

STATE DOMESTIC VIOLENCE AND HOUSING LAWS

| States | Public Housing Laws re: Eviction/Domestic Violence | Notes | Protective Orders Re: Eviction/ Domestic Violence | Notes |
|------------|--|--|---|---|
| Alabama | | No relevant statute | Ala. Code § 30-5-7 | Court may exclude defendant from residence of the plaintiff, regardless of ownership of residence. |
| Alaska | | No relevant statute | Alaska Stat. § 18.66.100 | Court may order removal of respondent from residence of petitioner regardless of ownership of residence. |
| Arizona | Ariz. Stat. Ann. §33-1315 | A rental agreement shall not provide that the tenant must waive his/her right to summon a peace officer or other emergency assistance in response to domestic violence incident. | Ariz. Rev. Stat. § 13-3602 | Court may grant one party exclusive possession of the residence shared by parties if there “is reasonable cause to believe that physical harm may otherwise result” |
| Arkansas | | No relevant statute | Ark. Code Ann. § 9-15-205 | Court may exclude “abusing party” from dwelling that the parties share. |
| California | Cal. Health and Safety Code §34328.1 | Reporting requirement regarding lease termination of a tenant who was a victim of domestic violence. | Cal.Fam.Code § 6340 | Court may exclude person from a dwelling if the court believes that “physical or emotional harm would otherwise result to the other party.” |
| Colorado | Col Rev. Ann. §13-40-107.5(5)(b)(l) (as | 13-40-107.5 prohibits a landlord from terminating | Col. Rev. Ann. §13-14-102 | In issuing an order of protection, a court may |

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| | <p>amended)</p> <p>Col. Rev Ann. §38-12-401</p> <p>House Bill 05-1169 (takes effect 7/1/05) – Creates § 13-40-104, § 13-40-107.5, § 32-12-402(2)</p> | <p>the tenancy of a documented victim of domestic violence (the filing of a police report or the issuance of a protection order) if the domestic violence is the basis for the termination notice.</p> <p>Col. Rev. Ann. §38-12-401 Landlord may not include in a residential rental agreement or lease agreement, a provision that permits the landlord to terminate the lease or impose a penalty on a residential tenant for calls made by the tenant for peace officer assistance or other emergency assistance in response to a domestic violence abuse situation</p> <p>House Bill 05-1169 Landlord cannot evict a victim of domestic violence on the ground that</p> | | <p>include a provision excluding a party from the “family home upon a showing that physical or emotional harm” would likely occur.</p> |

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| | | the tenant or tenant's guest committed a crime or dangerous act. A victim may terminate lease and only pay next month's rent if present evidence (protective order, etc.) of violence within past 60 days | | |
| Connecticut | | No relevant statute | Conn. Gen. Stat. § 46b-38c | Protective order may include provision enjoining defendant from entering the family dwelling or dwelling of victim. |
| Delaware | | No relevant statute | 10 Del. C. § 1045 | Court may grant exclusive possession of the residence or household to the petitioner or other resident. |
| Florida | | No relevant statute | Fla. Stat. § 741.30 | Court may grant the petitioner exclusive possession of the dwelling and exclude respondent. |
| Georgia | | No relevant statute | Ga. Code Ann. § 19-13-4 | Court may grant protective order, and award a party possession of the residence or household of the party and exclude the other |

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| | | | | party. Note: Court may also require a party to provide “suitable” alternative housing to a spouse, former spouse, children or parents. |
| Hawaii | | No relevant statute | Haw. Rev. Stat. Ann. § 586-1 | The court may prohibit the defendant from entering or visiting the petitioner’s residence. |
| Idaho | | No relevant statute | Idaho Code § 39-6306 | The court may exclude the defendant from a residence shared by the parties or from the petitioner’s residence. |
| Illinois | | No relevant statute | 750 Ill. Comp. Stat. § 60.214 | The court may prohibit the respondent from entering or remaining in any residence, including one owned or leased by the respondent, if the petitioner has a right to occupancy thereof. According to the statute, a party has a right to occupancy if it is solely or jointly owned or leased by that party, the party’s |

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| | | | | spouse, a person with a legal duty to support that party or a minor in that party's care, or by any person other than the opposing party that authorizes that party's occupancy. If both the petitioner and respondent have a right to occupancy, the court shall balance hardships to the respondent with the hardships to the petitioner, with the balance favoring the petitioner. |
| Indiana | | No relevant statute | Ind. Code Ann. § 31-15-4-3 | The court may issue a temporary restraining order that grants temporary possession of property to either party. |
| Iowa | Iowa Code §§ 562A.27A and 562B.25A(3) | If a domestic violence victims seeks a protective order/reports the abuser to law enforcement, the landlord cannot terminate the victim's tenancy. | Iowa Code Ann. § 236.5 | Court may order the defendant to grant possession of the residence to the plaintiff or provide suitable alternative housing for the plaintiff. |
| Kansas | | No relevant statute | Kan. Stat. Ann. § 60- | Court may grant |

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| | | | 3107 | possession of a residence to the petitioner and to the exclusion of the defendant, but only if the couple is married. If the couple is unmarried, the court does not have the authority to grant possession of the residence to the exclusion of the party who owns it. |
| Kentucky | | No relevant statute | Ky. Rev. Stat. Ann. § 403.740 | The court may enter any other order it believes will eliminate future acts of domestic violence and abuse. |
| Louisiana | La. Rev. Stat. Ann. § 40:506(D) La. Rev. Stat. Ann. § 46:2136(A)(2) | 40:506 - Prohibits local housing authority from terminating the tenancy of a victim of domestic, dating, or family violence. The authority may terminate the tenancy of the perpetrator of the violence. 46:2136 – If a victim of domestic violence is awarded temporary custody of minor children | La. Rev. Stat. Ann. § 2136 | If the petitioner has been awarded temporary custody of minor children, a court may grant possession to the petitioner of the residence by evicting the defendant, even if the residence is solely owned by the defendant. |

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| | | (born of both victim and abuser), a judge may grant possession of housing to the victim and exclude the abuser even if the abuser solely owns the residence. | | |
| Maine | | No relevant statute | Me. Rev. Stat. Ann. tit. 19 § 4007 | When the mutual residence is jointly owned or jointly leaded or when one party has a duty to support the other or their minor children and that party is the sole owner or lessee, the court may grant possession of the residence to one party, excluding the other, or allow the party with the duty to support to provide suitable alternative housing. |
| Maryland | | No relevant statute | Md. Code Ann., Fam. Law § 4-505 | If the petitioner and the defendant are living together at the time of the alleged violence, the court may award temporary possession of the home to the petitioner. However, the court may not grant |

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| | | | | temporary possession to a nonspouse person unless the name of the person eligible for relief appears on the lease or deed or the petitioner has resided in the home with the defendant for at least 90 days within one year of filing the petition. |
| Massachusetts | | No relevant statute | Mass. Gen. Laws ch. 209A § 3 | <p>Court may order defendant to vacate the family dwelling, order to vacate must be for a fixed time, not longer than one year.</p> <p>Statutory rules regarding procedure for restraining order or order to vacate marital home are found at: Mass. Gen. Laws ch. 208 § 34D (2005)</p> |
| Michigan | | No relevant statute | | Although Michigan has statutory provisions regarding the issuance of a personal protection order, it does not codify a provision to remove |

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| | | | | respondent from petitioner's home, or the residence jointly owned by the parties. |
| Minnesota | Minn. Stat. § 504B.205 Minn. Stat. § 244.052 subd. 4a(b) | 504B.205 prohibits a landlord from imposing a penalty on a tenant for calling for police or emergency assistance in response to domestic abuse. 244.052 allows a landlord to evict a domestic violence offender. | Minn. Stat. §518B.01 | Court may exclude abusing party from the dwelling that the parties share, or from residence of the petitioner. |
| Mississippi | | No relevant statute | Miss. Code Ann. §93-21-15 | Court may grant exclusive possession to the petitioner of the residence. Grant of possession in the order may not affect property title. §93-21-17 |
| Missouri | | No relevant statute | Mo. Rev. Stat. § 455.050 | Order of protection shall temporarily enjoin respondent from entering the premises of the dwelling of the petitioner if the dwelling is jointly owned, leased, rented, or |

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| | | | | occupied by both parties; owned, leased, rented, or occupied by petitioner only; jointly owned, leased, rented or occupied by petitioner and a person other than respondent provided that no spouse will be denied relief pursuant this section by reason of absence of a property interest in the dwelling; or jointly occupied by the petitioner, and a person other than respondent, provided that respondent has no property interest in the dwelling. |
| Montana | | No relevant statute | Mont. Code Ann. § 40-15-201 | Court may remove and exclude respondent from the residence of petitioner, regardless of the ownership of the residence. |
| Nebraska | | No relevant statute | Neb. Rev. Stat. § 42-924 | Court may remove and exclude respondent from the residence of petitioner, regardless of the |

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| | | | | ownership of the residence. |
| Nevada | | No relevant statute | Nev. Rev. Stat. Ann. § 33.030 | Court may exclude defendant from the petitioner's place of residence. By extended order, the court may also order the defendant to pay rent or make payments on a mortgage on the applicants residence. |
| New Hampshire | | No relevant statute | N.H. Rev. Stat. Ann. § 173-B:4 | Court may award the petitioner the exclusive use or possession of an automobile, home, and furniture if the defendant has a legal duty or has previously supported the petitioner or the petitioner's minor children. |
| New Jersey | | No relevant statute | N.J. Stat. Ann. § 2C:25-28 | Court may forbid defendant from returning to scene of domestic violence. |
| New Mexico | N.M. Stat. Ann. § 47-8-33(j) | Provides a defense to eviction for a victim of domestic violence. | N.M. Admin. Code tit. 40 §13-5 | Court may grant exclusive possession of the household to the petitioner |

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| | | | | <p>“during the period the order of protection is effective” OR it may order respondent to provide suitable alternative housing for the petitioner and any children that respondent has a legal obligation to support.</p> <p>The statute does not define “suitable alternative housing.”</p> |
| New York | | No relevant statute | N.Y. Family Law §842 | Order of protection may require respondent to “stay away” from the home, or any other location provided by the court. |
| North Carolina | | No relevant statute | N.C. Gen. Stat. § 50B-3 | The court (including magistrates designated by law), may grant a party exclusive “possession of the residence or household of the parties...” Order may not exceed one year. |
| North Dakota | | No relevant statute | N.D. Cent. Code, | The court may include in |

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| | | | § 14-07.1-02 | protection order a provision “excluding the respondent and/or any person with whom the respondent lives from the dwelling they share... if this exclusion is necessary to the physical or mental well-being of the applicant or others.” |
| Ohio | | No relevant statute | Oh. Rev. Code Ann. §3113.31 | <p>Court may grant possession of the residence to the petitioner or other household member, to the exclusion of the respondent, when the residence or is owned or leased solely by the petitioner or other household member, or household is jointly owned or leased by the respondent, and the petitioner or household member.</p> <p>Statute provides that no protection order shall</p> |

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| | | | | affect title to real property. |
| Oklahoma | | No relevant statute | Okla. Stat. Ann. §60.4 | <p>Court may impose any conditions in the protective order that are “necessary” to bring about cessation of domestic abuse against victim.</p> <p>There is no specific mention regarding removal or exclusion of respondent from the residence. There is a provision stating that the protective order shall not affect title to real property.</p> |
| Oregon | <p>Or. Rev. Stat. §90.453</p> <p>Or. Rev. Stat. §90.459</p> | <p>90.453 - If a tenant is able to provide verification (police report, police statement, valid court order of protection) of being a victim of domestic violence, sexual assault, or stalking occurring within the past 90 days, the landlord is required to</p> | Or. Rev. Stat. § 107.718 | <p>Court may order that the respondent move from the petitioner’s residence, if in the residence is in the sole name of the petitioner, is jointly owned or rented, or if the parties are married to each other. (No provision regarding unmarried parties living together,</p> |

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| | | release the tenant from a rental agreement if the tenant gives the landlord 14-days written notice. 90.459 – If a tenant is a victim of domestic violence, landlord must change locks. | | with respondent's name on lease or title.) Statute provides that restraining order provisions may not affect title to real property (Or. Rev. Stat. §107.716) |
| Pennsylvania | | No relevant statute | 23 Pa. Cons. Stat. § 6108 | Court may grant possession of residence to the plaintiff, and evict defendant, if the residence is jointly owned or leased by the parties, is owned or leased by the entireties, or owned or leased solely by the plaintiff. |
| Rhode Island | R.I. Gen. Laws § 34-37-1, -2, -3, -4 | Prohibits discrimination against victims of domestic violence. | R.I. Gen. Laws § 8-8.1-3 | Court may not compel a defendant to vacate a residence if the defendant is the sole legal interest of the residence. |
| South Carolina | | No relevant statute | S.C. Code Ann. § 20-4-60 (c)(3) | Court may grant temporary possession to the petitioner of a residence, even if the |

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| | | | | respondent is the sole owner or lessee, if the respondent has a legal duty to support to petitioner or minor children living in the household. |
| South Dakota | | No relevant statute | S.D. Codified Laws § 25-10-5 | The court may exclude the “abusing party from the dwelling which the parties share or from the residence of the petitioner.” |
| Tennessee | | No relevant statute | Tenn. Code Ann. § 36-3-606 | The court may grant possession of the residence to the petitioner to the exclusion of the respondent. However, if the respondent is the sole owner or lessee of the residence, the court may direct the respondent to “provide suitable alternative housing.” |
| Texas | Tex. Prop. Code Ann. § 92.015 | A landlord may not limit a tenant’s right to summon police or emergency services in response to domestic violence | Tex. Fam. Code Ann. § 83.006 | Court may temporarily exclude a defendant from the occupancy of that person’s residence if the applicant requesting the order either resides on the |

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| | | | | premises or has resided there within 30 days before the date of application was filed. |
| Utah | House Bill 184 (2005) – creates § 57-22-5.1 | If a domestic violence victim provides evidence of violence, landlord must change tenant’s locks. | Utah Code Ann. § 30-6-4.2 | Statute does not explicitly give court authority to grant temporary use or possession of defendant’s property. Statute allows court to grant additional orders for relief that are necessary to provide for the safety and welfare of petitioner and any family members. |
| Vermont | | No relevant statute | Vt. Stat. Ann. tit. 15, §1103 | If court finds that the defendant has abused the plaintiff, court may order the defendant to vacate the household and award plaintiff exclusive possession of the residence. |
| Virginia | Va. Code § 55-225.5 and § 55-248.18:1 | If domestic violence victim provides a court order allowing exclusion of a co-tenant or occupant, landlord must change locks | Va. Code Ann. § 16.1-279.1 | Court may grant sole possession of residence to the petitioner, no such grant shall affect title to any real or personal |

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| | | or allow victim to do so. | | property. |
| Washington | Wash. Rev. Code Ann. § 59.18.352. Wash. Rev. Code Ann. § 59.18.130 (8)(b)(ii). Wash. Rev. Code Ann. § 59.18.575 E.H.B. 1645, 58th Leg. (Wash. 2003). Wash Rev. Code Ann. § 59.18.585 | 59.18.352 allows a tenant to terminate a rental agreement where the tenant was threatened with a deadly weapon. 59.18.130(8)(b)(ii) prohibits the termination of tenancy for a victim of physical assault. 59.18.575 allows a tenant who is a victim of domestic or sexual violence to terminate lease by end of month (if violence occurred within past 90 days) E.H.B. 1645 Prohibits a landlord from terminating a tenancy where the tenant is a victim of domestic violence. 59.18.585 – If tenant provides landlord with a court order excluding a tenant, landlord must change locks and not give keys to excluded tenant | Wash. Rev. Code § 26.50.060 | Court may exclude respondent from household that parties share. |

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| West Virginia | | No relevant statute | W.Va. Code § 48-27-503 | Court may grant possession of the residence jointly shared by parties at the time of abuse. |
| Wisconsin | Wis. Stat. Ann. § 106.50(5m)(d) | 106.50 - Prohibits a landlord from refusing housing based on the fact that a person is a victim of domestic abuse. | Wis. Stat. Ann. § 813.125 | Court may order respondent to avoid petitioner's residence. If the parties are unmarried, and the petitioner has no legal interest in the residence, the court may order to respondent to avoid the premises for a reasonable time until the petitioner relocates. |
| Wyoming | | No relevant statute | Wyo. Stat. Ann. § 35-21-105 | Court may grant sole possession of the residence to the petitioner during the period of the order. Alternatively, the court may also order the defendant to provide suitable alternative housing. |