

Sexual Assault, Sexual Harassment, and Housing in Maine

What laws protect renters?

There are five main types of laws that protect renters:

- 1 - Criminal laws** that protect everyone from certain actions of others including sexual assaults, stalking, and unauthorized dissemination of private images or violation of privacy (sharing nude images without consent, filming in bathroom/bedroom without consent);
- 2 - Civil protection from abuse and protection from harassment laws** that protect everyone from similar behaviors (sexual assault, stalking, etc.) and allow you to get a restraining order to keep someone away from you,
- 3 - Maine state housing laws** that give you certain specific rights as a renter after sexual assault or stalking by anyone, and
- 4 - Fair housing laws** that protect you against actions by your landlord and may allow you other longer term remedies, including financial compensation.
- 5 - VAWA protections** -Violence Against Women Act protections for public housing, including survivors receiving section 8 vouchers.

CRIMINAL REPORTS

What are my rights if I decide I want to make a police report?

Not all sexual harassment is criminal behavior, but much of it does fall within existing definitions of sexual assault and stalking.

You have a right to make a written report of what happened to you and provide the police with any evidence (screenshots, notes, photos). You have a right to have a sexual assault advocate with you when you make a police report, or have any interview or meeting with law enforcement or prosecutors. You have a right to get one free copy of your police report.

You do not have a right to “press charges.” There is a misconception that you can “press charges” against another person. The prosecutor in your area decides which cases to bring against criminal defendants. But you do have certain rights in the process.

For example, if you are reporting a sexual assault, law enforcement are required to pass the case on to the prosecutor to review. Also remember, prosecutors are elected public employees. If you want your case to move forward, you can request a meeting or phone call with someone from the DA's office to ask for information about your case. You have a right to have an advocate with you for this conversation.

If your criminal case does move forward, you have a right to be informed of certain things, such as when a defendant is released from jail, when court dates are scheduled, and the details of any plea agreements. You may also be able to file for victims' compensation for certain medical and mental health costs resulting from the crime.

What if I decide to get a sexual assault forensic examination?

If you decide to get a sexual assault forensic examination, you have a right to have that cost covered by Victim's Compensation and to have an advocate with you during the sexual assault forensic examination.

During or after the examination, you can decide whether you to keep your kit anonymous or whether you would like to make a report to local law enforcement. You do not have to make this decision right away; law enforcement is required to store your kit for twenty years.

CIVIL PROTECTION ORDERS

Who is eligible to file for a civil protection order?

Anyone who experiences sexual assault, stalking, or unauthorized dissemination of private images by another person can file for a Protection from Abuse order, which can be effective for up to two-years and may include the defendant being barred from possessing firearms. Anyone who experiences sexual assault, stalking, unauthorized dissemination, and other offenses (harassment, violation of privacy, simple assaults like pushing) may also be eligible for a one-year Protection from Harassment order, which does not include firearms restrictions.

What does the process to get a protection order look like?

You can file for either a Protection from Abuse or Protection from Harassment order at any District Court at any time they are open. There are no charges for filing if you are a victim of sexual assault or stalking. A local sexual assault advocate may be able to go with you to assist in filing.

Once you file your paperwork, the judge will often give you a temporary order and court date for final hearing, which is often within a few weeks.

At the final hearing, there are four potential options to resolve your case:

1. you can dismiss your case,
2. you get a default order because the defendant does not show up,
3. you and the defendant agree to an order, or
4. you have a contested hearing, in which case the judge will decide the outcome based on the evidence presented.

What does a protection order do?

Generally, the terms of a protection order can be negotiated or a judge will decide the specific terms, so they are relatively flexible.

A standard protection order prohibits the defendant from having most or all contact with you including in-person, over the phone, and online, including social media.

It can also exclude someone from your residence; however, that may not include the area beyond your specific unit. For example, if you are being sexually harassed by your landlord, the court might prohibit the landlord from entering your unit, but may still allow them to be at the property in general.

The order can also prohibit someone from sharing private images of you or destroying your property.

MAINE STATE HOUSING LAW

There are a number of protections under these laws if you are a victim of sexual assault or stalking. First, you will need to provide “proof” of the abuse. Proof can include:

- A copy of a Protection from Abuse or Harassment Order, including a temporary order
- A copy of a police report
- A copy of a criminal conviction
- A note from your doctor or mental health provider
- A note from a sexual assault or domestic violence agency
- If you live in public housing, Section 8, or a building funded by Rural Development, you can “self-certify” by giving your landlord a statement you signed and had notarized.

This proof gives you several rights including:

- The right to move in 30 days (if you have a lease) or 7 days (if you do not have a lease), if you need to move for safety reasons, without being charged any money by your landlord
- The right to not be evicted because of the stalking or sexual assault
- The right to not have to pay for damages caused by the person who sexually assaulted or stalked you, so long as they are not a tenant in your unit (if they are a tenant the landlord can deduct from your joint security deposit)
- The right to change your locks (but you do need to give your landlord a copy of the keys within 48 hours)

FAIR HOUSING

What is fair housing law?

Fair housing rules apply **except** when:

1. *the landlord lives in the building and there are less than two units or*
2. *the landlord is renting out four or fewer rooms in their own house.*

There are two types of sexual harassment considered in fair housing law: “quid pro quo” or “this for that” – which might include a landlord asking for sexual favors in exchange for housing, lowering rent, making a repair, etc. The other type of harassment is called “hostile environment” and could include comments, touching, or other actions.

If you are experiencing either of these types of harassment, you can file a complaint with the Maine Human Rights Commission. It can be very helpful to have a lawyer for this process.

Here is some information to keep track of to prepare for filing a complaint:

- A description of the harassing events, in chronological order.
- Copies of any emails, notes or other documentation from the landlord, landlord’s employee or other tenant.
- Location(s) where the harassment took place.
- Specific date(s) and time(s) when the harassment happened.
- Name(s) of the person(s) who did the harassing or were involved.
- Any actions you have already taken.
- Keep a log of your contacts with the landlord. Include any times when you left messages and the landlord did not respond

VAWA PROTECTIONS

When a survivor is in public housing there are additional federal protections from VAWA. These protections help survivors who have previously been evicted or received a bad landlord reference due to sexual assault, stalking, or domestic violence. They also protect a survivor's ability to be able to maintain and transfer their voucher. This is done through a self-certification process.

GETTING SUPPORT

How do I access support in these processes?

Sexual assault advocates can support for each of these four processes. It is best to have an attorney for a protection order or fair housing matter. A sexual assault advocate can help connect you with legal assistance. To get connected with sexual assault advocacy services, call the **Maine Statewide Sexual Assault Helpline at 1-800-871-7741.**