



## **Representative Michele Lepore-Hagan & Representative Lisa Sobecki**

### **House Bill 256 Sponsor Testimony Civil Justice Committee Tuesday, November 29, 2022**

Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the Ohio House Civil Justice Committee, thank you for the opportunity to discuss HB 256's simple purpose: to create options for someone who otherwise feels trapped.

Domestic violence is prevalent in Ohio and eliminating it must be a priority for us here in the legislature. In 2021, according to the Ohio BCI (Bureau of Criminal Identification and Investigation), there were roughly 65,000 (64,855) calls related to domestic disputes, 51,400 offenders reported, and 28,691 calls that resulted in charges.<sup>1</sup>

We unfairly ask, "Why didn't they leave," when we hear about a domestic violence situation. There are many legitimate reasons why. HUD issued a Fair Housing Guidance regarding Local Nuisance Ordinances, which states, "Victims of domestic violence often are reluctant to seek assistance because of, among other things, fear of reprisal from their attackers. Nuisance ordinances (and crime-free housing ordinances) are becoming an additional factor that operates to discourage victims from reporting domestic violence and obtaining the emergency police and medical assistance they need."<sup>2</sup>

A study of surveys from victims at the Artemis Center for Alternatives to Domestic Violence in Dayton, Ohio, found a barrier to leaving is lack of support from the police and courts in addition to one of the most frequently reported barriers: having nowhere to go.<sup>3</sup> Domestic violence is routinely cited as nuisance conduct, leaving victims in the impossible position of risking their housing by calling for help, or risking their safety by remaining silent.<sup>8</sup>

Nuisance ordinance enforcement can also raise additional concerns for landlords because they can potentially violate the Fair Housing Act by disproportionately impacting certain groups. Each year, women comprise nearly 80 percent of persons who are survivors of domestic violence. Jurisdictions can also violate the Fair Housing Act by intentionally using the adoption or enforcement of a nuisance or crime-free housing ordinance to discriminate (e.g. selective

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<sup>1</sup><https://www.ohioattorneygeneral.gov/Files/Reports/Domestic-Violence-Reports/Domestic-Violence-Reports-2021/2021-Domestic-Dispute-Calls>

<sup>2</sup> <https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>

<sup>3</sup> Anderson, M.A., Gillig, P.M., Sitaker, M. et al. Journal of Family Violence (2003). "Why Doesn't She Just Leave?": A Descriptive Study of Victim Reported Impediments to Her Safety. Journal of Family Violence, 18: 151.

<https://doi.org/10.1023/A:1023564404773>

enforcement).<sup>4</sup> The New York Times reported, “A study of citations issued to landlords in Milwaukee found that domestic violence was involved in nearly one-third of the cases and that rentals in largely black areas were disproportionately singled out.”<sup>5</sup>

Domestic violence is at its peak, in fact, when the risk of staying or leaving is being weighed. In at least 27% of Ohio’s domestic violence fatality cases, the victim of intimate partner violence had ended the relationship or was in the process of ending the relationship.<sup>6</sup> In Ohio, domestic violence reports have continued to rise during the pandemic. In 2021, “Live-In Partner” was the largest portion of reported offenders, making up 22% of total reported offenders.<sup>7</sup>

Not only is the risk of violence increased, but abusive partners historically cut off resources to create fewer options for victims and entrap them in the relationship. A study by the Centers for Financial Security found that 99% of domestic violence cases also involved financial abuse.<sup>8</sup> This includes controlling a victim's ability to acquire, use, and maintain financial resources. Victims may be prevented from working, have their own money restricted or stolen by the abuser, and rarely have complete access to money and other resources. When they do have money, they often have to account for every penny they spend.<sup>9</sup>

This is why barriers to escaping a violent relationship include, but are not limited to, the lack of having somewhere to go. Without financial independence, or the risk of additional loss of financial resources, many fear that homelessness may be their only option if they leave.<sup>10</sup> Although there is no way to cleanly track it at the macro level, the Community Legal Aid in District 58 shared with us that, of the domestic violence cases they’ve opened in the last couple of years, 10% also had a housing case opened.

The good news is that progress in creating options for victims is being made. Research has shown that one of the most important factors that led women to successfully leaving their abusers was the realization that they had access to resources and support from others.<sup>11</sup> Other states have taken notice, and 41 currently have early lease termination laws for survivors.<sup>12</sup>

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<sup>4</sup> 2018. National Housing Law Project. <https://www.nhlp.org/wp-content/uploads/Slides-for-Nuisance-Webinar.pdf>

<sup>5</sup> Erik Eckholm. *Victims’ Dilemma: 911 Calls Can Bring Eviction*. 2013. The New York Times. [https://www.nytimes.com/2013/08/17/us/victims-dilemma-911-calls-can-bring-eviction.html?pagewanted=all&\\_r=0](https://www.nytimes.com/2013/08/17/us/victims-dilemma-911-calls-can-bring-eviction.html?pagewanted=all&_r=0)

<sup>6</sup> Ohio Domestic Violence Network. Ohio DV Fatality Report (2020-2021)

<sup>7</sup> <https://www.ohioattorneygeneral.gov/Files/Reports/Domestic-Violence-Reports/Domestic-Violence-Reports-2021/2021-Offenders-Total-Percentage>

<sup>8</sup> Adams, AE. "[Measuring the Effects of Domestic Violence on Women’s Financial Well-Being](#)." Center for Financial Security, May 17, 2011.

<sup>9</sup> Howard, M and Skipp, A. "[Unequal, Trapped & Controlled: Women’s Experience of Financial Abuse and Potential Implications for Universal Credit](#)." Women’s Aid, 2014.

<sup>10</sup> National Coalition Against Domestic Violence (NCADV). <https://ncadv.org/why-do-victims-stay>

<sup>11</sup> Chang, J. C., Dado, D., Hawker, L., Cluss, P. A., Buranosky, R., Slagel, L., Scholle, S. H. (2010). Understanding turning points in intimate partner violence: Factors and circumstances leading women victims toward change. *Journal of Women’s Health*, 19(2), 251-259. doi:10.1089/jwh.2009.1568

<sup>12</sup> <https://www.nolo.com/legal-encyclopedia/state-laws-protecting-tenants-in-domestic-violence-situations.html>

HB 256 is a comprehensive piece of legislation that directly addresses many of these identifiable barriers to safety for victims, while also protecting landlords and their investment.

First, no one should be deterred from calling for help. A call to 911 is not a nuisance, but a chance to save someone's life. HB 256 clarifies that a "nuisance" shall not include service calls to law enforcement relating to domestic violence, eliminating a victim's fear that reporting their abuser could result in the loss of housing.

Secondly, it allows victims of domestic violence, rape, or attempted rape to terminate their lease agreement within 30 days of presenting a landlord with a qualified protection order. Third parties such as law enforcement, health care professionals, employees of the court, mental health professionals, and victim advocates are empowered to create and sign a written report for the victim to present to their landlord.

Thirdly, HB 256 respects landlords, their properties, and their business interests. Landlords can withhold a portion of the deposit for damage to the property caused by the tenant. The tenant-victim would be responsible for rent until departing, and the landlord won't share information about their departure with anyone but those qualifying advocates. In cases where the victim is co-leasing the property, the other person on the lease would still be responsible for the rent.

The lease termination is harm-free, requiring the return of the remainder of their security deposit, and no penalties for early termination. The victim will have at least 21, but no more than 30, days to create a new future for themselves away from abuse. This financial boost and elimination of financial hardship gives victims an opportunity to find a new and safer home.

Ohio must join most of the country offering this option to domestic violence victims. Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the Ohio House Civil Justice Committee, we thank you for this opportunity and would be happy to answer any of your questions.