



WomanView

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Safe Homes Act Amendment Protecting Confidentiality Passes House and Senate; Awaiting Governor's Signature

Confidentiality and privacy may be the most implicit yet pervasive issues that survivors of domestic and sexual violence face when seeking to exercise their rights under the law. Oftentimes, survivors of violence fear retaliation or discrimination if their status as survivors becomes known. This is especially true in rental housing. Addressing this issue in July 2008, the Illinois House and Senate passed [S.B. 2287](#), a [Safe Homes Act \(SHA\)](#) amendment expanding the law to include confidentiality and nondisclosure provisions to protect domestic and sexual violence survivors who live in rental housing. Although the SHA has already provided assistance to countless survivors of violence, the amendment allows those who were discouraged from using the law due to their fears of landlords' retaliation to exercise their rights under the SHA.

Since its inception in 2007, the SHA has provided immeasurable benefits and protections for Illinois renters who are survivors of domestic or sexual violence. The SHA enables tenants who are survivors of domestic or sexual violence or have a household member who is a survivor of domestic or sexual violence to end their lease early in order to achieve safe housing. The SHA allows these same tenants the right to obtain a lock change on an emergency basis in order to maintain safe housing. All types of rental housing, regardless of size, including "Section 8" Housing Choice Voucher rentals, are covered under the SHA; only public housing is exempt.

Consequently, the SHA did not guarantee the confidentiality of the information that the survivor of violence gave to her landlord or property manager. Survivors of violence who used the SHA to end their leases early faced landlords' retaliation. With prospective landlords and other tenants, landlords were sharing extremely private information (e.g., a medical report, police report, victim advocate statement describing a sexual assault) often included with the SHA lease termination letter. The result was that survivors of violence were frequently denied housing based on their status as a survivor, and this retaliation further traumatized them.

Once signed into law by the governor, the amendment will prevent landlords from relaying to prospective landlords the fact that survivors exercised their rights under the SHA or from sharing any supportive evidence or information given by the survivor. S.B. 2287 also ensures that the survivor is not waiving any confidentiality protecting certain documents such as medical records or third-party victim advocate statements. The only time a disclosure of information is lawful is when it is requested or consented to by the survivor of violence or the parent or legal guardian of the survivor or if the disclosure is otherwise required by law.

In order to assure that landlords do not violate the confidentiality provision, the amendment includes a financial penalty for violating the SHA. A landlord who discloses that a tenant exercised rights under the SHA, or discloses any supportive evidence given by the survivor, is liable for actual damages resulting from the disclosure up to \$2,000. By including monetary damages for cases brought successfully against a noncompliant landlord, the amendment provides additional incentives for landlords to follow the rule of law and maintain the survivors' confidentiality.

All who are affected by domestic and sexual violence and those who are advocating on these individuals' behalf should be aware that the SHA exists and that it provides comprehensive protections for victims of domestic and sexual violence in rental housing. If you are, or someone you know is, a survivor of violence and can benefit from this law, contact [Kate Walz](mailto:katewalz@povertylaw.org), Shriver Center, at 312.263.3830 ext. 232 or katewalz@povertylaw.org, or [Samantha Tuttle](mailto:samtuttle@povertylaw.org), Shriver Center, at 312.263.3830 ext. 235 or samtuttle@povertylaw.org.

We welcome the opportunity to conduct free training on this law. For information regarding a training session or if you have any questions, contact [Michaella M. Furman](mailto:michaellafurman@povertylaw.org) at 312.263.3830 ext. 243 or michaellafurman@povertylaw.org. Go to <http://www.povertylaw.org//advocacy/women-and-family/safe-homes-act> to obtain copies of the SHA brochure (translated in nine additional languages), sample legal tools, and other informative documents.

For more information, contact [Wendy Pollack](mailto:wendypollack@povertylaw.org), director, Women's Law & Policy Project, Shriver Center, at 312.263.3830 ext. 238 or wendypollack@povertylaw.org.

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