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H.B. 5246 -- Domestic violence and housing

Human Services and Judiciary Committee public hearing -- March 15, 2010

Testimony of Raphael L. Podolsky

Recommended Committee action: APPROVAL OF THE BILL,
AMENDMENTS SUGGESTED

This bill provides very limited housing rights for victims of domestic violence who are renters. In particular:

- * It allows the victim of domestic violence to terminate a lease by giving five days' notice and limits the victim's potential liability for the rent for the unexpired term of the lease to the lesser of half the security deposit or half a month's rent. This makes it easier for a domestic violence victim to vacate premises that are dangerous for the victim to continue to occupy.
- * It allows the victim of domestic violence a one-time right to deferral of one month's rent for a six-month period. The bill does not preclude the landlord from otherwise enforcing the lease, including taking action for other non-payments or for failure to cover the deferral within six months. This provision recognizes the disruption of victim finances that commonly occurs during periods of domestic violence.

This bill, however, is written with preconditions so narrow that it will be hard for any domestic violence victim to use its provisions. Without opening the bill unnecessarily broadly, we suggest the following changes to make the bill more workable for domestic violence victims:

- * The bill makes exercise of its rights dependent upon the requirement that the "rent has been paid in accordance with the terms of the rental agreement during the twelve-month period...prior to the landlord's receipt of the tenant's notice..." (l. 59-63 and l. 90-95). This means no late payments or non-payments. This restriction undercuts the purpose of the bill, since the domestic violence crisis that would justify its use is unrelated to the victim's past rent-payment history. Nothing in the bill relieves the victim from liability for rent arrearages or late fees. Moreover, late rent payments and rent arrearages may be the fault of the abuser and not of the victim. That requirement should be deleted.
- * This bill requires that a request for a one-month rent deferral must be made "not later than five calendar days before the due date of the rent payment for which the tenant seeks deferral" (l. 75-77). Occupants cannot be expected to predict a financial crisis resulting from domestic violence in advance. The bill should give the victim of deferring the last month's rent (if not yet paid), rather than the next month's rent only.