Landlord/Tenant Issues for Survivors of Domestic Violence, Sexual Assault, and/or Stalking

Should I use this publication?
Yes, if you are
• A tenant and
• you are a victim of domestic violence, sexual assault, unlawful harassment or stalking

You have protections under the state Residential Landlord Tenant Act (RLTA). You can find the RLTA in the Revised Code of Washington (RCW 59.18). Look for it at your local library, or online at http://apps.leg.wa.gov/RCW/default.aspx?cite=59.18.

You will see citations in this packet. (Example: “RCW 26.50.010(1).”) Citations will tell you the law that supports the statement that comes before the citation. Use the citation to look up the law at your local law library or online, or to tell the court when you are trying to make a legal argument. RCW stands for Revised Code of Washington. This is the law of Washington State.

The RLTA applies only to residential rentals, such as an apartment or house, or to where both the mobile home and the space are rented in a mobile home park.

Survivors of domestic violence, sexual assault, unlawful harassment, or stalking can benefit from the protections the RLTA provides. You can get out of a lease early. You have the right to be free from discrimination by a landlord when signing or renewing a lease. You are also protected if you have been abused, assaulted, or harassed by the landlord, or someone who works for the landlord.

What is domestic violence?
Washington law says there is domestic violence when someone:
• Hits you, assaults you, or harms you physically in any way, or
• Causes you to fear immediate physical harm, assault or injury. [RCW 26.50.010(1).]

The person causing the harm or threatening you must be
• A family member and/or
• Someone you live with or lived with in the past and/or
• Someone with whom you have or had a dating relationship and/or
• Someone with whom you have a child.

What is sexual assault?
It is any unwanted sexual contact, physical or verbal. (RCW 59.18.570(2); RCW 70.125.030(7).)

What is unlawful harassment?
It is a pattern of behavior by someone which seriously alarms, annoys, or harasses you. (RCW 10.14.020.) This behavior would:
• cause you substantial emotional distress; or
• cause you to fear for your child/ren. (RCW 10.14.020.)

Unlawful harassment is also when a landlord or property manager asks you for “sexual favors” in exchange for the landlord performing their duties. (RCW 59.18.570(8).)

What is stalking?
It can be any intentional incident of threatening, harassing, following, surveillance and/or coercive behavior that happens more than once and causes you to fear for your safety, the safety of someone you know, or your property. RCW 59.18.570; RCW 9A.46.110(1).

No one has the right to threaten or hurt you. If you think you may be a victim of domestic violence, sexual assault, and/or stalking, find support and resources near you by contacting the Domestic Violence Hotline at 1-800-562-6025.

I am a victim of domestic violence. I need to move out of my apartment. Can I move out without having to pay for the rest of the lease?

You and/or your household (your children or any adults other than the abuser who live with you) who are survivors of domestic violence, sexual assault, unlawful harassment and/or stalking may end a lease with your landlord if you meet the following:

1) You and/or your household members must either have:

   • a valid protection order (a court order that may help protect you and your children from domestic violence. Our publication Domestic Violence: How the Legal System Can Help Protect You has information on how to get an order for protection)
   
   OR

   • a record of reporting the incident of domestic violence, sexual assault, or stalking to a “qualified third party.” See Sample Record of Report at the end of this publication.

   A “qualified third party” can be any of these: law enforcement officers, state court employees, doctors, nurses and other health care professionals, licensed mental health professionals or counselors, members of the clergy, or crime victim/witness program advocates. (Reporting to a qualified third party may help you end your lease. But it does not give you the legally enforceable safety provisions that a protection order gives you.)

2) You must notify your landlord in writing that you (and/or your household member) are a victim of domestic violence, sexual assault, unlawful harassment, and/or stalking and attach a copy of the valid protection order or the record of the report to a qualified third party to your letter. See Sample Letter #1 or #2. If you are attaching

1 The legal term for this court order is “order for protection.” In this publication, we call it a “protection order” for short.
a Record of Report form, the “qualified third party” you reported to must have a copy of the form that includes your abuser’s name (Page 1 of the Record of Report Form). The copy you give the landlord (Page 2 of the Record of Report Form) does not have to name the abuser, unless you are comfortable giving this information to your landlord.

3) Notify your landlord that you will be moving out within 90 days of the incident that caused you to seek the protection order or make the report. You can do this in the same letter that you use in step 2. See Sample Letter #1 or #2. This is NOT 90 days from the day you reported the incident or got the order for protection. It is 90 days from the date the incident took place.

If you meet these three conditions, you may end your lease and move out without having to pay for the rest of the time on your lease. You will still have to pay the rent due for the month in which you leave (even if you leave in the middle of the month), but you will be entitled to a refund of your deposit. Our publication Can I get My Security Deposit Back? explains how to get your deposit back and what to do if you do not.

What if it is my landlord who has assaulted, stalked, or harassed me?

You can end your lease early and move out without having to pay for the rest of the lease if:

- you or your household member get a protection order or make out a report to a qualified third party against the landlord (explained above)

AND

- you give your landlord a copy of your protection order or Record of Report within seven days of moving out. You may mail or fax the copy or have a friend or relative deliver it. The copy you provide to the landlord (Page 2 of the Record of Report Form) must not include the name of the abuser. RCW 59.18.575(3)(a)(ii). If the landlord asks for the abuser’s name, and the abuser was the landlord’s employee, the third party you made the report to must give the landlord the name.

If you do the above, you may end your lease and move out without having to pay for the rest of the time on your lease. You are not responsible for paying rent after the later of the day you move out, or the date the report by the third party and notice was delivered to the landlord. You are also entitled to a pro rata refund of any prepaid rent for the month. You may also be entitled to a refund of your deposit. RCW 59.18.575(3)(b). Our publication Can I get My Security Deposit Back? explains how to get your deposit back and what to do if you do not.

**I am a victim of domestic violence, sexual assault, unlawful harassment and/or stalking. My landlord has threatened to evict me or is refusing to renew my lease because I am a victim of abuse. What can I do?**

Under the law, a landlord CANNOT legally end your lease, refuse to renew your lease, evict you, or refuse to rent to you just because you are a victim of domestic violence, sexual assault, unlawful harassment, and/or stalking. The landlord
can still end your tenancy or evict you for other, lawful reasons, such as failure to pay rent.

If you believe that a landlord is discriminating against you because you are a victim of domestic violence, sexual assault, unlawful harassment, and/or stalking, you may be entitled to damages from the landlord. For more information, contact:

- Northwest Justice Project’s CLEAR hotline at: 1-888-201-1014 (for low-income callers)
- Legal Voice Information and Referral Line at: 1-206-621-7691

I have a court order that excludes someone who is on my lease from my rented apartment. Can I change my locks?

Yes. If you have a valid court order that excludes someone who is also on your lease from the home, you may ask your landlord to change your locks at your expense. The landlord must change the locks if you give the landlord a copy of the court order. The landlord cannot give copies of the new keys to the tenant you put out.

My landlord has sexually assaulted, stalked or harassed me. May I change the locks?

Yes. If the landlord or the landlord’s employee has sexually assaulted, stalked, or harassed you, you can change or add the locks, at your own expense, if within seven days of changing/adding the locks, you give the landlord the following:

- a notice that you have changed/added locks (see Sample Letters #3 & #4, attached)
- AND EITHER
  1. a copy of a protection order you have gotten against the landlord
  OR
  2. a report you have had made against the landlord. (See above for info on protection orders, reports, and how to give to the landlord.)

If you change or add locks under these circumstances, your lease will end in 90 days (three months) of giving notice that you have changed/added locks, unless you notify the landlord, in writing within sixty days, of you do not wish to end your lease. You will still have to pay the rent for the month in which you leave (even if you leave in the middle of the month), but you may be entitled to a refund of your deposit. Our publication called Can I Get My Security Deposit Back? explains how to get your deposit back, and what to do if you do not.

If you change or add locks, the landlord can enter your place only:

- in the event of an emergency, but either when you are not home or, if you are home at the time, with law enforcement or a fire official;
- by giving you written, reasonable notice, so that the landlord can make needed repairs or improvements. (See RCW 59.18.150 for how much advance notice the landlord must give you.)
What if the landlord’s employee who was abusing me is fired or moves after I have changed the locks and given notice?

If the landlord’s employee who was victimizing you is fired or has moved away, you may want to stay. If so, you must give the landlord notice of that you plan to stay no more than sixty days after you sent your notice about changing/adding locks. You must provide a copy of your new key/s along with that notice.

If you have a protection order against the landlord or landlord’s employee, you DO NOT have to send a copy of your new key/s.

Important Information

This publication provides general education, not legal advice. The law is complicated. You may need extra help even after reading this publication.

If you think that you might need a lawyer and your local legal services office cannot help you, you may be able to find a lawyer who will charge a reduced fee for your first appointment. Check the yellow pages of your phone directory under “Attorneys.” There may also be a listing for a referral program operated by your local bar association.

If you are a victim of domestic violence and you live in public or subsidized housing, Fair Housing will investigate your discrimination claim. Contact www.hum.wa.gov for the fair housing agency nearest you.

The information in this publication is current as of the date of its printing. Laws change. Talk with a lawyer if you need to be sure that the information in this publication is correct.

Domestic Violence Hotline:
1-800-562-6025

If you are low-income and live in Washington State outside of King County, you can get legal advice by calling CLEAR at 1-888-201-1014, between the hours of 9:10 AM and 12:25 PM, Monday through Friday. If you live outside King County, call 211 for referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. Or call (206) 461-3200, or the toll-free number, which may be useful when calling from a pay phone, 1-877-211-WASH (9274).

Whether or not you are low-income, you can call the Legal Voice Information and Referral Line for more legal information, at (206) 621-7691.
SAMPLE RECORD OF THE REPORT TO A QUALIFIED THIRD PARTY
(Page 1-To Be Kept by Qualified Third Party)

(Complete and sign form, give one copy to the “qualified third party”, and keep one for yourself)

[Name of “qualified third party” organization, agency, clinic, professional service provider]

I (and/or ______________________________) am a victim of:

[Name of household member]

☑ domestic violence as defined by RCW 26.50.010.
☑ sexual assault as defined by RCW 70.125.030.
☑ stalking as defined by RCW 9A.46.110.

Brief description of incidents of domestic violence, sexual assault, or stalking:

1)___________________________________________________________________________________
   ___________________________________________________________________________________
   ___________________________________________________________________________________
   ___________________________________________________________________________________

2)___________________________________________________________________________________
   ___________________________________________________________________________________
   ___________________________________________________________________________________
   ___________________________________________________________________________________

3)___________________________________________________________________________________
   ___________________________________________________________________________________
   ___________________________________________________________________________________
   ___________________________________________________________________________________

The incident(s) that I described above occurred on the following date(s) and time(s), and in the following locations:

   e.g. The first incident I described above happened on 1/1/2011 at 8:00 PM in my apartment at 1234 Main Street, Apt. 1 Seattle, WA

   ___________________________________________________________________________________
   ___________________________________________________________________________________
   ___________________________________________________________________________________
   ___________________________________________________________________________________

The incident(s) that I described above were committed by the following person(s):

____________________________________________________________________________________
      ___________________________________________________________________________________
      ___________________________________________________________________________________
      ___________________________________________________________________________________

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this __ day of ______________, 20__ at ______________________, Washington,

[City]

_____________________________________________
Signature of Tenant or Household Member

I verify that the person whose signature appears above was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.

Dated this ____ day of ___________________, 20__

_____________________________________________
Signature of Qualified Third Party
[Name of “qualified third party” organization, agency, clinic, professional service provider]

I (and/or ___________________________) am a victim of:

[Name of household member]

☐ domestic violence as defined by RCW 26.50.010.
☐ sexual assault as defined by RCW 70.125.030.
☐ stalking as defined by RCW 9A.46.110.

Brief description of incidents of domestic violence, sexual assault, or stalking:
1) _____________________________________________________________________________
2) _____________________________________________________________________________
3) _____________________________________________________________________________

The incident(s) that I described above occurred on the following date(s) and time(s), and in the following locations:

e.g. The first incident I described above happened on 1/1/2011 at 8:00 PM in my apartment at 1234 Main Street, Apt. 1 Seattle, WA

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this __ day of ____________, 200__ at ______________________, Washington, [City]

_____________________________________________
Signature of Tenant or Household Member

I verify that the person whose signature appears above was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.

Dated this ____ day of ____________________, 20__

_____________________________________________
Signature of Qualified Third Party
SAMPLE LETTER #1

Sample letter to notify landlord that you are a victim of domestic violence, sexual assault, and/or stalking, have a valid order of protection and wish to end your lease and move out.

Give one copy to your landlord with a copy of the order for protection and keep one copy for yourself.

Your Name
Address
Date

Landlord’s Name
Address and Unit #

Dear (Landlord’s Name):

I (and/or my household member) was a victim of an act that constitutes a crime of domestic violence, sexual assault, and/or stalking. On _____________, 20__, I obtained a protection order against (name of abusive person). If you see this person around my home, please contact the nearest law enforcement agency. Attached is a copy of the Order.

This letter is to notify you that I am vacating my unit on ________, 20__ in accordance with the Residential Landlord Tenant Act. Please return the refund due on my deposit to the following address: [include an address where you will be able to safely receive mail].

Sincerely,

Your name

SAMPLE LETTER #2

Sample letter to notify landlord that you are a victim of domestic violence, sexual assault, and/or stalking, have a record of your report of the incident signed by a qualified third party, and wish to terminate the rental agreement and move out.

Give one copy to your landlord along with a copy of the record of your report to a qualified third party. Keep one copy for yourself.

Your Name
Address
Date

Landlord’s Name
Address and Unit #
Dear (Landlord’s Name):

I (and/or my household member) was a victim of an act that constitutes a crime of domestic violence, sexual assault, and/or stalking.

On (date) , 20 , I reported that incident to a qualified third party pursuant to the Residential Landlord Tenant Act. I have attached a copy of a record of my signed report to a qualified third party.

This letter is to notify you that I am vacating my unit on , 20 in accordance with the Residential Landlord Tenant Act. Please return the refund due on my deposit to the following address: [include an address where you will be able to safely receive mail].

Sincerely,

Your Name

SAMPLE LETTER #3

Sample letter to notify landlord that you are a victim of sexual assault, unlawful harassment, and/or stalking, have a valid order of protection and you have changed or added locks to your residence.

Give one copy to your landlord with a copy of the order for protection and keep one copy for yourself.

Your Name
Address
Date

Landlord’s Name
Address and Unit #

Dear (Landlord’s Name):

I (and/or my household member) was a victim of an act that constitutes a crime of sexual assault, unlawful harassment, and/or stalking. On , 20 , I obtained a protection order against the abuser. Attached is a copy of the Order.

This letter is to notify you that on (date you changed/added locks) , 20 , I changed/added the locks to my residence for my additional protection against the abuser, as is my right under RCW 59.18.575. Please govern yourself accordingly.

Sincerely,

Your name
SAMPLE LETTER #4

Sample letter to notify landlord that you are a victim of sexual assault, unlawful harassment, and/or stalking, have a record of your report of the incident signed by a qualified third party, and you have changed or added locks to your residence.

Give one copy to your landlord with a copy of the order for protection and keep one copy for yourself.

Your Name
Address

Date

Landlord’s Name
Address and Unit #

Dear (Landlord’s Name):

I (and/or my household member) was a victim of an act that constitutes a crime of domestic violence, sexual assault, and/or stalking.

On (date) __________, 20__, I reported that incident to a qualified third party pursuant to the Residential Landlord Tenant Act. I have attached a copy of a record of my signed report to a qualified third party.

This letter is to notify you that on (date you changed/added locks) __________, 20__, I changed/added the locks to my residence for my additional protection against the abuser, as is my right under RCW 59.18.575. Please govern yourself accordingly.

I understand that I have the right to move within 90 days of this notice.

Sincerely,

Your name