



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

February 3, 2015

To: Rep Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice-Chair
COMMITTEE ON COMERCE AND CONSUMER PROTECTION

From: Marci Lopes, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: HB 858 – STRONG SUPPORT

PLACE: Conference Room 325

DATE and TIME: Monday, February 9, 2015 2:30 p.m.

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 21 domestic violence program and domestic violence shelter providers on 6 of our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

The Hawaii State Coalition Against Domestic Violence is in strong support of HB 858, which allows for an early termination of tenancy for a victim of domestic violence. Housing barriers are one of the main reasons a victim of domestic violence becomes homeless, or remains in the violent relationship. We are inspired by the Committees work and desire to help eliminate barriers and improve the systems response to be more supportive of victims of domestic violence and their children.

While we support the intent of HB 858, our concern is that not all victims of domestic violence are willing to apply for, or are in fact awarded a TRO/PO even when violence has occurred, or the victims is living in fear. We would like the committee to consider the recommendation that a victim could also provide a letter on agency letterhead stating that she is working with a domestic violence advocate, or one of the HSCADV member programs.

The Hawaii State Coalition Against Domestic Violence in collaboration with the Oahu Judiciary is currently undergoing an Oahu Community Safety Assessment **CSA** to examine how our current TRO/PO application and issuance process allows us to keep victims safe, and to hold abusers accountable. The CSA started in January of 2015 and will conclude in April of 2015. A team made up of a multidisciplinary team including a community domestic violence survivor, HPD, DAG, DVAC, DHS, Judiciary First Circuit Court ACSB and HSCADV staff.

We have heard many horrible stories over the years about the difficulties with the TRO and service process. We support any efforts that are being made to improve systems and services to assist victims of domestic violence and their families. It is a difficult decision and it takes a tremendous amount of courage to attempt to obtain a TRO, and it is our responsibility as a State to ensure we are doing as much as we can to make needed improvements to our systems, and to ensure we are providing the best services available.

HB 858 can improve the conditions for victims of domestic violence, and can potentially prevent victims from becoming homeless or burdened with debt and a poor credit rating that would prevent them from securing future housing. We urge the Committee to pass HB 858, and we would like to thank the Committee for your hard work, and all of the efforts being made to keeping victims of domestic violence and their children safe.

We hope the committee would look to the Hawaii State Coalition Against Domestic Violence membership and our Survivor Action Committee as a resource and source of support for any needed recommendations.

Marci Lopes, Executive Director



PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

Board of Directors

Howard Garval, Chair
Joanne Lundstrom, Vice Chair
Jerry Rauckhorst, Treasurer
Liz Chun, Secretary
Susan Chandler
Victor Geminiani
Marya Grambs
Kim Harman
Katherine Keir
Jeeyun Lee
John McComas
Robert Naniole
Darcie Scharfenstein
Alan Shinn

TO: Representative Angus L.K. McKelvey, Chair
Representative Justin H. Woodson, Vice Chair
Members, Committee on Consumer Protection and Commerce

FROM: Scott Morishige, Executive Director, PHOCUSED

HEARING: House Committee on Consumer Protection and Commerce
Monday, February 9, 2015 at 2:30 p.m. in Conf. Rm. 325

Testimony in Support of HB858, Relating to Domestic Violence.

Thank you for the opportunity to provide testimony in **strong support** of HB858, which would permit the termination of residential rental agreements in cases of domestic violence. PHOCUSED is a nonprofit membership and advocacy organization that works together with community stakeholders to impact program and policy change for the most vulnerable in our community, including victims of domestic violence.

Our membership includes organizations, such as Child & Family Service, Parents & Children Together, and Domestic Violence Action Center, which serve victims of domestic violence and their families. Through the work these organizations do every day, they can attest firsthand that the inability to exit a rental agreement quickly and without penalty or fees often serves as a barrier that prevents a victim from leaving an abusive relationship.

In addition, under our current system, if a victim does break a rental agreement to exit a dangerous situation, they are often unable to pay fees or other penalties associated with breaking the agreement and this information may negatively impact the victim's credit. Poor credit then makes it more difficult for a victim of domestic violence to secure new housing for themselves and their family.

HB858 would enable victims of domestic violence to exit early from a residential agreement, upon showing written documentation of their situation (i.e. copy of an order of protection, copy of a police report, etc.). We see this bill as a critical step to strengthen protections for victims of domestic violence in our community.

Once again, PHOCUSED strongly urges your support of this bill. If you have any questions, please do not hesitate to contact PHOCUSED at 521-7462 or by e-mail at admin@phocused-hawaii.org.

February 9, 2015

LATE

The Honorable Angus McKelvey

House Committee on Consumer Protection and Commerce
State Capitol, Room 325
Honolulu, Hawaii 96813

RE: H.B. 858, Relating to Domestic Violence

HEARING: Monday, February 9, 2015, at 2:30 p.m.

Aloha Chair McKelvey, Vice-Chair Woodson and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,400 members. HAR **provides comments** on H.B. 858, which permits the termination of residential rental agreements in case of domestic violence. Specifies additional procedures under the Residential Landlord-Tenant Code for instances of domestic abuse.

The Uniform Residential Landlord Tenant Act (URLTA) was created to clarify, standardize, and modernize the rights and responsibilities of tenants and landlords in the United States.

HAR appreciates what this measure is trying to accomplish in protecting domestic violence victims, but would note the following to ensure there are no unintended consequences:

Under this measure, if there are multiple tenants, the security deposit will remain with the unit until everyone vacates. At that time, the deposit will be refunded in the name of those who originally signed the Rental Agreement. This would mean the victim and abuser would need to get together to divide up the deposit. Landlords do not issue separate checks because they do not want to get involved in disputes on security deposit amounts between the parties.

Additionally, landlords look at all tenants income when reviewing their creditworthiness and ability to pay the rent. If the victim leaves, this measure allows the landlord to terminate the domestic abuser's interest if they are a party to the Rental Agreement. However, if there are additional tenants besides the abuser and victim, the tenant that leaves may not be able to cover the full rent amount. The landlord should have a system to reevaluate the remaining tenant(s) and terminate the Rental Agreement if they do not qualify.

Finally, HAR respectfully requests a November 1, 2015, effective date to allow us to review the measure and make any necessary changes to our Rental Agreement.

Mahalo for the opportunity to testify.



LATE

TO: Chair Angus McKelvey
Vice Chair Justin Woodson
Members of the Committee

FR: Nanci Kreidman, M.A

RE: HB 858 Support Intent

Aloha. And thank you for scheduling this Bill for hearing early in the Session. This is an issue of great importance, and deserves the legislature's attention.

The ability to terminate a rental agreement when risk is present is crucial for a survivor and her family. It is understandable that proof of victimization is desired. There are, however, many reasons a survivor may not have sought protection or made a report to law enforcement. It would be advisable, to honor the intent of this initiative to allow a statement provided by the survivor about participation in a community program or confirmation about engagement with a community agency, like the Domestic Violence Action Center.

Making decisions about separating from an abuser are not made easily, or without recognition about the peril. Undertaking the ordeal of escaping from an apartment, likewise, has its risks and costs.

It should be recognized that recovering costs from the person who committed the domestic violence may result in retaliation or violence against the tenant (who is terminating the lease).

Finally, providing personal information about the extent of the domestic violence is a great deal to ask. Being a survivor of domestic violence comes with a degree of shame and embarrassment, as the community has not yet suspended its judgments about families and survivors who have suffered the harm of abuse.

The section in this proposed bill that prohibits access to the dwelling unit is very supportive and upholds the safety of the survivor. How would that be enforced? If it is not upheld, what is the consequence to the landlord?

Thank you for your careful, discriminating attention to HB 858.



LATE

CATHOLIC CHARITIES HAWAII

Testimony in Support of HB 858, Relating to Domestic Violence.

TO: Representative Angus L.K. McKelvey, Chair
Representative Justin H. Woodson, Vice Chair
Members, Committee on Consumer Protection and Commerce

FROM: Trisha Kajimura, Social Policy Director

HEARING: House Committee on Consumer Protection and Commerce
Monday, February 9, 2015 at 2:30 p.m. in Conf. Rm. 325

Thank you for the opportunity to provide **testimony in support of HB 858**, which would permit the early termination of residential rental agreements in cases of domestic violence.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 60 years. CCH has programs serving individuals, elders, children, developmentally disabled, homeless and immigrants. Our mission is to provide services and advocacy for the most vulnerable in Hawai'i.

As part of program services, CCH provides individual and group counseling services for domestic violence victims and offenders. CCH also provides services to prevent homelessness and help homeless people obtain and maintain housing.

The issue of housing is a critical one for domestic violence victims and complicates the situation for victims wanting to leave their abusive household. Housing and where a victim and her children will stay if she leaves her abuser is a major consideration for victims. Being locked into a lease may prevent a victim from leaving her abuser as she considers her financial resources and ability to find a new place to live if she were to leave. A victim who has a rental lease agreement and the ability to pay rent needs the opportunity to leave her abuser and spend her income on rent at a home without her abuser. We do not want that victim's ability to be self-sufficient to be hampered by bad credit, rent payments for a place she does not live in, or penalty fees from breaking her old lease.

Thank you for your support. We appreciate this opportunity to bring to light one of the housing challenges faced by victims of domestic violence. Please consider supporting this bill and helping to strengthen policy that protects victims of domestic violence.

Please contact me at (808)527-4810 or trisha.kajimura@catholiccharitieshawaii.org if you have any questions.



From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 08, 2015 4:47 PM
To: CPCtestimony
Cc: breaking-the-silence@hotmail.com
Subject: Submitted testimony for HB858 on Feb 9, 2015 14:30PM



HB858

Submitted on: 2/8/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments: Good Afternoon Representatives and my apologies for submitting this Late Testimony. I urge you to please SUPPORT HB858 in its support of domestic violence (DV) victims escaping abuse. "Just leave" isn't as doable as it sounds, particularly when a victim is bound by or is worried about the consequences of violating a rental agreement. As you all know, affordable housing is a real problem in Hawaii and the problem is even worse for DV survivors who are seeking to restart their lives. HB858 won't be an easy excuse to terminate a rental agreement (I'm sure there are less embarrassing ways to do so) but in cases where a victim needs to go and needs to go NOW, HB858 could make the difference between a successful escape and abuse that must be further endured until a rental agreement's end. Thank you for your time and consideration. Respectfully, Dara Carlin, M.A. Domestic Violence Survivor Advocate

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 08, 2015 3:41 PM
To: CPCtestimony
Cc: jenny@hiappleseed.org
Subject: *Submitted testimony for HB858 on Feb 9, 2015 14:30PM*



HB858

Submitted on: 2/8/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Lee	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Hawaii Family Law Clinic, dba



To: Chair McKelvey, Vice Chair Woodson and Members of the Committee on Consumer Protection & Commerce
From: Po'okela Ahmad, Ala Kuola
Hearing Date and Time: February 9, 2015, 2:00 p.m.
Re: HB858

Good afternoon Chair McKelvey, Vice Chair Woodson and Members of the Committee. My name is Po'okela Ahmad and I am writing this on behalf of the Hawaii Family Law Clinic aka Ala Kuola. We are a non-profit organization that provides services to victims of domestic violence on Oahu. Specifically, we assist the victims of domestic violence to obtain protective orders (TROs) through the Family Court. Ala Kuola also provides a domestic violence prevention program to various high schools athletic departments on the islands of Oahu, Hawaii and Kauai.

Ala Kuola strongly supports HB 858. Too many times victims of domestic violence are further penalized by being forced to stay in a premises that has become economically unfeasible or face imposition of civil penalties if they fail pay their rent or are compelled to vacate prior to expiration of the lease. HB 858 contains protections not only for the victims of domestic violence, but also for landlords to prevent fraudulent claims to avoid rental leases.

Thank you for allowing us to provide testimony in strong support of HB 858.

Hawaii Family Law Clinic aka Ala Kuola
550 Halekauwila Street, Suite 207
Honolulu, HI 96813
Tel: (808) 545-1880
Fax: (808) 545-1887