

# *Arizona Capitol Times*

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## **New Law in Arizona Allows Domestic Violence Victims to Break Rental Agreements**

**By Luige Del Puerto**

After six attempts and six failures, Senate and House leaders passed a bill they say will aid victims of domestic violence.

S1227, which has been signed into law by the governor, allows victims of domestic violence to opt out of rental agreements without incurring termination fees.

The final version is about half a dozen years in the making. Each time a bill carrying the idea was introduced, it got nowhere. This time, however, negotiations among stakeholders began in the summer, according to those who worked on the bill.

“The language of the bill was a compromise. Originally, in years past, there were different efforts to get this kind of a bill passed and they have been done individually,” said Chris Groninger of the Arizona Coalition Against Domestic Violence.

This year, supporters took a different approach. The coalition sought out the multi-housing industry to try to address its concerns and find suitable language. Negotiations weren’t always easy, pitting industry concerns over potential economic loss versus victims’ advocates search for a way out for those trying to escape their abusers.

And just when they thought they had reached points of agreement, they again found themselves on opposite sides.

“We thought we had an agreement on the provisions, but when the bill was introduced, it was introduced in a different format,” said Terry Feinberg, president of the Arizona Multihousing Association.

As a result, AMA’s position had swung like a pendulum.

“So we went to support, to oppose, to support again,” Feinberg said.

## **Bee: Bill has been Work in Progress for Years**

Senate President Tim Bee, the primary sponsor along with Sen. Jim Waring, R-7, said on April 12, "That's a bill that I've been working on, either as a sponsor or with other members, for many years. And to see it passed today with the kind of numbers that it did is very exciting."

Later in a statement, Bee said, "I am thrilled this year we were able to work with AMA to find a solution in S1227 that will help stop the cycle of violence and make it easier for victims of domestic violence to find safe havens. "

Bee said the biggest challenge in getting it through was how to frame it so people would not abuse the system.

The measure holds a special place for the Senate president -- his sister was a victim of domestic violence.

The points of negotiation could easily be seen by the amendments adopted in committee levels in both chambers.

## **Bill Balances Interest of Landlord, Tenant**

The language threads a careful balance between the interests of the victim and the landlord. Indeed, while the bill, S1227, absolves the renter from penalties, it also puts in place a host of requirements so a landlord is also protected.

It requires, for one, that the tenant provide a written notice stating that he or she is a victim of domestic violence.

Both tenant and landlord must agree on a release date within 30 days of the notice, and the lease termination may occur only if the violence took place during the 30 days prior to the notice, according the bill.

The tenant must also provide the landlord either a copy of any protective order or a written report from a law enforcement agency stating that the tenant has been a victim of domestic violence.

It prohibits the landlord from withholding a security deposit, but allows the landlord to hang onto it to pay for damages to the property.

The measure was passed by the Senate on a final vote of 27-1 on April 12. Six days later, Governor Napolitano signed it into law.

Two major provisions give the landlord a layer of security of sorts, those who worked on the bill said.

First, a tenant who falsely files a protection order or police report is liable for three times the damages. Second, the person named in the order of protection or law enforcement report is “deemed to have interfered” with the rental agreement and may be held civilly liable for all economic losses incurred by the landlord as a result of the early lease termination.

These liabilities include unpaid rent, early termination fees, and costs of damage repair.

Feinberg of the multi-housing association said, “While the bill has not come to what we thought we originally agreed to or as far as how we would like it to go, it did substantially address our concerns and on balance was worthy of our support.”

### **Industry Concerned with Government Interference**

Groninger said one of the housing industry’s biggest concerns was that they did not want government interfering with the rental agreement. Secondly, while a landlord with numerous apartments may be able to absorb the loss of one early lease termination, a businessman who owns just one or two properties may not, she said.

Yet on the other hand, the industry also recognized that domestic violence is an issue in their communities and “regardless of whether we did this, there were people that were going to have to skip out of their leases,” she said.

A victim who lives in a rental community may have some advantages, Groninger said.

A victim is likely to look for another housing complex so as a whole the industry does not really lose out, Groninger added.

“They do have the ability to go to another temporary housing solution, and that might be an advantage and not necessarily a problem,” she said.

But while most landlords will probably let victims out of the lease, someone fleeing for her life may not have the resources to pay possible fines and penalties, the anti-violence advocate said.

Once a victim gets out of a shelter, where she may have initially sought refuge for example, she may also be faced with bad credit, said Groninger.

Feinberg said landlords will still lose money as a result of the legislation.

“(But) it is a reasonable balance,” he said. “(Landlords) have recourse to go after the perpetrator if the perpetrator has any assets, and again on balance, it is a good bill that benefits both the industry and the domestic violence victim.”

## **One of the ‘Biggest Measures’ Passed this Session**

For a few minutes on the day the bill was sent to the governor, Bee and Waring paused to celebrate its passage.

Waring said he wished they could have moved it sooner but nonetheless expressed satisfaction that its time “has finally come.”

Later in a statement, he said, “I am confident that this bill will help keep some victims alive, now that it is more possible for them to afford to flee to safety.”

Both said this was one of the most important bills that they have worked on and added that it was probably one of the biggest measures that the Legislature passed this session.

“Years from now, we’ll look back and (realize) this was one of the big bills this session. I’m real happy I got a chance to even work on it,” Waring told the Arizona Capitol Times on the day of the bill’s passage.

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