

Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Testimony on Assembly Bill 58 Protecting Victims of Domestic Abuse

Good morning, Chairman Jagler and honored members of the Committee. Thank you for your time in allowing me to testify on Assembly Bill 58, an important bill that will help domestic violence victims and their children escaping abuse.

Domestic violence is a serious, devastating crime, and it can be both difficult and dangerous to get out of an abusive situation. In a domestic violence relationship, things often escalate to a point at which the victim needs to immediately leave the abuser for the safety of the victim and that of their children. Once a victim in an abusive situation decides to leave, they need to move fast, as leaving is the most dangerous point in a domestic violence situation.

This bill helps victims of domestic abuse and their children get to safety quickly by allowing survivors of domestic abuse to terminate their leases if they get a signed document confirming they are in imminent danger. The bill ensures that renters receive over one month's notice. One month's notice should be more than enough time for a landlord to find a different renter. There is also a process, in which a victim needs to have a DCF form signed by a qualified specialist confirming they are in imminent danger. Again, this is only in rare instances when there is imminent danger.

For domestic abuse victims in these situations, the current system is extremely dangerous and is not working. Hence, the need for this bill. According to the WI Coalition Against Sexual Assault, currently, to obtain an injunction, a survivor must confront the perpetrator in court and provide a preponderance of the evidence and then take more steps that make it even more difficult for the victim to be able to leave and get to safety. Most victims are not willing or ready to face their abuser in court while the situation is happening. Those in imminent danger need to get out quickly.

For those that know about domestic violence, this process is extremely dangerous to the victim and their children. Many victims of domestic violence do not seek involvement with the criminal legal system, and I know from too many heartbreaking stories that this is the unfortunate truth. End Domestic Abuse will even tell you that a huge number of domestic abuse victims choose not to obtain

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Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

the necessary documents that the current system requires, due to the fear of angering the abuser and endangering the victim and their children even more. They often need to get out and get to safety quickly.

The COVID-19 pandemic has shed a light on the horrors of domestic violence and how a tough situation can become even worse in extraordinary circumstances. It is in situations like the current crisis when it is even harder for those in domestic violence situations to leave and get to safety.

To make matters even more difficult, victims in domestic abuse situations are often subjected to severe trauma. This trauma can cause serious emotional, mental, and physical harm to a victim and their children. It is imperative we do what we can to ensure that victims are able to safely and quickly leave a dangerous situation.

Domestic abuse victims often have limited financial resources, as their abusers may not allow them to work or control any finances. This bill can help prevent them from having to choose between not having a home and returning to an abuser.

Domestic violence is also deadly for law enforcement. A U.S. Department of Justice report showed that 29% of line-of-duty deaths responding to calls for service were related to domestic disputes.

There is written testimony that will be sent to you detailing more why this bill is needed and why the current system of handling this type of situation is extremely dangerous and is simply not working.

The WI Realtors Association, End Domestic Abuse, the NAIOP trade organization for commercial real estate investors, owners and developers, and the WI Coalition Against Sexual Assault are all in support of this legislation

Thank you again for your time. I hope you are able to support and pass this important bill eliminating a crucial barrier for domestic violence victims and their children in imminent danger escaping abuse.

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*Testimony before the Assembly Committee on Housing and Real Estate
Senator André Jacque
March 18, 2021*

Chairman Jagler and Committee Members,

As we all know, domestic violence is a serious, devastating crime. It can be both difficult and dangerous to get out of an abusive relationship. In a domestic violence situation, things can often move rapidly and escalate to a point at which the victim needs to make a decision to immediately leave the abuser to ensure the safety of the victim and that of their children. Once a victim in an abusive situation is attempting to leave, they will need to move fast, as leaving is considered one of the most dangerous points in a domestic abuse situation.

Domestic violence victims often have limited financial resources, as their abusers may not allow them to work or control any finances. This is designed to isolate the victim and remove options that may allow them to leave or seek assistance. I am proud to author Assembly Bill 58 with Representative Thiesfeldt and a broad bi-partisan coalition of legislators to protect domestic violence survivors from having to choose between not having a home and remaining or returning to an abuser.

Assembly Bill 58 helps victims of domestic abuse and their children get to safety quickly by allowing survivors of domestic abuse to terminate their lease if they get a signed document confirming they are in imminent danger.

It is important to note that victims in domestic abuse situations often are subjected to severe trauma. This trauma can cause serious emotional, mental, and physical harm to a victim and their children. Additionally, domestic violence is deadly for law enforcement. A U.S. Department of Justice 2017 report showed that 29% of line-of-duty deaths responding to calls for service were related to domestic disputes. It is imperative we do what we can to ensure that victims are able to safely and quickly leave a dangerous situation before a tragedy may occur.

Please join us in sponsoring this important piece of legislation that eliminates a crucial barrier for domestic violence victims and their children escaping abuse. I am happy to note that Senate companion to Assembly Bill 58 passed the Senate Committee on Human Services, Children and Families already this session with a unanimous 5-0. This critical legislation is formally supported by End Domestic Abuse Wisconsin, Wisconsin Realtors Association, Wisconsin Coalition Against Sexual Assault, National Association of Social Workers-Wisconsin Chapter, NAIOP Wisconsin, and the City of Milwaukee.

Thank you for your consideration of Assembly Bill 58.



Chairman John Jagler
Committee on Housing and Real Estate
Room 316 North
State Capitol
Madison, WI 53708

March 18, 2021

Re: Approach to AB 58- Terminating a tenancy for fear of imminent violence

Dear Chairman Jagler:

Current law allows a victim of violence, or threat of violence, to terminate their tenancy if they provide their landlord with a copy of an injunction, condition of release, or criminal complaint.

This documentation is issued by either a judge via injunction/condition of release or a district attorney via a criminal complaint, both of whom are elected officials. The law currently in effect is working.

AB 58 would essentially allow a private citizen, a social worker or victim advocate, to fill in a form that would allow a tenant to terminate their tenancy thus terminating a legal contract. The prospect of abuse is huge, and a landlord should not be subject to a lease termination at the sole discretion of someone other than a judge or district attorney.

Section 12 of AB 58 states that information about the circumstances involved cannot be disclosed in an eviction without the victim's consent. If this were to become law, the landlord potentially would be unable to evict the "offending tenant" as permitted by Wis. Stat. s. 704.16(3)(b), (assuming the perpetrator is a roommate of the victim).

This section also allows the vacating tenant to withhold the name of the perpetrator. Again, this makes an eviction impossible for the landlord and creates barriers when protecting other tenants and the building where this problem arose.

Domestic violence, sexual assault and stalking are serious crimes. The Apartment Association of South Central Wisconsin (AASCW) believes the perpetrators need to be punished and the victims protected. However, landlords under this bill are being asked to bear a legal and financial burden for circumstances beyond their control. AASCW believes the implications of AB 58 will be problematic for landlords and the safety of their tenants.

We ask for your support in **opposing** AB 58.

Thank you,
Apartment Association South Central Wisconsin

cc: Committee on Housing and Real Estate

*For further information or questions please contact Bob Welch at 608.819.0150 or
bob@thewelchgroup.org.*



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

Testimony

To: Members of the Assembly Committee on Housing and Real Estate
From: Ian Henderson, Policy and Systems Director (WCASA)
Date: March 16, 2021
Re: Assembly Bill 58
Position: Support

The Wisconsin Coalition Against Sexual Assault (WCASA) appreciates the opportunity to offer this written testimony for your consideration. WCASA is a hybrid organization: functioning both to support member Sexual Assault Service Providers (SASPs), while advancing the anti-sexual assault movement in the state and nationally.

WCASA thanks Committee Chair Jagler for holding a committee hearing today. We would also like to thank the leading sponsors of the bill, Senators Jacque and Taylor and Representatives Thiesfeldt and Bowen for their leadership on this legislation in both houses. Additionally, WCASA appreciates the bipartisan list of over 20 other cosponsors of Assembly Bill 58/Senate Bill 67.

AB 58 expands existing law by creating a mechanism for sexual assault survivors to terminate their tenancy if they or their child fears imminent violence and faces an imminent threat of serious physical harm if they remain on the premises. Specifically, this legislation states that a sexual assault survivor may provide to their landlord a written statement from a victim advocate who has a reasonable basis to believe the tenant is a victim of sexual assault. For the reasons stated below, WCASA believes AB 58 not only strengthens victim safety, but also will enhance their long-term recovery by offering another option for terminating a tenancy prior to the end of their lease.

The majority of sexual assaults occur at or near a victim's residence.¹ Furthermore, sexual assault is perceived as a life-threatening experience by victims, and female victims are three times more likely to develop depression and six times more likely to develop Post Traumatic Stress Disorder (PTSD) when compared to women who have not experienced sexual assault.² When a sexual assault occurs at a victim's residence, there are not only heightened concerns for their safety, but also their home may be a constant reminder of the trauma they experienced. Not surprisingly, many survivors have a strong desire to relocate after they are sexually assaulted in their residences.

The current statute allowing sexual assault and domestic abuse survivors to terminate their tenancy was enacted in 2008. However, there are limitations with the existing statute, particularly as it relates to sexual assault victims. For example, a sexual assault victim must either obtain an injunction or a prosecutor must issue a criminal complaint against the perpetrator. Given that most sexual assault victims do not report to law enforcement and even fewer result in an arrest or prosecution of the offender³, that leaves an injunction

¹ Bureau of Justice Statistics, Female Victims of Sexual Violence, 1994-2010. (2013). [Female Victims of Sexual Violence, 1994-2010 \(bjs.gov\)](https://www.bjs.gov/index.cfm?ty=pr&id=1107)

² Sexual and Lifetime Diagnosis of Psychiatric Disorders: Systematic Review and Meta-analysis. *Mayo Clin Proc.* (2010). Available at: [Chen.indd \(nih.gov\)](https://pubmed.ncbi.nlm.nih.gov/20484441/)

³ Lonsway, K.A. & Archambault, J. (2012). The "Justice Gap" for Sexual Assault Cases: Future Direction for Research and Reform. *Violence Against Women.*

as the “best” option under current law. However, to obtain an injunction a survivor must confront the perpetrator in court and prove by a preponderance of the evidence that a sexual assault occurred. Furthermore, an injunction hearing is an adversarial process, whereby a sexual assault victim must submit to cross examination by either the perpetrator or their attorney.

As a result, AB 58 represents a significant improvement to existing law by enabling a survivor to utilize a statement from a victim advocate when providing notice to their landlord of their intent to terminate their tenancy. Victim advocates are highly trained professionals who have extensive experience working with sexual assault survivors. Advocates are also a key profession in many multi-disciplinary responses to sexual assault, including in the criminal justice, health care, and educational systems. This bill closes gaps in current law and will allow more sexual assault survivors to not only increase their safety, but also overcome a significant barrier to their healing by removing barriers to relocation. We also appreciate that this legislation addresses victim privacy concerns by preventing a landlord from disclosing information submitted by a victim when terminating their tenancy.

We thank you for your attention to this matter and for your efforts to remove barriers to safe housing for sexual assault survivors. If you have any questions, you can reach me at ianh@wcasa.org.



2000 Domanik Drive, 4th Floor, Racine, WI 53404 P (262) 619-1633 F (262) 619-1638 beleafsurvivors.org

Testimony

To: Members of the Assembly Committee on Housing and Real Estate

From: Vicki Biehn, MA, LPC Sexual Assault Services of Racine

Date: March 17, 2021

Re: Assembly Bill 58

Position: Support

My name is Vicki Biehn and I am the Rural Services Coordinator and Therapist of BeLEAF Survivors, Inc. BeLEAF Survivors is Racine County's Rape Crisis Service Provider. Our Sexual Assault Services (SAS) program seeks to provide a safe and compassionate environment to promote hope and healing after sexual assault by lifting, empowering, advocating, and fighting for survivors and their allies and, therefore the community as a whole. Additionally, through education, outreach, and collaboration we work to shift the culture that perpetuates sexual violence.

Thank you for this opportunity to offer this written testimony for your consideration. I want to thank the Committee Chair Jagler for holding a committee hearing today. I would also like to thank the leading sponsors of the bill, Senators Jacque and Taylor and Representatives Thiesfeldt and Bowen for their leadership on this legislation in both houses. Additionally, I sincerely appreciate the bipartisan list of over 20 other cosponsors of Assembly Bill 58/Senate Bill 67.

I have been a sexual assault advocate and therapist for sexual assault survivors for the last 28 years in the state of Wisconsin. I have worked with thousands of survivors of sexual assault and, unfortunately, many of them were assaulted in their own home or neighborhood. As a result, they had to endure the additional trauma of returning to live in the places where their assaults occurred. I know from first hand experience how difficult it is for survivors to cope with the constant reminders of their trauma(s). A major part of my work as a therapist is helping survivors develop methods to cope with the many triggers of their trauma(s). Constant environmental reminders of the assault are barriers to healing. Those associations to the trauma often trigger the neurobiological response to threat. When a human being does not feel safe, hormones and chemicals are automatically released in the body that trigger a fight/flight/freeze/tonic immobility/tonic collapse response. When a human being is flooded with this automatic threat response on a frequent or daily basis, it can greatly impact both their physical and emotional health and their ability to heal from trauma.

From my therapist and advocate perspective, AB 58 would be a welcome improvement to existing law by enabling a survivor to provide a statement from a victim advocate, such as myself, to give notice to their landlord of their intent to terminate their tenancy. I would like to add my voice to advocacy leadership such as the Wisconsin Coalition Against Sexual Assault (WCASA) to state that AB 58 will not only increase survivors' sense of empowerment, safety, and dignity, but also allow them the ability to relocate and remove barriers to healing. I will also add that I appreciate that this legislation addresses victim privacy concerns by preventing a landlord from disclosing information submitted by a victim when terminating their tenancy.

Thank you for your attention to this matter and for your concern for sexual assault survivors. If you have any questions, you can reach me at vbiehn@focusracine.org.

To: Members of the Assembly Committee on Housing and Real Estate
Date: March 17, 2021
From: Donna Meiselwitz, Sr. Manager Legal and Systems Advocacy

Re: *2021 ASSEMBLY BILL 58*
Lease Termination Legislation

Chairperson Jagler and Members of the Committee:

Thank you for the opportunity to provide testimony in support of AB 58, relating to terminating a tenancy for fear of imminent violence. Wisconsin's current landlord tenant laws provide protections for victims of domestic violence, but not without undue pressure on the domestic violence victim to report the abuse. Pursuant to Section Wis. Stats 704.16(3)(b), a landlord may terminate the tenancy of an offending tenant if a criminal complaint filed against the offending tenant for domestic abuse offenses committed against another tenant. The proposed legislation removes this barrier to victims, thus giving the victim better control of their own safety. In the past, requiring a domestic violence victim to in essence "prove" they were in danger by showing a criminal complaint (reporting to police) or domestic abuse restraining order injunction (petitioning the civil court) required victims to report the abuse whether they were ready or had adequate support in place.

AB 58 removes the additional barrier victims currently face in Wisconsin when trying to terminate their lease. Abusers use coercive control to hold victims in a time and place they cannot leave nor control; holding a victim captive by way of a lease is yet another potential method abusers use to maintain control of their victim. This is an effective tool to compel victims to stay and to also make domestic violence victims feel forced to return when they had already left the abuse. Abusers threaten to damage the property, abusers intentionally stop paying rent to "force" an eviction proceeding potentially damaging the victims long-term financial and rental capacity.

Hardly a day passes in my work as a legal advocate where I do not see pervasive problems with our current domestic violence termination tenant laws. Landlord's don't often understand that a victim may be in negotiation for their pure survival out of a lethal domestic situation when they request a lease termination. A new beginning rarely can happen for a victim if they are tied to the abuser through a lease, or the litigation that may follow with an eviction. The threat of eviction is also a powerful tool that contributes to victims living and staying in abusive relationships.

We, as a society, have the power to say "it is okay if you want to leave the abuse and here is a doorway out" if we can't do that, if we can't offer that sort of legislation, we are perpetuating the violence that already exists for domestic violence victims.

Very Truly Yours,

/s/ Donna Meiselwitz

Sr. Legal and Systems Manager
HHDAP

To: Members of the Assembly Committee on Housing and Real Estate
Date: March 18, 2021
From: Robin Dalton, Director of RISE Law Center
Re: Support of AB58

Regarding AB 58, I felt compelled to submit this testimony given my direct experiences and observations working with victims of domestic violence, sexual assault, and related crimes for over a decade. Our office has worked with thousands of survivors, and their family members, throughout Wisconsin. Access to safe housing is invariably one of the first issues we, or their local advocates, address in consideration as to how safe it may be to leave an abusive home. Yet there are a myriad of reasons victims may not avail themselves of the protections of the Safe Housing Act as it is written today.

For many, safe housing must be secured before they would even consider contacting law enforcement, petitioning for divorce, or even filing a restraining order. Survivors, like anyone else, want to know where they will sleep at night before initiating a process that could jeopardize that. Others may never report or access a legal justice system for fears of repercussions and impact on their own safety or the safety of their children. A quick review of Annual Homicide Reports compiled by End Domestic Abuse Wisconsin show the ongoing trend that the majority of victims of intimate partner homicide were killed after they leave a relationship. Still others, may not want to report or access civil or legal remedies for fears of other impacts to their families – loss of financial support/stability if their perpetrator goes to prison and cannot provide child or family support, not wanting alienate the other parent if they are a gentle and kind caregiver despite being an abusive partner, fears that an encounter with the criminal justice system could be dangerous and even deadly to someone they once or still care for. There are those who have healthy relationships co-parenting and yet cannot safely cohabitate.

I firmly believe that expanding evidence needed to include a written statement by a social worker, victim advocate, or child victim advocate who has a reasonable basis to believe that the tenant is a victim of sexual assault, stalking, or an act of domestic abuse will save lives. This will allow earlier intervention for victims to access safe housing whether or not they eventually seek legal protections through our circuit courts.

Thank you for your attention to this matter.



Attorney Robin Dalton
RISE Law Center

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To: Members of the Assembly Committee on
Housing and Real Estate
Date: March 18, 2021
From: Janan Najeeb, President, Milwaukee Muslim Womens Coalition
Re: Support of AB 58

Our Peaceful Home
5235 S 27th St, Greenfield, WI
53221
414-727-4900

Dear Members of the Assembly Committee on Housing and Real Estate:

On behalf of Our Peaceful Home, a domestic abuse project of the Milwaukee Muslim Women's Coalition, I would like to express support for AB 58 legislation.

As an organization that serves many immigrants and refugees, the issue of discontinuing a lease without negative ramifications for our survivors of domestic abuse is very critical. We have had many cases where the abuser has used the victim's name on lease agreements, utilities, etc. unbeknown to the survivor. In many cases the survivor has limited English skills and was under the impression lease agreements are forms for their children's school, as an example. When the survivor and her children flee the abusive situation, she is often left with a stack of bills and a lease. These survivors usually have very young children and no economic means on their own for a period of time until they can get on their feet, which is usually 6 months to 1 year. This has been one of the major difficulties we have faced as an agency. Although COVID-19 has provided some temporary legal relief with evictions, we know this is temporary. We urge you to make accommodations for these very vulnerable members of society during their very difficult circumstances, we do not want to compound their trauma. These survivors eventually get through their ordeal and with time become contributing members of society.

Thank you for your time and consideration.

Janan Najeeb
President
Our Peaceful Home, Milwaukee Muslim Women's Coalition.

testimony



To: Members of the Assembly Committee on
Housing and Real Estate
Date: March 18, 2021
From: Jenna Gormal, Director of Public Policy and Systems Change
Re: Support of AB 58

End Domestic Abuse WI
1400 E Washington Ave., Suite 227
Madison, Wisconsin 53703
(608) 237-3985
jennag@endabusewi.org

Chairperson Jagler and Members of the Committee, thank you for the opportunity to provide testimony in support of AB 58, relating to terminating a tenancy for fear of imminent violence. My name is Jenna Gormal, Director of Public Policy and Systems Change, and I represent End Domestic Abuse Wisconsin (End Abuse), the statewide voice for survivors of domestic violence and the membership organization representing local domestic violence victim service providers in all of Wisconsin's 72 counties. Survivors of violence across the state highlight housing issues as the most common barrier to safety. Indeed, "Housing instability is four times more likely for women who have experienced DV compared to other women¹. It is for this reason that End Abuse supports the legislation before you today.

Under the current Safe Housing Act, survivors are unable to terminate a lease without engaging civil or criminal legal systems. In talking with survivors and advocates across the state, we have found that a significant number of survivors choose **not** to engage in civil or criminal legal systems, as they fear doing so would anger their abuser, endangering them and their children further at an already highly dangerous time. Unfortunately, research indicates that survivors who seek protection from legal systems unsuccessfully may experience escalated danger as their abusive partners are emboldened by a lack of accountability.

During my five years working at a local domestic violence program here in Madison, it was part of my job to talk through the potentially dangerous consequences of seeking a restraining order, so that each survivor could make an informed decision of the best route to safety, given their unique situation. Countless survivors I worked with felt that pursuing a restraining order would enrage their partner further and avoided the legal system entirely.

Every year, End Abuse releases a homicide report² detailing the grim reality of domestic abuse in our state. Of the 72 domestic violence homicide victims in 2019, at least 56% were killed after the relationship ended or when one person in the relationship was taking steps to end the relationship. This figure demonstrates that leaving does not equate to safety. This bill would eliminate a significant barrier to safety by allowing

¹ <https://safehousingpartnerships.org/sites/default/files/2017-06/Sullivan-Olsen-Adapting%20the%20Housing%20First%20Model%20for%20DV%20Survivors-6-2017.pdf>

² https://s3-us-east-2.amazonaws.com/edaw-webinars/wp-content/uploads/2020/09/24101634/FINAL_2019-Wisconsin-Domestic-Violence-Homicide-Report_revised_9_21_2020.pdf

survivors to terminate a lease without becoming entangled in the potentially negative consequences of pursuing relief through the criminal justice system.

One of the most significant barriers to obtaining housing for survivors of violence, is having an eviction on record related to the violence they experience. Many survivors flee their homes with their children due to imminent threat of violence and do not have the necessary documentation to 'prove' that they are in danger. End Abuse conducted a Housing Research Project³ where over 80% of Wisconsin victim advocates reported working with clients who had been evicted due to domestic violence.

While many survivors choose not to engage in the criminal legal system for the reasons outlined, they often do seek support from victim service providers and social workers. Victim service providers and social workers receive a great deal of training and intimately understand the dynamics and dangers of domestic violence. As a result, they are uniquely positioned to provide a credible account of imminent threat of violence.

In the wake of COVID-19, international reporting has referred to domestic violence as a "shadow pandemic" due to an increase in domestic violence incidents resulting from loss of income, isolation, and being in an enclosed space with an abusive partner. These stressors put victims and their children at a higher risk of being murdered by their abusers. In these particularly challenging times, domestic violence requires increased awareness and an urgent response. This legislation is an important step toward ensuring the safety of survivors and their children.

If you have any questions about End Domestic Abuse Wisconsin's position on this issue, please contact me at 608.237.3985 or jennag@endabusewi.org.

³ <https://s3-us-east-2.amazonaws.com/edaw-webinars/wp-content/uploads/2020/01/16221022/Housing-Research-Project.pdf>

DAIS

DOMESTIC ABUSE INTERVENTION SERVICES

To: Members of the Assembly Committee on Housing and Real Estate
Date: March 18, 2021
From: Shannon Barry, Executive Director of DAIS
Re: Support of AB58

Chairperson Jagler and Members of the House Committee, thank you for the opportunity to register in support of AB 58 related to terminating a tenancy for fear of imminent violence.

DAIS serves thousands of women and men who are victims of intimate partner violence each year. Our clients report that housing insecurity as one of the primary barriers facing them in their journeys to safety and healing after a violent incident. Under the current Safe Housing Act, victims and survivors are unable to terminate a lease without engaging in the civil or criminal legal system. Though DAIS certainly serves survivors who would be eligible to terminate their leases under the Safe Housing Act due to having a restraining order in place or due to engaging the criminal court system, there are many more survivors we serve each year who are reticent to engage with the legal system due to the increased risk of future violence by their batterers who have threatened them with additional harm should they seek legal remedies and assistance.

Passage of this bill would open the door to many more victims and survivors seeking safety for themselves and their children by allowing them to terminate a lease without engagement with the legal system.

I urge you to support this bill. If I can provide any additional information, please feel free to contact me at the email and phone number listed below.

Thank you for your consideration and for your commitment to ensuring safety for some of our most vulnerable friends and neighbors.

Respectfully,



Shannon Barry, MSSW
Executive Director, DAIS
(608) 709-5367
shannonb@abuseintervention.org

One. And for all.

Testimony

To: Members of the Assembly Committee on Housing and Real Estate
From: Dana Pellebon, Co-Executive Director/Director of Client Services (RCC)
Date: March 16, 2021
Re: Assembly Bill 58
Position: Support

The Rape Crisis Center (RCC) appreciates the opportunity to offer this written testimony for your consideration. RCC is a direct service organization; serving victims of sexual violence while providing education and outreach around sexual violence in the community at large. While located in Madison, our service area is Dane County and our 24-hour helpline utilized locally, statewide, and nationally.

RCC thanks Committee Chair Jagler for holding a committee hearing. We would also like to thank the leading sponsors of the bill, Senators Jacque and Taylor and Representatives Thiesfeldt and Bowen for their leadership on this legislation in both houses. Additionally, RCC appreciates the bipartisan list of over 20 other cosponsors of Assembly Bill 58/Senate Bill 67.

AB 58 expands existing law by creating a mechanism for sexual assault survivors to terminate their tenancy if they or their child fears imminent violence and faces an imminent threat of serious physical harm if they remain on the premises. Specifically, this legislation states that a sexual assault survivor may provide to their landlord a written statement from a victim advocate who has a reasonable basis to believe the tenant is a victim of sexual assault. RCC believes AB 58 allows sexual assault survivors to protect themselves with housing that strengthens victim safety, but also will enhance their long-term recovery by offering another option for terminating a tenancy prior to the end of their lease without undue financial hardship.

Before I came to RCC in 2019 to manage their direct services department, I spent 24 years in the housing industry. The last 7 of those years as the Director of Housing and Operations at Porchlight, the largest provider of housing to persons experiencing homelessness in South Central WI. Additionally, I am the managing partner of a small management company that owns 80 units where my son has a financial stake. I am uniquely situated to have an understanding of housing law and impacts of those laws both personally and professionally for the property owner and the victim of sexual assault.

Before the changes made to housing laws in 2008, the housing industry didn't have guidance on how to best address issues surrounding sexual violence and as a result, the impacts of those who were unable to stay in their homes were great. Most victims of sexual violence had three options: First, stay in their unit until their lease ended. This presents issues when the mere act of living where you may have been assaulted is traumatizing. Additionally, 8 out of every 10 rapes are committed by someone known to the victim,¹ which increases the likelihood that the perpetrator knows where the victim live. That would further complicate the ability to feel safe in one's home if you did not report or if you did report and the perpetrator is not arrested. Secondly, you could sublet the unit or break the lease for a fee that could equal 3 months rent in costs. This is prohibitive for many persons due to income. Lastly, you could break the lease without notice to the property owner, where you would typically owe rent, fees, and costs that could equal 3

¹ Bureau of Justice Statistics, National Crime Victim Survey, 2010-2016. (2017). [National Crime Victim Survey, 2010-2016 \(bjs.gov\)](https://www.bjs.gov)

months rent. This would also lead to a poor rental reference, which can affect the ability to secure housing in the future. None of these options considered the needs of the sexual assault victim.

During this time, management companies and private owners would work hard to try to come up with solutions however many followed standard lease models which allowed for the options above. Once the current statute was enacted, sexual assault survivors could terminate their tenancy without penalty. This allowed for greater control over their healing process and feelings of safety. It additionally mitigated financial hardship because of a sexual assault. Property owners and survivors soon discovered there were limitations. In order to enact the termination of lease, a sexual assault victim must show proof of an injunction or prosecution. Most sexual assault victims do not report to law enforcement and less result in an arrest or prosecution of the offender². That leaves an injunction as the “best” option under current law. However, to obtain an injunction a survivor must confront the perpetrator in court and prove by a preponderance of the evidence that a sexual assault occurred. Furthermore, an injunction hearing is an adversarial process, whereby a sexual assault victim must submit to cross-examination by either the perpetrator or their attorney.

AB 58 closes a loophole to existing law by enabling a survivor to utilize a statement from a victim advocate when providing notice to their property owner of their intent to terminate their tenancy. Victim advocates are highly trained professionals who have extensive experience working with sexual assault survivors. Advocates are also a key profession in many multi-disciplinary responses to sexual assault, including in the criminal justice, health care, and educational systems. This bill closes gaps in current law and will allow more sexual assault survivors to increase their safety and increase their likelihood of healing. We also appreciate that this legislation addresses victim privacy concerns by preventing a property owner from disclosing information submitted by a victim when terminating their tenancy.

We thank you for your attention to this matter and for your efforts to remove barriers to safe housing for sexual assault survivors. If you have any questions, you can reach me at dana.pellebon@thercc.org

² Lonsway, K.A. & Archambault, J. (2012). The “Justice Gap” for Sexual Assault Cases: Future Direction for Research and Reform. *Violence Against Women*.

Here is my testimony. I do hope and pray that the bill is passed!

My name is Beckie Grunewald. I am a survivor of an abusive marriage. I was one of the lucky ones. I had an excellent family support system in place when I finally decided to leave. Unfortunately, sometimes even the walls of family cannot help a victim of abuse. When I finally made the decision to leave my abusive marriage, I knew I was stuck in an apartment lease whether I wanted to move or not. I didn't really want to move out of my apartment because I didn't want my ex to think he'd won some battle because of it. But I also knew that staying there wasn't necessarily safe for me those first few weeks. My property managers were sympathetic to my situation, but their rules stated that locks could not be changed until I had my personal protection order in place - and while my situation certainly was scary, to the courts it was not an "emergent" case; they did not think my life was in danger. So the protection order took some time to fill. In this timeframe, since I could not change the locks and I knew my ex had a key to get in, I had to live with my parents. Again, I was fortunate enough to have that support. Most women (or men) might not be that lucky. While I was living with my parents, my ex of course came into the apartment and trashed it. He canceled all the utilities and even smashed a birthday cake meant for his son who was turning 1 year old at the time. When I came back home after the locks were changed, I had a mess to pick up, and I spent a lot of extra time and money to fix all the issues with the utilities. (Back in the 90s they made you pay deposits before they'd turn utilities back on if you canceled them.) He also cleared out my checking account, which affected my ability to pay my rent on time. Again, I was blessed to have an understanding property manager who let me "skate" a few weeks until the bank situation was fixed. Most landlords in this position are not as generous. I'm sure they've heard every story in the book, but we HAVE to give credence to women who are in fear for their lives.

This bill, while not necessarily directed at someone like me, could help many people looking to exit abusive relationships. It would give an extra sense of independence to a woman leaving an abusive spouse/partner. While I understand and sympathize that men are also abused, women face the most hardships when leaving and dealing with the fallout from abusive relationships. We are often questioned why we didn't leave sooner, why didn't we know there was something wrong with who we were with or who we married. Bills like this add a layer of stability to an otherwise chaotic period. It also helps lend some financial assistance. This was the hardest part for me aside from my safety and that of my son.

There is no good reason that this bill should not pass. Please help us take a larger step towards helping domestic violence victims and survivors. Thank you.

Beckie Grunewald