

➤ Violence Against Women Act (42 U.S.C.A. § 14043e)

Under VAWA, if you are a victim of domestic violence, stalking, dating violence or sexual assault, *and* a tenant of or applying for certain federal housing assistance programs, you cannot be:

- denied rental assistance or admission because you are a victim;
- evicted or lose rental assistance because you are a victim (exceptions apply); or
- denied rental assistance or admission due to reasons directly related to your abuse (ie. criminal history)

VAWA can also help you to escape abuse. If you are a tenant in one of the federally subsidized housing programs covered by VAWA or you receive a federal housing subsidy or voucher, you may be able to request an emergency transfer to other available federally assisted housing. You may also transfer a voucher to your name and/or move while still keeping your voucher.

➤ Fair Housing Laws

State and/or federal fair housing laws prohibit discrimination based on sex, race, familial status, national origin, ancestry, marital status, disability, age, gender identity, gender expression, and other arbitrary personal characteristics or traits. This means that landlords who treat women differently because they are victims of domestic violence may be violating the federal Fair Housing Act, California's Fair Employment & Housing Act, and the Unruh Civil Rights Act. Additionally, landlords whose neutral policies cause victims of domestic violence to be unfairly burdened may also violate fair housing laws.

Emergency Shelter

If you lack housing because of domestic violence, there are resources that may be available to you such as emergency assistance from the Department of Human Assistance and shelters run by local non-profits like WEAVE, A Community for Peace and My Sister's House. For assistance, call **SRFJC** at 916-875-4673 or the **24hr National Domestic Violence Hotline** at (800) 799-7233 or TTY (800) 787-3224.

Resources

Sacramento Regional Family Justice Center provides the following services to victims of domestic violence, elder abuse, sexual assault, child abuse, and sex trafficking:

- Domestic Violence restraining orders
- Elder Abuse restraining orders
- Safety Planning
- Counseling (group & individual)
- Transportation (limited)
- Case Management, Information & Referrals
- Dissolution, paternity, and child custody
- Camp Hope (for children)

Legal Services of Northern California

515 N. 12th Street
Sacramento, CA 95817
Walk in or call (916) 551-2150
First come, first served

Project Sentinel

(916) 341-0593 or toll free at (888) 324-7468

Calif. Department of Fair Employment & Housing

(800) 884-1684

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Know Your Rights: Domestic Violence & Housing

Sacramento Regional Family Justice Center

Open Monday – Friday
8:30 AM – 5:00 PM

3701 Power Inn Rd.
Suite 3100
Sacramento, CA 95826
916-875-4673

www.HopeThrivesHere.org

Your Housing Rights

If you are a victim of domestic violence, you might have a lot of questions about what rights you have when it comes to housing- how to stay safely in your home, getting emergency shelter, or terminating your tenancy. This brochure is intended to help you to help yourself get housed safely by providing an overview of California and federal housing laws.

Please Note: This brochure is intended for educational purposes only. Nothing in this brochure is intended for nor should it be considered legal advice.

Staying Safely in Your Home

Your safety and that of your family is understandably your primary concern. Sometimes this might mean that you have to leave your home. Other times, you might be able to stay. If a close family member or intimate partner is abusing you, you have the right to apply for a restraining order.

➤ Domestic Violence Restraining Orders

A petition for **Domestic Violence Restraining Order** is something that you can file in family court asking a judge to tell the person abusing you to stop abusing you and to stay away from you, your children, your home, and certain other places. If you and the abuser live together, you may even be able to ask the court to order the abuser to move out of your shared home, sometimes called a **“kick-out order.”** This is true even if you are not on the lease or deed and do not pay the rent or mortgage as long as you can show that you have a right under color of law to possess the premises.

➤ Safety Planning

A restraining order is only one of several measures that you can take to help you keep safe. **Safety planning is essential.** Leaving an abuser is the most dangerous time for a victim. There are things you can do to better protect yourself and your children. Some examples are:

- Tell your neighbors – ask them to call the police if they see the abuser near your home.
- Give a copy of your restraining order to your local police station, your children’s school, & keep a copy with you at all times.
- Turn on or install outdoor lighting. Trim down bushes and shrubs around your home. Your landlord may have an obligation to help you with this based on the landlord’s general duty to provide you safe housing. Talk to an attorney for assistance.
- Provide your landlord a copy of the restraining order and request in writing that your landlord change the locks. If your landlord refuses, California law allows you to change the locks *in certain situations*. Talk to an attorney before doing so.
- Make an escape plan and go over it with your children and family members.
- Pack a bag with essential items including important documents, ID, medications, & money in case you need to leave quickly.

For help or if you have questions about safety planning, contact SRFJC at (916) 875-4673.

California & Federal Laws

If you do have to leave your home or if you are facing eviction or housing denial because of domestic violence, sexual assault, human trafficking, dating violence, or elder abuse, there are laws that may protect you.

➤ Breaking the Lease (Cal. Civ. Code § 1946.7)

Tenants who are the victim of domestic violence, sexual assault, stalking, human trafficking or elder abuse are permitted to end a lease early due to the abuse. In order to exercise this right, the tenant must notify the landlord in writing and attach a copy of the restraining order, a police report, or documentation from other qualified third party (like a domestic violence counselor). Tenant’s notice must be given within 180 days of the police report or restraining order and tenant is still responsible for rent for the 14 days following giving the notice.

➤ Defense Against Eviction (Cal. Code Civ. Pro. § 1161.3)

A landlord generally cannot evict a tenant or refuse to renew a tenant’s tenancy for an act of domestic violence, sexual assault, elder abuse, stalking, or human trafficking as long as: (1) the tenant is the victim of such act, (2) there is a restraining order or police report issued within the last 180 days, and (3) the abuser is not a tenant of the same home or apartment unit.

Exceptions apply so please consult with an attorney if you believe you are being evicted for an act of domestic violence or other abuse.