

File No. 220302

Committee Item No. _____
Board Item No. 36

COMMITTEE/BOARD OF SUPERVISORS
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Committee _____

Date _____

Board of Supervisors Meeting

Date April 5, 2022

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- California State Senate Bill No. 1017
- CSAC and LCC Position
-

Completed by: Brittney Harrell
Completed by: _____

Date March 30, 2022
Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Supporting California State Senate Bill No. 1017 (Eggman) -The Keeping Survivors Housed
2 Act]

3 **Resolution urging the California State Senate to pass Senate Bill No. 1017, introduced**
4 **by Senator Susan Eggman, which will allow survivors of domestic violence and other**
5 **violent acts, who are tenants, to maintain their current housing and avoid eviction,**
6 **significantly increasing their safety and providing much-needed stability as they heal**
7 **from trauma.**

8
9 WHEREAS, Survivors of domestic violence, sexual assault, stalking, human trafficking,
10 elder or dependent adult abuse, and other forms of crime are at increased risk of housing
11 instability; and

12 WHEREAS, An ACLU report stated that 50% of U.S. cities surveyed reported that
13 domestic violence is a primary cause of homelessness; and

14 WHEREAS, Nationally, 57% of unhoused women reported domestic violence was an
15 immediate cause of their homelessness; and

16 WHEREAS, The threat of housing insecurity causes victims to stay in abusive
17 relationships – exposing loved ones of all ages to continued violence; and

18 WHEREAS, Several gaps in current state law leave survivors at risk and unable to
19 access protections for survivors under California Code of Civil Procedure Section 1161.3; and

20 WHEREAS, Survivors who lack required documentation of abuse, survivors who
21 previously shared tenancy with their abusive partner, and survivors who lose the protection
22 because the abusive partner returned to the property -even without the survivor’s consent or
23 for common sense reasons such as collecting their belongings or child custody exchanges, all
24 are unable to access protections; and

25

1 WHEREAS, California State Senate Bill No. 1017, on file with the Clerk of the Board of
2 Supervisors in File No. 220302, which is hereby declared to be a part of this resolution as if set
3 forth fully herein, will help ensure that no survivor can be evicted because of acts of abuse
4 committed against them; and

5 WHEREAS, California State Senate Bill No. 1017 will support survivors, their families,
6 and their loved ones, stay safely housed by expanding allowable documentation of the
7 violence to include documentation from a victim of violent crime advocate, or other
8 documentation that reasonably proves the victimization and is acceptable to the court; and

9 WHEREAS, California State Senate Bill No. 1017 will eliminate a loophole in current
10 law, which does not allow survivors to utilize eviction protection if the abusive person was also
11 a tenant at the property and no longer lives there; and

12 WHEREAS, California State Senate Bill No. 1017 will eliminate language in current
13 statute that invalidates protections if the survivor “allows” the abusive person to visit the
14 property, which does not reflect the research-based realities of domestic violence
15 relationships; and

16 WHEREAS, California State Senate Bill No. 1017 will revoke eviction protections only if
17 the tenant voluntarily allows the abusive person’s presence at the property and the perpetrator
18 poses a threat to the safety of another person at the property; and

19 WHEREAS, California State Senate Bill No. 1017 will revoke eviction protections only if
20 the tenant voluntarily allows the abusive person’s presence at the property and the perpetrator
21 poses a threat to the safety of another person at the property; and

22 WHEREAS, California State Senate Bill No. 1017 will provide survivors with the option
23 to remain in the unit on the same terms as the previous lease, and ensuring the survivor will
24 not be a party in the eviction case, if the court finds the landlord ended the tenancy because
25 of the abuse; and

1 WHEREAS, California State Senate Bill No. 1017 will provide survivors, household
2 members, and immediate family members who terminate their lease early a cause of action if
3 their landlord fails to comply with the law; now, therefore, be it

4 RESOLVED, That the Board of Supervisors urges the California State Legislature to
5 pass Senate Bill No. 1017, introduced by Senator Susan Eggman; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
7 Board to send a copy of this resolution to the members of the Senate Appropriations
8 Committee, Senator Susan Eggman, the California State Legislature, and Governor Gavin
9 Newsom.

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Introduced by Senator EggmanFebruary 14, 2022

An act to amend Section 1946.7 of the Civil Code, and to amend Section 1161.3 of the Code of Civil Procedure, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1017, as introduced, Eggman. Leases: termination of tenancy: abuse or violence.

Existing law authorizes a tenant to provide a landlord with 180-day written notice, as specified, that the tenant, household member, or immediate family member, as defined, was a victim of an act of domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or of other specified crimes, and that the tenant intends to terminate the tenancy. Existing law limits the amount of rent for which the tenant is responsible to not more than 14 calendar days after the notice is given and requires the tenant to be released from responsibility for making other rent payments under the lease, as specified.

Existing law prohibits a landlord from terminating or failing to renew a tenancy based upon an act or acts against a tenant or a tenant's household member that constitute domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse if certain standards are met. Existing law requires the act to be documented in one of several ways, including by a court order, police report, or tenant statement and qualified third party statement, as specified, and existing law requires that the person against whom the order was issued, or who was named in the police report or tenant statement and qualified third party statement, not be a tenant of the same dwelling unit as the tenant or household member.

Existing law allows a landlord to terminate or decline to renew a tenancy if the tenant allows the person against whom the court order was issued or who was named in the police report or tenant statement and qualified third party statement to visit the property or if the landlord reasonably believes that the presence of the person poses a physical threat to other tenants, guests, invitees, or licensees, or to a tenant's right to quiet possession, and the landlord previously gave at least 3 days' notice to the tenant to correct the violation, as specified.

This bill would recast these provisions to prohibit a landlord from terminating or failing to renew a tenancy based on an act of abuse or violence, as defined, against a tenant, a tenant's immediate family member, as defined, or a tenant's household member. The bill would also recast these provisions to allow a landlord to terminate or refuse to renew a tenancy if the tenant voluntarily permits or consents to the presence of the perpetrator of abuse or violence, as defined, on the premises, the perpetrator has threatened to commit a crime, as specified, and the landlord gave at least 3 days' notice to the tenant to correct the violation in the last 90 days. The bill would make conforming changes to the required notice form and would require the Judicial Council to update its form by January 1, 2024.

This bill would set forth specific requirements for unlawful detainer proceedings under these provisions, and would require a court to make findings of whether a tenant is guilty of unlawful detainer because of an act of abuse or violence against them, their immediate family member, or their household member, and entitle the tenant to certain remedies, as specified.

This bill would make a landlord or agent liable to the tenant for actual damages of not less than \$100 and punitive damages of not more than \$10,000 in a civil action for violation of these provisions and would authorize the awarding of attorneys' fees and costs to the prevailing party, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1946.7 of the Civil Code is amended to
2 read:
3 1946.7. (a) A tenant may notify the landlord that the tenant
4 intends to terminate the tenancy if the tenant, a household member,

1 or an immediate family member was the victim of an act that
2 constitutes any of the following:

3 (1) Domestic violence as defined in Section 6211 of the Family
4 Code.

5 (2) Sexual assault as defined in Section 261, 261.5, 286, 287,
6 or 289 of the Penal Code.

7 (3) Stalking as defined in Section 1708.7.

8 (4) Human trafficking as defined in Section 236.1 of the Penal
9 Code.

10 (5) Abuse of an elder or a dependent adult as defined in Section
11 15610.07 of the Welfare and Institutions Code.

12 (6) A crime that caused bodily injury or death.

13 (7) A crime that included the exhibition, drawing, brandishing,
14 or use of a firearm or other deadly weapon or instrument.

15 (8) A crime that included the use of force against the victim or
16 a threat of force against the victim.

17 (b) A notice to terminate a tenancy under this section shall be
18 in writing, with one of the following attached to the notice:

19 (1) A copy of a temporary restraining order, emergency
20 protective order, or protective order lawfully issued pursuant to
21 Part 3 (commencing with Section 6240) or Part 4 (commencing
22 with Section 6300) of Division 10 of the Family Code, Section
23 136.2 of the Penal Code, Section 527.6 of the Code of Civil
24 Procedure, or Section 213.5 or 15657.03 of the Welfare and
25 Institutions Code that protects the tenant, household member, or
26 immediate family member from further domestic violence, sexual
27 assault, stalking, human trafficking, abuse of an elder or a
28 dependent adult, or any act or crime listed in subdivision (a).

29 (2) A copy of a written report by a peace officer employed by
30 a state or local law enforcement agency acting in the peace officer's
31 official capacity stating that the tenant, household member, or
32 immediate family member has filed a report alleging that the tenant,
33 the household member, or the immediate family member is a victim
34 of an act or crime listed in subdivision (a).

35 (3) (A) Documentation from a qualified third party based on
36 information received by that third party while acting in the third
37 party's professional capacity to indicate that the tenant, household
38 member, or immediate family member is seeking assistance for
39 physical or mental injuries or abuse resulting from an act or crime
40 listed in subdivision (a).

1 (B) The documentation shall contain, in substantially the same
2 form, the following:

3

4 **Tenant Statement and Qualified Third Party Statement**
5 **under Civil Code Section 1946.7**

6

7 Part I. Statement By Tenant

8

9 I, [insert name of tenant], state as follows:

10

11 I, or a member of my household or immediate family, have been a victim of:
12 [insert one or more of the following: domestic violence, sexual assault, stalking,
13 human trafficking, elder abuse, dependent adult abuse, or a crime that caused
14 bodily injury or death, a crime that included the exhibition, drawing,
15 brandishing, or use of a firearm or other deadly weapon or instrument, or a
16 crime that included the use of force against the victim or a threat of force
17 against the victim.]

18

19 The most recent incident(s) happened on or about:
20 [insert date or dates.]

21

22 The incident(s) was/were committed by the following person(s), with these
23 physical description(s), if known and safe to provide:
24 [if known and safe to provide, insert name(s) and physical description(s).]

25

26 _____
27 (signature of tenant) (date)

28

29 Part II. Qualified Third Party Statement

30

31 I, [insert name of qualified third party], state as follows:

32

33 My business address and phone number are:
34 [insert business address and phone number.]

35

36 Check and complete one of the following:
37 ___ I meet the requirements for a sexual assault counselor provided in Section
38 1035.2 of the Evidence Code and I am either engaged in an office, hospital,
39 institution, or center commonly known as a rape crisis center described in that

1 section or employed by an organization providing the programs specified in
2 Section 13835.2 of the Penal Code.

3 ____I meet the requirements for a domestic violence counselor provided in
4 Section 1037.1 of the Evidence Code and I am employed, whether financially
5 compensated or not, by a domestic violence victim service organization, as
6 defined in that section.

7 ____I meet the requirements for a human trafficking caseworker provided in
8 Section 1038.2 of the Evidence Code and I am employed, whether financially
9 compensated or not, by an organization that provides programs specified in
10 Section 18294 of the Welfare and Institutions Code or in Section 13835.2 of
11 the Penal Code.

12 ____I meet the definition of “victim of violent crime advocate” provided in
13 Section 1947.6 of the Civil Code and I am employed, whether financially
14 compensated or not, by a reputable agency or organization that has a
15 documented record of providing services to victims of violent crime or provides
16 those services under the auspices or supervision of a court or a law enforcement
17 or prosecution agency.

18 ____I am licensed by the State of California as a:
19 [insert one of the following: physician and surgeon, osteopathic physician and
20 surgeon, registered nurse, psychiatrist, psychologist, licensed clinical social
21 worker, licensed marriage and family therapist, or licensed professional clinical
22 counselor.] and I am licensed by, and my license number is:
23 [insert name of state licensing entity and license number.]
24

25 The person who signed the Statement By Tenant above stated to me that the
26 person, or a member of the person’s household or immediate family, is a victim
27 of:

28 [insert one or more of the following: domestic violence, sexual assault, stalking,
29 human trafficking, elder abuse, dependent adult abuse, or a crime that caused
30 physical injury, emotional injury and the threat of physical injury, or death.]

31 The person further stated to me the incident(s) occurred on or about the date(s)
32 stated above.

33
34
35 I understand that the person who made the Statement By Tenant may use this
36 document as a basis for terminating a lease with the person’s landlord.

37
38
39 _____ (signature of qualified third party) _____ (date)
40

1 (C) The documentation may be signed by a person who meets
2 the requirements for a sexual assault counselor, domestic violence
3 counselor, a human trafficking caseworker, or a victim of violent
4 crime advocate only if the documentation displays the letterhead
5 of the office, hospital, institution, center, or organization, as
6 appropriate, that engages or employs, whether financially
7 compensated or not, this counselor, caseworker, or advocate.

8 (4) Any other form of documentation that reasonably verifies
9 that the crime or act listed in subdivision (a) occurred.

10 (c) If the tenant is terminating tenancy pursuant to subdivision
11 (a) because an immediate family member is a victim of an eligible
12 act or crime listed in subdivision (a) and that tenant did not live
13 in the same household as the immediate family member at the time
14 of the act or crime, and no part of the act or crime occurred within
15 the dwelling unit or within 1,000 feet of the dwelling unit of the
16 tenant, the tenant shall attach to the notice and other documentation
17 required by subdivision (b) a written statement stating all of the
18 following:

19 (1) The tenant's immediate family member was a victim of an
20 act or crime listed in subdivision (a).

21 (2) The tenant intends to relocate as a result of the tenant's
22 immediate family member being a victim of an act or crime listed
23 in subdivision (a).

24 (3) The tenant is relocating to increase the safety, physical
25 well-being, emotional well-being, psychological well-being, or
26 financial security of the tenant or of the tenant's immediate family
27 member as a result of the act or crime.

28 (d) The notice to terminate the tenancy shall be given within
29 180 days of the date that any order described in paragraph (1) of
30 subdivision (b) was issued, within 180 days of the date that any
31 written report described in paragraph (2) of subdivision (b) was
32 made, within 180 days of the date that *an act or* a crime described
33 in ~~paragraph (6), (7), or (8)~~ of subdivision (a) occurred, or within
34 the time period described in Section 1946.

35 (e) If notice to terminate the tenancy is provided to the landlord
36 under this section, the tenant shall be responsible for payment of
37 rent for no more than 14 calendar days following the giving of the
38 notice, or for any shorter appropriate period as described in Section
39 1946 or the lease or rental agreement. The tenant shall be released
40 from any rent payment obligation under the lease or rental

1 agreement without penalty. If the premises are relet to another
2 party prior to the end of the obligation to pay rent, the rent owed
3 under this subdivision shall be prorated.

4 (f) Notwithstanding any law, a landlord shall not require a tenant
5 who terminates a lease or rental agreement pursuant to this section
6 to forfeit any security deposit money or advance rent paid due to
7 that termination. A tenant who terminates a rental agreement
8 pursuant to this section shall not be considered for any purpose,
9 by reason of the termination, to have breached the lease or rental
10 agreement. Existing law governing the security deposit shall apply.

11 (g) This section does not relieve a tenant, other than the tenant
12 who is, or who has a household member or immediate family
13 member who is, a victim of an act or crime listed in subdivision
14 (a) and members of that tenant’s household, from their obligations
15 under the lease or rental agreement.

16 (h) For purposes of this section, the following definitions apply:

17 (1) “Household member” means a member of the tenant’s family
18 who lives in the same household as the tenant.

19 (2) “Health practitioner” means a physician and surgeon,
20 osteopathic physician and surgeon, psychiatrist, psychologist,
21 registered nurse, licensed clinical social worker, licensed marriage
22 and family therapist, ~~or licensed professional clinical counselor.~~
23 *counselor, or a victim of violent crime advocate.*

24 (3) “Immediate family member” means the parent, stepparent,
25 spouse, child, child-in-law, stepchild, or sibling of the tenant, or
26 any person living in the tenant’s household at the time the crime
27 or act listed in subdivision (a) occurred who has a relationship
28 with the tenant that is substantially similar to that of a family
29 member.

30 (4) “Qualified third party” means a health practitioner, domestic
31 violence counselor, as defined in Section 1037.1 of the Evidence
32 Code, a sexual assault counselor, as defined in Section 1035.2 of
33 the Evidence Code, or a human trafficking caseworker, as defined
34 in Section 1038.2 of the Evidence Code.

35 (5) “Victim of violent crime advocate” means a person who is
36 employed, whether financially compensated or not, for the purpose
37 of rendering advice or assistance to victims of violent crimes for
38 a reputable agency or organization that has a documented record
39 of providing services to victims of violent crime or provides those

1 services under the auspices or supervision of a court or a law
2 enforcement or prosecution agency.

3 (i) (1) A landlord shall not disclose any information provided
4 by a tenant under this section to a third party unless the disclosure
5 satisfies any one of the following:

6 (A) The tenant consents in writing to the disclosure.

7 (B) The disclosure is required by law or order of the court.

8 (2) A landlord's communication to a qualified third party who
9 provides documentation under paragraph (3) of subdivision (b) to
10 verify the contents of that documentation is not disclosure for
11 purposes of this subdivision.

12 (j) An owner or an owner's agent shall not refuse to rent a
13 dwelling unit to an otherwise qualified prospective tenant or refuse
14 to continue to rent to an existing tenant solely on the basis that the
15 tenant has previously exercised the tenant's rights under this section
16 or has previously terminated a tenancy because of the
17 circumstances described in subdivision (a).

18 (k) *A landlord or agent of a landlord who violates this section*
19 *shall be liable to the tenant in a civil action for both of the*
20 *following:*

21 (1) *The actual damages sustained by the tenant.*

22 (2) *Punitive damages not less than one hundred dollars (\$100)*
23 *and not more than ten thousand dollars (\$10,000).*

24 (l) *The remedies provided by this section shall be in addition*
25 *to any other remedy provided by law.*

26 SEC. 2. Section 1161.3 of the Code of Civil Procedure is
27 amended to read:

28 1161.3. (a) Except as provided in subdivision (b), a landlord
29 shall not terminate a tenancy or fail to renew a tenancy based upon
30 an act ~~or acts~~ against a ~~tenant~~ *tenant, a tenant's immediate family*
31 *member, or a tenant's household member that constitute domestic*
32 ~~violence as defined in Section 6211 of the Family Code, sexual~~
33 ~~assault as defined in Section 1219, stalking as defined in Section~~
34 ~~1708.7 of the Civil Code or Section 646.9 of the Penal Code,~~
35 ~~human trafficking as defined in Section 236.1 of the Penal Code,~~
36 ~~or abuse of an elder or a dependent adult as defined in Section~~
37 ~~15610.07 of the Welfare and Institutions Code, constitutes abuse~~
38 *or violence* if both of the following apply:

1 (1) The act or acts of domestic violence, sexual assault, stalking,
2 human trafficking, or abuse of an elder or a dependent adult have
3 *abuse or violence* has been documented by one of the following:

4 (A) A temporary restraining order, emergency protective order,
5 or protective order lawfully issued within the last 180 days pursuant
6 to Section 527.6, Part 3 (commencing with Section 6240), Part 4
7 (commencing with Section 6300), or Part 5 (commencing with
8 Section 6400) of Division 10 of the Family Code, Section 136.2
9 of the Penal Code, or Section 213.5 or 15657.03 of the Welfare
10 and Institutions Code that protects the ~~tenant~~ *tenant, the tenant's*
11 *immediate family member, or the tenant's* household member from
12 ~~domestic violence, sexual assault, stalking, human trafficking, or~~
13 ~~abuse of an elder or a dependent adult.~~ *abuse or violence.*

14 (B) A copy of a written report, written within the last 180 days,
15 by a peace officer employed by a state or local law enforcement
16 agency acting in ~~his or her~~ *the officer's* official capacity, stating
17 that the ~~tenant~~ *tenant, the tenant's immediate family member, or*
18 *the tenant's* household member has filed a report alleging that ~~he~~
19 ~~or she or the household member is~~ *they are* a victim of domestic
20 violence, sexual assault, stalking, human trafficking, or abuse of
21 an elder or a dependent adult. *abuse or violence.*

22 (C) ~~Documentation~~ *(i) Documentation* from a qualified third
23 party based on information received by that third party while acting
24 in ~~his or her~~ *their* professional capacity to indicate that the ~~tenant~~
25 *tenant, the tenant's immediate family member, or the tenant's*
26 household member is seeking assistance for physical or mental
27 injuries or abuse resulting from an act of ~~domestic violence, sexual~~
28 ~~assault, stalking, human trafficking, elder abuse, or dependent~~
29 ~~adult abuse.~~

30 ~~(D) The documentation~~ *abuse or violence, which* shall contain,
31 in substantially the same form, the following:

32
33 **Tenant Statement and Qualified Third Party Statement**
34 **under Code of Civil Procedure Section 1161.3**

35
36 Part I. Statement By Tenant

37
38 I, [insert name of tenant], state as follows:
39

1 I, *my immediate family member*, or a member of my household, have been a
 2 victim of:
 3 [insert one or more of the following: domestic violence, sexual assault, stalking,
 4 human trafficking, elder abuse, ~~or dependent adult abuse.~~ *abuse, a crime that*
 5 *caused bodily injury or death, a crime that included the exhibition, drawing,*
 6 *brandishing, or use of a firearm or other deadly weapon or instrument, or a*
 7 *crime that included the use or threat of force against the victim.]*

8
 9 The most recent incident(s) happened on or about:
 10 [insert date or dates.]

11
 12 The incident(s) was/were committed by the following person(s), with these
 13 physical description(s), if known and safe to provide:
 14 [if known and safe to provide, insert name(s) and physical description(s).]

15
 16 _____
 17 (signature of tenant) (date)

18
 19 Part II. Qualified Third Party Statement

20
 21 I, [insert name of qualified third party], state as follows:

22
 23 My business address and phone number are:
 24 [insert business address and phone number.]

25
 26 Check and complete one of the following:
 27 ___ I meet the requirements for a sexual assault counselor provided in Section
 28 1035.2 of the Evidence Code and I am either engaged in an office, hospital,
 29 institution, or center commonly known as a rape crisis center described in that
 30 section or employed by an organization providing the programs specified in
 31 Section 13835.2 of the Penal Code.
 32 ___ I meet the requirements for a domestic violence counselor provided in
 33 Section 1037.1 of the Evidence Code and I am employed, whether financially
 34 compensated or not, by a domestic violence victim service organization, as
 35 defined in that section.
 36 ___ I meet the requirements for a human trafficking caseworker provided in
 37 Section 1038.2 of the Evidence Code and I am employed, whether financially
 38 compensated or not, by an organization that provides programs specified in
 39 Section 18294 of the Welfare and Institutions Code or in Section 13835.2 of
 40 the Penal Code.

1 *The tenant may request that the court examine the documentation*
2 *or evidence provided in this subparagraph in camera.*

3 ~~(2) The person against whom the protection order has been~~
4 ~~issued or who was named in the police report or Tenant Statement~~
5 ~~and Qualified Third Party Statement regarding the act or acts of~~
6 ~~domestic violence, sexual assault, stalking, human trafficking, or~~
7 ~~abuse of an elder or dependent adult perpetrator of abuse or~~
8 ~~violence is not a tenant in residence of the same dwelling unit as~~
9 ~~the tenant, the tenant's immediate family member, or~~
10 household member.

11 (b) A landlord may terminate or decline to renew a tenancy after
12 the tenant has availed ~~himself or herself themselves~~ of the
13 protections afforded by subdivision (a) if both of the following
14 apply:

15 ~~(1) Either of the following: The tenant voluntarily permits or~~
16 ~~consents to the presence of the perpetrator of abuse or violence~~
17 ~~on the premises and the perpetrator has threatened to commit a~~
18 ~~crime that would result in death or great bodily injury to a person~~
19 ~~on the premises other than the tenant and that, on its face and~~
20 ~~under the circumstances in which it is made, is so unequivocal,~~
21 ~~unconditional, immediate, and specific as to convey to the person~~
22 ~~threatened a gravity of purpose and an immediate prospect of~~
23 ~~execution of the threat that causes that person reasonably to be~~
24 ~~in sustained fear for their own safety or for their immediate~~
25 ~~family's safety.~~

26 ~~(A) The tenant allows the person against whom the protection~~
27 ~~order has been issued or who was named in the police report or~~
28 ~~Tenant Statement and Qualified Third Party Statement regarding~~
29 ~~the act or acts of domestic violence, sexual assault, stalking, human~~
30 ~~trafficking, or abuse of an elder or a dependent adult to visit the~~
31 ~~property.~~

32 ~~(B) The landlord reasonably believes that the presence of the~~
33 ~~person against whom the protection order has been issued or who~~
34 ~~was named in the police report or Tenant Statement and Qualified~~
35 ~~Third Party Statement regarding the act or acts of domestic~~
36 ~~violence, sexual assault, stalking, human trafficking, or abuse of~~
37 ~~an elder or dependent adult poses a physical threat to other tenants,~~
38 ~~guests, invitees, or licensees, or to a tenant's right to quiet~~
39 ~~possession pursuant to Section 1927 of the Civil Code.~~

1 (2) The landlord ~~previously~~ gave at least three days' notice to
2 the tenant to correct a violation of paragraph ~~(1)~~: *(1) in the last 90*
3 *days.*

4 (c) Notwithstanding any provision in the lease to the contrary,
5 the landlord shall not be liable to any other tenants for any action
6 that arises due to the landlord's compliance with this section.

7 (d) (1) A landlord shall not disclose any information provided
8 by a tenant under this section to a third party unless either of the
9 following ~~are~~ *is* true:

10 (A) The tenant has consented in writing to the disclosure.

11 (B) The disclosure is required by law or court order.

12 (2) A landlord's communication with the qualified third party
13 who provides documentation in order to verify the contents of that
14 documentation is not a disclosure for purposes of this subdivision.

15 (3) *In an action involving a claim for damages arising from an*
16 *alleged violation of this subdivision, the court shall award*
17 *reasonable attorney's fees and costs to the prevailing party.*

18 (e) *The court shall make findings of whether a tenant is guilty*
19 *of unlawful detainer because of an act of abuse or violence against*
20 *them, their immediate family member, or their household member*
21 *if both the following apply:*

22 (1) *A tenant claims that the landlord sought to terminate the*
23 *tenancy based on an act of abuse against themselves, their*
24 *immediate family member, or their household member by another*
25 *tenant in residence.*

26 (2) *The act of abuse or violence have been documented as*
27 *required under paragraph (1) of subdivision (a).*

28 (f) *If the court finds a tenant is guilty of unlawful detainer*
29 *because of an act of abuse or violence against them, their*
30 *immediate family member, or their household member by another*
31 *tenant under subdivision (e), then all of the following apply to that*
32 *tenant:*

33 (1) *The tenant shall not be named in the unlawful detainer*
34 *judgment.*

35 (2) *The tenant shall not owe the landlord any fees related to the*
36 *unlawful detainer action, including, but not limited to, attorney's*
37 *fees, lease termination fees, or court costs.*

38 (3) *The tenant shall regain possession of the premises*
39 *immediately after possession is returned to the landlord with a*
40 *lease that has the same lease terms as their previous lease.*

1 (e)

2 (g) For the purposes of this section:

3 (1) “Tenant” means tenant, subtenant, lessee, or sublessee.

4 (2) “Health practitioner” means a physician and surgeon,
5 osteopathic physician and surgeon, psychiatrist, psychologist,
6 registered nurse, licensed clinical social worker, licensed marriage
7 and family therapist, or licensed professional clinical counselor.

8 (3) “Qualified third party” means a health practitioner, domestic
9 violence counselor, as defined in Section 1037.1 of the Evidence
10 Code, a sexual assault counselor, as defined in Section 1035.2 of
11 the Evidence Code, ~~or a human trafficking caseworker, as defined~~
12 ~~in Section 1038.2 of the Evidence Code.~~ *Code, or a victim of*
13 *violent crime advocate.*

14 (4) “Victim of violent crime advocate” has the same meaning
15 as defined in Section 1946.7 of the Civil Code.

16 (5) “Abuse or violence” means domestic violence as defined in
17 Section 6211 of the Family Code, sexual assault as defined in
18 Section 1219, stalking as defined in Section 1708.7 of the Civil
19 Code or Section 646.9 of the Penal Code, human trafficking as
20 defined in Section 236.1 of the Penal Code, abuse of an elder or
21 a dependent adult as defined in Section 15610.07 of the Welfare
22 and Institutions Code, or any act described in paragraphs (6) to
23 (8), inclusive, of subdivision (a) of Section 1946.7 of the Civil
24 Code.

25 (6) “Perpetrator of abuse or violence” means any of the
26 following:

27 (A) The person against whom an order described in
28 subparagraph (A) of paragraph (1) of subdivision (a) has been
29 issued.

30 (B) The person who was named or referred to as causing the
31 abuse or violence in the report described in subparagraph (B) of
32 paragraph (1) of subdivision (a).

33 (C) The person who was named or referred to as causing the
34 abuse or violence in the documentation described in subparagraph
35 (C) of paragraph (1) of subdivision (a).

36 (D) The person who was named or referred to as causing the
37 abuse or violence in the documentation described in subparagraph
38 (D) of paragraph (1) of subdivision (a).

1 (7) “Tenant in residence” means a tenant who is currently
2 residing in the unit and has full physical and legal access to the
3 unit.

4 (8) “Immediate family member” has the same meaning as
5 defined in Section 1946.7 of the Civil Code.

6 (h) A landlord or agent of a landlord who violates subdivision
7 (d) or (e) shall be liable to the tenant in a civil action for both of
8 the following:

9 (1) The actual damages sustained by the tenant.

10 (2) Punitive damages not less than one hundred dollars (\$100)
11 and not more than ten thousand dollars (\$10,000).

12 (i) In an action brought for damages for a violation of
13 paragraph (3) of subdivision (f), the court shall award reasonable
14 attorney’s fees to the prevailing party if either party requests
15 attorney’s fees upon the initiation of the action.

16 (f)

17 (j) The Judicial Council shall, on or before ~~September 1, 2019,~~
18 *January 1, 2024*, develop a new form or revise an existing form
19 that may be used by a party to assert in the responsive pleading
20 the grounds set forth in this section as an affirmative defense to
21 an unlawful detainer action.

From: [Herrera, Ana \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Ronen, Hillary](#); [Gee, Natalie \(BOS\)](#)
Subject: Ronen - Resolution - Supporting SB 1017
Date: Tuesday, March 22, 2022 5:10:54 PM
Attachments: [Introduction Form - Ronen Resolution SB 1017 Keeping Survivors Housed Act.pdf](#)
[SB 1017.pdf](#)
[Resolution In Support of Senate Bill 1017 - Keeping Survivors Housed Act.doc](#)

Dear Clerk,

Please see attached introduction form and resolution supporting SB 1017. I have also attached a PDF copy of SB 1017. The California State Association of Counties and League of California Cities have not taken a position on this bill. Because this is For Adoption Without Committee Reference, I can also confirm that these matters are routine, not contentious in nature, and of no special interest.

I have also added Natalie Gee from Supervisor Walton's office to confirm co-sponsorship. Please let me know if you have any questions or if I am missing anything.

Thank you,
Ana

Ana Herrera
Legislative Aide
Office of Supervisor Hillary Ronen
ana.herrera@sfgov.org
<https://sfbos.org/supervisor-ronen-district-9>

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Ronen; Walton

Subject:

[Supporting California State Senate Bill 1017 (Eggman) – The Keeping Survivors Housed Act]

The text is listed:

Resolution urging the California State Senate to Pass Senate Bill 1017 which will allow survivors of domestic violence and other violent acts, who are tenants, to maintain their current housing and avoid eviction, significantly increasing their safety and providing much-needed stability as they heal from trauma. See Resolution attached.

Signature of Sponsoring Supervisor: /s/ Hillary Ronen