

ASSEMBLY BILL 418

DOMESTIC VIOLENCE LEASE TERMINATION BILL

ASSEMBLYMEMBER DAVID CHIU

BILL SUMMARY

Assembly Bill 418 would remove the sunset date of an existing state law that allows a survivor of domestic violence to terminate a residential lease in order to move to safer housing. This bill would also decrease the survivor's remaining rent obligation from 30 days to 14 days.

BACKGROUND

Current law allows a survivor of domestic violence, sexual assault, elder/dependent adult abuse, human trafficking, or stalking to terminate a residential lease early if they are able to provide their landlord with a statement from a health professional, domestic violence counselor, sexual assault counselor, or human trafficking caseworker that he or she is a survivor of abuse. This provision will sunset on January 1, 2016. After that date, if the sunset is not removed, a survivor could only terminate a lease early by going to court and obtaining a restraining order or by filing a police report.

Many survivors often cannot take either of those actions. In 2005, the California Attorney General's Task Force on Criminal Justice Response to Domestic Violence reported that there were significant burdens placed on victims seeking family court restraining orders. Furthermore, immigrant survivors are often reluctant to contact the authorities due to their cultural aversion to involving outsiders in family matters or prior negative experiences with the police and the justice systems in their native countries. Additionally, limited English proficient individuals continue to face language barriers when interacting with the court system. Removing the sunset would ensure that survivors continue to have access to lease terminations without having to turn to the courts or the police.

Even with the streamlined procedure that AB 418 would make permanent, there are barriers to early termination because the survivor must still pay for 30 days of additional rent after he or she leaves. This time period deprives survivors of funds they desperately need to secure new rental housing.

Reducing additional rent obligations will help more survivors find replacement housing – something that is crucial to combatting the homelessness survivors often experience. Over 80 percent of domestic violence survivors entering shelters identified “finding housing I can afford” as a need, second only to “safety for myself” (85 percent).

Between 22 and 57 percent of all homeless women report that domestic violence was the immediate cause of their homelessness. In a 2006 report by the U.S. Conference of Mayors, 44 percent of the cities surveyed identified domestic violence as the primary cause of homelessness.

Fifty-two percent of all sexual assaults occur where the victims live, and a study found that nearly 80 percent of sexual assault survivors living in public housing wanted to relocate because the perpetrator was nearby, but could not due to a lack of funds and housing options. (*Link Between Housing & Sexual Violence*, National Sexual Violence Resource Center, 2014.)

THIS BILL

AB 418 will:

1. Remove the sunset date of December 31, 2015 on the ability for a survivor of domestic violence, sexual assault, elder/dependent adult abuse, human trafficking, or stalking, to terminate a residential tenancy early, based upon giving a statement to a health professional, domestic violence counselor, a sexual assault counselor, or a human trafficking caseworker that he or she is a survivor of abuse. These provisions would become permanent.
2. Decrease the maximum rent liability following a notice to terminate from 30 days to 14 days.

CO-SPONSORS

- California Partnership to End Domestic Violence
- Western Center on Law & Poverty
- National Housing Law Project
- See reverse for full list of supporters

CONTACT

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SUPPORTERS

- Alliance for Community Transformations
- American Civil Liberties Union (ACLU)
- AFSCME
- Asian Americans Advancing Justice
- California Apartment Association
- California Catholic Conference of Bishops
- California Coalition Against Sexual Assault (CALCASA)
- California Communities United Institute
- California Women's Law Center
- Casa De Esperanza
- Community Overcoming Relationship Abuse (CORA)
- Fair Housing Napa Valley
- Housing Commissioner of Los Angeles
- Housing Equality Law Project
- Interface Children and Family Services
- Laura's House
- Law Foundation of Silicon Valley
- Monarch Services
- National Council of Jewish Women CA
- Next Door Solutions to Domestic Violence
- Peace Over Violence
- Rainbow Services
- Safe Alternatives to Violent Environments
- SF Domestic Violence Consortium
- Shepherd's Door Domestic Violence Resource Center
- Strong Hearted Native Women's Coalition
- Tenants Together
- WomanHaven, Inc; Center for Family Solutions
- Wild Iris Family Counseling and Crisis Center
- YWCA of Glendale