

Safe Communities Coalition
Promoting Housing Stability and Public Safety

**An Act Providing Housing Rights for Victims of
Domestic Violence, Rape, Sexual Assault and Stalking**
Lead Sponsors: Sen. Cynthia Stone Creem and Rep. Ellen Story

SECTION-BY-SECTION SUMMARY

SECTION 1 — Adds a new section to the General Laws granting certain rights to tenants and occupants of rental properties and protecting the rights of persons who comply with the new statute.

(a) Definitions - aligns definitions of domestic violence, rape, sexual assault and stalking with criminal statutes. Provides definitions of persons entitled to protection, persons authorized to verify abuse; effective quitting date.

(b) Provides that a tenant or occupant may break a lease without financial penalty if he or she, or a member of the household, is a victim of domestic violence, rape, sexual assault or stalking. Enables tenants who opt for early lease termination to collect a pro rata refund of any prepaid rent and clarifies that other lessees are not released from their obligations under the lease.

(c) Establishes required proof and criteria under which a tenant or occupant is entitled to terminate a lease early due to domestic violence, rape, sexual assault or stalking

(d) Requires owners or housing subsidy providers to keep documentation of domestic violence, rape, sexual assault or stalking confidential except with written authorization of victim or as required by court order.

(e) Prohibits an owner from terminating a tenancy or refusing to enter into a tenancy due to domestic violence, rape, sexual assault or stalking; a subsidy provider from terminating assistance or refusing assistance based upon domestic violence, rape, sexual assault or stalking; and inquires regarding domestic violence rape, sexual assault, with exceptions described.

Authorizes owners or subsidy providers to request proof of domestic violence, rape, sexual assault or stalking.

Clarifies that evictions based on other lawful reasons are permissible.

Permits evictions where threats to other tenants or employees on the premises.

Prohibits tenant screening services or owners from disclosing information about domestic violence, rape, sexual assault or stalking to prospective landlords.

(f) Creates civil remedy option for aggrieved tenant or applicant and a defense to an action brought in violation of this chapter.

Provides limitations on defenses or civil actions brought due to domestic violence, rape sexual assault or stalking.

(g) Requires property owners to change the locks (paid for by the tenant) upon the request of a tenant who is under threat of domestic violence, rape, sexual assault or stalking, but enables the property owner to verify the claim of threat.

Requires the owner to change the locks within 48 hours of a lawful request to do so and to provide the new keys to the tenant who requested the lock change.

Enables an owner who changes the locks to charge the tenant for the reasonable cost of same and allows a tenant to change the locks if the owner fails to act within 48 hours of a lawful request. Under such circumstances, the tenant would be required to provide new keys to the owner within 48 hours or as soon as is reasonably possible.

Enables civil action against a landlord who fails to obey this provision including court costs and attorney's fees.

Protects landlords from liability to other leaseholders or third parties.

SECTION 2 Adds Domestic violence, rape, sexual assault and stalking to G.L. c. 239 sec. 2A retaliatory eviction statute.

To co-sponsor this bill, please contact:

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