

City Officials Ask SPOSFI for Input on Domestic Violence Legislation by Gideon Kramer

Domestic violence primarily affects women, although violence by women against men also happens. Domestic violence is the leading cause of homicide among women in San Francisco. To address the housing aspect of the problem, District Attorney Kamala Harris and Supervisor Carmen Chu recently introduced legislation to protect victims of such abuse from unfair evictions.

The proposed legislation will amend the San Francisco Rent Ordinance to prevent victims of domestic abuse and stalking from being evicted based on any noise, nuisance or complaints directly associated with that abuse.

The sponsors of the bill wisely requested the assistance of SPOSFI to help craft the legislation so that it would not only safeguard the rights of tenants who are victims of domestic violence, but also protect small property owners who are unwittingly caught in the middle. We offered amendments to protect landlords while clarifying our position that victims of domestic violence who continue paying rent should not be subject to eviction.

“By turning those who have been abused back out on the streets, we are essentially re-victimizing them,” said Supervisor Carmen Chu. “Domestic violence is the second-leading cause of homelessness among women in San Francisco. There is a serious impact on their health and safety, and diminished chances of holding their abusers accountable if they cannot recover in a safe environment.”

Domestic violence cases are difficult to prosecute. Of the city’s felony domestic violence cases dismissed by the courts in 2007, 55% involved victims who were unavailable to testify. In contrast, when prosecutors were able to bring a case before a jury with a testifying victim, the conviction rate was 76%.

District Attorney Harris adds, “Judges and juries get it. When they hear from the victims, they convict... We need to make sure we support victims so they can feel safe in coming forward. And the most basic support they need is stable housing. If they have that, it’s more likely they’ll come to court, testify and help us secure a conviction.”

San Francisco is not alone in proposing such legislation: over 20 other jurisdictions, including the U.S. government, have enacted protections for tenant victims of domestic violence and stalking.

What the Proposed Protective Legislation Does

The legislation would permit victims of domestic violence to terminate a lease if the victim must leave the apartment to protect her/his or her/his family’s safety. Also, under the new law, victims will be permitted to terminate a lease upon 14 days notice to the

landlord. However, the tenant would remain liable for the remaining rent owed to the landlord.

If domestic violence is pled as defense against an eviction action, victims would have to be able to prove in court that they are being evicted because of noise or nuisance directly resulting from abuse. For proof of abuse the legislation calls for victims to file a police report, apply for a restraining order to document the abuse taking place, or both.

SB1745, a measure to outlaw employment and housing discrimination against domestic violence victims sponsored by District Attorney Harris, passed the Legislature in 2006. Governor Schwarzanegger vetoed it. DA Harris and Supervisor Chu are working to ensure these protections for local victims.

Gideon Kramer is the SPOSFI News Editor. Reprinted with permission of the Small Property Owners of San Francisco Institute (SPOSFI) News. For more information on becoming a member of SPOSFI or to send a tax-deductible donation, please visit their website at www.smallprop.org or call (415) 647-2419.