

**Testimony of Beth Mellen Harrison
Legal Aid Society of the District of Columbia**

**Committee on Consumer and Regulatory Affairs
Council of the District of Columbia**

**Public Hearing on
B16-703, Protection From Discriminatory Eviction
for Victims of Domestic Violence Amendment Act of 2006**

September 20, 2006

The Legal Aid Society of the District of Columbia¹ supports the proposal before the Council to provide additional protections to victims of domestic violence facing the loss of their housing through eviction. This bill will help to ensure that victims of domestic violence do not lose their housing because of the conduct of their abusers.

Defending tenants in eviction actions in Landlord Tenant Court is one of the core practice areas of the Legal Aid Society. My testimony focuses on the provisions in the bill that would amend the Rental Housing Act to provide new defenses from eviction for victims of domestic violence. These protections are needed to ensure that victims of domestic violence are not victimized twice – first by violence, and then by losing their homes as a result of the domestic abuse.

Currently, victims of domestic violence are at risk of being evicted for their abusers' conduct.

The Rental Housing Act provides a list of reasons that allow a landlord to evict a tenant. Two of these grounds for eviction often may arise in cases involving domestic violence: violations of the lease and illegal activity on the property.

Domestic violence in the household can implicate a number of standard lease provisions. For example, leases typically prohibit tenants from making excessive noise or engaging in conduct that would disturb other tenants on the property. An attack in the home can result in yelling, slamming doors, and broken possessions, all of which create a commotion heard by the neighbors. When the police are called to the home, even more noise and disorder follows.

Leases also typically hold tenants responsible for the destruction of property in the apartment or in the building. Violence in the home often results in just such property damage, violating these lease provisions.

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Over the last 70 years, tens of thousands of the District’s neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the following three priority areas: housing, family law, and public benefits.

The Rental Housing Act also allows a landlord to evict a tenant based on illegal acts by the tenant or an occupant on the property.² By definition, any intrafamily offense that occurs in the home will involve illegal activity, punishable as a crime. The husband who hits his wife is guilty of a violent crime – but if the crime takes place on the premises, the wife, too, can be at risk of eviction. If a victim obtains a stay-away order and the abuser violates the order by coming on to the property, the abuser has committed a further crime on the premises, once again putting the victim at risk of eviction.

The potential for lease violations or illegal activity on the property does not end when the abuser leaves the home. The abuser may return to the property to attack or harass the victim by yelling at her, assaulting her, forcing his way into the home, or destroying her property. Unfortunately, even when the victim has obtained a stay-away order, the abuser may violate it. Sometimes the police will be called to respond. This continuing conduct by the abuser may result in new illegal acts and disturbances on the property, providing the landlord with grounds for eviction.

Legal services providers in the District of Columbia have handled too many cases in which victims of domestic violence are threatened with eviction because of their abusers' conduct. To cite one example, The Legal Aid Society represented a victim of domestic violence who received a notice to quit alleging lease violations for "being noisy and boisterous by fighting at all hours." The victim already had obtained a stay-away order against her abuser and he had vacated the home, but the landlord still filed for eviction in Landlord-Tenant Court. Other advocates report similar situations.³

This bill is needed to protect victims of domestic violence from eviction and encourage victims to seek help.

The bill before the Council is needed to ensure that victims of domestic violence do not face the loss of their housing for conduct beyond their control. It recognizes that the current protections of the Rental Housing Act do not account for the particular disadvantages faced by domestic violence victims in obtaining and maintaining housing. Domestic violence in the home admittedly may result in disturbances on the property or other conduct that violates a tenant's lease. Domestic violence also will result in illegal acts on the property. Nothing in the current law expressly prevents a landlord from evicting a tenant who is a victim of domestic violence under these circumstances. The bill responds to this problem by creating specific defenses for victims of domestic violence if the landlord is seeking to evict the tenant for conduct related to the abuse.

It is particularly important to enshrine these protections in the law because of the disparities that arise between the landlord and the tenant in Landlord Tenant Court. Only one

² Many leases also prohibit the tenant from engaging in illegal activity on the property, providing a separate ground for evicting the tenant when illegal activity occurs.

³ Hearing on Reauthorization of the Violence Against Women Act Before the Senate Judiciary Committee 109th Congress 11-12 (2005) (testimony of Lisalyn R. Jacobs & Deborah A. Widiss, Legal Momentum).

percent of tenants in Landlord Tenant Court have an attorney.⁴ Tenants who are defending themselves may have trouble articulating to a judge that the conduct at issue in a case is the fault of an abuser, rather than the victim who is before the court. Providing a clear defense under the Rental Housing Act will alert judges to the issue and help protect pro se tenants who are victims of violence in the home.

The bill also is needed to ensure that the threat of eviction does not discourage victims from seeking help. A victim who calls out during an attack, tries to defend herself from her abuser, or runs to a neighbor for help may create a disturbance on the property, in violation of her lease. Calling the police to the property will create even more noise and can result in the filing of a police report documenting that an illegal act has taken place on the property. Obtaining a stay-away order can antagonize the abuser and result in further disturbances and illegal acts on the property. For these reasons, a victim who reaches out for help may be placing herself and her family at risk of eviction. This bill ensures that victims of domestic violence will not have to choose between seeking help and keeping their housing.

We urge the Council to enact this bill. Thank you.

⁴ District of Columbia Courts, 2005 Annual Report 35 (2006); DC Bar Public Service Activities Corporation Landlord and Tenant Task Force, Final Report 5 (1998).