

NEW MASSACHUSETTS HOUSING LAW HELPS VICTIMS OF DOMESTIC VIOLENCE, RAPE, SEXUAL ASSAULT and STALKING

If you need to leave your housing because you or someone in your household is the victim of domestic violence, rape, sexual assault or stalking, a new law may help you.

The new law applies to *all* private and subsidized housing in MA and may help you end your lease¹.

You may terminate your lease if:

A member of your household is a victim *and either*

- a. The most recent incident occurred within the past 3 months; *or*
- b. A member of your household is in fear of imminent serious physical harm.

How do I tell my landlord that I have to break my lease?

You must give the landlord written notice that you are going to break the lease due to concerns about your safety.

Can the landlord ask me for proof?

Yes. A landlord may ask you to provide *one* of the following:

- ✓ Copy of a valid protection or harassment prevention order;²
- ✓ Copy of a report of the incident made to a federal, state or local court or law enforcement (e.g., police) including the perpetrator's name if known;
- ✓ A letter from a qualified person including domestic violence and sexual assault counselors, licensed social workers and mental health professionals, and law enforcement professionals. Adult victims will be asked to provide a sworn statement that the facts included in the letter are correct.

The landlord cannot share this information with anyone else.³

¹ The term "lease" also means rental agreement, occupancy agreement or tenancy.

² Under G.L. 209A, victims of violence who are family members, reside in the same household or have a substantial dating relationship with the perpetrator can obtain an order prohibiting further contact and/or abuse. Under G.L. 258E, victims of criminal harassment, stalking and sexual assault, regardless of their relationship to the perpetrator, can obtain a harassment prevention order prohibiting further contact and/or harassment.

³ The exception to this is if you provide a written release or if required by a court order, government regulation or governmental audit requirements.

After I give my notice, how long do I have to leave?

You have up to 3 months to leave the rental property after notifying the landlord.⁴

How long am I responsible for rent when I break my lease?

In most cases you would owe rent until you actually leave. However, if you leave before you give written notice to your landlord you would owe rent until you give the landlord notice.

What if I paid a last month rent in advance?

You are entitled to receive a refund of any advance deposit, such as a last month's rent, you made that would apply after you actually leave and/or gave the landlord notice.

What about my security deposit?

You will still be entitled to your security deposit unless the landlord gives you a specific reason for keeping it.

Resources

If you would like to learn more about how this law can help you, please consult with a housing or legal advocate or attorney prior to contacting your landlord.

Find your **local sexual and/or domestic violence program** here:

http://www.janedoe.org/find_help/search. All services are free and confidential.

Find local **legal services** here: <http://www.masslegalservices.org/FindLegalAid>

24-Hour Assistance:

SafeLink/Massachusetts Domestic Violence Hotline	1-877-785-2020 (TTY 1-877-521-2601)
National Domestic Violence Hotline	1-800-799-SAFE (7233) (TTY 1-800-787-3224)
National Sexual Assault Hotline (RAINN)	1-800-656-HOPE (4673)
National Dating Abuse Hotline	1-866-331-9474 (TTY 1-866-331-8453)

Prepared by Boston Area Rape Crisis Center, Greater Boston Legal Services, Jane Doe Inc. and Victim Rights Law Center.

April 3, 2013

⁴ If you change your mind about moving, you should notify your landlord immediately.