FIVE THINGS YOU NEED TO KNOW

1. Landlords can play a crucial role in ending domestic violence, sexual assault, and stalking. Continue reading to find out how.

2. It is unlawful to evict on the basis of someone’s status as a victim of domestic violence, sexual assault, or stalking.

3. Victims, in some cases, are entitled to terminate a lease early.

4. Victims cannot be evicted or penalized for making emergency assistance calls regarding a domestic violence, stalking, or sexual assault situation. Nor can they forfeit their right to call for emergency assistance.

5. An individual need not be involved with the criminal justice system to be protected by these laws.

Domestic violence is a pattern of abusive behavior used by someone to control an intimate partner. Abuse can be physical, sexual, verbal, emotional, or psychological.

Sexual assault is any unwanted sexual contact, either physical or verbal.

Stalking can be any intentional incident of threatening, harassing, following, surveillance and/or coercive behavior that occurs more than once and causes someone to fear for their safety, the safety of others they know, or their property.

Not a Public Housing Landlord?
Visit ccadv.org/housing for information relevant to all landlords

HELP IS AVAILABLE

No one has the right to threaten or hurt you or your tenants.

If you think your tenant might be a victim of domestic violence, sexual assault, and/or stalking you can find support and resources near you by calling the:

- National Domestic Violence Hotline: 1-800-799-7233
- Stalking Resource Center: 1-855-484-2846
- Rape, Abuse & Incest National Network (RAINN): 1-800-656-HOPE

This material was reprinted/adapted from the publication titled, Under Your Roof: What to Do About Domestic Violence by the Washington State Coalition Against Domestic Violence (WSCADV).

The information provided herein should not be construed as legal advice. CCADV cannot guarantee the completeness of the information contained in this document, or its accuracy after date of printing.

FOR PUBLIC HOUSING LANDLORDS

Under Your Roof
What to Do About Domestic Violence

Colorado Coalition Against Domestic Violence
www.ccadv.org
303-831-9632
It's the Law

The federal Violence Against Women Act (VAWA) protects victims of domestic violence, sexual assault, and/or stalking from being denied housing or facing eviction due to their status as victims. Colorado State law also protects victims and their families from wrongful eviction because of the violence committed against them.

A landlord cannot legally terminate a lease, refuse to renew a lease, evict, or refuse to rent to someone just because they are a victim.

Note: A landlord can evict a victim based on non-payment of rent or violation of other terms of the lease and can collect payment for rent owed prior to or for damage expenses.

Emergency Transfer

Public Housing Authorities (PHA's) must adopt an emergency transfer policy through their federal agency (HUD, USDA, Treasury) which would allow victims to transfer to another safe dwelling unit covered by the housing program under the following conditions:

- If the victim requests the transfer and reasonably believes that they are threatened with imminent harm from further violence if the tenant remains within the same dwelling unit
- Victims of sexual assault can request the transfer if the assault occurred on the premises during the 90 day period preceding the request for transfer

The policy should include reasonable confidentiality measures so victims information is not disclosed.

Terminating a Lease

State law (C.R.S. 38-12-402) and VAWA allow victims of domestic violence, sexual assault, and/or stalking to terminate their lease early if they meet the following three conditions:

1. They want to vacate their apartment/house because they are afraid that they and/or their children face immediate danger as a result of domestic violence, sexual assault, or stalking.
2. Notify their landlord in writing that they are a victim of domestic violence.
3. Provide their landlord a copy of ONE of the following:
   * Civil or Criminal Protection Order
   * Police report or court report
   * Signed document from someone who has assisted the victim related to the violence committed against them (victim advocate, medical professional, or attorney).
   * HUD certification form
   * Statement or other evidence provided by the tenant at the discretion of the PHA, owner, or manager

The Fair Housing Act

The federal Fair Housing Act mandates that landlords cannot discriminate on the basis of race, color, national origin, religion, sex, familial status, or disability.

The Fair Housing Act in its entirety plays an important role in protecting victims. Two notable aspects of the law are highlighted below:

1. The Fair Housing Act ensures that landlords must make reasonable accommodations for service animals. If your building does not normally allow pets, you may have to waive that restriction for a tenant who uses a service animal.
2. The Fair Housing Act protects pregnant tenants from unlawful eviction or denial. You cannot refuse to lease or evict someone because they have or will be having children.

WHAT YOU DO MATTERS!

Everyone needs a safe place to call home. Landlords can play a crucial role in supporting survivors of domestic violence, sexual assault, and stalking.

You can support victims and help to hold abusers accountable. For instance, you can offer to let the survivor call an advocate from your phone. You can also allow victims to stay in housing when it is safe to do so and allow for flexibility when they need to relocate for safety concerns. Federal and state laws will help guide your efforts.

Help create an atmosphere in which victims and their families can thrive. For example, leave flyers around the apartment complex/building/mobile home park promoting greater safety for everyone, including the survivor of abuse. Check out ceadv.org or contact your local victim advocacy program.

Even small actions, like showing compassion in the face of a difficult situation, helps us to become a community where everyone has a safe place to call home.

For More Information:

- Close to Home Campaign: www.closetohomeco.org
- Violence Against Women Act (VAWA) [42 U.S.C. §13925; Public Law 109-162].
- Fair Housing Act: www.usdoj.gov/crt/housing/title8.php
- National Housing Law Project: www.nhlp.org
- National Law Center on Homelessness and Poverty: www.nlchp.org/housing

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