



SUSAN TALAMANTES EGGMAN

REPRESENTING SENATE DISTRICT 05

SB 1017 – Leases: termination of tenancy: abuse or violence.

SUMMARY

SB 1017 will allow survivors of domestic violence and other violent acts, who are tenants, to maintain their current housing and avoid eviction, significantly increasing their safety and providing much-needed stability as they heal from trauma.

BACKGROUND

Survivors of domestic violence, sexual assault, stalking, human trafficking, elder or dependent adult abuse, and other forms of crime are at increased risk of housing instability. An ACLU report stated that 50% of U.S. cities surveyed reported that domestic violence is a primary cause of homelessness. Nationally, 57% of unhoused women reported domestic violence was an immediate cause of their homelessness. The experience of domestic violence is not unique to just one portion of our housing insecure and homeless population, but rather cuts across many categories, including women, men, Trans and Gender Non-Conforming individuals, Queer, and Intersex people.

The threat of housing insecurity causes victims to stay in abusive relationships – exposing loved ones of all ages to continued violence. Exposure to violence is a key risk factor for future perpetration of violence and chronic health conditions.

California has already established eviction protections for survivors in CCP 1161.3. However, several gaps in the law leave survivors at risk and unable to access these protections. Survivors who lack required documentation of abuse, survivors who previously shared tenancy with their abusive partner, and survivors who lose the protection because the abusive partner returned to the property – even without the survivor’s consent or for commonsense reasons such as collecting their belongings or child custody exchanges, all are unable to access protections. This bill will help ensure that no survivor can be evicted because of acts of abuse committed against them.

THIS BILL

SB 1017 will support survivors, their families, and their loved ones, stay safely housed by:

Expanding allowable documentation of the violence to include documentation from a victim of violent crime advocate, or other documentation that reasonably proves the victimization and is acceptable to the court.

Making eviction protections consistent with early lease termination laws by protecting survivors of a broader range of violent acts, and immediate family members of survivors.

Eliminating a loophole in current law, which does not allow survivors to utilize eviction protection if the abusive person was also a tenant at the property and no longer lives there.

Eliminating language in current statute that invalidates protections if the survivor “allows” the abusive person to visit the property, which does not reflect the research-based realities of domestic violence relationships.

Revoking eviction protections only if the tenant voluntarily allows the abusive person on the property and the abusive person is a threat to the safety of another person at the property.

Protecting survivors that live with the abusive person from being evicted because the abuse, by allowing courts to issue a partial eviction, evicting the abusive person but not the survivor.

Providing survivors, household members, and immediate family members who terminate their lease early a cause of action if their landlord fails to comply with the law.



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SUPPORT

California Partnership to End Domestic Violence
(co-sponsor)
Crime Survivors for Safety and Justice (co-sponsor)
CUAV (co-sponsor)
Dr. Beatriz María Solís Policy Institute - Women's Foundation of California (co-sponsor)
Family Violence Appellate Project (co-sponsor)
Western Center on Law and Poverty (co-sponsor)
A Better Way
ACLU California Action
American Association of Doctors of Behavioral Health
Asian Americans Advancing Justice – California
Asian Americans for Community Involvement
Broken by Violence
California Latinas for Reproductive Justice
California Work & Family Coalition
Chinatown Community Development Center
Coalition on Homelessness, San Francisco
Consumer Attorneys of California
Culturally Responsive Domestic Violence Network
Downtown Women's Center
Ella Baker Center for Human Rights
Futures Without Violence
Gray's Trauma-Informed Care Services Corp
Haven Women's Center of Stanislaus
Housing and Economic Rights Advocates
Human Options
Initiate Justice
Integral Community Solutions Institute
Jewish Family Service of Los Angeles
Legal Aid of Marin
Los Angeles Center for Law and Justice
Mixteco Indigena Community Organizing Project
National Council of Jewish Women- California
Next Door Solutions to Domestic Violence
Parent Voices, California
San Francisco Anti-Displacement Coalition
San Francisco District Attorney's Office
San Francisco Domestic Violence Consortium
The Unity Council
Women Lawyers of Sacramento
Women's Center for Youth and Family Services
Women's Foundation California



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FOR MORE INFORMATION

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