

# HERA

housing and  
economic  
rights advocates

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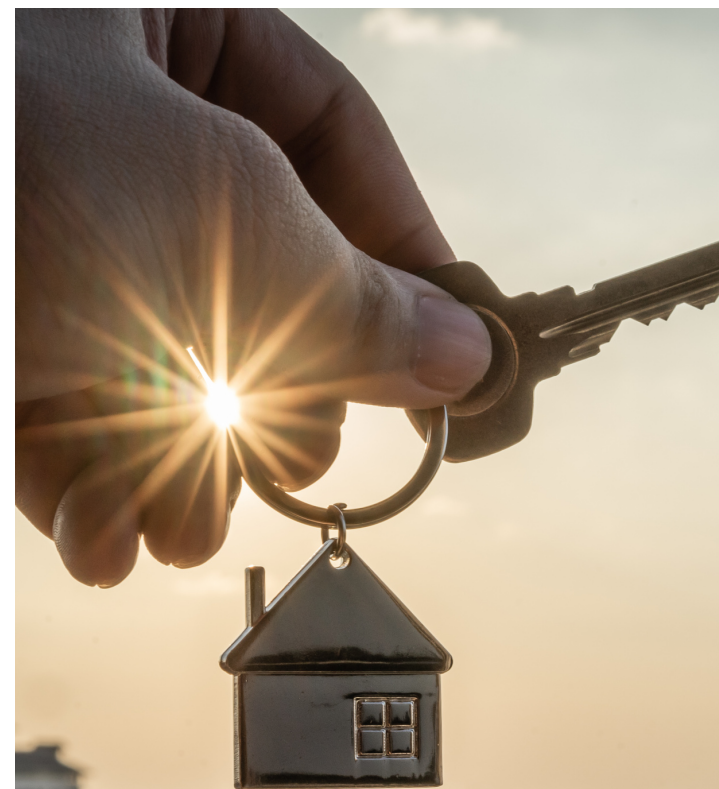
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Are you a victim of domestic violence, sexual assault, stalking, human trafficking, elder abuse, or dependent adult abuse?



**YOU HAVE THE RIGHT  
NOT TO BE EVICTED**

The law limits when a private landlord may evict you because of domestic violence caused by an abuser.

# IN PRIVATE HOUSING

## You have the right:

- Not to be evicted for receiving a restraining order against an abuser. It is considered sex or gender discrimination to evict someone for getting a restraining order or other protection from an abuser (Fair Housing Act, 42 U.S.C. 3601 et seq.; Bouley v. Young-Sabourin, 394 F. Supp. 2d 675 (D. Vt. 2005)).
- Not to be evicted for calling the police because of domestic violence in the home (California Civil Code § 1946.8(c)).
- Not to be evicted or denied a new lease because someone in your household is a survivor of domestic violence (California Code of Civil Procedure § 1161.3).

## THIS PROTECTION ONLY APPLIES IF:

- The abuser doesn't live with you

- The abuser is not allowed to visit your home
- Your landlord thinks the abuser is a physical danger or nuisance to other tenants

## YOU CAN:

Get protection from eviction by giving your landlord proof of the domestic violence. This can be a temporary restraining order, police report, medical provider, or a statement from you or a qualified third party about the domestic violence. (California Code of Civil Procedure § 1161.3).

## IN SUBSIDIZED HOUSING

Tenants in federal housing programs like public housing or Section 8 have additional protections against eviction because of domestic violence.

These protections do not apply to tenants who are abusers.

## You have the right:

- Not to have domestic violence count as a serious or repeated lease violation.
- Not to have domestic violence count as “good cause” for ending a lease or voucher.
- Not to be evicted for criminal activity directly related to domestic violence or abuse, even if your program has a zero-tolerance policy for other kinds of crime (34 USC §12491(b)(3)(A)).

## IMPORTANT NOTE:

You can be evicted if the landlord can prove that the domestic violence will be an actual and immediate threat to other tenants (34 USC § 12491(b)(3)(C)(iii)).