

Yee Introduces Bill to Prevent Unfair Evictions of Domestic Violence Victims

California Political Desk

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SAN FRANCISCO – Senator Leland Yee (D-San Francisco/San Mateo) today announced legislation to prevent landlords from unfairly evicting domestic violence victims. Senate Bill 782 is modeled after a San Francisco ordinance authored by **Supervisor Carmen Chu** and sponsored by District Attorney Kamala Harris, which passed in February.

"It is unconscionable to force a domestic violence victim from their home," said Yee. "Evicting a survivor of domestic violence not only results in being re-victimized, but unfairly strains a family attempting to recover. The possibility of eviction discourages women from coming forward to report incidents of domestic violence. If a victim wants to stay in his or her home, they should be allowed that opportunity and should not face added pressures of moving or possible homelessness."

Under current law, if a victim determines he or she must relocate to a safe environment, he or she can petition the court to break his/her lease without penalty. However, the reverse option is not currently available in jurisdictions besides San Francisco. The result is that many landlords force victims to leave their homes under a nuisance clause in their rental agreement.

SB 782 would allow a tenant to petition the court to stay in their homes if issued an eviction notice based primarily on the acts of domestic violence. In order to be eligible, tenants must have written documentation by a qualified third party (such as a police officer, therapist or licensed clinical social worker) substantiating the abuse. Tenants would still be subject to all the terms of their lease.

"Victims of domestic violence should have the opportunity for safe recovery in stable housing," said Chu. "I applaud Senator Yee for addressing this issue at the state level."

"Fleeing abuse leaves many families homeless," said Harris. "With this legislation, Senator Yee is giving domestic violence survivors across our state the same protection afforded to victims in San Francisco, where we fought to change the law so domestic violence survivors don't lose their homes as a result of violence that has been inflicted upon them."

"During these times of fiscal challenge, we need to take steps to keep vulnerable people in their homes while safeguarding the rights of domestic violence victims and landlords at the same time," said Betty Yee, Chair of the State Board of Equalization. "This measure gives clear direction to courts to focus on police reports and restraining orders to remove the abuser, not the victim, from the property."

"This bill extends important tenant rights to victims of domestic violence, sexual assault, or stalking," said Emily Murase, Executive Director of the San Francisco Department on the Status of Women. "Victims will no longer be subject to eviction based on noise, police activity, or other complaints. These evictions had the adverse effect of discouraging women from coming forward against their batterers and pursuers. We need to encourage, not discourage, women to step forward."

SB 782 will be considered by the Senate Judiciary Committee on April 21.

Last year, Senator Yee authored and successfully passed another law that victim advocates believe will result in more women coming forward to law enforcement after falling victim to domestic violence. SB 1356 protects domestic violence survivors from the threat of incarceration when they refuse to testify against their abuser in court.

According to the California Partnership to End Domestic Violence, nearly 44,000 people were arrested statewide in 2006 for domestic violence charges.

If you are a victim of domestic violence or if you want to report an incident of domestic violence, call the 24-hour-a-day toll-free National Hotline at 1-(800) 799-SAFE or 1-(800) 787-3224 (TDD).

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