



## Confidentiality and Neutral References for Landlords and Tenants

State and federal laws require landlords and housing providers to keep information regarding a tenant's status as a victim/survivor of domestic or sexual violence confidential. These laws have exceptions, including when the information is relevant evidence in evictions proceedings or other legal actions. Landlords have obligations to protect the confidentiality of victim/survivors, and cannot (this is not an exhaustive list):

- Disclose information provided in an early lease termination notice or related documentation to anyone, including co-tenants
- Store any information about domestic or sexual violence in the tenant victim/survivor's main file (must maintain a separate file for this information)
- Provide negative comments related to domestic or sexual violence in future rental references, even if the landlord does not specifically mention tenant's status as a victim/survivor
- Share domestic or sexual violence related information widely with other staff who do not need to know the information in order to perform their jobs

### Meet Standpoint's Housing Team



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**The Violence Against Women Act ("VAWA")** provides that any information, including simply the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in confidence by the landlord, and must not be entered into any shared database, or disclosed to any other entity or individual without written consent from the tenant victim/survivor. (34 USCS § 12491(c)(4).)

**Minnesota statutes** provides that a landlord cannot share any information provided to the landlord by a tenant victim/survivor in the written notice to terminate the lease early due to fear of violence or contained in the qualifying document. (Minn. Stat. § 504B.206 Subd. (a)&(b).)

**The Fair Housing Act:** Multiple courts have held that providing a negative reference as a result of the tenant's status of being a victim of domestic violence, sexual assault or stalking is a discriminatory act. (*Dickinson et al v. Zanesville Metropolitan Housing Authority et al*, U.S. District Court, Southern District of Ohio, Eastern Division, 2013 WL 5487101 (Sept. 30, 2013).)

### Training Opportunities

We love training advocates on all things housing! Standpoint's housing team provides training on:

- Landlord/tenant basics
- Eviction process and advocacy
- Expungement - eviction and criminal
- Customized training to meet the needs of your organization

[www.standpointmn.org/housing-program-trainings](http://www.standpointmn.org/housing-program-trainings)