

SENATE BILL REPORT

SB 5524

As Reported By Senate Committee On:
Financial Services, Insurance & Housing, February 13, 2003

Title: An act relating to protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.

Brief Description: Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.

Sponsors: Senators Benton, Kline, Prentice, Regala, Roach, Keiser, Esser, Zarelli, Winsley, Reardon, Rasmussen, Kohl-Welles, Schmidt and Shin.

Brief History:

Committee Activity: Financial Services, Insurance & Housing: 2/13/03 [DPS].

SENATE COMMITTEE ON FINANCIAL SERVICES, INSURANCE & HOUSING

Majority Report: That Substitute Senate Bill No. 5524 be substituted therefor, and the substitute bill do pass.

Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Staff: Alison Mendiola-Hamilton (786-7576)

Background: There is concern that victims of domestic violence, sexual assault, and stalking are further victimized when they are unable to obtain or retain rental housing due to their history of abuse.

Under the Residential Landlord-Tenant Act, tenants may terminate their rental agreements if the landlord is notified that the tenant has a valid order of protection, the order has been violated, and the police have been notified.

Summary of Substitute Bill: Provisions to protect victims of domestic violence, sexual assault, and stalking from housing discrimination are expanded.

1. A tenant may terminate a rental agreement if the tenant, or a member of the household, is a victim of domestic violence, sexual assault, or stalking and provides the landlord with a valid order of protection, or reports the incident to a qualified third party. The request to terminate a tenancy must occur within 90 days of the reported incident.

2. A landlord may not terminate a tenancy based on a victim's status if the victim has a valid order of protection. A landlord may not fail to renew or refuse to enter into a rental agreement based on a tenant's or applicant's status as a victim of domestic violence, sexual assault, or stalking.

3. If a tenant obtains a valid order of protection against a cotenant, the victim can replace the locks at his or her own expense, and the landlord is absolved of any liability that may result.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: This bill has an emergency clause and takes effect immediately.

Testimony For: Landlords should have tenant screening information so they can know the situation and think of other tenants' safety, the safety of property and safety of the victim. This bill is a good step in addressing housing discrimination against victims/survivors of domestic violence.

Testimony Against: Concerns: Victims have a hard time obtaining housing and are often further victimized. Tenant screening reports should not reflect the victim's involvement with domestic violence, because they face discrimination; this should be put back in the bill. While over the long-term, orders of protection help victims, violence tends to escalate when a victim goes through the process of obtaining one. Orders of protection shouldn't be required to prevent landlords from evicting victims. Victims of sexual assault generally cannot get orders of protection. Assault is a one-time incident and an antiharassment order (the only order of protection the sexual assault victim may qualify for) may not be feasible because there is no repeated incident or pattern. These victims should not be required to get an order of protection to not be evicted. It needs to be ensured that other provisions under the Residential Landlord- Tenant Act still apply. The term "qualified third party" needs to be clarified.

Testified: Pamela Crone, NW Women's Law Center (pro); Constance Raney (pro); Grace Huang, WA State Coalition Against Domestic Violence (pro); John Woodring, Doug Neyhart, Rental Housing Assn.; John Bennett, Institute of Real Estate Management (concerns); Judith Viogt, WA Apartment Assn. (concern); Mark Gjurasic, WA Apartment Assn. (concerns); Jerry Sheehan, ACLU-WA (pro); Suzanne Brown, WA Coalition of Sexual Assault Programs (pro); Seth Dawson, Common Ground for Children and Families (pro); Susan Merriman, YWCA Women's Support Group (pro); Ron Newbry, Yakima Valley Landlords Assn. (pro).