



Committee: Committee on Consumer Protection and Commerce
Hearing Date/Time: Wednesday, February 20, 2013, 3:00 pm
Place: Conference Room 325
Re: Testimony of the ACLU of Hawaii in Support to H.B. 245, Relating to Domestic Violence

Dear Chair McKelvey and Members of the Committee on Consumer Protection and Commerce:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support to H.B. 245, which would protect domestic violence survivors from evictions based on their abuse.

By prohibiting housing providers from revictimizing individuals who have experienced domestic violence or sexual assault, the legislation would effectively outlaw one form of sex discrimination against women, who make up the great majority of those who experience such violence. This bill would also help ensure the safety of women and their children who are threatened with domestic violence by eliminating one of the obstacles that deter women from calling the police.

Some landlords believe they can ensure safety on their property by prohibiting domestic violence survivors from living on the premises. Often such denials of housing are based on so-called “zero tolerance” policies, requiring the eviction of everyone occupying an apartment if criminal activity occurs there, regardless of whether a person was a victim of violence or the perpetrator. On the basis of such policies, landlords may evict victims of domestic violence or deny applications for housing from women who have experienced domestic violence in the past.

In other circumstances, landlords evict women who have experienced domestic violence from housing on the basis of gender stereotypes, such as the belief that battered women are necessarily to blame for the violence against them. When landlords retaliate against victims of violence in this way, it sends the pernicious message that individuals experiencing domestic violence or sexual assault must keep the abuse secret at the risk of losing their homes. Women who know that they and their children may become homeless if their landlords find out about the abuse are less likely to take the necessary steps to make themselves and their families safe, such as obtaining a protective order or seeking the assistance of the police, because these actions are likely to make the abuse public. By placing obstacles in the path of individuals seeking to end abusive relationships, landlords who threaten battered women with eviction thus render their properties *less* safe as such policies make it more likely the violence will continue.

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Chair McKelvey and Members of the Committee on Consumer Protection and Commerce
February 20, 2013
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Such policies also contribute to a homelessness epidemic for survivors of domestic violence and their children. Local and regional studies across the United States confirm that domestic violence is a primary cause of homelessness. A study of homelessness in Hawaii found that 23% of homeless people have children and have experienced domestic violence.¹ Between 22 and 50 percent of homeless women report that they are homeless as a direct result of domestic violence,² and at least one study has found that women experiencing recent or ongoing domestic violence are far more likely to face eviction than other women.³ The risk of homelessness for domestic violence survivors is increased by the fact that women living in rental housing experience such violence at three times the rate of women who own their homes.⁴

For these reasons, we urge the Legislature to expressly prohibit this form of housing discrimination that further punishes those who are victims of a crime of violence and pass H.B. 245. Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

The ACLU has been the nation's guardian of liberty since 1925 and the ACLU of Hawaii since 1965 and works daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.

¹ SMS Research & Marketing Services, Inc., Homeless Point-in-Time Count Report: 2003 (2004), <http://www.hcdch.hawaii.gov/documents/03homelessstudy.pdf>.

² See generally ACLU Women's Rights Project, "Domestic Violence and Homelessness" (2006) (collecting studies), at <http://www.aclu.org/womensrights/violence/24323res20060321.html>.

³ Richard M. Tolman et al., Michigan Program on Poverty and Social Welfare Policy, *Domestic Violence and Economic Well-Being of Current and Former Welfare Recipients* (2001).

⁴ Carrie Marie Rennison & Sarah Welchans, Department of Justice, NCJ 178247, *Intimate Partner Violence* 4 (2000).

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 15, 2013 8:33 AM
To: CPCtestimony
Cc: 44ed322a@opayq.com
Subject: *Submitted testimony for HB245 on Feb 20, 2013 15:00PM*

HB245

Submitted on: 2/15/2013

Testimony for CPC on Feb 20, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Subject: *Submitted testimony for HB245 on Feb 20, 2013 15:00PM*

HB245

Submitted on: 2/15/2013

Testimony for CPC on Feb 20, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cleon Bailey	Individual	Oppose	No

Comments:

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Sent: Monday, February 18, 2013 6:39 PM
To: CPCtestimony
Cc: jasmineramose808@yahoo.com
Subject: Submitted testimony for HB245 on Feb 20, 2013 15:00PM

HB245

Submitted on: 2/18/2013

Testimony for CPC on Feb 20, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jasmine Ramos	Individual	Support	No

Comments: This is testimony in support of HB245. HB245 was stop landlords from terminating a rental agreement solely on the basis of being a victim of domestic violence. However, the measure does not preclude the landlord from terminating the lease or rental agreement for any lawful reason, such as but not limited to failure to pay rent, failure to abide by rules as stipulated in the rental agreement and any other lawful reason to end the rental agreement. This bill will protect the victim of domestic violence, while allowing for the same protections to the owner and landlord, thus allowing for any lawful eviction. Please pass this important measure to ensure safety and protection for our victims of domestic violence.

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Cc: s_euglen@aol.com
Subject: *Submitted testimony for HB245 on Feb 20, 2013 15:00PM*

HB245

Submitted on: 2/18/2013

Testimony for CPC on Feb 20, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Serafin Euglen	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 18, 2013 9:37 PM
To: CPCtestimony
Cc: alangarcia999@yahoo.com
Subject: Submitted testimony for HB245 on Feb 20, 2013 15:00PM

HB245

Submitted on: 2/18/2013

Testimony for CPC on Feb 20, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Garcia	Individual	Support	No

Comments: To Chair Angus McKelvey and Vice Chair Derek Kawakami and committee members. I support HB245, because this bill will allow domestic violence victims the ability to remain in their rental unit and not be forced to become homeless, just because they are victims of domestic abuse. The bill allows for the landlord to evict any domestic violence victim(s) if they fail to follow any of the terms of the rental agreement, but it provides a safety net to not allow the landlord to evict the domestic violence victim, solely on the fact that the renter is a victim of criminal domestic violence and abuse. The real estate firms will be in opposition to this bill, because a large number of property managers want the ability to kick out or evict anyone who is a victim of domestic violence. Please pass this measure to protect victims of domestic violence. Mahalo, Alan Garcia

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