

Late

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**THE HONORABLE JOHN M. MIZUNO, CHAIR  
THE HONORABLE TOM BROWER, VICE CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES**

**TWENTY-FIFTH STATE LEGISLATURE  
REGULAR SESSION OF 2009**

February 2, 2009

**RE: HOUSE BILL 1497; RELATING TO DOMESTIC VIOLENCE**

Good Morning Chair Mizuno and members of the Human Services Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of the purpose and intent of H.B. 1497**, which proposes to provide protections for victims of domestic violence by prohibiting landlords from refusing to rent, or evicting a rental housing tenant solely based upon the person's status as a victim of domestic violence.

Housing and the ability obtain or maintain adequate housing is one of the most critical issues for domestic violence victims in Hawaii. The provisions in H.B. are designed to extend protections currently provided in federal law for residents of federally-funded public housing to victims of domestic violence who live in rental housing in Hawaii. While we laud the intended purpose of this bill we urge the Committee to adopt amendments that would make the provisions more precise and practical for application by landlords and tenants in our state. The definition of those eligible for the protections of this measure appears a bit too broad and imprecise. We would suggest adopting the definition of family or household members as specified in H.R.S. Section 586-1, as well as narrowing and specifying more clearly the crimes and/or other legal circumstances that qualify an individual for the procedural benefits for renters who are victims of domestic violence, as outlined in the bill. Providing greater clarity would both make it easier to apply it to real life circumstances, as well as encourage greater support for the measure from landlords and management companies.

In conclusion, we ask for your support for H.B. 1497 with amendments as outlined in our testimony above. Thank you for your time and consideration.

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February 1, 2009

**The Honorable John M. Mizuno, Chair**  
House Committee on Human Services  
State Capitol, Room 329  
Honolulu, Hawaii 96813

**RE: H.B. 1497 Relating to Domestic Violence**  
**Hearing date: February 2, 2009 @ 8:15 a.m.**

Aloha Chair Mizuno, Vice Chair Brower and members of the Committee,

On behalf of our 9,600 members in Hawai'i, the Hawai'i Association of REALTORS® (HAR) expresses concerns regarding H.B. 1497, which prohibits a landlord from evicting a rental housing tenant solely on the basis that the tenant is a victim of domestic violence.

HAR has concerns regarding H.B. 1497, and specifically, how this proposed legislation would work in practice. Because H.B. 1497 will allow a victim of domestic violence to terminate a lease, it would have a significant impact on other lease provisions, including the security deposit, the legal rights of other individuals who appear on the lease, and responsibilities of tenants upon termination of the lease.

HAR feels that these issues and others regarding the impact of H.B. 1497 should be carefully considered before this bill is passed. HAR looks forward to participating in further discussion on this measure.

Mahalo for the opportunity to testify.

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**HAWAII IMMIGRANT JUSTICE CENTER**  
(formerly Na Loio Immigrant Rights and Public Interest Law Center)

P. O. Box 3950  
Honolulu, Hawaii 96812-3950  
(808)536-8826  
(808)537-4644  
(877)208-8828 Toll Free Neighbor Islands  
[info@hijcenter.org](mailto:info@hijcenter.org)

February 1, 2009

TO: Chair Mizuno, Vice Chair Brower, and Members of the Committee on Human Services

FROM: Calleen J. Ching, Attorney

RE: H.B. 1497, RELATING TO DOMESTIC VIOLENCE

HEARING DATE: February 2, 2009, 8:15 a.m.

The Hawaii Immigrant Justice Center (HIJC) is a statewide private, nonprofit agency providing immigration legal services to indigent immigrants. Assisting immigrant victims of domestic violence and sexual assault is a top priority for HIJC. It offers this testimony for informational purposes.

Safe housing is very important to domestic violence victims. While many domestic violence victims may be able immediately flee to an emergency shelter for safety, their stay at the shelter is temporary and they must leave after a short period of time. Safe and stable housing is necessary for them to end the abusive relationship and leave their abuser.

There is a strong connection between domestic violence and homelessness. According to the National Alliance to End Homelessness, domestic violence is the most cited reason for the cause of homelessness in families. (National Alliance to End Homelessness, June 2007). The National Network to End Domestic Violence found that on a daily basis 1,740 victims could not be provided emergency shelter and 1,422 could not be provided transitional shelter. (National Network to End Domestic Violence, 2004). With nowhere to go victims may choose to return to the abusive relationship. Our community should provide a safety net for them.

This bill would allow specific protections to domestic violence victims to find and/or keep safe housing. Thank you for allowing us to testify.

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George J. Zweibel, Esq.  
President, Board of Directors

M. Nalani Fujimori, Esq.  
Interim Executive Director

**TESTIMONY IN SUPPORT OF HB1497 -**  
**Relating to Domestic Violence**

February 2, 2009 at 8:15 a.m.

The Legal Aid Society of Hawai'i ("Legal Aid") hereby provides testimony to the Committee on Human Services **in support of** HB1497, relating to Domestic Violence which provides added protections for victims of domestic violence in rental housing.

Legal Aid is the largest non-profit, private legal services organization in the State. We provide legal services for domestic violence victims and is one of the only legal service organizations to have a unit dedicated to housing.

We are in support of this bill as it is critical for victims of domestic violence to be able to secure their homes after an incident of domestic violence by changing the locks or have the ability to terminate a lease without penalty in order to seek a safer housing situation.

Being able to change the locks on their home or terminate a lease can be critical to ensuring safety for a victim of domestic violence. A 1990 Ford Foundation study found that 50% of homeless women and children were fleeing abuse.<sup>1</sup> In 1998, a study of 777 homeless parents (the majority of whom were mothers) in ten U.S. cities, 22% said they had left their last place of residence because of domestic violence.<sup>2</sup> A 2003 survey of 100 homeless mothers in 10 locations around the country found that 25% of the women had been physically abused in the last year.<sup>3</sup> In addition, 50% of the 24 cities surveyed by the U.S. Conference of Mayors identified domestic violence as a primary cause of homelessness.<sup>4</sup>

Thank you for this opportunity to testify.

Sincerely,

Jennifer La'a  
Fair Housing Program Manager  
Domestic Violence Project Manager

<sup>1</sup> Zorza, Joan, "Woman Battering: A Major cause of Homelessness", Clearing House Review, Vol. 25, No. 4, 1991.

<sup>2</sup> Homes for the Homeless, "Ten Cities 1997-1998: A Snapshot of Family Homelessness Across America," (1998). Available from Homes for the Homeless & Institute for Children and Poverty.

<sup>3</sup> American Civil Liberties Union, "Domestic Violence Project" (2004); available at [www.aclu.org](http://www.aclu.org).

<sup>4</sup> U.S. Conference of Mayors, "A Status Report on Hunger and Homelessness in America's Cities": 2005.

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## Cynthia Nyross

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**From:** Dara Carlin, M.A.  
**Sent:** Sunday, February 01, 2009 8:12 PM  
**To:** HUS testimony  
**Subject:** HB1497 to be heard MONDAY, 02/02/09 at 8:15am by the House Committee on Human Services

**Importance:** High

TO: Representative John Mizuno, Chair  
Representative Tom Brower, Vice Chair  
Members of the Committee on Human Services

FROM: Dara Carlin, M.A.  
881 Akiu Place  
Kailua, HI 96734  
(808) 218-3457

DATE: February 2, 2009

RE: Support for HB1497

The issue of domestic violence in Hawaii is a big one and as the public is starting to better understand, a more complicated one to resolve than the victim simply leaving her abuser. Victims of domestic violence do not become SURVIVORS of domestic violence by themselves - they crucially need the support of others if they're to make it on their own; without this ongoing support, it's too easy for victims to resign themselves to failure and return to their abusers.

Housing is a major issue for many in Hawaii, but it is far more complicated if you're a victim of domestic violence trying to discharge from the shelter and attempting to find a safe home for you and your children. Part of Safety Planning is to inform those around you about your status as a DV victim; we ask victims to alert their employers, daycare providers, schools the children attend AND if you're in a rental situation, your landlord. While everyone says they're against domestic violence, often times that sentiment does not translate into commitment or action once they're faced with the situation.

I cannot begin to tell you the literal and figurative "welcome mats" that are pulled out from beneath DV victims' feet when their identity as a victim is exposed. In an effort to Safety Plan or to stress the desperation of their plights, victims will often disclose that they are such when applying for rental housing, but instead of this disclosure resulting with a lease and keys the result more often than not is an apology followed by "Oh, that apartment just got taken an hour ago" or "that place won't be ready for at least another month" despite the "Immediate Vacancy" sign. This may be an easy declination for others to handle, but for a victim struggling to make it on her own the first thoughts are "I was stupid for leaving in the first place. He said I'm nothing without him - that I can't do anything right and he was right." (Then folks are either scratching their heads in disbelief or are "disgusted in her weakness" when she returns to him.) Many victims have children in tow so if given the choice between homelessness or shelter for your children despite your ongoing violence and abuse, guess which scenario is the lesser of the two evils?

Paradoxically, while getting IN to rental housing is a challenge when you're a victim of domestic violence, getting OUT can be just as problematic. By the time a domestic violence situation has escalated to the point where the victim realizes she HAS to leave, when you gotta go, you GOTTA go and often times victims don't have the luxury of planning an escape. The majority of victims strive for a normal, stable life (which also contributes to their staying in the relationship) and they typically take their responsibilities very seriously, frequently taking responsibility for the abuser and his actions as well. No victim WANTS to flee her home or break her lease agreement, but they may NEED to and the potential consequences for

doing so can either hinder her attempt to escape or add to the many other problems she'll face once she's left.

HB1497 spells out protections for both tenants AND landlords who would be affected by domestic violence so I hope you will support this measure as I do.

Thank you for your time and consideration.

Respectfully,

Dara Carlin, M.A.  
Domestic Violence Survivor Advocate

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**TESTIMONY IN SUPPORT OF 1497**

I support HB1497, because it would prohibit a landlord from evicting a rental housing tenant solely on the basis that the tenant is a victim of domestic violence.

We need to protect victims of domestic violence.

Josephine Besario  
Resident of Hawaii