

# Move out or change locks because of domestic violence, sexual assault, stalking, or harassment

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If you're renting and experience domestic violence, sexual assault, stalking, or harassment, you may be able to move out before the end of your lease term or change the locks to help protect yourself.

This guide will help you understand and act on your rights and includes instructions and form letters to give your landlord.

## **1. Fast facts**

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### **( )When can I move without having to pay for the rest of the lease?**

If you and/or someone in your household experienced an incident of domestic violence, sexual assault, harassment, or stalking, you can end a lease with

your landlord after you do these things:

1. Get a protection order **or** make a record of reporting what happened to a “qualified third party.”
2. Tell your landlord in writing that you (and/or your household member) have experienced domestic violence, sexual assault, harassment, or stalking, and when you plan to move out. You can use our sample letter or write your own. Attach a copy of your protection order or the record of report to qualified third party.

You must tell your landlord in writing that you will be breaking the lease **within 90 days** of the incident that led to the protection order or report.

You can read the law that explains these protections for tenants at RCW 59.18.575 (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.575>).

### **()Who is a “qualified third party”?**

A qualified third party is someone you can tell about domestic violence, sexual assault, harassment, or stalking and who can make and sign a written report that you can give to your landlord. Qualified third parties include law enforcement officers (police or sheriff), state court employees, doctors, nurses and other health care professionals, licensed mental health professionals or counselors, clergy, and crime victim or witness program advocates. You can find the definition of “qualified third party” in RCW 59.18.570(5) (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.570>).

Use our sample form to make a record of your report to the qualified third party.

Reporting to a qualified third party can help you end your lease. It does **not** give you the same protections as a protection order. Find out more about protection orders.

### **I've done all the things in the checklist above. Do I still have to pay the rent for the month I leave?**

Yes, even if you leave in the middle of the month. But you will be entitled to a refund of your deposit.

The rules are different if the abuser is your landlord.

### **My partner was very violent and damaged the place. Can the landlord keep my security deposit to cover those damages?**

**Maybe not.** If you receive some kind of subsidy for your housing (such as a Section 8 Housing Choice Voucher), you may ask your landlord to refund your deposit to you and then apply to the state's Landlord Damage Relief Program (<https://www.commerce.wa.gov/serving-communities/homelessness/landlord-fund-programs/landlord-mitigation-program/>) for reimbursement of up to \$5,000 in damages to the place. If you are facing this situation and the landlord decides to keep your security deposit, talk to a lawyer right away.

## I have a court order barring someone on my lease from living here anymore. Can I change the locks?

If you give the landlord a copy of the court order, the landlord must change the locks **at your expense**. The landlord cannot give copies of the new keys to the person barred from living there.

## 2. If the abuser is your landlord

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### What if my landlord 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 a household member do these things:

1. Get a protection order **or** make a report to a qualified third party against the landlord.
2. Within **7 days** of moving out, give your landlord written notice that you've vacated the rental. Include a copy of your protection order or the Record of Report. You can fax or mail the notice and copy, or have a friend or relative deliver them.

The Record of Report doesn't list the name of the person who harmed you. But the third party you reported to must give the

landlord that info if the landlord asks for it in writing.

After you've done these things and moved out, you don't have to pay rent after the day you move out **or** the date the landlord got the third-party report and notice, whichever is later. You are also entitled to a pro-rated refund of any prepaid rent for the month.

### **Can I get my security deposit back?**

You may be entitled to a refund of your deposit. Talk to a lawyer if the landlord tries to keep your security deposit and the landlord or an employee was the cause of the abuse you experienced.

### **( )Can I change the locks?**

You can change or add locks, **at your own expense**, if within **7 days** of doing so, you do these things:

1. Get a protection order **or** make a report to a qualified third party.
2. Give your landlord a notice that you have changed or added locks. Attach a copy of your protection order or the Record of Report. You can fax or mail the notice and copy, or have a friend or relative deliver them.

If you change or add locks because the landlord or an employee was the cause of the harm you experienced, your lease will end in **90 days** (3 months) of giving notice that you changed or added locks, unless you notify the landlord in writing within **60 days** that you **don't** want to end your lease. **You must still pay the rent for the month you leave** (even if you leave in the middle of the month). You may be entitled to a refund of your deposit.

### **I changed the locks. Can the landlord still enter my place?**

Yes, but only in these situations:

- In an emergency, but 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, to make needed repairs or improvements.

### **I changed the locks and gave notice that I am moving. What if the landlord's employee who harmed me is fired or moves?**

You may want to stay after all. In that case, you must give the landlord written notice that you plan to stay within **60 days** after you gave notice about the locks. You must give the landlord a copy of your new keys with that notice.

If you have a protection order against the landlord or landlord's employee, **don't** send a copy of your new keys.

### 3. If your landlord threatens to evict you

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#### **My landlord has threatened to evict me because of the violence I've experienced. What can I do?**

Your landlord **cannot** legally end your lease, refuse to renew your lease, evict you, or refuse to rent to you just because you are a survivor of domestic violence, sexual assault, unlawful harassment, and/or stalking. **The landlord can still end your tenancy or evict you for other, legal reasons** such as not paying rent.

If you believe your landlord is discriminating against you because of the harm you have experienced, you may be entitled to damages from the landlord. Try to get legal help.

Your landlord also **cannot** evict you based on your abuser's acts towards you, claiming that you or your abuser are causing a risk to immediate and significant threat to safety, health, or property of other tenants. If you are in this situation, get legal help.

### 4. Forms

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Form attached:

**Record of Report to Qualified Third Party** (NJP Housing 625)

Form attached:

**Letter to landlord: Vacating after DV, SA, harassment, or stalking** (NJP Housing 626)

Form attached:

**Letter to landlord: Changed locks after DV, SA, harassment, or stalking** (NJP Housing 627)

**NJP Housing 625** - Use this form to make a record of your report to a qualified third party. You don't need to do this if you get a protection order.

**NJP Housing 626** - Use this form to give notice that you're moving out.

**NJP Housing 627** - Use this form to give notice that you've changed the locks at your expense.

# Record of Report to Qualified Third Party

My name is \_\_\_\_\_. I and/or my household member  
(name of affected household member, if any: \_\_\_\_\_)

am a victim of (check all that apply):

- ☐ domestic violence as defined by RCW 7.105.010.
- ☐ sexual assault as defined by RCW 70.125.030.
- ☐ stalking as defined by RCW 9A.46.110.
- ☐ unlawful harassment as defined by RCW 59.18.570.

## Brief description of incident/s of domestic violence, sexual assault, stalking, or unlawful harassment.

(Repeat this section or add pages if needed. Give the date, time and location of each incident, but **don't put the abuser's name here**. Only put the abuser's name on the Attachment that you give to the qualified third party.)

On (date): \_\_\_\_\_ (time): \_\_\_\_\_ at (location): \_\_\_\_\_

the following happened (describe incident): \_\_\_\_\_

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



\_\_\_\_\_  
Signature of tenant or household member      Date      City and State

## Qualified third party verification

Qualified third party name: \_\_\_\_\_

Organization, agency, clinic, service provider: \_\_\_\_\_

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



\_\_\_\_\_  
Signature of qualified third party      Date      City and State

# Attachment to Record of Report to Qualified Third Party

**Important!** Remove this attachment from the copy you give to your landlord.

## Abuser (alleged perpetrator)

The incident/s that I described in my report were committed by the following person/s

(Name/s): \_\_\_\_\_

### Instructions:

1. Complete and sign the Record of Report and the Attachment.
2. Make 3 copies of the completed Record of Report and 1 copy of the Attachment.
3. Give one copy with the Attachment to a “qualified third party”. This could be any of these:
  - Police, sheriff or deputy
  - State court employee
  - Doctor, nurse, other health care professional
  - Licensed mental health professional, counselor, or clergy
  - crime victim or witness program advocate
4. Ask the qualified third party to sign the other 2 copies.
5. Keep one copy for yourself.
6. Give one copy **without the attachment** to your landlord, along with a letter about changed locks (form NJP Housing 627) or vacating the unit (form NJP Housing 625).

Date: \_\_\_\_\_

To: \_\_\_\_\_

\_\_\_\_\_  
*Landlord's Name*

\_\_\_\_\_  
*Mailing address*

\_\_\_\_\_  
*City, state and zip*

Re: **Vacating rental unit after domestic violence, sexual assault, harassment  
and/or stalking crime**

This letter is to notify you that I am **vacating my unit** on *(date)* \_\_\_\_\_  
as allowed by the Residential Landlord Tenant Act. Please return the refund due on my deposit  
to the following address:

\_\_\_\_\_  
*New safe mailing address* *city* *state* *zip*

I (and/or my household member) was a victim of a domestic violence, sexual assault,  
harassment, and/or stalking crime. (*Check one*):

[ ] **Protection Order**

I got a Protection Order against *(name)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_. If you see this person around my home, please  
contact the nearest law enforcement agency. Attached is a copy of the Protection Order.

[ ] **Report to qualified 3<sup>rd</sup> party**

On *(date)* \_\_\_\_\_, I reported the incident to a qualified third party as  
allowed by the Residential Landlord Tenant Act. Attached is a copy of my signed Record  
of Report to Qualified Third Party.

Sincerely,



\_\_\_\_\_  
*Sign here*

\_\_\_\_\_  
*Print name*

\_\_\_\_\_  
*Current rental unit address*

*city*

*state*

*zip*

\_\_\_\_\_  
*Phone number / Email - optional*

Date: \_\_\_\_\_

To:

\_\_\_\_\_  
*Landlord's Name*

\_\_\_\_\_  
*Mailing address*

\_\_\_\_\_  
*City, state and zip*

Re: **Changed or added locks after domestic violence, sexual assault,  
harassment, and/or stalking crime**

I (and/or my household member) was a victim of a domestic violence, sexual assault, harassment, and/or stalking crime. This letter is to notify you that **I changed or added locks** to my rental unit for additional protection on (date) \_\_\_\_\_. This is allowed by the Residential Landlord Tenant Act because (*check one*):

☐ **Protection Order**

I got a Protection Order against (name) \_\_\_\_\_  
on (date) \_\_\_\_\_. If you see this person around my home, please  
contact the nearest law enforcement agency. Attached is a copy of the Protection Order.

☐ **Report to qualified 3<sup>rd</sup> party**

On (date) \_\_\_\_\_, I reported the incident to a qualified third party as  
allowed by the Residential Landlord Tenant Act. Attached is a copy of my signed Record  
of Report to Qualified Third Party.

Sincerely,



\_\_\_\_\_  
*Sign here*

\_\_\_\_\_  
*Print name*

\_\_\_\_\_  
*Current rental unit address*

\_\_\_\_\_  
*city*

\_\_\_\_\_  
*state*

\_\_\_\_\_  
*zip*

\_\_\_\_\_  
*Phone number / Email - optional*