



# The Right to a Safe Home Act

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# Overview

- Introduce Family Violence Appellate Project
- The Right to a Safe Home Act
  - ▣ What it Does
  - ▣ Why it is Important
  - ▣ How it Works

# FVAP: Who We Are

Family Violence Appellate Project (“FVAP”) is a legal aid non-profit dedicated to helping domestic violence survivors by:

- ❑ Providing free representation to low- and moderate-income survivors of domestic violence throughout California in family law and civil matters appeals, including housing and employment appeals related to domestic violence.
- ❑ Supporting domestic violence agencies and legal service providers working with survivors of domestic violence.

# The Safe at Home Act: What it Does

AB 2413 was passed in 2018 and became effective January 1, 2019 and has three parts:

1. Prohibits landlords from evicting or otherwise penalizing tenants and residents for calls for law enforcement or other emergency services (example paramedics);
2. Prohibits cities, counties and other local agencies (example, Housing Authorities) from having laws or rules allowing or requiring landlords to penalize or evict tenants or residents for calls for law enforcement or emergency services; and
3. Allows qualified third parties, such as healthcare providers and domestic violence counselors, to verify a tenant or household member is a survivor, which can allow the survivor protection from eviction.

# The Safe at Home Act: Why it is Important

## Punishing Landlords or Tenants for Calls for Law Enforcement & Emergency Assistance:

1. Endangers survivors of abuse and crime victims.
2. Disproportionately affects women.
3. Disproportionately affects communities of color.
4. Disproportionately affects people with disabilities.

# The Safe at Home Act: Why it is Important

## Allowing 3<sup>rd</sup> Party Verification of Domestic Violence, Sexual Assault or Stalking

3<sup>rd</sup> Party Verification protects Survivors from eviction who were previously unable to defend against an eviction because:

1. They were unable or it is not in their best interests to obtain a protective order; or
2. They were unable or it is not in their best interests to obtain a police report.

# The Safe at Home Act: How It Works

## Morgan's Story

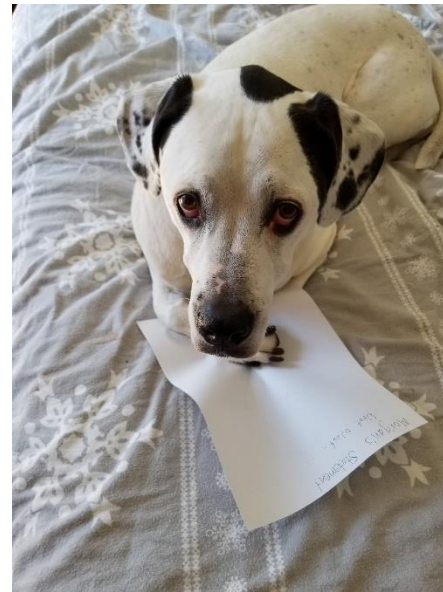


Morgan is a Survivor of Domestic Violence and Morgan recently left their abuser, Jordan. Unfortunately, Jordan keeps showing up at Morgan's apartment. Morgan and Morgan's neighbors call 911 to protect Morgan.

# The Safe at Home Act: How It Works

## 30-Day Notice of Tenancy Termination

The landlord gives Morgan a 30-Day Notice, claiming there were too many 911 calls about Morgan's apartment.





# The Safe at Home Act: How It Works

## Because of the Safe At Home Act: Morgan has an “Affirmative Defense” to an Eviction

UD-105

CASE NUMBER:

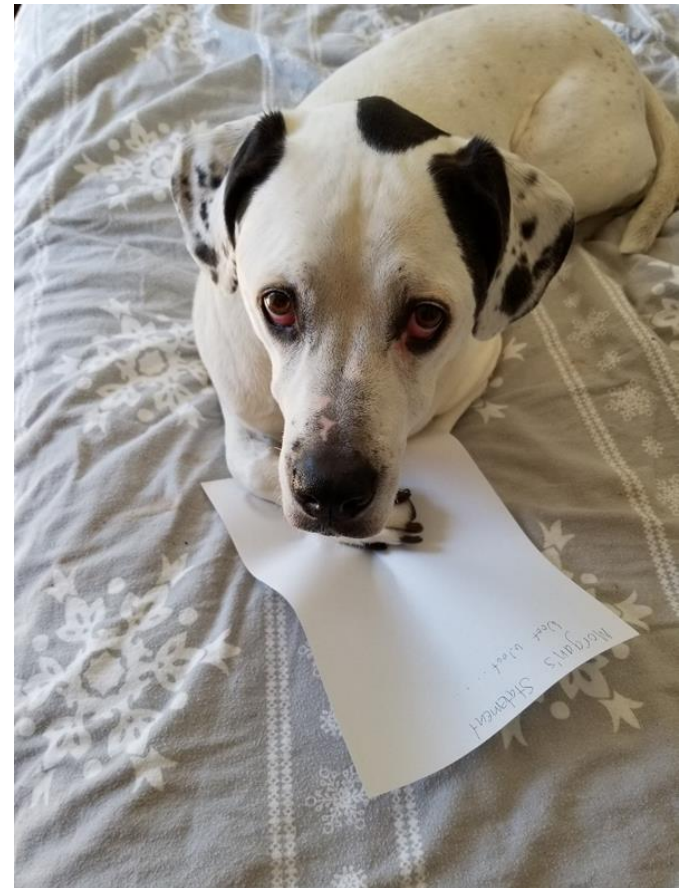
3. AFFIRMATIVE DEFENSES (cont'd.)

- j.  Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.

# The Safe at Home Act: How It Works

## Morgan:

- Informs the landlord of their right not to be evicted or punished because of calls to law enforcement.
- The landlord proceeds with the eviction, so Morgan asserts the affirmative defense that Morgan should not be evicted because the landlord is trying to evict Morgan for needing emergency assistance.



# The Safe at Home Act: How It Works

## Morgan Wins



At trial Morgan shows that the landlord served the 30-Day Notice because of the calls for emergency assistance. So, the judge rules in Morgan's favor and Morgan does not have to move.