

## IF TENANT VACATES PREMISES

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- If tenant vacates premises, tenant is responsible for up to one month's rent following vacation of the premises. This amount is due and payable to landlord within 90 days after tenant vacates premises.
- Landlord is not obligated to return security deposit until after receipt of one month's rent payment.
- Landlord and tenant can use amounts owed to each other to offset costs for the one month's rent or the security deposit.



## UNLAWFUL DETENTION

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### What is Unlawful Detention?

After a lease is terminated, if the tenant does not vacate, the tenant is guilty of unlawful detention of real property and eviction is the legal remedy.

### Tenants:

If a tenant is a victim of domestic violence or domestic abuse and that abuse was the cause of or resulted in unlawful detention, then the tenant cannot be found guilty of unlawful detention.

Tenant must document the abuse by:

- A police report
- A valid civil or emergency protection order

A rental, lease, or other such agreement shall not contain a waiver by the tenant of these protections.

### Landlords:

Nothing prevents the landlord from evicting or otherwise taking action against a tenant who perpetuated the violence or abuse that was the cause of or resulted in the alleged unlawful detention.

# Tenant and Landlord Rights with Respect to Domestic Violence and Housing

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ALPINE LEGAL SERVICES

# ARE YOU A VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR ABUSE, OR DOMESTIC ABUSE?

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“Domestic violence” means an act or threatened act of violence upon a person within an intimate relationship. It can also include any other crime against a person, their property, or even animals when used as a method of coercion, control, punishment, intimidation, or revenge.

“Sexual assault or abuse” means any act, attempted act, or threatened act of unlawful sexual behavior by any person against another person.

“Domestic abuse” means any act, attempted act, or threatened act of violence, stalking, harassment, or coercion that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship.

## KNOW YOUR RIGHTS AS A TENANT

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### Know Your Rights!

- A tenant may never waive their right to call for police or other emergency assistance.
- The tenant may terminate the rental or lease agreement and vacate the premises without further obligation to landlord. To do so, he or she must notify landlord in writing that he or she is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse and provide the landlord with proof.

### What Constitutes Proof?

- To provide evidence that he or she is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse, tenants may present:
  - a police report written within the prior sixty days
  - a valid protection order
  - a written statement from a medical professional or application assistant who has consulted with the victim

These reports must confirm that the tenant is victim to unlawful sexual behavior, stalking, domestic violence, or domestic abuse.

## LANDLORD REQUIREMENTS

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### Landlord Obligations

#### "Duty to Not Disclose"

- Landlord shall not disclose to any person that the tenant is a victim of domestic violence, domestic abuse, sexual assault and or abuse, except with the consent of the victim or as required by law to do so.
- If a victim terminates a lease due to being a victim, landlord shall not disclose the new address of former tenant to any person without consent from victim or as required to disclose by law.

A landlord may not:

- Evict a tenant solely because the tenant is the victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse.
- Include a provision in a residential agreement or lease authorizing the landlord to terminate the agreement or penalize the tenant for calls made by the tenant for police/emergency assistance to a situation involving domestic violence, domestic abuse, stalking, or unlawful sexual behavior.