

# Looking Out For Your Legal Rights®

October 2018

Published by Legal Services of New Jersey

Volume 37, Number 8

The New Jersey Safe Housing Act is a law that allows domestic violence victims and/or their children who are tenants to end their lease before it is over. *Page 1*

Can I file for divorce if my spouse has a domestic violence restraining order against me? *Page 6*

Services for domestic violence victims. *Page 11*

*Cuáles son sus  
derechos legales*  
La versión en  
español la encontrará  
al reverso.



## New Jersey Safe Housing Act— Tenant Protections for Domestic Violence Victims

**THE NEW JERSEY** Safe Housing Act is a law that allows domestic violence victims and/or their children who are tenants to end their lease before it is over. The purpose of the law is to help victims who are tenants find safe, long-term housing. The number of this law, called the cite, is N.J.S.A 46:8-9.4. (A cite tells you the book in which the law is located.)

**The purpose of the law is to help domestic violence victims who are tenants find safe, long-term housing.**

### Tenants must give written notice to the landlord

Under the law, a tenant must give the landlord written notice to end a lease early. The lease will then end 30 days after the landlord receives this notice. You are required to pay the rent until this 30th day. The notice must tell the landlord that:

- Staying in the leased apartment or building will cause the victim/tenant or tenant's child or any child to face an immediate threat of serious physical harm from another person. For the purposes of this law, the definition of domestic violence

*Continued on page 2*

Continued from page 1

has been expanded to include a threat against any child. The child does not have to be a child born to the victim and the abuser. For a full description of offenses considered domestic violence, see *The 19 Crimes of Domestic Violence* on our website, [www.lsnjlaw.org](http://www.lsnjlaw.org).

- The threat of serious physical harm comes from a specific person. (Tenants may not end a lease based on a general threat.) For example, this requirement would be



**You must give the landlord written notice to end a lease early. The lease will then end 30 days after the landlord receives this notice.**

met if the abuser knows where the victim lives and there has been a previous incident of domestic violence (even if it did not occur at the leased location).

### **The written notice must include other evidence of the threat**

The victim/tenant must send other evidence (proof) of the threat with the written notice ending the lease. The other evidence should show the reasons the victim/tenant is facing an immediate threat of serious physical harm. The following documents are examples of acceptable evidence of the threat:

- A certified (official) copy of a final (not a temporary) restraining order based on the New Jersey Prevention of Domestic Violence Act protecting the victim/tenant from the same abusive person named in the written notice
- A certified copy of a final restraining order from another jurisdiction (state or country) based on the domestic violence law of that

## *Looking Out For Your Legal Rights®*

### **About Looking Out**

*Looking Out For Your Legal Rights* is published 10 times a year by Legal Services of New Jersey. If you are a Legal Services client, you can pick up a copy at your local Legal Services office. You may also read *Looking Out* on our website at [www.lsnjlaw.org](http://www.lsnjlaw.org).

### **Subscriptions**

Subscriptions are \$20 a year. For more information, please email [publications@lsnj.org](mailto:publications@lsnj.org).

### **Back Issues**

View back issues at [www.lsnjlaw.org](http://www.lsnjlaw.org).

### **Change of Address**

If you are moving, please send us your new address and a copy of your *Looking Out* mailing label.

### **Comments**

If you have any suggestions or comments about *Looking Out*, we would like to hear from you. Please send all correspondence to:

Editor, *Looking Out*  
Legal Services of New Jersey  
P.O. Box 1357  
Edison, NJ 08818-1357  
[publications@lsnj.org](mailto:publications@lsnj.org)

**This newsletter is for general information only. If you have a legal problem, you should see a lawyer.**

**A portion of the cost of this publication was supported by funds provided by the IOLTA Fund of the Bar of New Jersey.**

© 2018 Legal Services of New Jersey

*Looking Out For Your Legal Rights* is a federally registered trademark of Legal Services of New Jersey.

### ***What if I live in public housing?***

If you live in public housing, or some other building that is subsidized, or have a Housing Choice voucher (also called a Section 8 voucher), you may have other options to end a lease.

- **Give proper notice.** The first step you should take is to look at your lease and see what it says about any notices you need to give to the Housing Authority or landlord if you want to get out of your lease. There is also a federal law, called the Violence Against Women Act, which can help you if you live in public or subsidized housing or have a voucher. (The cite to this law is P.L. 109-162.)
- **Get the Housing Authority to help you.** The Housing Authority may evict the abuser and let you stay. Another step the Housing Authority or the landlord can take if you are in danger of being harmed by the abuser is to move you to another apartment. If you have a voucher, you may use the New Jersey Safe Housing Act to end your lease and move to another house or apartment. The Housing Authority in charge of your voucher should help you do this.

Whether you live in public housing or subsidized housing or have a voucher, one of the most important things you will need is some proof that you are a victim of domestic violence. The same kind of proof (described in this article) that is needed under the New Jersey Safe Housing Act should be enough.

other jurisdiction protecting the victim/tenant from the same abusive person named in the written notice

- A law enforcement agency record (such as a police report) documenting the domestic violence or certifying (officially stating) that the victim/tenant or child of the tenant is a victim of domestic violence
- The notes or reports of a doctor or nurse or other health care provider from a hospital or emergency room or private medical office describing injuries from the domestic violence
- A written certification (official statement) from a certified Do-

mestic Violence Specialist or the director of a designated (officially recognized) domestic violence agency stating that the tenant or a child of the tenant is a victim of domestic violence

- Other documentation or certification from a licensed social worker that the tenant or a child of the tenant is a victim of domestic violence.

The documents that a victim/tenant sends with the written notice to the landlord are very important. Please note that:

- Any restraining order sent must be a final restraining order (FRO). A temporary restraining order (TRO) by itself is not enough,



**Thirty days after the landlord receives the notice and other documents, the lease will end and the victim/tenant may stop paying rent. The victim/tenant must pay rent until that 30th day.**

although a TRO sent with other acceptable documentation may help.

- The people who write reports or letters should state the reasons they are qualified to write the reports.
- The report or letter should explain what the person is relying on in order to talk about the victim of domestic violence. For example, the writers should mention any in-person meeting or any other documents that were reviewed.

It is recommended that the tenant be connected with their county domestic violence agency. (See *Services for Domestic Violence Victims* on page 11.)

### ***When will the lease end?***

Thirty days after the landlord receives the notice and other documents, the lease will end and the victim/tenant may stop paying rent. The victim/tenant must pay rent until that 30th day.

If there are other tenants on the lease, the other tenants' lease also ends. The other tenants may enter into a new lease if the landlord chooses. The other tenants should not be removed from the

home unless the landlord has good cause under landlord/tenant laws.

### ***What about my security deposit?***

If you end your lease and leave, the New Jersey Safe Housing Act states that the landlord must return your security deposit within 15 days after you are out. The law allows the landlord to keep part of the deposit if you damaged the apartment or owe rent. The landlord must send a notice to your last known address within three business days after you leave to let you know where you can go to get your deposit back. If the landlord has kept some of the deposit money, the written notice must also tell you why. If you do not agree with the reasons the landlord gives for keeping some of the deposit, you may sue the landlord in small claims court for two times the amount the landlord kept, plus any fees you pay if you have to hire an attorney to help you. (The cite to the law about the return of security deposits is N.J.S.A. 46:8-21.1.)

### **Personal information must be kept confidential**

To be successful and end a lease under this law, you will have to reveal very personal information about your situation. The New Jersey Safe Housing Act requires that landlords and/or municipal clerks must keep it private and confidential. They are prohibited from revealing any information about the domestic violence. Landlords are also specifically prohibited from entering the information into any shared database, such as one that would be available to tenant-screening companies or other agencies that generate tenant-screening

## If you end your lease and leave, the New Jersey Safe Housing Act states that the landlord must return your security deposit within 15 days after you are out.

reports. The law does, however, allow the landlord to use the information with your consent, if necessary for a future court proceeding about the tenancy.

The New Jersey Safe Housing Act goes a long way in helping victims of domestic violence who are trying to leave a dangerous situation. If you are a victim seeking assistance with a domestic vio-

lence issue, please call LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529). You may also apply for legal help online at <https://lsnjlawhotline.org>.

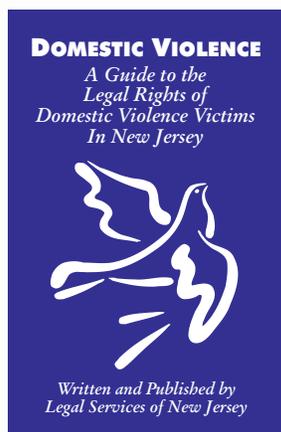
---

*Find more information about your legal rights on our website, [www.lsnjlaw.org](http://www.lsnjlaw.org).*

### October is Domestic Violence Awareness Month

**OCTOBER IS** Domestic Violence Awareness Month. If you know someone who is a victim of domestic violence, or if you need help for yourself, call the statewide domestic violence hotline at the New Jersey Coalition to End Domestic Violence, 1-800-572-SAFE (1-800-572-7233), for advice or a referral to a local program. Many victims of domestic violence feel isolated and alone, but there is expert help available. A phone call to the hotline can help victims become aware of options and services within their local communities.

Legal Services of New Jersey's Domestic Violence Representation Project (DVRP) provides legal representation, referral, and advice to low-income New Jerseyans who suffer abuse from a spouse or former spouse, present or former household member, or someone with whom they have been in a dating relationship or share a child, and cannot afford to pay for the services of a private lawyer. To find out if you are eligible for help, call LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529) or 732-572-9100 if you are calling from outside of New Jersey. Hotline hours are Monday through Friday, 8 a.m. to 5:30 p.m. You may also apply online at <https://lsnjlawhotline.org>.



Legal Services of New Jersey publishes a handbook, *Domestic Violence: A Guide to the Legal Rights of Domestic Violence Victims in New Jersey*, which is available on our website, [www.lsnjlaw.org](http://www.lsnjlaw.org), in English, Spanish, Portuguese, and Korean. LSNJ also has a series of self-help videos about restraining orders available on YouTube. You may find them by going to [www.youtube.com](http://www.youtube.com) and searching for LSNJ and *restraining order*.

# Divorce and Domestic Violence Restraining Orders

## How to Serve a Divorce Complaint on a Spouse Who Has a Domestic Violence Restraining Order Against You

**A PUBLISHED** New Jersey case<sup>1</sup>, *J.C. v. M.C.*, discusses how to serve a divorce complaint on a spouse who has a domestic violence restraining order against you. The court discussed:

- The requirement that a divorce complaint be served or delivered to the other spouse in the way spelled out in the court rules. This is called *service of process* or *serving the divorce complaint*.
- The restrictions in a domestic violence restraining order that may prevent seeking information about the current location of the person found to be a victim of domestic violence.
- An alternative way to serve the divorce papers without violating the restraining order.

### ***Can I file for divorce if my spouse has a domestic violence restraining order against me?***

Yes. The filing of a divorce complaint or other court actions does not, by itself, violate a domestic violence restraining order. Either party has a right to access the court to terminate a marriage. The court in *J.C. v. M.C.* said, “[n]othing in the domestic violence act even remotely reflects a legislative intent to block anyone, victim or defendant, from seeking a divorce against the other party.”

However, you should be very careful to avoid filing papers with the court that may be viewed as harassing the spouse who has a restraining order against you. Litigation that is not needed to resolve a genuine legal issue may be viewed by the courts as frivolous. “Frivolous” means a case that has no legitimate legal issue. This can stem from a case that is filed after the issue was already decided by a court. A frivolous case is one that a judge has no legal authority to decide. For example, asking the court to stop your spouse from dating someone else is not supported by any law and would be considered frivolous.

Preparing a divorce complaint requires you to describe facts about genuine legal issues. False, mean-spirited, or unnecessarily hurtful statements may be viewed by the court as harassing the spouse who has a restraining order against you. It is best to stick to the facts and avoid what may be seen as name-calling in your papers.

If you file papers with the court that are viewed as harassing, you can be charged with violating the restraining order. If the court finds that abusive litigation tactics are being used, it can impose sanctions and even require that future court papers be reviewed by a judge before they can be sent to the other party.<sup>2</sup>

---

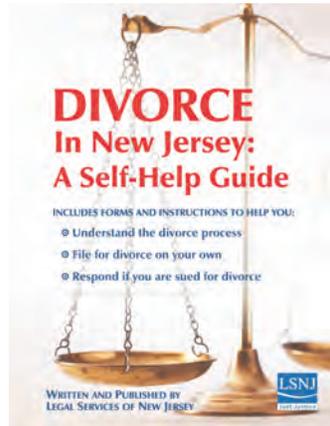
1. The cite to this case is 438 *N.J. Super.* 325 (Ch. Div. 2013).

---

2. *Parish v. Parish*, 412 *N.J. Super.* 39 (App. Div. 2010).

## How do I file for divorce?

Legal Services of New Jersey (LSNJ) has published a self-help guide on filing for divorce. You can find out more about the procedure for filing a divorce and related legal issues on the Family and Relationships section of our website, [www.lsnjlaw.org](http://www.lsnjlaw.org). You can find a link to LSNJ's *Divorce in New Jersey—A Self-Help Guide*, under Top Searches on [www.lsnjlaw.org](http://www.lsnjlaw.org). You may order a digital PDF of the guide with all of the forms to file for divorce at <https://checkout.lsnj.org>.



## What is service of process?

If you have filed a divorce complaint, or any legal action, you are required to make sure that the other party is given a copy of the divorce complaint and related legal papers. This is called “serving” the other party or “service of process,” and court rules require that it be done in a specific way. The court rules also require you to provide evidence to the court that you completed service in accordance with those rules.

Personal service—hand delivery—is considered the best form of service and should be done by the sheriff’s office. If the other party has an attorney, you may serve him or her by mailing the papers to that attorney. Some other ways to complete service are described below.

The *J.C. v. M.C.* case states, “[s]o long as the [divorce] complaint is served by a legally designated and appropriate third

person such as a sheriff’s officer, deputized process server, or other legally approved third person, rather than by the domestic violence defendant personally, such action *does not* violate the terms and spirit of the [Prevention of Domestic Violence] Act.” (Emphasis added). This means that if your spouse has a domestic violence restraining order against you and you know where your spouse lives (for example, if your spouse continues to live in the marital home), then you are within your rights to serve the divorce complaint by a sheriff’s officer hand delivering the papers to your spouse. The sheriff’s officer hand delivering the papers is not a violation of the restraining order as long as the papers are not harassing in nature. (See section above about avoiding frivolous litigation and false or mean-spirited statements in a divorce complaint.)

Do not try to hand deliver the divorce complaint and related papers to your spouse yourself. This will not count as good service and it will in most cases be a violation of the restraining order. Use the sheriff’s officer to serve the papers, or mail them to your spouse’s attorney’s office (if your spouse currently has an attorney).

A problem may arise when another form of service is attempted. When there is no restraining order between spouses, one can agree to accept service of the divorce complaint and related papers by regular mail. It is different when there is a restraining order in place. Just asking your spouse who has a domestic violence restraining order against you if he or she is willing to accept service by mail may violate the terms of the restraining order as a form of prohibited contact or communication. Asking

**If you know where your spouse lives, you are within your rights to serve the divorce complaint by a sheriff's officer hand delivering the papers to your spouse.**

---

someone else to ask your spouse may also violate the restraining order. So, if your spouse has a domestic violence restraining order against you, do not try to send the divorce complaint and related papers directly to your spouse by mail. You should not communicate with him or her directly.

***If I don't know where my spouse lives, is it ok to look for my spouse who has a restraining order against me?***

No. The rules of court require the person filing the divorce complaint to take steps to find their spouse if his or her residence is unknown. This is called "diligent inquiry." However, it is very important that you avoid invading the privacy of a spouse who has a domestic violence restraining order against you. Do not try to find your spouse.

The *J.C. v. M.C.* case warns against possibly violating a restraining order by trying to find where your spouse currently lives. "[A] violation may occur when, before service, a domestic violence defendant [chooses on his own to start] efforts to locate, confirm and

compromise the confidentiality of the protected party's whereabouts, even for the purported purpose of ... service of process."

***Then how do I serve my spouse?***

The case recognizes that spouses who have a restraining order against them and do not know where to serve their spouse are in a tough situation. The case, *J.C. v. M.C.*, describes another way to complete service. It says that a practical option for the divorce complaint and related papers to be provided to the spouse who has a domestic violence restraining order against you "without violating the party's confidentiality of location, is for the court to enter an order directing the court's domestic violence unit to forward the summons and complaint to the spouse via certified mail to his or her last known address on file in the confidential records of the [court's] domestic violence unit." That case also discusses what to do if the last known address for your spouse that is on record in the court's domestic violence unit is no longer where your spouse lives. It says that the domestic violence unit should use other forms of contact information, like a cell phone number or email address, to try to communicate with the spouse to find out his or her current mailing address and then send the papers through certified mail or, as a last resort, to send a scanned copy of the papers to your spouse's email address.



**Will the court take care of serving my spouse automatically?**

No. Courts will NOT automatically follow this procedure for service, even though a published case says that this is a good way to serve a spouse when there is a restraining order and the spouse’s current address is unknown to you. If (1) your spouse has a restraining order against you, and (2) you do not know where your spouse currently lives, you must make a motion to the court to ask for a court order for “alternate service.” Alternate service means giving notice to your spouse in a way that is different than what is required by the rules of court.

**How do I file a motion?**

To file a motion, you can use the New Jersey Judiciary’s Pro Se Motion Kit at [https://www.njcourts.gov/forms/10483\\_post\\_jdg\\_kit.pdf](https://www.njcourts.gov/forms/10483_post_jdg_kit.pdf). The motion kit consists of several parts, including a certification and a notice of motion.

In the certification, you explain the facts that support your request for alternate service. Specifically you should include a statement that (1) your spouse has been granted a domestic violence restraining order against you. Include the name of that case, the date of the order, whether it is temporary or permanent, and the docket number (beginning with “FV-”); and (2) that you do not know where your spouse currently lives.

In the notice of motion, you will explain the

“relief” you want. (Relief means what you want the court to do.) You should state that you want the court to permit alternate service in accordance with *J.C. v. M.C.*, 438 N.J. Super. 325 (Ch. Div. 2013). Then be more specific, that you want the court to permit alternate service via certified mail from the court’s domestic violence unit to the last known address in its records for your spouse. You should also say that if the certified mail fails, that you want the court to direct the domestic violence unit of the court to make efforts to contact your spouse using any cell phone number and email address for your spouse in their records to get a current mailing address and re-send the papers to your spouse via certified mail. You should then ask that if your spouse is unwilling to provide a current mailing address, but the email address in the records of the domestic violence unit is confirmed as being active, that the court permit alternate service by the domestic violence unit scanning the papers and forwarding them to your spouse’s current email address.

Follow the directions of the Pro Se Motion Kit to complete all of the papers in the kit and file them with the court. Note that you will not be sending a copy of the papers to your spouse, because you do not know the current address and this motion is asking the court to address that issue.

**Note to spouses who have been granted a domestic violence restraining order:** The courts are making efforts



To file a motion, you can use the New Jersey Judiciary’s Pro Se Motion Kit.

to protect the privacy and confidentiality of your location. If you do not want your spouse to know your address, make sure the domestic violence unit of the court that granted your restraining order has current information about your mailing address, phone number, and email address.

If you are filing for divorce or you have received a complaint for divorce filed by your spouse, you should include a valid mailing address, either a post office box number or another address, where you will receive mail regarding the divorce action (or other court matters). This does not have to be your home address, but it must be a reliable mailing address.

### NJ Address Confidentiality Program

To ensure your safety, you should consider obtaining an alternative address through the New Jersey Address Confidentiality Program (ACP), which

is a program designed to help victims of domestic violence who have relocated for their safety. The program limits access to information that would reveal your new location and allows you to receive first-class mail by way of the New Jersey Department of Community Affairs. For further information on the ACP or to register for the program, call 1-877-218-9133 or see the New Jersey Department of Children and Families Policy Manual at [www.njcedv.org/privacy-confidentiality](http://www.njcedv.org/privacy-confidentiality). You may also register as a participant in the program by contacting your county domestic violence program. For the address or phone number of your county domestic violence program, call the New Jersey Coalition to End Domestic Violence at 1-609-584-8107 or visit their website, [www.njcedv.org](http://www.njcedv.org). □

*By Mary M. McMcanus-Smith,  
Director of Litigation and Chief Counsel—Family Law,  
Legal Services of New Jersey*

**LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's Statewide,  
Toll-Free Legal Hotline**



**LSNJLAW<sup>SM</sup>**  
**FREE HOTLINE**  
Legal Advice  
and Referral

For all qualified  
low-income  
New Jersey  
residents

Call or apply online  
for help with  
civil legal problems.

**LSNJLAWHotline.org**

Visit our legal help website: [www.LSNJLAW.org](http://www.LSNJLAW.org)

LSNJLAW<sup>SM</sup> is supported by a grant from the State of New Jersey.

Read more about your legal rights on our website, [www.lsnjlaw.org](http://www.lsnjlaw.org). If you have questions or need legal advice with a civil legal matter, contact LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529). You may also apply online at <https://lsnjlawhotline.org>. Hotline hours are Monday through Friday, 8 a.m. to 5:30 p.m. The Hotline provides free legal assistance to low-income New Jersey residents in civil legal issues. If you are not eligible for assistance from Legal Services, the hotline will refer you to other possible resources.

## Services for Domestic Violence Victims

ON OUR WEBSITE, [www.lsnjlaw.org](http://www.lsnjlaw.org), you can find a guide to services for domestic violence victims:

- **Domestic Violence Emergency Resources:** A comprehensive list of programs, organized by county, that provide emergency services, including shelter and counseling for victims of domestic and sexual violence and their families.
- **Sexual Violence/Rape Care Programs:** Programs are listed by county.
- **Shelter Exit Program (SHE):** The Shelter Exit Program provides security deposits and rental assistance to victims of domestic violence and their children who are currently living in shelters or in transitional housing facilities. Its main goal is to move women living in shelters and transitional units into permanent housing—a place they can call home and a place to start their lives over, free from domestic violence.
- **Victims of Crime Compensation Board:** The Victims of Crime Compensation Board helps with costs related to injuries received in a violent crime. In domestic violence cases, this also includes loss of income/support from the offender and emergency relocation costs.
- **New Jersey Address Confidentiality Program:** The Address Confidentiality Program assists victims of domestic violence who have relocated and want to keep their addresses private so the batterer will not know where to find them. The program offers a substitute address service as well as a protected record service. For more information, call 1-877-218-9133.
- **Wallet Card:** You may want to cut out the list below and put it in your wallet so you always have these important telephone numbers handy.

Statewide Domestic Violence Hotline 1-800-572-SAFE (1-800-572-7233)
National Domestic Violence Hotline 1-800-799-SAFE (1-800-799-7233)
For local police, dial 911 or _____
Your local domestic violence agency Name: _____ Number: _____

# Cuáles son sus derechos legales

Octubre 2018

Publicado por los Servicios Legales de Nueva Jersey

La ley de Nueva Jersey para una vivienda segura, *The New Jersey Safe Housing Act*, es una ley que les permite a los inquilinos que son víctimas de violencia doméstica y a sus hijos romper un contrato de arrendamiento antes de tiempo.

---

*Looking Out  
For Your Legal Rights*  
Flip issue over for the  
English edition of  
*Looking Out for Your  
Legal Rights*.

## Protecciones para los inquilinos víctimas de violencia doméstica— La ley de NJ para una vivienda segura

La ley de Nueva Jersey para una vivienda segura, *The New Jersey Safe Housing Act*, es una ley que les permite a los inquilinos que son víctimas de violencia doméstica y a sus hijos romper un contrato de arrendamiento antes de tiempo. Esta ley se estableció para asegurar que estos inquilinos victimados tengan una vivienda segura y a largo plazo. La cita, que se refiere al número de la ley, es N.J.S.A 46:8-9.4. (La cita indica el tomo donde se encuentra esta ley).

*continúa en la página 2*

---

***El boletín de educación jurídica para los habitantes de Nueva Jersey***

---

continúa de la página 1

## Los inquilinos tienen que brindarle una notificación escrita al arrendador

Conforme a la ley, el inquilino tiene que enviar una notificación por escrito para poner un fin anticipado al contrato. Este se vencerá 30 días después de que el arrendador reciba dicha notificación, por lo cual se le exige pagar el alquiler hasta el 30avo día. La notificación tiene que indicar lo siguiente:



Para poner fin al contrato antes de su vencimiento, usted tiene que enviar una notificación por escrito al propietario de la vivienda. El contrato de arrendamiento se vencerá 30 días después de que el arrendador reciba dicha notificación.

- Que si el inquilino/víctima o el menor se queda viviendo en este lugar, correrá el peligro de que otra persona le cause algún daño físico. Para efectos de esta ley, se incluye en la definición de lo que es la violencia doméstica, el peligro que puede correr cualquier persona menor de edad. El menor no tiene que ser hijo del agresor y de la víctima. Para obtener una descripción completa de los delitos que se consideran como violencia doméstica, consulte 19 delitos catalogados como violencia doméstica.
- (El inquilino no puede terminar el contrato si la amenaza es general). Por ejemplo, el requisito se cumple si el agresor sabe dónde vive la víctima y si hubo un incidente de violencia doméstica anterior (aun si esto no ha sucedido en el lugar que se esté alquilando).

## Cuáles son sus derechos legales

### Con respecto a *Looking Out*

*Looking Out for Your Legal Rights*® es publicada 10 veces al año por los Servicios Legales de Nueva Jersey. Si usted es un cliente de los Servicios Legales, puede obtener una copia en la oficina de Servicios Legales de su localidad. También puede leer *Looking Out* en nuestro sitio Web [www.lsnj.org/espanol](http://www.lsnj.org/espanol).

### Suscripciones

La suscripción cuesta \$20 dólares por año.

### Números atrasados

Puede ver números atrasados en [www.lsnj.org/espanol](http://www.lsnj.org/espanol).

### Cambio de dirección

Si se muda, envíenos su nueva dirección y una copia de la etiqueta pegada al último ejemplar de *Looking Out*.

### Comentarios

Si tiene alguna sugerencia o comentario con respecto a *Looking Out*, nos gustaría oírlo. Envíe toda correspondencia a:

Editor, *Looking Out*  
Legal Services of New Jersey  
P.O. Box 1357  
Edison, NJ 08818-1357  
[publicaciones@lsnj.org](mailto:publicaciones@lsnj.org)

**Este boletín de noticias es sólo una información general. Si tiene un problema jurídico, usted debería ver a un abogado.**

**Una parte del costo de esta publicación se cubrió con la ayuda proporcionada por el fondo IOLTA del colegio de abogados de Nueva Jersey.**

### **Junto con la notificación, tiene que enviar otras pruebas de esta amenaza**

La víctima/inquilino debe enviar pruebas adicionales de la amenaza junto con la carta para terminar el contrato de arrendamiento. Por medio de estas, tiene que mostrar las razones por las cuales está bajo peligro de que alguien le cause un grave daño corporal. Los siguientes documentos son ejemplos de pruebas admisibles:

- Una copia certificada (oficial) de la orden final de restricción (no la temporal) según la ley para prevenir la violencia doméstica en Nueva Jersey, la cual protege a la víctima/inquilino del agresor que se menciona en la carta.
- Una copia certificada de una orden final de restricción que le otorgó otra jurisdicción (estado o país) según la ley que aplique sobre la violencia doméstica, la cual protege a la víctima/inquilino de la misma persona que se menciona en la carta.
- Un informe de una agencia del orden público (como un informe policiaco) que documente el acto o certifique (informe oficialmente) que la víctima/inquilino o menor es víctima de violencia doméstica.
- Notas o informes de un médico o enfermera u otro proveedor de servicios médicos de un hospital, sala de urgencias o una oficina médica particular, en la que se describa las lesiones que resultaron de este acto.
- Una certificación escrita (declaración oficial) de un perito en el área de la violencia doméstica o director de una



**Treinta días después de que el propietario reciba la notificación y los otros documentos, el contrato terminará y la víctima/inquilino puede dejar de pagar alquiler. Deberá pagar el alquiler hasta el día 30.**

agencia (oficial) de asistencia en casos de violencia doméstica que indique que el inquilino o el menor es una víctima.

- Otro documento o certificación de un trabajador social autorizado para indicar si el inquilino o el menor es víctima de violencia doméstica.

Los documentos que el inquilino envíe al arrendador junto con la notificación escrita son de mucha importancia. Tenga en cuenta que:

- Toda orden de restricción que envíe tiene que ser la definitiva, (FRO por sus siglas en inglés). La provisional, (TRO por sus siglas en inglés) por sí misma no es suficiente, pero le podría ser de ayuda si la envía con otros documentos admisibles.
- Las personas que le escriban informes o cartas deberán indicar sus credenciales para presentar dicho informe y enviar adjunto una copia de su hoja de vida.
- El informe o carta debe explicar qué se utilizó como fundamento

### ***¿Qué sucederá si vivo en una vivienda pública?***

Si vive en una vivienda pública o algún otro edificio subvencionado o está en el programa de asistencia con el alquiler, en inglés *Housing Choice Voucher* (también se conoce como la Sección 8), puede que tenga otras opciones para poner fin a un contrato de arrendamiento.

- **Notificar debidamente.** Lo primero que debe hacer es ver el contrato y lo que dice acerca de los avisos que necesita brindar a las Autoridades de Viviendas o al arrendador si quiere liberarse del contrato de arrendamiento. También hay una ley federal, llamada la Ley en contra de la violencia hacia la mujer, *Violence Against Women Act*, que le puede servir si usted vive en una vivienda pública, subsidiada o si recibe los cupones. (La cita de esta ley es PL 109-162).
- **Pedir a las autoridades de viviendas que le ayuden.** Las autoridades de vivienda pueden desalojar al agresor y permitir que se quede usted. Si corre el peligro de que el agresor le haga daño, pueden ayudarle a mudarse a otro lugar. Si recibe los cupones para la vivienda, puede terminar el contrato por medio de la ley de Nueva Jersey para una vivienda segura y mudarse a otra casa o apartamento. Las autoridades de viviendas que se encargan de darle la asistencia con el alquiler le ayudarán con este proceso.

Si usted vive en una vivienda pública, subvencionada o con cupones, una de las cosas más importantes que usted necesita presentar son pruebas de que usted es víctima de violencia doméstica. Estas son las mismas que se necesitan bajo la ley de Nueva Jersey para una vivienda segura. (Las pruebas se describen al principio de este artículo).

para determinar que la persona es víctima de violencia doméstica. Por ejemplo, debe indicar si hubo reuniones en persona o cualquier otro documento que se haya visto.

Se recomienda que el inquilino esté en contacto con la agencia de violencia doméstica del condado. Para obtener una lista de estas agencias, vea Recursos en caso de violencia doméstica (en inglés).

### ***¿Cuándo terminará el contrato de arrendamiento?***

Treinta días después de que el propietario reciba la notificación y los otros documentos, el contrato terminará y la víctima/inquilino puede

dejar de pagar alquiler. Deberá pagar el alquiler hasta el día 30.

Si hay otros inquilinos inscritos en el contrato de arrendamiento, también se terminará para ellos. Los otros inquilinos pueden firmar un nuevo contrato de arrendamiento si así lo desea el arrendador. No se debe sacar de la casa a los otros inquilinos, a menos que el propietario tenga una buena causa según las leyes que rigen el arrendamiento.

### ***¿Qué sucederá con mi depósito de garantía?***

Si termina el contrato de arrendamiento y se muda, la ley para una vivienda segura indica que el

## Si termina el contrato de arrendamiento y se muda, la ley para una vivienda segura indica que el arrendador tendrá que devolverle el depósito no más de 15 días después de la mudanza.

arrendador tendrá que devolverle el depósito no más de 15 días después de la mudanza. Según la ley, el arrendador se puede quedar con parte del depósito si hubo daños en el apartamento o si debe el alquiler. El arrendador debe enviar una notificación al último domicilio conocido, indicándole el lugar donde puede ir a conseguir su depósito de garantía. Si el propietario se queda con parte del depósito, también tiene que enviarle una notificación con las razones. Si no está de acuerdo con las razones por las cuales este se quedó con el depósito, puede demandar al propietario en el tribunal de menores cuantías y cobrar el doble de la cantidad que no le devolvió y los costos para conseguir que un abogado que le ayude. (La cita que indica esta ley es N.J.S.A. 46:8-21.1.)

### **Tendrán que mantener confidencial la información personal**

Para poder lograr que se termine el contrato bajo esta ley, tendrá que divulgar información muy personal sobre su situación. De acuerdo a la ley de Nueva Jersey para una vivienda segura, el arrendador y/o secretario del

municipio tienen que mantener la información confidencial. Se les prohíbe que divulguen la información con respecto a la violencia doméstica. También se prohíbe que el arrendador ponga dicha información en una base de datos compartida, como por ejemplo con una compañía de investigación acerca de los inquilinos o agencia que expide informes acerca de los inquilinos. Sin embargo, la ley sí permite que el arrendador pueda utilizar esta información en el futuro, si es que se entra en un proceso jurídico de inquilinato.

La ley de Nueva Jersey para una vivienda segura es de gran beneficio para las víctimas de violencia doméstica que deseen salirse de una situación peligrosa. Si usted es víctima y desea que le asistan con un asunto de violencia doméstica, llame a LSNJLAW<sup>SM</sup>, la línea directa gratuita de asistencia jurídica de los Servicios Legales de Nueva Jersey para todo el estado, marcando el 1-888-LSNJ-LAW (1-888-576-5529). También puede solicitar por medio de la Internet, <https://lsnjlawhotline.org>. □

*Este artículo fue traducido del inglés por Al Moreno, director del servicio lingüístico en LSNJ*