

LEGAL PROTECTIONS FOR DV SURVIVORS: HOUSING

VIOLENCE AGAINST WOMEN (VAWA) ACT 2005, AMENDED IN 2013

- MCKINNEY-VENTO HOMELESS ASSISTANCE ACT AND HOMELESS MANAGEMENT INFORMATION SYSTEMS (HMIS) - MUST PROTECT THE CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING SEEKING HOUSING ASSISTANCE.
- MAINTAINS PROTECTIONS FOR CURRENTLY COVERED PROGRAMS: PUBLIC HOUSING, SECTION 8 VOUCHERS AND PROJECT-BASED SECTION 8. IN 2013, AMENDED TO INCLUDE ALL HOUSING/HOUSING PROGRAMS UNDER HUD (INCLUDING COC PROJECTS).
- CONTINUES TO BAR EVICTION/TERMINATION DUE TO STATUS AS VICTIM AND REQUIRE LANDLORDS TO MAINTAIN VICTIM-TENANT CONFIDENTIALITY, PROTECTIONS INCLUDED IN VAWA 2005. IN 2013, BARS HOUSING/HOUSING PROGRAMS UNDER HUD FROM MAKING ENTRY, TERMINATION, OR EVICTION DECISIONS BASED ON SOMEONE'S STATUS AS A DV/SA/STALKING/DATING VIOLENCE SURVIVORS.
- ADDS SEXUAL ASSAULT VICTIMS TO THOSE PROTECTED BY THIS SECTION
- REQUIRES NOTICE TO TENANTS OF THESE RIGHTS
- REQUIRES HOUSING AGENCIES TO DEVELOP MODEL EMERGENCY TRANSFER PLANS

LOW INCOME HOUSING VOUCHER PROGRAM & PUBLIC HOUSING

- WHEN A FAMILY HOLDING A SECTION 8 VOUCHER MOVES OUT OF A UNIT TO PROTECT THE SAFETY OF A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING, THE FAMILY MAY RETAIN THE VOUCHER EVEN IF THE MOVE WAS IN VIOLATION OF A LEASE (SO LONG AS THE FAMILY HAS MET ALL OTHER LEASE REQUIREMENTS).
- THE PROVISIONS ALSO REQUIRE PHAS AND SECTION 8 LANDLORDS TO PROVIDE NOTICE TO TENANTS OF THEIR RIGHTS UNDER VAWA.
- SOMEONE WHO OTHERWISE QUALIFIES FOR ADMISSION OR ASSISTANCE CANNOT BE DENIED ADMISSION TO PUBLIC HOUSING OR DENIED A SECTION 8 VOUCHER ON THE GROUNDS THAT THE PERSON IS OR HAS BEEN A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING.
- THESE PROVISIONS FURTHER PROVIDE INCIDENTS OF "ACTUAL OR THREATENED" DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING WILL NOT BE CONSTRUED AS A SERIOUS OR REPEATED VIOLATION OF A LEASE AND CANNOT BE "GOOD CAUSE" FOR TERMINATING THE TENANCY OR PARTICIPATION IN THE VOUCHER PROGRAM.

WASHINGTON STATE LAW RESIDENTIAL LANDLORD TENANT ACT

- **NO ADVERSE RENTAL DECISIONS IF TENANT OR APPLICANT IS VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING (RCW 59.18.580)**
 - LANDLORD MAY NOT TERMINATE TENANCY FOR THAT REASON
 - MAY NOT FAIL TO RENEW A TENANCY
 - MAY NOT REFUSE TO ENTER INTO A RENTAL AGREEMENT
 - LANDLORD CANNOT MAKE ADVERSE RENTAL DECISION IF TENANT HAS PREVIOUSLY TERMINATED A RENTAL AGREEMENT DUE TO DV, SA, STALKING

- DOES NOT PRECLUDE ADVERSE DECISIONS BASED ON OTHER LAWFUL FACTORS
- TENANT SCREENING PROVIDERS CANNOT DISCLOSE VICTIM STATUS OR THAT SOMEONE PREVIOUSLY TERMINATED A LEASE DUE TO VICTIMIZATION

- **NOTICE TO LANDLORD: TERMINATION OF RENTAL AGREEMENT (RCW 59.18.575)**
 - NOTICE IN WRITING THAT TENANT OR HOUSEHOLD MEMBER IS VICTIM OF DV, SEXUAL ASSAULT, OR STALKING
 - AND HAS EITHER A VALID PROTECTION ORDER OR
 - HAS REPORTED THE DV, SA, OR STALKING TO “QUALIFIED THIRD PARTY” WHO HAS PROVIDED THE TENANT, OR HOUSEHOLD MEMBER A WRITTEN REPORT SIGNED BY THE THIRD PARTY
 - SAMPLE FORM FOR THIRD PARTY PROVIDED IN STATUTE (DOES NOT HAVE TO BE EXACTLY THE SAME, BUT SUBSTANTIALLY IN THAT FORMAT) SAMPLE FORM IS **NOT** REQUIRED TO INCLUDE THE ALLEGED PERPETRATOR’S NAME, UNLESS THE ALLEGED PERPETRATOR IS A LANDLORD AND IT IS REQUESTED IN WRITING

- **CHANGING LOCKS (RCW 59.18.585)**
 - IF TENANT GETS A COURT ORDER GRANTING POSSESSION OF UNIT, THE TENANT CAN ASK THAT THE LOCKS BE CHANGED AT THE TENANT’S EXPENSE, AND NOT PROVIDE COPY OF KEYS TO TENANT RESTRAINED OR EXCLUDED. PERSON EXCLUDED UNDER THE COURT ORDER MAY STILL BE LIABLE UNDER THE RENTAL AGREEMENT.
 - IF LANDLORD IS PERPETRATOR, TENANT CAN CHANGE OR ADD LOCKS TO UNIT

DEVELOPED BY THE WASHINGTON STATE COALITION AGAINST DOMESTIC VIOLENCE, 2018