sexual abuse under this chapter may use any of the following addresses as a mailing address for purposes of filing a petition under this chapter, as well as for the purpose of obtaining any utility or other service:
 - a. The mailing address of a shelter or other agency.
 - b. A public or private post office box.
 - c. Any other mailing address, with the permission of the resident of that address.
 2. A plaintiff shall report any change of address, whether designated according to subsection 1 or otherwise, to the clerk of court no more than five days after the previous address on record becomes invalid.
 3. The entire file or a portion of the file in a sexual abuse case shall be sealed by the clerk of court as ordered by the court to protect the privacy interest or safety of any person.
 4. Notwithstanding subsection 3, court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records.
-

DEFINITIONS

IOWA CODE ANN. § 9E.2

As used in this chapter, unless the context otherwise requires:

...

6.
 - a. "Eligible person" means a person who is a resident of this state, an adult, a minor, or an incapacitated person as defined in section 633.701, and is one of the following:
 1. A victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking as evidenced by

the filing of a petition pursuant to section 236.3 or a criminal complaint or information pursuant to section 708.1, 708.2A, 708.11, or 710A.2, or any violation contained in chapter 709.

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ADDRESS CONFIDENTIALITY PROGRAM

IOWA CODE ANN. § 9E.3

1. Application. The secretary shall certify an eligible person as a program participant if the secretary receives an application containing all of the following information:

...

- b. A statement by the applicant that the applicant has good reason to believe the following:
 1. Either of the following:
 - a. The eligible person listed on the application is a victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking.
 - b. The eligible person fears for the person's safety, the safety of another person who resides in the same household as the eligible person, or the safety of persons on whose behalf the application is made.
 2. The eligible person is not applying for certification as a program participant in order to avoid prosecution.
- c. A designation of the secretary as the agent for service of process and for the purpose of receipt of mail.

...

3. Certification. Upon the filing of a complete application, the secretary shall certify the eligible person as a program participant. A program participant shall be certified for four years following the date the application is certified by the secretary unless the certification is canceled, withdrawn, or invalidated. The secretary shall establish by rule a renewal procedure for recertification.

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5. Designated address. The secretary shall assign a designated address to which all mail for a program participant shall be sent.

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CONFIDENTIALITY OF INFORMATION

IOWA CODE ANN. § 9E.7

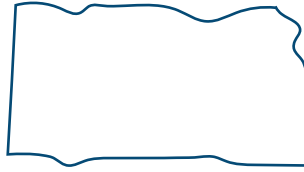
- a. Except as otherwise provided in subsection 2 and in section 9E.8, information collected, created, or maintained by the secretary related to applicants, eligible persons, and program participants is confidential unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law.

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5. This section shall not be construed to prohibit the enforcement of a lease agreement between a program participant and a program participant's landlord.

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KANSAS



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

- Housing protections for persons affected by domestic violence, sexual assault, human trafficking, or stalking. KAN. STAT. ANN. § 58-25, 137.
- Denial of tenancy or eviction due to survivor status prohibited
 - ◁ Early lease termination
 - ◁ Tenant may recover damages for landlord's noncompliance
- Protective Orders. KAN. STAT. ANN. § 60-3107.
 - ◁ Possession of residence and exclusion of restrained party.
 - ◁ Requirement that restrained party pay for alternate housing.
 - ◁ Law enforcement officers to evict restrained party from residence.
- Address confidentiality program. KAN. STAT. ANN. §§ 75-451–75-458.
- Public agencies not required to disclose location of shelters or victim contact information. KAN. STAT. ANN. § 45-221.

HOUSING PROTECTIONS FOR PERSONS AFFECTED BY DOMESTIC VIOLENCE, SEXUAL ASSAULT, HUMAN TRAFFICKING OR STALKING

KAN. STAT. ANN. § 58-25, 137

1. In applicant shall not be denied tenancy on the basis of, or as a direct result of, the fact that the applicant is a protected person if the applicant otherwise qualifies for tenancy in or occupancy of the premises.
 2. A tenant or lessee shall not be evicted from the premises or found to be in violation of a rental or lease agreement on the basis of, or as a direct result of, the fact that the tenant or lessee is a protected person if the tenant or lessee otherwise qualifies for tenancy in or occupancy of the premises.
- b.
1. A tenant or lessee shall not be liable for rent for the period after the tenant or lessee vacates the premises that is the subject of the rental or lease agreement if the tenant or lessee:
 - A. Is a protected person; and
 - B. notifies the landlord or property owner as required in subsection (c).
 2. In any action brought against a tenant or lessee under Kansas law that seeks recovery of rent, the tenant or lessee shall have an affirmative defense and not be liable for rent for the period after the tenant or lessee vacated the premises that is the subject of the rental or lease agreement if, by a preponderance of the evidence, the court finds that the tenant or lessee:
 - A. Was a protected person on the date the tenant or lessee vacated the premises that is the subject of the rental or lease

agreement; and

B. notified the landlord or property owner as required in subsection (c).

3. This section shall not affect a tenant or lessee's liability for late or unpaid rent or other amounts owed to the landlord for the period before the tenant or lessee vacates the premises that is the subject of the rental or lease agreement.
- c. An applicant, tenant or lessee qualifies for the protections under this section if the applicant, tenant or lessee is a protected person and provides a statement regarding domestic violence, sexual assault, human trafficking or stalking to the landlord or property owner. If the landlord or property owner requests, the applicant, tenant or lessee shall provide documentation of the domestic violence, sexual assault, human trafficking or stalking, which may be in any of the following forms:
 1. A document signed by the victim and any of the following individuals from whom the victim has sought assistance relating to domestic violence, sexual assault, human trafficking or stalking, or the effects of such abuse: A person licensed by the state board of healing arts to practice medicine and surgery; a person licensed as a physician assistant by the state board of healing arts; a person licensed by the board of nursing; or a person licensed by the behavioral sciences regulatory board. The document must declare under penalty of perjury that the licensed person holds the opinion, in their professional judgment within their scope of practice, that the incident of domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section occurred; or
 2. a court order granting relief to the protected person relating to the alleged domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section.
- d. The submission of false information by an applicant, tenant or lessee under this section may be a basis for a denial of tenancy, eviction or a violation of a rental or lease agreement.
- e. A landlord or property owner may impose a reasonable termination fee not to exceed one month's rent on a tenant or lessee who requests termination of a rental or lease agreement under the provisions of this section before the expiration date of such agreement. Such termination fee may only be imposed if it is contained in the terms of the rental or lease agreement.
- f. As used in this section:
 1. "Protected person" means a person who, during the preceding 12 months, has been, is or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking; and
 2. "domestic violence," "human trafficking," "sexual assault" and "stalking" mean the same as in K.S.A. 2018 Supp. 75-452, and amendments thereto.
- g. A tenant or lessee shall not waive, and a landlord or property owner shall not require a tenant or lessee to waive, any rights under this section in a rental or lease agreement.
- h. Notwithstanding a termination of a protected person's rental or lease agreement under this section, the rental or lease agreement shall continue for any remaining tenants or lessees.
- i. In an action against a landlord or property owner for a violation of this section, the court may award statutory damages of \$1,000. The court may also award reasonable attorney fees and costs.

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PROTECTION FROM ABUSE ORDERS PROCEDURE; MODIFICATIONS; INCONSISTENT ORDERS; EXTENSION OF 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 defined in subsection (a)(1)(C) of K.S.A. 2022 Supp. 21-5808, and amendments thereto, and violation of a protective order as defined in K.S.A. 2022 Supp. 21-5924, 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.

...

7. Awarding costs and attorney fees to either party.

8. Making provision for the possession of personal property of the parties and ordering a law enforcement officer to assist in securing possession of that property, if necessary.

...

- 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.

- e. Subject to the provisions of subsections (b), (c) and (d), a protective order or approved consent agreement shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year, except as provided in subsection (e)(1) and (e)(2).

...

- g. No order or agreement under the protection from abuse act shall in any manner affect title to any real property.

- h. If a person enters or remains on premises or property violating an order issued pursuant to subsection (a)(2), such violation shall constitute criminal trespass as defined in subsection (a)(1)(C) of K.S.A. 2022 Supp. 21-5808, and amendments thereto, and violation of a protective order as defined in K.S.A. 21-5924, and amendments thereto....

.....

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 attorney general serve as the person's address or the address of the minor or incapacitated person. Program participants shall not apply directly to the attorney general. The attorney general shall approve an application if it is filed in the manner and on the form prescribed by the attorney general signed by the applicant and enrolling agent under penalty of perjury, and it contains all of the following:

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:
 - A. 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
 - B. that by virtue of living with an enrolled program participant, the applicant fears that the knowledge or publication of the applicant's whereabouts will put the enrolled participant in danger.

2. A designation of the attorney general 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 attorney general, and the phone number or numbers where the applicant can be called by the attorney general.
 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 attorney general.
 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 attorney general.
 - c. Upon filing a properly completed application, the attorney general 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 attorney general shall adopt rules and regulations prescribing 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 attorney general, within 10 days, shall notify the other parent or parents of the address designated by the attorney general for the program participant and the designation of the attorney general 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, may be prosecuted for, convicted of and punished under K.S.A. 2022 Supp. 21-5824, and amendments thereto, or other applicable statutes.

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RECORDS OPEN TO PUBLIC: CERTAIN RECORDS NOT REQUIRED TO BE OPEN; SEPARATION OF OPEN AND CLOSED INFORMATION REQUIRED; STATISTICS AND RECORDS OVER 70 YEARS OLD OPEN

KAN. STAT. ANN. § 45-221

- a. Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

...
10. Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court

finds that disclosure:

A. Is in the public interest;

...

F. would not reveal the name, address, phone number or any other information that specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

...

47. Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

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KENTUCKY



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

- Protections for tenant protected by domestic violence order or interpersonal order. (Applies to agreements since June 29, 2017.) Ky. Rev. Stat. Ann. § 383.300.
 - ◁ Inapplicable to parties named in order as both restrained and protected.
 - ◁ Landlord may not evict tenant nor exclude applicant for protected status.
 - ◁ Protected status as defense to nuisance eviction.
 - ◁ Lock changes.
 - ◁ Early lease termination.
 - ◁ Landlord's remedies against restrained party.
 - ◁ Tenancy continues for remaining tenants.
 - Rental/lease agreements created or renewed since June 29, 2017 may not penalize tenant calls for emergency assistance; tenant may seek damages for violation. KY. REV. STAT. ANN. § 383.302.
 - Domestic violence order may exclude restrained party from residence. KY. REV. STAT. ANN. § 403.740.
 - Emergency protective orders and domestic violence orders: duration; mutual orders; confidentiality. KY. REV. STAT. ANN. § 403.745.
 - Temporary interpersonal protective order. KY. REV. STAT. ANN. § 456.040.
 - Interpersonal protective order. KY. REV. STAT. ANN. § 456.060.
 - Interpersonal protective order on pretrial release. KY. REV. STAT. ANN. § 431.064.
 - Restraining order upon conviction of stalking. KY. REV. STAT. ANN. § 508.155.
 - Safe at Home Program fund. Ky. Rev. Stat. Ann. § 14.260.
 - Voting and ballot confidentiality. Ky. Rev. Stat. Ann. §§ 14.300–14.318.
 - Protections for person with rental or lease agreement who is protected by domestic violence order or interpersonal protective order. KY. REV. STAT. ANN. §§ 383.300, 383.302.
 - Prohibited inclusion in rental or lease agreement of authority to terminate on the basis of tenant's request for assistance in emergencies. KY. REV. STAT. ANN. § 383.302.
 - Educational materials to be provided to suspected victim of domestic violence and abuse or dating violence and abuse; availability of online materials. KY. REV. STAT. ANN. § 209A.130.
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PROTECTIONS FOR PERSON WITH RENTAL OR LEASE AGREEMENT WHO IS PROTECTED BY DOMESTIC VIOLENCE ORDER OR INTERPERSONAL PROTECTIVE ORDER

KY. REV. STAT. ANN. § 383.300

- a. This section shall apply only to leases or rental agreements created or renewed on or after June 29, 2017.
- b. A person who is both a named individual and a protected tenant shall not be eligible for the protections under this section.
2. As used in this section:
 - a. "Named individual" means a person identified in the protective orders listed in paragraph (b) of this subsection as restrained from contact with the protected tenant; and
 1. "Protected tenant" means a residential rental or leased housing tenant, applicant for tenancy, or a tenant with a minor household member, who is protected by a valid:
 - a. Domestic violence order issued pursuant to KRS 403.740 which restrains the adverse party from any unauthorized contact; or
 - b. Interpersonal protective order issued pursuant to KRS 456.060 which restrains the adverse party from any unauthorized contact.
 2. For purposes of subsections (3) and (4) of this section, "protected tenant" also means a residential rental or leased housing tenant, applicant for tenancy, or a tenant with a minor household member who is protected by a valid:
 - a. Emergency protective order issued pursuant to KRS 403.730;
 - b. Temporary interpersonal protective order issued pursuant to KRS 456.040; or
 - c. Pretrial release no contact order issued pursuant to KRS 431.064.
 3.
 - a. A landlord shall not terminate, fail to renew, refuse to enter into, or otherwise retaliate in the renting or leasing of a residence because of the person's status as a protected tenant.
 - b. It shall be a defense to an action for possession of a rented or leased residential property if the court determines that:
 1. The tenant is a protected tenant; and
 2. The notice to vacate is substantially based on acts which violated the tenant's protective order or led to the issuance of a protective order listed in subsection (2) of this section, including an action for possession based on complaints of noise, disturbances, or repeated presence of peace officers.
 4.
 1. After informing the landlord of an intention to install a new lock, a protected tenant, at his or her expense, may install a new lock to his or her dwelling by:
 - a. Rekeying the lock if the lock is in good working condition; or
 - b. Replacing the entire locking mechanism with a locking mechanism of equal or better quality than the lock being replaced.
 2. The tenant shall provide a key to the new lock to the landlord upon request.
 - b. Regardless of any provision in the lease or rental agreement, the landlord may refuse to provide a key to the new lock to a named individual, even if the named individual is a party to the lease or rental agreement.
 - c. A named individual who has been excluded from leased or rented property under this section remains liable for rent.

5.
 - a. For a protected tenant who obtains a valid protective order listed in subsection (2)(b)1. of this section after entering into a lease or rental agreement, the lease or rental agreement may be terminated by providing the landlord with:
 1. Written notice of termination to be effective on a date stated in the notice that is at least thirty (30) days after the landlord's receipt of the notice; and
 2. A copy of the valid protective order.
 - b. For a protected tenant who obtains a valid protective order listed in subsection (2)(b)1. of this section before entering into a lease or rental agreement, the lease or rental agreement may be terminated by:
 1. Providing the landlord with written notice of termination to be effective on a date stated in the notice that is at least thirty (30) days after the landlord's receipt of the notice;
 2. Attaching a copy of the valid protective order; and
 3. Demonstrating a safety concern to the landlord that arises after execution of the lease.
 - c. Upon termination of a lease or rental agreement under this section, the released protected tenant shall:
 1. Be liable for the rent due under the lease or 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 lease or rental agreement;
 2. Not receive a negative credit entry, a negative character reference, or be liable for any other rent or fees due solely to the early termination of the tenancy; and
 3. Not be subject to any damages or penalties if a lease or rental agreement is terminated under this subsection fourteen (14) or more days prior to occupancy.
 - d. Regardless of whether the named individual is a party to a lease or rental agreement terminated under this subsection, the named individual:
 1. Is deemed to have interfered with the terminated lease or rental agreement between the landlord and tenant; and
 2. Shall be civilly liable for all economic losses incurred by the landlord for the early lease termination, including unpaid rent, early lease termination fees, commissions and advertising costs incurred in reletting the premises, costs to repair damages to the premises, or any reductions in rent previously granted to the protected tenant.
 6. Regardless of conflicting provisions in a named individual's rental agreement or lease, if a named individual and a protected tenant are cotenants, a landlord may:
 - a. Refuse access to the property by a named individual unless the named individual is specifically permitted access by court order; and
 - b. Pursue all available legal remedies against the named individual, including:
 1. Termination of the named individual's rental agreement or lease;
 2. Eviction of the named individual, whether or not a lease or rental agreement between the landlord and the named individual exists; and
 3. Action for damages against the named individual for any unpaid rent owed by the named individual or any damages resulting from a violation of a valid protective order listed in subsection (2)(b)1. of this section.
 7. Notwithstanding the release of a protected tenant or an exclusion of a named individual from a lease or rental agreement under this section, if there are any remaining tenants residing in the dwelling unit, the tenancy shall continue for those tenants.
 8. A landlord is immune from civil liability if the landlord in good faith acts in accordance with this section.
-

PROHIBITED INCLUSION IN RENTAL OR LEASE AGREEMENT OF AUTHORITY TO TERMINATE ON THE BASIS OF TENANT'S REQUEST FOR ASSISTANCE IN EMERGENCIES

Ky. REV. STAT. ANN. § 383.302

1. A landlord shall not include in a residential rental agreement or lease for housing a provision authorizing the landlord to terminate the agreement or to impose a penalty on a tenant for requests made by the tenant for assistance from peace officers or other assistance in response to emergencies.
2. A residential rental agreement or lease provision prohibited by subsection (1) of this section is unenforceable. If a landlord enforces a rental agreement or lease containing provisions known by the landlord to be prohibited by this section, the tenant may recover actual damages sustained by the tenant, reasonable attorney's fees, and all other costs incurred in bringing the action, and punitive damages of not more than two (2) months of periodic rent.
3. This section shall apply only to leases or rental agreements created or renewed on or after June 29, 2017.

DEFINITIONS FOR KRS 403.715 TO 403.785

Ky. REV. STAT. ANN. § 403.720

...

2. "Domestic violence and abuse" means:
 - a. Physical injury, serious physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried couple; or

...

4. "Foreign protective order" means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec 2265 that was issued on the basis of domestic violence and abuse;
5. "Global positioning monitoring system" means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;
6. "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together;
7. "Order of protection" means an emergency protective order or a domestic violence order and includes a foreign protective order;
8. "Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175 ... and
9. "Substantial violation" means criminal conduct which involves actual or threatened harm to the person, family, or property, including a domestic animal, of an individual protected by an order of protection.

DOMESTIC VIOLENCE ORDER; RESTRICTIONS; TEMPORARY CHILD SUPPORT; EXPIRATION AND REISSUANCE

Ky. REV. STAT. ANN § 403.740

1. Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:
 - a. Restraining the adverse party from:

...

4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and

5. Disposing of or damaging any of the property of the parties;

- b. Authorizing, at the request of the petitioner:

...

2. The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;

...

- e. Additionally, if applicable:

1. Directing the adverse party to vacate a residence shared by the parties to the action;

...

2. In imposing a location restriction described in subsection (1)(a)4. Of this section, the court shall:

- a. Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;

- b. Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;

- c. Specifically describe in the order the locations or areas prohibited to the respondent; and

- d. Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.

...

4. A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

.....

DURATION OF EMERGENCY PROTECTIVE ORDER AND DOMESTIC VIOLENCE ORDER; PROHIBITED COSTS AND CONDITIONS; MUTUAL ORDERS OF PROTECTION; AMENDMENT; EXPUNGEMENT

KY. REV. STAT. ANN § 403.745

1. An emergency protective order and a domestic violence order shall become effective and binding on the respondent when the respondent is given notice of the existence and terms of the order by a peace officer or the court or upon personal service of the order, whichever is earlier. A peace officer or court giving notice of an unserved order shall make all reasonable efforts to arrange for the order's personal service upon the respondent. Once effective, a peace officer or the court may enforce the order's terms and act immediately upon their violation.

...

4. Mutual orders of protection may be issued only if:

- a. Separate petitions have been filed by both parties; and

- b. The orders are written with sufficient specificity to allow any peace officer to identify which party has violated the order.

...

- 8. A person's right to apply for relief under this chapter shall not be affected by that person leaving his or her residence to avoid domestic violence and abuse.
- 9. A court shall order the omission or deletion of the petitioner's address and the address of any minor children from any orders or documents to be made available to the public or to any person who engaged in the acts complained of in the petition.
- 10.
 - a. If a petition under KRS 403.715 to 403.785 did not result in the issuance of a domestic violence order, the court in which the petition was heard may for good cause shown order the expungement of the records of the case if:
 - 1. Six (6) months have elapsed since the case was dismissed; and
 - 2. During the six (6) months preceding the expungement request, the respondent has not been bound by an order of protection issued for the protection of any person, including an order of protection as defined in KRS 456.010.
 - b. As used in this subsection, "expungement" has the same meaning as in KRS 431.079.

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REVIEW OF PETITION FOR INTERPERSONAL PROTECTIVE ORDER; TEMPORARY INTERPERSONAL PROTECTIVE ORDER

Ky. REV. STAT. ANN. § 456.040

- a. The court shall review a petition for an interpersonal protective order immediately upon its filing. If the review indicates that dating violence and abuse, stalking, or sexual assault exists, the court shall summons the parties to an evidentiary hearing not more than fourteen (14) days in the future....

...

- a. If the review under this section also indicates the presence of an immediate and present danger of dating violence and abuse, sexual assault, or stalking, the court shall, upon the filing of the petition, issue ex parte a temporary interpersonal protective order that:
 1. Authorizes relief appropriate to the situation utilizing the alternatives set out in KRS 456.060;

...

- 3. Expires upon the conclusion of the evidentiary hearing required by this section unless extended or withdrawn by subsequent order of the court....

...

.....

RULING ON PETITION FOR INTERPERSONAL PROTECTIVE ORDER; DURATION OF ORDER

Ky. REV. STAT. ANN. § 456.060

- 1. Following a hearing ordered under KRS 456.040, if a court finds by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur, the court may issue an interpersonal protective order:
 - a. Restraining the adverse party from:
 - 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 - 5. Disposing of or damaging any of the property of the parties;

...

b. Authorizing, at the request of the petitioner:

...

2. The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;

...

2. In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
 - a. Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
 - b. Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
 - c. Specifically describe in the order the locations or areas prohibited to the respondent; and
 - d. Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
3. An interpersonal protective order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

.....

PRETRIAL RELEASE OF PERSON ARRESTED FOR ASSAULT, SEXUAL OFFENSE, OR VIOLATION OF PROTECTIVE ORDER; CONDITIONS; HEARING; VICTIM ENTITLED TO COPY OF CONDITIONS OF RELEASE; ENTRY OF CONDITIONS INTO LAW INFORMATION NETWORK; PENALTY

KY. REV. STAT. ANN. § 431.064

1. In making a decision concerning pretrial release of a person who is arrested for a violation of KRS Chapter 508 or 510, or charged with a crime involving a violation of an order of protection as defined in KRS 403.720 and 456.010, the court or agency having authority to make a decision concerning pretrial release shall review the facts of the arrest and detention of the person and determine whether the person:
 - a. Is a threat to the alleged victim or other family or household member; and
 - b. Is reasonably likely to appear in court.
2. Before releasing a person arrested for or charged with a crime specified in subsection (1) of this section, the court shall make findings, on the record if possible, concerning the determination made in accordance with subsection (1) of this section, and may impose conditions of release or bail on the person to protect the alleged victim of domestic violence or abuse and to ensure the appearance of the person at a subsequent court proceeding. The conditions may include:

...

c. An order directing the person to vacate or stay away from the home of the alleged victim and to stay away from any other location where the victim is likely to be;

...

.....

RESTRAINING ORDER OR INTERPERSONAL PROTECTIVE ORDER TO BE ISSUED UPON VIOLATION OF KRS 508.140 OR 508.150

Ky. REV. STAT. ANN. § 508.155

- 1. ...
 - b. Beginning January 1, 2016, a verdict of guilty or a plea of guilty to KRS 508.140 or 508.150 shall operate as an application for an interpersonal protective order issued under KRS Chapter 456, unless the victim requests otherwise. Notwithstanding the provisions of KRS Chapter 456:
 - 1. An interpersonal protective order requested under this subsection may be issued by the court that entered the judgment of conviction;
 - 2. The judgment of conviction shall constitute sufficient cause for the entry of the order without the necessity of further proof being taken; and
 - 3. The order may be effective for up to ten (10) years, with further renewals in increments of up to ten (10) years.
- ...
- 4. A restraining order may grant the following specific relief:
 - a. An order restraining the defendant from entering the residence, property, school, or place of employment of the victim; or
 - b. An order restraining the defendant from making contact with the victim

...
.....

SAFE AT HOME PROGRAM FUND

Ky. REV. STAT. ANN. § 14.260

- 1. The Safe at Home Programfund is hereby created as a separate trust fund in the State Treasury. The Safe at Home Programfund shall consist of amounts received from fees collected pursuant to KRS 23A.208 and 24A.178, amounts received from appropriations, and any other proceeds from gifts, grants, federal funds, or any other funds, both public and private, made available for the purposes of this section.
- 2. The Safe at Home Programfund shall be administered by the Secretary of State to operate and maintain the Safe at Home Programestablished in Section 3 of this Act and shall not be used for any other purposes.
- 3. Notwithstanding KRS 45.229, Safe at Home Program fund amounts not expended at the close-of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.
- 4. Any interest earnings of the Safe at Home Program fund shall become a part of the Safe at Home Program fund and shall not lapse.
- 5. Moneys deposited in the Safe at Home Program fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.

.....

PERMIT CRIME VICTIMS TO USE FOR VOTING PURPOSES AN ADDRESS PROVIDED BY THE SECRETARY OF STATE RATHER THAN PERSON'S ACTUAL PHYSICAL ADDRESS; REQUEST TO PARTICIPATE IN PROGRAM TO INCLUDE SWORN STATEMENT OF ENDANGERMENT; TWO YEAR CERTIFICATION PERIOD FOR PROGRAM PARTICIPANTS; ADMINISTRATIVE REGULATION TO GOVERN RENEWAL OF CERTIFICATION; PENALTY FOR PROVIDING FALSE INFORMATION; ADDRESSES EXEMPT FROM DISCLOSURE UNDER OPEN RECORDS LAW

Ky. REV. STAT. ANN. § 14.304

1. Upon the creation of the crime victim address protection program, an applicant, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of a person who is declared incompetent, or a designee of an applicant or a parent or guardian of a minor or a guardian of a person declared incompetent who cannot for any reason apply themselves, may apply to the Secretary of State to have an address designated by the Secretary of State serve for voting purposes as the address of the applicant, the minor, or the incompetent 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 by administrative regulation and if it contains:
 - a. A sworn statement by the applicant that:
 1. The applicant or the minor or the incompetent person on whose behalf the application is made is a victim of a specified offense in an ongoing criminal case or in a criminal case that resulted in a conviction by a judge or jury or by a defendant's guilty plea; or
 2. The applicant or the minor or the incompetent person on whose behalf the application is made has been granted an order of protection as defined in KRS 403.720 and 456.010 by a court of competent jurisdiction within the Commonwealth of Kentucky and the order is in effect at the time of application;
 - b. A sworn statement by the applicant 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 incompetent person on whose behalf the application is made.
 - c. The mailing address and the phone 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 a specified offense; and
 - e. The signature of the applicant and of a representative of any office designated under KRS 14.310 as a referring agency 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 the filing of a properly completed application, the Secretary of State shall certify the applicant as a program participant if the applicant is not required to register as a sex offender or is not otherwise prohibited from participating in the program.
 4. Applicants shall be certified for two (2) years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State shall promulgate an administrative regulation to 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 incompetent 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 a violation of KRS 523.030.
 6. The addresses of individuals applying for entrance into the crime victim address confidentiality program and the addresses of those certified as program participants shall be exempt from disclosure under the Kentucky Open Records Act, KRS 61.870 to KRS 61.884.
 7. A program participant shall notify the Office of the Secretary of State of a change of address within seven (7) days of the change of address.
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PROTECTIONS FOR PERSON WITH RENTAL OR LEASE AGREEMENT WHO IS PROTECTED BY DOMESTIC VIOLENCE ORDER OR INTERPERSONAL PROTECTIVE ORDER

KY. REV. STAT. ANN. § 383.300

- a. This section shall apply only to leases or rental agreements created or renewed on or after June 29, 2017.
- b. A person who is both a named individual and a protected tenant shall not be eligible for the protections under this section.
3. (2) As used in this section:
 - a. "Named individual" means a person identified in the protective orders listed in paragraph (b) of this subsection as restrained from contact with the protected tenant; and
 - b.
 1. "Protected tenant" means a residential rental or leased housing tenant, applicant for tenancy, or a tenant with a minor household member, who is protected by a valid:
 - a. Domestic violence order issued pursuant to KRS 403.740 which restrains the adverse party from any unauthorized contact; or
 - b. Interpersonal protective order issued pursuant to KRS 456.060 which restrains the adverse party from any unauthorized contact.
 2. For purposes of subsections (3) and (4) of this section, "protected tenant" also means a residential rental or leased housing tenant, applicant for tenancy, or a tenant with a minor household member who is protected by a valid:
 - a. Emergency protective order issued pursuant to KRS 403.730;
 - b. Temporary interpersonal protective order issued pursuant to KRS 456.040; or
 - c. Pretrial release no contact order issued pursuant to KRS 431.064.
3.
 - a. A landlord shall not terminate, fail to renew, refuse to enter into, or otherwise retaliate in the renting or leasing of a residence because of the person's status as a protected tenant.
 - b. It shall be a defense to an action for possession of a rented or leased residential property if the court determines that:
 1. The tenant is a protected tenant; and
 2. The notice to vacate is substantially based on acts which violated the tenant's protective order or led to the issuance of a protective order listed in subsection (2) of this section, including an action for possession based on complaints of noise, disturbances, or repeated presence of peace officers.
4.
 1. After informing the landlord of an intention to install a new lock, a protected tenant, at his or her expense, may install a new lock to his or her dwelling by:
 - a. Rekeying the lock if the lock is in good working condition; or
 - b. Replacing the entire locking mechanism with a locking mechanism of equal or better quality than the lock being replaced.
 2. The tenant shall provide a key to the new lock to the landlord upon request.
 - b. Regardless of any provision in the lease or rental agreement, the landlord may refuse to provide a key to the new lock to a named individual, even if the named individual is a party to the lease or rental agreement.
 - c. A named individual who has been excluded from leased or rented property under this section remains liable for rent.

5.
 - a. For a protected tenant who obtains a valid protective order listed in subsection (2)(b)1. of this section after entering into a lease or rental agreement, the lease or rental agreement may be terminated by providing the landlord with:
 1. Written notice of termination to be effective on a date stated in the notice that is at least thirty (30) days after the landlord's receipt of the notice; and
 2. A copy of the valid protective order.
 - b. For a protected tenant who obtains a valid protective order listed in subsection (2)(b)1. of this section before entering into a lease or rental agreement, the lease or rental agreement may be terminated by:
 1. Providing the landlord with written notice of termination to be effective on a date stated in the notice that is at least thirty (30) days after the landlord's receipt of the notice;
 2. Attaching a copy of the valid protective order; and
 3. Demonstrating a safety concern to the landlord that arises after execution of the lease.
 - c. Upon termination of a lease or rental agreement under this section, the released protected tenant shall:
 1. Be liable for the rent due under the lease or 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 lease or rental agreement;
 2. Not receive a negative credit entry, a negative character reference, or be liable for any other rent or fees due solely to the early termination of the tenancy; and
 3. Not be subject to any damages or penalties if a lease or rental agreement is terminated under this subsection fourteen (14) or more days prior to occupancy.
 - d. Regardless of whether the named individual is a party to a lease or rental agreement terminated under this subsection, the named individual:
 1. Is deemed to have interfered with the terminated lease or rental agreement between the landlord and tenant; and
 2. Shall be civilly liable for all economic losses incurred by the landlord for the early lease termination, including unpaid rent, early lease termination fees, commissions and advertising costs incurred in reletting the premises, costs to repair damages to the premises, or any reductions in rent previously granted to the protected tenant.
 6. Regardless of conflicting provisions in a named individual's rental agreement or lease, if a named individual and a protected tenant are cotenants, a landlord may:
 - a. Refuse access to the property by a named individual unless the named individual is specifically permitted access by court order; and
 - b. Pursue all available legal remedies against the named individual, including:
 1. Termination of the named individual's rental agreement or lease;
 2. Eviction of the named individual, whether or not a lease or rental agreement between the landlord and the named individual exists; and
 3. Action for damages against the named individual for any unpaid rent owed by the named individual or any damages resulting from a violation of a valid protective order listed in subsection (2)(b)1. of this section.
 7. Notwithstanding the release of a protected tenant or an exclusion of a named individual from a lease or rental agreement under this section, if there are any remaining tenants residing in the dwelling unit, the tenancy shall continue for those tenants.
 8. A landlord is immune from civil liability if the landlord in good faith acts in accordance with this section.
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PROHIBITED INCLUSION IN RENTAL OR LEASE AGREEMENT OF AUTHORITY TO TERMINATE ON THE BASIS OF TENANT'S REQUEST FOR ASSISTANCE IN EMERGENCIES

Ky. REV. STAT. ANN. § 383.302

1. A landlord shall not include in a residential rental agreement or lease for housing a provision authorizing the landlord to terminate the agreement or to impose a penalty on a tenant for requests made by the tenant for assistance from peace officers or other assistance in response to emergencies.
 2. A residential rental agreement or lease provision prohibited by subsection (1) of this section is unenforceable. If a landlord enforces a rental agreement or lease containing provisions known by the landlord to be prohibited by this section, the tenant may recover actual damages sustained by the tenant, reasonable attorney's fees, and all other costs incurred in bringing the action, and punitive damages of not more than two (2) months of periodic rent.
 3. This section shall apply only to leases or rental agreements created or renewed on or after June 29, 2017.
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EDUCATIONAL MATERIALS TO BE PROVIDED TO SUSPECTED VICTIM OF DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE; AVAILABILITY OF ONLINE MATERIALS

Ky. REV. STAT. ANN. § 209A.130

1. If a professional has reasonable cause to believe that a victim with whom he or she has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, the professional shall provide the victim with educational materials related to domestic violence and abuse or dating violence and abuse including information about how he or she may access regional domestic violence programs under KRS 209A.045 or rape crisis centers under KRS 211.600 and information about how to access protective orders.
 2. A nonprofit corporation designated by the cabinet pursuant to KRS 209A.045 as a primary service provider for domestic violence shelter, crisis, and advocacy services in the district in which the provider is located shall make the educational materials required under this section available on its Web site or in print form for professionals to provide to possible victims of domestic violence and abuse or dating violence and abuse.
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LOUISIANA



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

- Lease agreements for certain residential dwellings; domestic abuse survivors. LA. REV. STAT. ANN. § 9:3261.1.
 - ◁ Lease may not limit or penalize right to summon emergency assistance.
 - ◁ Limiting rejection or eviction of tenants due to survivor status or abuse.
 - ◁ Providing for early lease termination, but with effect for all tenants, not only the survivor. No intent to supersede federal rules under the Violence Against Women Act (VAWA), where stronger state protections would otherwise supersede VAWA, including on lease bifurcation.
 - ◁ Survivor tenant may enforce by civil suit.
 - ◁ Landlord's remedies against domestic abuse offenders.
 - Early lease termination for survivors of sexual assault. LA. REV. STAT. ANN. § 9:3261.2.
 - Housing Authorities Law: housing authority may not terminate survivor's tenancy due to domestic abuse, dating violence, or family violence. LA. REV. STAT. ANN. § 40:506.
 - Possession of property and exclusion of restrained party. LA. REV. STAT. ANN. §§ 46:2135, 46:2136, LA. CHILD. CODE ANN. §§ 1569, 1570. Effective June 15, 2022.
 - Extending eligibility for protections under R.S. 46, Chapter 28 (LA. REV. STAT. ANN. 46:2121— 2148):
 - ◁ LA. REV. STAT. ANN. § 46:2151. Dating violence.
 - ◁ LA. REV. STAT. ANN. § 46:2173. Stalking.
 - ◁ LA. REV. STAT. ANN. § 46:2183. Sexual assault.
 - Uniform Abuse Prevention Order form and central registry to implement orders issued under various statutes; expungement of orders not granted or not continued. LA. REV. STAT. ANN. § 46:2136.2
 - Address confidentiality program. LA. REV. STAT. ANN. § 44:52.
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LEASE AGREEMENTS FOR CERTAIN RESIDENTIAL DWELLINGS; DOMESTIC ABUSE VICTIMS

LA. REV. STAT. ANN. § 9:3261.1

- A. This Section shall apply only to a lease agreement for a residential dwelling within a building or structure consisting of six or more separate residential dwellings. The provisions of this Section shall not apply when the structure consists of ten or fewer units and one of the units is occupied by the owner or lessor.

B. Definitions

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2. "Domestic abuse" means domestic abuse battery as defined in R.S. 14:35.3 provided that the domestic abuse was committed on the leased premises.
3. "Domestic abuse offender" means a lessee or household member who has been named as a defendant in a Uniform Abuse Prevention Order or has been identified as a perpetrator of domestic abuse in a Certification of Domestic Abuse.
4. "Domestic abuse victim" means a lessee or household member who has been named as a petitioner in a Uniform Abuse Prevention Order or has completed a Certification of Domestic Abuse.

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6. "Qualified third party" means the executive director, program director, or another employee of a community-based shelter contracted with the Department of Children and Family Services pursuant to R.S. 46:2124, provided the employee is a Licensed Clinical Social Worker (LCSW) or possesses a masters degree in Social Work (MSW).
7. "Reasonable documentation" shall be exclusively confined to mean any of the following documents:
 - a. A completed Certification of Domestic Abuse form as set forth in this Section, signed under oath by a qualified third party as defined in this Section.
 - b. A Uniform Abuse Prevention Order.
1. No lease agreement shall:
 - a. Limit the lessee's right to summon, or any other person's right to summon, a law enforcement officer or other emergency assistance in response to an emergency or following an incident of domestic abuse on the leased premises.
 - b. Assess monetary penalties or other penalties under the lease for the lessee summoning, or for any other person summoning, a law enforcement officer or other emergency assistance in response to an emergency or following an incident of domestic abuse on the leased premises.
2. A lease provision prohibited under this Subsection shall be null, void, and unenforceable.

D.

1. A lessor shall not:
 - a. Refuse to enter into the lease agreement solely on the basis that an applicant, or that applicant's household member, is or has been a victim of domestic abuse, or, except as provided by Subparagraph (b) of this Paragraph, on the basis of activity directly related to domestic abuse, if that applicant provides reasonable documentation and otherwise qualifies to enter into a lease agreement. The provisions of this Subparagraph shall not apply to an applicant who has previously been evicted by the lessor for any reason.
 - b. Terminate the lease agreement, fail to renew the lease agreement, or issue an eviction notice or notice to vacate on the basis that an act of domestic abuse or activity directly related to domestic abuse has occurred on the leased premises and the victim is a lessee or a lessee's household member. However, if the continued presence of a domestic abuse offender in, or in close proximity to, the lessee's residential dwelling or apartment results in one or more additional violent disturbances or altercations and those disturbances or altercations pose a threat to the safety or peaceable possession of the premises by the lessee or other residents, then the lessor may evict the lessee, even if the presence of the domestic abuse offender is uninvited or unwelcome by the lessee. In such evictions, at the lessor's sole discretion, the lessor may permit the lessee to relocate to a different residential dwelling or apartment, provided that another residential dwelling or apartment is available and the lessee otherwise meets the lessor's qualification standards.
2. An applicant, lessee, or any household member of an applicant or lessee who is or was the victim of domestic abuse, and who seeks protection under this Section, shall produce to the lessor reasonable documentation of the domestic abuse on or before the date of the lease application, lease termination, lease nonrenewal, or before the judgment or order of eviction is rendered. Failure of the applicant, lessee, or household member of any applicant or lessee to timely produce such reasonable

documentation shall preclude and act as a complete bar to that applicant, lessee, or household member asserting claims or causes of action against the lessor for violation of this Subsection.

- a. lessor who has not yet been given reasonable documentation of the abuse by the lessee and who issues an eviction notice or a notice to vacate to any lessee for any reason allowed under an existing lease agreement, including damage to leased premises, shall not be penalized under this Section.
 - b. However, if the sole reason the eviction notice or notice to vacate was issued was a single act of domestic abuse and not an additional act of domestic abuse under Paragraph (D)(1), no breach of the lease has been alleged, and the lessor receives reasonable documentation of domestic abuse before the judgment or order of eviction is rendered, then the lessor shall rescind the eviction notice or notice to vacate.
- E. Only a lessee or a household member of the lessee's residential dwelling unit may be considered a domestic abuse victim such that the lessee may request an accommodation under this Section. In order for a lessee to receive an early termination as provided in this Section, the lessee shall do all of the following:
1. Assert in writing to the lessor that the lessee, or the lessee's household member, is a domestic abuse victim and that the lessee seeks the particular accommodation afforded under Subsection F of this Section.
 2. Provide to the lessor reasonable documentation that the lessee seeking an accommodation, or that lessee's household member, was a victim of an act of domestic abuse on the leased premises within the past thirty days.
 3. Assert in writing that the lessee seeking the accommodation will not knowingly voluntarily permit the domestic abuse offender further access to, visitation on, or occupancy of the lessee's residential dwelling unit and acknowledging that any violation of this Section may result in eviction or termination of the lease.
 4. Otherwise meet or agree to fulfill all requirements of a lessee under the lease agreement.
 5. If requested by the lessor, provide in writing the name and address of the person named as the defendant, perpetrator or abuser in a Uniform Abuse Prevention Order or Certification of Domestic Abuse form.
- F. If a lessee fulfills all of the requirements of Subsection E of this Section, the lessor shall grant the lessee the requested early termination of the lease, as provided by this Subsection:
1. If the lessee requests early termination of the lease agreement, the lessor shall terminate the lease agreement as a matter of law on a mutually agreed-upon date within thirty days of the written request for accommodation. The lessee requesting the accommodation shall vacate the residential dwelling by that date to avoid liability for future rent.
 2. In such cases, the lessee requesting the accommodation is liable only for rent paid through the early termination date of the lease and any previous obligations to the lessor outstanding on that date. The amount due from the lessee shall be paid to the lessor on or before the date the lessee vacates the dwelling. The lessor may withhold the lessee's security deposit only for any reason permitted under R.S. 9:3251. If the lessee or an additional lessee is a domestic abuse offender named on reasonable documentation presented to the lessor in a lessee's request for an accommodation under this Section, the lessor shall be entitled to an immediate eviction of the domestic abuse offender upon presenting the court with reasonable documentation of the abuse.
 3. When there are multiple lessees who are parties to a lease agreement for which the accommodation of early termination is requested by one or more lessees, and upon the lessee's timely providing to the lessor reasonable documentation of the abuse as required in this Section, the entire lease shall terminate on the mutually agreed-upon date, and the lessor shall be entitled to an immediate eviction of all lessees upon presenting the court with reasonable documentation of the abuse.
- G. Nothing in this Section shall be construed to limit a lessor's right to refuse to enter into a lease agreement, terminate a lease agreement, fail to renew a lease agreement, or issue an eviction notice or notice to vacate to a lessee or tenants pursuant to Code of Civil Procedure Article 4701, et seq., for actions unrelated to the act of domestic abuse. Further, a lessor shall be entitled to an immediate eviction of the domestic abuse offender upon presenting the court with reasonable documentation of the abuse, and nothing in this Section shall limit a lessee's obligation as required by a lease agreement between the lessor and lessee.
- H. A Certification of Domestic Abuse form as provided for in this Section shall read substantially the same as follows:

(Name of qualified third party and, if applicable, the name of their shelter, office or agency)

I and/or my (family or household member) has suffered domestic abuse as defined in R.S. 9:3261.1.

Briefly describe the incident giving rise to the claim of domestic abuse:

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 Louisiana 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 does not end until the early termination date of my lease as decided by the lessor or until I vacate the premises upon receiving agreement by the lessor to terminate my obligations under the lease early. I understand that my lessor may keep my security deposit or other amounts as permitted under law.

Dated at _____, Louisiana, _____ this day of _____ 20__.

(Signature of Lessee or Lessee's family or household member)

PRINTED NAME

I verify under penalty of perjury under the laws of the state of Louisiana 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 or his or her family or household member has suffered domestic abuse as defined by R.S. 9:3261.1, and that the individual informed me of the name of the alleged perpetrator of the actions, giving rise to the claim, 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 qualified third party)

PRINTED NAME

(License number or organizational tax identification number)

(Organization name)

(Printed address)

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- I. A civil action for enforcement of rights granted pursuant to this Section may be commenced in state district court by a domestic abuse victim within one year of an alleged violation of this Section. In the civil action, the court may only grant as relief any permanent or temporary injunction, temporary restraining order, or other similar order, as the court deems appropriate.
 - J. Upon motion of the defendant or upon the court's own motion, if the court determines that a civil action brought under this Section is frivolous, the court shall award appropriate sanctions pursuant to Code of Civil Procedure Article 863.
 - K. No civil action may be commenced under this Section if the plaintiff or the plaintiff's household member has knowingly voluntarily permitted the domestic abuse offender access to, visitation on, or occupancy of the lessee's residential dwelling unit at any time after having requested an accommodation from the lessor under this Section.
 - L. Notwithstanding 24 Code of Federal Regulations Part 5.2011 and any other provision of law to the contrary, the provisions of this Section shall not supersede 24 CFR Part 5 Subpart L, as amended from time to time, including the programs provided for in 24 CFR Part 5.2009.
 - M. Lessors or owners of residential dwellings who institute eviction proceedings against domestic abuse offenders under this Section

shall be immune from any and all lawsuits, claims, demands, or causes of action filed by or on behalf of domestic abuse offenders for wrongful eviction, breach of contract, termination of the lease in violation of this Section, discrimination under state or federal law, or any other claims or causes of actions arising in any way out of the eviction.

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LEASE AGREEMENTS FOR CERTAIN RESIDENTIAL DWELLINGS; SEXUAL ASSAULT VICTIMS

LA. REV. STAT. ANN. § 9:3261.2

A. Definitions

1. "Qualified third party" means a program director of a sexual assault center as defined in R.S. 46:2187, a sexual assault advocate as defined in R.S. 46:2186(C), provided the advocate is a licensed clinical social worker or licensed professional counselor, any healthcare provider that conducted a forensic medical examination as defined in R.S. 15:622, or a prosecuting attorney or investigating law enforcement officer who has personal involvement in the investigation or prosecution of any criminal case relative to the sexual assault.
2. "Reasonable documentation" shall be exclusively confined to mean any of the following documents:
 - a. A completed certification of sexual assault as set forth in this Section, signed under oath by a qualified third party as defined in this Section.
 - b. A Uniform Abuse Prevention Order.
3. "Sexual assault" means any nonconsensual sexual contact including but not limited to any act provided in R.S. 15:541(24). Sexual assault also means obscenity, as provided in R.S. 14:106, or voyeurism, as provided in R.S. 14:283.1, provided that the obscenity or voyeurism occurred on the leased premises.
4. "Sexual assault victim" means a victim of sexual assault as defined in R.S. 46:1842.

B. In order for a lessee to receive an early termination as provided in this Section, the lessee shall do all of the following:

1. Assert in writing to the lessor that the lessee is a victim of sexual assault and that the lessee seeks early termination under Subsection C of this Section.
2. Provide to the lessor reasonable documentation that the lessee seeking an early termination was a victim of an act of sexual assault in Louisiana within the past sixty days, provided that the sexual assault occurred after the execution of the lease agreement. If the sexual assault did not occur on the leased premises, then the lessee shall give a declaration of why continuing to reside in the leased premises may pose a threat to the victim's safety in the certification provided in Subsection D of this Section.
3. Assert in writing that the lessee will not knowingly and voluntarily permit the sexual offender further access to, visitation on, or occupancy of the lessee's residential dwelling unit and acknowledging that any violation of this Section may result in eviction or termination of the lease.
4. Otherwise meet or agree to fulfill all requirements of a lessee under the lease agreement.

C. If a lessee fulfills all the requirements of Subsection D of this Section, the lessor shall grant the lessee the requested early termination of the lease, as provided by this Subsection.

1. If the lessee requests early termination of the lease agreement, the lessor shall terminate the lease agreement as a matter of law on a mutually agreed-upon date within thirty days of the written request for early termination. The lessee requesting the early termination shall vacate the residential dwelling by the date to avoid liability for future rent.
2. In such cases, the lessee requesting the early termination is liable only for rent paid through the early termination date of the lease and any previous obligations to the lessor outstanding on that date. The amount due from the lessee shall be paid to the lessor on or before the date the lessee vacates the dwelling. The lessor may withhold the lessee's security deposit only for any reason permitted under R.S. 9:3251. If the lessee or an additional lessee is a sexual assault offender named on reasonable

documentation presented to the lessor, the lessor shall be entitled to an immediate eviction of the sexual assault offender upon presenting the court with reasonable documentation of the assault.

3. When there are multiple lessees who are parties to a lease agreement for which the accommodation of early termination is requested by one or more lessees, and upon the lessee's timely providing to the lessor reasonable documentation of the sexual assault as required in this Section, the entire lease shall terminate on the mutually agreed-upon date, and the lessor shall be entitled to an immediate eviction of all lessees upon presenting the court with reasonable documentation of the sexual assault. If the lessee or an additional lessee is a sexual assault offender named on the reasonable documentation presented to the lessor, then the lessor shall be entitled to an immediate eviction of the sexual assault offender upon presenting the court with reasonable documentation of the assault. Lessors shall be immune from any and all lawsuits, claims, demands, or causes of action filed by or on behalf of lessees.

D. A certification of sexual assault form as provided by this Section shall read substantially the same as follows:

(Name of qualified third party and, if applicable, the name of their sexual assault center, office, or agency)

I have suffered sexual assault as defined in R.S. 9:3261.2.

Briefly describe the incident giving rise to the claim of sexual assault:

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 the penalties provided in R.S. 14:125 that the foregoing is true and correct. By submitting this statement, I do not waive any legally recognized privilege protecting any communications that I 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 does not end until the early termination date of my lease as decided by the lessor or until I vacate the premises upon receiving agreement by the lessor to terminate my obligations under the lease early.

Dated at _____, Louisiana, this _____ day of _____, 20__.

Signature of Lessee

I verify under the penalties provided in R.S. 14:125 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 suffered sexual assault as defined by R.S. 9:3261.2, and that the individual informed me of the name of the alleged perpetrator of the actions (if known), giving rise to the claim, 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 qualified third party)

PRINTED NAME

(License number or organizational tax identification number)

(Organization name)

(Printed address)

E. The provisions of this Section may not be waived or modified by the agreement of the parties under any circumstances.

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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, including any child who is a member thereof, or on the part of any guest or invitee of a member of the household, notwithstanding that the head of household or any other member of the household either:
 - a. Was unaware of the misconduct constituting the ground for termination of tenancy.
 - b. Did not approve or participate in such misconduct.
 - c. Was not personally at fault in connection with such misconduct.

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- 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.
- 3. As used in this Subsection:
 - a. "Domestic abuse" has the meaning as defined in R.S. 46:2132(3).
 - b. "Dating violence" has the meaning as defined in R.S. 46:2151(C).
 - c. "Family violence" has the meaning as defined in R.S. 9:362(3).

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TEMPORARY RESTRAINING ORDER

LA. REV. STAT. ANN. § 46:2135

- A. Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any minor children, or any person alleged to be an incompetent. Any person who shows immediate and present danger of abuse shall constitute good cause for purposes of this Subsection. The court shall consider any and all past history of abuse, or threats thereof, in determining the existence of an immediate and present danger of abuse. There is no requirement that the abuse itself be recent, immediate, or present. The order may include but is not limited to the following:
 - 1. Directing the defendant to refrain from abusing, harassing, or interfering with the person or employment or going near the residence or place of employment of the petitioner, the minor children, or any person alleged to be incompetent, on whose behalf a petition was filed under this Part.
 - 2. Awarding to a party use and possession of specified jointly owned or leased property, such as an automobile.
 - 3. 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:

- a. The residence is jointly owned in equal proportion or leased by the defendant and the petitioner or the person on whose behalf the petition is brought;
 - b. The residence is solely owned by the petitioner or the person on whose behalf the petition is brought; or
 - c. The residence is solely leased by defendant and defendant has a duty to support the petitioner or the person on whose behalf the petition is brought.
4. Prohibiting either party from the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business, or for the necessary support of the party or the minor children.

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6. Awarding or restoring possession to the petitioner of all separate property and all personal property, including but not limited to telephones or other communication equipment, computers, medications, clothing, toiletries, social security cards, birth certificates or other forms of identification, tools of the trade, checkbooks, keys, automobiles, photographs, jewelry, or any other items or personal effects of the petitioner and restraining the defendant from transferring, encumbering, concealing, or disposing of the personal or separate property of the petitioner.

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- C. During the existence of the temporary restraining order, a party shall have the right to return to the family residence once to recover his or her personal clothing and necessities, provided that the party is accompanied by a law enforcement officer to insure the protection and safety of the parties.

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- G. Immediately upon entering a temporary restraining order, the judge shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of court for filing on the day that the order is issued.

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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 domestic abuse as defined in R.S. 46:2132, or the threat or danger thereof, to a party, any minor children, or any person alleged to be incompetent, which relief may include but is not limited to:
- 1. Granting the relief enumerated in R.S. 46:2135.
 - 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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TEMPORARY RESTRAINING ORDER

LA. CHILD. CODE ANN. § 1569

- A. Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any children, or any person alleged to be an incompetent. Immediate and present danger of abuse shall constitute good cause for purposes of this Article. The order may include but is not limited to the following:
1. Directing the defendant to refrain from abusing, harassing, or interfering with the person or employment or going near the residence or place of employment of the petitioner, the children, or any person alleged to be incompetent, on whose behalf a petition was filed under this Chapter.
 2. Awarding to a party the use and possession of specified community property, such as an automobile.
 3. 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 when either:
 - a. The residence is jointly owned in equal proportion or leased by the defendant and the petitioner or the person on whose behalf the petition is brought.
 - b. The residence is solely owned by the petitioner or the person on whose behalf the petition is brought.
 - c. The residence is solely leased by defendant and defendant has a duty to support the petitioner or the person on whose behalf the petition is brought.
 4. Prohibiting either party from the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business, or for the necessary support of the party or the minor children.
- ...
6. Awarding or restoring possession to the petitioner of all separate property and all personal property, including but not limited to telephones or other communication equipment, computer, medications, clothing, toiletries, social security cards, birth certificates or other forms of identification, tools of the trade, checkbook, keys, automobile, photographs, jewelry, or any other items or personal effects of the petitioner and restraining the defendant from transferring, encumbering, concealing, or disposing of the personal or separate property of the petitioner.
- ...
- C. During the existence of the temporary restraining order, a party shall have the right to return to the family residence once to recover his or her personal clothing and necessities, provided that the party is accompanied by a law enforcement officer to insure the protection and safety of the parties.
- ...
- H. Immediately upon rendering a decision granting the relief requested by the petitioner, the judge shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of court for filing on the day that the order is issued.
- ...
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PROTECTIVE ORDERS; CONTENT; MODIFICATION; SERVICE

LA. CHILD. CODE ANN. § 1570

- A. The court may grant any protective order or approve any consent agreement to bring about a cessation of abuse of a party, any children, or any person alleged to be incompetent, which relief may include but is not limited to:
1. Granting the relief enumerated in Article 1569.

2. When 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.

...

DATING VIOLENCE

LA. REV. STAT. ANN. § 46:2151

- A. A victim of a dating partner, as defined in Subsection B of this Section, shall be eligible to receive all services, benefits, and other forms of assistance provided by Chapter 28 of this Title.
- B. For purposes of this Section, “dating partner” means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. “Dating partner” shall not include a casual relationship or ordinary association between persons in a business or social context.
- C. For purposes of this Section, “dating violence” includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other.

PROTECTION FROM STALKING

LA. REV. STAT. ANN. § 46:2173

A victim of stalking by a perpetrator who is a stranger to or acquaintance of the victim shall be eligible to receive all services, benefits, and other forms of assistance provided by Chapter 28 of this Title, provided the services, benefits, and other forms of assistance are applicable based on the status of the relationship between the victim and perpetrator.

PROTECTION FROM SEXUAL ASSAULT; TEMPORARY RESTRAINING ORDER

LA. REV. STAT. ANN. § 46:2183

- A. A victim of sexual assault as defined by R.S. 46:2184, perpetrated by a person who is either unknown to the victim or who is an acquaintance of the victim, shall be eligible to receive all services, benefits, and other forms of assistance provided by Chapter 28 of this Title.
- B. For persons who are eligible, under the provisions of this Chapter, to seek a temporary restraining order pursuant to the provisions of R.S. 46:2135, a showing that the person is or has been a victim of sexual assault shall constitute good cause for purposes of obtaining a temporary restraining order in an ex parte proceeding.

LOUISIANA PROTECTIVE ORDER REGISTRY

LA. REV. STAT. ANN. § 46:2136.2

- A. In order to provide a statewide registry for abuse prevention orders to prevent domestic abuse, dating violence, stalking, and sexual assault and to aid law enforcement, prosecutors, and the courts in handling such matters, there shall be created a Louisiana Protective Order Registry administered by the judicial administrator’s office, Louisiana Supreme Court....

- B. The Louisiana Protective Order Registry encompasses temporary restraining orders, protective orders, preliminary injunctions, permanent injunctions, and court-approved consent agreements resulting from actions brought pursuant to R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq., R.S. 9:361 et seq., R.S. 9:372, Children’s Code Article 1564 et seq., Code of Civil Procedure Article 3607.1, or peace bonds pursuant to Code of Criminal Procedure Article 30(B), or as part of the disposition, sentence, or bail condition of a criminal matter pursuant to Code of Criminal Procedure Articles 327.1, 335.1, 335.2, or 871.1 as long as such order is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another person to prevent domestic abuse, stalking, dating violence, or sexual assault.
 - C. The courts of this state shall use a uniform form for the issuance of any protective or restraining order, which form shall be developed, approved, and distributed by the judicial administrator’s office, shall be titled the “Uniform Abuse Prevention Order”.
- ...
- E. Upon formation, the registry shall immediately implement a daily process of expungement of records and names of the parties in all cases where either a temporary restraining order expires without conversion to an injunction or, after an evidentiary hearing, it is determined that a protective order is not warranted.
- ...
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ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION; CERTIFICATION; SUBSTITUTE ADDRESS; RENEWAL; PROHIBITED ACTS; PENALTIES

LA. REV. STAT. ANN. § 44:52

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:

- Court Procedure. CIVIL. ME. REV. STAT. ANN. tit. 14, c. 709, 710 (§§ 6000–6030-G).
 - ◁ Definitions. § 6000.
 - ◁ Prohibiting eviction of survivor due to domestic violence, sexual assault, or stalking; eviction presumed retaliatory if it follows notification of “victim” status; limiting tenant’s liability for damage; bifurcating lease; early lease termination. §§ 6001, 6002.
 - ◁ Perpetrator liable to tenant for damages including moving costs, rent, damage to unit, court costs, and attorney’s fees. § 6010.
 - ◁ Sexual harassment by landlord prohibited. §§ 6001, 6016-A.
 - ◁ Lock changes. §§ 6001, 6025.
- Prohibiting housing discrimination due to seeking and receiving protective order. ME. REV. STAT. ANN. tit. 5, §§ 4581*, 4581-A*.
- Possession of property and exclusion of the restrained party; abuser to pay for alternative housing and moving expenses. Abuse defined to include economic abuse. ME. REV. STAT. ANN. tit. 19-A, §§ 4102, 4110.
- Order against harassment may order defendant to pay for property damage, moving costs. ME. REV. STAT. ANN. tit. 5, §§ 4654, 4655.
- Confidentiality of housing authority records. ME. REV. STAT. ANN. tit. 30-A, § 4706.
- Sexual Harassment Prohibited; Maine Human Rights Act. ME. REV. STAT. ANN. tit. 14, § 6016-A.
- Address confidentiality program. ME. REV. STAT. ANN. tit. 5, § 90-B.

*Note: Starred provisions refer to the former ME. REV. STAT. ANN. tit. 19-A § 4007, part of tit. 19-A, Chapter 101 (§§4001 — 4014), which was superseded effective January 1, 2023 by tit. 19-A, Chapter 103 (§§4101-4116), enacted by 2022 ME. LAWS Chapter 647 (S.P. 551) (L.D. 1696).

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DEFINITIONS

ME. REV. STAT. ANN. tit. 14, § 6000

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Domestic violence. “Domestic violence” means conduct described in Title 17-A, chapters 9, 11, 12 and 13; Title 17-A, sections 432, 433, 506, 506-A, 506-B, 758, 805, 806, 852 and 853; and Title 19-A, section 4102, subsection 1, when the victim of that conduct or threat is a family or household member, as defined in Title 19-A, section 4102, subsection 6, paragraphs A to E or dating partner, as defined in Title 19-A, section 4102, subsection 4.
2. Sexual assault. “Sexual assault” means any conduct described under Title 17-A, chapters 11, 12 and 35 and Title 17-A, sections 852 and 853.
- 2-A. Sexual harassment. “Sexual harassment” means verbal or physical conduct of a sexual nature directed at a specific person, including, but not limited to, unwelcome sexual advances; sexually suggestive remarks or actions; unwanted hugs, touches or kisses; and requests for sexual favors. “Sexual harassment” includes retaliation for communicating about or filing a complaint of sexual

harassment.

3. Stalking. "Stalking" means any conduct described in Title 17-A, section 210-A.
4. Victim. "Victim" means an individual who has been subject to domestic violence, sexual assault or stalking.

AVAILABILITY OF REMEDY

ME. REV. STAT. ANN. TIT. 14, § 6001

...

3. Presumption of retaliation. In any action of forcible entry and detainer there is a rebuttable presumption that the action was commenced in retaliation against the tenant if, within 6 months prior to the commencement of the action, the tenant has:

...

- F. Prior to being served with an eviction notice, provided the landlord or the landlord's agent with notice that the tenant or tenant's minor child is a victim; or
- G. Prior to being served with an eviction notice, communicated to the landlord or the landlord's agent about an act of sexual harassment or filed a complaint with a law enforcement agency, the Maine Human Rights Commission or a court of an act of sexual harassment by the landlord or the landlord's agent against the tenant or a family or household member of the tenant.

If an action of forcible entry and detainer is brought for any reason set forth in section 6002, subsection 1 or for violation of a lease provision, the presumption of retaliation does not apply, unless the tenant has asserted a right pursuant to section 6026.

No writ of possession may issue in the absence of rebuttal of the presumption of retaliation.

...

6. Domestic violence, sexual assault and stalking. This subsection applies to incidents involving domestic violence, sexual assault or stalking.
 - A. A victim may not be evicted based on an incident or incidents of actual or threatened domestic violence, sexual assault or stalking occurring at the premises or reporting to any agency such incidents that otherwise may be construed as:
 1. A nuisance under section 6002;
 2. Damage to property under section 6002; or
 3. A lease violation arising from a nuisance, a disturbance or damage to premises.
 - B. A victim may not be held liable for damage to the property related to an incident or incidents of actual or threatened domestic violence, sexual assault or stalking beyond the value of the victim's security deposit, as long as the alleged perpetrator is a tenant and the victim provides written notice of the damage and documentation required pursuant to paragraph H within 30 days of the occurrence of the damage.
 - C. A landlord may bifurcate a lease or tenancy without regard to whether a household member who is a victim is a signatory to the lease in order to evict or terminate the tenancy of a perpetrator of domestic violence, sexual assault or stalking. In bifurcating a tenancy, a landlord may not interfere with a victim's property rights as allocated in a valid court order. Nothing in this section may be construed to create a tenancy that previously did not exist.
 - D. A victim may terminate a lease early due to an incident or threat of domestic violence, sexual assault or stalking by providing:
 1. Seven days' written notice and documentation required pursuant to paragraph H, in the case of a lease of less than one year; or
 2. Thirty days' written notice and documentation required pursuant to paragraph H, in the case of a lease with a term of one year or more.

A victim is not liable for any unpaid rent under the victim's lease.

- D-1. A tenant who is the victim of sexual harassment by a landlord or the landlord's agent may terminate a lease as set forth in paragraph D if the tenant provides documentation set forth in paragraph H.
- E. Nothing in this section prohibits a landlord from evicting a tenant for reasons unrelated to domestic violence, sexual assault or stalking.
- F. Nothing in this section prohibits a landlord from instituting a forcible entry and detainer action against the tenant of the premises who perpetrated the domestic violence, sexual assault or stalking or obtaining a criminal no trespass order against a nontenant who perpetrates such violence or abuse at the premises.
- G. Nothing in this section limits the rights of a landlord to hold a perpetrator of the domestic violence, sexual assault or stalking liable for damage to the property.
- H. When a victim asserts any of the provisions contained within this chapter specifically available to a victim, except for changing locks according to section 6025, subsection 1, a victim shall provide to the landlord documentation of the alleged conduct by the perpetrator, including the perpetrator's name. Acceptable documentation includes, but is not limited to:
 - 1. A statement signed by a Maine-based sexual assault counselor as defined in Title 16, section 53-A, subsection 1, paragraph B, an advocate as defined in Title 16, section 53-B, subsection 1, paragraph A or a victim witness advocate as defined in Title 16, section 53-C, subsection 1, paragraph C;
 - 2. A statement signed by a health care provider, mental health care provider or law enforcement officer, including the license number of the health care provider, mental health care provider or law enforcement officer if licensed;
 - 3. A copy of a protection from abuse complaint or a temporary order or final order of protection;
 - 4. A copy of a protection from harassment complaint or a temporary order or final order of protection from harassment;
 - 5. A copy of a police report prepared in response to an investigation of an incident of domestic violence, sexual assault or stalking; and
 - 6. A copy of a criminal complaint, indictment or conviction for a domestic violence, sexual assault or stalking charge.

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TENANCY AT WILL; BUILDINGS ON LAND OF ANOTHER

ME. REV. STAT. ANN. TIT. 14, § 6002

...

- 1. Causes for 7-day notice of termination of tenancy. Notwithstanding any other provisions of this chapter, the tenancy may be terminated upon 7 days' written notice in the event that the landlord can show, by affirmative proof, that:
 - A. The tenant, the tenant's family or an invitee of the tenant has caused substantial damage to the demised premises that the tenant has not repaired or caused to be repaired before the giving of the notice provided in this subsection;
 - B. The tenant, the tenant's family or an invitee of the tenant caused or permitted a nuisance within the premises, has caused or permitted an invitee to cause the dwelling unit to become unfit for human habitation or has violated or permitted a violation of the law regarding the tenancy;

...

- D. The tenant is a perpetrator of domestic violence, sexual assault or stalking and the victim is also a tenant;
- E. The tenant or the tenant's guest or invitee is the perpetrator of violence, a threat of violence or sexual assault against another tenant, a tenant's guest, the landlord or the landlord's employee or agent, except that this paragraph does not apply to a tenant who is a victim as defined in section 6000, subsection 4 and who has taken reasonable action under the circumstances to comply with the landlord's request for protection of the tenant, another tenant, a tenant's guest or invitee, the landlord or the

landlord's employee or agent or of the landlord's property; or

- F. The person occupying the premises is not an authorized occupant of the premises.

...

- 4. Victims of domestic violence, sexual assault or stalking. A victim may terminate the victim's tenancy in a tenancy-at-will or a lease with a term of less than one year with 7 days' written notice and documentation required pursuant to section 6001, subsection 6, paragraph H due to an incident or threat of domestic violence, sexual assault or stalking. A victim of domestic violence, sexual assault or stalking may terminate the victim's tenancy in a lease with a term of one year or more with 30 days' written notice and documentation required pursuant to section 6001, subsection 6, paragraph H. When written notice is provided to the landlord, the victim is not liable for any rent due beyond the date the notice expires or the date the victim vacates the unit, whichever is later, unless the victim has prepaid rent for the month, in which case the landlord is not required to refund the rent for that month.

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SUMS DUE FOR RENT AND DAMAGES

ME. REV. STAT. ANN. TIT. 14, § 6010

...

- 4. ... A perpetrator of domestic violence, sexual assault or stalking that occurs in a residential rental property against a tenant of the property, household member or a tenant's guest is liable to the tenant for the tenant's damages as a result of the domestic violence, sexual assault or stalking regardless of whether or not the perpetrator is also a tenant. Such damages include, but are not limited to, moving costs, back rent, current rent, damage to the unit, court costs and attorney's fees.

Nothing in this section relating to damages as a result of domestic violence, sexual assault or stalking creates liability on behalf of a landlord.

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SEXUAL HARASSMENT PROHIBITED; MAINE HUMAN RIGHTS ACT

ME. REV. STAT. ANN. TIT. 14, § 6016-A

A landlord or a landlord's agent may not subject a tenant to sexual harassment.

Nothing in this subchapter limits the application of the Maine Human Rights Act.

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ACCESS TO PREMISES

ME. REV. STAT. ANN. TIT. 14, § 6025

- 1. Tenant obligations. A tenant may not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers or contractors.

A tenant may not change the lock to the dwelling unit without giving notice to the landlord and giving the landlord a duplicate key within 48 hours of the change. A victim may change the locks to the unit at the victim's expense. If the victim changes the locks to the unit, the victim shall provide the landlord with a duplicate key within 72 hours of changing the locks. For the purposes of this subsection, "victim" has the same meaning as in section 6000, subsection 4.

...

- 3. ... If a tenant changes the lock and does not provide the landlord with a duplicate key, in the case of emergency the landlord may

gain admission through whatever reasonable means necessary and charge the tenant reasonable costs for any resulting damage. If a tenant changes the lock and refuses to provide the landlord with a duplicate key, the landlord may terminate the tenancy with a 7-day notice.

4. **Waiver.** Any agreement by a tenant to waive any of the rights or benefits provided by this section is against public policy and is void.

RIGHT TO FREEDOM FROM DISCRIMINATION IN HOUSING; EXCEPTIONS

ME. REV. STAT. ANN. tit. 5, § 4581

The opportunity for an individual to secure housing in accordance with the individual's ability to pay, and without discrimination because of race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin or familial status or because the individual has sought and received an order of protection under Title 19-A, section 4007, is hereby recognized as and declared to be a civil right.

...

UNLAWFUL HOUSING DISCRIMINATION

ME. REV. STAT. ANN. tit. 5, § 4581-A

It is unlawful housing discrimination, in violation of this Act:

1. Sale or rental of housing and other prohibited practices. For any owner, lessee, sublessee, managing agent or other person having the right to sell or rent or manage a housing accommodation, or any agent of these, to:
 - A. Make or cause to be made any written or oral inquiry concerning the race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, familial status or any previous actions seeking and receiving an order of protection under Title 19-A, section 4007 of any prospective purchaser, occupant or tenant of the housing accommodation;
 - B. Refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold from any person the housing accommodation because of race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin or familial status or because the person sought and received an order of protection under Title 19-A, section 4007;
 - C. Make, print or publish or cause to be made, printed or published any notice, statement or advertisement relating to the sale, rental or lease of the housing accommodation that indicates any preference, limitation or discrimination based upon race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, familial status or any previous actions seeking and receiving an order of protection under Title 19-A, section 4007 or an intention to make any such preference, limitation or discrimination;
 - D. Discriminate against any person because of race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin or familial status or because the person sought and received an order of protection under Title 19-A, section 4007 in the price, terms, conditions or privileges of the sale, rental or lease of any housing accommodations or in the furnishing of facilities or services in connection with any housing accommodations; or
 - E. Evict or attempt to evict any tenant of any housing accommodation because of the race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin or familial status of the tenant or because the tenant sought and received an order of protection under Title 19-A, section 4007;
2. Selling, brokering or appraising of housing. For any real estate broker or real estate salesperson, or any agent of these, to:
 - A. Fail or refuse to show any person a housing accommodation listed for sale, lease or rent because of race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin or familial status or because the

person sought and received an order of protection under Title 19-A, section 4007;

- B. Misrepresent, for the purpose of discriminating because of race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, familial status or any previous actions seeking and receiving an order of protection under Title 19-A, section 4007, the availability or asking price of a housing accommodation listed for sale, lease or rent or for such reason to fail to communicate to the person having the right to sell, rent or lease the housing accommodation any offer for the same made by any applicant;
 - C. In any other manner to discriminate against any applicant for a housing accommodation because of race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin or familial status or because the applicant sought and received an order of protection under Title 19-A, section 4007;
 - D. Make or cause to be made any written or oral inquiry or record concerning the race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, familial status or any previous actions seeking and receiving an order of protection under Title 19-A, section 4007 of any applicant for or intended occupant of a housing accommodation; or
 - E. Accept for listing any housing accommodation when the person having the right to sell, rent or lease the housing accommodation has directly or indirectly indicated an intention of discriminating among prospective tenants or purchasers on the ground of race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, familial status or any previous actions seeking and receiving an order of protection under Title 19-A, section 4007, or when the broker or salesperson knows or has reason to know that the person having the right to sell, rent or lease the housing accommodation has made a practice of discrimination since July 1, 1972;
3. Making of loans; other financial assistance. For any 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, or agent of the person, to:
- A. Make or cause to be made any oral or written inquiry concerning the race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, familial status or any previous actions seeking and receiving an order of protection under Title 19-A, section 4007 of any applicant for financial assistance or of existing or prospective occupants or tenants of housing accommodations; or
 - B. Discriminate in the granting of financial assistance, or in the terms, conditions or privileges relating to obtaining or the use of any financial assistance, against any applicant because of race or color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, familial status or any previous actions seeking and receiving an order of protection under Title 19-A, section 4007; or
4. Receipt of public assistance. For any person furnishing rental premises or public accommodations to refuse to rent or impose different terms of tenancy to any individual who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies, primarily because of the individual's status as recipient.

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DEFINITIONS

ME. REV. STAT. ANN. TIT. 19-A, §4102

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Abuse. "Abuse" means the occurrence of the following acts:
 - A. Attempting to cause or causing bodily injury or offensive physical contact ...
 - B. Attempting to place or placing another in fear of bodily injury ...
 - ...
 - D. Knowingly restricting substantially the movements of another person ...

E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence

F. Repeatedly and without reasonable cause:

...

2. Being at or in the vicinity of the plaintiff's home, school, business or place of employment;

...

H. Engaging in aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively.

...

4. Dating partners. "Dating partners" means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.

5. Economic abuse. "Economic abuse" means causing or attempting to cause an individual to be financially dependent by maintaining control over the individual's financial resources ...

6. Family or household members. "Family or household members" means:

A. Present or former spouses or domestic partners;

B. Individuals presently or formerly living together as spouses;

C. Parents of the same child;

D. Adult household members related by consanguinity or affinity;

E. Minor children of a parent or guardian when the defendant is an adult household member of that parent or guardian;

F. Individuals presently or formerly living together; and

G. Individuals who are or were sexual partners.

Holding oneself out to be a spouse is not necessary to constitute "living together as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

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RELIEF

ME. REV. STAT. ANN. TIT. 19-A, § 4110

1. Final protection order. The court, after a hearing or opportunity for hearing and upon finding that the defendant has committed the abuse or conduct specified in section 4103, may grant a final protection order to bring about the cessation of the abuse or alleged conduct. 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 household. The court may enter a finding of economic abuse.

2. Final protection order by consent. The court may approve a final protection order by consent if all parties agree to the terms, including whether an order under this section includes findings by the court.

3. Relief. Relief granted under this section may include:

...

D. Directing the defendant not to go upon the premises of the plaintiff's residence;

E. Directing the defendant to refrain from repeatedly and without reasonable cause:

...

2. Being at or in the vicinity of the plaintiff's home, school, business or place of employment...

- ...
- G. 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 a division of the personal property and household goods and furnishings of the parties and placing any protective orders considered appropriate by the court, including an order to refrain from taking, converting or damaging property in which the plaintiff has a legal interest;

...

- P. Ordering payment of monetary relief to the plaintiff for losses suffered as a result of the defendant's conduct. Monetary relief includes but is not limited to loss of earnings or support, reasonable expenses incurred for personal injuries or property damage, transitional living expenses and reasonable moving expenses. Upon the motion of either party, for sufficient cause, the court may set a later hearing on the issue of the amount of monetary relief, if any, to be awarded. Nothing in this paragraph may be construed to limit the court's discretion to enter any of the other available relief under this chapter. Nothing in this paragraph may be construed to preclude a plaintiff from seeking monetary relief through other actions as permissible by law;

- Q. Ordering the defendant to pay court costs or reasonable attorney's fees;

- R. Ordering the plaintiff to pay court costs or reasonable attorney's fees, or both, only if a judgment is entered against the plaintiff after a hearing in which both the plaintiff and the defendant are present and the court finds that the complaint is frivolous;

...

5. Final protection order. This subsection applies to a final protection order issued under this chapter.

- A. A final protection order issued under this chapter must be for a fixed period not to exceed 2 years, unless extended by the court pursuant to section 4111.

...

6. Limitations. In issuing an order under this chapter, the court may not:

- A. Affect title to any real property;

- B. Require the execution of a bond by the plaintiff prior to issuance of an order of protection; or

- C. Issue a mutual order of protection or restraint. As used in this chapter, "mutual order of protection or restraint" means an order that is granted to the defendant under this chapter or the inclusion of language in an order granted to a plaintiff in an action under this chapter that restricts or limits the plaintiff's conduct with regard to the defendant absent the filing of a separate complaint by the defendant, service of the summons and complaint on the plaintiff and a finding by the court that the plaintiff committed the abuse alleged in the complaint.

.....

HEARINGS

ME. REV. STAT. ANN. TIT. 5, § 4654

...

4. Interim relief. The court, in an ex parte proceeding, may enjoin the defendant from engaging in any of the following:

...

- C. Entering the plaintiff's residence or property, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff;
- D. Taking, converting or damaging property in which the plaintiff may have a legal interest;

...

- F. Repeatedly and without reasonable cause:

...

2. Being at or in the vicinity of the plaintiff's home, school, business or place of employment;

...

.....

RELIEF

ME. REV. STAT. ANN. TIT. 5, § 4655

1. Protection order; consent agreement. The court, after a hearing and upon finding that the defendant has committed the harassment alleged, may grant any protection order or approve any consent agreement to bring about a cessation of harassment, which may include:

...

- B. Directing the defendant to refrain from going on the premises of the plaintiff's residence or property, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff;
- C. Directing the defendant to refrain from interference with or destruction of the plaintiff's property;
- C-1. Directing the defendant to refrain from repeatedly and without reasonable cause:

...

2. Being at or in the vicinity of the plaintiff's home, school, business or place of employment;

...

- D. Ordering payment of monetary compensation to the plaintiff for losses suffered as a direct result of the harassment. Compensatory losses are limited to loss of earnings or support; reasonable expenses incurred for safety protection; reasonable expenses incurred for personal injuries or property damage; and reasonable moving expenses...
- E. Ordering the defendant to pay court costs or reasonable attorney's fees;

...

- 1-A. Judgment against plaintiff. If a judgment is entered against the plaintiff and the court finds that the complaint is frivolous, the court may order the plaintiff to pay court costs, reasonable attorney's fees or both.
2. Duration. Any protective order or approved consent agreement shall be for a fixed period not to exceed one year. At the expiration

of that time, the court may extend an order, upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff from harassment. Upon motion by either party, for sufficient cause, the court may modify the order or agreement from time to time as circumstances require.

...

4. Title to property. No order or agreement may affect title to any real property.

...

RECORDS CONFIDENTIAL

ME. REV. STAT. ANN. TIT. 30-A, § 4706

1. Confidential information. Records containing the following information are deemed confidential for purposes of Title 1, section 402, subsection 3, paragraph A:
 - A. Any information acquired by an authority or a member, officer, employee or agent of an authority from applicants for residential tenancy in housing owned, financed, assisted or managed by an authority or from any residential tenants of such housing or from any 3rd person pertaining to any applicant for tenancy or to any tenant of such housing;
 - ...
 - E. The address of a shelter or other living accommodations for victims of domestic violence.
 - ...
3. Waiver. This section shall not be construed to limit in any way the right of any person whose interest is protected by this section to waive, in writing or otherwise, the benefits of that protection.

...

ADDRESS CONFIDENTIALITY PROGRAM

ME. REV. STAT. ANN. TIT. 5, § 90-B

...

2. Program established. The Address Confidentiality Program is established to protect victims of domestic violence, sexual assault, stalking or human trafficking and minor victims of kidnapping 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. ...
 - ...
 - 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.

...

4. Use of designated address. Upon demonstration of a program participant's certification in the program, state and local government agencies and the courts shall accept and use only the designated address as a program participant's address unless the secretary has approved an exemption pursuant to subsection 5-A.

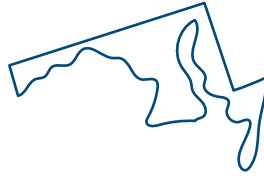
...

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.

...

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MARYLAND



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

- Protective orders may award use and possession of home to abuse survivor. MD. CODE ANN., FAM. LAW §§ 4-501, 4-505, 4-506.
 - Early lease termination. MD. CODE ANN., REAL PROP. §§ 8-5A-01–8-5A-03.
 - Eviction defense for abuse survivors. MD. CODE ANN., REAL PROP. § 8-5A-04.
 - Lock changes for abuse survivors. MD. CODE ANN., REAL PROP. § 8-5A-05.
 - Landlord may not disclose tenant's verification of survivor status unless by tenant consent or court order. MD. CODE ANN., REAL PROP. § 8-5A-06.
 - Applications to participate in Address Confidentiality Program. MD. CODE ANN., STATE GOV. § 7-304.
 - Confidentiality of property records. MD. CODE ANN., REAL PROP. §§ 3-114–3-115.
-

DEFINITIONS

Md. CODE ANN., FAM. LAW § 4-501

In general

- a. In this subtitle the following words have the meanings indicated.

Abuse

1. "Abuse" means any of the following acts:
 - i. an act that causes serious bodily harm;
 - ii. an act that places a person eligible for relief in fear of imminent serious bodily harm;
 - iii. assault in any degree;
 - iv. rape or sexual offense under § 3-303, § 3-304, § 3-307, or § 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree;
 - v. false imprisonment;
 - vi. stalking under § 3-802 of the Criminal Law Article...

...

Person Eligible for Relief

- m. "Person eligible for relief" includes:
 1. the current or former spouse of the respondent;
 2. a cohabitant of the respondent;

3. a person related to the respondent by blood, marriage, or adoption;
4. a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
5. a vulnerable adult;
6. an individual who has a child in common with the respondent; or
7. an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition; or
8. an individual who alleges that the respondent committed, within 6 months before the filing of the petition, any of the following acts against the individual
 - i. rape or a sexual offence under § 3-303, § 3-304, § 3-307, § 3-308 of the Criminal Law Article; or
 - ii. attempted rape or sexual offence in any degree.

...

.....

TEMPORARY PROTECTIVE ORDERS

MD. CODE ANN., FAM. LAW § 4-505

In general

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:

...

- iii. order the respondent to refrain from entering the residence of a person eligible for relief;
- 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;
- v. order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

...

.....

FINAL PROTECTIVE ORDERS

MD. CODE ANN., FAM. LAW § 4-506

Hearing

- a. A respondent under § 4-505 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final protective order.

...

Scope of final protective order

- d. The final protective order may include any or all of the following relief:

...

3. order the respondent to refrain from entering the residence of any person eligible for relief;
4. where the person eligible for relief and the respondent are residing together at the time of the 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 shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;
5. order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

...

Vacation of home by respondent

- h. In determining whether to order the respondent to vacate the home under § 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the judge shall consider the following factors:

1. the housing needs of any minor child living in the home;
2. the duration of the relationship between the respondent and any person eligible for relief;
3. title to the home;
4. pendency and type of criminal charges against the respondent;
5. the history and severity of abuse in the relationship between the respondent and any person eligible for relief;
6. the existence of alternative housing for the respondent and any person eligible for relief; and
7. the financial resources of the respondent and the person eligible for relief.

...

.....

DEFINITIONS

MD. CODE ANN., REAL PROP. § 8-5A-01

In general

- a. In this subtitle the following words have the meanings indicated.

Abuse

- b. "Abuse" has the meaning stated in § 4-501(b) of the Family Law Article.

Legal occupant

- c. "Legal occupant" means an occupant who resides on the premises with the actual knowledge and permission of the landlord.

Offender

- d. "Offender" means a person who commits an act of abuse.

Peace order

- e. "Peace order" means an enforceable final peace order.

Protective order

- f. "Protective order" means an enforceable final protective order.

Qualified third party

- g. "Qualified third party" means:
 1. A physician who is authorized to practice medicine under the Health Occupations Article;
 2. A psychologist who is authorized to practice psychology under the Health Occupations Article;
 3. A social worker or caseworker of any public or private health or social services agency or provider; or
 4. An advocate from a domestic violence or sexual assault prevention or assistance program.

Report by a qualified third party

- h. "Report by a qualified third party" means a report based on information received by a qualified third party while acting in a professional capacity that:
 1. Indicates that the tenant or a legal occupant is seeking assistance as a result of an act of abuse;
 2. Includes the following elements:
 - i. (i) The name of the tenant or legal occupant;
 - ii. A statement that the tenant or legal occupant is a victim of abuse;
 - iii. The date, time, location, and a brief description of the incident;
 - iv. The name and physical description of the alleged offender, if known;
 - v. The name and address of the employer of the qualified third party;
 - vi. The licensing entity and license number of the qualified third party, if the qualified third party is required to be licensed; and
 - vii. The signature of the qualified third party, under seal of a notary public; and
 3. Is signed and acknowledged by the tenant or legal occupant under penalty of perjury.
-

TERMINATION OF RESIDENTIAL LEASE BY VICTIMS OF ABUSE

MD. CODE ANN., REAL PROP. § 8-5A-02

In general

- 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 a victim of abuse.

Written notice and 30 days to vacate leased premises

- b. If a tenant or legal occupant is a victim of abuse, the tenant may provide to the landlord the written notice required under § 8-5A-03 of this subtitle 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.

Responsibility for rent

1. A tenant who vacates leased premises under this section is responsible for rent only for the time following the tenant providing notice of an intent to vacate until the tenant vacates the leased premises, up to a maximum of 30 days.
 - i. If a tenant vacates the leased premises earlier than 30 days after the date the tenant provides written notice of an intent to vacate, the tenant shall provide the landlord with written notice, signed by the tenant and notarized, by first-class mail or hand delivery stating that the tenant has vacated the leased premises.
 - ii. On receiving a notice identified in subparagraph (i) of this paragraph, a landlord shall inspect the leased premises and, if the tenant has vacated the leased premises, provide the tenant with a written statement that:
 1. Confirms the tenant has vacated the leased premises;
 2. States the rent that the tenant is responsible for under this subsection; and
 3. States the amount of rent still owed by the tenant or the amount of any overpayment of rent to be refunded.
 - iii. For the purpose of calculating the rent that a tenant is responsible for under this subsection, the tenant shall be deemed to have vacated the leased premises:
 1. If notice is delivered by first-class mail, on the date the notice was postmarked; or
 2. If notice is hand delivered, on the date the notice was hand delivered to the landlord.
 - iv. A tenant who vacates the leased premises earlier than 30 days after the date the tenant provided written notice of an intent to vacate and who fails to provide the written notice required under this paragraph shall be responsible for the maximum rent required under paragraph (1) of this subsection.

Failure to Vacate Premises within 30 Days

- 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 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.

Future Liability of Respondents

- 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 under § 3-1505 of the Courts Article for which the underlying act was an act of abuse.

.....

NOTICE OF INTENT TO VACATE PREMISES AS ABUSE VICTIM

MD. CODE ANN., REAL PROP. § 8-5A-03

In general

- a. If a tenant or legal occupant is a victim of abuse, 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 leased premises, including the tenant's or legal occupant's status as a victim of abuse.

Copy of protective or peace orders included with notice

- 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 under § 3-1505 of the Courts Article for which the underlying act was an act of abuse; or
 - 3. A copy of a report by a qualified third party, provided that:
 - i. The name and physical description of the alleged perpetrator are redacted; and
 - ii. The report was signed by the qualified third party within the preceding 60 days.
-

ACTIONS FOR POSSESSION OF PROPERTY AGAINST VICTIMS OF ABUSE

MD. CODE ANN., REAL PROP. § 8-5A-04

Application of section

- 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 abuse.

Abuse raised as defense in action for possession of property

- 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;
 - ii. A copy of a peace order issued for the benefit of the tenant or legal occupant for which the underlying act was an act of abuse; or
 - iii. A report by a qualified third party, provided that:
 - 1. The name and physical description of the alleged perpetrator are redacted; and
 - 2. The alleged breach of the lease occurred within 60 days of the date the report was signed by the qualified third party.
 - 2. If an act of abuse 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.
-

REQUEST TO CHANGE LOCKS OF PREMISES

MD. CODE ANN., REAL PROP. § 8-5A-05

Written request to change locks

- a. A person who is a victim of abuse 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.

Contents of request

- 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 under § 3-1505 of the Courts Article for which the underlying act was an act of abuse.

Landlord or tenant changing locks the next business day

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.

New keys provided to tenant

- 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.

Fee due within 45 days

- 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.
-

DISCLOSURE OF INFORMATION

Md. CODE ANN., REAL PROP. § 8-5A-06

A landlord may not disclose any information provided by a tenant under this subtitle to a third party unless:

1. The tenant consents in writing to the disclosure; or
 2. The disclosure is required by law or a court order.
-

APPLICATIONS TO PARTICIPATE IN PROGRAM

Md. CODE ANN., STATE GOV. § 7-304

Individuals eligible to participate in Program

- a. 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;
 3. a guardian acting on behalf of a disabled person; or
 4. an individual who resides in the same household as an eligible applicant or Program participant.

Form and contents of application

- 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 survivor of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking; and
 - ii. the applicant fears for the applicant's safety, or the safety of the applicant's child;
 2. evidence that the applicant is eligible for Program participation, including:
 - i. certified law enforcement, court, or other federal or State agency records or files;
 - ii. documentation from a domestic violence, sexual assault, or human trafficking prevention or assistance program;
 - iii. documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a survivor of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking; or
 - iv. a statement from the applicant about the applicant's subjective fear;
 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 at which 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, sexual assault, stalking, harassment, human trafficking, or other crimes;
 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 identity of the court that issued the order or has

jurisdiction over the action, if any;

8. a sworn statement by the applicant that, to the best of the applicant's knowledge, all 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 that may arise from participation in the Program except for a claim based on gross negligence.

Review of application and release by Secretary of State

- c.
 - 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 request for withdrawal with the Secretary of State.

.....

DEFINITIONS

MD. CODE ANN., REAL PROP. § 3-114

In general

- a. In this part the following words have the meanings indicated.

APC number

- b. "ACP number" means the unique identification number assigned to each program participant by the Secretary.

...

Address Confidentiality Program

- d. "Address Confidentiality Program" means the Address Confidentiality Program for survivors of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking administered by the Secretary under Title 7, Subtitle 3 of the State Government Article.

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SHIELDING OF REAL PROPERTY RECORDS

MD. CODE ANN., REAL PROP. § 3-115

Request permitted

- a. A program participant who acquires an ownership interest in real property while participating in an address confidentiality program may request the shielding of real property records concerning the property in accordance with this section.

Procedure for making request

1. To request the shielding of real property records, a program participant, or any agent of a program participant, shall submit to the clerk of the circuit court and the appropriate county finance office:
 - i. A Real Property ACP Notice;
 - ii. The deed or other instrument to be recorded; and
 - iii. The intake sheet required under § 3-104 of this subtitle.
2. The Real Property ACP Notice shall be on the form that the Secretary provides
...
- f. A Real Property ACP Notice is not a public record within the meaning of § 4-101 of the General Provisions Article.

Electronic recordation not permitted

- g. If a program participant intends to request the shielding of real property records under this section, the program participant may not submit any instrument for recordation electronically.
-

MASSACHUSETTS



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

- Early lease termination. MASS. GEN. LAWS ANN. ch. 186 §§ 23–24.*
- Non-discrimination against survivors. MASS. GEN. LAWS ANN. ch. 186 § 25.*
- Lock changes, owner liable for noncompliance unless in good faith. MASS. GEN. LAWS ANN. ch. 186 §§ 26–29.*
- Orders requiring restrained party to vacate the family dwelling; may include order to pay survivor for lock replacement, moving expenses. MASS. GEN. LAWS ANN. ch. 209A § 3.
- Abuse prevention orders; domestic violence record search; service of order; enforcement; violations. MASS. GEN. LAWS ANN. ch. 209A § 7.
- Orders requiring restrained party to pay for lock replacement and other expenses.
- MASS. GEN. LAWS ANN. ch. 258E § 3.
- Address confidentiality program. MASS. GEN. LAWS ANN. ch. 9A §§ 1–7
- Housing admissions preferences for survivors. MASS. GEN. LAWS ANN. ch. 121B § 38D.

**Note: Tenancy rights under MASS. GEN. LAWS ANN. ch. 186 §§ 23-29 may continue to be affected by Covid emergency eviction protections enacted during 2020-2022. Some had been extended into early 2023 as of publication. See MASS. 2022 SESSION LAWS chs. 22, 42, 107.*

DEFINITIONS APPLICABLE TO SECS. 23 TO 29

MASS. GEN. LAWS ANN. CH. 186 § 23

- a. As used in sections 23 to 29, inclusive, the following words shall, unless the context clearly requires otherwise, 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:

- attempting to cause or causing physical harm;
- placing another in fear of imminent serious physical harm;
- 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 1 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 state secretary 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, 13B ^{1/2}, 13B ^{3/4}, 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 of 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.

TERMINATION OF RENTAL AGREEMENT OR TENANCY BY VICTIM OF DOMESTIC VIOLENCE, RAPE, SEXUAL ASSAULT, OR STALKING

MASS. GEN. LAWS ANN. CH. 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).
- 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 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.

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REFUSAL OF RENTAL AGREEMENT OR ASSISTANCE BASED ON TERMINATION OF RENTAL AGREEMENT UNDER SEC. 24 OR REQUEST FOR CHANGE OF LOCK UNDER SEC. 26 PROHIBITED

MASS. GEN. LAWS ANN. CH. 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.

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CHANGE OF LOCKS UPON REQUEST OF TENANT, CO-TENANT, OR HOUSEHOLD MEMBER BELIEVED TO BE UNDER IMMINENT THREAT OF DOMESTIC VIOLENCE, RAPE, SEXUAL ASSAULT, OR STALKING

MASS. GEN. LAWS ANN. CH. 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.
- 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.

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JURISDICTION OF COURTS TO RESTRAIN VIOLATION OF SECS. 23 TO 26; APPLICABILITY OF OTHER LAWS TO REQUESTS TO CHANGE LOCKS

MASS. GEN. LAWS ANN. CH. 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.

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WAIVERS OF SECS. 23 TO 27 VOID AND UNENFORCEABLE

MASS. GEN. LAWS ANN. CH. 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.

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OWNER IMMUNITY FROM LIABILITY

MASS. GEN. LAWS ANN. CH. 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.

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REMEDIES; PERIOD OF RELIEF

MASS. GEN. LAWS ANN. CH. 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;

...

The court may modify its order at any subsequent time upon motion by either party. When the plaintiff's address is inaccessible to the defendant as provided in section 8 of this chapter and the defendant has filed a motion to modify the court's order, the court shall be responsible for notifying the plaintiff. In no event shall the court disclose any such inaccessible address.

No order under this chapter shall in any manner affect title to real property.

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ABUSE PREVENTION ORDERS; DOMESTIC VIOLENCE RECORD SEARCH; SERVICE OF ORDER; ENFORCEMENT; VIOLATIONS

MASS. GEN. LAWS ANN. CH. 209A § 7

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Whenever the court orders under sections eighteen, thirty-four B, and thirty-four C of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, sections three, four and five of this chapter, or sections fifteen and twenty of chapter two hundred and nine C, the defendant to vacate, refrain from abusing the plaintiff or to have no contact with the plaintiff or the plaintiff's minor child, the register or clerk-magistrate shall transmit two certified copies of each such order and one copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve one copy of each order upon the defendant, together with a copy of the complaint, order and summons and notice of any suspension or surrender ordered pursuant to section three B of this chapter. Law enforcement agencies shall establish adequate procedures to ensure that, when effecting service upon a defendant pursuant to this paragraph, a law enforcement officer shall, to the extent practicable: (i) fully inform the defendant of the contents of the order and the available penalties for any violation of an order or terms thereof and (ii) provide the defendant with informational resources, including, but not limited to, a list of certified batterer intervention programs, substance abuse counseling, alcohol abuse counseling and financial counseling programs located within or near the court's jurisdiction. The law enforcement agency shall promptly make its return of service to the court.

...

Where a defendant has been found in violation of an abuse prevention order under this chapter or a protection order issued by another jurisdiction, the court may, in addition to the penalties provided for in this section after conviction, as an alternative to incarceration and, as a condition of probation, prohibit contact with the victim through the establishment of court defined geographic exclusion zones including, but not limited to, the areas in and around the complainant's residence,

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FILING OF COMPLAINT; IMPOUNDING OF CASE RECORD INFORMATION; FILING FEE; EXPIRATION OF ORDER; MODIFICATION OF ORDER; TIME FOR FILING; NONEXCLUSIVITY OF REMEDY

MASS. GEN. LAWS ANN. CH. 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:

...

- iii. remain away from the plaintiff's household or workplace, whether the defendant is an adult or minor; and
- 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.

...

- e. The court may modify its order at any subsequent time upon motion by either party; provided, however, that the non-moving party shall receive sufficient notice and opportunity to be heard on said modification. When the plaintiff's address is inaccessible to the defendant as provided in section 10 and the defendant has filed a motion to modify the court's order, the court shall be responsible for notifying the plaintiff. In no event shall the court disclose any such inaccessible address.

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DEFINITIONS

MASS. GEN. LAWS ANN. CH. 9A § 1

For the purposes of this chapter the following words shall, unless the context requires otherwise, have the following meanings: —

“Abuse”, as provided in section 1 of chapter 209A.

“Address”, a residential street, school or work address of an individual, as specified on the application to be a program participant under this chapter.

“Program participant”, a person certified by the state secretary to participate in the program.

“Application assistant”, 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 state secretary to assist individuals in the completion of program participation applications.

...

“Secretary”, the state secretary.

“Rape”, as provided in sections 22, 22A, 22B, 22C and 23, 23A, 23B of chapter 265 and sections 2, 4 and 17 of chapter 272.

“Sexual assault”, as provided in sections 13B, 13B^{1/2}, 13B^{3/4}, 13F, 13H, 24, 24B, 26D and 50 of chapter 265 and sections 4A, 17, 29A, 29B and 35A of chapter 272.

“Stalking”, as provided in section 43 of chapter 265.

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ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION AND CERTIFICATION PROCEDURES; FALSE INFORMATION; PENALTY

MASS. GEN. LAWS ANN. CH. 9A § 2

There is hereby established an address confidentiality program to be 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 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,
 - 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.

CANCELLATION OF CERTIFICATION

MASS. GEN. LAWS ANN. CH. 9A § 3

Certification for the program may be canceled if one or more of the following conditions applies:

1. If the program participant obtains a name change, the participant loses certification as a program participant. A participant who has obtained a legal name change may apply to the secretary for recertification in the program if documentation of the legal name change is provided.
2. 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 shall provide by regulation.
3. Pursuant to paragraph (5) of section 2, the secretary shall cancel certification of a program participant who knowingly provides false information.

ACCEPTANCE OF ADDRESS DESIGNATIONS BY SECRETARY AS A SUBSTITUTE ADDRESS FOR PROGRAM PARTICIPANTS

MASS. GEN. LAWS ANN. CH. 9A § 4

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

1. The agency has a bona fide statutory or administrative requirement for the use of the participant's actual residential address, such that it is unable to fulfill its statutory duties and obligations without such residential address; and
2. The participant's actual residential address will be used only for those statutory and administrative purposes.

AVAILABILITY OF PROGRAM PARTICIPANT'S ADDRESS FOR INSPECTION OR COPYING

MASS. GEN. LAWS ANN. CH. 9A § 5

The secretary shall not make a program participant's address, other than the address designated by the secretary, available for inspection or copying, except under the following circumstances:

1. If requested of the secretary by the chief commanding officer of a law enforcement agency or his designee in the manner provided for by regulation.
2. Upon request to the secretary by a commissioner of a state agency, or his specific designee, in the manner provided for by regulation and upon a showing of a bona fide statutory or administrative requirement for the use of the participant's actual residential address, such that it is unable to fulfill its statutory duties and obligations without such residential address.
3. 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.

4. If certification has been canceled due to provision of false or incorrect information in an application or knowingly falsely attesting that disclosure of the applicant’s address threatens the safety of the applicant or the applicants children or the minor or incapacitated person on whose behalf the application is made, as provided for in paragraph (5) of section 2.

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APPLICATION AND SUPPORTING MATERIALS NOT CLASSIFIED AS PUBLIC RECORD; EXEMPTION FROM MANDATORY DISCLOSURE

MASS. GEN. LAWS ANN. CH. 9A § 6

The program participant’s application and supporting materials shall not be a public record and shall be exempt from the mandatory disclosure requirements of clause Twenty-sixth of section 7 of chapter 4 and section 10 of chapter 66.

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REGULATIONS

MASS. GEN. LAWS ANN. CH. 9A § 7

The secretary shall promulgate regulations to implement this chapter and in doing so shall consult with the secretary of health and human services and Jane Doe Inc., The Massachusetts Coalition Against Sexual Assault and Domestic Violence, GLBTQ Legal Advocates & Defenders, Inc., Planned Parenthood League of Massachusetts, Inc., ABCD, Inc. on behalf of the MA Family Planning Association, The Massachusetts League of Community Health Centers, Inc., the Maternal Outcomes for Translational Health Equity Research Lab, Resilient Sisterhood Project, Inc., Health Care Without Walls, Inc., Our Bodies Ourselves and Reproductive Equity Now, Inc.

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REGIONAL PUBLIC HOUSING INNOVATION PROGRAM; GOALS; APPLICATION FOR PARTICIPATION IN PROGRAM; FUNDS; POWERS AND PROJECTS

MASS. GEN. LAWS ANN. CH. 121B § 38D

1. As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

...

“Housing authority”, a housing authority established pursuant to section 3.

...

“Program”, the regional public housing innovation program under this section.

“Public housing”, state-assisted housing developed through funds provided under chapter 200 of the acts of 1948, chapter 667 of the acts of 1956, chapter 705 of the acts of 1966, chapter 689 of the acts of 1974 and chapter 167 of the acts of 1987.

“Regional housing authority”, a housing authority established pursuant to section 3A.

...

2. The department shall develop a regional public housing innovation program. The program shall be designed to achieve:
 - i. innovative models for the development, redevelopment and repair of public housing;
 - ii. innovative models for improved management of public housing;
 - iii. increased coordination among several housing authorities;
 - iv. increased economic efficiencies; and

v. the expansion of economic opportunities for tenants and the commonwealth. The department shall establish criteria to evaluate a regional housing authority's application for the program.

...

e. Regional housing authorities participating in the program shall, in addition to those powers conferred in this chapter, have the following powers:

...

iii. to establish, and include as part of the annual plan required by subsection (h), local methods of tenant or homeowner selection; provided, however, that the method shall be fair, objective, public and shall not discriminate against an applicant based on a protected category in chapter 151B or violate other fair housing laws or department policies and provides admissions preferences for homeless households, veterans and victims of domestic violence;

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MICHIGAN



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

- Early lease termination by survivor. MICH. COMP. LAWS § 554.601b.
- Landlord may terminate lease for perpetrator but not survivor. MICH. COMP. LAWS § 600.5714.
- Protection orders restraining a party from entering the premises. MICH. COMP. LAWS § 600.2950.
- Address confidentiality program. MICH. COMP. LAWS §§ 780.851–780.873

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 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.

SUMMARY PROCEEDINGS TO RECOVER POSSESSION OF PREMISES; CIRCUMSTANCES

MICH. COMP. LAWS § 600.5714

Sec. 5714. (1) A person entitled to possession of premises may recover possession by summary proceedings in the following circumstances:

...

- e. When a person holds over premises for 7 days following service of a written notice to quit for termination of the lease after the tenant, a member of the tenant's household, or a person under the tenant's control, on real property owned or operated by the tenant's landlord, has caused or threatened physical injury to an individual. This subdivision applies only if the police department with jurisdiction has been notified that the person, on real property owned or operated by the tenant's landlord, caused or threatened physical injury to an individual. This subdivision does not apply in either of the following cases:
 - i. The individual who was physically injured or threatened is the tenant or a member of the tenant's household.
 - ii. Application would result in a violation of federal housing regulations.

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PERSONAL PROTECTION ORDERS; CURRENT OR FORMER SPOUSE, DATING RELATIONSHIP, OR HOUSEMATE

MICH. COMP. LAWS § 600.2950

Sec. 2950.

- 1. Except as otherwise provided in subsections (26) and (27), 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.
 - ...
 - f. Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
 - ...
 - i. Having access to information in records concerning a minor child of both petitioner and respondent that will inform respondent about the address or telephone number of petitioner and petitioner's minor child or about petitioner's employment address.
 - ...
- 3. A petitioner may omit his or her address of residence from documents filed with the court under the section. If a petitioner omits his or her address of residence, the petitioner shall provide the court with a mailing address.
- ...
- 5. A court shall not issue a personal protection order that restrains or enjoins conduct described in subsection (1)(a) if all of the following apply:
 - a. The individual to be restrained or enjoined is not the spouse of the moving party.
 - b. The individual to be restrained or enjoined or the parent, guardian, or custodian of the minor to be restrained or enjoined has a property interest in the premises.

- c. The moving party or the parent, guardian, or custodian of a minor petitioner has no property interest in the premises.

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30. As used in this section:

- a. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

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ADDRESS CONFIDENTIALITY PROGRAM; CREATION; ELIGIBILITY TO APPLY; SUBMISSION OF APPLICATION; CONTENTS; CERTIFICATION AS PROGRAM PARTICIPANT; DUTIES OF DEPARTMENT OF ATTORNEY GENERAL; EXPIRATION OR CANCELLATION; RENEWAL OR CERTIFICATION CONTINUANCE APPLICATION; CONFIDENTIALITY; PARTICIPATION CARD; MINORS

MICH. COMP. LAWS § 780.855

Sec. 5.

1. Subject to section 19(4),¹ the address confidentiality program is created in the department of the attorney general.
2. Except for an individual described in subsection (13), the following individuals are eligible to apply to the program and may submit an application, with the assistance of an application assistant or a victim advocate, for certification as a program participant by the department of the attorney general:
 - a. If changing his or her residence, an individual who is 18 years of age or older or is an emancipated minor under 1968 PA 293, MCL 722.1 to 722.6.
 - b. If changing the residence of a minor, a legal parent or the guardian of the minor appointed by a court.
 - c. If the residence of a ward is changing, the guardian of that ward if the guardian is granted the power to apply by a court under section 5306 of the estates and protected individuals code, 1998 PA 386, MCL 700.5306.
3. The application under subsection (2) must be filed with the department of the attorney general in the manner and form prescribed by the department of the attorney general and must contain the following:
 - a. A notarized statement that meets 1 of the following requirements:
 - i. If the applicant is an individual described under subsection (2)(a), a statement by that individual that disclosure of the address provided under subdivision (d) will increase the risk that he or she will be threatened or physically harmed by another person or that the individual is a victim of domestic violence, stalking, human trafficking, or sexual assault.
 - ii. If the applicant is the legal parent of a minor or the guardian of a minor appointed by a court, a statement by that parent of a minor or guardian that disclosure of the address provided under subdivision (d) will increase the risk that the minor will be threatened or physically harmed by another person or that the parent or guardian, or the minor, is a victim of domestic violence, stalking, human trafficking, or sexual assault.
 - iii. If the applicant is the guardian of a ward as provided under subsection (2)(c), a statement by that guardian that the disclosure of the address provided under subdivision (d) will increase the risk that the ward will be threatened or physically harmed by another person or that the ward is a victim of domestic violence, stalking, human trafficking, or sexual assault.
 - b. A knowing and voluntary designation of the department of technology, management, and budget as the agent for the purposes of receiving mail and service of process.
 - c. The mailing address, telephone number, and electronic mail address, if applicable, at which the department of the attorney general, the department of state, or the department of technology, management, and budget, may contact the individual, minor, or ward.

- d. The address of residence that the applicant requests not be disclosed.
 - e. The signature of the applicant, the name and signature of the application assistant or victim advocate who assisted the applicant, and the date the application was signed.
 4. The application under subsection (2) may provide an option for an applicant to select the type of victimization the applicant believes warrants the need for participation in the program. The department of the attorney general may not consider information provided or withheld under this subsection in certifying a program participant.
 5. The department of the attorney general shall do all of the following after an individual, the parent or guardian of a minor, or a guardian of a ward files a completed application:
 - a. Except as provided in subsection (6), certify the individual, minor, or ward as a program participant.
 - b. Issue the program participant a unique identification number and a participation card.
 - c. Classify each eligible address listed in the application as a confidential address.
 - d. Provide the program participant with information concerning the manner in which the program participant may use the department of technology, management, and budget as the agent of the program participant for the purposes of receiving mail and service of process.
 - e. If the program participant is eligible to vote, provide the program participant with information concerning the process to register to vote and to vote as a program participant under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.
 - f. Provide the program participant with information concerning the procedure from which the program participant will receive a corrected operator's or chauffeur's license under section 310f of the Michigan vehicle code, 1949 PA 300, MCL 257.310f, a corrected enhanced driver license or enhanced official state personal identification card under section 4 of the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.304, or a corrected official state personal identification card under section 2a of 1972 PA 222, MCL 28.292a.
 - g. Provide the program participant with information regarding methods to protect a confidential address, including, but not limited to, information regarding the risks of disclosing the confidential address to other persons and the risks of using social media and other similar electronic technologies, including geotagging photographs; and other information that the attorney general determines would help the program participant protect his or her confidential address.
 6. An individual, minor, or ward must not be certified as a program participant if the department of the attorney general knows the confidential address provided in the application as described in subsection (3)(d) is an address that has been provided to the secretary of state for that individual, minor, or ward.
 7. A program participant shall update information provided in an application within 30 days after a change to that information has occurred by submitting a notice of change of information to the department of the attorney general on a form prescribed by the department of the attorney general.
 8. Unless the certification is canceled under section 9, the certification of a program participant is valid for 4 years from the date listed on the application under subsection (3), on the renewal application under subsection (10), or on the certification continuance application under subsection (11).
 9. The department of the attorney general may, with proper notice, cancel the certification of a program participant as provided under section 9.2
 10. A program participant who continues to be eligible to participate in the program may renew the certification of the program participant. The renewal application must be on a form prescribed by the department of the attorney general and must meet the requirements under subsections (2) and (3). A renewal of certification of the program participant must not alter the unique identification number issued under subsection (5)(b).
 11. If a program participant certified as a minor becomes 18 years of age or older while his or her certification remains valid, the department of the attorney general shall mail a certification continuance application to that program participant. The certification continuance application must be on a form prescribed by the department of the attorney general, must meet the requirements under subsections (2) and (3), and must inform the program participant of his or her right to choose to continue or discontinue

in the program. The program participant may continue certification as a program participant after becoming 19 years of age by completing the certification continuance application with the assistance of an application assistant or victim advocate and filing the application before the program participant becomes 19 years of age.

12. An application submitted under this act and the information of a program participant described under section 15(1)3 is confidential, is not a public record, is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and may only be disclosed as authorized under this act.
13. An offender who is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, is not eligible to submit an application and must not be certified as a program participant.
14. The department of the attorney general shall create a participation card for the program. A participation card must contain the name and unique identification number of a program participant, and the designated address.
15. The certification of a minor as a program participant does not prohibit a parent or guardian from voluntarily disclosing the minor's confidential address.
16. The certification of a minor as a program participant does not amend or affect the enforceability of a custody or parenting time order issued by a court of competent jurisdiction, affect a parent's right to initiate a child custody action or use friend of the court services, or otherwise limit a court's authority in a child custody action.

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CONFIDENTIAL ADDRESS FUND

MICH. COMP. LAWS § 780.869

Sec. 19.

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4. The department of the attorney general shall develop and implement the program not more than 2 years after an appropriation is made to the fund to develop and implement the program.

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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, 13.045.
- Covenant of landlord and tenant not to allow unlawful activities. Minn. Stat. Ann. § 504B.171.
- Eviction actions; grounds; retaliation defense; combined allegations. Minn. Stat. Ann. § 504B.285.
- Domestic Abuse Act: exclusion of the abusing party from the dwelling and order that the abusing party pay restitution to the petitioner. Minn. Stat. Ann. § 518B.01.

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 VIOLENCE TO TERMINATE LEASE

MINN. STAT. ANN. § 504B.206

Subdivision 1. Right to terminate; procedure.

- a. A tenant to a residential lease may terminate a lease agreement in the manner provided in this section without penalty or liability, if the tenant or another authorized occupant fears imminent violence after being subjected to:
 1. domestic abuse, as that term is defined under section 518B.01, subdivision 2;
 2. criminal sexual conduct under sections 609.342 to 609.3451;
 3. sexual extortion under section 609.3458; or
 4. harassment under section 609.749.
- b. The tenant must provide signed and dated advance written notice to the landlord:
 1. stating the tenant fears imminent violence from a person as indicated in a qualifying document against the tenant or an authorized occupant if the tenant or authorized occupant remains in the leased premises;
 2. stating that the tenant needs to terminate the tenancy;
 3. providing the date by which the tenant will vacate; and
 4. providing written instructions for the disposition of any remaining personal property in accordance with section 504B.271.
- a. (c) The written notice must be delivered before the termination of the tenancy by mail, fax, or in person, and be accompanied by a qualifying document.
- a. (d) The landlord may request that the tenant disclose the name of the perpetrator and, if a request is made, inform the tenant that the landlord seeks disclosure to protect other tenants in the building. The tenant may decline to provide the name of the perpetrator for safety reasons. Disclosure shall not be a precondition of terminating the lease.
- a. (e) The tenancy terminates, including the right of possession of the premises, as provided in subdivision 3.

Subd. 2. Treatment of information.

- a. (a) A landlord must not disclose:
 1. any information provided to the landlord by a tenant in the written notice required under subdivision 1, paragraph (b);
 2. any information contained in the qualifying document;
 3. the address or location to which the tenant has relocated; or
 4. the status of the tenant as a victim of violence.
- b. The information referenced in paragraph (a) 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 who is a sole tenant and is terminating a lease under subdivision 1 is responsible for the rent payment for the full month

in which the tenancy terminates. The tenant forfeits all claims for the return of the security deposit under section 504B.178 and 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. In a sole tenancy, the tenancy terminates on the date specified in the notice provided to the landlord as required under subdivision 1.

- b. In a tenancy with multiple tenants, one of whom is terminating the lease under subdivision 1, any lease governing all tenants is terminated at the latter of the end of the month or the end of the rent interval in which one tenant terminates the lease under subdivision 1. All tenants are responsible for the rent payment for the full month in which the tenancy terminates. Upon termination, all tenants forfeit all claims for the return of the security deposit under section 504B.178 and are 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. Any tenant whose tenancy was terminated under this paragraph may reapply to enter into a new lease with the landlord.
- c. 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.

Subd. 4. Deleted by amendment, Laws 2014, c. 188, § 2, eff. Aug. 1, 2014.

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. Definitions.

For purposes of this section, the following terms have the meanings given:

1. "court official" means a judge, referee, court administrator, prosecutor, probation officer, or victim's advocate, whether employed by or under contract with the court, who is authorized to act on behalf of the court;
2. "qualified third party" means a person, acting in an official capacity, who has had in-person contact with the tenant and is:
 - i. a licensed health care professional operating within the scope of the license;
 - ii. a domestic abuse advocate, as that term is defined in section 595.02, subdivision 1, paragraph (l); or
 - iii. a sexual assault counselor, as that term is defined in section 595.02, subdivision 1, paragraph (k);
3. "qualifying document" means:
 - i. a valid order for protection issued under chapter 518B;
 - ii. a no contact order currently in effect, issued under section 629.75 or chapter 609;
 - iii. a writing produced and signed by a court official, acting in an official capacity, documenting that the tenant or authorized occupant is a victim of domestic abuse, as that term is defined under section 518B.01, subdivision 2, criminal sexual conduct under sections 609.342 to 609.3451, sexual extortion under section 609.3458, or harassment under section 609.749, and naming the perpetrator, if known;
 - iv. a writing produced and signed by a city, county, state, or tribal law enforcement official, acting in an official capacity, documenting that the tenant or authorized occupant is a victim of domestic abuse, as that term is defined under section 518B.01, subdivision 2, criminal sexual conduct, under sections 609.342 to 609.3451, sexual extortion under section 609.3458, or harassment under section 609.749, subdivision 1, and naming the perpetrator, if known; or
 - v. a statement by a qualified third party, in the following form:

STATEMENT BY QUALIFIED THIRD PARTY

I, _____ (name of qualified third party), do hereby verify as follows:

1. I am a licensed health care professional, domestic abuse advocate, as that term is defined in section 595.02, subdivision 1, paragraph (l), or sexual assault counselor, as that term is defined in section 595.02, subdivision 1, paragraph (k), who has had in-person contact with _____. (name of victim(s)).
2. I have a reasonable basis to believe _____ (name of victim(s)) is a victim/are victims of domestic abuse, criminal sexual

conduct, or stalking and fear(s) imminent violence against the individual or authorized occupant if the individual remains (the individuals remain) in the leased premises.

3. I understand that the person(s) listed above may use this document as a basis for gaining a release from the lease.

I attest that the foregoing is true and correct.

(Printed name of qualified third party)

(Signature of qualified third party)

(Business address and business telephone)

(Date)

Subd. 7. Conflicts with other laws. If a federal statute, regulation, or handbook permitting termination of a residential tenancy subsidized under a federal program conflicts with any provision of this section, then the landlord must comply with the federal statute, regulation, or handbook.

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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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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, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made. An individual must reside in Minnesota in order to be an eligible person. 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 state or county government agency.

- g. "Program participant" means an individual certified as a program participant under section 5B.03.
- h. "Harassment" or "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.

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 full legal 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, or (ii) that the eligible person fears for the person's safety, the safety of another person who resides in the same household, 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 phone number or numbers where the applicant or eligible person can be called by the secretary of state;
5. the physical residential address of the eligible person, disclosure of which will increase the risk of domestic violence, sexual assault, or stalking;
6. if mail cannot be delivered to the residential address of the eligible person, the address to which mail should be sent;
7. a statement whether the eligible person would like information on becoming an ongoing absentee ballot recipient pursuant to section 5B.06;
8. 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;
9. 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
10. 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.

- a. 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.
- b. Certification under this subdivision is for the purpose of participation in the confidentiality program established under this chapter only. Certification must not be used as evidence or be considered for any purpose in any civil, criminal, or administrative proceeding related to the behavior or actions giving rise to the application under subdivision 1.

Subd. 4. Changes in information. Program participants or applicants must inform the secretary of state of a change of legal name, address, or telephone number.

Subd. 5. Designated address. The secretary of state must designate a mailing address to which all mail for program participants is to be

sent. Each program participant may have only one designated address.

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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CERTIFICATION CANCELLATION

MINN. STAT. ANN. § 5B.04

- a. If the program participant obtains a legal change of identity, the participant loses certification as a program participant.
 - b. The secretary of state may cancel a program participant's certification if there is a change in the program participant's legal name or contact information, unless the program participant or the person who signed as the applicant on behalf of an eligible person provides the secretary of state with prior notice in writing of the change.
 - c. 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.
 - d. The secretary of state may cancel a program participant's certification if the program participant is no longer an eligible person.
 - e. The secretary of state shall cancel certification of a program participant who applies using false information.
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USE OF DESIGNATED ADDRESS

MINN. STAT. ANN. § 5B.05

- a. When a program participant presents the address designated by the secretary of state to any person, that address must be accepted as the address of the program participant. The person may not require the program participant to submit any address that could be used to physically locate the participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location. Notwithstanding a person's or entity's knowledge of a program participant's physical location, the person or entity must use the program participant's designated address for all mail correspondence with the program participant.
 - b. A program participant may use the address designated by the secretary of state as the program participant's work address.
 - c. The Office of the Secretary of State shall forward all mail sent to the designated address to the proper program participants.
 - d. If a program participant has notified a person in writing, on a form prescribed by the program, that the individual is a program participant and of the requirements of this section, the person must not knowingly disclose the program participant's name, home address, work address, or school address, unless the person to whom the address is disclosed also lives, works, or goes to school at the address disclosed, or the participant has provided written consent to disclosure of the participant's name, home address, work address, or school address for the purpose for which the disclosure will be made. This paragraph does not apply to records of the judicial branch governed by rules adopted by the Supreme Court or government entities governed by section 13.045.
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VOTING BY PROGRAM PARTICIPANT; ABSENTEE BALLOT

MINN. STAT. ANN. § 5B.06

A program participant who is otherwise eligible to vote may register with the secretary of state as a permanent absentee voter. Notwithstanding section 203B.04, subdivision 5, the secretary of state is not required to send an absentee ballot application prior to each election to a program participant registered as a permanent absentee voter under this section. As soon as practicable before each election,

the secretary of state shall determine the precinct in which the residential address of the program participant is located and shall request from and receive from the county auditor or other election official the ballot for that precinct and shall forward the absentee ballot to the program participant with the other materials for absentee balloting as required by Minnesota law. The program participant shall complete the ballot and return it to the secretary of state, who shall review the ballot in the manner provided by section 203B.121, subdivision 2. If the ballot and ballot materials comply with the requirements of that section, the ballot must be certified by the secretary of state as the ballot of a program participant, and must be forwarded to the appropriate electoral jurisdiction for tabulation along with all other ballots. The name and address of a program participant must not be listed in the statewide voter registration system.

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DATA CLASSIFICATION

MINN. STAT. ANN. § 5B.07

Subdivision 1. Classification of data.

- a. Except for a program participant's name and designated address, all data collected, created, or maintained by the secretary of state related to applicants, eligible persons, and program participants are private data on individuals as defined by section 13.02, subdivision 12. A consent for release of the address from an applicant, eligible person, or program participant is not effective.
- b. A program participant's name and address maintained by a local government entity in connection with an active investigation or inspection of an alleged health code, building code, fire code, or city ordinance violation allegedly committed by the program participant are private data on individuals as defined in section 13.02.

Subd. 2. Release of data.

- a. Upon request from the Bureau of Criminal Apprehension, the secretary of state may share data that are private under subdivision 1 with the Bureau of Criminal Apprehension. Private data received by the Bureau of Criminal Apprehension may be released to a law enforcement agency upon verification that the release will aid the law enforcement agency in responding to an emergency situation or a criminal complaint or conducting an investigation.
 - b. Data maintained by the secretary of state, the Bureau of Criminal Apprehension, and law enforcement agencies related to the process for data sharing under this section are nonpublic data as defined in section 13.02 but may be shared among those agencies. Data related to requests received from law enforcement agencies and the Bureau of Criminal Apprehension under this section are private or nonpublic data.
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DISPLAY AND RELEASE OF NAME PROHIBITED

MINN. STAT. ANN. § 5B.10

Subdivision 1. Display by landlord. If a program participant has notified the program participant's landlord in writing that the individual is a program participant and of the requirements of this section, a local ordinance or the landlord must not require the display of the program participant's name at an address otherwise protected under this chapter.

Subd. 2. Release to local government entity. A landlord may provide a program participant's name to a local government entity only in response to a specific request made in connection with an active investigation or inspection of an alleged health, building, or fire code violation, or a violation of a city ordinance allegedly committed by the program participant.

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LEGAL PROCEEDINGS, PROTECTIVE ORDER

MINN. STAT. ANN. § 5B.11

If a program participant's address is protected under section 5B.05, no person or entity shall be compelled to disclose the participant's actual address during the discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal finds that:

1. there is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and
2. there is no other practicable way of obtaining the information or evidence.

The court must provide the program participant with notice that address disclosure is sought and an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court must consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure. In a criminal proceeding, the court must order disclosure of a program participant's address if protecting the address would violate a defendant's constitutional right to confront a witness.

Disclosure of a participant's actual address under this section shall be limited under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation.

Nothing in this section prevents the court or other tribunal from issuing a protective order to prevent disclosure of information other than the participant's actual address that could reasonably lead to the discovery of the program participant's location.

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SAFE AT HOME PROGRAM PARTICIPANT DATA

MINN. STAT. ANN. § 13.045

Subdivision 1. Definitions.

As used in this section:

1. "program participant" has the meaning given in section 5B.02, paragraph (g);
2. "location data" means data the participant specifies that may be used to physically locate a program participant, such as the program participant's residential address, work address, or school address, and that is collected, received, or maintained by a government entity prior to the date a program participant's certification expires, or the date the entity receives notice that the program participant has withdrawn from the program, whichever is earlier.
3. "identity data" means data that may be used to identify a program participant, including the program participant's name, phone number, e-mail address, address designated under chapter 5B, Social Security number, or driver's license number, and that is collected, received, or maintained by a government entity before the date a program participant's certification expires, or the date the entity receives notice that the program participant has withdrawn from the program, whichever is earlier
4. "county recorder" means the county official who performs the functions of the county recorder or registrar of titles to record a document as part of the county real estate document recording system, regardless of title or office; and
5. "real property records" means any record of data that is maintained by a county as part of the county real estate document recording system for use by the public, data on assessments, data on real or personal property taxation, and other data on real property.

Subd. 2. Notification of certification.

- a. A program participant may notify the responsible authority of any government entity other than the county recorder in writing, on a form prescribed by the secretary of state, that the participant is certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The notice must include the date the program participant's program participant's name, date of birth, address designated under chapter 5B, program participant signature, signature of the participant's parent or guardian if the participant is a minor, certification in the program expires, and any other information specified by the secretary of state. A

program participant may submit a subsequent notice of certification, if the participant's certification is renewed. The contents of the notification of certification are private data on individuals. A notice provided pursuant to this paragraph is a request to protect location data unless the participant requests that specific identity data also be protected.

- b. To affect real property records, a program participant must submit a real property notice in writing to the county recorder in the county where the property identified in the real property notice is located. To affect real property records maintained by any other government entity, a program participant must submit a real property notice in writing to the other government entity's responsible authority. A real property notice must be on a form prescribed by the secretary of state and must include:
 1. the full legal name of the program participant, including middle name;
 2. the last four digits of the program participant's Social Security number;
 3. the participant's date of birth;
 4. the designated address of the program participant as assigned by the secretary of state, including lot number;
 5. the legal description and street address, if any, of the real property affected by the notice;
 6. the address of the Office of the Secretary of State; and
 7. the signature of the program participant.

Only one parcel of real property may be included in each notice, but more than one notice may be presented. The county recorder may require a program participant to provide additional information necessary to identify the records of the program participant or the real property described in the notice. A program participant must submit a subsequent real property notice for the real property if the participant's legal name changes. The real property notice is private data on individuals.

Subd. 3. Classification of identity and location data; amendment of records; sharing and dissemination.

- a. Identity and location data for which a program participant who seeks protection under subdivision 2, paragraph (a), that are not otherwise classified by law are private data on individuals.
- b. Notwithstanding any provision of law to the contrary, private or confidential location data on a program participant who submits a notice under subdivision 3, paragraph (a), may not be shared with any other government entity or nongovernmental entity unless:
 1. the program participant has expressly consented in writing to sharing or dissemination of the data for the purpose for which the sharing or dissemination will occur;
 2. the data are subject to sharing or dissemination pursuant to court order under section 13.03, subdivision 6; or
 3. the data are subject to sharing pursuant to section 5B.07, subdivision 2;
 4. the location data related to county of residence are needed to provide public assistance or other government services, or to allocate financial responsibility for the assistance or services;
 5. the data are necessary to perform a government entity's health, safety, or welfare functions, including the provision of emergency 911 services, the assessment and investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection of services or locations for compliance with health, safety, or professional standards; or
 6. the data are necessary to aid an active law enforcement investigation of the program participant.
- c. Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the purposes authorized in this subdivision and may not be further disclosed to any other person or government entity. Government entities receiving or sharing private or confidential data under this subdivision shall establish procedures to protect the data from further disclosure.
- d. Real property record data are governed by subdivision 4a.

Subd. 4. Acceptance of alternate address required. Regardless of whether a notice of certification has been submitted under subdivision 2, a government entity must accept the address designated by the secretary of state as a program participant's address, and is subject to the requirements contained in section 5B.05, paragraphs (a) to (c)

Subd. 4a. Real property records.

- a. If a program participant submits a notice to a under subdivision 2, paragraph (b), the government entity must not disclose the program participant's identity data in conjunction with the property identified in the written notice in the entity's real property records,, unless:
 1. the program participant has consented to sharing or dissemination of the data for the purpose identified in a writing acknowledged by the program participant;
 2. the data are subject to sharing or dissemination pursuant to court order under section 13.03, subdivision 6;
 3. the secretary of state authorizes the sharing or dissemination of the data under subdivision 4b for the purpose identified in the authorization; or
 4. the data is shared with a government entity subject to this chapter for the purpose of administering assessment and taxation laws.

This subdivision does not prevent a county recorder from returning original documents to the individuals that submitted the documents for recording. This subdivision does not prevent the public disclosure of the participant's name and address designated under chapter 5B in the county reception index if the participant's name and designated address are not disclosed in conjunction with location data. Each government entity shall establish procedures for recording or filing documents to comply with this subdivision. These procedures may include masking identity or location data and making documents or certificates of title containing the data private and not viewable except as allowed by this paragraph. The procedure must comply with the requirements of chapters 386, 507, 508, and 508A and other laws as appropriate, to the extent these requirements do not conflict with this section. The procedures must provide public notice of the existence of recorded documents and certificates of title that are not publicly viewable and the provisions for viewing them under this subdivision. Notice that a document or certificate is private and viewable only under this subdivision or subdivision 4b is deemed constructive notice of the document or certificate.

- b. If the recipient of the real property notice is the county recorder, the county recorder shall notify the county's responsible authority and provide a copy to the secretary of state at the address specified in the notice. If the recipient of the notice is the responsible authority, the responsible authority shall provide a copy to the secretary of state at the address specified by the secretary of state in the notice.
- c. Paragraph (a) applies only to the records recorded or filed concurrently with the real property notice specified in subdivision 2, paragraph (b), and real property records affecting the same real property created or recorded subsequent to the government entity's receipt of the real property notice.
- d. The prohibition on disclosure in paragraph (a) continues until:
 1. the program participant has consented to the termination of the real property notice in a writing acknowledged by the program participant. Notification under this paragraph must be given by the government entity to the secretary of state within 90 days of the termination;
 2. the real property notice is terminated pursuant to a court order. Notification under this paragraph must be given by the government entity to the secretary of state within 90 days of the termination;
 3. the program participant no longer holds a record interest in the real property identified in the real property notice. Notification under this paragraph must be given by the government entity to the secretary of state within 90 days of the termination; or
 4. the secretary of state has given written notice to the government entity who provided the secretary of state with a copy of a participant's real property notice that the program participant's certification has terminated. Notification under this paragraph must be given by the secretary of state within 90 days of the termination.

Upon termination of the prohibition of disclosure, the government entity shall make publicly viewable all documents and certificates of title relative to the participant that were previously partially or wholly private and not viewable.

Subd. 4b. Access to real property data; title examination.

- a. Upon request, the secretary of state may share data regarding a program participant's real property records for the purpose of confirming or denying that the program participant's real property is the property subject to a bona fide title examination. The request must include:

1. the name, title, address, and affiliated organization, if applicable, of the person requesting data;
2. the purpose for requesting data;
3. the requestor's relationship, if any, to the program participant subject to the data; and
4. the legal description of the property subject to the title examination and any other information required by the secretary of state to respond to the request.

The secretary of state shall approve or deny a request for access to data within two business days.

- b. In responding to a bona fide request, the secretary of state may respond by an affirmation in writing that the property subject to the title examination is or is not the property subject to a program participant's real property notice. Notwithstanding subdivision 4a, or any law to the contrary, a party examining title may rely conclusively on the information contained in a written affirmation from the secretary of state.
- c. Location data disclosed under this subdivision may be used only for the purposes authorized in this subdivision and may not be further disclosed to any other person. A person receiving private data under this subdivision shall establish procedures to protect the data from further disclosure.

Subd. 5. Duties of the secretary of state and other government entities limited.

Nothing in this section establishes a duty for:

1. the Office of the Secretary of State to identify other government entities that may hold data on a program participant; or
2. the responsible authority of any government entity to independently determine whether it maintains data on a program participant, unless a request is received pursuant to section 13.04 or a notice of certification is submitted pursuant to this section.

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COVENANT OF LANDLORD AND TENANT NOT TO ALLOW UNLAWFUL ACTIVITIES

MINN. STAT. ANN. § 504B.171

Subdivision 1. Terms of covenant.

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- b. In every lease or license of residential premises, whether in writing or parol, the tenant or licensee covenant that the tenant or licensee will not commit an act enumerated under section 504B.206, subdivision 1, paragraph (a), against a tenant or licensee or any authorized occupant.

Subd. 2. Breach voids right to possession.

A breach of the covenant created by subdivision 1 voids the tenant's or licensee's right to possession of the residential premises. All other provisions of the lease or license, including but not limited to the obligation to pay rent, remain in effect until the lease is terminated by the terms of the lease or operation of law. If the tenant or licensee breaches the covenant created by subdivision 1, the landlord may bring, or assign to the county or city attorney of the county or city in which the residential premises are located, the right to bring an eviction action against the tenant or licensee. The assignment must be in writing on a form provided by the county or city attorney, and the county or city attorney may determine whether to accept the assignment. If the county or city attorney accepts the assignment of the landlord's right to bring an eviction action:

1. any court filing fee that would otherwise be required in an eviction action is waived; and
2. the landlord retains all the rights and duties, including removal of the tenant's or licensee's personal property, following issuance of the writ of recovery of premises and order to vacate and delivery of the writ to the sheriff for execution.

Subd. 3. Waiver not allowed. The parties to a lease or license of residential premises may not waive or modify the covenant imposed by this section.

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EVICTION ACTIONS; GROUNDS; RETALIATION DEFENSE; COMBINED ALLEGATIONS

MINN. STAT. ANN. § 504B.285

Subdivision 1. Grounds.

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- b. A landlord may not commence an eviction action against a tenant or authorized occupant solely on the basis that the tenant or authorized occupant has been the victim of any of the acts listed in section 504B.206, subdivision 1, paragraph (a). Nothing in this paragraph should be construed to prohibit an eviction action based on a breach of the lease.

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Subd. 2. Retaliation defense.

It is a defense to an action for recovery of premises following the alleged termination of a tenancy by notice to quit for the defendant to prove by a fair preponderance of the evidence that:

1. the alleged termination was intended in whole or part as a penalty for the defendant's good faith attempt to secure or enforce rights under a lease or contract, oral or written, under the laws of the state or any of its governmental subdivisions, or of the United States; or
2. the alleged termination was intended in whole or part as a penalty for the defendant's good faith report to a governmental authority of the plaintiff's violation of a health, safety, housing, or building code or ordinance.

If the notice to quit was served within 90 days of the date of an act of the tenant coming within the terms of clause (1) or (2) the burden of proving that the notice to quit was not served in whole or part for a retaliatory purpose shall rest with the plaintiff.

Subd. 5. Combining allegations.

- a. An action for recovery of the premises may combine the allegation of nonpayment of rent and the allegation of material violation of the lease, which shall be heard as alternative grounds.
- b. In cases where rent is outstanding, a tenant is not required to pay into court the amount of rent in arrears, interest, and costs as required under section 504B.291 to defend against an allegation by the landlord that the tenant has committed a material violation of the lease.
- c. If the landlord does not prevail in proving material violation of the lease, and the landlord has also alleged that rent is due, the tenant shall be permitted to present defenses to the court that the rent is not owing. The tenant shall be given up to seven days of additional time to pay any rent determined by the court to be due. The court may order the tenant to pay rent and any costs determined to be due directly to the landlord or to be deposited with the court.

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DOMESTIC ABUSE ACT.

MINN. STAT. ANN. § 518B.01

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Subd. 2. Definitions.

As used in this section, the following terms shall have the meanings given them:

- a. Domestic abuse" means the following, if committed against a family or household member by a family or household member:
 1. physical harm, bodily injury, or assault;

2. the infliction of fear of imminent physical harm, bodily injury, or assault; or
 3. terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; sexual extortion within the meaning of section 609.3458; or interference with an emergency call within the meaning of section 609.78, subdivision 2.
- b. Family or household members" means:
1. spouses and former spouses;
 2. parents and children;
 3. persons related by blood;
 4. persons who are presently residing together or who have resided together in the past;
 5. persons who have a child in common regardless of whether they have been married or have lived together at any time;
 6. a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 7. persons involved in a significant romantic or sexual relationship.

Issuance of an order for protection on the ground in clause (6) does not affect a determination of paternity under sections 257.51 to 257.74. In determining whether persons are or have been involved in a significant romantic or sexual relationship under clause (7), the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination.

- c. Qualified domestic violence-related offense" has the meaning given in section 609.02, subdivision 16.

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Subd. 6. Relief by court.

- a. Upon notice and hearing, the court may provide relief as follows:
1. restrain the abusing 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;
 3. exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;

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11. order the abusing party to pay restitution to the petitioner;

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13. order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or other law enforcement or corrections officer as provided by this section;

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Subd. 12. Real estate.

Nothing in this section shall affect the title to real estate.

MISSISSIPPI



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

- Protection orders granting possession to petitioner of residence, excluding respondent, or approving consent agreement or petitioner to provide suitable alternate housing to petitioner; ordering respondent to pay compensation including moving expenses. MISS. CODE ANN. § 93-21-15.
 - Mississippi Crime Victims' Compensation Act: allowable expenses include temporary housing and relocation for survivors in imminent danger; repair and replacement costs for windows, doors, locks, other security at residence. Maximum grant of \$20,000; must reimburse state out of compensation from collateral sources. MISS. CODE ANN. §§ 99-41-1–99-41-31.
 - Confidentiality for contents of protective order petitions. MISS. CODE ANN. § 93-21-9.
 - Address confidentiality program. MISS. CODE ANN. § 99-47-1.
 - Exemptions from Public Records Act for survivors' shelters and advocacy. MISS. CODE ANN. §§ 93-21-109, 93-21-125
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DOMESTIC ABUSE PROTECTION TEMPORARY AND FINAL ORDERS

MISS. CODE ANN. § 93-21-15

- 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:

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- 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.

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- 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:

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- 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;

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- 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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LEGISLATIVE INTENT

MISS. CODE ANN. § 99-41-3

It is the intent of the Legislature to provide a method of compensating those persons who are innocent victims of criminal acts within the state and who suffer bodily injury or death and of assisting victims of crime through information referrals and advocacy outreach programs. To this end, it is the Legislature's intention to provide compensation for injuries suffered as a direct result of the criminal acts of other persons. It is the further intent of the Legislature that all agencies, departments, boards and commissions of the state and political subdivisions of the state shall cooperate with the Attorney General's Office in carrying out the provisions of this chapter.

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DEFINITIONS

MISS. CODE ANN. § 99-41-5

As used in this chapter, unless the context otherwise requires, the term:

- a. "Allowable expense" means reasonable charges incurred for reasonably needed:

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- iv. Necessary expenses, including, but not limited to, temporary housing and relocation assistance for victims of domestic violence in imminent danger, crime scene cleanup, court-related travel, execution travel, property damage repair and replacement costs for windows, doors, locks or other security devices of a residential dwelling. The division shall establish, by administrative rule, guidelines and monetary limits for such expenses.

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INVESTIGATION AND PROCEDURES

MISS. CODE ANN. § 99-41-11

1. The director shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met.

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SUBROGATION; REPAYMENT OF COMPENSATION; WRITTEN NOTICE OF ACTIONS

MISS. CODE ANN. § 99-41-21

1. If compensation is awarded the state shall be subrogated to all the rights of a claimant or victim to receive or recover from a collateral source to the extent that compensation was awarded.
2. In the event that the claimant or victim recovers compensation, other than under the provisions of this chapter, for injuries or death resulting from criminally injurious conduct, the claimant or victim shall retain, as trustee, so much of the recovered funds as necessary to reimburse the Crime Victims' Compensation Fund...

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CALCULATION AND NATURE OF AWARD; ASSIGNMENT

MISS. CODE ANN. § 99-41-23

4. Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty Thousand Dollars (\$20,000.00) in the aggregate.

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CONTENTS OF PETITION

MISS. CODE ANN. § 93-21-9

7. If the petition states that the disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, or would reveal the confidential address of a shelter for domestic violence victims, the petitioner's address may be omitted from the petition. If a petitioner's address has been omitted from the petition pursuant to this subsection and the address of the petitioner is necessary to determine jurisdiction or venue, the disclosure of such address shall be made orally and in camera. A nonpublic record containing the address and contact information of a petitioner shall be maintained by the court to be utilized for court purposes only.

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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 person living as a spouse or who formerly lived as a spouse or a child of persons living as spouses or who formerly lived as spouses, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person with whom the defendant has a biological or legally adopted 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 97-3-7(4); or
 - iii. Threats of such acts.
 - d. "Sexual assault" means an act as defined in Section 45-33-23(h) 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, domestic violence shelter, nor rape crisis center, 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 name, 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 name, address and telephone number shall be confidential and no public body shall disclose the program participant's name, 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; or
 - c. 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 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, any law enforcement agency and its agents and employees and any local or state 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 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.
-

EXEMPTION FROM PUBLIC RECORDS ACT

MISS. CODE ANN. § 93-21-109

Records maintained by domestic violence shelters, except the official minutes of the board of directors of the shelter, and financial reports filed as required by statute with the board of supervisors or municipal authorities or any other agency of government, shall be withheld from public disclosure under the provisions of the Mississippi Public Records Act of 1983.

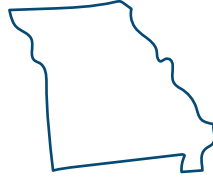
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DEFINITIONS; CONFIDENTIAL VICTIM COMMUNICATIONS PROTECTED FROM DISCLOSURE; CIVIL LIABILITY; LIMITATIONS AND EXCEPTIONS

MISS. CODE ANN. § 93-21-125

1. Definitions. The following definitions apply in this section:
 - a. "Advocate" means an employee, contractor, agent or volunteer of a victim service provider whose primary purpose is to render services to victims of domestic violence, sexual assault, stalking, or human trafficking and who has completed a minimum of twenty (20) hours of training..."Advocate" also means a person employed by a victim service provider who supervises any employee, contractor, agent or volunteer rendering services. The term advocate also means a third party
 - i. present to further the interest of the victim in receiving services;
 - ii. necessary for the transmission of the communication; or
 - iii. to whom disclosure is reasonably necessary to accomplish the purposes for the victim seeking services.
 - ...
 2. Confidential victim communications protected from disclosure.
 - a. No advocate shall disclose any confidential victim communication or personally identifying information of a victim or be compelled to testify to or surrender any confidential victim communications or personally identifying information in any civil or criminal proceeding or in any legislative or administrative proceeding, without the prior informed, written and time-limited consent of the victim, except in the following circumstances:
 - i. where disclosure is mandated under Section 43-21-353, Section 43-47-7, Section 43-47-37, Section 97-3-54.1(4), Section 97-5-51, Section 97-29-49, or any other applicable provision of state or federal law;
 - ii. where failure to disclose is likely to result in imminent risk of serious bodily harm or death of the victim or another person, or when the victim dies or is incapable of giving consent and disclosure is required for an official law enforcement investigation or criminal proceedings regarding the cause of the victim's death or incapacitation; or
 - iii. where disclosure is required pursuant to a valid court order.
 - ...
 - c. A release of information without the consent of the victim shall be limited in scope to the minimum amount necessary to comply with any mandated disclosure. The advocate or victim service provider must make reasonable attempts to notify the victim of the disclosure, to whom the disclosure was made, and for what purpose.
 - d. A victim service program may not require consent to release of information as a condition of service to a victim.
 - ...
 3. Under no circumstances shall the location of a shelter, safe house or transitional housing for victims of domestic violence, sexual assault, stalking, or human trafficking be disclosed in any civil or criminal proceeding.
-

MISSOURI



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

Anti-Non-discrimination; discrimination and Victims of domestic violence, sexual assault, or stalking – no discrimination against applicants, tenants, or lessees for residential properties; Early lease termination rights. Mo. Stat. § 441.920.

Victim's right to protection order not compromised by leaving residence. Mo. Stat. § 455.020.

Orders may exclude restrained party from residence, and may require restrained party to pay housing costs for survivor if a support duty exists. Mo. Stat. §§ 455.045, 455.050.

Child protective orders may exclude restrained party from residence and may require restrained party to pay housing costs if a support duty exists. Mo. Stat. §§ 455.520, 455.523.

Address confidentiality program. Mo. Stat. § 589.660–589.683.

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VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING — NO DISCRIMINATION AGAINST APPLICANTS, TENANTS, OR LESSEES FOR RESIDENTIAL PROPERTIES

Mo. STAT. § 441.920.

1. 1. For purposes of this section, the following terms mean:
 1. "Domestic violence", as such term is defined in section 455.010;
 2. "Sexual assault", as such term is defined in section 455.010;
 3. "Stalking", as such term is defined in section 455.010.
2. No applicant, tenant, or lessee shall be denied tenancy, be evicted from the premises, or found to be in violation of a lease agreement on the basis of or as a direct result of the fact that the applicant, tenant, or lessee is, has been, or is in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking if the applicant, tenant, or lessee otherwise qualifies for tenancy or occupancy in the premises. The provisions of this subsection shall not apply if:
 1. The applicant, tenant, or lessee allowed the person named in any documentation listed in subsection 4 of this section into the premises; or
 2. The landlord or property owner reasonably believes that a person named in any documentation listed in subsection 4 of this section poses a threat to the safety of the other occupants or the property.
3. In any action brought by a landlord against a tenant under this chapter, chapter 534, or chapter 535, 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 a preponderance of the evidence, the court finds that the tenant was a victim or was in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking and the tenant notified the landlord and has provided any requested documentation under subsection 4 of this section.
4. An applicant, tenant, or lessee shall qualify for the protections under this section if he or she provides a statement of such domestic violence, sexual assault, or stalking to his or her landlord or the property owner. If the landlord or property owner requests, the

applicant, tenant, or lessee shall provide documentation of the domestic violence, sexual assault, or stalking, which may be in any of the following forms:

1. A document signed by an employee of a victim service provider, or a health care professional or mental health professional from whom the victim has sought assistance relating to domestic violence, sexual assault, stalking, or the effects of abuse stating that, under penalty of perjury, the individual believes in the occurrence of the incident of domestic violence, sexual assault, or stalking that is the ground for protection, and that the incident meets the applicable definition of domestic violence, sexual assault, or stalking. Such document shall be signed by the victim; or
2. A record of a federal, state, or local law enforcement agency, including a police report, a court, or an administrative agency pertaining to the alleged incident of domestic violence, sexual assault, or stalking.
5. The submission of false information by an applicant, tenant, or lessee under this section may be a basis for a denial of tenancy, eviction, or a violation of a lease agreement.
6. Any landlord or property owner may impose a reasonable termination fee on a tenant or lessee who desires to terminate a lease before the expiration date of such lease under the provisions of this section.
7. The provisions of this section shall only apply to residential properties.

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RELIEF MAY BE SOUGHT — ORDER OF PROTECTION EFFECTIVE, WHERE

Mo. STAT. § 455.020

1. Any person who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking or sexual assault, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence, or stalking, or sexual assault by the respondent.
2. A person's right to relief under sections 455.010 to 455.085 shall not be affected by the person leaving the residence or household to avoid domestic violence.

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TEMPORARY RELIEF AVAILABLE — EX PARTE ORDERS

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 domestic violence, stalking, or sexual assault and may include:

- ...
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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FULL OR EX PARTE ORDER OF PROTECTION, ABUSE, STALKING, OR SEXUAL ASSAULT, CONTENTS — RELIEF AVAILABLE — COURT MAY ORDER TRANSFER BILLING RESPONSIBILITY OF WIRELESS TELEPHONE, WHEN, PROCEDURE

Mo. STAT. § 455.050

1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

...

2. Temporarily enjoining the respondent from entering the premises of the dwelling unit of the 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, rented or occupied 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 respondent; provided that the respondent has no property interest in the dwelling unit;

...

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.
3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

...

5. Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;
6. Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;
7. Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;
8. Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

...

10. Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;
11. Order the respondent to pay court costs;

...

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

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TEMPORARY RELIEF AVAILABLE — EX PARTE ORDERS

Mo. STAT. § 455.520

- 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence, including danger to the child’s pet, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the victim’s safety, including but not limited to:

...

- 2. Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;

...

- 2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

- 1. The order is in the best interests of the child or children remaining in the home;
- 2. The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and
- 3. A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

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FULL ORDER OF PROTECTION — RELIEF AVAILABLE

Mo. STAT. § 455.523

- 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence, including danger to the child’s pet, stalking, and sexual assault may include such terms as the court reasonably deems necessary to ensure the petitioner’s safety, including but not limited to:

...

- 2. Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

...

- 2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

...

- 5. Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

...

- 8. Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence;

...

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DEFINITIONS

Mo. STAT. § 589.660

As used in sections 589.660 to 589.681, the following terms mean:

1. "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;
 2. "Application assistant", an employee or volunteer of a government agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, human trafficking, stalking, or other crimes who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;
 3. "Designated address", the address assigned to a program participant by the secretary;
 4. "Mailing address", an address that is recognized for delivery by the United States Postal Service;
 5. "Program", the address confidentiality program established in section 589.663;
 6. "Program participant", a person certified by the secretary of state as eligible to participate in the address confidentiality program;
 7. "Secretary", the secretary of state.
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PROGRAM CREATED, PURPOSE, PROCEDURES

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, human trafficking, stalking, or other crimes who fear for their safety, as well as the safety of individuals residing in the same household as the victim, by authorizing the use of designated addresses for such victims, their minor children, and individuals residing with them. 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 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 date the application was prepared, 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 statement that the applicant has good reason to believe that he or she:
 - a. Is a victim or resides in the same household as a victim; and
 - b. Fears future harm;
 - d. A 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 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 by the applicant or cancelled by the secretary before that date. The secretary shall send notification of an expiring certification and a renewal form to a program participant at least four weeks prior to the expiration of the program participant's certification. The renewal need only be signed by the applicant and need not be made before an application assistant;

4. The secretary shall forward first class mail, legal documents, and certified mail to the appropriate program participants;
5. This section shall be liberally construed as to not hold omissions by the secretary against participants or applicants.

ADDRESS CONFIDENTIALITY PROGRAM - DISCLOSURE OF ADDRESS, WHEN — NOTICE — LIMITATION ON DISSEMINATION

Mo. STAT. § 589.664

1. If an individual is deemed a participant in the address confidentiality program by the secretary of state, no person or entity shall be compelled to disclose the participant's actual address during the discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal first finds, on the record, that:
 1. There is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and
 2. There is no other practicable way of obtaining the information or evidence.
2. The court shall first provide the program participant and the secretary notice that address disclosure is sought.
3. The program participant shall have an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court shall consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure.
4. Notwithstanding any other provision of law to the contrary, no court shall order an individual who has had his or her application to the program accepted by the secretary to disclose his or her actual address or the location of his or her residence without giving the secretary proper notice. The secretary shall have the right to intervene in any civil proceeding in which a court is considering ordering a participant to disclose his or her actual address.
5. Disclosure of a participant's actual address under this section shall be limited under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no greater than necessary for the purposes of the investigation, prosecution, or litigation.
6. Nothing in this section shall be construed to prevent the court or any other tribunal from issuing a protective order to prevent the disclosure of information other than the participant's actual address that could reasonably lead to the discovery of the program participant's location.

CANCELLATION OF CERTIFICATION, WHEN

Mo. STAT. § 589.666

Certification of a program participant may be cancelled by the secretary if one or more of the following conditions apply:

1. If the program participant obtains a name change, unless the program participant provides the secretary with documentation of a legal name change within ten business days of the name change;
2. If there is a change in the mailing address for the person 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;
3. The participant relocates outside of the state of Missouri; or

4. The applicant or program participant violates subdivision (2) of section 589.663.

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ADDRESS ACCEPTED AS PARTICIPANT'S ADDRESS, WHEN

Mo. STAT. § 589.669

Upon demonstration that an applicant has been accepted into the program by the secretary, government 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:

1. An agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address and is unable to fulfill its statutory duties and obligations without the address; and
 2. The program participant's address or mailing address shall be used only for those statutory and administrative purposes and shall not be made publicly available.
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AVAILABILITY OF PARTICIPANT ADDRESSES

Mo. STAT. § 589.672

If the secretary deems it appropriate, the secretary may make a program participant's address or mailing address available for inspection or copying, under the following circumstances:

1. If a law enforcement agency requests it in the manner provided for by rule; or
 2. If a director of a government agency or the director's designee requests it 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 director or the director's designee is unable to fulfill statutory duties and obligations without the address or mailing address.
-

INSPECTION AND COPYING OF ADDRESSES, WHEN

If the secretary deems it appropriate, the secretary may make a program participant's address and mailing address available for inspection or copying to a person identified in a court order, upon the secretary's receipt of such court order that complies with section 5[8]9.664*.

**Revisor's note: Section number "559.664" appears in original rolls, which does not exist.*

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APPLICATION, SUPPORTING MATERIALS, AND COMMUNICATIONS NOT PUBLIC RECORDS

Mo. STAT. § 589.678

A program participant's application, all supporting materials, and all communications with the secretary of state's address confidentiality program are not public records and are exempt from chapter 610.

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RULEMAKING AUTHORITY

Mo. STAT. § 589.681

The secretary shall promulgate rules to establish and administer the address confidentiality program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 589.660 to 589.681 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

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INAPPLICABILITY OF MISSOURI SUNSET ACT

Mo. STAT. § 589.683

Section 23.253 of the Missouri sunset act shall not apply to any program established pursuant to sections 589.660 to 589.681.

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KANSAS CITY, MISSOURI



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

- Fair housing protections for protected traits that include survivor status. (Exempts some smaller owner-occupied rental properties.) KANSAS CITY, Mo., CODE OF ORDINANCES §§ 38-1, 38-105.
- Retaliation prohibited against tenant who presents evidence of survivor status; survivor status as ground to terminate lease agreement entered into after August 17, 2018. KANSAS CITY, Mo., CODE OF ORDINANCES § 50-109.
- "Chronic nuisance" definition excludes calls for police assistance, including for assistance regarding domestic violence, dating violence, sexual assault, or stalking. KANSAS CITY, Mo., CODE OF ORDINANCES § 48-51.

DEFINITIONS

KANSAS CITY, Mo., CODE OF ORDINANCES § 38-1

37. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or an alternative definition has been provided:

...

4. Commission means the city human rights commission.
5. Complainant means any person claiming injury by the alleged violation of RSMo ch. 213, or of this chapter, including persons who believe they will be injured by an unlawful discriminatory practice that is about to occur.
6. Complaint means a verified written statement of facts and circumstances, including dates, times, places and names of persons involved in any alleged violation of any provision of RSMo ch. 213, or of this chapter.
7. Contract means any contract to which the city shall be a contracting party, except the following:
 - a. Personal services contracts.
 - b. Emergency requisitions for goods, supplies or services.
 - c. Impressed accounts in the nature of petty cash funds.
 - d. Contract or lease, the cost of which will not exceed \$300,000.00.
8. Covered multifamily dwelling means a building consisting of four or more units if the building has one or more elevators or a ground floor unit in a building consisting of four or more units.

...

37. Unlawful discriminatory practice means any discriminatory practice as defined and prohibited by sections 38-103, 38-105, 38-107, 38-109, 38-111 and 38-113.

HOUSING

KANSAS CITY, MO., CODE OF ORDINANCES § 38-105

- a. It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the corporate limits of the city.
- b. Within this section “protected trait” shall mean actual or perceived race, color, religion, national origin, sex mental or physical disability, marital status, familial status, age sexual orientation or gender identity, gender expression, ethnic background, or being a victim of domestic violence, sexual assault or stalking.
- c. If the director finds probable cause of a violation of this section, the director shall notify the director of health of the violation and assist the director of health in any related investigation, in addition [sic] to pursuing any enforcement authorized by chapter 213 RSMo.
- d. The following discriminatory housing practices shall be unlawful:
 - 1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of property offered for sale or rental, or otherwise make unavailable or deny a dwelling to any person, because of a protected trait.
 - 2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of a protected trait.
 - 3. To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference or limitation based on a protected trait or an intention to make any such preference, limitation, or discrimination.
 - 4. To represent to any person, because of a protected trait, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
 - 5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of persons of a particular protected trait.
 - 6. For a person in the business of insuring against hazards to refuse to enter into or discriminate in the terms, conditions or privileges of a contract of insurance against hazards to a dwelling because of a protected trait pertaining to persons owning or residing in or near the dwelling.
 - ...
 - 9. To sexually harass a property owner or tenant;
 - 10. To refuse to rent or to make any distinction or restriction for the rental of a dwelling unit solely because of the type of reasonably verifiable and lawful source of income. As used in this section, lawful source of income shall mean the lawful manner by which an individual supports themselves or their dependents, including but not limited to pay, child support payments, and rental assistance from a federal, state, local or nonprofit-administered benefit or subsidy program. In no event shall an owner be compelled to participate in an otherwise voluntary benefit or subsidy program.
- e. While a person may examine a criminal background check or rental history in reviewing an application for rental housing, the person shall review additional information provided by the rental applicant, including, but not limited to, personal references, recency and severity of any convictions, recency and status of any evictions, and any actions taken by the rental applicant to resolve past evictions.
- ...
- g. Nothing in this section shall apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains or occupies one of such living quarters as the owner’s residence, and if the dwelling contains any rooms, except hallways, which are shared by the families or the owner.
- h. Nothing in this section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from discriminating in the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose on the basis of religion, sexual orientation or gender identity, or from giving preference to persons on those bases.

UNLAWFUL ACTS BY LANDLORDS AND TENANTS OF RESIDENTIAL PREMISES

KANSAS CITY, MO., CODE OF ORDINANCES § 50-109

- a. (a) As used in this section, the following terms shall have the meanings given in this subsection:
 1. (1) Agent means the individual, corporation, partnership, organization or association having the charge, control or management of or receiving the rents of any dwelling unit or premises used for residential purposes.
 2. Dwelling unit means a structure or part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
 3. Landlord means the owner or lessor of a dwelling unit used for residential purposes, or the building of which it is a part.
 4. Owner means one or more persons, jointly or severally, in whom is vested:
 - a. All or part of the legal title to property; or
 - b. All or part of the beneficial ownership and a right to present use and enjoyment of the premises; and such term includes a mortgagee in possession.
 5. Person means an individual or organization.
 6. Premises means a dwelling unit and the structure of which it is a part, and facilities and appurtenances therein, and grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant.
 7. Tenant means a person who entered into possession of a dwelling unit under an oral or written agreement to occupy such dwelling unit to the exclusion of others; provided, however, that the definition of the term "tenant" shall not apply to employees of the owner or agent who have not entered into a written rental agreement for a dwelling unit.
- b. Any landlord or its agent who removes or excludes a tenant or the tenant's personal property from the premises without judicial process and court order, or causes such removal or exclusion, or who causes the removal of the doors to such premises, shall be deemed guilty of a violation of this section.
- c. Any landlord or its agent who willfully diminishes services to a tenant by interrupting or causing the interruption of essential services, including but not limited to electric, gas, water or sewer service, to the tenant or to the premises shall be deemed guilty of a violation of this section; provided, however, this section shall not be applicable if a landlord or its agent takes such action for health or safety reasons.
- d. A landlord or its agent may not retaliate by increasing rent or decreasing services, threatening to evict or evicting the tenant because:
 1. The tenant has complained in good faith to a governmental agency charged with responsibility for enforcement of a building or housing code of a violation applicable to the premises;
 2. The tenant has complained in good faith to the landlord or his agent of a violation of a building or housing code; or
 3. The tenant has organized or become a member of a tenants' union or similar organization.
 4. The tenant or his or her dependent is the victim of domestic violence, sexual assault or stalking and has provided to the landlord a copy of an ex-parte or full order of protection issued for the tenant or tenant's dependent pursuant to state statute, or documentation signed by a medical provider stating that the tenant or his or her dependent is the victim of domestic violence, sexual assault or stalking. Any landlord or his agent who acts in violation of this subsection shall be deemed guilty of a violation of this section.
- e. Every lease entered into after August 17, 2018 contains an implied provision that the lease may be terminated by a party subject to domestic violence, sexual assault, or stalking. Any tenant who is a party to a lease entered into after August 17, 2018 or his or her dependent that is the victim of domestic violence, sexual assault, or stalking, may terminate the lease and quit the premises

upon providing the landlord written notice and a copy of an ex-parte or full order of protection issued for the tenant or the tenant's dependent pursuant to state statute or documentation signed by a medical provider stating that the tenant or his or her dependent is the victim of domestic violence, sexual assault or stalking.

1. When a copy of an ex-parte or full order of protection issued for the tenant or the tenant's dependent pursuant to state statute or documentation signed by a medical provider stating that the tenant or his or her dependent is the victim of domestic violence, sexual assault or stalking, along with a written notice to terminate the lease and quit the premises is made available to the landlord, then the tenant's rights and obligations under the lease are terminated and the tenant shall vacate the dwelling and avoid liability for future rent and shall not incur early termination penalties or fees;
2. The tenant who terminates a lease under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates the lease under this section is entitled to the return of the full deposit, subject to RSMo § 535.300.

Any landlord or his agent who acts in violation of this subsection shall be deemed guilty of a violation of this section.

- f. Any person who shall, in a written application to become a tenant or any person who shall terminate a lease pursuant to the provisions of 50-109(e), knowingly misrepresents material information to the owner or agents of the owner of residential property with the purpose to deceive the owner or agent such that the owner or agent justifiably relies on such misrepresentation and is thereby damaged as a result of the tenant's misrepresentation, shall be deemed guilty of a violation of this section. The nonpayment of rent shall not constitute damage under this section.
- g. Any tenant who shall knowingly refuse to permit or allow his landlord or agent to enter and inspect the leased premises for the purposes of making repairs, after 24 hours' notice of landlord's request, or without advance notice if an emergency condition exists, shall be deemed guilty of a violation of this section, unless there is a written lease that provides otherwise.

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CHRONIC NUISANCE

KANSAS CITY, MO., CODE OF ORDINANCES § 48-51

- a. Chronic nuisance unlawful. It shall be unlawful for any owner or occupant, as defined in section 48-1, of any property, premise, lot, tract or parcel of land to cause, permit, encourage or allow a chronic nuisance to exist upon said property.
- b. Definitions.
 1. Chronic nuisance. A chronic nuisance is the use of any property, premise, lot, tract or parcel of land, or any structure or portion of structure thereon, for any of the following repeated activities, behaviors, or conduct occurring on that property or any structure or portion of structure thereon, or that is associated with the property:
.....
 - f. Disorderly conduct defined in section 50-164 or otherwise by the laws of the city or the state; or
 - g. Attempting bodily injury as defined in section 50-168 or otherwise by the laws of the city or the state; or
 - h. Any other activity that constitutes a felony or misdemeanor under federal or state law.
 - i. Provided, however, that the grounds for determining a chronic nuisance violation for the purposes of this section does not include any request for police protection or any police intervention in the face of a threat or a perceived threat to person or property, or any request for the assistance of the police to enforce a court order, including, but not limited to, circumstances in which the conviction, request for assistance or other police intervention arises from an incident relating to domestic violence, dating violence, sexual assault or stalking against any person at or near the premises.
 2. Repeated. Whenever the city police department has responded three or more times during a 30-day period or seven or more times within a 180-day period to the same property for any of the activities described in 48-51(b)(1).

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d. Chronic nuisance board.

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2. Powers and duties of chronic nuisance board.

a. To interpret the provisions of section 48-51.

b. To determine if a property is a chronic nuisance and order abatement that may include but is not limited to ordering the property closed, making a complaint to regulated industries division, ordering appropriate security measures, closing and boarding the property, or and causing special tax bills be generated for any future calls for service, excluding any call as described in 48-51(b)(1)i.

c. To adopt reasonable rules and regulations governing the form, method and procedures used in the filing, hearing and disposition of appeals, and for the conduct of its own business.

d. To hear cases pertaining to chronic nuisance as defined in this section. At the hearing on the record, the party contesting the notice or the determination that the property is a chronic nuisance property shall be given the opportunity to testify and to present evidence concerning the issue....

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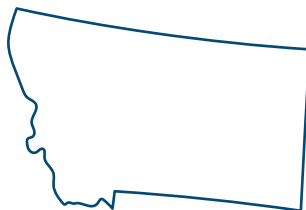
g. Retaliation prohibited.

1. It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant because the tenant complained to the city about nuisance activities on the landlord's premises....

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MONTANA



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

- Protection orders removing and excluding respondent from residence of petitioner, regardless of its ownership; directing transfer of possession and use of residence to petitioner. MONT. CODE ANN. §§ 40-15-201, 40-15-204.
 - Family violence sentencing may order offender to pay survivor's housing and other costs. MONT. CODE ANN. § 45-5-206.
 - Address confidentiality program. MONT. CODE ANN. §§ 40-15-115 — 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:
...
 - d. directing the respondent to stay 1,500 feet or other appropriate distance away from the petitioner, the petitioner's residence, the school or place of employment of the petitioner, or any specified place frequented by the petitioner and by any other designated family or household member;
 - e. removing and excluding the respondent from the residence of the petitioner, regardless of ownership of the residence;
 - ...
 - 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;
 - ...
3. If the petitioner has fled the parties' residence, notice of the petitioner's new residence must be withheld, except by order of the court for good cause shown.

4. The court may, without requiring prior notice to the respondent, issue an immediate temporary order of protection for up to 20 days if the court finds, on the basis of the petitioner's sworn petition or other evidence, that harm may result to the petitioner if an order is not issued before the 20-day period for responding has elapsed.

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WRITTEN ORDERS OF PROTECTION

MONT. CODE ANN. § 40-15-204

1. The court may, on the basis of the respondent's history of violence, the severity of the offense at issue, and the evidence presented at the hearing, determine that to avoid further injury or harm, the petitioner needs permanent protection. The court may order that the order of protection remain in effect permanently.

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3. An order of protection may include all of the relief listed in 40-15-201, when appropriate.

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PARTNER OR FAMILY MEMBER ASSAULT — PENALTY

MONT. CODE ANN. § 45-5-206

2. For the purposes of Title 40, chapter 15, 45-5-231 through 45-5-234, 46-6-311, and this section, the following definitions apply:
 - a. "Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.
 - b. "Partners" means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.

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4.
 - a. ... An investigative criminal justice report, as defined in 45-5-231, must be copied and sent to the offender intervention program, as defined in 45-5-231, to assist the counseling provider in properly assessing the offender's need for counseling and treatment. Counseling providers shall take all required precautions to ensure the confidentiality of the report. If the report contains confidential information relating to the victim's location or not related to the charged offense, that information must be deleted from the report prior to being sent to the offender intervention program.

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5. In addition to any sentence imposed under subsections (3) and (4), after determining the financial resources and future ability of the offender to pay restitution as provided for in 46-18-242, the court shall require the offender, if able, to pay the victim's reasonable actual medical, housing, wage loss, and counseling costs.

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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.
-

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 of a minor or a person described in 40-15-102(4) 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 — DUTIES OF DEPARTMENT — PENALTY

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.
-

CANCELLATION OF SUBSTITUTE ADDRESS — CESSATION OF DUTY

MONT. CODE ANN. § 40-15-119

1. Except as provided in subsections (2) and (3), the department shall cancel the substitute address of a participant 4 years after the date on which the department approved the participant's application.
 2. The department may not cancel the substitute address of a participant if, before the substitute address of the participant is canceled, the participant shows to the satisfaction of the department that the participant remains in imminent danger of becoming a victim.
 3. The department may cancel the substitute address of a participant at any time if
 - a. the participant changes the participant's confidential address from the confidential address listed in the application and fails to notify the department within 48 hours after the change of confidential address; or
 - b. the department determines that the participant knowingly provided false or incorrect information in the application.
 4. When the department cancels the substitute address of a participant, the duty of the department to provide the services described in 40-15-115(2) to the participant ceases.
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RULES

MONT. CODE ANN. § 40-15-120

The department shall adopt rules to carry out the provisions of 40-15-115 through 40-15-121, including rules establishing:

1. a form on which a victim may apply to participate in the program described in 40-15-115(2);
 2. a form on which an applicant may declare whether the applicant wishes to register to vote or, if registered, to change the applicant's address for voter registration. The form may be a separate form or may be included as an integral part of the application provided for in subsection (1).
 3. procedures necessary to implement the program.
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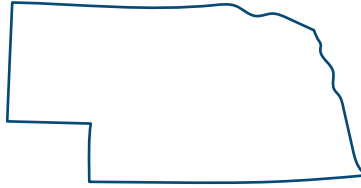
IMPLEMENTATION BY STATE AND LOCAL GOVERNMENT AGENCIES

MONT. CODE ANN. § 40-15-121

The department shall issue the participant a substitute address card containing the participant's name, substitute address, and other information that the department determines appropriate. Any state or local government agency that needs or requires the participant's address shall accept and use the address on the card. The agency may make and file a photocopy of the card.

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NEBRASKA



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

- Prohibiting eviction for another person's crimes or health and safety lease violations where tenant has sought protective order, reported the activity to law enforcement, or obtained certification from a qualified third party of an act of domestic violence. Neb. Rev. Stat. §§ 76-1410, 76-1431.
- Early lease termination for survivor and members of survivor's household following documented act of domestic violence. Neb. Rev. Stat. §§ 76-1431.01.
- Exclusion of the restrained party from the residence. Neb. Rev. Stat. § 42-924.
- Address confidentiality program. Neb. Rev. Stat. §§ 42-1201 — 42-1210.

.....

TERMS, DEFINED

NEB. REV. STAT. § 76-1410

Subject to additional definitions contained in the Uniform Residential Landlord and Tenant Act and unless the context otherwise requires:

1. Act of domestic violence means abuse as defined in section 42-903, sexual assault under sections 28-319 to 28-320.01, domestic assault under section 28-323, stalking under section 28-311.03, labor or sex trafficking under section 28-831, and knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult under section 28-386.

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NONCOMPLIANCE; FAILURE TO PAY RENT; EFFECT; VIOLENT CRIMINAL ACTIVITY UPON PREMISES; LANDLORD; POWERS; EXCEPTIONS

NEB. REV. STAT. § 76-1431

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4. Notwithstanding subsections (1) and (2) of this section or section 25-21,221, and except as provided in subsection (5) of this section, a landlord may, after five days' written notice of termination of the rental agreement and without the right of the tenant to cure the default, file suit and have judgment against any tenant or occupant for recovery of possession of the premises if the tenant, occupant, member of the tenant's household, guest, or other person who is under the tenant's control or who is present upon the premises with the tenant's consent, engages in any violent criminal activity on the premises, the illegal sale of any controlled substance on the premises, or any other activity that threatens the health or safety of other tenants, the landlord, or the landlord's employees or agents. ...
- 5.

- a. A landlord shall not take action under subsection (4) of this section if the violent criminal activity, illegal sale of any controlled substance, or other activity that threatens the health or safety of other tenants, the landlord, or the landlord's employees or agents, as set forth in subsection (4) of this section, is conducted by a person on the premises other than the tenant or a household member and the tenant or household member takes at least one of the following measures:
 - i. The tenant or household member seeks a protective order, restraining order, or other similar relief which would apply to the person conducting such activity;
 - ii. The tenant or household member reports such activity to a law enforcement agency in an effort to initiate a criminal action against the person conducting the activity; or
 - iii. If the activity is an act of domestic violence, the tenant or household member receives certification of the activity from a qualified third party as set forth in the housing protection provisions of the federal Violence Against Women Reauthorization Act of 2013.
 - b. This subsection shall not apply to a tenant who is a perpetrator of an act of domestic violence. If both the victim who takes measures under this subsection and perpetrator of an act of domestic violence are parties to a rental agreement, a landlord shall only take action under subsection (4) of this section against the perpetrator.
-

TENANT; VICTIM OF AN ACT OF DOMESTIC VIOLENCE; RELEASE FROM RENTAL AGREEMENT; CONDITIONS; EFFECT

NEB. REV. STAT. § 76-1431.01

1. A tenant who is a victim of an act of domestic violence or whose household member is a victim of an act of domestic violence may obtain a release from a rental agreement if the tenant or household member has:
 - a. Obtained a protective order, restraining order, or other similar relief which applies to the perpetrator of the act of domestic violence; or
 - b. Obtained certification confirming domestic violence as set forth in subdivision (5)(a)(iii) of section 76-1431.
 2. To obtain a release from a rental agreement under this section, the tenant shall:
 - a. Provide to the landlord a copy of the documentation described in subsection (1) of this section; and
 - b. Provide to the landlord a written notice containing:
 - i. The date on which the tenant wishes the release to be effective. Such date shall be at least fourteen days after the date the tenant provides the documentation and written notice and no more than thirty days after such date; and
 - ii. The names of any household members to be released in addition to the tenant.
 3. The tenant shall remain liable for rent for the month in which the tenant terminated the rental agreement.
 4. A tenant and any household member who is released from a rental agreement pursuant to this section:
 - a. Are not liable for rent or damages to the premises incurred after the release date; and
 - b. Are not subject to any fee solely because of termination of the rental agreement.
 5. Other tenants who are parties to the rental agreement, other than household members of a tenant released under this section, are not released pursuant to this section from their obligations under the rental agreement or the Uniform Residential Landlord and Tenant Act.
 6. A tenant who is a perpetrator of an act of domestic violence may not obtain a release from a rental agreement under this section.
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PROTECTION ORDER; WHEN AUTHORIZED; TERM; VIOLATION; PENALTY; CONSTRUCTION OF SECTIONS

NEB. REV. STAT. § 42-924

- a. Any victim of domestic abuse may file a petition and affidavit for a protection order as provided in this section. Upon the filing of such a petition and affidavit in support thereof, the court may issue a protection order without bond granting the following relief:
 - ...
 - iv. Removing and excluding the respondent from the residence of the petitioner, regardless of the ownership of the residence;
 - v. Ordering the respondent to stay away from any place specified by the court;
 - ...
 - x. Ordering such other relief deemed necessary to provide for the safety and welfare of the petitioner and any designated family or household member.

ACT, HOW CITED

NEB. REV. STAT. § 42-1201

Sections 42-1201 to 42-1210 shall be known and may be cited as the Address Confidentiality Act.

FINDINGS

NEB. REV. STAT. § 42-1202

The Legislature finds that persons attempting to escape from actual or threatened abuse, sexual assault, kidnapping, 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, kidnapping or stalking, to enable interagency cooperation with the office of the Secretary of State in providing address confidentiality for victims of abuse, sexual assault, kidnapping, 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.

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. Kidnapping has the same meaning as in section 28-313;
5. Program participant means a person certified as a program participant under section 42-1204;
6. Sexual assault has the same meaning as in section 28-319, 28-319.01, 28-320, 28-320.01, or 28-386;
7. Stalking has the same meaning as in sections 28-311.02 to 28-311.05; and
8. Trafficking victim has the same meaning as in section 28-830.

SUBSTITUTE ADDRESS; APPLICATION TO SECRETARY OF STATE; APPROVAL; CERTIFICATION; RENEWAL; PROHIBITED ACTS; VIOLATION; PENALTY

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, kidnapping, stalking, or trafficking 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, kidnapping, stalking, or trafficking; 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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ADDRESS OR SUBSTITUTE ADDRESS; USE; WHEN

NEB. REV. STAT. § 42-1206

1. A program participant may request that state and local agencies use the address designated by the Secretary of State as the program participant's substitute address. When creating a new public record, a state or local agency which has a bona fide statutory, tax situs, or administrative requirement for the participant's residence address may request that the participant verbally provide the agency with such residence address if the agency has the capability to use such address for such bona fide purpose without permanently entering it into the agency's records. If the agency does not have such capability, it shall accept the address designated by the Secretary of State as a program participant's substitute address, unless the Secretary of State determines that:
 - a. The state or local agency has a bona fide statutory, tax situs, or administrative requirement for the use of the address which would otherwise be confidential under the Address Confidentiality Act; and
 - b. The address will be used only for such bona fide statutory, tax situs, or administrative requirement.
 2. The Secretary of State shall forward all first-class mail to each program participant's substitute address.
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EARLY VOTING; AUTHORIZED

NEB. REV. STAT. § 42-1207

1. A program participant who is otherwise qualified to vote may apply to vote early under sections 32-938 to 32-951. The county clerk or election commissioner shall transmit the ballot for early voting to the program participant at the address designated by the program participant in his or her application as an early voter. Neither the name nor the address of a program participant or a registered voter with a court order issued as described under section 32-331 shall be included in any list of registered voters available to the public.
 2. The county clerk or election commissioner shall not make a program participant's address contained in voter registration records available for public inspection or copying except under the following circumstances:
 - a. If requested by a law enforcement agency, to the law enforcement agency; or
 - b. If directed by a court order, to a person identified in the order.
-

ADDRESS CONFIDENTIALITY PROGRAM — SECRETARY OF STATE; USE OF SUBSTITUTE ADDRESS; EXCEPTIONS

NEB. REV. STAT. § 42-1208

The Secretary of State shall not make any records in a program participant's file available for inspection or copying, other than the substitute address designated by the Secretary of State, except under the following circumstances:

1. If requested of the Secretary of State by the chief commanding officer of a law enforcement agency or the officer's designee in the manner provided for by rules and regulations adopted and promulgated by the Secretary of State;
 2. To a person identified in a court order upon the receipt by the Secretary of State of that court order which specifically orders the disclosure of a particular program participant's address and the reasons stated therefor; or
 3. To verify the participation of a specific program participant, in which case the Secretary of State may only confirm or deny information supplied by the requester.
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ADDRESS CONFIDENTIALITY PROGRAM- PROGRAM PARTICIPANTS; APPLICATION ASSISTANCE

NEB. REV. STAT. § 42-1209

The Secretary of State shall designate state and local agencies and nonprofit entities that provide counseling and shelter services to victims of abuse, sexual assault, kidnapping, stalking, or trafficking to assist persons applying to be program participants. Any assistance or counseling rendered by the office of the Secretary of State or its designees to such applicants shall not be deemed legal advice or the practice of law.

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ADDRESS CONFIDENTIALITY PROGRAM — RULES AND REGULATIONS

NEB. REV. STAT. § 42-1210

The Secretary of State may adopt and promulgate rules and regulations to carry out the Address Confidentiality Act.

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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. 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 — 217.471.
 - Landlords cannot retaliate against victims of domestic violence for early termination of a lease. Nev. Rev. Stat. § 118A.510.
 - Early lease termination. Nev. Rev. Stat. § 118A.345.
 - Form of affidavit for lease termination. Nev. Rev. Stat. § 118A.347.
 - State required to maintain low-income housing database, including number of units available to survivors of domestic violence. Nev. Rev. Stat. § 319.143.
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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 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:
 - a. A battery.
 - b. An assault.
 - c. Coercion pursuant to NRS 207.190.
 - d. A sexual assault.
 - e. A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
 1. Stalking.
 2. Arson.
 3. Trespassing.
 4. Larceny.
 5. Destruction of private property.
 6. Carrying a concealed weapon without a permit.

- 7. Injuring or killing an animal.
- 8. Burglary.
- 9. An invasion of the home.
- f. A false imprisonment.
- g. Pandering.
- 2. The provisions of this section do not apply to:
 - a. Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or
 - b. Cousins, except those cousins who are in a custodial or guardianship relationship with each other.
- 3. As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

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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;

...
- 2. The court by an extended order may grant any relief enumerated in subsection 1 and:
 - c. Order the adverse party to:
 - 2. Pay rent or make payments on a mortgage on the applicant’s place of residence;

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FICTITIOUS ADDRESS FOR CICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING: ELIGIBILITY; APPLICATION TO SECRETARY OF STATE; PENALTY FOR PROVIDING FALSE INFORMATION

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 incapacitated person may apply to the Division to have a fictitious address designated by the Division serve as the address of the adult, child or incapacitated person.
- 2. An application for the issuance of a fictitious address must include:

- a. Specific evidence showing that the adult, child or incapacitated person has been a victim of domestic violence, human trafficking, 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 Division 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 Division as agent for the adult, child or incapacitated 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 Division.
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 Division 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 incapacitated person has been a victim of domestic violence, human trafficking, sexual assault or stalking before the filing of the application.
 5. The Division 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; DISCLOSURE OF CONFIDENTIAL ADDRESS BY SECRETARY OF STATE, NOTIFICATION OF SCHOOL THAT PUPIL, PARENT OR LEGAL GUARDIAN IS PARTICIPANT

NEV. REV. STAT. § 217.464

1. If the Division approves an application, the Division shall:
 - a. Designate a fictitious address for the participant; and
 - b. Forward mail that the Division receives for a participant to the participant.
2. Upon request of a participant, a governmental entity or provider of a utility service in this State to which the participant is required to provide an address shall allow the participant to use the fictitious address issued by the Division. A governmental entity or provider of a utility service who receives a request pursuant to this subsection shall not maintain a record of the confidential address of the participant, unless:
 - a. The governmental entity or provider of a utility service is required to maintain the confidential address of the participant by federal, state or local law; or
 - b. The provision of service by a provider of a utility service is impossible without maintaining the confidential address of the participant.

If a governmental entity or provider of a utility service maintains a record of the confidential address of a participant pursuant to paragraph (a) or (b), the governmental entity or provider of a utility service must maintain and use the confidential address of the participant only to the extent as required by federal, state or local law or as necessary to provide a utility service.

3. The Division, governmental entity or provider of a utility service to which a participant provides a fictitious address pursuant to this section shall not make any records containing the name, telephone number, confidential address, fictitious address or image of the participant available for inspection or copying, unless:
 - a. The address is requested by a law enforcement agency, in which case the Division shall make the address available to the law enforcement agency;
 - b. The Division, governmental entity or provider of a utility service is directed to do so by lawful order of a court of competent jurisdiction, in which case the Division, governmental entity or provider of a utility service shall make the address available to the person identified in the order; or
 - c. The Division, governmental entity or provider of a utility service is required to do so by federal or state law.
4. If a pupil is attending or wishes to attend 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 Division 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 Division shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.
5. As used in this section, "governmental entity" means any:
 - a. Institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision of this State; and
 - b. Incorporated city, county, unincorporated town, township, school district or other public district or agency designed to perform local governmental functions.

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FICTITIOUS ADDRESS FOR VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING: FORM FOR PARTICIPANT TO REGISTER TO VOTE OR CHANGE ADDRESS OF REGISTRATION

NEV. REV. STAT. § 217.466

If a participant indicates to the Division that the participant wishes to register to vote or change the address of his or her current registration, the Division shall furnish the participant with the form developed by the Secretary of State pursuant to the provisions of NRS 293.5002.

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FICTITIOUS ADDRESS FOR VICTIM OF DOMESTIC VIOLENCE, HUMAN TRAFFICKING, SEXUAL ASSAULT OR STALKING: CANCELLATION

NEV. REV. STAT. § 217.468

1. Except as otherwise provided in subsections 2 and 3, the Division shall cancel the fictitious address of a participant 4 years after the date on which the Division approved the application.
2. The Division shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Division that the participant remains in imminent danger of becoming a victim of domestic violence, human trafficking, sexual assault or stalking.
3. The Division may cancel the fictitious address of a participant at any time if:
 - a. The participant changes his or her confidential address from the one listed in the application and fails to notify the Division within 48 hours after the change of address;
 - b. The Division determines that false or incorrect information was knowingly provided in the application; or

- c. The participant files a declaration of candidacy, as defined in section 2 of this act.

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FICTITIOUS ADDRESS FOR VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING: ADOPTION OF PROCEDURES BY SECRETARY OF STATE

NEV. REV. STAT. § 217.471

The Division shall adopt procedures to carry out the provisions of NRS 217.462 to 217.471, inclusive.

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RETALIATORY CONDUCT BY LANDLORD AGAINST TENANT PROHIBITED; REMEDIES; EXCEPTIONS

NEV. REV. STAT. § 118A.510

- 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential items or services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

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- h. The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence, harassment, sexual assault or stalking or terminates a rental agreement pursuant to NRS 118A.345;

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- 4. As used in this section:

...

- c. "Harassment" means a violation of NRS 200.571.

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- e. "Sexual assault" means a violation of NRS 200.366.

- f. "Stalking" means a violation of NRS 200.575.

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RIGHT OF TENANT OR COTENANT TO TERMINATE LEASE DUE TO DOMESTIC VIOLENCE, HARASSMENT, SEXUAL ASSAULT, OR STALKING

NEV. REV. STAT. § 118A.345

- 1. Notwithstanding any provision in a rental agreement to the contrary, if a tenant, cotenant or household member is the victim of domestic violence, harassment, sexual assault or stalking, the tenant or any cotenant may terminate the rental agreement by giving the landlord written notice of termination effective at the end of the current rental period or 30 days after the notice is provided to the landlord, whichever occurs sooner.
- 2. In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household member is a victim of domestic violence, the written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:
 - a. A copy of an order for protection against domestic violence issued to the tenant, cotenant or household member who is the victim of domestic violence;

- b. A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the domestic violence; or
 - c. A copy of a written affidavit in the form prescribed pursuant to NRS 118A.347 and signed by a qualified third party acting in his or her official capacity stating that the tenant, cotenant or household member is a victim of domestic violence and identifying the adverse party.
 3. In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household member is a victim of harassment, sexual assault or stalking, the written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:
 - a. A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the harassment, sexual assault or stalking, as applicable; or
 - b. A copy of a temporary or extended order issued pursuant to NRS 200.378 or 200.591, as applicable.
 4. A tenant or cotenant may terminate a rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant, cotenant or household member becoming a victim of domestic violence, harassment, sexual assault or stalking occurred within the 90 days immediately preceding the written notice of termination to the landlord.
 5. A tenant or cotenant who terminates a rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the rental agreement, for any rent owed or required to be paid through the date of termination and any other outstanding obligations. If the tenant or cotenant has prepaid rent that would apply for the rental period in which the rental agreement is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant or cotenant unless the amount of the prepaid rent exceeds what is owed for that rental period. Except as otherwise provided in NRS 118A.242, if the tenant or cotenant has paid a security deposit, the deposit must not be withheld for the early termination of the rental agreement if the rental agreement is terminated pursuant to this section.
 6. A person who is named as the adverse party may be civilly liable for all economic losses incurred by a landlord for the early termination of a rental agreement pursuant to this section, including, without limitation, unpaid rent, fees relating to early termination, costs for the repair of any damages to the dwelling and any reductions in or waivers of rent previously extended to the tenant or cotenant who terminates the rental agreement pursuant to this section.
 7. A landlord shall not provide to an adverse party any information concerning the whereabouts of a tenant, cotenant or household member if the tenant or cotenant provided notice pursuant to subsection 1.
 8. If a tenant or cotenant provided notice pursuant to subsection 1, the tenant, the cotenant or a household member may require the landlord to install a new lock onto the dwelling if the tenant, cotenant or household member pays the cost of installing the new lock. A landlord complies with the requirements of this subsection by:
 - a. Rekeying the lock if the lock is in good working condition; or
 - b. Replacing the entire locking mechanism with a new locking mechanism of equal or superior quality.
 9. A landlord who installs a new lock pursuant to subsection 8 may retain a copy of the new key. Notwithstanding any provision in a rental agreement to the contrary, the landlord shall:
 - a. Refuse to provide a key which unlocks the new lock to an adverse party.
 - b. Refuse to provide to an adverse party, whether or not that party is a tenant, cotenant or household member, access to the dwelling to reclaim property unless a law enforcement officer is present.
 10. This section shall not be construed to limit a landlord's right to terminate a rental agreement for reasons unrelated to domestic violence, harassment, sexual assault or stalking.
 11. Notwithstanding any other provision of law, the termination of a rental agreement pursuant to this section:
 - a. Must not be disclosed, described or characterized as an early termination by a current landlord to a prospective landlord; and
 - b. Is not required to be disclosed as an early termination by a tenant or cotenant to a prospective landlord.

12. As used in this section:

- a. "Adverse party" means a person who is named in an order for protection against domestic violence, harassment, sexual assault or stalking, a written report from a law enforcement agency or a written statement from a qualified third party and who is alleged to be the cause of the early termination of a rental agreement pursuant to this section.
 - b. "Cotenant" means a tenant who, pursuant to a rental agreement, is entitled to occupy a dwelling that another tenant is also entitled to occupy pursuant to the same rental agreement.
 - c. "Domestic violence" means the commission of any act described in NRS 33.018.
 - d. "Harassment" means a violation of NRS 200.571.
 - e. "Household member" means any person who is related by blood or marriage and is actually residing with a tenant or cotenant.
 - f. "Qualified third party" means:
 - 1. A physician licensed to practice in this State;
 - 2. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;
 - 3. A psychologist licensed to practice in this State;
 - 4. A social worker licensed to practice in this State;
 - 5. A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;
 - 6. A marriage and family therapist or clinical professional counselor licensed to practice in this State pursuant to chapter 641A of NRS;
 - 7. Any person who:
 - I. Is employed by an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met and who is licensed to provide health care pursuant to the provisions of title 54 of NRS, or is a member of the board of directors or serves as the executive director of an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met;
 - II. Has received training relating to domestic violence; and
 - III. Is a resident of this State; or
 - 8. Any member of the clergy of a church or religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501 (c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination and who is a resident of this State.
 - g. "Sexual assault" means a violation of NRS 200.366.
 - h. "Stalking" means a violation of NRS 200.575.
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FORM OF AFFIDAVIT FOR WRITTEN NOTICE TERMINATING LEASE DUE TO DOMESTIC VIOLENCE

NEV. REV. STAT. § 118A.347

An affidavit submitted by a tenant or cotenant pursuant to subsection 2 of NRS 118A.345 must be in substantially the following form:

(Name of the qualified third party, as defined in NRS 118A.345, including, if applicable, the name of the organization with which the qualified third party is affiliated)

I (and/or) _____

(name of cotenant or household member)

am a victim of domestic violence as defined in NRS 118A.345.

Brief description of incident(s) constituting domestic violence:

The incident(s) that I described above occurred on the following date(s) and time(s), and in the following locations:

The incident(s) that I described above were committed by the following person(s):

I state under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this ____ day of ____, 20.__, at ____ (city), Nevada,

(Signature of tenant, cotenant or household member)

I verify that the person whose signature appears above was a victim of domestic violence and that the person informed me of the name of the adverse party as defined in NRS 118A.345.

Dated this ____ day of ____, 20.__, at ____ (city), Nevada,

(Signature of qualified third party)

DIVISION REQUIRED TO CREATE AND MAINTAIN STATEWIDE LOW-INCOME HOUSING DATABASE

NEV. REV. STAT. § 319.143

1. The Division shall create and maintain a statewide low-income housing database.
2. The database must include, without limitation, the compilation and analysis of demographic, economic and housing data from a variety of sources, including, without limitation, reports submitted pursuant to NRS 278.235, that:
 - a. Provides for an annual assessment of the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes and conversions of multifamily condominiums;
 - b. Addresses the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering drug abusers, persons suffering from mental health ailments and victims of domestic violence, with each group distinguished to show the percentage of the population group at different income levels, and a determination of the number of households within each special-needs group experiencing housing costs greater than 50 percent of their income, overcrowding or substandard housing;
 - c. Contains an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a 2-year planning period;
 - d. Provides a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada,

including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

- e. Provides the number of housing units available to a victim of domestic violence from any housing authority, as defined in NRS 315.021, and from participation in the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; and
 - f. Provides the number of terminations of victims of domestic violence in this State from the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.
3. The costs of creating and maintaining the database:
- a. Must be paid from the Account for Affordable Housing created by NRS 319.500; and
 - b. May not exceed \$175,000 per year.
4. If an owner of multifamily residential housing that is offered for rent or lease in this State and is:
- a. Accessible to persons with disabilities; and
 - b. Affordable housing, as defined in NRS 278.0105, has received any loan, grant or contribution for the multifamily residential housing from the Federal Government or the State, the owner shall, not less than quarterly, report to the Division information concerning each unit of the multifamily residential housing that is available and suitable for use by a person with a disability.
5. The Division shall adopt regulations to carry out the provisions of subsection 4.
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NEW HAMPSHIRE



New Hampshire has enacted the following laws regarding survivors' housing rights:

- Prohibition on discrimination against victims of domestic violence, sexual assault, or stalking; lock changes; exclusion of perpetrator from unit. N.H. Rev. Stat. Ann. § 540:2.
- Exclusion of perpetrator from unit. N.H. Rev. Stat. Ann. § 540:2.
- Eviction defense for victims of domestic violence, sexual assault, and stalking. N.H. Rev. Stat. Ann. § 540:2.
- Partial eviction of perpetrator. N.H. Rev. Stat. Ann. § 540:14.
- Orders providing exclusive use and possession of the home. N.H. Rev. Stat. Ann. §§ 173-B:4, 173-B:5.
- 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. §§ 7:41-7:48.

ACTIONS AGAINST TENANTS 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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ACTIONS AGAINST TENANTS — 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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PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE — 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 circuit 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 circuit court where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing judge. 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:

- a. Protective orders:

...

- 2. Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.

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- 8. Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

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- 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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PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE — RELIEF

N.H. REV. STAT. ANN. § 173-B:5

- I. A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the defendant to relinquish to the 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 relief may include:

- a. Protective orders:

...

2. Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.

...

- b. Other relief including, but not limited to:

1. Granting the plaintiff the exclusive use and possession of the premises and curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.

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- IV. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence; household furniture; custody of children pursuant to RSA 169-B, 169-C, or 169-D; support or custody made under RSA 458; or custody of children of unwed parents as determined by a circuit court, or title to real or personal property.

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ADDRESS CONFIDENTIALITY PROGRAM — 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 — 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.
-

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 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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ADDRESS CONFIDENTIALITY PROGRAM — CERTIFICATION CANCELLATION

N.H. REV. STAT. ANN. § 7:44

- I. If the program participant obtains a name change, he or she loses certification as a program participant and may immediately reapply for certification under his or her new name.
 - II. The attorney general may cancel a program participant's certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the attorney general notice of the change of address within 7 days.
 - III. The attorney general may cancel certification of a program participant if mail forwarded by the secretary to the program participant's address is returned as nondeliverable.
 - IV. The attorney general shall cancel certification of a program participant who applies using false information.
-

ADDRESS CONFIDENTIALITY PROGRAM — AGENCY USE OF DESIGNATED ADDRESS

N.H. REV. STAT. ANN. § 7:45

- I. I. A program participant may request that state and local agencies use the address designated by the attorney general as his or her address. When creating a new public record, state and local agencies shall accept the address designated by the attorney general as a program participant's substitute address, unless the attorney general had 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 subdivision; and
 - b. This address will be used only for those statutory and administrative purposes.
 - II. A program participant may use the address designated by the attorney general as his or her work address.
 - III. The attorney general shall forward all first class mail to the appropriate program participants.
-

ADDRESS CONFIDENTIALITY PROGRAM — VOTING BY PROGRAM PARTICIPANTS

N.H. REV. STAT. ANN. § 7:46

- I. A program participant who is otherwise qualified to vote may apply as an absentee voter. The program participant shall automatically receive absentee ballots for all elections in the jurisdictions for which that individual is domiciled in the same manner as absentee voters pursuant to RSA 657:15. Notwithstanding RSA 654, neither the name nor the address of a program participant shall be included in any list of registered voters available to the public.
 - II. The city or town clerk shall not make the participant's address contained in voter registration records available for public inspection or copying except under the following circumstances:
 - a. If requested by a law enforcement agency, to the law enforcement agency; and
 - b. If directed by a court order, to a person identified in the order.
-

ADDRESS CONFIDENTIALITY PROGRAM — DISCLOSURE OF RECORDS PROHIBITED; EXCEPTIONS

N.H. REV. STAT. ANN. § 7:47

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 attorney general, except under the following circumstances:

- I. If requested by a law enforcement agency, to the law enforcement agency;
- II. If directed by a court order, to a person identified in the order;
- III. If certification has been cancelled; or
- IV. To verify the participation of a specific program participant, in which case the attorney general may only confirm participation in the program.

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ADDRESS CONFIDENTIALITY PROGRAM — ASSISTANCE FOR PROGRAM APPLICANTS.

N.H. REV. STAT. ANN. § 7:48

The attorney general shall refer participants to crisis centers that provide counseling and shelter services to either victims of domestic violence, stalking, or sexual assault to assist persons applying to be program participants.

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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.
- Abuser can be excluded from the unit. N.J. Stat. Ann. §§ 2A:18-53, 18-61.1.
- 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 housing expenses.
- N.J. Stat. Ann. § 2C:25-29.
- Prohibition on in-house restraining orders. N.J. Stat. Ann. § 2C:25-28.1.
- Address Confidentiality Program. N.J. Stat. Ann. § 47:4-1.
- Confidentiality for domestic violence victims. N.J. Stat. Ann. §§ 30:14-13, 46:8-9.11, 2C:25-33.

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.

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.
-

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.)

.....

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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REMOVAL OF TENANT IN CERTAIN CASES; JURISDICTION

N.J. STAT. ANN. § 2A:18-53

Except for residential lessees and tenants included in section 2 of this act, any lessee or tenant at will or at sufferance, or for a part of a year, or for one or more years, of any houses, buildings, lands or tenements, and the assigns, undertenants or legal representatives of such tenant or lessee, may be removed from such premises by the Superior Court, Law Division, Special Civil Part in an action in the following cases:

...

- c. Where such person (1) shall be so disorderly as to destroy the peace and quiet of the landlord or the other tenants or occupants living in said house or the neighborhood, or (2) shall willfully destroy, damage or injure the premises, or (3) shall constantly violate the landlord's rules and regulations governing said premises, provided, such rules have been accepted in writing by the tenant or are made a part of the lease; or (4) shall commit any breach or violation of any of the covenants or agreements in the nature thereof contained in the lease for the premises where a right of re-entry is reserved in the lease for a violation of such covenants or agreements, and shall hold over and continue in possession of the demised premises or any part thereof, after the landlord or his agent for that purpose has caused a written notice of the termination of said tenancy to be served upon said tenant, and a demand that said tenant remove from said premises within three days from the service of such notice. The notice shall specify the cause of the termination of the tenancy, and shall be served either personally upon the tenant or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode with some member of his family above the age of 14 years.
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REMOVAL OF RESIDENTIAL TENANTS; GROUNDS

N.J. STAT. ANN. § 2A:18-61.1

No lessee or tenant or the assigns, under-tenants or legal representatives of such lessee or tenant may be removed by the Superior Court [other than those persons residing in certain types of housing listed or]... except upon establishment of one of the following grounds as good cause:

...

- b. The person has continued to be, after written notice to cease, so disorderly as to destroy the peace and quiet of the occupants or other tenants living in said house or neighborhood.
- c. The person has willfully or by reason of gross negligence caused or allowed destruction, damage or injury to the premises.

- d. The person has continued, after written notice to cease, to substantially violate or breach any of the landlord's rules and regulations governing said premises, provided such rules and regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term.
 - 1. The person has continued, after written notice to cease, to substantially violate or breach any of the covenants or agreements contained in the lease for the premises where a right of reentry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided that such covenant or agreement is reasonable and was contained in the lease at the beginning of the lease term.
 - 2. In public housing under the control of a public housing authority or redevelopment agency, the person has substantially violated or breached any of the covenants or agreements contained in the lease for the premises pertaining to illegal uses of controlled dangerous substances, or other illegal activities...

...

- r. The person is found in a civil action, by a preponderance of the evidence, to have committed a violation of the human trafficking provisions set forth in section 1 of P.L.2005, c. 77 (C.2C:13-8) within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been engaged in human trafficking, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently. No action for removal may be brought pursuant to this subsection more than two years after the alleged violation has terminated. A criminal conviction or a guilty plea to a crime of human trafficking under section 1 of P.L.2005, c. 77 (C.2C:13-8) shall be considered prima facie evidence of civil liability under this subsection.

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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. ...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.

...

- 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.

.....

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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SHORT TITLE; ADDRESS CONFIDENTIALITY PROGRAM ACT

N.J. STAT. ANN. § 47:4-1

This act shall be known and may be cited as the "Address Confidentiality Program Act."

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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, stalking, or sexual assault, and reproductive health service patients and providers may establish new addresses to prevent their assailants or other individuals 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, stalking, or sexual assault, or reproductive health service patients and providers, to enable interagency cooperation with the Director of the Division on Women in the Department of Children and Families in providing address confidentiality for victims of domestic violence, stalking, and sexual assault, and reproductive health service patients and providers, and to enable public agencies to accept a program participant's use of an address designated by the director as a substitute mailing address.

.....

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 qualified person, as specified on the qualified person's application to be a program participant under this act.

"Division" means the Division on Women in the Department of Children and Families.

"Director" means the Director of the Division on Women in the Department of Children and Families.

"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.

"Qualified person" means a reproductive health service patient or provider, a victim of domestic violence, sexual assault, or stalking, or a family member of any such person.

"Program participant" means a qualified person certified by the director as eligible to participate in the Address Confidentiality Program established by this act.

"Reproductive health service provider" means a hospital, clinic, physician's office, or other facility that provides reproductive health services, including an employee, a volunteer, or a contractor of the provider.

“Reproductive health services” means medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

“Sexual assault” means an act of sexual assault as defined in N.J.S.2C:14-2, if the act has been reported to a law enforcement agency or court.

“Stalking” means an act defined in section 1 of P.L.1992, c.209 (C.2C:12-10), if the act has been reported to a law enforcement agency or court.

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ADDRESS CONFIDENTIALITY PROGRAM CREATED

N.J. STAT. ANN. § 47:4-4

- a. There is created in the division a program to be known as the “Address Confidentiality Program.” A qualified 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 qualified person may apply to the director to have an address designated by the director as the applicant’s address. The director shall approve an application if it is filed in the manner and on the form prescribed by the director 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 qualified person as defined in this act or the applicant has applied for an order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.); and
 - b. that the applicant fears further violent acts from the applicant’s assailant or violent acts from other individuals;
 - 2. a designation of the director 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 director, 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, stalking, sexual assault, or other 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 director.
- c. Upon approving a completed application, the director 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 director as his or her work address.
- f. Upon receipt of first class mail addressed to a program participant, the director or a designee shall forward the mail to the actual address of the participant. The director 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 director and to those employees involved in the operation of the address confidentiality program and to law enforcement officers for law enforcement purposes.
- g. The director, 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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ADDRESS CONFIDENTIALITY PROGRAM- CANCELLATION OF PROGRAM PARTICIPANT'S PARTICIPATION

N.J. STAT. ANN. § 47:4-5

The director may cancel a program participant's certification if:

- 1. the program participant obtains a name change through an order of the court;
- 2. the program participant changes the participant's residential address and does not provide seven days' advance notice to the director;
- 3. mail forwarded by the director to the address or addresses provided by the program participant is returned as undeliverable; or
- 4. any information on the application is false.

The application form shall notify each applicant of the provisions of this section.

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ADDRESS CONFIDENTIALITY PROGRAM- USE OF ADDRESS DESIGNATED BY AGENCY

N.J. STAT. ANN. § 47:4-6

A program participant may request that any State or local agency use the address designated by the director as the program participant's address. The agency shall accept the address designated by the director as a program participant's address, unless the agency has demonstrated to the satisfaction of the director 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; and
- 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.

.....

CONFIDENTIALITY FOR PERSONS SEEKING SHELTER SERVICES

N.J. STAT. ANN. § 30:14-13

Information which may reveal the identity or location of a person seeking shelter services shall not be disclosed, except as otherwise specifically required by law or with the consent of the person seeking shelter services.

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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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UNIFORM RECORD OF APPLICATIONS FOR RELIEF; INFORMATION INCLUDED; CONFIDENTIALITY

N.J. STAT. ANN. § 2C:25-33

- a. The Administrative Office of the Courts shall, with the assistance of the Attorney General and the county prosecutors, maintain a uniform record of all applications for relief pursuant to sections 9, 10, 11, 12, and 13 of P.L.1991, c.261 (C.2C:25-25, C.2C:25-26, C.2C:25-27, C.2C:25-28, and C.2C:25-29).

...

It shall be the duty of the Director of the Administrative Office of the Courts to compile and report annually to the Governor, the Legislature and the Advisory Council on Domestic Violence on the data tabulated from the records of these orders.

All records maintained pursuant to this act shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.

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NEW MEXICO



New Mexico has enacted the following laws regarding survivors' housing rights:

- Providing a procedure for participants in the confidential substitute address program to vote in statewide and special elections. N.M. Stat. Ann. §§ 1-6C-2-1-6C-6.
- 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.
- Address confidentiality program. N.M. Stat. Ann. §§ 40-13B-3-40-13B-8.
- Limits on internet publication. N.M. Stat. Ann. § 40-13-12.

DEFINITIONS

N.M. STAT. ANN. § 1-6C-2.

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- H. "participant" means a person certified to participate in the confidential substitute address program pursuant to the procedures of the Confidential Substitute Address Act; and
- I. "voter-participant" means a participant who is also a voter."

ELECTIONS COVERED; AUTOMATIC DELIVERY OF BALLOTS; FORM OF BALLOT AND BALLOT MATERIALS; CONFIDENTIALITY

N.M. STAT. ANN. § 1-6C-3.

- A. The procedures in the Intimate Partner Violence Suffrage Act apply to all elections and operate notwithstanding other provisions of the Election Code or state or local laws related to elections in the contrary.
- B. Upon a person's certification as a participant, the administrator shall determine whether the participant is a voter. If the participant is not a voter but appears to be a qualified elector, the administrator shall offer the participant the opportunity to register to vote.
- C. A voter-participant shall vote exclusively by mailed absentee ballot or mailed ballot. In each election in which a voter-participant is eligible to vote, the administrator shall send a mailed absentee ballot or a mailed ballot to the voter-participant without requiring a request or application to receive a ballot.

...

- F. With regard to communications related to participants and participant records related to voting:

1. any communication between the secretary of state and any county clerk related to the Intimate Partner Violence Survivor Suffrage Act shall be maintained as confidential in accordance with the confidentiality provisions of Subsection A of Section 40-13B-8 NMSA 1978 and shall not be disclosed except as provided by that section; and
 2. once a person is decertified, records related to that voter are no longer confidential pursuant to Paragraph (1) of this subsection and may be disclosed in the same manner provided for disclosure of voter information pursuant to the provisions of the Election Code."
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VOTER RECORDS; CERTIFICATION; DECERTIFICATION; CANCELLATION

N.M. STAT. ANN. § 1-6C-4.

Notwithstanding the provisions of the Voter Records System Act [Chapter 1, Article 5 NMSA 1978], the secretary of state shall:

- A. maintain within the state voter registration electronic management system a secured module. Voter-participant registration records shall be maintained in the secured module and shall be accessible only as required by staff designated by the secretary of state. Voter-participant registration records shall not appear in the voter file or the county voter list, be accessible by any county user or be viewable by the public;
 - B. maintain a register of voter-participants, which shall serve as a supplement to the county register for the county in which each voter-participant's voter registration residential address is located. The register maintained by the secretary of state shall be filed in a fire-resistant container;
 - C. upon the determination that a participant is an existing voter, proceed to transfer all voter registration records related to the voter-participant from the voter file to the secured module and shall notify the appropriate county clerk, who shall immediately transfer the voter-participant's voter registration documents from the county register to the secretary of state. Voter registration records related to a voter-participant shall not be maintained in the county register or by the county clerk;
-

RANDOM IDENTIFIER AND VERIFICATION CODE

N.M. STAT. ANN. § 1-6C-5.

- A. Prior to each election, the administrator shall assign to each voter-participant eligible to vote in that election a random identifier and a verification code for use in that election only.
 - B. In the mailed absentee ballot or mailed ballot process, the random identifier shall be used in place of the voter-participant's required voter identification and the verification code shall be used in place of the voter-participant's signature.
 - C. At the same time a ballot is mailed to a voter-participant, the administrator shall separately send the voter-participant the verification code assigned to the voter-participant for that election, along with instructions to place the verification code where a voter normally provides a signature under the privacy flap of a mailed absentee ballot or mailed ballot.
-

TRANSMISSION OF BALLOTS TO VOTER-PARTICIPANTS

N.M. STAT. ANN. § 1-6C-6.

- A. On the thirty-fifth day before an election, on behalf of each voter-participant eligible to vote in that election, the administrator shall request from each appropriate county clerk the ballot to be used by each voter-participant registered to vote in that county.
- B. The request shall not reveal the name or address of the voter-participant. In place of a voter-participant's name and address, the administrator shall provide the appropriate county clerk the random identifier and verification code associated with the voter-

participant for that election. The request made pursuant to this section is a record related to voting subject to the disclosure and retention procedures of Section 1-12-69 NMSA 1978.

...

- D. Twenty-eight days before the election, the administrator shall mail a ballot and balloting materials to a voter-participant's delivery address, along with a return envelope necessary to return the voted ballot to the appropriate county clerk. The return envelope shall be the same as for all other voters, except that in place of the required voter identification to be written under the privacy flap, the administrator shall provide the random identifier assigned to that voter-participant for that election. The return envelope for the voted ballot shall be postage-paid and the return address shall be the address for the appropriate county clerk.

...

- E. When an unvoted ballot is transmitted to the administrator on behalf of a voter-participant, the appropriate county clerk shall note in the ballot register the random identifier in place of the voter-participant's name and the address of the confidential substitute address program in place of the voter-participant's address and shall not note the voter-participant's gender or year of birth.

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AGENCIES; USE OF CONFIDENTIAL SUBSTITUTE ADDRESS; PUBLIC RECORDS

N.M. STAT. ANN. § 40-13B-5

- A. A participant shall:
 - 1. contact each agency that requests or uses an address; and
 - 2. provide the agency with a copy of the participant's confidential substitute address identification card.

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PARTICIPANT RECORDS; CONFIDENTIALITY: DISCLOSURE PROHIBITED

N.M. STAT. ANN. § 40-13B-8

- A. The secretary of state and an agency shall not disclose the residential address, delivery address, telephone number or email address of a participant unless the information is required to be disclosed pursuant to a court order. A person or agency that receives a participant's residential address, delivery address, telephone number or email address pursuant to a court order shall not in turn disclose that information unless pursuant to a court order or unless the person has been decertified.
- B. The secretary of state shall maintain the confidentiality of all records relating to an applicant for or participant in the confidential substitute address program while the person is a participant and shall:
 - 1. store all tangible copies of program records in locked equipment;
 - 2. store all electronic copies of program records in a password-protected system;
 - 3. restrict access to all program records to secretary of state staff members who are approved to access the records as provided in this section; and
 - 4. release program records only on a court's order.

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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;
 - 2. award temporary custody of any children involved when appropriate and provide for visitation rights, child support and temporary support for the protected party on a basis that gives primary consideration to the safety of the protected party and the children;
- ...
- 4. restrain a party from transferring, concealing, encumbering or otherwise disposing of the other party's property or the joint property of the parties except in the usual course of business or for the necessities of life and require the parties to account to the court for all such transferences, encumbrances and expenditures made after the order is served or communicated to the restrained party;
 - 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;
- ...
- 7. order other injunctive relief as the court deems necessary for the protection of a party, including orders to law enforcement agencies as provided by this section.

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CONFIDENTIAL SUBSTITUTE ADDRESS PROGRAM; APPLICATION

N.M. STAT. ANN. § 40-13B-3

- A. The “confidential substitute address program” is created in the office of the secretary of state to provide a process by which a victim of domestic violence may protect the confidentiality of the victim's residential and delivery addresses in public records.
- B. An applicant, with the assistance of an application assistant, shall submit an application to the secretary of state on a form prescribed by the secretary of state. The application assistant's signature shall serve as recommendation that the applicant participate in the confidential substitute address program.

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SECRETARY OF STATE; DUTIES; SERVICE ON PARTICIPANT.

N.M. STAT. ANN. § 40-13B-4

- A. The secretary of state shall:
 - 1. certify applicants whose applications comply with the requirements of the Confidential Substitute Address Act to participate in the confidential substitute address program; and
 - 2. with respect to each certified participant:
 - a. issue a confidential substitute address identification card;
 - b. designate a confidential substitute address that shall be used in place of the participant's residential or delivery address by state and local government agencies;
 - c. receive mail and deliveries sent to a participant's confidential substitute address and forward the mail and deliveries to the participant's delivery address at no charge to the participant;
 - d. accept service of process, notice or demand that is required or permitted by law to be served on the participant and immediately forward the process, notice or demand to the participant's delivery address at no charge to the participant; and
 - e. maintain records of the following that are received and forwarded by the secretary of state: 1) a participant's certified and registered mail; and 2) any process, notice or demand that is served on a participant.
 - 3. administer the provisions of the Intimate Partner Violence Survivor Suffrage Act to ensure that a participant who is eligible to vote in this state is able to be securely registered to vote and to automatically receive a ballot for each election.
- B. Service made pursuant to the provisions of this section is perfected three days after it is accepted by the secretary of state.

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AGENCIES USE OF CONFIDENTIAL SUBSTITUTE ADDRESS; PUBLIC RECORDS

N.M. STAT. ANN. § 40-13B-5

- A. A participant shall:
 - 1. contact each agency that requests or uses an address; and
 - 2. provide the agency with a copy of the participant's confidential substitute address identification card.
- B. Agencies that receive copies of confidential substitute address identification cards submitted pursuant to this section shall use the participant's confidential substitute address for all purposes.

- C. A school district shall use a participant's confidential substitute address as the participant's address of record and, if necessary, shall verify a student's enrollment eligibility with the secretary of state.
 - D. A county clerk shall transfer all records related to a participant's voter registration to the secretary of state pursuant to the provisions of the Intimate Partner Violence Suffrage Act.
 - E. A participant's residential or delivery address, telephone number and email address that are maintained by an agency are not public records and shall not be disclosed pursuant to the Inspection of Public Records Act while a person is a participant.
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CHANGE OF PARTICIPANTS NAME; ADDRESS OR TELEPHONE NUMBER; REQUIREMENTS

N.M. STAT. ANN. § 40-13B-6

- A. A participant shall notify the secretary of state within ten days of legally changing the participant's name and shall provide the secretary of state with a certified copy of documentation of the legal name change.
 - B. A participant shall notify the secretary of state within ten days of a change to the participant's residential address, delivery address, telephone number or email address.
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PARTICIPANT DECERTIFICATION

N.M. STAT. ANN. § 40-13B-7

- A. A participant shall be decertified from the confidential substitute address program if:
 - 1. the participant submits a request to withdraw from the confidential substitute address program to the secretary of state;
 - 2. the participant fails to notify the secretary of state of a legal name change or a change to the participant's residential address, delivery address, telephone number or email address; or
 - 3. mail that is forwarded by the secretary of state to the participant's delivery address is returned as undeliverable.
 - B. If the secretary of state determines that one or more of the causes for decertification provided in Subsection A of this section exist, the secretary of state shall send notice of the participant's decertification to the participant's delivery and residential addresses and shall attempt to notify the participant by telephone and email. The participant shall be given ten days from the date of decertification to appeal the decertification.
 - C. A person who is decertified from the confidential substitute address program shall not continue to use the person's confidential substitute address.
 - D. For six months after a participant has been decertified, the secretary of state shall forward mail and deliveries to an address provided by the former participant. Upon receipt of mail and deliveries pursuant to this subsection, a former participant shall provide an updated address to the sender.
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PARTICIPANT RECORDS; CONFIDENTIALITY; DISCLOSURE PROHIBITED

N.M. STAT. ANN. § 40-13B-8

- A. The secretary of state and an agency shall not disclose the residential address, delivery address, telephone number or email address of a participant unless the information is required to be disclosed pursuant to a court order. A person or agency that receives a participant's residential address, delivery address, telephone number or email address pursuant to a court order shall not in turn disclose that information unless pursuant to a court order or unless the person has been decertified.
- B. The secretary of state shall maintain the confidentiality of all records relating to an applicant for or participant in the confidential substitute address program while the person is a participant and shall:
 - 1. store all tangible copies of program records in locked equipment;
 - 2. store all electronic copies of program records in a password-protected system;
 - 3. restrict access to all program records to secretary of state staff members who are approved to access the records as provided in this section; and
 - 4. release program records only on a court's order.
- C. The secretary of state shall establish a system for restricting access to program records to approved staff members. Before being approved and granted access to program records, the staff member shall:
 - 1. submit to aXS criminal background check performed by the department of public safety;
 - 2. not have a record of a sex offense, felony or a misdemeanor violation related to domestic violence or sexual assault on the results of the person's criminal background check; and
 - 3. complete forty hours of training, including a domestic violence training course provided by the children, youth and families department and sexual assault training provided by the department of health or the crime victims reparation commission or its successor.

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LIMITS ON INTERNET PUBLICATION

N.M. STAT. ANN. § 40-13-12

A state agency, court or political subdivision of the state, including a magistrate or municipal court, judicial district, law enforcement agency, county, municipality or home-rule municipality, shall not make available publicly on the internet any information that would likely reveal the identity or location of the party protected under an order of protection. A state agency, court or political subdivision may share court-generated and law enforcement-generated information contained in secure, government registries for protection order enforcement purposes.

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NEW YORK



New York has enacted the following laws regarding survivors' housing rights:

- Right to call for police and emergency assistance; victim protections. N.Y. Civ. Rights Law §§ 91–98.
- Early lease termination. N.Y. Real Prop. Law § 227-c; N.Y. Crim. Proc. §§ 530.12, 530.13; N.Y. Dom. Rel. § 240; N.Y. Fam. Ct. Act §§ 446, 656, 842, 1056.
- Phone listing confidentiality/new phone number without fee/contract termination. N.Y. Pub. Serv. Law § 91; N.Y. Gen. Bus. Law § 399-yy.
- Address confidentiality program. N.Y. Exec. Law § 108.
- Voter registration confidentiality. N.Y. Elec. Law § 5-508.
- Service animals to domestic violence survivors. N.Y. Soc. Serv. § 459-b.
- Prohibitions to housing discrimination based on domestic violence. N.Y. Real Prop. Act § 227-D.
- Prohibits evictions based on domestic violence victim. N.Y. Real Prop. Act § 744.

RIGHT TO CALL FOR POLICE AND EMERGENCY ASSISTANCE; VICTIM PROTECTIONS

N.Y. Civ. RIGHTS LAW § 91

1. Any person who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law or who otherwise believes they are in need of police or emergency assistance has the right to request such assistance and to be free of any direct or indirect penalty or reprisal for accessing assistance, or because they reside at a property where domestic violence or other law enforcement or emergency response activity occurred. Other than as provided in section ninety-two of this article, no victim of conduct which has been used as the grounds for the application of a local law or ordinance established for the purpose of regulating nuisances shall be directly or indirectly penalized, or otherwise subject to reprisal by application of such local law, including by termination or refusal to renew a tenancy or by eviction. These protections shall also extend to any residential occupant upon whose behalf a third party has called for police or emergency assistance.
2. No residential occupant shall be required, either orally or in writing, to waive rights under this article, and any such waiver shall be void and unenforceable.

PROTECTIONS NOT APPLICABLE TO BREACHES OF LEASE, ILLICIT ACTIVITIES, OR OTHER VIOLATIONS OF LAW

N.Y. Civ. RIGHTS LAW § 92

The protections of this article shall not be deemed to prohibit a municipality from enforcing an ordinance or local law, nor restrict a landlord from terminating, evicting or refusing to renew a tenancy, when such action is premised upon grounds other than access of police or emergency assistance or is otherwise premised on conduct unrelated to the residential occupant's status as a target or victim of violence or harm.

Right of property owners to be free of penalty for respecting the rights of an occupant to request police or emergency assistance.

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RIGHT OF PROPERTY OWNERS TO BE FREE OF PENALTY FOR RESPECTING THE RIGHTS OF AN OCCUPANT TO REQUEST POLICE OR EMERGENCY ASSISTANCE

N.Y. CIV. RIGHTS LAW § 93

No landlord or other property owner shall be subject to fines or loss of permits or licenses by a municipality for failing to penalize or take steps to remove an occupant who has exercised rights under this article.

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LIMITATION ON RIGHT TO REQUEST POLICE OR EMERGENCY ASSISTANCE PROHIBITED

N.Y. CIV. RIGHTS LAW § 94

1. A municipality, municipal authority, landlord or property owner shall not prohibit, restrict, penalize or in any other way directly or indirectly limit any person's exercise of rights under this article and any such limitation shall be void as contrary to public policy. The protections of this prohibition shall extend to any residential occupant upon whose behalf a third party has called for police or emergency assistance.
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DEFENSES

N.Y. CIV. RIGHTS LAW § 95

1. It is a defense to any judicial or administrative action or proceeding taken by any municipality or municipal authority enforcing any local law or ordinance that the enforcement action directly or indirectly penalizes a residential occupant or property owner for the exercise of rights under this article. Prior to initiation of such enforcement action or proceeding all parties and any occupant that may be so impacted shall be given written notice by the municipality of the protections of this article and shall have the right to be heard in the action or proceeding to advance the defenses provided by this article.
 2. It is a defense in any action or proceeding by a landlord or other owner of real property to regain possession of that property that the action or proceeding directly or indirectly penalizes a residential occupant for the exercise of rights under this article. Any residential occupant whose right to continued occupancy may be impacted by the action or proceeding shall be given written notice of the action or proceeding and the protections of this article by the party initiating the action or proceeding. The residential occupant shall have the right to appear as a necessary party in accordance with the provisions of the civil practice law and rules and the real property actions and proceedings law in order to advance the defenses provided by this article.
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REMOVAL OF THE PERPETRATOR OF VIOLENCE WHILE ASSURING CONTINUED OCCUPANCY BY VICTIM

N.Y. CIV. RIGHTS LAW § 96

Actions including termination, eviction or refusal to renew a leasehold interest or termination of any other form of lawful occupancy through a judicial proceeding may be carried out against the perpetrator of such violence or harm. Notwithstanding the terms of an existing lease, written or oral, or other form of occupancy agreement, any person with rights described in section ninety-one of this article shall have the right to continue in occupancy, and the court may so order, for a term equivalent to the balance of the original term and under the same terms and conditions as provided in the original lease or occupancy agreement.

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REMEDIES

N.Y. CIV. RIGHTS LAW § 97

Any person or entity aggrieved by a violation of the protections created by this article shall have the right to bring an action or special proceeding in a court of appropriate jurisdiction to seek damages and/or declaratory and injunctive relief or any other remedies as provided by law with respect to such violation. A prevailing plaintiff may be entitled to an award of costs and attorney's fees.

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AVAILABILITY OF REMEDIES

N.Y. CIV. RIGHTS LAW § 98

Seeking legal remedies or relief under this article shall not diminish or impair the right of a person to seek or receive any other relief, remedy or benefit under any other applicable law or legal process.

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TERMINATION OF RESIDENTIAL LEASE BY VICTIMS OF DOMESTIC VIOLENCE

N.Y. REAL PROP. LAW § 227-c

1. Lease or rental agreement. In any lease or rental agreement covering premises occupied for dwelling purposes, where a tenant or a member of the tenant's household is a victim of domestic violence as defined by section four hundred fifty-nine-a of the social services law and reasonably fears remaining in the leasehold premises because of potential further domestic violence, such tenant shall be permitted to terminate such lease or rental agreement and quit and surrender possession of the leasehold premises and 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. Lease termination procedure.
 - a. A tenant who meets the requirements in subdivision one of this section may terminate the tenant's lease by notice in writing delivered to the lessor or owner of the premises occupied by such person, or to the lessor's or owner's agent, and to any co-tenants of such lessee or tenant other than the perpetrator of domestic violence. The notice shall specify the termination date which shall be no earlier than thirty days after such notice is delivered. If the notice is mailed via first class mail, it shall be deemed delivered five days after mailing. If the tenant asserts that the lessor or owner is the perpetrator of domestic violence, a person authorized by the tenant may deliver such notice on the tenant's behalf.
 - b. Such notice shall state that the tenant or a member of the tenant's household has experienced domestic violence and reasonably believes the tenant, or the member of the tenant's household, is unable to safely remain in the leased premises as a result of the domestic violence.
 - c. Within twenty-five days of such notice, the tenant shall provide documentation demonstrating that the tenant or a member of the tenant's household has been a victim of domestic violence as described in subdivision one of this section. This documentation may include any one or more of the following:
 - i. A temporary or final order of protection issued by a court of competent jurisdiction;
 - ii. A record, complaint, or report from a federal, state, or local law enforcement agency of an act of domestic violence as described in section four hundred fifty-nine-a of the social services law or a family offense as described in section eight hundred twelve of the family court act, or certifying that the tenant or a member of the tenant's household has been subjected to domestic violence;
 - iii. A record from a health care provider for treatment related to domestic violence as described in section four hundred fifty-nine-a of the social services law or a family offense as described in section eight hundred twelve of the family court act;

- iv. A written verification from any other qualified third party to whom the tenant, or a member of the tenant's household reported the domestic violence.
 - A. "Qualified third party" shall include: any law enforcement officer; employee of a court of the state; attorney, physician, psychiatrist, psychologist, social worker, registered nurse, therapist, or clinical professional counselor licensed to practice in any state; person employed by a government or non-profit agency or service that advises or provides services to persons regarding domestic violence; or any member of the clergy of a church or religious society or denomination.
 - B. Written verification as described herein shall be satisfied by any sworn or notarized statement including the required information.
- d. The following sample forms shall satisfy the notice and verification requirements but are not required. These sample forms shall be posted to the New York state unified court system's website, and shall be made available in the state's family, civil, housing, criminal, and supreme courts:

Part I. Tenant/Legal Occupant Statement

I, (insert name of tenant), state as follows:

(Choose the next part (A, B, or C) that most accurately describes your situation)

(A) I have been subject to domestic violence. Date(s) of recent incident(s) happened on or about:

(B) A member of my household has been subject to domestic violence. Date(s) of recent incident(s) happened on or about:

(C) Both I and at least one member of my household have been subject to domestic violence. Date(s) of recent incident(s) happened on or about:

The person I have asserted has perpetrated domestic violence is my co-tenant, and I cannot safely give notice of my termination to my co-tenant. (YES/NO)

I reasonably fear that I cannot safely remain in my current apartment. I hereby terminate my lease effective (date at least thirty days after this notice is delivered).

 (signature of tenant) (date)

Acknowledgement

State of _____)

) ss.:

County of _____)

On the _____ day of _____ in the year _____, before me, the undersigned notary public, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Part II. Qualified Third Party Statement

I, (insert name of qualified third party), state as follows:

My employer name/address/phone number/e-mail address are as follows:

I am:

- _____ A law enforcement officer employed by the (insert law enforcement agency).
- _____ An employee of _____ court located in the state of _____.
- _____ An attorney licensed to practice in (insert name of state(s)).
- _____ A physician licensed to practice in (insert name of state(s)).
- _____ A psychiatrist licensed to practice in (insert name of state(s)).
- _____ A psychologist licensed to practice in (insert name of state(s)).
- _____ A social worker licensed to practice in (insert name of state(s)).
- _____ A nurse licensed to practice in (insert name of state(s)).
- _____ A therapist or clinical professional counselor licensed to practice in (insert name of state(s));
- _____ Employed by a government or non-profit agency or service that advises persons regarding domestic violence or refers them to persons or agencies for services or advice.
- _____ A member of the clergy of a church or religious society or denomination.
- _____ Other (describe):

The person who signed the Tenant/Legal Occupant Statement above has stated to me that he/she/they, or a member of his/her/their household, has been subject to domestic violence.

This person further stated to me the incident(s) occurred on or about the date(s) stated above.

I understand that the person who signed the Tenant/Legal Occupant Statement may use this document as a basis for terminating a lease with the person's lessor.

(name of qualified third party)

(signature of qualified third party)

(date)

Acknowledgement

State of _____)

) ss.:

County of _____)

On the _____ day of _____ in the year _____, before me, the undersigned notary public, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Part III. Statement of Interpretation/Translation

I am bilingual in English and _____ and have translated or interpreted this document to the best of my ability for the signer above.

(name of interpreter/translator)

(signature of interpreter/translator)

(date)

Acknowledgement

State of _____)

) ss.:

County of _____)

On the _____ day of _____ in the year _____, before me, the undersigned notary public, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

3. Treatment of rent.

- a. The tenant terminating the lease shall pay rent, prorate, up to the lease termination date pursuant to this section.
- b. The tenant terminating the lease shall be entitled to a refund for any prepaid rent or other payments covering the period after the effective date of the lease termination, as long as the tenant has vacated the premises. Such refund shall be provided within ten days of delivery of the written notice as outlined in subdivision two of this section.
- c. A tenant who meets the requirements in subdivision one of this section and submits proper notice pursuant to subdivision two of this section shall have a defense in any action brought by a landlord against such tenant to recover rent and/or damages for breach of lease and shall not be liable for any rent after the effective termination date.
- d. The lessor or owner may withhold a security deposit in part or in full to the extent allowed by the lease or statute, except for the early termination granted by this section, and shall not withhold any part of the security deposit due to the tenant's exercise of rights under this section.
- e. Nothing in this section shall be construed to be a defense against an action for rent for a period of time before the tenant vacated the premises and gave notice as required in subdivision two of this section.

4. Co-tenants and other occupants. Upon termination:

- a. If the terminating tenant is the sole leaseholder, the premises shall be delivered to the lessor or owner:
 - i. free of all tenants and occupants, provided that the terminating tenant shall not be responsible for ensuring that the abusive household member is not present; and
 - ii. in accordance with the terms of the lease relating to delivery of the premises at the termination of the lease.

- b. If there are tenants on the lease other than the terminating tenant:
 - i. the landlord shall not, except upon consent of such additional tenants, terminate or sever the co-tenancy. The landlord must provide the remaining tenant at least thirty days from the termination date to decide whether to consent to a termination or severance.
 - ii. The remaining co-tenant or co-tenants hold the right to add an additional occupant as defined by paragraph (b) of subdivision one of section two hundred thirty-five-f of this article.

5. Confidentiality provisions.

- a. Unless the terminating tenant provides written authorization for the release of information or unless required by law, court order, or statute, the information shall not be released. Information that shall be kept confidential shall include information obtained during the process of the tenant terminating his or her lease in accordance with this section, such as:
 - i. the nature of the termination,
 - ii. the status of the tenant or member of the tenant’s household as a victim of domestic violence, and
 - iii. any information contained in documentation provided to demonstrate status as a victim of domestic violence.
- b. Pursuant to this section, the landlord shall not divulge, describe, or characterize the termination of the rental agreement as an early termination by a current lessor to a prospective lessor or any third party.

6. Violations.

- a. Landlords who knowingly, or intentionally violate any part of this section may be liable for liquidated damages, not to exceed one thousand dollars, actual damages, costs and attorneys’ fees.
- b. 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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PROTECTION FOR VICTIMS OF FAMILY OFFENSES

N.Y. CRIM. PROC. § 530.12

- 1. When a criminal action is pending involving a complaint charging any crime or violation between spouses, former spouses, parent and child, or between members of the same family or household, as members of the same family or household are defined in subdivision one of section 530.11 of this article, the court, in addition to any other powers conferred upon it by this chapter may issue a temporary order of protection in conjunction with any securing order committing the defendant to the custody of the sheriff or as a condition of any order of recognizance or bail or an adjournment in contemplation of dismissal.

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- b. The court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

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PROTECTION OF VICTIMS OF CRIMES, OTHER THAN FAMILY OFFENSES

N.Y. CRIM. PROC. § 530.13

1. When any criminal action is pending, and the court has not issued a temporary order of protection pursuant to section 530.12 of this article, the court, in addition to the other powers conferred upon it by this chapter, may for good cause shown issue a temporary order of protection in conjunction with any securing order committing the defendant to the custody of the sheriff or as a condition of a pre-trial release, or as a condition of release on bail or an adjournment in contemplation of dismissal. In addition to any other conditions, such an order may require that the defendant:

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- b. In addition to the foregoing provisions, the court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

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CUSTODY AND CHILD SUPPORT; ORDERS OF PROTECTION

N.Y. DOM. REL. § 240

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3. Order of protection.

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- f. In addition to the foregoing provisions, the court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

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ORDER OF PROTECTION

N.Y. FAM. CT. ACT § 446

The court may make an order of protection in assistance or as a condition of any other order made under this part. The order of protection may set forth reasonable conditions of behavior to be observed for a specified time by the petitioner or respondent or both. No order of protection may direct any party to observe conditions of behavior unless the party requesting the order of protection has served and filed a petition or counter-claim in accordance with section one hundred fifty-four-b of this act. Such an order may require the petitioner or the respondent:

...

In addition to the foregoing provisions, the court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

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ORDER OF PROTECTION

N.Y. FAM. CT. ACT § 656

The court may make an order of protection and an order of probation in assistance or as a condition of any other order made under this part. The order of protection may set forth reasonable conditions of behavior to be observed for a specific time by any petitioner or any respondent, and shall specify if an order of probation is in effect. No order of protection may direct any party to observe conditions of behavior unless the party requesting the order of protection has served and filed a petition or counter-claim in accordance with section one hundred fifty-four-b of this act. Such an order may require the petitioner or the respondent:

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In addition to the foregoing provisions, the court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

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ORDER OF PROTECTION

N.Y. FAM. CT. ACT § 842

An order of protection under section eight hundred forty-one of this part shall set forth reasonable conditions of behavior to be observed for a period not in excess of two years by the petitioner or respondent or for a period not in excess of five years upon (i) a finding by the court on the record of the existence of aggravating circumstances as defined in paragraph (vii) of subdivision (a) of section eight hundred twenty-seven of this article; or (ii) a finding by the court on the record that the conduct alleged in the petition is in violation of a valid order of protection. Any finding of aggravating circumstances pursuant to this section shall be stated on the record and upon the order of protection. The court may also, upon motion, extend the order of protection for a reasonable period of time upon a showing of good cause or consent of the parties. The fact that abuse has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order. The court must articulate a basis for its decision on the record. The duration of any temporary order shall not by itself be a factor in determining the length or issuance of any final order. Any order of protection issued pursuant to this section shall specify if an order of probation is in effect. Any order of protection issued pursuant to this section may require the petitioner or the respondent:

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In addition to the foregoing provisions, the court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

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ORDER OF PROTECTION

N.Y. FAM. CT. ACT § 1056

...

5. The court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.

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ADEQUATE SERVICE; JUST AND REASONABLE CHARGES; UNJUST DISCRIMINATION; UNREASONABLE PREFERENCE; PROTECTION OF PRIVACY

N.Y. PUB. SERV. LAW § 91

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7. Every telephone corporation, as defined in this chapter shall, at its option: (a) allow a customer to use a modified or alternative name for a directory listing or (b) waive the otherwise applicable charges for a non-published telephone listing, where the customer requests protection of its identity in connection with the customer's purchase of telephone service and the customer is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, and for whose benefit any order of protection, other than a temporary order of protection, has been issued by a court of competent jurisdiction. This waiver of charges shall be for the duration of the applicable, non-temporary, order. Any non-published listings provided in this subdivision shall conform to all the same requirements of other non-published listings. A customer requesting such an accommodation shall provide a copy of the order of protection to the applicable telephone corporation. Any customer requesting an accommodation pursuant to this subdivision may also request and shall be provided, at no cost to the customer, a new telephone number within fifteen days from the request for such accommodation.
8. Every telephone corporation, as defined in this chapter, shall allow a person who is under contract including, but not limited to, a multi-year contract or bundle contract with such telephone corporation, to opt-out of such contract without charge when such person is a victim of domestic violence and requests to opt-out in writing. Such victim of domestic violence shall provide to such telephone corporation any of the following documents, which shall relate to such domestic violence, with-in six months of the document's issuance:
 - a. a valid domestic violence incident report form, as such term is defined in subdivision fifteen of section eight hundred thirty-seven of the executive law;
 - b. a valid police report;
 - c. a valid order of protection;
 - d. a signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of his or her employment, social worker, a rape crisis counselor, as defined in section forty-five hundred ten of the civil practice law and rules, or advocate acting on behalf of an agency that assists domestic violence victims. A claim for opting out of such contract without charge shall be made in good faith. Such telephone corporation shall waive the otherwise applicable charges for such person requesting to opt-out of such contract.

CABLE TELEVISION COMPANY PROVIDING TELEPHONE SERVICES

N.Y. GEN. BUS. LAW § 399-yy

1. Every cable television company, as defined in section two hundred twelve of the public service law, that provides telephone service to customers in New York shall, at its option: a. allow a customer to use a modified or alternative name for a directory listing or b. waive the otherwise applicable charges for a non-published telephone listing, where the customer requests protection of its identity in connection with the customer's purchase of telephone service and the customer is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, and for whose benefit any order of protection, other than a temporary order of protection, has been issued by a court of competent jurisdiction. This waiver of charges shall be for the duration of the applicable, non-temporary, order. Any non-published listings provided in this section shall conform to all the same requirements of other non-published listings. A customer requesting such an accommodation shall provide a copy of the order of protection to the applicable cable television company. Any customer requesting an accommodation pursuant to this section may also request and shall be provided, at no cost to the customer, a new telephone number within fifteen days from the request for such accommodation.

2. Every cable television company, as defined in section two hundred twelve of the public service law, that provides television and/or telephone service to customers in New York under contract including, but not limited to a multi-year contract or bundled contract with such cable television company, shall allow a person to opt-out of such contract without charge when such person is a victim of domestic violence and request to opt-out in writing. Such victim of domestic violence shall provide to such cable television company any of the following documents, which shall relate to such domestic violence, within six months of the document's issuance:
 - a. a valid domestic violence incident report form, as such term is defined in subdivision fifteen of section eight hundred thirty-seven of the executive law;
 - b. a valid police report;
 - c. a valid order of protection;
 - d. a signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of his or her employment, social worker, a rape crisis counselor, as defined in section forty-five hundred ten of the civil practice law and rules, or advocate acting on behalf of an agency that assists domestic violence victims. A claim for opting-out of such contract without charge shall be made in good faith. Such cable television company shall waive the otherwise applicable charges for such person requesting to opt-out of such contract.

SATELLITE TELEVISION COMPANY PROVIDING TELEVISION AND/OR TELEPHONE SERVICES

N.Y. GEN. BUS. LAW § 399-yyy

1. Every direct broadcast satellite service provider, as defined in this section, that provides television and/or telephone services to customers in New York shall allow a person who is under contract including, but not limited to a multi-year contract or bundled contract with such satellite television company, to opt-out of such contract without charge when such a person is a victim of domestic violence and requests to opt-out in writing. Such victim of domestic violence shall provide to such satellite television company any of the following documents, which shall relate to such domestic violence, within six months of the document's issuance:
 - a. a valid domestic violence incident report form, as such term is defined in subdivision fifteen of section eight hundred thirty-seven of the executive law;
 - b. a valid police report;
 - c. a valid order of protection;
 - d. a signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of his or her employment, social worker, a rape crisis counselor, as defined in section forty-five hundred ten of the civil practice law and rules, or advocate acting on behalf of an agency that assists domestic violence victims. A claim for opting-out of such contract without charge shall be made in good faith. Such satellite television company shall waive the otherwise applicable charges for such person requesting to opt-out of such contract.
2. For the purposes of this section, the following terms shall have the following meanings:
 - a. "Direct broadcast satellite service", means the distribution or broadcasting by satellite of video programming or services directly to receiving equipment located at an end user subscriber's or an end user customer's premises, including, but not limited to, the provision of premium channels, the provision of music or other audio services or channels, and any other service received in connection with the provision of direct broadcast satellite service.
 - b. "Direct broadcast satellite service provider", means a person who transmits, broadcasts or otherwise provides direct broadcast satellite service to subscribers or customers in the state.

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, victims of human trafficking, victims of a sexual offense, victims of stalking, and reproductive health care services providers, employees, volunteers, patients, or immediate family members of reproductive health care services providers 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.
 - i. “Victim of a sexual offense” means a victim of any act constituting an offense as defined under article one hundred thirty, and/or sections 255.25, 255.26, and 255.27 of the penal law, including threats or attempts to commit such offenses.
 - j. “Victim of stalking” means a victim of any act constituting an offense as defined under sections 120.45, 120.50, 120.55 and 120.60 of the penal law.
 - k. “Victim of human trafficking” means a victim of any act constituting an offense as defined under section 135.35, 135.37, 230.34, or 230.34-a of the penal law.
 - l. “Reproductive health care services provider, employee, volunteer, or patient” means a person who obtains, provides, or assists, at the request of another person, in obtaining or providing reproductive health care services, or a person who owns or operates a reproductive health care services facility.
 - m. “Reproductive health care services facility” includes a hospital, an office operated by a licensed physician and surgeon, a licensed clinic, or other licensed health care facility that provides reproductive health care services and includes only the building or structure in which the reproductive health care services are actually provided.
 - n. “Immediate family member” shall have the same meaning as defined in subdivision eight of section two hundred thirty-eight of the public health law.
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, victim of human trafficking, victim of a sexual offense, or victim of stalking, ;or a reproductive health care services provider, employee, volunteer, patient, or an immediate family member of a reproductive health care services provider;
 - 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 or acts, ;provided, however, this clause shall not apply if the applicant is a reproductive health care services provider, employee, volunteer, patient, or an immediate family member of a reproductive health care services provider;
 - 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, or, in the case of a reproductive health care services provider, employee, volunteer, or patient, the applicant fears for his or her safety or the safety of an immediate family member; 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, a sexual offense, stalking, or physical injury or in the case of reproductive health care services provider, employee, volunteer, patient, or an immediate family member of a reproductive health care services provider, other threats of 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, victims of human trafficking, victims of a sexual offense, and victims of stalking and reproductive health care services providers, employees, volunteers, patients, or immediate family members of reproductive health care services providers 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.
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CONFIDENTIALITY OF REGISTRATION RECORDS IN CERTAIN CASES

N.Y. ELEC. LAW § 5-508

1. For purposes of this section:
 - a. "Victim of domestic violence" means any person who is a victim of a violent felony, as defined in section 70.02 of the penal law, or disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, aggravated harassment in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, assault in the third degree or an attempted assault; and
 - i. such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and
 - ii. such act or acts are or are alleged to have been committed by a family or household member.
 - b. "Family or household members" mean the following individuals:
 - i. persons related by consanguinity or affinity;
 - ii. persons legally married to one another;
 - iii. persons formerly married to one another regardless of whether they still reside in the same household;
 - iv. persons who have a child in common regardless of whether such persons are married or have lived together at any time;
 - v. persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship".
2.
 - a. A victim of domestic violence may deliver to the board of elections, in the county wherein such victim of domestic violence is registered or intends to be registered pursuant to this article, in person or by mail, a signed written statement swearing or affirming:

- i. that such person is the victim of domestic violence; and
- ii. that because of the threat of physical or emotional harm to themselves or to family or household members, such person wishes for their registration record to be kept confidential.

...

- b. Upon application made to the board of elections pursuant to paragraph (a) of this subdivision, the board of elections shall ensure that any registration record kept or maintained in accordance with this article and any other records with respect to such victim of domestic violence be kept separate and apart from other such records and not be made available for inspection or copying by the public or any other person, except election officials acting within the course and scope of their official duties and only as pertinent and necessary in connection therewith. The confidentiality of such registration records shall begin upon the board's acceptance of such sworn statement and continue for four years from such date. A new application may be made prior to the expiration of such four year period.

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SERVICE ANIMALS TO DOMESTIC VIOLENCE SURVIVORS

N.Y. SOC. SERV. § 459-B

In accordance with section one hundred thirty-one-u of this chapter and the regulations of the office of children and family services, a social services district shall offer and provide necessary and available emergency shelter and services for up to ninety days at a residential program for victims of domestic violence to a victim of domestic violence who was residing in the social services district at the time of the alleged domestic violence whether or not such victim is eligible for public assistance. Two forty-five day extensions of necessary and available emergency shelter may be granted beyond the maximum length of stay at a residential program for victims of domestic violence for residents who continue to be in need of emergency services and temporary shelter. If the victim of domestic violence has a service animal as such term is defined in section one hundred twenty-three-b of the agriculture and markets law, or therapy dog as such term is defined in section one hundred eight of the agriculture and markets law, respectively, such service animal or therapy dog shall be allowed to accompany the victim at the residential program authorized pursuant to this section, so long as such accompaniment would not create an undue burden as defined by section two hundred ninety-six of the executive law.

Where such accompaniment would constitute an undue burden, the residential program shall make reasonable efforts to facilitate placement of such animal at an off-site animal care facility or if reasonable efforts fail, provide referral to one or more off-site animal care facilities. Such off-site animal care may include, but not be limited to, boarding at a veterinary hospital or under the auspices of a duly incorporated humane society, or duly incorporated animal protection association approved for such purpose by the department of agriculture and markets.

Nothing in this section shall be construed to limit any rights or obligations provided pursuant to federal or state law, including but not limited to providing reasonable accommodations for individuals with disabilities.

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PROHIBITIONS ON HOUSING DISCRIMINATION BASED ON DOMESTIC VIOLENCE

N.Y. REAL PROP. ACT § 227-D

1. Definitions. For the purposes of this section, a person is a "domestic violence victim" and possesses "domestic violence victim status" if such person is or has been, or is a parent accompanied by a minor child or children who is or has been, in a situation in which such person or child is a victim of an act that would constitute a violent felony offense as enumerated in section 70.02 of the penal law, or a family offense as enumerated in subdivision one of section eight hundred twelve of the family court act, and such act is alleged to have been committed by a member of the same family or household, as defined in subdivision one of section eight hundred twelve of the family court act.
2. Discrimination based on domestic violence victim status prohibited.

- a. No person, firm or corporation owning or managing any building used for dwelling purposes, or the agent of such person, firm or corporation, shall, because of such person's or family member's domestic violence victim status, (1) refuse to rent a residential unit to any person or family, when, but for such status, rental would not have been refused, (2) discriminate in the terms, conditions, or privileges of any such rental, when, but for such status, such discrimination would not have occurred, or (3) print or circulate, or cause to be printed or circulated, any statement, advertisement or publication which expresses, directly or indirectly, any limitation, specification, or discrimination. A violation of this subdivision shall be a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than one thousand dollars and not more than two thousand dollars for each offense; provided, however, that it shall be a defense that such person, firm, corporation or agent refused to rent a residential unit on any other lawful ground.
 - 1. Where discriminatory conduct prohibited by this subdivision has occurred, such person or family shall have a cause of action in any court of appropriate jurisdiction for compensatory and punitive damages, with such punitive damages not exceeding two thousand dollars for each offense, and declaratory and injunctive relief; and (2) in all actions brought under this section, reasonable attorneys' fees as determined by the court may be awarded to a prevailing party, provided, however, that a prevailing defendant in order to recover such reasonable attorneys' fees must make a motion requesting such fees and show that the action or proceeding brought was frivolous. In order to find the action or proceeding to be frivolous, the court must find one or more of the following: (i) the action was commenced, used or continued in bad faith, solely to delay or prolong the resolution of the litigation or to harass or maliciously injure another; or (ii) the action was commenced or continued in bad faith without any reasonable basis and could not be supported by a good faith argument for an extension, modification or reversal of existing law. If the action or proceeding was promptly discontinued when the party or attorney learned or should have learned that the action or proceeding lacked such a reasonable basis, the court may find that the party or the attorney did not act in bad faith.
 - c. Nothing in this section shall be construed as limiting the ability of a person, firm or corporation owning or managing a building used for dwelling purposes, or the agent of such person, firm or corporation, from applying reasonable standards not based on or derived from domestic violence victim status in determining the eligibility of a person or family seeking to rent a residential unit.
 - d. This section shall not apply to buildings used for dwelling purposes that are owner occupied and have two or fewer residential units.
- 3. A person, firm, or corporation owning or managing a building used for dwelling purposes or agent of such person, firm or corporation shall not be civilly liable to other tenants, guests, invitees, or licensees arising from reasonable and good faith efforts to comply with this section.
 - 4. Nothing in this section shall be construed as prohibiting a person, firm or corporation owning or managing a building used for dwelling purposes, or the agent of such person, firm or corporation, from:
 - a. providing or preserving a rental preference in any public or private housing for victims of domestic violence;
 - b. providing any other assistance to victims of domestic violence in obtaining or retaining any public or private housing; or
 - c. responding to an inquiry or request by an applicant, tenant, or leaseholder who is a victim of domestic violence.
 - 5. Nothing in this section shall be construed as prohibiting a municipality from retaining or promulgating local laws or ordinances imposing additional or enhanced protections prohibiting discrimination against victims of domestic violence.
 - 6. Nothing in this section shall be construed as limiting, diminishing, or otherwise affecting any rights under existing law.

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PROHIBITS EVICTIONS BASED ON DOMESTIC VIOLENCE VICTIM

N.Y. REAL PROP. ACT § 744

1. A tenant shall not be removed from possession of a residential unit pursuant to this article because of such person's domestic violence victim status, as defined in section two hundred twenty-seven-d of the real property law. It shall be a defense to a proceeding to recover possession of a residential unit that a landlord seeks such recovery because of a person's domestic violence victim status, and that, but for such status, the landlord would not seek to recover possession. A landlord may rebut such defense by showing that he or she seeks to recover possession of a residential unit because of any other lawful ground.
 2. Nothing in this section shall restrict a landlord's legal rights to recover possession of a residential unit on grounds not based on or derived from domestic violence victim status.
 3. A landlord shall not be civilly liable to other tenants, guests, invitees, or licensees arising from reasonable and good faith efforts to comply with this section.
 4. This section shall not apply to buildings used for dwelling purposes that are owner occupied and have two or fewer residential units.
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NEW YORK CITY, NEW YORK



New York City, New York has enacted the following laws regarding survivors' housing rights:

- Prohibiting discrimination in housing on the basis of an individual's status as a victim of domestic violence. N.Y.C. Admin. Code § 8-102, 8-107.
- Presumption of eligibility for domestic violence survivors looking for temporary shelter placement. N.Y.C. Admin. Code § 21-316.
- Landlords cannot evict survivors of domestic violence for non-occupancy of the unit if the survivor asserts intent to return. N.Y.C. Admin. Code § 26-403, 26-504.
- Protecting addresses of victims of domestic violence on New York city identity cards. Rules of the City of N.Y. § 6-02.

PROHIBITING DISCRIMINATION IN HOUSING ON THE BASIS OF AN INDIVIDUAL'S STATUS AS A VICTIM OF DOMESTIC VIOLENCE; DEFINITIONS

N.Y.C. ADMIN. CODE § 8-102

Except as otherwise expressly provided, when used in this chapter, the following terms have the following meanings:

Acts or threats of violence. The term "acts or threats of violence" includes, but is not limited to, acts, which would constitute violations of the penal law.

...

Housing accommodation. The term "housing accommodation" includes any building, structure or portion thereof that is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings. Except as otherwise specifically provided, such term includes a publicly-assisted housing accommodation.

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Victim of domestic violence. The term "victim of domestic violence" means:

1. A person who has been subjected to acts or threats of violence, not including acts of self-defense, 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; or
2. A person who has been subjected to acts or threats of economic abuse, committed by a current or former spouse or domestic partner 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 by a person who is living or has continually or at regular intervals lived in the same household as the victim. As used in this definition, the term "economic abuse" means acts or omissions that control, obstruct, or interfere with a person's ability to use or maintain economic resources to which they are entitled or to acquire economic resources, including by coercion, deception, fraud, or manipulation.

Victim of sex offenses or stalking. The term “victim of sex offenses or stalking” means a victim of acts that would constitute violations of article 130 of the penal law or a victim of acts which would constitute violations of sections 120.45, 120.50, 120.55, or 120.60 of the penal law.

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UNLAWFUL DISCRIMINATORY PRACTICES

N.Y.C. ADMIN. CODE § 8-107

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27. Victims of domestic violence, sex offenses, or stalking.

...

- e. Housing accommodations. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof, because of any individual's actual or perceived status as a victim of domestic violence, or as a victim of sex offenses or stalking:
 - 1. To refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any person or group of persons such a housing accommodation or an interest therein, or to discriminate in the terms, conditions, or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith because of an actual or perceived status of said individual as a victim of domestic violence, or as a victim of sex offenses or stalking; or
 - 2. To represent that such housing accommodation or an interest therein is not available when in fact it is available.
- f. The provisions of paragraph e shall not apply:
 - 1. To the rental of a housing accommodation, other than a publicly-assisted housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of the owner's family reside in one of such housing accommodations, and if the available housing accommodation has not been publicly advertised, listed, or otherwise offered to the general public; or
 - 2. To the rental of a room or rooms in a housing accommodation, other than a publicly-assisted housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in such housing accommodation.
- g. For purposes of this subdivision, practices “based on,” “because of,” “on account of,” “as to,” “on the basis of,” or “motivated by” an individual's “status as a victim of domestic violence,” or “status as a victim of sex offenses or stalking” include, but are not limited to, those based solely upon the actions of a person who has perpetrated acts or threats of violence against the individual.

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PRESUMPTION OF ELIGIBILITY FOR DOMESTIC VIOLENCE SURVIVORS LOOKING FOR TEMPORARY SHELTER PLACEMENT

N.Y.C. ADMIN. CODE § 21-316

- a. For purposes of this section, “HRA domestic violence shelter” shall mean any residential care facility providing emergency shelter and services to victims of domestic violence and their minor children and operated by the department of social services/human resources administration or a provider under contract or similar agreement with the department of social services/human resources administration.

- b. The department shall deem any applicant residing in an HRA domestic violence shelter an eligible homeless person for purposes of temporary shelter placement provided by the department provided (i) the applicant is no longer eligible for such HRA domestic violence shelter because such applicant has exhausted the maximum length of stay permitted at such HRA domestic violence shelter; (ii) the human resources administration or successor entity has provided the department with advance notice of such applicant's upcoming exit from such HRA domestic violence shelter, with the human resources administration or successor entity required to provide such advance notice where applicable; and (iii) such applicant reports to the department on the same calendar day as the applicant's exit from such HRA domestic violence shelter. Such applicants shall not be required to undergo an eligibility determination process at a department intake facility prior to being admitted to a temporary shelter placement.

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DEFINITIONS

N.Y.C. ADMIN. CODE §26-403

When used in this chapter, unless a different meaning clearly appears from the context, the following terms shall mean and include:

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- e. "Housing accommodation."

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- 2 The term "housing accommodation" shall not include:

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- i. Except as otherwise provided in subparagraphs (b) and (c) of paragraph one of this subdivision e:

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- 10. Housing accommodations not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined by a court of competent jurisdiction. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. No action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds.

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LANDLORD CANNOT EVICT SURVIVOR WHO LEAVES UNIT AND EXPRESSES INTENT TO RETURN

N.Y.C. ADMIN. CODE § 26-504

This law shall apply to:

- a. Class A multiple dwellings not owned as a cooperative or as a condominium, except as provided in section three hundred fifty-two-eeee [sic] of the general business law, containing six or more dwelling units which:
 - 1. were completed after February first, nineteen hundred forty-seven, except dwelling units ... (f) not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined by a court of competent jurisdiction, provided, however that no action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred

fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. For the purposes of this subparagraph where a housing accommodation is rented to a not-for-profit hospital for residential use, affiliated subtenants authorized to use such accommodations by such hospital shall be deemed to be tenants

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PROTECTING ADDRESSES OF VICTIMS OF DOMESTIC VIOLENCE ON NEW YORK CITY IDENTITY CARDS

RULES OF THE CITY OF N.Y. § 6-02

- a. The IDNYC Card will display the cardholder’s photograph, name, date of birth, an expiration date, signature, eye color, height, identification number, and, except as provided in this section, a street address located within New York City. The card will also, at the cardholder’s option, display the cardholder’s self-designated gender, preferred language, veteran status and such additional information as HRA may in the future display....
- b. The IDNYC Card will not display a home address in the following circumstances:

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- 2. Where an applicant is an individual who lacks a stable residence or is a survivor of domestic violence and provides evidence of residency pursuant to 68 RCNY § 6-06(c)(2), the IDNYC Card will display either no address at all or a “care of” address, as described in that section.
- 3. Where an applicant resides in a residential care program that is operated or overseen by HRA’s Emergency Intervention Services for the purpose of providing shelter, services and care to survivors of domestic violence and presents a Letter from a Residential Care Program as described in the table set forth in 68 RCNY § 6-06(c)(2), the IDNYC Card will display either a P.O. Box associated with the applicable program or no address at all, depending on the applicant’s preference.
- 4. Where an applicant provides evidence that they participate in the New York State Address Confidentiality Program (ACP) established by New York Executive Law § 108 for victims of domestic violence, the IDNYC Card will display either a P.O. Box associated with the applicable program or no address at all, depending on the applicant’s preference. An applicant who participates in the ACP must still establish residency under this chapter.

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SUFFOLK COUNTY, NEW YORK



Suffolk County, New York has enacted the following laws regarding survivors' housing rights:

- Prohibition on discrimination against victims of domestic violence in the sale, lease or rental of accommodations or commercial property. Suffolk County Code §§ 528.-6, 528-9.
 - Address confidentiality. Suffolk County Code §§ 908-1-908-3.
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DEFINITIONS

SUFFOLK COUNTY CODE § 528.-6

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Victim of Domestic Violence – an individual who is a victim of an act which would constitute a family offense pursuant to subdivision 1 of § 812 of the Family Court Act.

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UNLAWFUL DISCRIMINATORY PRACTICES IN THE SALE, LEASE, OR RENTAL OF HOUSING ACCOMMODATIONS OR COMMERCIAL PROPERTY

SUFFOLK COUNTY CODE § 528-9

- A. It shall be an unlawful discriminatory practice:
1. To refuse to sell, rent, lease or otherwise deny to or withhold from any individual or group of individuals any housing accommodation, constructed or to be constructed, land or commercial space, or an interest therein, or refuse to negotiate for the sale, rental or lease of any housing accommodation, land or commercial space, or an interest therein, to any individual or group of individuals, because of the group identity, veteran status, status as a victim of domestic violence or lawful source of income of such individual or individuals or to represent that any housing accommodation, land or commercial space, or an interest therein, is not available for inspection, sale, rental or lease when, in fact, it is so available, or to otherwise deny to or withhold any housing accommodation, land or commercial space, or an interest therein, or any facilities of any housing accommodation or commercial space from any individual or individuals because of the group identity, veteran status, status as a victim of domestic violence or lawful source of income of such individual or individuals;
 2. To discriminate against any individual or group of individuals because of the group identity, veteran status, status as a victim of domestic violence or lawful source of income of such individual or individuals in the terms, conditions or privileges of the sale, rental or lease of any housing accommodation, land or commercial space, or an interest therein, or in the furnishing of facilities or services in connection therewith;
 3. To discriminate against any individual or group of individuals in making available a residential real estate transaction, or in the terms and conditions of such a transaction, because of the group identity, veteran status, status as a victim of domestic violence or lawful source of income of such individual or individuals;

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- 7. To make, print, or publish, or cause to be made, printed, or published any statement, advertisement, or publications, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space, or an interest therein, or to make any record or inquiry in connection with the prospective purchase, rental or lease of such housing accommodation, land or commercial space, or an interest therein, which expresses, directly or indirectly, any limitation, specification, or discrimination with respect to group identity, veteran status, status as a victim of domestic violence or because of the lawful source of income of such individual or individuals, or any intent to make any such limitation, specification or discrimination;
 - 8. To induce or attempt to induce, for profit or otherwise, any person to sell, rent or lease any housing accommodation, land, or commercial space, or an interest therein, by representations, explicit or implicit, regarding the entry or prospective entry into the neighborhood of an individual or group of individuals because of his, her or their group identity, veteran status, status as a victim of domestic violence or lawful source of income;
 - 9. To threaten, intimidate, or interfere with individuals in their enjoyment of a housing accommodation, land or commercial space because of their group identity, veteran status, status as a victim of domestic violence or lawful source of income, or the group identity, veteran status or status as a victim of domestic violence of their guests, invitees, visitors or associates.
- B. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson, or an employee or agent of a real estate broker or real estate salesperson:
- 1. To refuse to sell, rent or lease any housing accommodation, land or commercial space, or an interest therein, to any individual or group of individuals or to refuse to negotiate for the sale, rental or lease of any housing accommodation, land or commercial space, or an interest therein, to any individual or group of individuals because of the group identity, veteran status, status as a victim of domestic violence or because of the lawful source of income of such individual or group of individuals, or to represent that any housing accommodation, land or commercial space, or an interest therein, is not available for inspection, sale, rental or lease when, in fact, it is so available, or otherwise deny or withhold any housing accommodation, land or commercial space, or interest therein, or any facilities of any such housing accommodation or commercial space from any individual or group of individuals because of the group identity, veteran status, status as a victim of domestic violence or because of the lawful source of income of such individual or individuals.
 - 2. To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, sale, rental or lease of any housing accommodation, land, or commercial space, or an interest therein, or to make any record or inquiry in connection with the prospective purchase, sale, rental or lease of any housing accommodation, land or commercial space, or an interest therein, which expresses, directly or indirectly, any limitation, specification, or discrimination as to group identity, veteran status, status as a victim of domestic violence or as to lawful source of income, or any intent to make any such limitation, specification or discrimination.

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IDENTIFICATION LETTER

SUFFOLK COUNTY CODE § 908-1

Pursuant to § C26-2 of the Suffolk County Charter, the Office of the Sheriff of Suffolk County is authorized, empowered, and directed to issue an identification letter establishing that the holder is an individual whose home address should be protected to the maximum extent permitted by law. The sole determining factor for issuing said letter is an active Judicial Order of Protection, specifying the need for confidentiality and duly filed with the Office of the Sheriff.

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REQUEST FOR CONFIDENTIALITY

SUFFOLK COUNTY CODE § 908-2

Such letter of identification shall bear a direction requesting that other organizations and levels of government afford the letter holder with the same measure of confidentiality respecting the privacy of their home address.

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USE OF POST OFFICE BOX ADDRESS ON COUNTY RECORDS

SUFFOLK COUNTY CODE § 908-3

On all County records that are subject to disclosure to the public, a post office box address shall be used for victims of domestic violence whose need for confidentiality has been identified by the above letter of identification, except when otherwise required by state or federal law.

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WESTCHESTER COUNTY, NEW YORK



Westchester County, New York has enacted the following laws regarding survivors' housing rights:

- Unlawful to discriminate against any person because of a 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 §§ 700.02, 700.05.
 - Complaint procedure before the Westchester County Human Rights Commission for allegations of housing discrimination. Westchester County Code § 700.11.
 - Group identity is defined to include a person's status as a victim of domestic violence, sexual abuse, or stalking. Westchester County Code § 700.20.
 - Unlawful discriminatory real estate practices in relation to credit. Westchester County Code § 700.22.
 - Discrimination in the provision of brokerage services. Westchester County Code § 700.22-a.
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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
 - b. A victim of an act of series of acts which would constitution [sic] 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

- a. 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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- d. c. It shall be an unlawful discriminatory practice for a real estate salesperson, real estate broker, real estate listing service, or any employee or agent thereof:
 - 1. To refuse to sell, rent or lease any land or commercial property to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any land or commercial property or any interest therein to any person or group of persons 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, or to represent that any land or commercial property or any interest therein is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any land or commercial property or any facilities of any land or commercial property or any interest therein from any person or group of persons 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; or
 - 2. 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 any land or commercial property or to make any record or inquiry in connection with the prospective purchase, rental or lease of any land or commercial property which expresses, directly or indirectly, any limitation, specification, or discrimination as to group identity or because of such person's status as a victim of domestic violence, sexual abuse or stalking; or any intent to make any such limitation, specification or discrimination.

...
- e. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation (including a limited liability corporation), partnership (including a limited partnership or a limited liability partnership) or any other organization used for the purpose of inducing a real estate transaction from which any such

person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to group identity or a person's status as a victim of domestic violence, sexual abuse or stalking of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

- f. It shall be an unlawful discriminatory practice for any real estate board, or any board of directors of any condominium corporation or cooperative apartment corporation, because of the actual or perceived group identity of any individual or because of such person's status as a victim of domestic violence, sexual abuse or stalking, who is otherwise qualified for membership, to exclude or expel such individual from ownership of any unit or apartment or from membership on any such board, or to discriminate against such individual in the terms, conditions and privileges of ownership of any unit or apartment or of membership on any such board.

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COMPLAINTS OF DISCRIMINATION; PROCEDURE

WESTCHESTER COUNTY CODE § 700.11

- a. Except as otherwise provided in this chapter, any person claiming to be aggrieved by an unlawful discriminatory practice may, personally or by an attorney at law, make, sign and file with the commission a verified complaint in writing which shall set forth the name and address of the person alleged to have committed the unlawful discriminatory practice complained of, the particulars thereof, and such other information as may be required by the commission. The commission shall not accept any complaint for filing unless it is accompanied by a waiver and relinquishment, duly subscribed by the complainant and duly acknowledged in the manner required to entitle a deed to be recorded, of any and all rights to file a complaint with the New York State Division of Human Rights, any federal civil rights agencies, such as the Department of Housing and Urban Development ("HUD") or the Equal Employment Opportunity Commission ("EEOC"), or with the commission on human rights of any city, town or village located in Westchester County, which is based upon the same transaction or occurrence or series of transactions or occurrences which are the subject of the complaint sought to be filed with the commission. The complainant may utilize the services of the County Clerk's Office in order to have his or her signature notarized on any documents required in connection with the filing of a complaint for the purposes of this section. The commission shall promulgate and make available appropriate forms of complaints and waivers.

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- h. In the event that the commission shall, after a hearing, determine that a respondent has committed an unlawful discriminatory practice, it shall issue an order containing such of the following provisions as may, in the judgment of the commission, effectuate the purposes of this chapter:

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- 2. Requiring such respondent to take such affirmative action to remedy the unlawful discriminatory practice, including such of the following as may be applicable and appropriate; ... the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons, evaluating applicants for membership in a place of accommodation without discrimination based on group identity or because of a person's status as a victim of domestic violence, sexual abuse or stalking, and without retaliation or discrimination based on opposition to practices forbidden by this chapter or filing a complaint, testifying or assisting in any proceeding under this chapter;

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DEFINITIONS

WESTCHESTER COUNTY CODE § 700.20

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- H. Group identity shall mean the race, color, religion, age, national origin, alienage or citizenship status, ethnicity, familial status, creed, gender, sexual orientation, marital status or disability of a person or persons, a person's source of income, or a person's status as a victim of domestic violence, sexual abuse, or stalking.

...

- Y. 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:
 - i. Would constitute a misdemeanor, felony or other violation of law against the person as defined in state or federal law; or
 - ii. 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 who 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:
 - i. Result in the actual or physical or emotional injury of the person whether or not such conduct has actually resulted in criminal charges, prosecution or conviction; or
 - ii. 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;
 - b. A victim of an act or series of acts which would constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the Penal Law.

A victim of domestic violence, sexual abuse or stalking shall also include any individual who is perceived to be a person who has been, or is currently being, subjected to acts or series of acts as set forth in subdivisions (1) and (2) above.

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UNLAWFUL DISCRIMINATORY REAL ESTATE PRACTICES

WESTCHESTER COUNTY CODE § 700.21

- A. It shall be an unlawful discriminatory real estate practice for anyone, including, but not limited to, an owner, lessor, lessee, sub-lessee, assignee, real estate broker, real estate salesperson or managing agent or other person, including but not limited to those having the right to enter into a transaction or negotiate for or otherwise make available to any person or group of persons such housing accommodations or to approve the transaction of housing accommodations, including publicly assisted housing accommodations, constructed or to be constructed, or any interest therein, or any agent or employee thereof:
 1. To represent that housing accommodations are not available for inspection, sale or rental when in fact they are available, because of the group identity of such person or persons.
 2. To refuse to sell, rent, lease, sublease, assign, transfer, negotiate for, or to refuse to approve or enter into a transaction involving or otherwise to deny to or withhold from any person or group of persons, or to refuse to continue to rent, lease,

sublease or otherwise to deny to or withhold from any person or group of persons, such a housing accommodation because of that persons actual or perceived group identity.

3. To discriminate against any person because of that person's actual or perceived group identity, in the terms, conditions or privileges of a transaction involving any such housing accommodations.
 4. To discriminate against any person because of that person's actual or perceived group identity in the furnishings of facilities or services associated with such housing accommodations or the use or enjoyment in connection therewith.
 5. To make, declare, print, publish, or circulate, or cause to be made, declared, printed, published, or circulated any notice, statement, advertisement or, with respect to the transaction of any such housing accommodations which expresses or indicates, directly or indirectly, any preference, limitation, specification, or discrimination as to a person's or group of persons' actual or perceived group identity, or any intent to make any such preference, limitation, specification, or discrimination.
 6. To use any form of application for the transaction of any such housing accommodation or an interest therein or to make any record of inquiry in connection with the prospective transaction of such a housing accommodation or an interest therein which expresses or indicates, directly or indirectly, any preference, limitation, specification, or discrimination as to a person's or group of persons' actual or perceived group identity, or any intent to make any such preference, limitation, specification, or discrimination.
 7. For profit, to induce any person to sell, rent, lease, sublease, assign, transfer, or otherwise negotiate or enter into a transaction involving any housing accommodation by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular group identity.
- B. A victim of domestic violence, sexual abuse or stalking, pursuant to subdivisions 1, 2, 3, 4, 5, 6, and 7 of paragraph A. above, shall provide the owner, lessor, lessee, sub-lessee, assignee, or managing agent or such other person with documentation certifying he or she is a victim of domestic violence, sexual abuse or stalking. Certification establishing such status shall be sufficient in the form of any of the following:
1. A police report indicating that the person was a victim of domestic violence, sexual abuse or stalking;
 2. A court order protecting the person from the perpetrator of an act of domestic violence, sexual abuse or stalking or other evidence from the court or prosecuting attorney that the person has appeared in court; or
 3. Documentation from a medical professional, domestic violence advocate, health care provider, a member of the clergy or counselor that the person was undergoing treatment for, or seeking assistance to address, physical or mental injuries or abuse resulting from domestic violence, sexual abuse or stalking.

This certification is only required to assist victims, where appropriate, who choose to invoke the protections and benefits of this article as well as to assist landlords in their assessment of the situation. The owner, lessor, lessee, sub-lessee, assignee, or managing agent or such other person shall retain all such information received from a victim of domestic violence, sexual abuse or stalking in the strictest confidence, except to the extent that such disclosure is required pursuant to applicable federal, state or local law.

C. Exemptions.

1. The provisions of paragraph (A) (1)-(4) and (7)-(9) shall not apply:
 - a. To any single-family house sold or rented by an owner provided:
 - i. That such private individual owner does not own more than three such single-family houses at any one time; and
 - ii. That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period; and
 - iii. That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on their behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; and
 - iv. That such single-family house is sold or rented:

- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing accommodations, as defined in section 700.20(P) of this article, or of any employee or agent of any such broker, agent, salesperson, or person, and
- b. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of § 700.21(A)(5) and (6) of this article, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title;
- b. To the transaction of, or the negotiation of a transaction of a housing accommodation, other than a publicly assisted housing accommodation, in a building that contains housing accommodations for not more than four families living independently of each other, if the owner actually resides in one of such housing accommodations;
- c. If the victim of domestic violence, sexual abuse or stalking has failed to provide the owner, lessor, lessee, sub-lessee, assignee, or managing agent or other person having the right to conduct or approve transactions of said housing accommodations, including publicly assisted housing accommodations, with documentation certifying that he or she is a victim of domestic violence, sexual abuse or stalking, except that it shall apply if such person perceives an individual to be a victim of domestic violence, sexual abuse or stalking.
- d. To an owner, lessor, lessee, sub-lessee, assignee, or managing agent or other person having the right to conduct or approve transactions of said housing accommodations where no adverse action has been taken against the victim of domestic violence, sexual abuse or stalking.

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APPLICATIONS TO PURCHASE SHARES OF STOCK IN COOPERATIVE HOUSING CORPORATIONS

WESTCHESTER COUNTY CODE § 700.21-A

- A. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York that exercises control over real property located within the County of Westchester, shall provide prospective purchasers with an application to purchase shares of the corporation's stock.
 - 1. The application to purchase shares of the corporation's stock shall include a cover sheet containing the following notice, which must be printed in a minimum 12-point font:

Article II of Chapter 700 of the Laws of Winchester County, known as the Westchester County Fair Housing Law, prohibits discrimination in housing accommodations on the basis of a person or persons' actual or perceived race, color, religion, age, national origin, alienage or citizenship status, ethnicity, familial status, creed, gender, sexual orientation, marital status, disability, sour of income, or status as a victim of domestic violence, sexual abuse, or stalking.

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UNLAWFUL DISCRIMINATORY REAL ESTATE PRACTICES IN RELATION TO CREDIT

WESTCHESTER COUNTY CODE § 700.22

- A. It shall be an unlawful discriminatory real estate practice for any creditor or any other officer, agent or employee thereof:
 - 1. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair, maintenance or refinancing of any housing accommodation, land or any interest therein or in the case of applications for the making or purchasing of loans or providing other financial assistance which are to be secured by residential real estate, to discriminate against any such applicant because of the actual or perceived group identity of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, or land, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit; or in the appraisal of any housing accommodation conducted in connection with any such application.

2. To discriminate in the appraisal of housing accommodations, conducted in connection with an application for credit, on the basis of group identity.
 3. To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of group identity.
 4. To use any form of application for business or personal credit or use or make any record or inquiry, which expresses, directly or indirectly, any limitation, specification, or discrimination as to group identity.
 5. To make any inquiry of an applicant concerning his or her capacity to reproduce, or his or her use or advocacy of any form of birth control or family planning.
 6. To refuse to consider sources of an applicant's income or to subject an applicant's income to discounting, in whole or in part, because of applicant's actual or perceived group identity;
 7. To discriminate against a married person because such person neither uses nor is known by the surname of his or her spouse, except that this provision shall not be applicable to any situation where the use of a surname would constitute or result in a criminal act.
- B. Without limiting the generality of paragraph A, it shall be considered discriminatory if, because of an applicant's or class of applicant's perceived or actual group identity:
1. An applicant or class of applicants is denied credit in circumstances where other applicants of like overall credit worthiness are granted credit; or
 2. Special requirements or conditions, such as requiring co-obligors or reapplication upon marriage, are imposed upon an applicant or class of applicants in circumstances where similar requirements or conditions are not imposed upon other applicants of like overall credit worthiness.
- C. Notwithstanding any provision of this section to the contrary, it shall not be considered discriminatory if credit differentiations or decisions are based upon factually supportable, objective differences in applicants' overall credit worthiness, which may include reference to such factors as current income, assets and prior credit history of such applicants, as well as reference to any other relevant factually supportable data; provided, however, that no creditor shall consider, in evaluating the credit worthiness of an applicant, aggregate statistics or assumptions relating to group identity, or to the likelihood of any group of persons bearing or rearing children, or for that reason receiving diminished or interrupted income in the future.
- D. Notwithstanding any provision of this section to the contrary, it shall not be an unlawful discriminatory real estate practice to consider age in determining credit worthiness when age has a demonstrable and statistically sound relationship to a determination of creditworthiness.
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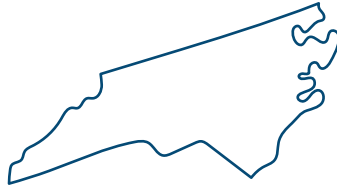
DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

WESTCHESTER COUNTY CODE § 700.22-A

- A. It shall be unlawful to deny any person 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 housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership or participation, because of that person's actual or perceived group identity.
- B. Prohibited actions under this section include, but are not limited to:
1. Setting different fees for access to or membership in a multiple listing service because of a person's actual or perceived group identity.
 2. Denying or limiting benefits accruing to members in a real estate brokers' organization because of a person's actual or perceived group identity.

3. Imposing different standards or criteria for membership in a real estate sales or rental organization because of a person's actual or perceived group identity.
 4. Establishing geographic boundaries or office location or residence requirements for 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 housing accommodations, because of a person's actual or perceived group identity.
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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-1, et seq.
- 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. § 42-40, 42.2.
- Lock changes. N.C. Gen. Stat. Ann. § 42-42.3.
- Early lease termination. N.C. Gen. Stat. Ann. § 42-45.1.
- 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.

PURPOSE

N.C. GEN. STAT. ANN. § 15C-1

The purpose of this Chapter is to enable the State and the agencies of North Carolina to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual offense, stalking, or human trafficking; to enable interagency cooperation in providing address confidentiality for victims of domestic violence, sexual offense, stalking, or human trafficking; and to enable the State and its agencies to accept a program participant's use of an address designated by the Office of the Attorney General as a substitute address.

DEFINITIONS

N.C. GEN. STAT. ANN. § 15C-2

The following definitions apply in this Chapter:

1. Actual address or address. — A residential, work, or school street address as specified on the individual's application to be a program participant under this Chapter.
2. Address Confidentiality Program or Program. — A program in the Office of the Attorney General to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense, or stalking to prevent the victim's assailants or potential assailants from finding the victim through public records.

3. Agency of North Carolina or agency. — Includes every elected or appointed State or local public office, public officer, or official; institution, board, commission, bureau, council, department, authority, or other unit of government of the State or of any local government; or unit, special district, or other political subdivision of State or local government.
4. Application assistant. — An employee of an agency or nonprofit organization who provides counseling, referral, shelter, or other specialized services to victims of domestic violence, sexual offense, stalking, or human trafficking and who has been designated by the Attorney General to assist individuals with applications to participate in the Address Confidentiality Program.
5. Attorney General. — Office of the Attorney General.
6. Person. — Any individual, corporation, limited liability company, partnership, trust, estate, or other association or any state, the United States, or any subdivision thereof.
7. Program participant. — An individual accepted into the Address Confidentiality Program in accordance with this Chapter.
8. Public record. — A public record as defined in Chapter 132 of the General Statutes.
9. Substitute address. — An address designated by the Attorney General under the Address Confidentiality Program.
10. Victim of domestic violence. — An individual against whom domestic violence, as described in G.S. 50B-1, has been committed.
11. Victim of a sexual offense. — An individual against whom a sexual offense, as described in Article 7B of Chapter 14 of the General Statutes, has been committed.
12. Victim of stalking. — An individual against whom stalking, as described in former G.S. 14-277.3 for acts occurring before December 1, 2008, or G.S. 14-277.3A for acts occurring on or after December 1, 2008, has been committed.
13. Victim of human trafficking. — An individual against whom human trafficking, as described in G.S. 14-43.11, has been committed.

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ADDRESS CONFIDENTIALITY PROGRAM

N.C. GEN. STAT. ANN. § 15C-3

The General Assembly establishes the Address Confidentiality Program in the Office of the Attorney General to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense, stalking, or human trafficking to prevent the victim's assailants or potential assailants from finding the victim through public records. Under this Program, the Attorney General shall designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of process and receiving and forwarding first-class mail or certified or registered mail. The Attorney General shall not be required to forward any mail other than first-class mail or certified or registered mail to the program participant. 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 mail.

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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:
 - 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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CHANGE OF NAME, ADDRESS, OR TELEPHONE NUMBER

N.C. GEN. STAT. ANN. § 15C-5

- a. A program participant shall notify the Attorney General within 30 days after the program participant has obtained a legal name change by providing the Attorney General a certified copy of any judgment or order evidencing the change or any other documentation the Attorney General deems to be sufficient evidence of the name change. If the program participant fails to notify the Attorney General of a name change in the manner provided in this subsection, the Attorney General shall cancel the certification of the program participant in the Program.
 - b. A program participant shall notify the Attorney General of a change in address or telephone number from the address or telephone number listed for the program participant on the application at least seven days before the change occurs. If the program participant fails to notify the Attorney General of a change in address or telephone number in the manner provided in this subsection, the Attorney General shall cancel the certification of the program participant in the Program.
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FALSIFYING APPLICATION INFORMATION

N.C. GEN. STAT. ANN. § 15C-6

An 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 child or who knowingly provides false information when applying for certification or renewal shall lose certification in the Program. The Attorney General shall investigate violations of this section. Upon finding that a violation has occurred, the Attorney General shall assess a civil penalty against the applicant not to exceed five hundred dollars (\$500.00).

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CERTIFICATION CANCELLATION; RECORDS

N.C. GEN. STAT. ANN. § 15C-7

- a. The Attorney General shall cancel the certification of a program participant under any of the following circumstances:
 1. The program participant files a request for withdrawal of the certification pursuant to G.S. 15C-4.
 2. The program participant fails to notify the Attorney General of a change in the program participant's name, address, or telephone number listed on the application pursuant to G.S. 15C-5.
 3. The program participant submitted false information in applying for certification to the Program in violation of G.S. 15C-6.
 4. Mail forwarded to the program participant by the Attorney General is returned as undeliverable.
 - b. The provisions of Article 3 of Chapter 150B of the General Statutes shall not apply to any cancellation of certification by the Attorney General pursuant to subsection (a) of this section.
 - c. The Attorney General shall send notice of cancellation to the program participant. Notice of cancellation shall set out the reasons for cancellation. The program participant shall have 30 days to appeal the cancellation decision under procedures developed by the Attorney General.
 - d. Any records or documents pertaining to a program participant shall be maintained in accordance with The General Schedule for State Agencies as established by the Department of Cultural Resources.
 - e. An individual who ceases to be a program participant is responsible for notifying persons who use the substitute address designated by the Attorney General as the program participant's address that the designated substitute address is no longer the individual's address.
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ADDRESS USE BY STATE OR LOCAL AGENCIES

N.C. GEN. STAT. ANN. § 15C-8

- a. The program participant, and not the Attorney General, is responsible for requesting that agencies of North Carolina use the address designated by the Attorney General as the substitute address of the program participant.
 - b. Except as otherwise provided in this section, when a program participant submits a current and valid Address Confidentiality Program authorization card to an agency of North Carolina, the agency shall accept the address designation by the Attorney General on the authorization card as the program participant's substitute address when creating a new public record.
 - c. An agency may request a waiver from the requirements of the Address Confidentiality Program by submitting a waiver request to the Attorney General. The agency's waiver request shall be in writing and include an explanation of why the agency cannot meet its statutory or administrative obligations by possessing or using the substitute address and an affirmation that, if the Attorney General accepts the waiver, the agency will only use the program participant's actual address for those statutory or administrative purposes.
 - d. The Attorney General's acceptance or denial of an agency's waiver request shall be made in writing and include a statement of specific reasons for acceptance or denial. Acceptance or denial of an agency's waiver request is not subject to further review.
 - e. A board of elections shall use the actual address of a program participant for all election-related purposes and shall keep the address confidential from the public under the provisions of G.S. 163-82.10(d). Use of the actual address on letters placed in the United States mail by a board of elections shall not be considered a breach of confidentiality. The substitute address designation provided by the Attorney General shall not be used as an address for voter registration or verification purposes.
 - f. For purposes of levying and collecting property taxes on motor vehicles pursuant to Article 22A of Chapter 105 of the General Statutes, the Attorney General shall issue to the county, city, or town assessor or tax collector a list containing the names and actual addresses of program participants residing in that county, city, or town. This list shall be used only for the purposes of listing, appraising, or assessing taxes on motor vehicles and collecting property taxes on motor vehicles in the county, city, or town. The county, city, or town assessor or tax collector or any current or former officer, employee, or agent of any county, city, or town, who in the course of service to or employment by the county, city, or town has access to the name and actual address of a program participant, shall not disclose this information to any other person.
 - g. The substitute address designated by the Attorney General shall not be used for purposes of listing, appraising, or assessing taxes on property and collecting taxes on property under the provisions of Subchapter II of Chapter 105 of the General Statutes.
 - h. The substitute address designated by the Attorney General shall not be used as an address by any register of deeds on recorded documents or for the purpose of indexing land registered under Article 4 of Chapter 43 of the General Statutes in the index of registered instruments pursuant to G.S. 161-22.
 - i. A local school administrative unit shall use the actual address of a program participant for any purpose related to admission or assignment pursuant to Article 25 of Chapter 115C of the General Statutes and shall keep the actual address confidential from the public under the provisions of this Article. The substitute address designated by the Attorney General shall not be used as an address for admission or assignment purposes. For purposes of student records created under Chapter 115C of the General Statutes, the substitute address designated by the Attorney General shall be used.
 - j. Except as otherwise provided in this section, a program participant's actual address and telephone number maintained by an agency of North Carolina is not a public record within the meaning of Chapter 132 of the General Statutes. A program participant's actual address or telephone number maintained by the Attorney General or disclosed by the Attorney General pursuant to this Chapter is not a public record within the meaning of Chapter 132 of the General Statutes.
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DISCLOSURE OF ADDRESS PROHIBITED

N.C. GEN. STAT. ANN. § 15C-9

- a. The Attorney General is prohibited from disclosing any address or telephone number of a program participant other than the substitute address designated by the Attorney General, except under the following circumstances:
 1. The information is requested by a federal, state, or local law enforcement agency for official use only.
 2. The information is required by direction of a court order. However, any person to whom a program participant's address or telephone number has been disclosed shall not disclose the address or telephone number to any other person unless permitted to do so by order of the court.
 3. Upon request by an agency to verify the participation of a specific program participant when the verification is for official use only.
 4. Upon request by an agency, in the manner provided for by G.S. 15C-8.
 5. The program participant is required to disclose the program participant's actual address as part of a registration required by Article 27A of Chapter 14 of the General Statutes.
 - b. The Attorney General shall provide immediate notification of disclosure to a program participant when disclosure is made pursuant to subdivision (2) or (4) of subsection (a) of this section.
 - c. If, at the time of application, an applicant is subject to a court order related to divorce proceedings, child support, child custody, or child visitation, the Attorney General shall notify the court that issued the order of the certification of the program participant in the Address Confidentiality Program and the substitute address designated by the Attorney General. If, at the time of application, an applicant is involved in a court action related to divorce proceedings, child support, child custody, or child visitation, the Attorney General shall notify the court having jurisdiction over the action of the certification of the applicant in the Address Confidentiality Program and the substitute address designated by the Attorney General.
 - d. No person shall knowingly and intentionally obtain a program participant's actual address or telephone number from the Attorney General or an agency knowing that the person is not authorized to obtain the address information.
 - e. No employee of the Attorney General or an agency shall knowingly and intentionally disclose a program participant's actual address or telephone number to a person known to the employee to be prohibited from receiving the program participant's actual address or telephone number, unless the disclosure is permissible by law. This subsection only applies when an employee obtains a program participant's actual address or telephone number during the course of the employee's official duties and, at the time of disclosure, the employee has specific knowledge that the actual address or telephone number disclosed belongs to a program participant.
 - f. Any person who knowingly and intentionally obtains or discloses information in violation of this Chapter shall be guilty of a Class 1 misdemeanor and assessed a fine not to exceed two thousand five hundred dollars (\$2,500).
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ASSISTANCE FOR PROGRAM APPLICANTS

N.C. GEN. STAT. ANN. § 15C-10

- a. The Attorney General shall designate agencies of North Carolina and nonprofit organizations that provide counseling and shelter services to victims of domestic violence, sexual offense, stalking, or human trafficking to assist individuals applying to be program participants. Any assistance and counseling rendered by the Office of the Attorney General or its designee to applicants shall in no way be construed as legal advice.
 - b. The Attorney General, upon receiving notification pursuant to G.S. 15A-832(h), shall, within 96 hours of receiving the notification, issue the victim a letter of certification of eligibility or other relevant document entitling the person to have access to State benefits and services.
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LIMITED LIABILITY

N.C. GEN. STAT. ANN. § 15C-11

The State, agencies of North Carolina, and their officers, officials, employees, and agents, both past and present, in their official and individual capacities, shall be immune and held harmless from any liability in any action brought by or on behalf of any person injured or harmed by the actions or inactions of these entities and individuals in implementing this Chapter. However, if an employee's actions resulting in harm were not within the course and scope of the employee's duties, then that employee may be subject to suit as an individual to the extent permitted by the laws of the State of North Carolina.

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RULE-MAKING AUTHORITY

N.C. GEN. STAT. ANN. § 15C-12

The Attorney General is authorized to adopt any rules deemed necessary to carry out the provisions of this Chapter.

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ADDITIONAL TIME FOR ACTION

N.C. GEN. STAT. ANN. § 15C-13

Whenever the laws of this State provide a program participant a legal right to act within a prescribed period of 10 days or less after the service of a notice or other paper upon the program participant, and the notice or paper is served upon the program participant by mail pursuant to this Chapter, five days shall be added to the prescribed period.

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DEFINITIONS

N.C. GEN. STAT. ANN. § 42-40

For the purpose of this Article, the following definitions shall apply:

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2. "Premises" means a dwelling unit, including mobile homes or mobile home spaces, and the structure of which it is a part and facilities and appurtenances therein and grounds, areas, and facilities normally held out for the use of residential tenants.
 3. "Landlord" means any owner and any rental management company, rental agency, or any other person having the actual or apparent authority of an agent to perform the duties imposed by this Article.
 4. "Protected tenant" means a tenant or household member who is a victim of domestic violence under Chapter 50B of the General Statutes or sexual assault or stalking under Chapter 14 of the General Statutes.
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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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LOCK CHANGES

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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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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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.
 - ...
 - 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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 - 9. Order a party to refrain from doing any or all of the following:
 - b. Harassing the other party, including by telephone, visiting the home or workplace, or other means.
 - b1. Cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
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NORTH DAKOTA



North Dakota has enacted the following laws 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, 14-07.5-01.
 - 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.
 - Confidentiality of records. N.D. Code §§ 14-07.1-18, 44-04-18.20.
 - Assistance to place the protected party in possession of the dwelling. N.D. Code § 14-07.1-04.
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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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DEFINITIONS

N.D. CODE § 14-07.5-01

1. "Canadian domestic violence protection order" means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under the law of the issuing jurisdiction which relates to domestic violence and prohibits a respondent from:
 - a. Being in physical proximity to a protected individual or following a protected individual;
 - b. Directly or indirectly contacting or communicating with a protected individual or other individual described in the order;
 - c. Being within a certain distance of a specified place or location associated with a protected individual; or
 - d. Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.
2. "Domestic protection order" means an injunction or other order, issued by a tribunal under the domestic or family violence laws of the issuing court, to prevent an individual from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with, or being in physical proximity to another individual.
3. "Issuing court" means the court that issues a Canadian domestic violence protection order.
4. "Protected individual" means an individual protected by a Canadian domestic violence protection order.
5. "Respondent" means the individual against whom a Canadian domestic violence protection order is issued.
6. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue domestic violence protection orders.
7. "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a domestic violence protection order.

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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:
 - a. The tenant fears imminent domestic violence from a person named in a court order, protection order under section 14-07.1-02, ex parte temporary protection order, order prohibiting contact, restraining order, or other record filed with a court;

- b. The tenant needs to terminate the tenancy; and
 - c. The specific date the tenancy will terminate.
 3. The notice must be delivered by mail, facsimile communication, or in person before the termination of the tenancy.
 4. 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 database 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.
 5. 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.
 6. 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.
 7. 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.
 8. 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.
 9. Notwithstanding the release of a tenant from a lease agreement under this section, the tenancy continues for any remaining tenants.
 10. 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.
 11. 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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DOMESTIC VIOLENCE OR SEXUAL ASSAULT PROGRAM RECORDS — CONFIDENTIALITY — EXCEPTIONS — PENALTY

N.D. CODE § 14-07.1-18

1. All agents, employees, and volunteers participating in a domestic violence or sexual assault program shall maintain the confidentiality of the:
 - a. Address, telephone number, and other identifying information of a safe home, and place of emergency safe housing;
 - b. Name, address, telephone number, personally identifying information, and case file or history of any client receiving services from a domestic violence or sexual assault program; and
 - c. Name, address, telephone number, and other identifying information of an agent, employee, or volunteer providing services under a domestic violence or sexual assault program.
2. The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:
 - a. A client consents to the release of information that relates only to that client or the client's dependents;

- b. The agent, employee, or volunteer operating a domestic violence or sexual assault program determines the disclosure of the information necessary for the efficient and safe operation of a domestic violence or sexual assault program; or for the protection of the safety of an employee, agent, volunteer, or client of a domestic violence or sexual assault program; or for the protection of a third party reasonably thought to be in need of protection;
 - c. A court of competent jurisdiction orders the disclosure after an in camera review and a written finding by the court that the information directly and specifically relates to a determination of child abuse and neglect under chapter 50-25.1 or termination of parental rights under sections 14-15-19, 27-20.3-20, 27-20.3-21, 27-20.3-22, 27-20.3-23, and 27-20.3-24; or
 - d. An agent, employee, or volunteer working with a domestic violence or sexual assault program has knowledge or reasonable cause to suspect a child has been abused or neglected as defined by section 50-25.1-02.
- 3. The address, telephone number, and other identifying information of a shelter are exempt records as defined in section 44-04 -17.1.
 - 4. Any person who violates this section is guilty of an infraction.
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DOMESTIC VIOLENCE AND VICTIM RECORD INFORMATION EXEMPT

N.D. CODE § 44-04-18.20

The address, telephone number, or any identifying information that, if released, could reasonably be used to locate or identify a victim or alleged victim of domestic violence, of a sex offense under chapter 12.1-20, of sexual performances by a child under chapter 12.1-27.2, or of human trafficking under chapter 12.1-41, contained in any record maintained by a criminal justice agency as defined by section 44-04-18.7 or correctional facility as defined by section 12-44.1-01 is exempt.

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ASSISTANCE OF LAW ENFORCEMENT OFFICER IN SERVICE OR EXECUTION

N.D. CODE § 14-07.1-04

When an order is issued upon request of the applicant under section 14-07.1-02 or 14-07.1-03, the court shall order the sheriff or other appropriate law enforcement officer to accompany the applicant and assist in placing the applicant in possession of the dwelling or residence, or otherwise assist in execution or service of the protection order, which may include assistance in referral to a domestic violence shelter care facility.

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OHIO



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

- Address confidentiality program. Ohio Rev. Code Ann. §§ 111.41, 111.42, 111.43, 111.46, 111.47, 111.99.
- Use of domestic violence victims' information. Ohio Rev. Code Ann. § 3113.40.
- 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 allowing the restrained party to provide suitable alternate housing in the case of a consent agreement. Ohio Rev. Code Ann. § 3113.31.

ADDRESS CONFIDENTIALITY PROGRAM

OHIO REV. CODE ANN. §§ 111.41-111.99

As used in sections 111.41 to 111.99 of the Revised Code:

- A. "Application assistant" means an employee or volunteer at an agency or organization that serves victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery who has received training and certification from the secretary of state to help individuals complete applications to be program participants.
- B. "Confidential address" means the address of a program participant's residence, school, institution of higher education, business, or place of employment, as specified on an application to be a program participant or on a notice of change of address filed under section 111.42 of the Revised Code. A confidential address is not a public record under section 149.43 of the Revised Code, and shall be kept confidential.
- C. "Governmental entity" means the state, a political subdivision of the state, or any department, agency, board, commission, or other instrumentality of the state or a political subdivision of the state.

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ADDRESS CONFIDENTIALITY PROGRAM

OHIO REV. CODE ANN. § 111.42

A person to whom all of the following applies may apply to the secretary of state with the assistance of an application assistant to become a participant in the address confidentiality program, in which an address designated by the secretary of state serves as the person's address or the address of the minor, incompetent, or ward on whose behalf the person is applying:

The applicant is an adult who is applying on behalf of the person's self or is a parent or guardian applying on behalf of a minor, incompetent, or ward.

The applicant or the minor, incompetent, or ward, as applicable, resides, works, or attends a school or an institution of higher education in this state.

The applicant fears for the safety of the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made because the applicant, household member, minor, incompetent, or ward is a victim of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery.

The applicant or the minor, incompetent, or ward, as applicable, is not a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender.

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[(C)-(E) Application process]

E. The certification of a program participant shall be valid for four years after the date of the filing of the application for the program participant unless the certification is withdrawn or invalidated before the end of that four-year period.

F.

1. A program participant who continues to be eligible to participate in the address confidentiality program may renew the program participant's certification by submitting a renewal application to the secretary of state with the assistance of an application assistant. The renewal application shall be on a form prescribed by the secretary of state and shall contain all of the information described in division (B) of this section.

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PROTECTION OF CONFIDENTIAL ADDRESS

OHIO REV. CODE ANN. § 111.43

B. A program participant may request that a governmental entity, other than a board of elections, use the address designated by the secretary of state as the program participant's address. Except as otherwise provided in division (F) of this section and in section 111.44 of the Revised Code, if the program participant requests that a governmental entity use that address, the governmental entity shall accept that address. The program participant shall provide the program participant's address confidentiality program authorization card as proof of the program participant's status.

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D.

1. The office of the secretary of state shall, on each day that the secretary of state's office is open for business, place all of the following that the secretary of state receives on behalf of a program participant into an envelope or package and mail that envelope or package to the program participant at the mailing address the program participant provided to the secretary of state for that purpose:
 - a. First class letters, flats, packages, or parcels delivered via the United States postal service, including priority, express, and certified mail;

- b. Packages or parcels that are clearly identifiable as containing pharmaceutical agents or medical supplies;
 - c. Packages, parcels, periodicals, or catalogs that are clearly identifiable as being sent by a governmental entity;
 - d. Periodicals to which the program participant subscribes;
 - e. Packages, parcels, periodicals, or catalogs that have received prior authorization from the office of the secretary of state for forwarding under this section.
2. Except as provided in divisions (D)(1)(a) to (e) of this section, the office of the secretary of state shall not forward any packages, parcels, periodicals, or catalogs received on behalf of a program participant.
 3. The secretary of state may contract with the United States postal service to establish special postal rates for the envelopes or packages used in forwarding a program participant's mail under this section.
 4.
 - a. Upon receiving service of process on behalf of a program participant, the office of the secretary of state shall immediately forward the process by certified mail, return receipt requested, to the program participant at the mailing address the program participant provided to the secretary of state for that purpose. Service of process upon the office of the secretary of state on behalf of a program participant constitutes service upon the program participant under rule 4.2 of the Rules of Civil Procedure.

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- c. Upon request by a person who intends to serve process on an individual, the secretary of state shall confirm whether the individual is a program participant but shall not disclose any other information concerning a program participant.

- F. Division (A) of this section does not apply to a municipal-owned public utility. The confidential addresses of participants of the address confidentiality program that are maintained by a municipal-owned public utility are not a public record and shall not be released by a municipal- owned public utility or by any employee of a municipal-owned public utility.

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VOTER REGISTRATION RECORD

OHIO REV. CODE ANN. § 111.44

- A. A program participant who is eligible to vote may apply to the board of elections of the county in which the program participant resides to request that the program participant's voter registration record be kept confidential.

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DISCLOSURE OF CONFIDENTIAL INFORMATION

OHIO REV. CODE ANN. § 111.46

- A. The secretary of state shall make available to the attorney general, for inclusion into the Ohio law enforcement gateway, the name, telephone number, and confidential address of each program participant. Access to information in the gateway regarding an address confidentiality program participant may only be granted to chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals.

B.

- a. A city director of law or similar chief legal officer who requires access to a program participant's confidential address or telephone number for a legitimate governmental purpose may petition the court of common pleas of Franklin county to order the secretary of state to make that confidential address or telephone number available to the petitioner.

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LIABILITY

OHIO REV. CODE ANN. § 111.47

- A. Notwithstanding division (A)(3) of section 2743.02 of the Revised Code and except if the performance or nonperformance was manifestly outside the scope of the officer's or employee's office or employment or the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner, the state is immune from liability in any civil action or proceeding involving the performance or nonperformance of a public duty under the address confidentiality program.

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PROHIBITIONS

OHIO REV. CODE ANN. § 111.99

- A. No person who submits an application under section 111.42 of the Revised Code shall knowingly make a false attestation in the application that the applicant fears for the applicant's safety, the safety of a member of the applicant's household, or the safety of the minor, incompetent, or ward on whose behalf the application is made because the applicant, household member, minor, incompetent, or ward is a victim of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery .
- 2. No public official who has access to a confidential address or telephone number or to information that is subject to a real property confidentiality notice under section 111.431 of the Revised Code because of the person's status as a public official shall knowingly disclose that confidential information to any person, except as required or permitted by law.
- B. No person who obtains a confidential address or telephone number from the Ohio law enforcement gateway shall knowingly disclose that confidential address or telephone number to any person, except as is necessary for a law enforcement purpose when related to the performance of official duties, or for another legitimate governmental purpose.

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- F. Whoever violates this section is guilty of a misdemeanor of the first degree.

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DOMESTIC VIOLENCE SHELTER TO DETERMINE RESIDENT'S LAST KNOWN RESIDENTIAL ADDRESS; USE OF INFORMATION

OHIO REV. CODE ANN. § 3113.40

When a shelter for victims of domestic violence provides accommodations to a person, the shelter, on admitting the person, shall determine, if possible, the person's last known residential address and county of residence. The information concerning the address and county of residence is confidential and may be released only to a public children services agency pursuant to section 2151.422 of the Revised Code.

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PETITIONS; PROTECTION ORDERS CONCERNING DOMESTIC VIOLENCE OR SEXUALLY ORIENTED OFFENSE; SUPPORT ORDERS; SANCTIONS FOR VIOLATIONS; NOTIFICATION OF LAW ENFORCEMENT AGENCIES AND COURTS

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 or persons with whom the respondent is or was in a dating relationship. The order or agreement may:
 - b. Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members or persons with whom the respondent is or was in a dating relationship;
 - c. With respect to a petition involving family or household members, 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;
 - d. With respect to a petition involving family or household members, 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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- k. Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code.
- 2. If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or household members, 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, with respect to a petition involving family or household members,

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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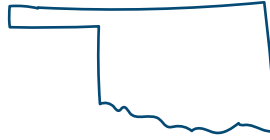
7.

- 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, with respect to a petition involving family or household members, 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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OKLAHOMA



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

- Address confidentiality program. Okla. Stat. tit. 22, § 60.14.
- Housing assistance and crisis intervention services for survivors of domestic violence. Okla. Admin. Code §§ 75:15-2-1, 75:15-2-3, 75:15-2-4, 75:15-2-5, 75:15-2-6.
- Client confidentiality. Okla. Admin. Code § 75:15-5-4.
- Termination of Tenancy. Okla. Stat., tit. 41, §§ 111, 113.3.

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....

SERVICE PROGRAMS CORE SERVICES

OKLA. ADMIN. CODE § 75:15-2-1

- a. All certified programs shall provide safe, accessible, and trauma-informed services for victims of domestic violence, sexual assault and stalking and their dependents or family members.
- b. The program shall develop a philosophy of service provision based upon voluntary services and individual self-determination. The written statement of the philosophy of services shall be approved by the governing authority and made available to the community, staff, volunteers, and clients.
- c. The program shall have policies and procedures to maintain facilities, staffing, and operational methods, including a policy for recruitment of board members, staff and volunteers who are representative of diversity in the local community and diversity of clients.
- d. All certified programs shall provide sexual assault services as outlined in 75:15-2-6.
- e. All certified programs shall offer crisis intervention services as outlined in 75:15-2-5.
- f. All certified programs shall offer danger assessment, safety planning, counseling or support, support groups, and advocacy in a trauma-informed environment.

- g. All certified programs shall offer services that are free from all forms of unlawful discrimination based on race, sex, color, age, national origin, genetic information, religion, and/or disability (i.e., physical, mental illness, and substance abuse), including a policy stating that services will not be denied or diminished on the basis of immigration status.
 - h. All certified programs shall provide public education to increase the community's awareness and understanding of domestic violence, sexual assault and stalking, available and needed resources, and to identify the role community can play in eliminating domestic violence, sexual assault, and stalking.
 - i. Compliance with 75:15-2-1 shall be determined by a review of the program's policies and procedures, service agreements, on-site observations, client and staff or volunteer interviews and/or other supporting documentation.
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TRANSITIONAL LIVING PROGRAM

OKLA. ADMIN. CODE § 75:15-2-3

- a. All transitional living programs shall comply with 75:15-2-1 and the following:
 - 1. The program shall maintain homes, apartments or other residential living environments suitable for victims of domestic and sexual violence, stalking and their dependents, if applicable, and which provide the reasonable safety and privacy needed by this population. The program shall offer access to necessary furniture and equipment;
 - 2. The program shall include heating and refrigerated cooling systems to maintain a reasonable comfort level;
 - 3. Supportive services for residents are available through the twenty-four (24) hour program hotline by trained staff or volunteers;
 - 4. The program shall assign staff or a volunteer as the advocate or liaison for the clients residing in the transitional living program(s). This person, or a crisis line staff person or volunteer, shall be available for emergencies at all times;
 - 5. The program shall have a written agreement with each resident that outlines specific responsibilities of both the program and the resident to include expectations, responsibilities and limitations. The agreement shall be signed by both parties;
 - 6. The program shall offer weekly support groups for transitional living residents and children; and
 - 7. The program shall offer at least one 30 minute face-to-face service contact per week with each transitional living resident and children.
 - b. Compliance with 75:15-2-3 shall be determined by a review of program policies and procedures, client records, on-site observations, written agreements and/or other supporting documentation.
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SAFE HOME PROGRAM

OKLA. ADMIN. CODE § 75:15-2-4

- a. All Safe Home programs shall comply with section 75:15-2-1 and the following:
 - 1. The program shall offer confidential housing 24 hours a day, 365 days a year.
 - 2. Certified DVSA providers that have a formal agreement for a Safe Home shall:
 - A. assure that each Safe Home offers residents with access to minimum necessities including bedding, clothing, articles for grooming and personal hygiene, and food;
 - B. develop and disseminate to Safe Home providers and residents written rules, policies and procedures that include admission and exit criteria, including security measures;
 - C. have written procedures for monitoring Safe Homes to ensure that the homes meet standards for cleanliness and safety;

- D. offer orientation to all clients and require they sign a contract acknowledging they have read and understand the rules of their stay;
 - E. assign an advocate or liaison for clients. This person, or a crisis line staff or volunteer, shall be available for emergencies and support at all times; and
 - F. offer at least one 30 minute face-to-face service contact per week with each Safe Home resident.
- b. The program shall establish criteria to screen potential Safe Home providers. Screening will include an application with references, an interview and a site visit. Each Safe Home will be reassessed annually.
 - c. All Safe Homes must be supervised by the certified program, who will conduct on-site observations at least monthly when clients are in residence.
 - d. The certified program shall have a written agreement with each Safe Home provider that outlines specific responsibilities of both the program and the provider to include expectations and limitations (e.g., no babysitting or individual advocacy) and compliance with confidentiality. The agreement shall clearly state that the program will not be held liable for damage incurred by the Safe Home provider. Both parties will sign the agreement.
 - e. Compliance with 75:15-2-4 shall be determined by a review of program policies and procedures, client records, on-site observations, written agreements, and/or other program documentation.

CRISIS INTERVENTION SERVICES

OKLA. ADMIN. CODE § 75:15-2-5

- a. All certified DVSA programs shall offer crisis intervention services which include:
 1. Twenty-four (24) hour crisis telephone services staffed by trained staff or volunteers, and 24-hour immediate, direct access to crisis advocates. Pagers, answering machines or answering services that do not offer immediate access to a crisis advocate shall not be sufficient to meet this requirement;
 2. Emergency housing such as hotel or motel available for victims and their dependent(s);
 3. Arrangement for safe shelter, food, clothing, and incidentals needed by victim/dependents;
 4. The program shall provide twenty-four (24) hour emergency transportation or access to shelter, to and from SANE exams or other emergency services. Additionally, transportation shall be offered for necessary services. This shall not require service providers to be placed in a situation that could result in injury;
 5. Cooperation with law enforcement to offer assistance to the victim and accompanying dependent(s). Programs should ensure victims are educated about participating in the legal prosecution of their offenders and that an appropriate release or waiver may be necessary;
 6. Provision of advocacy and referral to assist victims in obtaining needed services or resources;
 7. Foreign language interpretation; and
 8. Follow-up services shall be offered to all victims if victim safety is not compromised.
- b. Group and/or individual counseling or support services shall be made available before or after normal business hours (8:00 a.m. to 5:00 p.m.), if needed by clients. These services shall minimally offer the following:
 1. A facility with offices and individual and group counseling space to offer services;
 2. Advocacy services, both in person and by telephone, either in the locations of other community services and systems, or in the program's offices. Other locations include but are not limited to those necessary to provide court advocacy services to clients; and

3. Service approaches shall focus on the empowerment of victims to access needed resources and to make healthy and safe decisions for themselves and dependents.
- c. Programs shall maintain at a minimum the following client resources:
1. Service agreements with community service providers for client services, which shall be renewed every three (3) years. If unable to establish a service agreement, attempts shall be documented;
 2. A resource document of local, area, or state resources to facilitate referrals for clients; and
 3. For agencies that do not have a behavioral health professional on staff, the agency shall maintain an updated list of identified behavioral health professionals in their community who treat clients with related trauma and need mental health or substance abuse services.
- d. Compliance with 75:15-2-5 shall be determined by a review of program policies and procedures, client records, on-site observations, written agreements, and/or other program documentation.
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SEXUAL ASSAULT SERVICES

OKLA. ADMIN. CODE § 75:15-2-6

- a. All certified programs shall be part of a sexual assault response team in their service area, providing that there is a sexual assault response team in place. The program shall collaborate with other certified DVSA providers in their service area. The program shall offer at a minimum the following services:
1. Counseling or advocacy and support services shall be offered at any safe and appropriate site, as needed by the client;
 2. A twenty-four (24) hour crisis line, crisis intervention, in-person advocacy, active listening, or support by trained staff or volunteers with a knowledge of the issues and processes of sexual assault, rape trauma recovery, assessment, referral when indicated, and family involvement when chosen by the victim;
 3. Clothing, if needed, for sexual assault victims; and
 4. Follow-up contact that does not compromise privacy and safety needs of the victim shall be offered to all sexual assault clients seen in the medical setting. If written permission is granted by the client for follow-up contact, it shall be done no later than fourteen (14) business days after face-to-face crisis intervention. Follow-up will offer agency services or other available resources needed by the client.
- b. When appropriate staff or volunteers are available, the program shall assist the Council on Law Enforcement Education and Training (CLEET) by providing appropriate staff or volunteers to assist in sexual assault and sexual violence training to law enforcement.
- c. Agencies without behavioral health professionals on staff, shall maintain an updated list of identified behavioral health professionals in their community who treat clients with sexual assault related trauma.
- d. Compliance with 75:15-2-6 shall be determined by a review of program policies and procedures, client records, on site-observations, written agreements, and/or other program documentation.
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CLIENT CONFIDENTIALITY

OKLA. ADMIN. CODE § 75:15-5-4

- a. The DVSA program must comply with both state and federal laws governing confidentiality and any exceptions to those laws.
 1. State Law: ...
 - A. The case records, case files, case notes, client records, or similar records of a domestic violence or sexual assault program certified by the Attorney General or of any employee or trained volunteer of a program regarding an individual who is residing or has resided in such program or who has otherwise utilized or is utilizing the services of any domestic violence or sexual assault program or counselor shall be confidential and shall not be disclosed;
 - B. For purposes of this subsection, the term “client records” shall include, but not be limited to, all communications, records, and information regarding clients of domestic violence and sexual assault programs; and
 - C. The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential and shall not be disclosed except with the written consent of the individual, or in the case of the individual’s death or disability, of the individual’s personal representative or other person authorized to sue on the individual’s behalf or by court order for good cause shown by the judge in camera.
 2. Federal Law:
 - A. The Violence Against Women Act universal grant conditions regarding confidentiality, Section 3 of VAWA, 34 USC § 12291(b) (2) provides, in part: In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees shall not: disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantee and subgrantee programs, regardless of whether the information has been encoded, encrypted, hashed or otherwise protected; or disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent’s or guardian’s consent, the minor or person with a guardian may release information without additional consent. If release of information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information. In no circumstances may an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release identifying information as a condition of eligibility for the services provided.
 - B. The Family Violence Prevention and Services Act universal grant conditions on confidentiality, 42 USC 10401 et seq. provides, in part: Personally identifying information. The term personally identifying information has the meaning given the term in the Violence Against Women Act. In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families. Subgrantees shall not disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantee and subgrantee programs; or reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent shall be given by the person, except in the case of an unemancipated minor, the minor and the minor’s parent or guardian; or in the case of an individual with a guardian, the individual’s guardian; and may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor. If release of information is compelled by statutory or court mandate grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and grantees and sub-grantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

- C. Victims of Crime Act regulations on confidentiality applying to grantees, 28 CFR § 94.115 provides in part: Sub-recipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal, or release any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or individual client information, without the informed, written, reasonably time limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent’s (or the guardian’s) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian. If release of information is compelled by statutory or court mandate, SAAs or sub-recipients of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.
 - D. Housing Assistance Emergency Shelter Grants 42 U.S.C. § 11375 (c)(5), require recipients to develop and implement procedures to ensure confidentiality of records pertaining to any individual provided family violence prevention or treatment services under this part and that the address or location of the family violence shelter project assisted under this part will not be made public without written authorization of the person or persons responsible for the operation of such shelter; and
 - E. Stewart B. McKinney Homeless Assistance Act, at 42 U.S.C. § 1130163, mandates that any victim service provider that is a recipient or subgrantee shall not disclose for purposes of the Homeless Management Information System (HMIS) any personally identifying information about any client. Subgrantees may be required to disclose for purposes of HMIS non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. The Violence Against Women Act also contains a provision that specifies a domestic violence program provider shall not disclose any personally identifying information about any client to the Homeless Management Information System (HMIS).
- b. Compliance with 75:15-5-4 shall be determined by a review of the program’s policies and procedures; and on-site observation of the handling and review of client records.

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TERMINATION OF TENANCY

OKLA. STAT. TIT. 41, § 111

- F. A victim of domestic violence, sexual violence or stalking may terminate a lease without penalty by providing written notice and a protective order of an incident of such violence within thirty (30) days of such incident, unless the landlord waives such time period.
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VICTIMS OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, OR STALKING

OKLA. STAT. TIT. 41, § 113.3

A landlord shall not deny, refuse to renew or terminate a tenancy because the applicant, tenant or member of the household is a victim or alleged victim of domestic violence, sexual violence or stalking regardless of whether there exists a current protective order. A landlord shall not deny a tenancy or retaliate against a tenant because the applicant or tenant has previously terminated a rental agreement because the applicant or tenant is a victim of domestic violence, sexual violence or stalking.

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.
- Confidentiality protections. Or. Rev. Stat. Ann. § 192.355.

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.

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.

VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING AND IMMEDIATE FAMILY MEMBERS; 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, 107.725, 107.730, 163.738, 163.765, 163.767 or 163.775 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 AND IMMEDIATE FAMILY MEMBERS; 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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OTHER PUBLIC RECORDS EXEMPT FROM DISCLOSURE

OR. REV. STAT. ANN. § 192.355

The following public records are exempt from disclosure under ORS 192.311 to 192.478:

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- 24. The following records, communications and information obtained by the Housing and Community Services Department in connection with the department's monitoring or administration of financial assistance or of housing or other developments:

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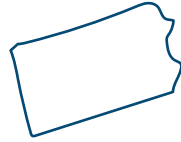
- k. Personal information about a tenant.

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- 38. Records of or submitted to a domestic violence service or resource center that relate to the name or personal information of an individual who visits a center for service, including the date of service, the type of service received, referrals or contact information or personal information of a family member of the individual. As used in this subsection, "domestic violence service or resource center" means an entity, the primary purpose of which is to assist persons affected by domestic or sexual violence by providing referrals, resource information or other assistance specifically of benefit to domestic or sexual violence victims.

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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. §§ 6703-6705.
- Protection for victims of abuse from the enforcement of a nuisance ordinance or regulation if police or emergency services respond to a residence or tenancy to assist a victim of abuse or crime or individuals in an emergency. 53 Pa. Cons. Stat. Ann. § 304.

RELIEF

23 PA. CONS. STAT. ANN. § 6108

- a. General rule. — Subject to subsection (a.1), 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.
- ...
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.
 6. A victim of kidnapping who files an affidavit with the Office of Victim Advocate describing the perpetrator's conduct toward the affiant meeting the criteria enumerated in 18 Pa.C.S. § 2901 (relating to kidnapping) and further stating that the affiant fears future violent acts by the perpetrator of the kidnapping.
 7. A victim of human trafficking 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 either 18 Pa.C.S. § 3011 (relating to trafficking in individuals) or 3012 (relating to involuntary servitude) and further stating that the affiant fears future violent acts by the perpetrator of the human trafficking.
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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. An application and any supporting documentation may be filed electronically, by mail or in person. 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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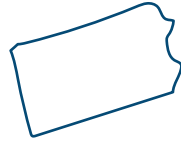
PROTECTION FOR VICTIMS OF ABUSE OR CRIME

53 PA. CONS. STAT. ANN. § 304

- a. Declaration of policy. — The General Assembly finds and declares as follows:
 1. It is the public policy of the Commonwealth to ensure that all victims of abuse and crime and individuals in an emergency are able to contact police or emergency assistance without penalty.
 2. This section is intended to shield residents, tenants and landlords from penalties that may be levied pursuant to enforcement of an ordinance or regulation if police or emergency services respond to a residence or tenancy to assist a victim of abuse or crime or individuals in an emergency.
 3. This section is not intended to prohibit municipalities from enforcing an ordinance or regulation against a resident, tenant or landlord where police or emergency services respond to a residence or tenancy that does not involve assistance to a victim of abuse or crime or individuals in an emergency.
- b. Protection. — No ordinance enacted by a municipality shall penalize a resident, tenant or landlord for a contact made for police or emergency assistance by or on behalf of a victim of abuse as defined in 23 Pa.C.S. § 6102 (relating to definitions), a victim of a crime pursuant to 18 Pa.C.S. (relating to crimes and offenses) or an individual in an emergency pursuant to 35 Pa.C.S. § 8103 (relating to definitions), if the contact was made based upon the reasonable belief of the person making the contact that intervention or emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or emergency or if the intervention or emergency assistance was actually needed in response to the abuse, crime or emergency.

- c. Remedies. — If a municipality enforces or attempts to enforce an ordinance against a resident, tenant or landlord in violation of subsection (b), the resident, tenant or landlord may bring a civil action for a violation of this section and seek an order from a court of competent jurisdiction for any of the following remedies:
 - 1. An order requiring the municipality to cease and desist the unlawful practice.
 - 2. Payment of compensatory damages, provided that a resident, tenant or landlord shall make a reasonable effort to mitigate any damages.
 - 3. Payment of reasonable attorney fees.
 - 4. Payment of court costs.
 - 5. Other equitable relief, including, but not limited to, reinstating a rental license or rental permit, as the court may deem appropriate.
 - d. Preemption. — This section preempts any local ordinance or regulation insofar as it is inconsistent with this section, irrespective of the effective date of the ordinance or regulation. This section shall not affect or apply to enforcement of the act of October 11, 1995 (1st Sp.Sess., P.L. 1066, No. 23), known as the Expedited Eviction of Drug Traffickers Act, or to the enforcement of 18 Pa.C.S. § 7511 (relating to control of alarm devices and automatic dialing devices).
 - e. Definition. — As used in this section, the term “penalize” includes the actual or threatened revocation, suspension or nonrenewal of a rental license, the actual or threatened assessment of fines or the actual or threatened eviction, or causing the actual or threatened eviction, from leased premises.
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BOROUGH OF STATE COLLEGE, PENNSYLVANIA



Borough of State College, Pennsylvania has enacted the following laws regarding survivors' housing rights:

- Adoption of the Centre Region Rental Housing and Building Safety Code, 2023. BOROUGH OF STATE COLL. PA, MUN. CODE § 4-503.
- Retaliation. CENTRE REGION RENTAL HOUS. & BLDG. SAFETY CODE § 101.6.2.
- Victim protection. CENTRE REGION RENTAL HOUS. & BLDG. SAFETY CODE § 101.6.5.
- Early termination. CENTRE REGION RENTAL HOUS. & BLDG. SAFETY CODE § 101.6.5.1.
- Lease bifurcation. CENTRE REGION RENTAL HOUS. & BLDG. SAFETY CODE § 101.6.5.2.

ADOPTION OF THE CENTRE REGION RENTAL HOUSING AND BUILDING SAFETY CODE, 2023

BOROUGH OF STATE COLL. PA, MUN. CODE § 4-503

It is hereby adopted by the Borough of State College for the purposes set forth in § 4-501 that certain code known as the "Centre Region Rental Housing and Building Safety Code, 2023 Edition," as promulgated by the Centre Region Council of Governments, except such provisions which may be in conflict with the laws of the Commonwealth of Pennsylvania or the regulations issued by an agency of the commonwealth by virtue of such laws and which provide a more stringent standard and which are required to be observed by the Borough of State College or the provisions of other ordinances of this jurisdiction which are in conflict with the provisions of this Part, regardless of the strictness of the provisions. The provisions of the Centre Region Rental Housing and Building Safety Code, 2023 Edition, as supplemented, are set forth in the copy presently on file in the office of the Borough Manager, and are hereby adopted as fully as if set forth in length herein, and from the date on which this Part shall take effect, the provisions thereof shall be controlling within the limits of the Borough of State College, except as modified by this Part and any subsequent amendments thereto.

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RETALIATION

CENTRE REGION RENTAL HOUS. & BLDG. SAFETY CODE § 101.6.2

It shall be a violation of this Code for any owner, agent or other person operating or managing premises to terminate a lease with a tenant or make, alter, amend or modify any term or condition of any existing lease or arrangement of tenancy with a tenant in retaliation for:

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4. An incident of domestic violence or sexual assault in which a tenant was the victim, or tenant's status as a victim of domestic violence or sexual assault.

In any civil proceeding involving this provision in which the notice of termination or alteration of a term or condition of the lease was given within one year after a violation was found, a right of the tenant against the owner, agent or other person operating or managing premises was exercised, or a correction made, whichever is the latest, it shall be the burden of the owner, agent or other person operating or managing such premises to prove that the notice was not given in retaliation for the exercise by the tenant of their legal rights.

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VICTIM PROTECTION

CENTRE REGION RENTAL HOUS. & BLDG. SAFETY CODE § 101.6.5.

The provisions of this section apply to victims of domestic violence or sexual assault. Nothing in subsection 101.6.5.1 or 101.6.5.2 limits the authority of the owner, agent or other person operating or managing the premises to evict a tenant, who is the victim of domestic or sexual violence, for any violation of a lease other than one premised on the act or acts of violence in question against such tenant, provided that, in determining whether to evict, the owner, agent or other person operating or managing the premises does not apply a more demanding standard, than that applied to other tenants who are not victims of domestic or sexual violence.

Nothing in subsection 101.6.5.1 or 101.6.5.2 changes the authority of any court to evict an abuser under the Pennsylvania Protection from Abuse Act, Act of December 19, 1990, P.L. 240,

No. 206, § 2 (23 Pa. C.S. §§ 6101 et seq.).

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EARLY TERMINATION

CENTRE REGION RENTAL HOUS. & BLDG. SAFETY CODE § 101.6.5.1.

The owner, agent or other person operating or managing the premises shall, at the request of a tenant who is a victim of domestic violence or sexual assault, permit the victim tenant to terminate the lease regardless of the lease term and without penalty for early termination provided:

1. Request is made, in writing, at least thirty (30) calendar days before the requested termination date, and within ninety (90) calendar days of:
 - A. The reporting of an incident of domestic violence or sexual assault,
 - B. The issuance of a protection from abuse order or,
 - C. The approval of a consent agreement[.]
2. The victim tenant vacates the premises no later than the early termination date; and
3. At the time the request is made for termination of the lease, the victim tenant provides one of the following:
 - A. Court order or approved consent agreement for protection from abuse pursuant to the Protection from Abuse Act, Act of December 19, 1990, P.L. 1240, No. 206, § 2 (23 Pa. C.S. §§ 6101 et seq.);
 - B. Incident report from the Police Department stating that a domestic abuse or sexual assault complaint was filed by the tenant; or
 - C. Written certification from a health care professional or professional guidance counselor, licensed under the laws of the Commonwealth of Pennsylvania, or a victim's services organization recognized by the Commonwealth of Pennsylvania, stating that the tenant sought assistance as a victim of domestic violence or sexual assault.

All terms and conditions of the lease remain in effect until the date of termination or bifurcation. If any tenant wishes to inhabit the leased premises after early termination or bifurcation, a new lease with the owner must be executed.

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LEASE BIFURCATION

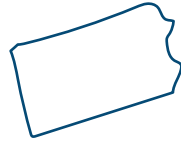
CENTRE REGION RENTAL HOUS. & BLDG. SAFETY CODE § 101.6.5.2.

If the abuser or perpetrator of the domestic violence or sexual assault is a cotenant, the owner, agent or other person operating or managing the premises may, upon the victim's request, bifurcate the lease in order to evict the abuser or perpetrator of the domestic violence or sexual assault, while allowing the victim to remain in the premises provided the victim's request complies with section 101.6.5.1 (1) and (3).

All terms and conditions of the lease remain in effect until the date of termination or bifurcation. If any tenant wishes to inhabit the leased premises after early termination or bifurcation, a new lease with the owner must be executed.

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PHILADELPHIA, PENNSYLVANIA



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

- Retaliation and Tenant Right to Terminate Lease. Phil. County Code of Ord. § 9-804.
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RETALIATION AND TENANT RIGHT TO TERMINATE LEASE

PHIL. COUNTY CODE OF ORD. § 9-804.

...

2. It shall be unlawful for any owner, landlord, agent or other person operating or managing premises to terminate a lease with a tenant or make, alter, amend or modify any term or condition of any existing lease or arrangement of tenancy with a tenant in retaliation for:

...

- d. an incident of domestic violence or sexual assault in which a tenant was the victim, or a tenant's status as a victim of domestic violence or sexual assault. For purposes of this subsection (2)(d) the meaning of the terms "victim", "domestic violence" and "sexual assault" are as defined in Section 9-3201 of this Code.

...

6. The owner, landlord, agent or other person operating or managing the premises shall, at the request of a tenant who is a victim of domestic violence or sexual assault, permit the tenant to terminate the lease regardless of the lease term and without penalty for early termination provided:
 - a. the request is made, in writing, within ninety (90) days of (i) the reporting of an incident of domestic violence or sexual assault, (ii) the issuance of a protection from abuse order or (iii) the approval of a consent agreement, and at least thirty (30) days before the requested termination date;
 - b. the victim vacates the premises no later than the early termination date; and
 - c. at the time the request is made for termination of the lease, the tenant provides:
 1. a court order or approved consent agreement for protection from abuse pursuant to the Protection from Abuse Act, Act of December 19, 1990, P.L. 1240, No. 206, § 2 (23 Pa. C.S. §§ 6101 et seq.);
 2. an incident report from the Police Department stating that a domestic abuse or sexual assault complaint was filed by the tenant; or
 3. written certification from a health care professional or professional guidance counselor, licensed under the laws of the Commonwealth of Pennsylvania, or a victim's services organization, as defined in Section 9-3201 of this Code, stating that the tenant sought assistance as a victim of domestic violence or sexual assault.

RHODE ISLAND



Rhode Island has enacted the following laws regarding survivors' housing rights:

- Right to file protective orders; exclude perpetrators. R.I. GEN. LAWS § 8-8.1-3.
 - Owners are prohibited from discriminating against victims of domestic abuse. R.I. GEN. LAWS §§ 34-37-1 – 34-37-4.
 - Address confidentiality program. R.I. GEN. LAWS § 17-28-3.
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PROTECTIVE ORDERS — PENALTY — JURISDICTION

R.I. GEN. LAWS § 8-8.1-3

- a. A person suffering from domestic abuse may file a complaint in the district court requesting any order which will protect her or him from the abuse, including but not limited to the following:
 1. Ordering that the defendant be restrained and enjoined from contacting, assaulting, molesting or otherwise interfering with the plaintiff at home, on the street, or elsewhere;
 2. Ordering the defendant to vacate the household forthwith, unless the defendant holds sole legal interest in the household;
 3. Upon motion by the plaintiff, his or her address shall be released only at the discretion of the district court judge;
- ...
- b. After notice to the respondent and after a hearing, which shall be held within fifteen (15) days of surrendering said firearms, the court, in addition to any other restrictions may, for any protective order issued or renewed on or after July 1, 2017, continue the order of surrender, and shall further order a person restrained under this section not to purchase or receive, or attempt to purchase or receive, any firearms while the protective order is in effect.
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FINDING AND DECLARATION OF POLICY

R.I. GEN. LAWS § 34-37-1

- a. In the State of Rhode Island, 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, lawful source of income,, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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 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, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing 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 ensured.
- c. The practice of discrimination in rental housing based on the lawful source of income of an applicant for tenancy, or 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 regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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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RIGHT TO EQUAL HOUSING OPPORTUNITIES — VICTIMS OF DOMESTIC VIOLENCE STATUS

R.I. GEN. LAWS § 34-37-2.4

It shall be unlawful and against public policy to discriminate against a tenant or applicant for housing solely on the basis that said tenant or applicant is a victim of domestic violence.

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DEFINITIONS

R.I. GEN. LAWS § 34-37-3

When used in this chapter:

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6. The term “domestic abuse” for the purposes of this chapter shall have the same meaning as that set forth in § 15-15-1 and include all forms of domestic violence as set forth in § 12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.

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(102), 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, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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; 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, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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(102), or an agent of any of these, directly or indirectly, issue any advertisement relating to the sale, rental, or lease of the housing accommodation that indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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 section shall be construed to prohibit any oral or written inquiry as to whether the prospective purchaser or tenant is eighteen (18) years of age or older, or to confirm the source, amount, and expected duration of the lawful source of income of the prospective purchaser or tenant to determine whether the prospective purchaser or tenant meets the nondiscriminatory standards and preferences or terms, conditions, limitations, or specifications permitted under subsection (c) of this section.

- 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, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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 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 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 that do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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 that do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, 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. If a landlord requires that a prospective or current tenant have a certain minimum level of income, the standard for assessing eligibility shall be based only on the portion of the rent to be paid by the tenant, taking into account the value of any federal, state, or local rental assistance or housing subsidy.

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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, or;
 - 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 laws regarding survivors' housing rights:

- Orders excluding the restrained party from the protected party's residence. S.C. Code Ann. § 20-4-60.
 - Right to relief not affected by leaving residence. S.C. Code Ann. § 20-4-120.
 - Trespass upon grounds or structure of domestic violence shelter; penalty; notice. S.C. Code Ann. § 16-25-125.
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ORDER OF PROTECTION; CONTENTS

S.C. CODE ANN. § 20-4-60

- A. Any order of protection granted under this chapter shall be to protect the petitioner or the abused person or persons on whose behalf the petition was filed and may include:
1. temporarily enjoining the respondent from abusing, threatening to abuse, or molesting the petitioner or the person or persons on whose behalf the petition was filed;
 2. temporarily enjoining the respondent from communicating or attempting to communicate with the petitioner in any way which would violate the provisions of this chapter and temporarily enjoining the respondent from entering or attempting to enter the petitioner's place of residence, employment, education, or other location as the court may order.
- ...
- C. When the court has, after a hearing for any order of protection, issued an order of protection, it may, in addition:
- ...
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;
- ...
-

ACTIONS NOT AFFECTING RIGHT TO RELIEF

S.C. CODE ANN. § 20-4-120

The petitioner's right to relief under this chapter is not affected by leaving the residence or household to avoid further abuse.

The petitioner's right to relief under this chapter is not affected by the use of such physical force against the respondent as is reasonably believed by the petitioner to be necessary to defend the petitioner or others from imminent physical injury or abuse.

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TRESPASS UPON GROUNDS OR STRUCTURE OF DOMESTIC VIOLENCE SHELTER; PENALTY; NOTICE

S.C. CODE ANN. § 16-25-125

- A. For purposes of this section:
 - 1. "Domestic violence shelter" means a facility whose purpose is to serve as a shelter to receive and house persons who are victims of criminal domestic violence and that provides services as a shelter.
 - 2. "Grounds" means the real property of the parcel of land upon which a domestic violence shelter or a domestic violence shelter's administrative offices are located, whether fenced or unfenced.
 - 3. "Household member" means a household member as defined in Section 16-25-10.
- B. It is unlawful for a person who has been charged or convicted of a violation of Section 16-25-20 or Section 16-25-65, who is subject to an order of protection issued pursuant to Chapter 4 of Title 20, or who is subject to a restraining order issued pursuant to Article 17, Chapter 3 of Title 16, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person's household member resides or the domestic violence shelter's administrative offices.
- C. The domestic violence shelter must post signs at conspicuous places on the grounds of the domestic violence shelter and the domestic violence shelter's administrative offices which, at a minimum, read substantially as follows:

"NO TRESPASSING VIOLATORS WILL BE SUBJECT TO CRIMINAL PENALTIES".
- D. This section does not apply if the person has legitimate business or any authorization, license, or invitation to enter or remain upon the grounds or structure of the domestic violence shelter or the domestic violence shelter's administrative offices.
- E. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

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TENNESSEE



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

- If domestic abuse is the underlying offense for which a tenancy is terminated, only the perpetrator may be evicted. Tenn. Code Ann. §§ 66-28-517, 66-7-109. For leases entered into or renewed on or after July 1, 2021, tenants who have experienced domestic abuse may terminate their lease early. Tenn. Code Ann. § 66-7-112.
- 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.
- Confidentiality of records. Tenn. Code Ann. § 10-7-504.
- Victim address confidentiality program. Tenn. Code Ann. § 40-38-602.

TERMINATION OF RENTAL AGREEMENT

TENN. CODE ANN. § 66-28-517

- a. A landlord may terminate a rental agreement within three (3) days from the date written notice is received by the tenant if the tenant or any other person on the premises with the tenant's consent:
 1. Willfully or intentionally commits a violent act;
 2. Behaves in a manner which constitutes or threatens to be a real and present danger to the health, safety or welfare of the life or property of other tenants or persons on the premises;
 3. Creates a hazardous or unsanitary condition on the property that affects the health, safety or welfare or the life or property of other tenants or persons on the premises; or
 4. Refuses to vacate the premises after entering the premises as an unauthorized subtenant or other unauthorized occupant.
- b. The notice required by this section shall specifically detail the violation which has been committed and shall be effective only from the date of receipt of the notice by the tenant.
- c. Upon receipt of such written notice, the tenant shall be entitled to immediate access to any court of competent jurisdiction for the purpose of obtaining a temporary or permanent injunction against such termination by the landlord.
- d. Nothing in this section shall be construed to allow a landlord to recover or take possession of the dwelling unit by action or otherwise including willful diminution of services to the tenant by interrupting or causing interruption of electric, gas or other essential service to the tenant except in the case of abandonment or surrender.

- e. If the landlord's action in terminating the lease under this provision is willful and not in good faith, the tenant may in addition recover actual damages sustained by the tenant plus reasonable attorney's fees.
- f. The failure to bring an action for or to obtain an injunction may not be used as evidence in any action to recover possession of the dwelling unit.
- g.
 - 1. If domestic abuse, as defined in § 36-3-601, is the underlying offense for which a tenancy is terminated, only the perpetrator may be evicted. The landlord shall not evict the victims, minor children under eighteen (18) years of age, or innocent occupants, any of whom occupy the subject premises under a lease agreement, based solely on the domestic abuse. Even if evicted or removed from the lease, the perpetrator shall remain financially liable for all amounts due under all terms and conditions of the present lease agreement.
 - 2. If a lease agreement is in effect at the time that the domestic abuse is committed, the landlord may remove the perpetrator from the lease agreement and require the remaining adult tenants to qualify for and enter into a new agreement for the remainder of the present lease term. The landlord shall not be responsible for any and all damages suffered by the perpetrator due to the bifurcation and termination of the lease agreement in accordance with this section.
 - 3. If domestic abuse, as defined in § 36-3-601, is the underlying offense for which tenancy could be terminated, the victim and all adult tenants shall agree, in writing, not to allow the perpetrator to return to the subject premises or any part of the community property, and to immediately report the perpetrator's return to the proper authority, for the remainder of the tenancy. A violation of such agreement shall be cause to terminate tenancy as to any victim and all other tenants.
 - 4. The rights under this section shall not apply until the victim has been judicially granted an order of protection against the perpetrator for the specific incident for which tenancy is being terminated, a copy of such order has been provided to the landlord, and the order:
 - A. Provides for the perpetrator to move out or vacate immediately;
 - B. Prohibits the perpetrator from coming by or to a shared residence;
 - C. Requires that the perpetrator stay away from the victim's residence; or
 - D. Finds that the perpetrator's continuing to reside in the rented or leased premises may jeopardize the life, health, and safety of the victim or the victim's minor children.
 - 5. Failure to comply with this section, or dismissal of an order of protection that allows application of this section, abrogates the rights provided to the victim, minor children, and innocent occupants under this section.
 - 6. The rights granted in this section shall not apply in any situation where the perpetrator is a child or dependent of any tenant.
 - 7. Nothing in this section shall prohibit the eviction of a victim of domestic abuse for non-payment of rent, a lease violation, or any violation of this chapter.

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TERMINATION OF TENANCY

TENN. CODE ANN. § 66-7-109

- 1. Except as provided in this section, fourteen (14) days' notice by a landlord shall be sufficient notice of termination of tenancy for the purpose of eviction of a residential tenant, if the termination of tenancy is for one of the following reasons:

...

- e.
 - 1. If domestic abuse, as defined in § 36-3-601, is the underlying offense for which a tenancy is terminated, only the perpetrator may be evicted. The landlord shall not evict the victims, minor children under eighteen (18) years of age, or innocent occupants,

any of whom occupy the subject premises under a lease agreement, based solely on the domestic abuse. Even if evicted or removed from the lease, the perpetrator shall remain financially liable for all amounts due under all terms and conditions of the present lease agreement.

2. If a lease agreement is in effect, the landlord may remove the perpetrator from the lease agreement and require the remaining adult tenants to qualify for and enter into a new agreement for the remainder of the present lease term. The landlord shall not be responsible for any and all damages suffered by the perpetrator due to the bifurcation and termination of the lease agreement in accordance with this section.
3. If domestic abuse, as defined in § 36-3-601, is the underlying offense for which tenancy could be terminated, the victim and all adult tenants shall agree, in writing, not to allow the perpetrator to return to the subject premises or any part of the community property, and to immediately report the perpetrator's return to the proper authority, for the remainder of the tenancy. A violation of such agreement shall be cause to terminate tenancy as to the victim and all other tenants.
4. The rights under this section shall not apply until the victim has been judicially granted an order of protection against the perpetrator for the specific incident for which tenancy is being terminated, a copy of such order has been provided to the landlord, and the order:
 - A. Provides for the perpetrator to move out or vacate immediately;
 - B. Prohibits the perpetrator from coming by or to a shared residence;
 - C. Requires that the perpetrator stay away from the victim's residence; or
 - D. Finds that the perpetrator's continuing to reside in the rented or leased premises may jeopardize the life, health, and safety of the victim or the victim's minor children.
5. Failure to comply with this section, or dismissal of an order of protection that allows application of this section, abrogates the rights provided to the victim, minor children, and innocent occupants under this section.
6. The rights granted in this section shall not apply in any situation where the perpetrator is a child or dependent of any tenant.
7. Nothing in this section shall prohibit the eviction of a victim of domestic abuse for non-payment of rent, a lease violation, or any violation of this chapter.
- h. Three (3) days' notice by a landlord is sufficient notice of termination of tenancy for the purpose of eviction of an unauthorized subtenant or other unauthorized occupant, if the termination of tenancy is for refusal by the unauthorized subtenant or other unauthorized occupant to vacate the premises.
- h. Nothing in this section shall apply to rental property located in any county governed by the Uniform Residential Landlord and Tenant Act.
- h. Deleted by 2019 amendment.]

REQUEST TO TERMINATE LEASE

TENN. CODE ANN. § 66-7-112

- a. As used in this section:
 1. "Domestic abuse victim" has the same meaning as defined in § 36-3-601;
 2. "Household member" means a member of the tenant's family who lives in the same household as the tenant;
 3. "Sexual assault victim" has the same meaning as defined in § 36-3-601; and
 4. "Stalking victim" has the same meaning as defined in § 36-3-601.
- b.

1. A tenant who meets the requirements established in this subsection (b) may terminate a residential rental or lease agreement entered into or renewed on or after July 1, 2021, upon the tenant providing the landlord with written notice stating that the tenant or household member is a domestic abuse victim, sexual assault victim, or stalking victim, regardless of whether the victim is an adult or a child. In order for a tenant to terminate the tenant's rights and obligations under the rental or lease agreement and vacate the dwelling without liability for future rent and early termination penalties or fees, the tenant must provide the landlord with:
 - A. Written notice requesting release from the rental or lease agreement;
 - B. A mutually agreed upon release date within the next thirty (30) days from the date of the written notice; and
 - C. One (1) of the following:
 - i. A copy of a valid order of protection issued or extended pursuant to § 36-3 605, following a hearing at which the court found by a preponderance of the evidence that the tenant or household member is a domestic abuse victim, sexual assault victim, or stalking victim, regardless of whether the victim is an adult or child; or
 - ii. Documentation evidencing a criminal charge of domestic abuse, sexual assault, or stalking, based on a police report reflecting that the tenant or household member was subject to domestic abuse, sexual assault, or stalking, regardless of whether the alleged victim is an adult or a child.
 2. The documentation the tenant offers in support of the termination request must be dated no more than sixty (60) days prior to the tenant's notice to the landlord.
 - A. Unless otherwise required by law or a court of competent jurisdiction, a landlord shall not reveal any identifying information concerning a tenant who has terminated a rental or lease agreement pursuant to this subsection (b) without the written consent of the tenant.
 - B. As used in this subdivision (b)(3), "identifying information" means any information that could reasonably be used to locate the former tenant or household member, including a home or work address, telephone number, or social security number.
 4. The tenant shall vacate the premises within thirty (30) days of giving notice to the landlord or at another time as may be agreed upon by the landlord and the tenant.
- c. A tenant terminating the rental or lease agreement pursuant to this section is responsible for:
1. The rent payment for the full month in which the tenancy terminates; and
 2. The previous obligations outstanding on the termination date.
- d. This section does not:
1. Release other parties to the rental or lease agreement from the obligations under the rental or lease agreement;
 2. Authorize the landlord to terminate the tenancy and cause the eviction of a residential tenant solely because the tenant or a household member is a domestic abuse victim, sexual assault victim, or stalking victim, regardless of whether the victim is an adult or child; or
 3. Authorize the landlord or tenant, by agreement, to waive or modify any provision of this section other than subdivision (b)(4).

PROTECTION ORDERS; CONTENTS

TENN. CODE ANN. § 36-3-606

A protection order granted under this part to protect the petitioner from domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or a human trafficking offense may include, but is not limited to:

1. Directing the respondent to refrain from committing domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or a

human trafficking offense or threatening to commit domestic abuse, stalking, sexual exploitation of a minor, sexual assault, or a human trafficking offense against the petitioner or the petitioner’s minor children;

2. Prohibiting the respondent from coming about the petitioner for any purpose, from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;
3. Prohibiting the respondent from stalking the petitioner, as defined in § 39-17-315;
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;
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.

...

- 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.

...

- 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, sexual exploitation of a minor, sexual assault, or a human trafficking offense.

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CONFIDENTIALITY OF CERTAIN RECORDS

TENN. CODE ANN. § 10-7-504

16.
 - A. As used in this subdivision (a)(16), unless the context otherwise requires:
 - i. “Governmental entity” means the state of Tennessee and any county, municipality, city or other political subdivision of the state of Tennessee;
 - ii. “Identifying information” means the home and work addresses and telephone numbers, social security number, and any

other information that could reasonably be used to locate the whereabouts of an individual;

iii. "Protection document" means:

- B. If the procedure set out in this subdivision (a)(16) is followed, identifying information compiled and maintained by a governmental entity concerning a person who has obtained a valid protection document may be treated as confidential and may not be open for inspection by the public.
 - C. For subdivision (a)(16)(B) to be applicable, a copy of the protection document must be presented during regular business hours by the person to whom it was granted to the records custodian of the governmental entity whose records such person seeks to make confidential, and such person must request that all identifying information about such person be maintained as confidential.
 - D. The protection document presented must at the time of presentation be in full force and effect. The records custodian may assume that a protection document is in full force and effect if it is on the proper form and if on its face it has not expired.
 - E. Upon being presented with a valid protection document, the record custodian may accept receipt of it. If the records custodian does not accept receipt of such document, the records custodian shall explain to the person presenting the document why receipt cannot be accepted and that the identifying information concerning such person will not be maintained as confidential. If the records custodian does accept receipt of the protection document, such records custodian shall maintain it in a separate file containing in alphabetical order all protection documents presented to such custodian pursuant to this subdivision (a)(16). Nothing in this subdivision (a)(16) shall be construed as prohibiting a records custodian from maintaining an electronic file of such protection documents; provided, that the custodian retains the original document presented.
 - F. Identifying information concerning a person that is maintained as confidential pursuant to this subdivision (a)(16) shall remain confidential until the person requesting such confidentiality notifies in person the appropriate records custodian of the governmental entity that there is no longer a need for such information to remain confidential. A records custodian receiving such notification shall remove the protection document concerning such person from the file maintained pursuant to subdivision (a)(16)(E), and the identifying information about such person shall be treated in the same manner as identifying information maintained by the governmental entity about other persons. Before removing the protection document and releasing any identifying information, the records custodian of the governmental entity shall require that the person requesting release of the identifying information maintained as confidential produce sufficient identification to satisfy such records custodian that that person is the same person as the person to whom the document was originally granted.
- i. After July 1, 1999, if:
- a. An order of protection issued pursuant to title 36, chapter 3, part 6, that has been granted after proper notice and an opportunity to be heard;
 - b. A similar order of protection issued by the court of another jurisdiction;
 - c. An extension of an ex parte order of protection granted pursuant to § 36-3-605(a);
 - d. A similar extension of an ex parte order of protection granted by a court of competent jurisdiction in another jurisdiction;
 - e. A restraining order issued by a court of competent jurisdiction prohibiting violence against the person to whom it is issued;
 - f. A court order protecting the confidentiality of certain information issued upon the request of a district attorney general to a victim or witness in a criminal case, whether pending or completed; and
 - g. An affidavit from the director of a rape crisis center or domestic violence shelter certifying that an individual is a victim in need of protection; provided, that such affidavit is on a standardized form to be developed and distributed to such centers and shelters by the Tennessee task force against domestic violence.

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VICTIM ADDRESS CONFIDENTIALITY PROGRAM

TENN. CODE ANN. § 40-38-602

- a. The secretary of state shall establish a crime victim address confidentiality program, which must be open to all Tennessee residents who are victims of domestic abuse, stalking, human trafficking, rape, sexual battery, or any other sexual offense as well as co-applicants, the children of an applicant or co-applicant living at the same address as the applicant or co-applicant, and persons with disabilities for whom an applicant or co-applicant serves as a fiduciary and are living at the same address as the applicant or co-applicant if those persons satisfy the requirements of this part, at no cost to the program participant.
 - b. This program shall provide the participant with the use of a substitute address for the participant and shall not disclose the participant's name, confidential address, phone number, or any other information contained within the program participant's file except as otherwise provided by this part.
 - c. Whenever a program participant is required by law to swear to or affirm the participant's address, the participant may use the participant's substitute address. Whenever a program participant is required by law to establish residency, the participant may present evidence of program participation and use the participant's substitute address. Where residency must be verified in order to establish eligibility for public benefits, the governmental entity requiring verification shall submit a written request to the secretary of state, on a form prescribed by the secretary of state, whereby the secretary of state shall provide the governmental entity with a statement as to whether the program participant, is eligible for benefits, based on the information known to the secretary of state.
 - d. The substitute address shall not be used:
 1. For purposes of listing, appraising, or assessing property taxes and collecting property taxes; or
 2. On any document related to real property recorded with a county clerk and recorder.
 - e. Notwithstanding any other applicable law, the substitute address may be used for motor vehicle records and may be printed on a person's driver or photo identification license.
 - f. Except as otherwise provided in this part, a program participant's confidential address, and any other information contained within a program participant's file, maintained by a state or local government agency, or disclosed by the secretary of state under this part, is not a public record. This subsection (f) shall not apply:
 1. To any public record created more than thirty (30) days prior to the date that the program participant applied to be certified in the program; or
 2. If a program participant voluntarily requests that a state or local government agency use the participant's confidential address or voluntarily gives the confidential address to the state or local government agency, except voter registration records and absentee ballot requests shall be confidential for purposes of this part.
 - g. For any public record created within thirty (30) days prior to the date that a program participant applied to be certified in the program, a state or local governmental agency shall redact the confidential address from a public record or change the confidential address to the substitute address in the public record, if a program participant presents evidence of program certification and requests the agency that maintains the public record to use the substitute address instead of the confidential address on the public record.
 - h. Except as provided in this part, where a program participant has provided evidence of program participation to a governmental entity, any record that includes a program participant's confidential address pursuant to this part shall be confidential and not available for inspection by anyone other than the program participant.
 - i. Notwithstanding any other applicable law, documentation concerning any tool of designation or identification or internal processes implemented by a governmental entity in documenting program participation within the governmental entity's records shall be confidential and not available for inspection.
 - j. An application or voter registration form completed under this part, along with any supporting materials, is not a public record that is subject to inspection and shall be kept confidential.
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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. §§ 92.016–92.0161.
 - Address confidentiality in voting records. Tex. Code Election § 13.004.
 - Address confidentiality in tax appraisal records. Tex. Tax Code Ann. § 25.025.
 - Address confidentiality in court orders concerning bail for persons protected by an order for emergency protection. Tex. Code Crim. Proc. Ann. art. 17.294.
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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 based on the tenant's reasonable belief that an individual is in need of intervention or emergency assistance; or
 2. impose monetary or other penalties on a tenant who summons police or emergency assistance if the assistance was requested or dispatched based on the tenant's reasonable belief that an individual was in need of intervention or emergency assistance
- 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 based on the tenant's reasonable belief that an individual is in need of intervention or emergency assistance; 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. Repealed by Acts 2017, 85th Leg., R.S., ch. 337 (H.B. 1099), § 2.

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).
- b-1. A tenant may obtain relief under Subsection (b) if the tenant provides the landlord or the landlord's agent:
 1. a copy of one or more of the following orders protecting the tenant or an occupant from family violence:
 - A. a temporary injunction issued under Subchapter F, Chapter 6, Family Code;
 - B. a temporary ex parte order issued under Chapter 83, Family Code;
 - C. a protective order issued under Chapter 85, Family Code; or
 - D. an order of emergency protection under Article 17.292, Code of Criminal Procedure, or
 2. a copy of documentation of the family violence against the tenant or an occupant from:
 - A. a licensed health care services provider who examined the victim;
 - B. a licensed mental health services provider who examined or evaluated the victim; or
 - C. an advocate as defined by Section 93.001, Family Code, who assisted the victim.
- 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-1)(1) if the tenant obtained such an order;
 2. the tenant provides a copy of the relevant documentation described by Subsection (b-1)(1) or (2), as applicable, 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)(1)(A), (C), or (D) or (b-1)(2) 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.

RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING CERTAIN SEX OFFENSES OR STALKING

TEX. PROP. CODE. ANN. § 92.0161

- a. In this section, “occupant” has the meaning assigned by Section 92.016.
- 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 after the tenant complies with Subsection (c) or (c-1).
- c. If the tenant is a victim or a parent or guardian of a victim of sexual assault under Section 22.011, Penal Code, aggravated sexual assault under Section 22.021, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual performance by a child under Section 43.25, Penal Code, continuous sexual abuse of young a child or disabled individual under Section 21.02, Penal Code, or an attempt to commit any of the foregoing offenses under Section 15.01, Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, the tenant shall provide to the landlord or the landlord’s agent a copy of:
 - 1. documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed health care services provider who examined the victim;
 - 2. documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed mental health services provider who examined or evaluated the victim;
 - 3. documentation of the assault or abuse, or attempted assault or abuse, of the victim from an individual authorized under Chapter 420, Government Code, who provided services to the victim; or
 - 4. documentation of a protective order issued under Subchapter A, Chapter 7B, Code of Criminal Procedure, except for a temporary ex parte order.
- c-1. If the tenant is a victim or a parent or guardian of a victim of stalking under Section 42.072, Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, the tenant shall provide to the landlord or the landlord’s agent a copy of:
 - 1. documentation of a protective order issued under Subchapter A or B, Chapter 7B, Code of Criminal Procedure, except for a temporary ex parte order; or
 - 2. documentation of the stalking from a provider of services described by Subsection (c)(1), (2), or (3) and:
 - A. a law enforcement incident report or, if a law enforcement incident report is unavailable, another record maintained in the ordinary course of business by a law enforcement agency; and
 - B. if the report or record described by Paragraph (A) identifies the victim by means of a pseudonym, as defined by Article 58.001, Code of Criminal Procedure, a copy of a pseudonym form completed and returned under Article 58.152(a) of that code.
- d. 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. the tenant provides a copy of the relevant documentation described by Subsection (c) or (c-1) to the landlord;
 - 2. 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;

3. the 30th day after the date the tenant provided notice under Subdivision (2) expires; and
 4. the tenant vacates the dwelling.
- e. Except as provided by Subsection (g), 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.
 - f. A landlord who violates this section is liable to the tenant for actual damages, a civil penalty equal to the amount of one month's rent plus \$500, and attorney's fees.
 - g. 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 certain sexual offenses or stalking."
 - h. A tenant may not waive a tenant's right to terminate a lease before the end of the lease term, vacate the dwelling, and avoid liability under this chapter.
 - i. For purposes of Subsections (c) and (c-1), a tenant who is a parent or guardian of a victim described by those subsections must reside with the victim to exercise the rights established by this section.
 - j. A person who receives information under Subsection (c), (c-1), or (d) may not disclose the information to any other person except for a legitimate or customary business purpose or as otherwise required by law.

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CONFIDENTIALITY OF CERTAIN HOME ADDRESS INFORMATION

TEX. TAX CODE ANN. § 25.025

- a. This section applies only to:
 - ...
 6. an individual who shows that the individual, the individual's child or another person in the individual's household is a victim of family violence as defined by Section 71.004, Family Code, by providing:
 - A. a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or
 - B. other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of family violence;
 7. an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons by providing:
 - A. a copy of a protective order issued under Subchapter A or B, Chapter 7BA or Article 6.09, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or
 - B. other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;
 - ...
- b. Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:
 1. the information identifies the home address of a named individual to whom this section applies; and
 2. the individual:

- A. chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07; or
 - B. is a federal or state judge, or the spouse of a federal or state judge, beginning on the date the Office of Court Administration of the Texas Judicial System notifies the appraisal district of the judge's qualification for the judge's office.
- c. A choice made under Subsection (b) remains valid until rescinded in writing by the individual.
 - d. This section does not prohibit the public disclosure of information in appraisal records that identifies property according to an address if the information does not identify an individual who has made an election under Subsection (b) in connection with the individual's address.

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RECORDING AND DISCLOSURE OF CERTAIN INFORMATION BY REGISTRAR

TEX. CODE, ELECTION § 13.004

...

- c. The following information furnished on a registration application is confidential and does not constitute public information for purposes of chapter 552, Government Code:

...

- 6. the resident address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the registrar with:
 - A. a copy of a protective order issued under Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or
 - B. other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;
- 7. the residence address of the applicant, if the applicant:
 - A. is a participant in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure; and
 - B. provided the registrar with proof of certification under Article 58.059, Code of Criminal Procedure; or
- 8. the telephone number of any applicant submitting documentation under Subdivision (4), (5), (6), or (7).

...

- d. The voter registrar or other county official who has access to the information furnished on a registration application may not post the following information on a website:

...

- 5. the residence address of a voter who submits documentation under Subsection (c)(4), (5), (6), or (7) to the voter registrar or regarding whom the registrar has received notification under Section 15.0215.
- e. Documentation submitted under Subsection (c)(4), (5), (6), or (7) shall be retained on file with the voter registration application.
- f. In this section, "family member" has the meaning assigned by Section 31.006, Finance Code.

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CONFIDENTIALITY OF CERTAIN INFORMATION IN ORDER OF EMERGENCY PROTECTION

TEX. CODE CRIM. PROC. ANN. ART. 17.294

On request by a person protected by an order for emergency protection issued under Article 17.292, or if determined necessary by the magistrate, the court issuing the order may protect the person's mailing address by rendering an order:

1. requiring the person protected under the order to:
 - A. disclosure the person's mailing address to the court;
 - B. designate another person to receive on behalf of the person any notice or documents filed with the court related to the order; and
 - C. disclose the designated person's mailing address to the court;
2. requiring the court clerk to:
 - A. strike the mailing address of the person protected by the order from the public records of the court, if applicable; and
 - B. maintain a confidential record of the mailing address for use only by:
 - i. the court; or
 - ii. a law enforcement agency for purposes of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety; and
3. prohibiting the release of the information to the defendant.

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UTAH



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

- Lock changes. Utah Code Ann. § 57-22-5.1(3).
- Early lease termination. Utah Code Ann. § 57-22-5.1(4).
- Landlords cannot restrict or penalize tenants for requesting assistance from a public safety agency. Utah Code Ann. § 57-22-5.1(5).
- Confidentiality of address. Utah Code Ann. §§ 77-36-2.7; 77-38-6; 77-38-601–77-38-621.
- Duties of law enforcement officers—notice to victims. Utah Code Ann. § 77-36-2.1.
- Extended period to reclaim property from abandoned premises. Utah Code Ann. § 78B-6-816.
- Municipalities with a “good landlord program” may not limit a landlord’s participation in the program or reduce program benefits to the landlord because a renter or victim of crime took action protected by § 57-22-5.1 cannot penalize landlords for not enforcing anti-emergency assistant laws on tenants. Utah Code Ann. § 57-22-7.

CRIME VICTIM'S RIGHT TO NEW LOCKS — DOMESTIC VIOLENCE VICTIM'S RIGHT TO TERMINATE RENTAL AGREEMENT — LIMITS AN OWNER RELATING TO ASSISTANCE FROM PUBLIC SAFETY AGENCY

UTAH CODE ANN. § 57-22-5.1

1. As used in this section:
 - i. “Court order” means, except as provided in Subsection (1)(a)(ii):
 - A. a civil protective order, as defined in Section 78B-7-102;
 - B. a civil stalking injunction, as defined in Section 78B-7-102;
 - C. a criminal protective order, as defined in Section 78B-7-102; or
 - D. a criminal stalking injunction, as defined in Section 78B-7-102.
 - ii. “Court order” does not include:
 - A. an ex parte civil protective order, as defined in Section 78B-7-102; or
 - B. an ex parte civil stalking injunction, as defined in Section 78B-7-102, for which a hearing is requested.
 - b. “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, as defined in Section 78B-7-102.
 - c. "Domestic violence" means the same as that term is defined in Section 77-36-1.
 - d. "Financial obligation" means any rent, fees, damages, or other costs owed by a renter.
 - e.
 - i. "Future obligations" means a renter's obligations under the rental agreement after the date on which the renter vacates the residential rental unit in accordance with Subsection (6).
 - ii. "Future obligations" includes:
 - A. the payment of rent and fees for the residential rental unit; and
 - B. the right to occupy the residential rental unit.
 - f. "Public safety agency" means a governmental entity that provides fire protection, law enforcement, ambulance, medical, or similar service.
 - g. "Victim of domestic violence" means the same as the term "victim" in Section 77-36-1.
 - h. "Termination fee" means the equivalent of one month of rent under the rental agreement.
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 6, Cohabitant Abuse Protective Orders, subsequent to a hearing of which the petitioner and respondent have been given notice under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders; or
 - b. a copy of a police report documenting an act listed in Subsection (1).
- 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 may terminate all of the renter's future obligations under a rental agreement if the renter:

- a. except as provided in Subsection (5), is in compliance with all obligations under the rental agreement, including the requirements of Section 57-22-5;
 - b. provides the owner with:
 - i. a court order protecting the renter from a domestic violence perpetrator; or
 - ii. a copy of a police report documenting that the renter is a victim of domestic violence and is not the predominant aggressor under Subsection 77-36-2.2(3);
 - c. provides the owner with a written notice of termination that includes the date on which the renter intends to vacate the renter's residential rental unit; and
 - d. pays the owner a termination fee on the later of the day on which:
 - i. the renter provides the owner with a written notice of termination; or
 - ii. the renter vacates the renter's residential rental unit.
5. A renter may terminate all of the renter's future obligations under a rental agreement under Subsection (4) when the renter is not in compliance with the requirements of Subsection 57-22-5(1)(g) or (2) if:
- a. the renter provides evidence to the owner with the written notice of termination under Subsection (4)(c) establishing that:
 - i. the noncompliance with Subsection 57-22-5(1)(g) or (2) occurred less than 30 days before the day on which the renter provided the written notice of termination to the owner; and
 - ii. the noncompliance with Subsection 57-22-5(1)(g) or (2) is due to domestic violence;
 - b. the renter is in compliance with all obligations of the rental agreement, except for the noncompliance described in Subsection (5)(a); and
 - c. the renter complies with Subsections (4)(b), (c), and (d).
6. If a renter provides an owner with a written notice of termination under Subsection (4)(c), the renter shall:
- a. vacate the renter's residential rental unit within 15 days after the day on which the written notice of termination is provided to the owner; and
 - b. pay rent for any occupation of the residential rental unit during that 15-day time period.
7. A renter may not terminate all of the renter's future obligations under a rental agreement under Subsection (4) after a notice of eviction is served on the renter.
8. A renter who terminates all of the renter's future obligations under a rental agreement under Subsection (4) is liable for any financial obligation owed by the renter:
- a. before the renter provided the owner with the written notice of termination under Subsection (4)(c);
 - b. for any noncompliance with Subsection 57-22-5(1)(g) or (2) as described in Subsection (5); and
 - c. for any occupancy of the residential rental unit by the renter during the 15-day time period described in Subsection (6).
9. The termination of a renter's future obligations under a rental agreement does not terminate the rental agreement for any other person entitled under the rental agreement to occupy the residential rental unit.
10. 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.
-

DISMISSAL — DIVERSION PROHIBITED — PLEA IN ABEYANCE — PRETRIAL PROTECTIVE ORDER PENDING TRIAL

UTAH CODE ANN. § 77-36-2.7

1. Because of the serious nature of domestic violence, the court, in domestic violence actions:

...

- c. shall waive any requirement that the victim's location be disclosed other than to the alleged perpetrator's attorney and order the alleged perpetrator's attorney not to disclose the victim's location to the client;

....

.....

VICTIM'S RIGHT TO PRIVACY

UTAH CODE ANN. § 77-38-6

1. The victim of a crime has the right, at any court proceeding, including any juvenile court proceeding, not to testify regarding the victim's address, telephone number, place of employment, or other locating information unless the victim specifically consents or the court orders disclosure on finding that a compelling need exists to disclose the information. A court proceeding on whether to order disclosure shall be in camera.
2. A defendant may not compel any witness to a crime, at any court proceeding, including any juvenile court proceeding, to testify regarding the witness's address, telephone number, place of employment, or other locating information unless the witness specifically consents or the court orders disclosure on finding that a compelling need for the information exists. A court proceeding on whether to order disclosure shall be in camera.

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ADDRESS CONFIDENTIALITY PROGRAM — DEFINITIONS

UTAH CODE ANN. § 77-38-601

<Section effective Jan. 1, 2023.>

As used in this part:

- 2 "Actual address" means the residential street address of the program participant that is stated in a program participant's application for enrollment or on a notice of a change of address under Section 77-38-610.

...

4. "Assigned address" means an address designated by the commission and assigned to a program participant.

...

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ADDRESS CONFIDENTIALITY PROGRAM — ELIGIBILITY

UTAH CODE ANN. § 77-38-603

<Section effective Jan. 1, 2023.>

1. An applicant is eligible to participate in the program if the applicant attests that the applicant:
 - a. is a resident of this state;
 - i. is a victim;
 - ii. is a parent or a guardian of an individual who:
 - A. is a victim; and
 - B. resides at the same address as the parent or guardian;
 - iii. resides at the same address where a victim resides; or
 - iv. fears for the applicant's physical safety, or for the physical safety of a minor or incapacitated individual residing at the same address as the applicant, from a threat of abuse, domestic violence, human trafficking, stalking, or sexual assault;
 - c.
 - i. resided at a residential address that was known by an assailant and relocated within the past 90 days to a different residential address that is not known by the assailant;
 - ii. resides at a residential address known by the assailant and intends to relocate within 90 days to a different residential address in the state that is not known by the assailant; or
 - iii. resides at a residential address that is not known by the assailant;
 - d. will not disclose the different residential address to the assailant; and
 - e. will benefit from participation in the program.
 2. An applicant may participate in the program regardless of whether:
 - a. a criminal charge is filed against an assailant;
 - b. the applicant has a restraining order or injunction against an assailant; or
 - c. the applicant reported an act or threat by an assailant to a law enforcement agency or officer.
 3. An applicant may participate in the program only upon the recommendation of a program assistant.
 4. To participate in the program:
 - a. an applicant shall sign, date, and verify the information on an application; and
 - b. the commission shall verify the applicant's current residential address as provided on the application.
 5. A parent or guardian may act on behalf of a minor or an incapacitated individual in determining whether the minor or the incapacitated individual is eligible for the program.
-

ADDRESS CONFIDENTIALITY PROGRAM – USE OF ASSIGNED ADDRESS – CONFIDENTIALITY

UTAH CODE ANN. § 77-38-608

<Section effective Jan. 1, 2023.>

1. A program participant may use the assigned address provided to the program participant to receive mail as provided in Subsection 77-38-602(2).
 - a. A state or local government entity may not refuse to use a program participant's assigned address for any official business, unless:
 - i. the state or local government entity is statutorily required to use the program participant's actual address; or
 - ii. the state or local government entity is permitted or required to use the program participant's actual address under this part.
 - b. A state or local government entity may confirm an individual's status as a program participant with the commission.
 3. A state or local government entity, after receiving a copy of the notification form from a program participant or a notification of the program participant's enrollment from the commission, may not:
 - a. except as provided in Subsection (2)(a), refuse to use the assigned address for the program participant, or a minor or an incapacitated individual residing with the program participant;
 - b. except as provided in Subsection (4), require a program participant to disclose the program participant's actual address; or
 - c. except as provided in Section 77-38-611, intentionally disclose to another person or state or government entity the program participant's actual address.
 4. Notwithstanding Subsections (2) and (3), a county clerk may require a program participant to disclose the program participant's actual address:
 - a. for voter registration; and
 - b. to enroll a program participant in a program designed to protect the confidentiality of a voter's address.
 5. If a program participant is enrolled in a program designed to protect the confidentiality of a voter's address, a county clerk:
 - a. shall classify the program participant's actual address as concealed; and
 - b. may not disclose the program participant's actual address.
-

ADDRESS CONFIDENTIALITY PROGRAM — DISCLOSURE OF ACTUAL ADDRESS

UTAH CODE ANN. § 77-38-609

<Section effective Jan. 1, 2023.>

- a. The commission may not disclose a program participant's actual address, unless:
 - i. required by a court order; or
 - ii. the commission grants a request from a state or local government entity under Section 77-38-612.
 - b. The commission shall provide a program participant immediate notification of a disclosure of the program participant's actual address if the disclosure is made under Subsection (1)(a)(i) or (ii).
2. If, at the time of application, an applicant, or a parent or guardian of an applicant, is subject to a court order relating to a divorce proceeding, a child support order or judgment, or an allocation of custody or parent-time, the commission shall provide notice of whether the applicant is enrolled under the program and the assigned address of the applicant to the court that issued the order or has jurisdiction over the action.

3. A person may not knowingly or intentionally obtain a program participant's actual address from the commission or any state or local government entity if the person is not authorized to obtain the program participant's actual address.
4. Unless the disclosure is permitted under this chapter or is otherwise permitted by law, an employee of the commission or a state or local government entity may not knowingly or intentionally disclose a program participant's actual address if:
 - a. the employee obtains a program participant's actual address during the course of the employee's official duties; and
 - b. at the time of disclosure, the employee has specific knowledge that the address is the actual address of the program participant.
5. A person who intentionally or knowingly obtains or discloses information in violation of this chapter is guilty of a class B misdemeanor.

ADDRESS CONFIDENTIALITY PROGRAM — DISCLOSURE OF ACTUAL ADDRESS

UTAH CODE ANN. § 77-38-610

<Section effective Jan. 1, 2023.>

...

2. A program participant shall notify the commission no later than 10 business days after the day on which the program participant's actual address or telephone number changes from the actual address or telephone number listed for the program participant.
3. If a program participant remains enrolled in the program after a change of address, the program participant may not change the program participant's assigned address with the Driver License Division created under Section 53-3-103.

ADDRESS CONFIDENTIALITY PROGRAM — REQUEST FOR DISCLOSURE

UTAH CODE ANN. § 77-38-612

<Section effective Jan. 1, 2023.>

1. A state or local government entity requesting disclosure of a program participant's actual address in accordance with this section shall make the request:
 - a. in writing;
 - b. on the state or local government entity's letterhead; and
 - c. with the signature of the head or an executive-level official of the state or local government entity.
2. In accordance with Subsection (1), a state or local government entity requesting disclosure of a program participant's actual address shall provide the commission with the name of the program participant and a statement:
 - a. explaining why the state or local government entity is requesting the program participant's actual address;
 - b. explaining why the state or local government entity cannot meet the state or local government entity's statutory or administrative obligations without the disclosure of the program participant's actual address;
 - c. of facts showing that:
 - i. other methods to locate the program participant's actual address have failed;
 - ii. other methods will be unlikely to succeed; or
 - iii. other means of contacting the program participant have failed or are unavailable; and

- d. that the state or local government entity has adopted a procedure to protect the confidentiality of the program participant's actual address.
2. In response to a request for disclosure under Subsection (2), the commission may request additional information from the state or local government entity to help identify the program participant in the records of the office or to assess whether disclosure to the state or local government entity is permitted under this chapter.
4.
 - a. Except as provided in Subsection (4)(b), after receiving a request for disclosure from a state or local government entity under Subsection (1), the commission shall provide a program participant with written notification:
 - i. informing the participant of the request, and to the extent possible, of an opportunity to be heard regarding the request; and
 - ii. after a decision is made by the commission, whether the request has been granted or denied.
 - b. The commission is not required to provide notice of a request for disclosure to a program participant under Subsection (4)(a) when:
 - i. the request is made by a state or local law enforcement agency conducting a criminal investigation involving alleged criminal conduct by the program participant; or
 - ii. providing notice to the program participant would jeopardize an ongoing criminal investigation or the safety of law enforcement personnel.
5. The commission shall grant a state or local government entity's request for disclosure and disclose the program participant's actual address if:
 - a. the state or local government entity has demonstrated a good faith statutory or administrative need for the actual address;
 - b. the actual address will be used only for the purpose stated in the request;
 - c. other methods to locate the program participant or the program participant's actual address have failed or are unlikely to succeed;
 - d. other means of contacting the program participant have failed or are unavailable; and
 - e. the state or local government entity has adopted a procedure to protect the confidentiality of the program participant's actual address.
6. If the commission grants a request for disclosure under this section, the commission shall provide the state or local government entity with a disclosure that contains:
 - a. the program participant's actual address;
 - b. a statement of the permitted use of the program participant's actual address;
 - c. the names or classes of persons permitted to have access to or use of the program participant's actual address;
 - d. a statement that the state or local government entity is required to limit access to and use of the program participant's actual address to the permitted use and to the listed persons or classes of persons; and
 - e. if expiration of the disclosure is appropriate, the date on which the permitted use of the program participant's actual address expires.
7. If a request for disclosure is granted by the commission, a state or local government entity shall:
 - a. limit use of the program participant's actual address to the purpose stated in the disclosure;
 - b. limit access to the program participant's actual address to the persons or classes of persons stated in the disclosure;
 - c. cease use of the program participant's actual address upon the expiration of the permitted use;

- d. dispose of the program participant’s actual address upon the expiration of the permitted use; and
 - e. except as permitted in the request for disclosure, maintain the confidentiality of the program participant’s actual address.
8. Upon denial of a state or local government entity’s request for disclosure, the commission shall promptly provide a written notification to the state or local government entity explaining the specific reasons for denying the request for disclosure.
- 9.
- a. A state or local government entity may file a written appeal with the commission no later than 15 days after the day on which the state or local government entity receives the written notification under Subsection (8).
 - b. A state or local government entity filing a written appeal under Subsection (9)(a) shall:
 - i. restate the information contained in the request for disclosure; and
 - ii. respond to the commission’s reason for denying the request for disclosure.
 - c. The commission shall make a final determination on the appeal within 30 days after the day on which the appeal is received by the commission, unless the state or local government entity and the office agree to a different deadline.
 - d. Before the commission makes a final determination, the commission may conduct a hearing or request additional information from the state or local government entity or the program participant.
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ADDRESS CONFIDENTIALITY PROGRAM — REQUEST FOR DISCLOSURE BY LAW ENFORCEMENT

UTAH CODE ANN. § 77-38-613

<Section effective Jan. 1, 2023.>

- 1. The commission shall establish a process to expedite a request submitted by a law enforcement officer or agency for the disclosure of information regarding a program participant who is involved in a criminal proceeding or investigation within 24 hours of the law enforcement officer or agency submitting the request.
 - 2. If a law enforcement officer or agency seeks the disclosure of a program participant’s actual address from the commission under Subsection (1), the law enforcement officer or agency shall certify to the commission, or the commission’s designee, that the official or agency has a system in place to protect the program participant’s actual address from disclosure to:
 - a. the public; and
 - b. law enforcement personnel who are not involved in the criminal proceeding or investigation for which the disclosure is requested.
 - 3. Upon expiration of the use for the program participant’s actual address in a criminal proceeding or investigation, a law enforcement officer or agency shall remove the program participant’s actual address from any record system maintained by the law enforcement officer or agency.
-

DUTIES OF LAW ENFORCEMENT OFFICERS — NOTICE TO VICTIMS

UTAH CODE ANN. § 77-36-2.1

- ...
- 2. A law enforcement officer who responds to an allegation of domestic violence shall: use all reasonable means to protect the victim and prevent further violence, including:
 - ...
 - iii. making arrangements for the victim and any child to obtain emergency housing or shelter;
 - iv. providing protection while the victim removes essential personal effects;
 -
 -

ABANDONED PREMISES — RETAKING AND RERENTING BY OWNER — LIABILITY OF TENANT — PERSONAL PROPERTY OF TENANT LEFT ON PREMISES

UTAH CODE ANN. § 78B-6-816

-
- 2.
 - a. If the tenant has abandoned the premises and has left personal property on the premises, the owner is entitled to remove the property from the dwelling, store it for the tenant, and recover actual moving and storage costs from the tenant.
 - i. The owner shall post a copy of the notice in a conspicuous place and send by first class mail to the last known address for the tenant a notice that the property is considered abandoned.
 - ii. The tenant may retrieve the property within 15 calendar days from the date of the notice if the tenant tenders payment of all costs of inventory, moving, and storage to the owner.
 - ...
 - 7. An owner shall give an extension for up to 15 calendar days, beyond the 15 calendar day limit described in Subsection (2)(b)(ii), to recover the abandoned property, if a tenant provides:
 - i. a copy of a police report or protection order for situations of domestic violence, as defined in Section 77-36-1;
 - ii. verification of an extended hospitalization from a verified medical provider; or
 - iii. a death certificate or obituary for a tenant’s death, provided by an immediate family member.
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LIMITATIONS ON COUNTIES AND MUNICIPALITIES

UTAH CODE ANN. § 57-22-7

A county or municipality may not adopt an ordinance, resolution, or regulation that is inconsistent with this chapter.

...

2.
 - a. Subsection (1) may not be construed to limit the ability of a county or municipality to enforce an applicable administrative remedy with respect to a residential rental unit for a violation of a county or municipal ordinance, subject to Subsection (2)(b).
 - b. A county or municipality's enforcement of an administrative remedy may not have the effect of:
 - i. modifying the time requirements of a corrective period, as defined in Section 57-22-6;
 - ii. limiting or otherwise affecting a tenant's remedies under Section 57-22-6; or
 - iii. modifying an owner's obligation under this chapter to a tenant relating to the habitability of a residential rental unit.
3. A municipality with a good landlord program under Section 10-1-203.5 may not limit an owner's participation in the program or reduce program benefits to the owner because of renter or crime victim action that the owner is prohibited under Subsection 57-22-5.1(10) from restricting or penalizing.

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VERMONT



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

- Orders excluding the restrained party from the protected party's residence. Vt. Stat. Ann. tit. 15 §§ 1103, 1104.
 - Address confidentiality program. Vt. Stat. Ann. tit. 15 § 1152.
 - Definitions. Vt. Stat. Ann. tit. 9 § 4471.
 - Early Lease Termination. Vt. Stat. Ann. tit. 9 § 4472.
 - Right to Lock Changes. Vt. Stat. Ann. tit. 9 § 4473.
 - Confidentiality. Vt. Stat. Ann. tit. 9 § 4474.
 - Housing discrimination against a victim of abuse, sexual assault, or stalking unlawful. Vt. Stat. Ann. tit. 9 § 4503.
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REQUESTS FOR RELIEF

Vt. STAT. ANN. TIT. 15 § 1103

- a. Any family or household member may seek relief from abuse by another family or household member on behalf of himself or herself or his or her children by filing a complaint under this chapter. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may file a complaint under this chapter seeking relief on his or her own behalf. 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.
 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 a 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 or 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 plaintiff's children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication, 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 the plaintiff's 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;
 - C. A temporary award of parental rights and responsibilities in accordance with the criteria in section 665 of this title;
 - D. An order for parent-child contact under such conditions as are necessary to protect the child or the plaintiff, or both, from abuse. An order for parent-child contact may if necessary include conditions under which the plaintiff may deny parent-child contact pending further order of the court;
 - 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;
 - F. If the Court finds that the defendant has a duty to support the child or children, a temporary order of child support pursuant to chapter 5 of this title, for a period not to exceed three months. A support order granted under this section may be extended if the relief from abuse proceeding is consolidated with an action for legal separation, divorce, or parentage;
 - G. An order concerning the possession, care, and control of any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household; and
 - H. An order that the defendant return any personal documentation in his or her possession, including immigration documentation, birth certificates, and identification cards:
 - I. pertaining to the plaintiff; or
 - II. pertaining to the plaintiff's children if relief is sought for the children or for good cause shown.
- d. In a hearing under this chapter, neither opinion evidence of nor evidence of the reputation of the plaintiff's sexual conduct shall be admitted. Evidence of prior sexual conduct of the plaintiff shall not be admitted; provided, however, where it bears on the credibility of the plaintiff or it is material to a fact at issue and its probative value outweighs its private character, the court may admit:
1. Evidence of the plaintiff's past sexual conduct with the defendant.
 2. Evidence of specific instances of the plaintiff's sexual conduct showing the source of origin of semen, pregnancy, or disease.
 3. Evidence of specific instances of the plaintiff's past false allegations of violations of 13 V.S.A. chapter 59 or 72.
- e. Relief shall be granted for a fixed period, at the expiration of which time the Court may extend any order, upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff, the children, or both, from abuse. It is not necessary for the Court to find that abuse has occurred during the pendency of the order to extend the terms of the order. The Court may modify its order at any subsequent time upon motion by either party and a showing of a substantial change in circumstance.
- f. No filing fee shall be required.
- g. Every order under this chapter shall contain the name of the Court, the names of the parties, the date of the petition, the date and time of the order, and shall be signed by the judge.
- h. Form complaints and form orders shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.
- i. When findings are required under this section, the Court shall make either written findings of fact or oral findings of fact on the record.
- j. Every final order issued under this section shall bear the following language: "VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH."
- k. Affidavit forms required pursuant to this section shall bear the following language: "MAKING FALSE STATEMENTS IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 2904."
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EMERGENCY RELIEF

Vt. STAT. ANN. TIT. 15 § 1104

- a. In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an affidavit in support of the order, which may be sworn to or affirmed by administration of the oath over the telephone to the applicant by an employee of the Judiciary authorized to administer oaths and shall conclude with the following statement: "I declare under the penalty of perjury pursuant to the laws of the State of Vermont that the foregoing is true and accurate. I understand that making false statements is a crime subject to a term of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904." The authorized person shall note on the affidavit the date and time that the oath was administered. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on the minor's own behalf. Relief under this section shall be limited as follows:
 1. Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:
 - A. to refrain from abusing the plaintiff or the plaintiff's children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;
 - B. to refrain from interfering with the plaintiff's personal liberty or the personal liberty of the plaintiff's children, or both;
 - C. to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment;
 - D. to refrain from contacting the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication; or
 - E. to immediately relinquish, until the expiration of the order, all firearms that are in the defendant's possession, ownership, or control and to refrain from acquiring or possessing any firearms while the order is in effect.
 2. Upon a finding that the plaintiff or the plaintiff's 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.
 3. Upon a finding that there is immediate danger of physical or emotional harm to minor children, the Court may award temporary custody of these minor children to the plaintiff or to other persons.
 - b. Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall inform the defendant that if he or she fails to appear at the final hearing the temporary order will remain in effect until the final order is served on the defendant unless the temporary order is dismissed by the court. Every order issued under this section shall state upon its face a date, time, and place when the defendant may appear to petition the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving abuse by a preponderance of the evidence. If the court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other order as it deems necessary to protect the plaintiff.
 - c. Form complaints and form orders shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.
 - d. Every order issued under this chapter shall bear the following language: "VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH."
 - e. Affidavit forms required pursuant to this section shall bear the following language: "MAKING FALSE STATEMENTS IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 2904."
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ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION; CERTIFICATION

Vt. STAT. ANN. TIT. 15 § 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, stalking, or human trafficking;
 - 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 13 V.S.A. chapter 167, subchapter 3, 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 telephone 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, stalking, or human trafficking; and
 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 [sic] 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 13 V.S.A. § 2904.
 - e. A program participant shall notify the Secretary of State of a change of actual address within seven days of the change of address.
 - f. The Civil or Family Division of Washington County Superior Court shall have jurisdiction over petitions for protective orders filed by program participants pursuant to 12 V.S.A. §§ 5133 and 5134, to sections 1103 and 1104 of this title, and to 33 V.S.A. § 6935. A program participant may file a petition for a protective order in the county in which he or she resides or in Washington County to protect the confidentiality of his or her address.
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DEFINITIONS

Vt. STAT. ANN. TIT. 9 § 4471.

As used in this subchapter:

1. “Abuse” has the same meaning as in 15 V.S.A. § 1101.
 2. “Protected tenant” means a tenant who is:
 - A. a victim of abuse, sexual assault, or stalking;
 - B. a parent, foster parent, legal guardian, or caretaker with at least partial physical custody of a victim of abuse, sexual assault, or stalking.
 3. “Sexual assault” and “stalking” have the same meaning as in 12 V.S.A. § 5131.
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RIGHT TO TERMINATE RENTAL AGREEMENT

Vt. STAT. ANN. TIT. 9 § 4472

- a. Notwithstanding a contrary provision of a rental agreement or of subchapter 2 of this chapter, a protected tenant may terminate a rental agreement pursuant to subsection (b) of this section without penalty or liability if he or she reasonably believes it is necessary to vacate a dwelling unit:
 1. based on a fear of imminent harm to any protected tenant due to abuse, sexual assault, or stalking; or
 2. if any protected tenant was a victim of sexual assault that occurred on the premises within the six months preceding the date of his or her notice of termination.
- b. Not less than 30 days before the date of termination, the protected tenant shall provide to the landlord:
 1. a written notice of termination; and
 2. documentation from one or more of the following sources supporting his or her reasonable belief that it is necessary to vacate the dwelling unit:
 - A. a court, law enforcement, or other government agency;
 - B. an abuse, sexual assault, or stalking assistance program;
 - C. a legal, clerical, medical, or other professional from whom the tenant, or the minor or dependent of the tenant, received counseling or other assistance concerning abuse, sexual assault, or stalking; or
 - D. a self-certification of a protected tenant’s status as a victim of abuse, sexual assault, or stalking, signed under penalty of perjury, on a standard form adopted for that purpose by:
 - i. a federal or State government entity, including the federal Department of Housing and Urban Development or the Vermont Department for Children and Families; or
 - ii. a nonprofit organization that provides support services to protected tenants.
- c. A notice of termination provided pursuant to subsection (b) of this section may be revoked and the rental agreement shall remain in effect if:
 - A. the protected tenant provides a written notice to the landlord revoking the notice of termination; and
 - B. the landlord has not entered into a rental agreement with another tenant prior to the date of the revocation; or
 - A. the protected tenant has not vacated the premises as of the date of termination; and
 - B. the landlord has not entered into a rental agreement with another tenant prior to the date of termination.

RIGHT TO CHANGE LOCKS; OTHER SECURITY MEASURES

Vt. STAT. ANN. TIT. 9 § 4473

Notwithstanding any contrary provision of a rental agreement or of subchapter 2 of this chapter:

1. Subject to subdivision (2) of this subsection, a protected tenant may request that a landlord change the locks of a dwelling unit within 48 hours following the request:
 - A. based on a fear of imminent harm to any protected tenant due to abuse, sexual assault, or stalking; or
 - B. if any protected tenant was a victim of sexual assault that occurred on the premises within the six months preceding the date of his or her request.
 2. If the perpetrator of abuse, sexual assault, or stalking is also a tenant in the dwelling unit, the protected tenant shall include with his or her request a copy of a court order that requires the perpetrator to leave the premises.
 3. If the landlord changes the locks as requested, the landlord shall provide a key to the new locks to each tenant of the dwelling unit, not including the perpetrator of the abuse, sexual assault, or stalking who is subject to a court order to leave the premises.
 4. If the landlord does not change the locks as requested, the protected tenant may change the locks without the landlord's prior knowledge or permission, provided that the protected tenant shall:
 - A. ensure that the new locks, and the quality of the installation, equal or exceed the quality of the original;
 - B. notify the landlord of the change within 24 hours of installation; and
 - C. provide the landlord with a key to the new locks.
 5. Unless otherwise agreed to by the parties, a protected tenant is responsible for the costs of installation of new locks pursuant to this section.
 - A. A protected tenant may request permission of a landlord to install additional security measures on the premises, including a security system or security camera.
 - B. A protected tenant:
 - i. shall submit his or her request not less than seven days prior to installation;
 - ii. shall ensure the quality and safety of the security measures and of their installation;
 - iii. is responsible for the costs of installation and operation of the security measures; and
 - iv. is liable for damages resulting from installation.
 - C. A landlord shall not unreasonably refuse a protected tenant's request to install additional security measures pursuant to this subdivision (6).
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CONFIDENTIALITY

Vt. STAT. ANN. TIT. 9 § 4474.

An owner, landlord, or housing subsidy provider who possesses documentation or information concerning a protected tenant's status as a victim of abuse, sexual assault, or stalking shall keep the documentation or information confidential and shall not allow or provide access to another person unless:

1. authorized by the protected tenant;
 2. required by a court order, government regulation, or governmental audit requirement; or
 3. required as evidence in a court proceeding, provided:
 - A. the documentation or information remains under seal; and
 - B. use of the documentation or information is limited to a claim brought pursuant to section 4472 or 4473 of this title.
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LIMITATION OF LIABILITY; ENFORCEMENT

Vt. STAT. ANN. TIT. 9 § 4475.

Except in the case of gross negligence or willful misconduct, a landlord is immune from liability for damages to a protected tenant if he or she acts in good faith reliance on:

1. the provisions of this subchapter; or
 2. information provided or action taken by a protected tenant pursuant to the provisions of this subchapter.
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UNFAIR HOUSING PRACTICES

Vt. STAT. ANN. TIT. 9 §4503

(a) It shall be unlawful for any person:

1. To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person ... because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.
2. To discriminate against, or to harass any person in the terms, conditions, or privileges, and protections of the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection therewith ... with a dwelling or other real estate, because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.
3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or other real estate that indicates any preference, limitation, or discrimination ... because a person is a victim of abuse, sexual assault, or stalking.
4. To represent to any person ... because a person is a victim of abuse, sexual assault, or stalking, that any dwelling or other real estate is not available for inspection, sale, or rental when the dwelling or real estate is in fact so available.
5. To disclose to another person information regarding or relating to the status of a tenant or occupant as a victim of abuse, sexual assault, or stalking for the purpose or intent of:
 - A. harassing or intimidating the tenant or occupant;
 - B. retaliating against a tenant or occupant for exercising his or her rights;

C. influencing or coercing a tenant or occupant to vacate the dwelling; or

D. recovering possession of the dwelling.

6. To discriminate against any person in the making or purchasing of loans or providing other financial assistance for real-estate-related transactions or in the selling, brokering, or appraising of residential real property ... because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.
7. To engage in blockbusting practices, for profit, which may include inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood ... because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.
8. To deny any person 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 dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation ... because a person is a victim of abuse, sexual assault, or stalking.

...

12. To discriminate in land use decisions or in the permitting of housing ... because a person is a victim of abuse, sexual assault, or stalking, except as otherwise provided by law.

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VIRGINIA



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

- Confidentiality of information about victims of certain crimes. Va. Code Ann. § 63.2-104.1.
- Courts may grant protective orders that do the following:
 - ◁ 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.
 - ◁ 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.
 - ◁ Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner. Va. Code Ann. §§ 16.1-253.1; 16.1-279.1.
- Early termination of rental agreement. Va. Code Ann. §55.1-1236.
- A lease shall not terminate due solely to an act of family abuse against the tenant. Va. Code Ann. § 55.1-1245.
- Lock changes. Va. Code Ann. §§ 55-225.5; 55.1-1230.
- Address confidentiality program. Va. Code Ann. § 2.2-515.2.
- Landlords to consider status as a domestic violence survivor when applicant has a low credit score. Va. Code Ann. § 55.1-1203.

CONFIDENTIALITY OF INFORMATION ABOUT VICTIMS OF CERTAIN CRIMES

VA. CODE ANN. § 63.2-104.1

- A. In order to ensure the safety of adult and child victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of §18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, and their families, programs and individuals providing services to such victims shall protect the confidentiality and privacy of persons receiving services.
- B. Except as provided in subsections C and D, programs and individuals providing services to victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, shall not:
 - 1. Disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through programs for victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of §18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; or
 - 2. Reveal individual client information without the informed, written, reasonably time-limited consent of the person about whom information is sought; the minor and his parent or legal guardian, in cases in which the client is an unemancipated minor; or the guardian of an incapacitated person as defined in §64.2-2000, whether for this program or any other Federal, State, tribal, or territorial grant program. However, consent for release may not be given by the abuser or alleged abuser of the minor or incapacitated person, or the abuser or alleged abuser of the other parent of the minor.

- C. If release of information described in subsection B is compelled by statutory or court mandate, the program or individual providing services shall:
 - 1. Make reasonable attempts to provide notice to victims affected by the disclosure of information; and
 - 2. Take steps necessary to protect the privacy and safety of the persons affected by the release of the information.
- D. Programs and individuals providing services to victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of §18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, may share:
 - 1. Nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;
 - 2. Court generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and
 - 3. Information necessary for law enforcement and prosecution purposes.

For purposes of this section, "programs» shall include public and not-for-profit agencies the primary mission of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of §18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1.
- E. For the purposes of this section, a person may be a victim of domestic violence, dating violence, sexual assault, or stalking, or a victim of a violation of §18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, regardless of whether any person has been charged with or convicted of any offense.

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PRELIMINARY PROTECTIVE ORDERS IN CASES OF FAMILY ABUSE

VA. CODE ANN. § 16.1-253.1

- A. A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:
 - ...
 - 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.
 - ...
 - 7. 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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EARLY TERMINATION OF RENTAL AGREEMENTS BY VICTIMS OF FAMILY ABUSE, SEXUAL ABUSE, OR CRIMINAL SEXUAL ASSAULT

VA. CODE ANN. § 55.1-1236

- A. Any tenant who is a victim of (i) family abuse as defined by § 16.1-228, (ii) sexual abuse as defined by § 18.2-67.10, or (iii) other criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 may terminate such tenant's obligations under a rental agreement under the following circumstances:
 - 1. The victim has obtained an order of protection pursuant to § 16.1-279.1 and has given written notice of termination in accordance with subsection B during the period of the protective order or any extension thereof; or
 - 2. A court has entered an order convicting a perpetrator of any crime of sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, sexual abuse as defined by § 18.2-67.10, or family abuse as defined by § 16.1-228 against the victim and the victim gives written notice of termination in accordance with subsection B. A victim may exercise a right of termination under this section to terminate a rental agreement in effect when the conviction order is entered and one subsequent rental agreement based upon the same conviction.
- B. A tenant who qualifies to terminate such tenant's obligations under a rental agreement pursuant to subsection A shall do so by serving on the landlord a written notice of termination to be effective on a date stated therein, such date to be not less than 30 days after the first date on which the next rental payment is due and payable after the date on which the written notice is given. When the tenant serves the termination notice on the landlord, the tenant shall also provide the landlord with a copy of (i) the order of protection issued or (ii) the conviction order.
- C. The rent shall be payable at such time as would otherwise have been required by the terms of the rental agreement through the effective date of the termination as provided in subsection B.
- D. The landlord may not charge any liquidated damages.
- E. The victim's obligations as a tenant under § 55.1-1227 shall continue through the effective date of the termination as provided in subsection B. Any co-tenants on the lease with the victim shall remain responsible for the rent for the balance of the term of the rental agreement. If the perpetrator is the remaining sole tenant obligated on the rental agreement, the landlord may terminate the rental agreement and collect actual damages for such termination against the perpetrator pursuant to § 55.1-1251.

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;
 - ...
 - 7. 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;

...

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NONCOMPLIANCE WITH RENTAL AGREEMENT; MONETARY PENALTY

VA. CODE ANN. § 55.1-1245

<Section effective July 1, 2022 until seven years after COVID-19 state of emergency expires or July 1, 2028, whichever is later. >

- A. Except as otherwise provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a violation of § 55.1-1227 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 55.1-1246 on the basis of 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 55.1-1227 and is subject to termination of the tenancy pursuant to the lease and this chapter.

...

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ACCESS; CONSENT; CORRECTION OF NONEMERGENCY CONDITIONS; RELOCATION OF TENANT; SECURITY SYSTEMS

VA. CODE ANN. § 55.1-1229

...

- D. The tenant may install, within the dwelling unit, new security systems that the tenant may believe necessary to ensure his safety, including chain latch devices approved by the landlord, and fire detection devices, provided that:
 - 1. Installation does no permanent damage to any part of the dwelling unit;
 - 2. A duplicate of all keys and instructions for the operation of all devices are given to the landlord; and
 - 3. Upon termination of the tenancy, the tenant shall is responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

.....

ACCESS FOLLOWING ENTRY OF CERTAIN COURT ORDERS

VA. CODE ANN. § 55.1-1230

- A. A tenant or authorized occupant who has obtained an order from a court 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 or authorized occupant 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 for the operation of 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 person, who is not a tenant or authorized occupant in the dwelling unit and who has obtained an order from a court pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such person possession of the premises to the exclusion of one or more co-tenants or authorized occupants, may provide a copy of such order to the landlord and submit a rental application to become a tenant in such dwelling unit within 10 days of the entry of such order. If such person's rental application meets the landlord's tenant selection criteria, such person may become a tenant in such dwelling unit under a written rental agreement. If such person submits a rental application and does not meet the landlord's tenant selection criteria, such person shall vacate the dwelling unit no later than 30 days of the date the landlord gives such person written notice that his rental application has been rejected. If such person does not provide a copy of the protective order to the landlord and submit a rental application to the landlord within 10 days as required by this section, such person shall vacate the dwelling unit no later than 30 days of the date of the entry of such order. Such person shall be liable to the landlord for failure to vacate the dwelling unit as required in this section.

Any tenant obligated on a rental agreement shall pay the rent and otherwise comply with any and all requirements of the rental agreement, and any applicable laws and regulations. The landlord may pursue all of its remedies under the rental agreement and applicable laws and regulations, including filing an unlawful detainer action pursuant to § 8.01-126 to obtain a money judgment and to evict any persons residing in such dwelling unit.

- C. 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.
- D. This section shall not apply when the court order excluding a person was issued ex parte.

ADDRESS CONFIDENTIALITY PROGRAM ESTABLISHED; VICTIMS OF DOMESTIC VIOLENCE OR STALKING; 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, stalking, or sexual violence or is a parent or guardian of a minor child or incapacitated person who is the victim of domestic violence, stalking, or sexual 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.

"Program participant" means a person certified by the Office of the Attorney General as eligible to participate in the Address Confidentiality Program.

"Sexual or 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, or stalking. Such programs may also include specialized services for victims of human trafficking.

"Sexual violence» means conduct that is prohibited under clause (ii), (iii), (iv), or (v) of §18.2-48, or §18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.5, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted of the alleged violation.

"Stalking" means conduct that is prohibited under § 18.2-60.3, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted for the alleged violation.

- 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, stalking, or sexual 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 (i) sexual or domestic violence programs that have been accredited by the Virginia Sexual and Domestic Violence Program Professional Standards Committee established pursuant to §9.1-116.3 and are qualified to (a) assist the eligible person in determining whether the address confidentiality program should be part of such person's overall safety plan, (b) explain the address confidentiality program services and limitations, (c) explain the program participant's responsibilities, and, (d) assist the person eligible for participation with the completion of application materials or (ii) crime victim and witness assistance programs. 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, sexual violence, or stalking;
 - b. The applicant fears further acts of violence, stalking, retribution, or intimidation from the applicant's assailant, abuser, or trafficker; 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 three years 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 three years.
- 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 and does not provide notice and a copy of the order to the Office of the Attorney General within seven days after entry of the order;

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; or
7. The applicant is required to register with the Sex Offender and Crimes Against Minors Registry 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; and
 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.

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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APPLICATION; DEPOSIT, FEE, AND ADDITIONAL INFORMATION

VA. CODE ANN. § 55.1-1203

...

- D. A landlord shall consider evidence of an applicant's status as a victim of family abuse, as defined in § 16.1-228, to mitigate any adverse effect of an otherwise qualified applicant's low credit score. In order to establish the applicant's status as a victim of family abuse, an applicant may submit to the landlord (i) a letter from a sexual and domestic violence program, a housing counselor certified by the U.S. Department of Housing and Urban Development, or an attorney representing the applicant; (ii) a law-enforcement incident report; or (iii) a court order. If a landlord does not comply with this section, the applicant may recover actual damages, including all amounts paid to the landlord as an application fee, application deposit, or reimbursement for any of the landlord's out-of-pocket expenses that were charged to the prospective tenant, along with attorney's fees.

WASHINGTON



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

- Early lease termination. Wash. Rev. Code Ann. §§ 59.18.352, 59.18.570, 59.18.575.
- Tenant screening service may not disclose person's status as a victim of domestic violence, sexual assault, or stalking, or previous termination of a lease agreement due to abuse. Wash. Rev. Code Ann. § 59.18.580.
- 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.
- Unlawful detainer defense. Wash. Rev. Code Ann. § 59.18.580.
- Lock changes. Wash. Rev. Code Ann. § 59.18.585.
- Address confidentiality program. Wash. Rev. Code Ann. §§ 40.24.010-40.24.040.
- Definitions. Wash. Rev. Code Ann. § 7.105.010.
- Jurisdiction—domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders. Wash. Rev. Code Ann. § 7.105.050.
- Relief for temporary and full protection orders—other than for extreme risk protection orders. Wash. Rev. Code Ann. § 7.105.310.
- Enforcement and penalties—other than antiharassment protection orders and extreme risk protection. Wash. Rev. Code Ann. § 7.105.450.
- Confidentiality of information for homeless survivors of domestic violence, dating violence, sexual assault, and stalking. Wash. Rev. Code Ann. § 43.185C.030.
- Records, confidential—exceptions—penalty (effective until July 1, 2018). Wash. Rev. Code Ann. § 74.04.060.
- Crime victim information exempt from public inspection and copying. Wash. Rev. Code Ann. § 42.56.240.

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.

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 7.105.010.
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 7.105.020 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.

VICTIM PROTECTION — NOTICE TO LANDLORD — TERMINATION OF RENTAL AGREEMENT — PROCEDURES

WASH. REV. CODE ANN. § 59.18.575

- 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 domestic violence protection order, sexual assault protection order, stalking protection order, or antiharassment protection order under chapter 7.105 RCW, or a valid order for protection under one or more of the following: Chapter 26.26A or 26.26B RCW, or any of the former chapters 7.90 and 26.50 RCW, or RCW 9A.46.040, 9A.46.050, 10.99.040 (2) or (3), or 26.09.050, or former RCW 10.14.080; 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 this chapter. 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 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 7.105.010.

... 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 ..., ... (year)

.....

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 ..., ... (year)

.....

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

2.

- a. 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).
 - i. 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.
 - ii. If the landlord seeks reimbursement for damages from the landlord mitigation program pursuant to RCW 43.31.605(1)(d), the landlord is prohibited from retaining any portion of the tenant's damage or security deposit or proceeding against the tenant who terminates under this section to recover sums exceeding the amount of the tenant's damage or security deposit for damage to the property.
- c. 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.

VICTIM PROTECTION — LIMITATION ON TENANT SCREENING SERVICE PROVIDER DISCLOSURES AND LANDLORD'S RENTAL DECISIONS

WASH. REV. CODE ANN. § 59.18.580

1. A tenant screening service provider may not (a) disclose a tenant's, applicant's, or household member's status as a victim of domestic violence, sexual assault, or stalking, or (b) knowingly disclose that a tenant, applicant, or household member has previously terminated a rental agreement under RCW 59.18.575.

2. 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.
 3. A landlord who refuses to enter into a rental agreement in violation of subsection (2) 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
 4. 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 (2) of this section.
 5. This section does not prohibit adverse housing decisions based upon other lawful factors within the landlord's knowledge or prohibit volunteer disclosure by an applicant of any victim circumstances.
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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.
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ADDRESS CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING; FINDINGS — PURPOSE — INTENT

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. The legislature further intends to provide assistance to program participants who own or desire to own property in the state to protect such ownership from public disclosure.

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ADDRESS CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING; 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.

ADDRESS CONFIDENTIALITY PROGRAM — APPLICATION — CERTIFICATION — FORM — VEHICLE AND VESSEL INFORMATION

WASH. REV. CODE ANN. § 40.24.030

- a. An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, (b) any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b)(iii) or (iv), and any family members residing with him or her, and (c) 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 criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b)(iii) or (iv) (as recodified by this act), 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; (B) that the applicant, as an election official as described in RCW 9.61.260 (as recodified by this act), is a target for threats or harassment prohibited under RCW 9.61.260(2)(b)(iii) or (iv) (as recodified by this act); or (C) 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), or that the applicant, as a criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) is a target for threats or harassment prohibited under RCW 9.61.260(2)(b)(iii) or (iv) (as recodified by this act);
 - 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 9.61.260(2)(b)(iii) or (iv) (as recodified by this act) or 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. During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicard to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:
 - i. Applicant's full legal name;
 - ii. Applicant's Washington driver's license or identicard number;
 - iii. Applicant's date of birth;
 - iv. Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
 - v. Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.
 - b. Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.
 - c. Within thirty days of receiving a completed and signed directive, the department of licensing shall update the applicant's address of registration and licensing records.
 - d. Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.
5. 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, (b) the safety of any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), or (c) 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 of any criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act, or any family members residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.

DEFINITIONS

WASH. REV. CODE ANN. § 7.105.010

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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4.
 - a. "Coercive control" means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the court shall consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to, engaging in any of the following:
 - v. Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or

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JURISDICTION — DOMESTIC VIOLENCE PROTECTION ORDERS, SEXUAL ASSAULT PROTECTION ORDERS, STALKING PROTECTION ORDERS, AND ANTIHARASSMENT PROTECTION ORDERS

WASH. REV. CODE ANN. § 7.105.050

- 1. The superior and district courts have jurisdiction over domestic violence protection order proceedings, sexual assault protection order proceedings, stalking protection order proceedings, and antiharassment protection order proceedings under this chapter, except that such proceedings must be transferred from district court to superior court when:
 - a. A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties;
 - b. The action would have the effect of interfering with a respondent’s care, control, or custody of the respondent’s minor child;
 - c. The action would affect the use or enjoyment of real property for which the respondent has a cognizable claim or would exclude a party from a shared dwelling;
 - d. The petitioner, victim, or respondent to the petition is under 18 years of age; or
 - e. The district court is unable to verify whether there are potentially conflicting or related orders involving the parties as required by RCW 7.105.105 or 7.105.555.

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RELIEF FOR TEMPORARY AND FULL PROTECTION ORDERS—OTHER THAN FOR EXTREME RISK PROTECTION ORDERS

WASH. REV. CODE ANN. § 7.105.310

- 1. In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

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- c. Exclude the respondent from the residence that the parties share;
- d. Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;
- e. Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party’s person, and the protected party’s vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

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ENFORCEMENT AND PENALTIES — OTHER THAN ANTIHARASSMENT PROTECTION ORDERS AND EXTREME RISK PROTECTION

WASH. REV. CODE ANN. § 7.105.450

- a. Whenever a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

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- ii. A provision excluding the person from a residence, workplace, school, or day care;
- ...

2. A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

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WASHINGTON HOMELESS CENSUS OR COUNT — CONFIDENTIALITY — ONLINE INFORMATION AND REFERRAL SYSTEM — ORGANIZATIONAL QUALITY MANAGEMENT SYSTEM

WASH. REV. CODE ANN. § 43.185C.030

1. The department shall annually conduct a Washington homeless census or count consistent with the requirements of RCW 43.185C.180. The census shall make every effort to count all homeless individuals living outdoors, in shelters, and in transitional housing, coordinated, when reasonably feasible, with already existing homeless census projects including those funded in part by the United States department of housing and urban development under the McKinney-Vento homeless assistance program. The department shall determine, in consultation with local governments, the data to be collected.
2. All personal information collected in the census is confidential, and the department and each local government shall take all necessary steps to protect the identity and confidentiality of each person counted.
3. The department and each local government are prohibited from disclosing any personally identifying information about any homeless individual when there is reason to believe or evidence indicating that the homeless individual is an adult or minor victim of domestic violence, dating violence, sexual assault, or stalking or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking; or revealing other confidential information regarding HIV/AIDS status, as found in RCW 70.02.220. The department and each local government shall not ask any homeless housing provider to disclose personally identifying information about any homeless individuals when the providers implementing those programs have reason to believe or evidence indicating that those clients are adult or minor victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. Summary data for the provider's facility or program may be substituted.
4. The Washington homeless census shall be conducted annually on a schedule created by the department. The department shall make summary data by county available to the public each year. This data, and its analysis, shall be included in the department's annual updated homeless housing program strategic plan.

5. Based on the annual census and provider information from the local government plans, the department shall, by the end of year four, implement an online information and referral system to enable local governments and providers to identify available housing for a homeless person. The department shall work with local governments and their providers to develop a capacity for continuous case management to assist homeless persons.

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RECORDS, CONFIDENTIAL — EXCEPTIONS — PENALTY

WASH. REV. CODE ANN. § 74.04.060

- a. For the protection of applicants and recipients, the department, the authority, and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer.

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- e. The department shall review methods to improve the protection and confidentiality of information for recipients of welfare assistance who have disclosed to the department that they are past or current victims of domestic violence or stalking.

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4. It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

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INVESTIGATIVE, LAW ENFORCEMENT, AND CRIME VICTIMS

WASH. REV. CODE ANN. § 42.56.240

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

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2. Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

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5. Information revealing the specific details that describe an alleged or proven child victim of sexual assault under age eighteen, or the identity or contact information of an alleged or proven child victim of sexual assault who are under age eighteen. Identifying information includes the child victim's name, address, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords;

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WEST VIRGINIA



West Virginia has enacted the following laws regarding survivors' housing rights:

- Protection orders granting possession of the residence to the petitioner. W. Va. Code § 48-27-503.
- Address confidentiality program. W. Va. Code §§ 48-28A-101–48-28A-108.

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PERMISSIVE PROVISIONS IN PROTECTIVE ORDER

W. VA. CODE § 48-27-503

The terms of a protective order may include:

1. Granting possession to the petitioner of the residence or household jointly resided in at the time the abuse occurred;
2. Ordering the respondent to refrain from entering or being present in the immediate environs of the residence of the petitioner;
- ...
6. Ordering the respondent to pay the petitioner a sum for temporary support and maintenance of the petitioner, where appropriate;
- ...
11. Ordering the respondent to reimburse the petitioner or other person for any expenses incurred as a result of the domestic violence, including, but not limited to, medical expenses, transportation and shelter;
12. Ordering the petitioner and respondent to refrain from transferring, conveying, alienating, encumbering or otherwise dealing with property which could otherwise be subject to the jurisdiction of the court or another court in an action for divorce or support, partition or in any other action affecting their interests in property;
13. Awarding the petitioner the exclusive care, possession, or control of any animal owned, possessed, leased, kept or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and prohibiting the respondent from taking, concealing, molesting, physically injuring, killing or otherwise disposing of the animal and limiting or precluding contact by the respondent with the animal; and
14. Ordering any other relief the court deems necessary to protect the physical safety of petitioner or those persons for whom a petition may be filed as provided in subdivision (2), section three hundred five of this article.

ADDRESS CONFIDENTIALITY PROGRAM — 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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ADDRESS CONFIDENTIALITY PROGRAM — 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.
 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.

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.

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.

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.
- Rental agreement must provide notice of domestic abuse protections. Wis. Stat. Ann. § 704.14.
- 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.
- Rental agreement may not allow landlord to take adverse action because a tenant has contacted law enforcement or because of commission of a crime. Wis. Stat. Ann. § 704.44.
- Fees for calling the police. Wis. Stat. Ann. § 66.0627.
- Protection orders and injunctions directing the respondent to avoid the petitioner's residence. Wis. Stat. Ann. § 813.12.
- Confidentiality. Wis. Stat. Ann. §§ 995.67, 6.47.

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.

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 assault, 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 assault, or stalking and that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, 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 assault, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, 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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NOTICE OF DOMESTIC ABUSE PROTECTIONS

Wis. STAT. ANN. § 704.14

A residential rental agreement shall include the following notice in the agreement or in an addendum to the agreement:

NOTICE OF DOMESTIC ABUSE PROTECTIONS

1. As provided in section 106.50(5m)(dm) of the Wisconsin statutes, a tenant has a defense to an eviction action if the tenant can prove that the landlord knew, or should have known, the tenant is a victim of domestic abuse, sexual assault, or stalking and that the eviction action is based on conduct related to domestic abuse, sexual assault, or stalking committed by either of the following:
 - a. A person who was not the tenant's invited guest.
 - b. A person who was the tenant's invited guest, but the tenant has done either of the following:
 1. Sought an injunction barring the person from the premises.
 2. Provided a written statement to the landlord stating that the person will no longer be an invited guest of the tenant and the tenant has not subsequently invited the person to be the tenant's guest.
2. A tenant who is a victim of domestic abuse, sexual assault, or stalking may have the right to terminate the rental agreement in certain limited situations, as provided in section 704.16 of the Wisconsin statutes. If the tenant has safety concerns, the tenant should contact a local victim service provider or law enforcement agency.
3. A tenant is advised that this notice is only a summary of the tenant's rights and the specific language of the statutes governs in all instances.

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:
 1. "Community" has the meaning given in s. 710.15(1)(ad).
 2. "Manufactured home" has the meaning given in s. 101.91(2).
 3. "Mobile home" has the meaning given in s. 710.15(1)(b).
 4. "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, or a manufactured home or mobile home in the same community, 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.
 - 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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RESIDENTIAL RENTAL AGREEMENT THAT CONTAINS CERTAIN PROVISIONS IS VOID

Wis. STAT. ANN. § 704.44

Notwithstanding s. 704.02, a residential rental agreement is void and unenforceable if it does any of the following:

- 1m. Allows a landlord to do any of the following because a tenant has contacted an entity for law enforcement services, health services, or safety services:
 - a. Increase rent.

- b. Decrease services.
- c. Bring an action for possession of the premises.
- d. Refuse to renew a rental agreement.
- e. Threaten to take any action under pars. (a) to (d).

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- 9. Allows the landlord to terminate the tenancy of a tenant based solely on the commission of a crime in or on the rental property if the tenant, or someone who lawfully resides with the tenant, is the victim, as defined in s. 950.02(4), of that crime.

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SPECIAL CHARGES FOR CURRENT SERVICES AND CERTAIN LOAN REPAYMENTS

Wis. STAT. ANN. § 66.0627

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- 2. Except as provided in sub. (5), the governing body of a city, village or town may impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. The authority under this section is in addition to any other method provided by law.

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- 7. Notwithstanding sub. (2), no political subdivision may enact an ordinance, or enforce an existing ordinance, that imposes a fee on the owner or occupant of property for a call for assistance that is made by the owner or occupant requesting law enforcement services that relate to any of the following:
 - a. (a) Domestic abuse, as defined in s. 813.12(1)(am).
 - b. (b) Sexual assault, as described under ss. 940.225, 948.02, and 948.025.
 - c. (c) Stalking, as described in s. 940.32.

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DOMESTIC ABUSE SERVICES; PROHIBITED DISCLOSURES

Wis. STAT. ANN. § 995.67

- 1. In this section:
 - a. "Domestic abuse" has the meaning given in s. 49.165(1)(a).
 - b. "Domestic abuse services organization" means a nonprofit organization or a public agency that provides any of the following services for victims of domestic abuse:
 - 1. Shelter facilities or private home shelter care.
 - 2. Advocacy and counseling.
 - 3. A 24-hour telephone service.
 - c. "Service recipient" means any person who receives or has received domestic abuse services from a domestic abuse services organization.

- a. No employee or agent of a domestic abuse services organization who provides domestic abuse services to a service recipient may intentionally disclose to any person the location of any of the following persons without the informed, written consent of the service recipient:
 1. The service recipient.
 2. Any minor child of the service recipient.
 3. Any minor child in the care or custody of the service recipient.
 4. Any minor child who accompanies the service recipient when the service recipient receives domestic abuse services.
- b. Any person who violates this subsection may be fined not more than \$500 or imprisoned for not more than 30 days or both.

DOMESTIC ABUSE RESTRAINING ORDERS AND INJUNCTIONS

Wis. STAT. ANN. § 813.12

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3. Temporary restraining order. (a) A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:
 1. The petitioner submits to the judge or circuit court commissioner a petition alleging the elements set forth under sub. (5)(a).
 2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based on prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

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am.If the petitioner and the respondent are not married, the respondent owns the premises where the petitioner resides and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

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4. Injunction. (a) A judge or circuit court commissioner may grant an injunction ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents to that contact in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:
 1. The petitioner files a petition alleging the elements set forth under sub. (5)(a).
 2. The petitioner serves upon the respondent a copy or summary of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction.

3. After hearing, the judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

...

am. If the petitioner and the respondent are not married, the respondent owns the premises where the petitioner resides and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

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c.

1. An injunction under this subsection is effective according to its terms, for the period of time that the petitioner requests, but not more than 4 years, except as provided in par. (d). An injunction granted under this subsection is not voided if the petitioner allows or initiates contact with the respondent or by the admittance of the respondent into a dwelling that the injunction directs him or her to avoid.

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5m. Confidentiality of victim's address. The petition under sub. (5) and the court order under sub. (3), (4), or (4g) may not disclose the address of the alleged victim. The petitioner shall provide the clerk of circuit court with the petitioner's address when he or she files a petition under this section. The clerk shall maintain the petitioner's address in a confidential manner.

6. Enforcement assistance. (a) If an order is issued under this section, upon request by the petitioner the court or circuit court commissioner shall order the sheriff to accompany the petitioner and assist in placing him or her in physical possession of his or her residence.

ag.

1. The clerk of the circuit court shall forward to the sheriff any temporary restraining order, injunction, or other document or notice that must be served on the respondent under this section and the sheriff shall assist the petitioner in executing or serving the temporary restraining order, injunction, or other document or notice on the respondent. The petitioner may, at his or her expense, elect to use a private server to effect service.
2. If the petitioner elects service by the sheriff, the clerk of circuit court shall provide a form supplied by the sheriff to the petitioner that allows the petitioner to provide information about the respondent that may be useful to the sheriff in effecting service. The clerk shall forward the completed form to the sheriff. The clerk shall maintain the form provided under this subdivision in a confidential manner.

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CONFIDENTIALITY OF INFORMATION RELATING TO VICTIMS OF DOMESTIC ABUSE, SEXUAL ASSAULT, OR STALKING

Wis. STAT. ANN. § 6.47

1. In this section:

ag. "Domestic abuse victim service provider" means an organization that is certified by the department of children and families as eligible to receive grants under s. 49.165(2) and whose name is included on the list provided by the commission under s. 7.08(10).

am. "Eligible individual" means:

1. An individual who has been granted a protective order that is in effect.

2. An individual who files an affidavit with the municipal clerk of the municipality where the individual resides, on a form prescribed by the commission, that is signed by a sheriff, the chief of a police department, or a district attorney or the authorized representative of a sheriff, chief, or district attorney and directed to the municipal clerk, and that verifies that a person has been charged with or convicted of an offense relating to domestic abuse, sexual assault, or stalking in which the individual was a victim and reasonably continues to be threatened by that person.
 3. An individual who resides in a shelter.
 4. An individual who submits a dated statement to the municipal clerk that includes the individual's full name, that is signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider, and that indicates that the individual received services from the provider within the 24-month period ending on the date of the statement.
 5. An individual who is a participant in the program established in s. 165.68.
- b. "Offense relating to domestic abuse, sexual assault, or stalking" means an offense specified in s. 940.19, 940.20(1m), 940.201, 940.22, 940.225, 940.235, 940.32, 947.013, 948.02, 948.025, 948.06, 948.085, 948.09, or 948.095.
 - c. "Protected individual" means an individual whose name and address is confidential under sub. (2).
 - d. "Protective order" means a temporary restraining order or an injunction issued under s. 813.12 or 813.125.
 - dm. "Sexual assault victim service provider" means an organization that is certified by the department of justice as eligible to receive grants under s. 165.93(2) and whose name is included on the list provided by the commission under s. 7.08(10).
 - e. "Shelter" means a place where at least 4 unrelated individuals reside that provides residential shelter to individuals whose personal security is or may be threatened by family members or other persons with whom the individuals have had contact.
2. Except as authorized in sub. (8), the commission, each municipal clerk, each agent designated under s. 6.33(5)(b), and each election official shall withhold from public inspection under s. 19.35(1) the name and address of any eligible individual whose name appears on a poll list or registration list if the individual provides the municipal clerk with a valid written request to protect the individual's confidentiality. To be valid, a request under this subsection must be accompanied by a copy of a protective order that is in effect, an affidavit under sub. (1)(am)2. that is dated within 30 days of the date of the request, confirmation from the department of justice that the person is a program participant, as provided under s. 165.68(4)(c), a statement signed by the operator or an authorized agent of the operator of a shelter that is dated within 30 days of the date of the request and that indicates that the operator operates the shelter and that the individual making the request resides in the shelter, or a statement signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider under sub. (1)(am)4. that is dated within 30 days of the date of the request. A physically disabled individual who appears personally at the office of the municipal clerk accompanied by another elector of this state may designate that elector to make a request under this subsection on his or her behalf.
 3. Upon receiving a valid written request from an elector under sub. (2), the municipal clerk shall issue to the elector a voting identification card on a form prescribed by the commission that shall contain the name of the elector's municipality of residence and, in the case of a town, the county in which the town is located, the elector's name, the ward in which the elector resides, if any, and a unique identification serial number issued by the commission. The number issued to an elector under this subsection shall not be changed for so long as the elector continues to qualify for a listing under sub. (2).
 4.
 - a. Except as provided in par. (b) and sub. (5), a confidential listing under sub. (2) expires on the date that a protective order expires, the date that the protected individual ceases to reside in a shelter, the date that updated information is received from a sheriff, the chief of a police department, or a district attorney or the authorized representative of a sheriff, chief, or district attorney, or at the end of the 24-month period that follows creation or renewal of the listing under sub. (2), whichever is earlier.
 - b. A confidential listing under sub. (2) that is issued to a program participant expires on the date the individual's participation in the program expires pursuant to s. 165.68(3)(b)4. a. or on the date the individual cancels his or her participation in the program pursuant to s. 165.68(3)(b)4.f. or is disenrolled from the program pursuant to s. 165.68(3)(b)4.e.

5.
 - a. The municipal clerk shall cancel a confidential listing under sub. (2) if:
 1. The clerk receives notification from a sheriff, chief of police, or district attorney or the authorized representative of a sheriff, chief, or district attorney under sub. (10).
 2. The name of the protected individual is legally changed.
 3. The protected individual changes his or her address without notifying the municipal clerk.
 4. The municipal clerk finds that the protected individual provided false information to the clerk for the purpose of obtaining a confidential listing under sub. (2).
 - b. An individual whose confidential listing is canceled under par. (a) may file a new request and qualify under sub. (2) to obtain a renewal of the listing.
6. Upon expiration of a confidential listing on a registration list under sub. (2), the municipal clerk shall change the registration of the protected individual to ineligible status unless the individual files a new request and qualifies under sub. (2) to obtain a renewal of the listing or unless the individual applies for and qualifies to obtain a nonconfidential voter registration. Except as authorized in sub. (8), the municipal clerk shall withhold from public inspection under s. 19.35(1) the name and address of any individual whose registration is changed under this subsection if the individual qualified for a confidential listing at the time of that listing.
7.
 - a. If the municipal clerk has notice that a confidential listing under sub. (2) is scheduled to expire, the municipal clerk shall provide 30 days' notice to the protected individual of the scheduled expiration of the listing.
 - b. If notice to a protected individual is not provided under par. (a), the municipal clerk shall provide notice to the subject individual upon changing a listed individual to ineligible status under sub. (6).
8. The municipal clerk shall provide access to a name and address under sub. (2):
 - a. To a law enforcement officer for official purposes.
 - b. To a state or local governmental officer pursuant to a specific law that necessitates obtaining the name or address.
 - c. Pursuant to a court order citing a reason that access to the name or address should be provided.
- ...
- e. At the request of a protected individual, for purposes of permitting that individual to sign a petition under s. 59.05(2).
9. No person who obtains access to a name or address under sub. (8) may disclose the name or address to any person other than a public employee for the same purpose for which the information was obtained.
10. If a sheriff, chief of a police department, or district attorney has signed or the authorized representative of a sheriff, chief, or district attorney has signed an affidavit under sub. (1)(am)2. and the sheriff, chief, district attorney or authorized representative later obtains information that the person who was charged with an offense relating to domestic abuse, sexual assault, or stalking is no longer so charged or that the person's judgment of conviction has been vacated, and the charge or conviction was the sole basis for the affidavit, the sheriff, chief, district attorney or authorized representative shall provide written notice of that information to the municipal clerk to whom the affidavit was directed.

WYOMING



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

- Early lease termination by the victim. Wyo. Stat. Ann. §§ 1-21-1301; 1-21-1302; 1-21-1303; 1-21-1304.
- A petitioner for a protection order may be granted sole possession of the residence; a restrained party may be ordered to provide alternative housing for the petitioner. Wyo. Stat. Ann. § 35-21-105.
- Confidentiality of information. Wyo. Stat. Ann. §§ 35-21-112; 14-3-441; 1-25-101; 1-25-102; 1-25-103.

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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."

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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 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;
 - ...
 - v. Restrain the respondent from transferring, concealing, encumbering or otherwise disposing of the petitioner's property or the joint property of the parties;
 - vi. Order other injunctive relief as the court deems necessary for the protection of the petitioner;
 - ...
 - ix. Grant sole possession of any household pet, as defined in W.S. 6-3-1001(a)(iii) , owned, possessed or kept by the petitioner, the respondent or a minor child residing in the residence or household of either the petitioner or the respondent to the petitioner during the period the order of protection is effective if the order is for the purpose of protecting the household pet;
 - x. Order that the respondent shall not have contact with any household pet, as defined in W.S. 6-3-1001(a)(iii), in the custody of the petitioner and prohibit the respondent from abducting, removing, concealing or disposing of the household pet if the order is for the purpose of protecting the household pet.
 - ...
- d. No order issued under this act shall affect title to any property nor allow the petitioner to transfer, conceal, encumber or otherwise dispose of respondent's property or the joint property of the parties.

CONFIDENTIALITY IN COURT PROCEEDINGS

WYO. STAT. ANN. § 35-21-112

- a. Notwithstanding any other provisions of law, in any proceedings before a court of the state of Wyoming, the confidentiality of the address, city and state of residence or any other information identifying the residence of a victim of domestic abuse shall remain confidential as provided in this section.
- b. The victim of domestic abuse may at any point during the court proceedings file a motion with the court for entry of an order providing for the confidentiality of the address, city and state of residence or any other information identifying the residence of the victim of domestic abuse and any children residing with the victim of domestic abuse during the court proceedings. The motion may be accompanied with all relevant affidavits or documents to establish that the person requesting confidentiality is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.
- c. Upon a filing of a motion pursuant to subsection (b) of this section, the court shall issue an order prohibiting the release of the address, city and state of residence and any other information identifying the residence of a person if:
 - i. The person filing the motion has been granted an order of protection under this act or similar act in another state or territory of the United States and the order of protection remains in effect; or
 - ii. The court finds by a preponderance of the evidence that the person is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.

- d. An order issued under this section shall only provide confidentiality in the action in which it is granted and for those additional purposes specified by law referencing an order issued pursuant to this section.

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CONFIDENTIALITY IN COURT PROCEEDINGS

WYO. STAT. ANN. § 14-3-441

In the event a confidentiality order has been entered pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses or other information identifying the residence of the victim of domestic abuse, the address and city or state of residence and other information identifying the residence of the victim of domestic abuse and any child residing with the victim of domestic abuse shall remain confidential in any court proceedings under this title.

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VERIFIED PETITION TO BE PRESENTED; INFORMATION TO BE SHOWN IN PETITION; ORDER OF COURT MAKING CHANGE; RECORD TO BE MADE

WYO. STAT. ANN. 1-25-101

Every person desiring to change his name may petition the district court of the county of the petitioner’s residence for the desired change. The petition shall be verified by affidavit setting forth the petitioner’s full name, the name desired, a concise statement of the reason for the desired change, the place of his birth, his place of residence and the length of time he has been an actual bona fide resident of the county in which the petition is filed. If the court is satisfied that the desired change is proper and not detrimental to the interests of any other person, it shall order the change to be made, and record the proceedings in the records of the court. In the event a confidentiality order has been entered pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other information identifying the residence, the address, city or state of residence or other information identifying the residence of the party shall remain confidential.

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RESIDENCE REQUIREMENT

WYO. STAT. ANN. 1-25-102

A person petitioning for a change of name shall have been a bona fide resident of the county in which the petition is filed for at least two (2) years immediately preceding filing the petition.

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NOTICE TO BE GIVEN BY PUBLICATION

WYO. STAT. ANN. 1-25-103

Except in a proceeding in which the court has issued a confidentiality order pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other information identifying the residence of the party, public notice of the petition for a change of name shall be given in the same manner as service by publication upon nonresidents in civil actions. Upon good cause shown to the court, public notice shall not be required with respect to a petition for a change of name of a minor.

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