

State Laws and Legislation to Ensure Housing Rights for Survivors of Domestic and Sexual Violence

Domestic and sexual violence are leading causes of homelessness nationally. Between 22% and 57% of homeless women report that domestic violence is the immediate cause of their homelessness in varying regions, and between 50% and 100% of homeless women have experienced domestic or sexual violence at some point in their lives. Some victims and their families lose their homes when they flee abuse. Other survivors become homeless after being wrongfully or discriminatorily evicted or denied housing as a result of the violence against them. Many of these housing abuses occur when victims are tenants.

The following is a compilation of existing state laws and pending state legislation that are designed to counteract some of the common legal problems in housing that victims face. The chart is also indexed by the type of provision. The list includes measures that: prohibit housing discrimination against victims of abuse; allow a battered tenant to terminate the lease early to flee violence; provide a defense to eviction for battered tenants in housing court; prohibit landlords from refusing to permit battered tenants to summon police or emergency assistance; requiring landlords to change the locks of a battered tenant; and other provisions.

Current State Laws: By Type of Law

	State	Citation	Summary
Housing anti-discrimination	District of Columbia	D.C. CODE §2-1401.01-.02 (2007)	Amends state human rights law to prohibit discrimination against victims of intrafamily offenses in any real estate transaction. Prohibits restricting services or repairs to tenants due to victim status, and prohibits refusals to make “reasonable accommodations” when necessary to use, enjoy, and maintain confidentiality of premises because the tenant is or is threatened with being a victim of an intrafamily offense.
	Illinois	820 ILL. COMP. STAT. 180/30 (2006)	Prohibits discrimination against victims of domestic violence, sexual assault, or stalking in public assistance, which is defined to include housing assistance provided on the basis of income by a state public agency.
	Indiana	IND. CODE ANN. § 32-31-9(1)-(15) (2007)	Protects victims of domestic violence, sexual assault or stalking from rental housing discrimination, specifically lease termination, failure to renew and refusal to enter into a lease. A landlord may not terminate a lease, refuse to renew a lease, refuse to enter into a lease, or retaliate against a tenant because the tenant, a rental applicant, or a household member is a victim of domestic or family violence, a sex offense, or stalking, or because a victim terminated a lease early under the bill’s early lease termination provision (see below).
	North Carolina	N.C. GEN STAT. § 42-42.2	Prohibits a landlord from terminating a tenancy, failing to renew a lease,

		(2006)	or otherwise retaliating in the rental of a dwelling based on the tenant or household member's status as a victim of domestic violence or because the tenant terminated a lease under the state's early termination provision (see below).
	Oregon	OR. REV. STAT. §659A.431(4)(2007)	Adds provision to housing anti-discrimination law prohibiting landlord from terminating or failing to renew or enter into a rental agreement because tenant is a victim of domestic violence, sexual assault or stalking or based on a police or emergency response due to domestic violence. Landlord may terminate lease of victim of domestic violence if landlord gives tenant written notice regarding the perpetrator's domestic violence-related conduct, the tenant permits the presence and the perpetrator is an actual and imminent threat to the safety of persons on the premises other than the victim or the perpetrator is an unauthorized guest.
	Rhode Island	R.I. GEN. LAWS §§ 34-37-1, -2, -3, -4 (2006)	Prohibits housing discrimination against victims of domestic abuse by requiring that a landlord or mortgage lender may not terminate a lease or otherwise discriminate against a tenant or applicant because that tenant, applicant, or member of his or her household is, has been, or is threatened with being the victim of domestic abuse or has obtained, sought, or is seeking a restraining order. The law also allows a landlord to evict any household member who is committing domestic abuse.
	Washington	WASH. REV. CODE § 59.18.580 (2006)	Prohibits housing discrimination against victims of domestic violence, sexual assault, and stalking. 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, applicant's, or household member's status as a victim of domestic violence, sexual assault, or stalking. In addition, a landlord may not discriminate against a tenant or applicant because the tenant or applicant has terminated a rental agreement under the state's early lease termination provision. Tenant or applicant may bring a civil action and recover damages, court costs, and reasonable attorney's fees.
	Wisconsin	WIS. STAT. ANN. § 106.50 (2006)	Permits landlords to discriminate against rental applicants whose presence would endanger property or other tenants, but creates exception that no claim on 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 fact that tenant has been or may be a victim of domestic abuse.

Calling police	Alaska	ALASKA STAT. § 29.35.125	Permits municipalities to charge landlords a fee if the local police are called to that landlord's property "excessively." However the law prohibits the imposition of this fee where the emergency calls "involve potential child neglect, potential domestic violence or potential stalking."
	Arizona	ARIZ. REV. STAT. ANN. § 33-1315 (2006)	A rental agreement may not contain provisions that waive or limit a tenant's right to summon a peace officer or emergency assistance in response to an emergency, or that allow a tenant to agree to pay monetary or other penalties for summoning such assistance in response to an emergency.
	Colorado	COLO. REV. STAT. § 38-12-401 (2006)	Residential rental or lease agreements may not contain provisions that allow the landlord to terminate the lease or to impose a penalty on a tenant for calls made to a peace officer or other emergency assistance in response to a domestic violence situation. This right to contact police or emergency services is non-waivable.
	District of Columbia	D.C. CODE §2-1402.21	A landlord may not bar or limit a tenant's, or any member of a tenant's household's right to call for police or emergency assistance in response to an intrafamily offense, and may not impose any penalty on the tenant for exercising this right. This right is non-waivable.
	Minnesota	MINN. STAT. § 504B.205 (2006)	A landlord may not bar or limit a tenant's right to call for police or emergency assistance in response to domestic abuse and may not impose a penalty on the tenant for exercising that right. Right to contact police or emergency services is non-waivable. If the landlord violates the right, the tenant may bring a civil action against the landlord and recover the greater of actual damages or \$250, plus reasonable attorney's fees.

	Texas	TEX. PROP. CODE ANN. § 92.015 (2006)	Landlord may not prohibit or limit a tenant's right to summon police or emergency services in response to family violence and may not impose monetary penalties on any tenant who invokes that right. Any provision in the lease limiting this right is void. The tenant whose right has been violated may recover against the landlord: civil penalty equivalent to one month's rent; actual damages incurred from the violation; court costs (including reasonable attorney's fees); and injunctive relief.
Early lease termination by battered tenant	Arizona	ARIZ. REV. STAT. ANN. §§ 33-1318 (2007)	<p>Permits a tenant who is a victim of domestic violence to terminate a lease if the tenant provides a written request for a lease release to the landlord within 30 days of the domestic violence, unless time limit is waived by landlord. Written request must be accompanied by an order of protection or a copy of a written departmental report from a law enforcement agency. The landlord may request the name and address of the perpetrator. The tenant will be released from the lease on a mutually-agreed upon release date within thirty days of the written request. The lease for co-tenants is also terminated.</p> <p>Tenant is liable for rent and any monies owed until the date of termination of the lease. A tenant who terminates a lease and is charged or convicted of falsely reporting domestic violence is liable to the landlord for treble damages. The perpetrator who provokes the early lease termination, if named in an order of protection or police report, can be civilly liable for all economic losses incurred by the landlord for the lease term.</p>
	Colorado	COLO. REV. STAT. § 32-12-402(2) (2006)	Permits a victim of domestic violence to terminate his or her lease immediately and pay only the next month's rent without further liability. The tenant must inform the landlord that he or she is a victim of domestic violence and must provide the landlord with a court order or a police report from within the last 60 days that documents the incidence of domestic violence.

	Delaware	DEL. CODE ANN. TIT. 10, §§ 1041-1048 (2007)	Victims have the right to early lease termination with 30 days' written notice, beginning on the first day of the month following actual notice. Early termination rights apply to a 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.
Early lease termination by battered tenant (continued)	District of Columbia	D.C. CODE §42-3505.07 (2007)	Permits early lease termination by a victim of an intrafamily offense when a victim provides a court order, or documentation by a "qualified third party," including a law enforcement officer, a D.C. Housing Authority Office of Public Safety officer, or a health professional, showing that the tenant, or a member of the tenant's household is a victim of an intrafamily offense. The termination request must occur within 90 days of the incidence of violence. Tenant rental obligation continues for 14 days after the termination request, unless the unit is filled beforehand.
	Illinois	820 ILL. COMP. STAT. 180/30 (2006)	Permits early lease termination without further obligation if a court finds that a tenant, or a member of tenant's household, faced a "credible imminent threat" of domestic or sexual violence, and the tenant gave written notice to the landlord prior to or within 3 days of vacating that he or she left because of the threat. Permits early lease termination without further obligation if the tenant, or a member of tenant's household provides evidence of sexual violence, and the tenant gave written notice to the landlord prior to or within 3 days of vacating that he or she vacated because of the sexual violence. The violence can be shown with a statement from an employee of a rape crisis or victim services organization, or a police, court, or medical report from within the last 60 days that documents the incidence of violence, unless the victim was unable to do so "because of reasons related to the sexual violence."
	Indiana	IND. CODE ANN. § 32-31-9(1)-(15) (2007)	Permits early lease termination by a victim of domestic or family violence, a sex offense, or stalking when a victim provides the landlord with 30 days written notice and documentation of the violence by copy of a civil or criminal order or protection and a copy of the safety plan provided by an accredited domestic violence or sexual assault program which recommends relocation of the individual and is not dated more than 30 days before the notice. Victim is liable for rent and other expenses

			due, but are not liable for any other rent or fees due by virtue of early termination. Tenant is entitled to any deposits or refunds due upon expiration of rental agreement. Rights and obligations of other tenants in the unit continue after early lease termination.
	New York	NY CLS REAL P § 227-C (2007)	Permits any tenant who has an order of protection and permission of the court to break a lease with ten days notice.
Early lease termination by battered tenant (continued)	North Carolina	N.C. GEN. STAT. § 42-45.1 (2006)	Allows any tenant who is, or who has a household member who is, a victim of domestic violence, sexual assault, or stalking to terminate his or her rental lease by providing the landlord with at least 30 days written notice. The notice must be accompanied by a copy of a court-issued protection order or a police report regarding the incident of domestic violence, sexual assault, or stalking. These provisions may not be waived or modified by agreement of the parties.
	Oregon	OR. REV. STAT. § 90.453 (2006)	A tenant who provides verification that he or she has been the victim of domestic violence, sexual assault, or stalking in the past 90 days may terminate his or her lease upon 14 days' written notice to the landlord. The tenant is not subject to any fee solely because of the termination of the rental agreement and is not liable for rent or damages to the dwelling beyond that date.
	Texas	TEX. PROP. CODE ANN. § 92.016 (2006)	If a tenant or an occupant is a victim of domestic violence and presents the landlord with a copy of a protection order or court-issued temporary injunction, the tenant may terminate the lease immediately and will not incur liability after he or she moves out of the dwelling.
	Washington	WASH. REV. CODE ANN. § 59.18.352 (2006) (CRIMINAL THREATS, GENERALLY)	A tenant or co-tenant who has been threatened by another tenant may terminate his or her rental agreement without further obligation if: 1) the tenant informs the landlord that he or she has been threatened; 2) the threatening tenant was arrested; and 3) the landlord does not file an unlawful detainer action against the threatening tenant within seven days of notification of the arrest. What constitutes a "threat" is broadly defined by the criminal code at WASH. REV. CODE § 9A.04.110(25). A legislative intent section describes the factual and policy rationales behind the law's enactment.

	Washington	WASH. REV. CODE ANN. § 59.18.575 (2006) (SPECIFIC TO VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING)	If a tenant notifies the landlord in writing that the tenant or another household member was the victim of domestic violence, sexual assault, or stalking, and either 1) the tenant has a valid protection order against the perpetrator, or 2) the tenant has a written record of the tenant's report of the incident to a certain third party acting in his or her official capacity (law enforcement officer, court employee, clergy member, attorney, social worker, mental health professional, licensed counselor, or advocate at an agency that assists victims of domestic violence), the tenant may terminate the rental agreement with no further obligation after the end of the month when the incident occurred. The tenant must request to terminate the rental agreement within 90 days of the act giving rise to the protection order or report. A landlord may not discriminate against an individual because he or she has terminated a lease under this provision; see WASH. REV. CODE. ANN. § 59.18.580, described above.
Eviction defense – general	Colorado	COLO. REV. STAT. § 13-40-104 (2006)	Provides the victim of domestic violence with a defense against a landlord's proceeding for unlawful detention when the domestic violence was the cause of the alleged unlawful detention and where abuse has been documented by a police report or civil or emergency protection order.
	District of Columbia	D.C. CODE §42-3505.01(2007)	Provides absolute defense against eviction where there is an order or protection. Provides conditional defense against eviction where there is a statement by a qualified third party (health professional, law enforcement or domestic violence counselor).

	Minnesota	MINN. STAT. § 504B.285 (2006)	In an eviction proceeding, a tenant may raise as a defense his or her right to contact police or emergency services (see “Calling Police,” below) in response to domestic abuse when the eviction is intended as a penalty for the tenant’s good faith attempt to secure that right.
	Washington	WASH. REV. CODE ANN. § 59.18.580 (2006)	Explicitly allows a tenant who has been discriminated against in violation of WASH. REV. CODE ANN. § 59.18.580(1) (prohibiting housing discrimination) to use the fact of that discrimination as a defense in an unlawful detainer action initiated by the landlord.
Eviction defense – criminal activity	Colorado	COLO. REV. STAT. ANN. § 13-40-107.5(5)(B)(I) (2006)	Provides a defense against eviction for a victim of domestic violence when the landlord seeks to evict the victim on the grounds that the tenant or the tenant’s guest committed a crime or dangerous act on or near the premises. To invoke the defense, the tenant’s status as a victim of domestic violence must be documented by the filing of a police report or the issuance of a restraining order.
Eviction defense – criminal activity (continued)	Iowa	IOWA CODE §§ 562A.27A, 562B.25A(3) (2006)	Provides a defense against eviction for victims of domestic violence when the landlord seeks to evict the victim on the grounds that the tenant’s activities create a “clear and present danger” to others. To invoke the defense, a victim of domestic violence must provide written proof that the activities creating the danger were conducted by a person other than the tenant, and that the tenant either sought a protection order against the person creating the danger or reported the person creating the danger to a law enforcement agency in an effort to initiate criminal action. The landlord must give the tenant written notice of the intention to terminate the tenancy and must inform the tenant in writing of the existence of the specific defenses described above.
	Louisiana	LA. REV. STAT. ANN. § 40:506(D) (2006)	Provides a defense against eviction for victims of domestic violence when the landlord seeks to evict the victim on the grounds that the tenant or the tenant’s guests has engaged in unlawful criminal behavior. Housing authorities may not terminate the tenancy of a residency on the grounds of domestic abuse, dating violence, or family violence against a resident. Housing authorities may, however, terminate the tenancy of the perpetrator of the abuse or violence. Additionally, no person may be considered a guest or invitee of a member of a household (for the

			purposes of the landlord's termination of the tenancy for criminal behavior) 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.
	New Mexico	N.M. STAT. ANN. § 47-8-33(J) (2006)	Provides a defense from eviction for a victim of domestic violence if the landlord tries to evict the tenant on the grounds that the tenant committed or allowed another person to commit a substantial violation of the lease. If the tenant had applied for or received a restraining order previously, or as a result of the incident leading to the eviction notice, the tenant may not be evicted. In all other cases where domestic violence was raised as a defense, the court has the discretion to evict the resident accused of the violation while allowing the remaining tenant(s) to continue to reside in the unit.
	Oregon	OR. REV. STAT. § 659A.431(4)(2007)	Provides defense where eviction is form of discrimination against victim of domestic violence that does not fall within exception (see anti-discrimination).
	Virginia	VA. CODE ANN. § 55-248.31 (2006)	Provides a defense against eviction for a victim of family abuse when a landlord seeks to evict the victim on the grounds that the victim or the victim's guest has engaged in a criminal or willful act that poses a threat to health or safety. The tenant must provide written documentation of the tenant's status as a victim of family abuse within 21 days of the alleged offense. The tenant also must promptly notify the landlord if the perpetrator returns to the premises in violation of a bar notice, unless the tenant can demonstrate that the tenant had no knowledge of the violation.
	Washington	WASH. REV. CODE ANN. § 59.18.130 (8)(B)(II) (2006)	Permits landlord to evict a tenant who has engaged in activities "immediately hazardous" to the safety of others (because they entail physical assaults or use of a deadly weapon and result in arrest). This statute provides that no part of that section may be used to terminate a tenancy or evict the victim of a physical assault or the threatened use of a firearm or other deadly weapon.

	Wisconsin	WIS. STAT. ANN. § 106.50(5M)(D) (2006)	Prohibits a landlord from using an individual's status as a victim of domestic abuse to claim that the individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property. Under state law, a landlord would otherwise be able to deny housing to an individual whose tenancy was such a threat.
Lease Bifurcation	Arkansas	ARK. CODE ANN. § 18-16-112(C)(3)(A)-(B)	A landlord may terminate the residential tenancy agreement of the domestic abuse offender and may evict the domestic abuse offender whether or not a residential tenancy agreement between the landlord and domestic abuse offender exists. The law does not address what effect this has on co-tenants or in situations where the victim resides at the offender's residence but is not on the lease or rental agreement.
	Indiana	IND. CODE ANN. § 32-31-9(14) (2007)	For leases entered into or renewed after June 30, 2007, landlord may bifurcate the lease.
	New York	N.Y. REAL PROP. LAW § 227-C(2)(C)(II)(B)	Provides for bifurcation of a lease in the case of early lease termination by a domestic violence victim. Allows a court to sever a co-tenancy if individuals other than victim and perpetrator are tenants.
	Oregon	OR. REV. STAT. § 659A.431(4) OR. REV. STAT. §90.456	Court may evict only perpetrator in action for possession by landlord. Non-victim tenant remains on the lease if victim tenant breaks lease with early lease termination provision. Non-perpetrator tenants remains on lease if perpetrator is excluded/evicted.

Liability of Perpatrator	Arkansas	ARK. CODE ANN. § 18-16-112(C)(3)(C)	Landlord permitted to seek damages from the domestic violence offender for unpaid rent and/or any other harm “resulting from a documented incident of domestic abuse.” Exempts the landlord from civil exposure as a result of the landlord’s actions under this statute.
	Indiana	IND. CODE ANN. § 32-31-9(1)-(15) (2007)	Continues liability under the lease for rent and cost of damages to the dwelling unit for a perpetrator who is a tenant and is excluded from a dwelling unit under a court order.
	Montana	MONT. CODE ANN. § 45-5-206(5)(2007)	Perpetrator required to pay restitution, after determining financial resources and future ability to pay, for victim’s reasonable actual medical, housing, wage loss and counseling costs.
Lock changes	Arizona	ARIZ. REV. STAT. ANN. §§ 33-1318 (2007)	Victim of domestic violence may require the landlord to install a new lock if the tenant pays for the cost. Landlord may refuse to supply new key to perpetrator listed on Departmental report or protective order regardless of any contrary lease provision.
	Arkansas	ARK. CODE ANN. § 18-16-112(B)(2)(A)-(B)	Victim of domestic violence or landlord may change the locks with advance notice to landlord, but perpetrator is prohibited from changing locks. Tenant incurs the cost of changing the locks.

	District of Columbia	D.C. CODE §42-3505.08 (2007)	Victim may provide written notice to landlord to change locks. Must provide order of protection if perpetrator is also tenant. Landlord must pay for lock change within 5 days and may submit bill tenant within 45 days, but may not charge more than normal lock change fees for other tenants.
	Illinois	765 ILCS 750/1 (2006)	If a tenant provides evidence of domestic or sexual violence, and written notice from all tenants who are lessees under the lease, the landlord must change the tenant's locks or given the tenant permission to do so within 48 hours of the tenant's request if there is a reasonable belief that the tenant, or a member of tenant's household is under a "credible imminent threat" of domestic or sexual violence by someone who is not a lessee under the lease. Evidence of domestic or sexual violence is provided by court, medical, or police reports, or by a statement from an employee of a rape crisis or victim services organization. The landlord may charge a fee to the tenant for the cost of the change. If the landlord fails to change the locks within that period, the tenant may do so without the landlord's permission, and provide the landlord with a copy of the key within 48 hours.
Lock changes (continued)	Indiana	IND. CODE ANN. § 32-31-9(1)-(15) (2007)	Permits a victim of domestic or family violence, a sex offense, or stalking to request a lock change from the landlord. Notice and documentation requirements vary depending on whether or not the perpetrator is also a tenant of the dwelling unit.
	North Carolina	N.C. GEN. STAT. §§ 42-42.3 (2006)	Requires the landlord to promptly change the locks of a tenant who requests it and who has provided actual or written notice of the tenant's status as a victim of domestic violence, sexual assault, or stalking to the landlord. If the alleged perpetrator of the violence is a tenant in the same unit as the victim, the tenant must provide the landlord with a copy of a court order requiring the perpetrator to move out of the dwelling. The landlord has no duty to provide keys or access to the perpetrator during the period when the move-out order is in effect.

	Oregon	OR. REV. STAT. § 90.459 (2006)	If a tenant gives actual notice to his or her landlord that he or she has been a victim of domestic violence, sexual assault, or stalking, the landlord must change the tenant's locks or give the tenant permission to change the locks upon the tenant's request. If the perpetrator of the violence is also a tenant in the victim's unit, and the victim has a court order requiring the perpetrator to move out of the unit, the landlord has no duty to allow the perpetrator access to the unit or the perpetrator's personal property within the unit and is exempt from liability from the perpetrator for so doing.
	Utah	UTAH CODE ANN. § 57-22-5.1 (2006)	Allows a victim of domestic violence, stalking, sexual abuse, dating violence, or burglary to present evidence of those acts (documented by a protection order or police report) to his or her landlord, at which point the landlord must change tenant's locks.
	Virginia	VA. CODE ANN. §§ 55-225.5, 55-248.18:1 (2006)	If a tenant provides his or her landlord with a court order granting the tenant possession of the dwelling to the exclusion of one or more co-tenants, the landlord must install a new lock or other security devices in the dwelling or permit the tenant to do the same. The cost will be charged to the tenant at the actual cost paid by the landlord. The landlord may not provide a copy of any keys to the dwelling to any individual excluded by the court order. These provisions are not applicable when the court order granting possession was issued ex parte.
	Washington	WASH. REV. CODE ANN. § 59.18.585 (2006)	If a tenant provides the landlord with a copy of a court order giving him or her possession of a dwelling to the exclusion of one or more co-tenants, the landlord must change the lock on the dwelling and is prohibited from providing new keys to the excluded tenant.
Protection from retaliation	Arkansas	ARK. CODE ANN. § 18-16-112(B)(1)	Landlords are prohibited from refusing to either enter into to or renew leases, "or otherwise retaliate" because of the domestic abuse.
Relocation Assistance	Florida	FLA. STAT. ANN. § 960.198 (2007)	Provides one-time payments to victims of domestic violence to assist in relocation. One time payments are \$1,500, and may not exceed a lifetime maximum amount of \$3,000. Payments are conditioned on the fulfillment of four requirements: (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.
	New Hampshire	N.H. RSA 126-A:63 N.H. RSA 204-C:80	Provides loans to people at risk of homelessness for first month of rent and security deposit. Provides assistance to very low income persons and families to meet housing costs on the private market.
Requirement for abuser to provide alternate housing	Guam	7 GCA § 40105	Allows for eviction of defendant while Plaintiff remains in possession of leased residence or household where both parties are on the lease. Also provides that where defendant has a duty to support plaintiff, minor children or persons customarily living in the residence or household and the defendant is the sole owner or lessee, the court may grant possession to plaintiff by evicting the defendant or by consent agreement allowing the defendant to provide suitable alternative housing. Such orders may not exceed one year.
	Northern Mariana Islands	1986 N. MAR. I. P.L. 5-20 §1230	Allows for eviction of defendant while Plaintiff remains in possession of leased residence or household where both parties are on the lease. Also provides that where defendant has a duty to support plaintiff, minor children or persons customarily living in the residence or household and the defendant is the sole owner or lessee, the court may grant possession to plaintiff by evicting the defendant or by consent agreement allowing the defendant to provide suitable alternative housing. Such orders may not exceed one year.
	U.S. Virgin Islands	V.I. CODE ANN. TIT. 16 § 97(B)(3).	In a domestic violence proceeding, the Court may grant possession of the residence to plaintiff and exclude the defendant where the residence is jointly owned or leased by the parties. The order does not affect interest in the residence held by either party. Also provides that where defendant has a duty to support plaintiff, minor children or persons customarily living in the residence or household and the defendant is the sole owner or lessee, the court may grant possession to plaintiff by evicting the

			defendant or by consent agreement allowing the defendant to provide suitable alternative housing. Such orders may not exceed two years.
Rights of battered tenant on appeal	Pennsylvania	68 P.S. § 250.513	<p>Within 30 days after a judgment by a lower court arising out of a residential lease involving a victim of domestic violence (rather than 10 days for other residential leases), the tenant may appeal and the appeal shall operate as a supersedeas if the tenant is a victim of domestic violence and pays in cash any rent which becomes due during the court proceedings within 10 days after each payment is due into an escrow account with the prothonotary.</p> <p>Note: The new law has been suspended in part by Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges (“Pa.R.C.P.M.D.J.”) No. 581 insofar as the enacted law is inconsistent with the rules governing the practice and procedure in actions before district justices for the recovery of possession of real property.</p> <p>The new law has been suspended in part by Pa.R.C.P.M.D.J. No. 1081 insofar as the enacted law is inconsistent with the rules governing appellate proceedings with respect to judgments and other decisions of district justices in civil actions.</p>
Right to emergency shelter	Connecticut	CONN. GEN. STAT. ANN. § 17B-808 (2007)	Provides funding for municipalities and townships to create emergency housing. Persons who have left their housing to escape domestic violence are entitled to stay at the shelter.
	New York	CASE LAW	<p>Right to adequate emergency shelter for homeless families with children. McCain v. Bloomberg, Index No. 41023/83 (Sup. Co. N.Y. Co.)</p> <p>Right to adequate emergency shelter for single homeless women. Eldredge v. Koch, 41494/82 (Sup. Co. N.Y. Co.)</p> <p>Right to adequate emergency shelter for single homeless men. Callahan v. Carey, Index No. 42582/79 (Sup. Co. N.Y. Co.)</p>

Current State Laws: By State

	Type of law	Citation
Alaska	Calling police	ALASKA STAT. § 29.35.125
Arizona	Calling police Early lease termination Lock changes	ARIZ. REV. STAT. ANN. § 33-1315 (2006) ARIZ. REV. STAT. ANN. §§ 33-1318 (2007) ARIZ. REV. STAT. ANN. §§ 33-1318 (2007)
Arkansas	Lease bifurcation Liability of perpetrator Lock changes Protection from retaliation	ARK. CODE ANN § 18-16-112(b)(2)(A)-(B) ARK. CODE ANN § 18-16-112(c)(3)(C) ARK. CODE ANN § 18-16-112(b)(2)(A)-(B) ARK. CODE ANN. § 18-16-112(b)(1)
Colorado	Calling police Early lease termination Eviction defense – general Eviction defense – criminal activity	COLO. REV. STAT. § 38-12-401 (2006) COLO. REV. STAT. § 32-12-402(2) (2006) COLO. REV. STAT. § 13-40-104 (2006) COLO. REV. STAT. § 13-40-107.5(5)(b)(I) (2006)
Connecticut	Right to emergency shelter	CONN. GEN. STAT. ANN. § 17b-808 (2006)
Delaware	Early lease termination	DEL. CODE ANN. TIT. 10, §§ 1041-1048 (2007)
District of Columbia	Housing anti-discrimination Calling police Early lease termination Eviction defense Lock changes	D.C. CODE §2-1401.01-02 (2007) D.C. CODE §2-1401.21 (2007) D.C. CODE §42-3505.07 (2007) D.C. CODE §42-3505.01(2007) D.C. CODE §2505.08 (2007)
Florida	Relocation assistance	FLA. STAT. ANN. § 960.198 (2007)
Guam	Requirement for abuser to provide alternate housing	7 GCA §40105
Iowa	Eviction defense – criminal activity	IOWA CODE §§ 562A.27A & 562B.25A(3) (2006)
Illinois	Housing anti-discrimination Early lease termination Lock changes	820 ILL. COMP. STAT. 180/30 (2006)
Indiana	Housing anti-discrimination Early lease termination	Ind. Code Ann. § 32-31-9(1)-(15) (2007)

	Lease bifurcation Liability of perpetrator Lock changes	
Kentucky	Emergency housing assistance	EXEC. ORDER NO. (YEAR)
Louisiana	Eviction defense – criminal activity Possession of property and exclusion of abuser	LA. REV. STAT. ANN. § 40:506(D) (2006) LA. REV. STAT. ANN. § 46:2136(A)(2) (2006)
Minnesota	Calling police Eviction defense – general	MINN. STAT. § 504B.205 (2006) MINN. STAT. § 504B.285 (2006)
Montana	Liability of perpetrator	MONT. CODE ANN. § 45-5-206(5)(2007)
New Hampshire	Financial assistance	N.H. RSA 126-A:63 N.H.. RSA 204-C:80
New Mexico	Eviction defense – criminal activity	N.M. STAT. ANN. § 47-8-33(J) (2006)
New York	Early lease termination Lease bifurcation Right to emergency shelter	NY CLS Real P § 227-c (2007) Case Law
North Carolina	Housing anti-discrimination Early lease termination Lock changes	N.C. GEN. STAT. § 42-42.2 (2006) N.C. GEN. STAT. § 42-45.1 (2006) N.C. GEN. STAT. § 42-42.3 (2006)
Northern Mariana Islands	Requirement for abuser to provider alternate housing	1986 N. MAR. I.P.L. 5-32 §1230
Oregon	Housing anti-discrimination Early lease termination Eviction defense Lease bifurcation Lock changes	OR. REV. STAT. § 659A.431(4)(2007) OR. REV. STAT. § 90.453 (2006) OR. REV. STAT. § 659A.431(4)(2007) OR. REV. STAT. § 659A.431(4)(2007) OR. REV. STAT. § 90.456 (2006) OR. REV. STAT. § 90.459 (2006)
Pennsylvania	Battered tenant’s rights on appeal	68 P.S. § 250.513 (currently suspended, see above)
Rhode Island	Housing anti-discrimination	R.I. GEN. LAWS §§ 34-37-1, -2, -3, -4 (2006)
Texas	Calling police Early lease termination	TEX. PROP. CODE ANN. § 92.015 (2006) TEX. PROP. CODE ANN. § 92.016 (2006)
U.S. Virgin Islands	Requirement for abuser to pay for alternate housing	V.I. CODE ANN. TIT. 16 §97(b)(3)
Utah	Lock changes	UTAH CODE ANN. § 57-22-5.1 (2006)

Virginia	Eviction defense – criminal activity Lock changes	VA. CODE ANN. § 55-248.31 (2006) VA. CODE ANN. §§ 55-225.5, 55-248.18:1 (2006)
Washington	Housing anti-discrimination Early lease termination Eviction defense – general Eviction defense – criminal activity Lock changes	WASH. REV. CODE ANN. § 59.18.580 (2006) WASH. REV. CODE ANN. §§ 59.18.352, 59.18.575 (2006) WASH. REV. CODE ANN. § 59.18.580 (2006) WASH. REV. CODE ANN. § 59.18.130(8)(b)(ii) (2006) WASH. REV. CODE ANN. § 59.18.585 (2006)
Wisconsin	Housing anti-discrimination Eviction defense – criminal activity	WIS. STAT. ANN. § 106.50 WIS. STAT. ANN. § 106.50(5m)(d) (2006)

Pending State Legislation: By Type of Provision

	State	Citation	Summary
Housing anti-discrimination	Massachusetts	S.B. 755, 185th Gen. Ct., Reg. Sess. (Mass. 2007)	Provides that a landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement based on tenant's status as victim of domestic violence or based on tenant's termination of a lease under early lease termination procedure as described below. Tenant screening service provider may not include in an oral or written report to landlord information regarding acts of domestic violence, tenant's status as victim of domestic violence, or tenant's prior early termination of lease under early termination provisions.
Early lease termination by tenant	California	A.B. 2052, 2007-08 Reg. Sess. (Cal. 2008)	Provides that victim of domestic violence, dating violence, stalking or sexual assault can break a lease early without penalty if they provide an order or protection or valid third party documentation within 90 days of the incident.
	Massachusetts	S.B. 755, 185th Gen. Ct., Reg. Sess. (Mass. 2007)	Allows a victim of domestic violence, rape, sexual assault, or stalking to terminate tenancy by providing landlord with copy of a protection order, police report, or documentation of consultation with one of a variety of defined service providers, if it is within 90 days of the last reported incident of domestic violence. After terminating the lease, the tenant is free from liability for future rent and is entitled to pro rata return of pre-paid rent.
	Michigan	S.B. 103, 94 th Leg., Reg. Sess. (Mich. 2007)	Allows a victim of domestic assault to terminate a lease early when the victim provides written notice to the landlord and documentation of the assault. Documentation may be satisfied by a police report or personal protection order. All rental agreements must include this provision.
Information on effects of DV to landlords	Iowa	H.F. 493, 82 nd Gen. Ass., Re. Sess. (Iowa 2007)	Provides funds for a brochure that will include a message to landlords and property managers about the potential damage to their property as a result of domestic violence and unwanted publicity surrounding such violence, as well as encouraging landlords and property managers to allow a victim of domestic violence to relocate, if necessary, to avoid further domestic violence without losing their security deposit.

Pending State Legislation: By State

	Type of bill	Bill number
Iowa	Information on DV for landlords	H.F. 493, 82 nd Gen. Ass., Reg. Sess. (IA., 2007)
Massachusetts	Housing anti-discrimination Early Lease termination	S.B. 755, 185th Gen. Ct., Reg. Sess. (Mass. 2007)
Michigan	Early lease termination	S.B. 103, 94th Leg., Reg. Sess. (Mich. 2007)

Unsuccessful Proposed State Legislation: By Type of Provision

	State	Citation	Summary
Housing anti-discrimination	California	S.B. 1745, 2005-06 Reg. Sess. (Cal. 2006)	<p>Would have amended the state fair housing law to include discrimination against a person because he or she is a victim of domestic violence, sexual assault, or stalking in housing accommodations as a form of sex discrimination. Clarifies that any housing preference for victims of domestic violence, sexual assault, or stalking is permissible.</p> <p>Passed the state legislature, vetoed by the Governor. No similar bill is currently pending.</p>
	Hawaii	H.B. 2021, 22nd Leg., Reg. Sess. (Haw. 2004)	<p>Would have amended the state fair housing law to prohibit discrimination against victims of domestic violence (and discrimination based on source of income) in any real estate transaction. Previously introduced bills include S.B.2464 & H.B.2121, 21st Leg. (Haw. 2002).</p> <p>This bill did not pass.</p>
	Hawaii	H.B. 469, 24 th Leg. (Haw. 2007)	<p>Would have amended Hawaii's fair housing law to prohibit discrimination against victims of domestic violence, stalking or persons who have obtained a temporary restraining order or protective order, in any real estate transaction. The bill also prohibited the landlords from evicting tenants solely because they are victims of domestic violence.</p> <p>The bill did not pass.</p>
	Indiana	S.B. 254, 94th Gen. Assem., 2d Reg. Sess. (Ind. 2006)	<p>A landlord may not terminate a lease, refuse to renew a lease, refuse to enter into a lease, or retaliate against a tenant because the tenant, a rental applicant, or a household member is a victim of domestic or family violence, a sex offense, or stalking, or because a victim terminated a lease early under the bill's early lease termination provision (see below).</p> <p>Related bill passed in 2007, see State legislation section.</p>
	Kansas	H.B. 2864, 80th Leg., Reg. Sess. (Kan. 2004)	<p>Would have amended the state fair housing law to prohibit discrimination against victims of domestic violence in any real estate transaction.</p>
	Massachusetts	S.B. 793, 184th Gen. Ct., Reg. Sess. (Mass. 2005)	<p>A landlord would have been permitted not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement based on the tenant's status as a victim of domestic violence or based on the tenant's termination of a lease under the early lease termination procedure described below. A tenant screening service provider would not be able to include in an oral or written report to a landlord information regarding acts of domestic violence, the tenant's status as a victim of domestic violence, or the tenant's prior early termination of a lease under the early termination provisions.</p>
	New York	S.B. 4112 & A.B. 6282, 228th Ann. Leg. Sess. (N.Y. 2005)	<p>Would have included status as a victim of domestic violence to the list of bases that may not be lawfully relied on when denying an individual the right to purchase, rent, lease, or inhabit housing accommodations. An individual's status as a victim may be documented in various ways. Would have prohibited any person or entity from obtaining or providing information relating to the status of a person as a victim of domestic violence or stalking.</p>

	New York City	Intro 0305-2004 (N.Y. City Council 2004)	This local bill would have prohibited discrimination against victims of domestic violence, sexual assault, or stalking in the sale, rental, or lease of a dwelling.
	Oregon	H.B. 3290, 72 nd Leg. Ass. (Or. 2003)	Would have prohibited housing discrimination based on status as a victim of domestic violence, sexual assault or stalking.
Calling Police	Iowa	S.F. 208/H.F. 361/H.F. 444/H.F. 554, 81st Gen. Ass., Reg. Sess. (Iowa 2005)	Would have prohibited landlord from raising rent, decreasing services, or bringing or threatening to bring action for possession when tenant has called police or emergency services in response to domestic violence. Would have prohibited landlord from retaliating against tenant by terminating rental agreement, raising rent, or decreasing services after victim has received police or emergency assistance.
Early lease termination by battered tenant	California	S.B. 1745, 2005-06 Reg. Sess. (Cal. 2006)	Would have permitted early lease termination by a victim of domestic violence, sexual assault, or stalking, if the victim can demonstrate through a domestic violence protective order or through written documentation from a qualified third party and submits a written request to the landlord within 90 days of the incident. "Qualified third party" includes law enforcement officers, victim social or legal services providers, health care practitioners, or members of the clergy. Passed the state legislature, vetoed by the Governor. No similar bill is currently pending.
	New York	A.B. 10030, 228 th Ann. Leg. Sess. (N.Y. 2005)	Would have permitted a survivor of domestic violence with a protection order to terminate a lease early. Related bill was enacted, see State Legislation section.
	Deleware	S.B. 274, 143 rd Gen. Ass. (Del. 2006)	Would have permitted early lease termination by a victim of domestic violence, domestic abuse, a sex offense, or stalking when a victim provides 30 days written notice and documentation of the violence. The documentation requirement can be satisfied with a court order, or by a "reliable third party professional," including a law enforcement officer or agency, a sexual assault service provider, or a health care provider.
	Florida	H.B. 1517, 107th Reg. Sess. (Fla. 2005)	Would have allowed a victim of domestic violence with a protection order to terminate a lease early upon providing the landlord with written notice and a copy of the order within 15 days of the order. Required the victim to report the incident of violence and comply with prosecution. This bill did not pass.
	Florida	H.B. 373 and S.B. 880, 109 th Reg. Sess. (Fla. 2007)	Would have provided victims of domestic violence with the option of early lease termination upon providing the landlord with written notice of intent to vacate and a copy of the protection order within 15 days after the order is entered. Did not require the victim to report the incident of violence and comply with prosecution. Bills did not get out of committee.

Early lease termination by tenant (continued)	Indiana	S.B. 254, 94th Gen. Assem., 2d Reg. Sess. (Ind. 2006)	<p>Would have permitted early lease termination by a victim of domestic or family violence, a sex offense, or stalking when a victim provides the landlord with 30 days written notice and documentation of the violence. The documentation requirement can be satisfied in various ways.</p> <p>Related bill passed in 2007, see State legislation section.</p>
	Kansas	H.B. 2864, 80th Leg., Reg. Sess. (Kan. 2004)	<p>Would have exempted domestic violence victims from a provision of landlord-tenant law prohibiting a tenant from terminating a lease because of a condition caused by the tenant, person, or animal on the premises with the tenant's consent. Would have allowed a battered tenant to terminate a month-to-month tenancy upon written notice to the landlord. The bill defined "victim of domestic violence" as any person "who can prove the existence of domestic violence" by providing a court order, a police record, documentation that the abuser has been convicted under relevant statutes, medical documentation of the abuse, a statement by a counselor, social worker, health care provider, clergy member, shelter worker, legal advocate, domestic violence or sexual assault advocate, or any other professional, or a sworn statement from the person attesting to the abuse.</p>
	Massachusetts	S.B. 793, 184th Gen. Ct., Reg. Sess. (Mass. 2005)	<p>Would have allowed a victim of domestic violence, rape, sexual assault, or stalking to terminate a tenancy by providing the landlord with a copy of a protection order, police report, or documentation of consultation with one of a variety of defined service providers, if it is within 90 days of the last reported incident of domestic violence. After terminating the lease, the tenant is free from liability for future rent and is entitled to a pro rata return of pre-paid rent.</p>
	Michigan	S.B. 808, 93 rd Leg., Reg. Sess. (Mich. 2005)	<p>Would have allowed a victim of domestic assault to terminate a lease early when the victim provides written notice to the landlord and documentation of the assault. Documentation may be satisfied by a police report or personal protection order. All rental agreements must include this provision.</p>
	New York City	Intro 0305-2004 (N.Y. City Council 2004)	<p>Would have allowed a battered tenant to terminate the rental agreement without further obligation upon providing documentation of violence, sexual assault, or stalking to the landlord.</p> <p>State Assembly passed a similar law. See above.</p>
	Utah	H.B. 194, 56th Leg., Reg. Sess. (Utah 2005)	<p>Allows a victim of domestic violence to void a rental agreement without liability upon 14-day notice to the landlord and documentation of the violence through a police report or domestic violence protective order.</p>
Eviction defense – general	Washington	S.B. 5905, 59th Leg., Reg. Sess. (Wash. 2005)	<p>Would have provided a defense to eviction for domestic violence victims based on the criminal acts or acts of domestic violence perpetrated by a co-tenant.</p>
Eviction defense – criminal activity	New Hampshire	H.B. 1565, 159th Sess. Gen. Ct., Reg. Sess. (N.H. 2006)	<p>Would have established a defense to a health or safety-related eviction if the tenant has filed for or obtained a domestic violence protection order and the violence is the basis of the eviction, or if the violence that is the basis of the eviction was a violation of the protection order. The court</p>

			explicitly has the discretion to evict the tenant accused of the violation, while allowing the tenancy of the remainder of the residents to continue.
Housing preferences	California	S.B. 1745, 2005-06 Reg. Sess. (Cal. 2006)	Clarified that any housing preference for victims of domestic violence, sexual assault, or stalking is permissible. This is permissible without this law.
Lock changes	California	S.B. 1745, 2005-06 Reg. Sess. (Cal. 2006)	A tenant or household member who has obtained a domestic violence protective order against another tenant may request that household locks be replaced or reconfigured. If provided with a copy of the order, the landlord must comply with the request. Passed the state legislature, vetoed by the Governor. No similar bill is currently pending.
	Indiana	S.B. 254, 94th Gen. Assem., 2d Reg. Sess. (Ind. 2006)	Would have permitted a victim of domestic or family violence, a sex offense, or stalking to request a lock change from the landlord. Notice and documentation requirements vary depending on whether or not the perpetrator is also a tenant of the dwelling unit. Related bill passed in 2007, see State legislation section.
Possession of property and exclusion of abuser	Utah	H.B. 194, 56th Leg., Reg. Sess. (Utah 2005)	Would have allowed a victim of domestic violence to ask the landlord to exclude the abuser from the unit or the common areas of the property, depending on whether the abuser is another tenant in the unit, if the victim provides documentation of the violence through a police report or domestic violence protective order. A landlord explicitly may evict a perpetrator of domestic violence from the unit while allowing the victim to remain in the residence under the rental agreement.
Right of battered tenant on appeal	Pennsylvania	H.B. 1396, 189th Gen. Assem., Reg. Sess. (Pa. 2005)	Would have given victims of domestic violence 30 days, instead of the usual 10 days, to appeal a judgment of a state district court in matters regarding possession of real property or recovery of rent due. The appeal could operate as a “supersedeas” if the battered tenant pays any rent due in cash into an account with the prothonotary within 10 days after the date each payment is due. Related Bill enacted, see State Legislation section.

Unsuccessful Proposed State Legislation: By State

	Type of bill	Bill number
California	Housing anti-discrimination Early lease termination Lock changes Housing preferences	S.B. 1745, 2005-06 Reg. Sess. (Cal. 2006)
Delaware	Early lease termination	S.B. 274, 143rd Gen. Assem., Reg. Sess. (Del. 2006)
Florida	Early lease termination	H.B. 1517, 107th Reg. Sess. (Fla. 2005) H.B. 373 and S.B. 880, 109 th Reg. Sess. (Fla. 2007)
Hawaii	Housing anti-discrimination	H.B. 2021, 22nd Leg., Reg. Sess. (Haw. 2004) H.B. 469, 24 th Leg. (Haw. 2007)
Indiana	Housing anti-discrimination Early lease termination Lock changes	S.B. 254, 94th Gen. Assem., 2d. Reg. Sess. (Ind. 2006) Related bill passed in 2007, please see State Legislation section
Iowa	Calling police	S.F. 208/H.F. 361/H.F. 444/H.F. 554, 81st Gen. Ass., Reg. Sess. (Iowa 2005)
Kansas	Housing anti-discrimination Early lease termination	H.B. 2864, 80th Leg., Reg. Sess. (Kan. 2004)
Massachusetts	Housing anti-discrimination Early lease termination	S.B. 793, 184th Gen. Ct., Reg. Sess. (Mass. 2005)
Michigan	Early lease termination	S.B. 808, 93rd Leg., Reg. Sess. (Mich. 2005)
New Hampshire	Eviction defense – criminal activity	H.B. 1565, 159th Sess. Gen. Ct., Reg. Sess. (N.H. 2006) (last pending 2006)
New York	Housing anti-discrimination Early lease termination	S.B. 4112 & A.B. 6282, 228th Ann. Leg. Sess. (N.Y. 2005) A.B. 10030, 228 th Ann. Leg. Sess. (N.Y. 2005)
New York City	Housing anti-discrimination Early lease termination	Intro 0305-2004 (N.Y. City Council 2004) (last pending 2004)
Oregon	Housing Anti-Discrimination	H.B. 3290, 72 nd Leg. Ass. (Or. 2003)
Pennsylvania	Battered tenant's rights on appeal	H.B. 1396, 189th Gen. Assem., Reg. Sess. (Pa. 2005) Related Bill Passed, See State Legislation
Utah	Early lease termination Possession of property and exclusion of abuser	H.B. 194, 56th Leg., Reg. Sess. (Utah 2005)
Washington	Eviction defense – general	S.B. 5905, 59th Leg., Reg. Sess. (Wash. 2005)

*For additional information or to notify NLCHP of pending legislation in your state,, please contact Kathy Zeisel, kzeisel@nlchp.org, Staff Attorney with NLCHP's Domestic Violence Program, at 202-638-2535. Last Revised **January 2008***

