

Understanding Your Rights and Responsibilities: Addressing Domestic Violence in Rental Housing

New laws in California provide special housing protections for domestic violence survivors. The laws were passed to improve the safety of domestic violence survivors and protect them from being evicted because of the criminal acts of their abusers. The laws are also part of a growing movement in California to prevent domestic violence survivors from becoming homeless and to improve their access to housing. A fact sheet outlining the new laws appears on the pages that follow this announcement.

Many housing providers know of the complexities that arise when domestic violence occurs at rental properties. San Francisco nonprofits La Casa de Las Madres, which has expertise in serving domestic violence survivors in affordable housing, and the National Housing Law Project, which has expertise on laws regarding housing and domestic violence, are poised to provide training and materials to housing providers on these issues. La Casa and NHLP have provided tailored training and technical assistance to a variety of housing providers, including those operating elderly, family, and SRO housing.

On **July 21, 2011, from 10 to 12:30** in San Francisco, La Casa and NHLP will partner to offer a training for housing providers regarding the dynamics of domestic violence in rental housing and the impact of new state and federal laws. This training will bring you up to date on the law surrounding housing and domestic violence, and provide information and clarity on the dynamics of abuse and available resources.

To RSVP for this training, please email Claire McCullough, claire@lacasa.org, and indicate the number of people from your organization who will be attending.

For more information, please contact:



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Quick Reference Guide

What: 3-hour comprehensive training:

“Understanding Your Rights and Responsibilities: Domestic Violence and Rental Housing”

Who: Housing Providers, Asset Managers, Property Managers, and others seeking assistance in addressing domestic violence in housing

When: July 21st, 2011 from 10am-12:30pm

Where: TBA (San Francisco)

Facts for Housing Providers: New Domestic Violence Laws



There are several new laws that protect tenants who are victims of domestic violence, sexual assault, and stalking. Owners may not evict a tenant based on acts of domestic violence, sexual assault, or stalking committed against the tenant. Victims may have their locks changed or end their leases early.

1. Evictions

What is the new law on domestic violence and evictions?

The law prohibits you from evicting a tenant based on acts of domestic violence, sexual assault, or stalking committed against the tenant. The law is designed to prevent victims from being evicted simply for reporting abuse. This law is California Civil Code Section 1161.3. Go to www.leginfo.ca.gov, click on Bill Information, select Session 2009-2010, and search for SB 782.

When can a victim use this law?

Victims can use this law as a defense to an eviction action. The victim must have a restraining order or police report documenting the domestic violence, sexual assault, or stalking.

Are there limits to the law?

A victim may be evicted if he or she already has used the law before, and: (1) the victim allows the person named in the restraining order or police report to visit the property; or (2) you reasonably believe the abuser is a threat to other tenants. If you seek to evict a victim for either of these reasons, you must give the victim three days' notice to correct the violation.

What if the victim lives with the abuser?

If the victim lives with the person named in the restraining order or police report, the law does not apply. However, you still should consider alternatives to evicting the victim, such as allowing the victim to relocate to another property.

2. Lock Changes

What is the new law on changing a victim's locks?

In certain cases, landlords are required to change the locks for victims of domestic violence, sexual assault, and stalking. The law is California Civil Code Sections 1941.5 and 1941.6. Go to www.leginfo.ca.gov, click on Bill Information, select Session 2009-2010, and search for SB 782.

When am I required to change a victim's locks?

You must change a victim's locks within 24 hours after a victim gives you a restraining order or police report documenting domestic violence, sexual assault, or stalking. You must change any exterior lock that provides access to the victim's unit, and give the victim a key to the new locks.

What proof must the victim give me?

A victim should ask you in writing to change the locks and give you a court order or police report documenting domestic violence, sexual assault, or stalking.

What if I don't change the locks within 24 hours?

If you do not change the locks within 24 hours, the victim can change the locks without your permission. The victim must give you a key within 24 hours of having the locks changed. The victim can change the locks even if the lease prohibits it.

What if the abuser and victim are co-tenants?

A victim is entitled to have the locks changed even if the abuser also lives in the unit. The victim must give you a restraining order excluding the abuser from the home.

3. Lease Terminations

What is California's early lease termination law?

California law allows victims of domestic violence, sexual assault, and stalking to end their leases early and move out, without owing additional rent. This law is Civil Code section 1946.7. To read it, go to www.leginfo.ca.gov, click on Bill Information, select Session 2008-2009, and search for AB 2052.

How does the lease termination law work?

A tenant must give you written notice that he or she was a victim of domestic violence, sexual assault, or stalking and wants to end the lease. The tenant must attach either: (1) a restraining order; or (2) a police report showing that the tenant suffered domestic violence, sexual assault, or stalking. The victim must give you 30 days' notice of the lease termination. If you re-rent the unit within those 30 days, you must prorate the victim's rent. As is standard procedure, return the deposit within 21 days after the tenant has vacated the unit.

4. For Federally Subsidized Housing Providers

Who is affected by the Violence Against Women Act (VAWA)?

VAWA provides legal protections to victims of domestic violence, dating violence or stalking. VAWA applies to the following programs only: public housing, the Section 8 voucher program, project-based Section 8 units, and the Section 202 and Section 811 programs.

How does VAWA affect admissions and terminations?

VAWA protects victims from being evicted or denied housing based on acts of violence committed against them. A person's status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denying admission or denying housing assistance. An incident of domestic violence, dating violence, or stalking is not grounds for terminating the victim's assistance, tenancy, or occupancy rights.

Can the abuser alone be evicted or terminated?

A housing provider may bifurcate (split) a lease to evict or terminate assistance to a tenant who commits acts of violence against family members. This action may be taken without evicting or terminating assistance to the victim. Bifurcation applies to all leases in the public housing and Section 8 programs. The eviction or termination must comply with federal, state, and local law.

Can a housing provider ask for proof of the abuse?

Housing providers may, but are not required to, ask an individual for documentation that he or she is a victim of abuse if the individual asserts VAWA's protections. The victim may provide:

- A HUD-approved certification form (Form HUD-50066 or Form HUD-91066);
- Documentation signed by the victim and a victim service provider, an attorney, or a medical professional in which the professional attests to his or her belief that the victim has experienced abuse; or
- A federal, state, tribal, territorial, or local police or court record.

After a housing provider requests documentation, an individual has 14 business days to respond. If an individual fails to respond, a housing provider may terminate assistance. However, a housing provider is free to extend this timeframe.

Any documentation provided must be kept confidential. Housing providers may not enter the documentation into any shared database or provide it to any related entity. The only exceptions are: (1) the victim consents to disclosure in writing; (2) the information is required for use in an eviction proceeding; or (3) disclosure is otherwise required by law.