



Testimony of Legal Momentum
(Legal Momentum is the new name of NOW Legal Defense and Education Fund)

**On the provisions in Title VII and Sections 606 and 607
of the Violence Against Women Act of 2005, S.1197,
that provide economic security and housing stability to victims**

Submitted to the United States Senate Judiciary Committee

Hearing on Reauthorization of the Violence Against Women Act

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I. Legal Momentum has long been a leader in promoting the economic security and housing stability of victims of domestic and sexual violence.

For thirty-five years, Legal Momentum (the new name of NOW Legal Defense and Education Fund) has advanced the rights of women and girls through the power of the law and effective public policy. We submit this testimony in strong support of the Violence Against Women Act of 2005 (S.1197) and particularly in support of the economic security provisions included in Title VII of the Act and the protections against evictions or voucher terminations of victims included in sections 606 and 607 of the Act. Enactment of these provisions – and, additionally, of provisions that would make unemployment insurance benefits available to women and men who need to leave a job because of domestic or sexual violence – would make an enormous difference in the lives of countless women and men across the country.

Our commitment to assisting victims of domestic violence and sexual assault secure economic independence stems from our longstanding dedication to two related goals – ending violence against women and eliminating barriers that deny women economic opportunities. Legal Momentum helped craft and generate support for the Violence Against Women Act of 1994 and its reauthorization in 2000. We created and currently chair the National Task Force to End Sexual and Domestic Violence Against Women, which includes national, state, and local organizations that represent hundreds of thousands of victims, advocates, and professionals working together to end such violence. We also chair the workplace subcommittee of the Task Force, which specifically works to ensure victims of domestic and sexual violence have the economic independence they need to separate effectively from an abuser or recover from a sexual assault, and we are active members of the housing subcommittee. Through our “Employment and Housing Rights for Survivors of Abuse” program, we provide information to domestic and sexual violence survivors to help them understand their employment and housing rights and we represent individual women seeking to enforce those rights. Additionally, we work closely with employers to develop best practices for companies that seek to deal with the workplace effects of violence against women.

In the decade since it was enacted, VAWA has dramatically improved the response of the police and the criminal and civil justice systems to victims of domestic and sexual violence and the availability

of shelters, counseling, and other essential services for them. But, as explained in the testimony below, far too many working women (and men) who are victims of domestic and sexual violence remain unable to access these services simply because they cannot take any time off from work. Modeled on successful state laws, S.1197 will ensure that victims can go to court, get medical treatment, or find a safe place to live by providing up to 10 days unpaid leave from employment to address domestic or sexual violence. Experience in states with comparable legislation demonstrates that these provisions reasonably protect employers' interests and will help make workplaces safer. Federal legislation is necessary, however, to ensure that all workers have these essential protections.

Additionally, Legal Momentum supports the inclusion of provisions in VAWA 2005 to make unemployment insurance benefits available to victims who must leave their jobs because of the violence. More than half the states have enacted such provisions, and, again, their experience shows that the provisions work for both employers and employees. Indeed, in most states, because the absolute number of claims is very low and they are generally not charged to an individual employer's account, such laws provide significant benefits for individuals without raising employer taxes at all. We also work with many businesses that have already adopted low-cost or no-cost strategies to support employees who are victims of domestic or sexual violence. By establishing the National Clearinghouse on Domestic and Sexual Violence in the Workplace, S.1197 ensures that businesses with proven success in this area can share what works and other businesses can easily learn about best practices.

Access to safe and affordable housing is equally essential to victims. We support all of the provisions in the housing title, and, based on our work to counter housing discrimination, we are particularly aware of the urgent need for sections 606 and 607 of the Act. These provisions would make clear that public housing authorities and private landlords who rent to individuals receiving Section 8 vouchers cannot evict or terminate voucher assistance to victims of domestic violence or stalking based on criminal acts against them. They build upon successful state laws prohibiting such evictions and guidance issued by the Department of Housing and Urban Development instructing public housing authorities that they should not evict victims based on the violence against them.

Our advocacy in both the workplace and housing areas is a direct response to calls we receive

every day from real people: women seeking guidance in how they can keep their jobs and their housing while they address the effects of domestic violence or a sexual assault, or, worse, women who have lost their jobs or their housing because of that violence. A victim of violence should not need to choose between her physical safety and her economic independence, especially since that economic independence is a linchpin for ensuring that she is able to leave the abusive situation. Enactment of provisions promoting economic security and ensuring that victims do not lose their housing based on the criminal acts of others would go a long way to ensuring that she does not need to.

II. To access the criminal and civil justice system and other essential services, working women and men who are victims of domestic or sexual violence need time off from work.

Each year, between 960,000 and three million Americans are physically abused by an intimate partner.¹ Intimate partner violence affects us all – at least one in four women is a victim of domestic violence at some point in her life.² Thanks in large part to the Violence Against Women Act, victims of such violence no longer need to suffer alone. They can now turn to the criminal and civil justice systems to pursue legal remedies and to a wide range of domestic violence, dating violence, stalking and sexual assault service providers to receive emergency services and ongoing support.

However, many victims are too afraid of losing desperately-needed jobs to take the time to pursue legal remedies, seek medical treatment, or to take other essential steps to secure their safety. We wish we could tell you that this fear is unfounded – but it is not. For example, we recently represented Sophia Apossos, a newspaper reporter in Plymouth, MA. On Saturday, July 29, 2000, her day off from work, Sophia's then-husband assaulted her in her home. Sophia fled to the local police department to report the incident and seek assistance. The police immediately arrested her husband, charged him with assault and battery, and helped Sophia obtain a temporary restraining order. Because the temporary restraining order could not be extended unless Sophia appeared in court during regular business hours, she called her work supervisor and left a message that she would be absent on Monday, July 31, to attend court proceedings relating to domestic violence. When she reported to work on Tuesday morning, the human resources director called Sophia into her office and fired her.³

Sophia's story is typical. Forty percent of Americans working for private industries have no paid

leave.⁴ Thus, taking a single day off from work to go to court to get a protective order can mean that a victim will lose her job – and with it the economic security she needs to separate from her abuser. Additionally, victims of domestic violence and sexual assault often face harassment at the workplace. As many as 96% of employed domestic violence victims experience problems at work due to their abuse or abuser, and 70% report being harassed by telephone or in person by their abuser.⁵ The combination of necessary absences related to the violence and harassment or discrimination at work means many victims lose their jobs. According to a 1998 report of the U.S. General Accounting Office, between 25% and 50% of domestic violence victims in three studies reported that they lost a job due, at least in part, to domestic violence.⁶ Similarly, almost 50% of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.⁷

The loss of employment can be particularly devastating for victims of domestic violence. Without the economic security of a job, many victims feel compelled to return to their abusers, often to avoid homelessness or to support their children. Women who have experienced domestic violence are more likely than other women to be unemployed, to suffer from health problems that can affect employability and job performance, to report lower personal income, and to rely on welfare.⁸

Victims of domestic or sexual violence who are employed thus often feel that they are trapped in a catch-22. Courts, doctor's offices, counseling programs, and other essential supports are often available only during regular working hours. Thus victims need to take time off from work to address the violence, but they are afraid to tell their employers about their situations for fear of retaliation or losing their jobs. The leave provisions included in S.1197 are an essential complement to the other services already provided by VAWA and proposed in this reauthorization – without them, too many women and men, like Sophia, risk losing their jobs when they take basic steps to protect themselves.

III. S.1197 permits victims to take up to 10 days off from work without pay to address domestic or sexual violence; these provisions reasonably protect employers' interests and will help make workplaces safer.

S.1197 provides up to ten days unpaid leave for victims of domestic or sexual violence to go to court, get medical treatment, or find a safe place to live. As introduced in the Senate bill, these provisions would only apply to employers with at least 50 employees, so these provisions would not

impact small businesses. More importantly, although the bill would provide up to ten days leave, in many cases these would be absences that are already occurring. Studies show that victims lose 8 million days of paid work each year – the equivalent of 32,000 full-time jobs and 5.6 million days of household productivity.⁹ As a result, according to the Bureau of National Affairs, domestic violence costs United States employers an estimated \$3 to 5 billion annually in lost time and productivity;¹⁰ while other reports have estimated the cost at between \$5.8 and \$13 billion annually.¹¹

The key difference that this legislation makes is that employees would no longer need to be afraid that taking this essential time off could jeopardize their jobs. In fact, since the legislation permits employers to ask individuals to provide documentation of the domestic or sexual violence and requires that they provide advance notice of the need for leave when doing so will not put them at additional risk of harm, passing this legislation will actually make it more likely that employers and employees can plan together for such absences. Additionally, by making it possible for individuals to promptly take the steps they need to address domestic violence, we believe that this legislation will actually make it less likely that workplace incidents will occur.

IV. Experience in states with similar leave laws show that they work for employers and employees but that federal legislation is necessary to ensure all workers have essential protections.

The leave provisions in Title VII build on the successful experience in states with laws permitting crime victims time off to attend court proceedings and laws specifically addressing the needs of domestic and sexual violence victims. Thirty-two states (AL, AK, AZ, AR, CO, CT, DE, FL, GA, HI, IN, IA, MD, MA, MI, MN, MS, MO, MT, NY, NV, ND, OH, PA, RI, SC, TN, UT, VT, VI, VA, WI, WY) and the Virgin Islands have laws specifically permitting an employee who is a victim of a crime to take time off from work attend court, at least under certain circumstances.¹² These laws obviously can be a great help to some victims of domestic or sexual violence – but they are not sufficient. Many of the laws only apply if the victim is subpoenaed to appear. They do not address the specific needs of victims of these particular crimes to take a range of other steps, such as finding safe housing, in addition to attending court proceedings related to the crime. In fact, since generally a victim can seek a protective order only in *civil* court (a criminal protective order may sometimes be issued in conjunction with a

criminal prosecution, but a victim does not determine whether a given case is prosecuted), crime victim leave laws do not even ensure that a victim may take time off from work to get a protective order. And of course, they offer no protection at all to individuals who live in the twenty-eight states that do not have any kind of crime victim leave law.

As of July 2005, California, Colorado, Hawaii, Illinois, and Maine provide an affirmative right to victims of domestic violence (and in some of these states, sexual assault) to take unpaid leave to go to court, seek medical treatment, obtain counseling, or take other steps to address the effects of such violence.¹³ (At least six additional states have introduced similar legislation in the current legislative session.¹⁴) Many of the laws that have passed permit individuals to take considerably more time than the ten days permitted under this bill. For example, California and Illinois both permit victims to take up to 12 weeks off in a 12 month period.¹⁵ Some other states provide victims time off to seek protective orders but do not address the need of victims to take other steps related to the violence (although in some states, such rights may be afforded under medical leave laws or other such provisions). For example, New York's crime victim leave law also specifically indicates that victims may take time off to seek a protective order in the state's civil family court and North Carolina provides that individuals may take time off to seek services, such as a protective order, under that state's domestic violence law.¹⁶

As detailed in the correspondence attached from both government officials and advocates in states with domestic violence leave laws, the laws have worked well for employers and employees. In Maine, for example, which enacted one of the first domestic violence leave laws, the state Chamber of Commerce initially expressed concern that the law would be onerous on business. The law passed over the Chamber's objections, and the Chamber later observed in a letter endorsing an expansion of that law to cover child victims of employees that its concerns had been misplaced, noting that the organization had heard "no complaints or concerns with its implementation" and that "bill supporters were correct regarding its application and its impact on the workplace."¹⁷ Reports from states such as California and Illinois, which passed comparable legislation, likewise confirm that implementation has worked well for employers and employees.¹⁸

Importantly, the protections provided under the federal Family and Medical Leave Act (FMLA) are not adequate to meet the particular needs of survivors of domestic or sexual violence. Some victims of domestic or sexual violence will in certain circumstances be able to take time off to address medical conditions under the FMLA. However, many of the typical injuries caused by domestic or sexual violence – such as a badly-swollen eye from a punch in the face or a sprained ankle from a push down the stairs – may not qualify as “serious health conditions” under the FMLA but could nevertheless require that an individual miss a day of work. Additionally, other essential needs of victims of such violence, such as going to the police, attending court or finding a safe place to live, obviously are not covered under the FMLA at all. The enforcement provisions in Title VII of S.1197, however, are quite similar to those under the FMLA.

Federal legislation that simply permitted individuals who have otherwise available leave to use it for purposes related to domestic or sexual violence would also be grossly inadequate. Forty percent of the American workforce, and a much higher percentage of low-income workers, has *no* paid leave.¹⁹ Thus, a provision that only permits individuals to use existing leave does *nothing* for the victims who are most vulnerable, those for whom the loss of employment is most likely to result in the unconscionable choice of returning to an abuser or becoming homeless. In fact, we know that 92% of homeless women have experienced severe physical or sexual abuse at some point in their lives,²⁰ and that 44% of cities surveyed identified domestic violence as a primary cause of homelessness.²¹

To make a real difference for victims of domestic and sexual violence whose jobs are in jeopardy, VAWA must include provisions that guarantee that *all* eligible employees have the time off they need to take essential steps to secure their safety, not only those employees who are lucky enough to have otherwise available time off. S.1197 appropriately makes up to ten days leave available to all eligible employees. One of the proposed VAWA reauthorization bills introduced in the House of Representatives (HR. 3171, introduced by Representative Zoe Lofgren) likewise contains several strong provisions that would promote the economic security of victims, including a right for victims to take up to 30 days off to address the effects of the violence; the other proposed VAWA reauthorization introduced in the House (HR. 2876, introduced by Representative Mark Green) permits only those

individuals who already have leave to use it for purposes related to domestic or sexual violence, but it should be improved to provide leave to all victims of sexual and domestic violence.

V. Making unemployment insurance benefits available for victims who must leave their jobs helps provide them economic security at a crucial time without raising costs to businesses.

Sometimes employees choose to leave their jobs to protect themselves, family members that are being victimized, their coworkers, or to take other essential steps to ensure their safety. In most states, the general rule is that individuals are ineligible for unemployment benefits if they leave work voluntarily without “good cause” or if they are discharged for “misconduct” such as absenteeism.²² Such provisions can bar victims who left or lost their jobs because of the violence from receiving benefits. (In fact, in some states, individuals who voluntarily quit a job to relocate *with* a spouse can receive benefits – but those who are forced to flee an abusive spouse cannot.) In recent years, however, there has been a dramatic growth in state laws explicitly making victims eligible for benefits if they left or were fired from their jobs for reasons relating to domestic violence.²³

In 1996, Maine was the first state to amend its unemployment insurance law to acknowledge the effects that domestic violence may have on employment.²⁴ As of July 2005, just nine years later, twenty-eight states, and the District of Columbia, have amended their unemployment insurance laws to address domestic violence.²⁵ Fourteen additional states have introduced legislation in the current or recent legislative sessions.²⁶ Most of these laws define “good cause” to include leaving a job for reasons related to domestic violence. A few states have laws excluding situations related to domestic violence (e.g., absences or tardiness) from “misconduct.” Experience in states shows that the number of claims made under existing laws is generally very low (typically well under .1% of all claims made).²⁷ In most states, claims are not charged to the employers’ accounts, and the number of claims, relative to all claims made in the unemployment insurance system, is quite small. Thus, allowing victims of domestic and sexual violence to receive unemployment benefits generally does not affect employer tax rates.

We support the inclusion of provisions in VAWA that would make such benefits available to victims regardless of where they live. Provisions such as those included in Title VII of the VAWA 2005 bill sponsored by Representative Lofgren (H.R. 3171) and Title II of the Security and Financial

Empowerment Act sponsored by Representative Roybal-Allard (H.R. 3185) are good models for federal legislation in this area. They are drafted to ensure that victims who must leave a job because of domestic or sexual violence can get benefits while permitting states flexibility in how they address the issue. A victim who must leave her job to protect herself, her family, or her coworkers must be able to maintain financial independence at this critical time and to return to the workforce as soon as possible.

VI. There are many low-cost and no-cost strategies that companies can use to support employees who are victims of domestic or sexual violence; the National Clearinghouse on Domestic and Sexual Violence in the Workplace will ensure that businesses can learn about what works.

Many businesses have recognized that it is good for both their employees and their bottom lines to give victims of domestic or sexual violence the support they need to address the violence and remain productive employees. Permitting individuals to take time off is one important aspect of supporting employees. Other easy, low-cost or no-cost steps that a company might be able to take include changing a phone extension so that an abuser can no longer harass a victim at work, or letting an employee modify her regular working hours so that her abuser will no longer know when she's likely to be commuting to or from work. If a batterer has threatened to come to the workplace, registering a copy of a protective order with building security or a receptionist, or transferring the employee to another work site, might be appropriate. Companies that make personal information available to other employees, through an internal intranet system or other directories, may need to take steps to protect the location of individuals who have successfully separated from a batterer. Importantly, addressing domestic or sexual violence does not mean that a company must (or should) counsel the individual involved about how to address the violence in her life; instead, generally an employer should simply help her access resources in her community and give her the support she needs at work to take the steps that she (after consultation with appropriate professionals) determines are appropriate.

Fortunately, there is no need for businesses to start from scratch in developing good policies and practices for supporting employees in this area. Many companies already do an excellent job of supporting employees who are victims of domestic or sexual violence. By establishing a clearinghouse to collect and promote such best practices, VAWA 2005 will ensure that businesses with proven success in

addressing domestic and sexual violence will be able share their experiences. This will make implementation of the leave provisions easy and efficient and offer an invaluable resource to businesses that seek to take additional steps to support their employees.

VII. It is also essential to ensure that victims of domestic violence, dating violence, and stalking are not evicted from public housing or cut off from voucher assistance because of criminal acts against them.

Legal Momentum has also long worked to protect victims of domestic and sexual violence from housing discrimination based on the criminal acts against them. For example, in one of the first cases challenging such discrimination under fair housing laws, we represented Tiffanie Alvera, a domestic violence victim in Oregon. After being beaten badly by her husband, Tiffanie called the police. They came, charged her husband with assault, and jailed him. Meanwhile, Tiffanie was rushed to the hospital to treat her injuries. She then went to court and obtained a restraining order prohibiting her husband from coming near her or into their apartment complex. Two days later, she was served with a 24-hour eviction notice saying that she was being evicted because of the domestic violence incident, pursuant to the landlord's "one strike against violence" policy.²⁸ Tiffanie filed a complaint with the Department of Housing and Urban Development (HUD). After investigating, HUD issued a charge of discrimination, finding that the landlord's practice of evicting victims of domestic violence constituted sex discrimination and thus was a violation of the Fair Housing Act and Oregon's fair housing law.²⁹

Unfortunately, Tiffanie's case is not an anomaly. After Legal Momentum represented Tiffanie, we received many calls from women whose landlords discriminated against them simply because they were victims of domestic violence, sexual assault or stalking. One victim was threatened with eviction because her ex-husband, who no longer lived with her and was subject to a restraining order, had previously abused her. Another received an eviction notice after her former boyfriend entered her apartment building without permission and scribbled insulting graffiti on the wall. Others were served with eviction notices for causing disturbances because they were assaulted by abusers or because the police came to arrest their abusers. We also received reports of landlords refusing to rent to women coming from domestic violence shelters. In an illustrative study in Iowa, 67% of domestic violence

service providers identified “discriminatory practices by landlords” as a barrier battered women face in their effort to secure permanent housing.³⁰

The result is that many victims do not report abuse or take other steps to protect themselves because they are afraid of losing their housing. Others lose their homes because landlords discriminate against them based on their status as victims. This forces many victims to choose between returning to an abusive relationship or becoming homeless.³¹ As noted above, in a recent survey by the United States Conference of Mayors, 44% of cities identified domestic violence as a primary cause of homelessness,³² and a shocking 92% of homeless women have experienced severe physical or sexual abuse at some point in their lives.³³

Tiffanie Alvera was able to establish that evicting her simply because she was a victim of domestic violence violated the Fair Housing Act. Several other authorities have likewise recognized that discrimination against domestic violence victims may be prohibited under existing sex discrimination laws.³⁴ However, these precedents are not legally binding in all jurisdictions and may not apply in some circumstances. Accordingly, there is a growing recognition of the need to pass statutes making clear that victims cannot be evicted based on the violence against them or help-seeking strategies such as calling the police. In the past few years, ten states have passed laws that protect victims of domestic violence or sexual assault from such evictions or make clear that leases cannot limit the rights of victims to seek emergency services; laws in Rhode Island and Washington explicitly prohibit all forms of housing discrimination against domestic violence victims.³⁵ The American Bar Association passed a resolution stating that “the ABA supports federal, state, local and territorial legislation to prohibit discrimination in housing against victims of domestic violence” and “urges all relevant federal, state, local and territorial administrative agencies to adopt and vigorously enforce regulations to combat such discrimination.”³⁶

Particularly significant (and in part as a response to publicity about Tiffanie’s case and others like it), Congress directed HUD to develop plans to protect domestic violence victims from discrimination in public housing.³⁷ HUD responded by including a chapter on domestic violence in its Public Occupancy Handbook, recommending, among other things, that public housing authorities not evict domestic violence victims based on the acts of their abusers and that they take a variety of steps to

assist victims.³⁸ These are welcome first steps. However, while some public housing authorities and private landlords do understand that it is not proper to evict victims of domestic or sexual violence based on criminal acts against them, all too often, victims reasonably fear that seeking a protective order or taking other steps to address the violence would jeopardize their housing.

The provisions in sections 606 and 607 of VAWA 2005 are essential to protect victims in public housing or receiving voucher assistance. By stating explicitly that victims of domestic violence, dating violence, or stalking cannot be evicted from public housing or cut off from voucher assistance because of criminal acts against them, the provisions clarify the legal obligations of housing providers. They will give victims the security they need to call the police, obtain a protective order, or take other essential steps to safeguard themselves and their family. The bill permits landlords to evict or terminate voucher assistance to the perpetrators of criminal activity, and it does not protect victims who commit lease violations. By ensuring victims that reaching out for help in ending the abuse will not jeopardize their housing, VAWA 2005 will do much to improve the safety and security of all residents.

VIII. Conclusion

In the decade since it was first passed, VAWA has made a world of difference for victims of domestic and sexual violence by opening up the court system and helping ensure that shelters, counseling, and other support services are available. But too many working women and men continue to fear – rightly – that accessing such services could cost them their jobs, and thus the financial independence they need to separate effectively from an abuser. Similarly, too many victims fear that contacting emergency services or taking other such steps will jeopardize their access to housing. The economic security provisions and the housing provisions, particularly sections 606 and 607, included in S.1197, as well as provisions that would make unemployment insurance benefits available to victims who must leave their jobs because of the violence, are essential complements to the other services included in VAWA 2005. Victims cannot be forced to choose between their economic independence, their housing, and their physical safety – all are essential if they, and we as a society, are to move forward in our efforts to end domestic and sexual violence.

¹ U.S. Department of Justice, *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends* (Mar. 1998).

² See, e.g., The Commonwealth Fund, *Health Concerns Across a Woman's Lifespan: 1998 Survey of Women's Health*, May 1999. Studies also show that women account for 85% of the victims of intimate partner violence and men account for approximately 15% of the victims. Bureau of Justice Statistics Crime Data Brief, *Intimate Partner Violence, 1993-2001*, February 2003. Accordingly, although we advocate for protections to be available for victims of either sex, in this testimony we typically refer to victims as female and abusers as male.

³ *Apessos v. Memorial Press Gp.*, No. 15 Mass. L. Rep. 322, 2002 Mass. Super. LEXIS 404, at *10 (Super. Ct. Mass. Sept. 30, 2002).

⁴ Bureau of Labor Statistics, *Employee Benefits Survey: Most Requested Statistics, Benefits* (2004), available at <http://data.bls.gov/cgi-bin/surveymost?eb> (showing 41% of workers in private industry in 2004 had no available paid sick leave).

⁵ Connie Stanley, *Domestic Violence: An Occupational Impact Study* 3 (1992).

⁶ U.S. GEN. ACCT. OFFICE, DOMESTIC VIOLENCE PREVALENCE AND IMPLICATIONS FOR EMPLOYMENT AMONG WELFARE RECIPIENTS 19 (Nov. 1998).

⁷ S. REP. NO. 138, 103rd Cong., 2d Sess. 54, n. 69 (citing E. Ellis, B. Atkeson and K. Calhoun, *An Assessment of the Long Term Reaction to Rape*, 50 J. ABNORMAL PSYCHOLOGY 264 (1981)).

⁸ Susan Lloyd & Nina Taluc, *The Effects of Male Violence on Female Employment*, 5 VIOLENCE AGAINST WOMEN 370, 385 (1999). About a quarter of welfare recipients are currently victims of domestic violence, and over half once were; See, e.g., JODY RAPHAEL & RICHARD M. TOLMAN, TRAPPED BY POVERTY, TRAPPED BY ABUSE: NEW EVIDENCE DOCUMENTING THE RELATIONSHIP BETWEEN DOMESTIC VIOLENCE AND WELFARE 5 (1997).

⁹ *Costs of Intimate Partner Violence Against Women in the United States*, Atlanta: Centers for Disease Control and Prevention, 2003.

¹⁰ BUREAU OF NAT'L AFF., SPECIAL REP. NO. 32, VIOLENCE AND STRESS: THE WORK/FAMILY CONNECTION 2 (1990).

¹¹ Joan Zorza, *Women Battering: High Costs and the State of the Law*, 28 CLEARINGHOUSE REV. 383, 385 (1994); National Center for Injury Prevention and Control, *Costs of Intimate Partner Violence Against Women in the United States*, Atlanta: Centers for Disease Control and Prevention (2003); "Intimate Violence Costs Billions," ABC News, Apr. 29, 2003.

¹² ALA. CODE § 15-23-81; ALASKA STAT. § 12.61-017; ARIZ. REV. STAT. ANN. § 13-4439 and ARIZ. REV. STAT. § 8-420 (2004); ARK. CODE ANN. § 16-90-1105; COLO. REV. STAT. § 24-4.1-303(8); CONN. GEN. STAT. § 54-85b; DEL. CODE ANN. Tit. 11 § 9409; FLA. STAT. § 92.57; GA. CODE ANN. § 34-1-3; HAW. REV. STAT. § 621.10.5; IND. CODE § 35-44-3-11.1; IOWA CODE § 915.23; MD. CODE ANN. CRIM. PROC. § 11-102; MASS GEN. LAWS ch. 258B, §§ 3(1), 268-14(b); MICH. COMP. LAWS ANN. § 780.790; MINN. STAT. ANN. § 611A.036; MISS. CODE ANN. § 99-43-45; MO. REV. STAT. § 595.209(1)(14); MONT. CODE ANN. § 46-24-205(3); NEV. REV. STAT. § 50.070; N.D. CENT. CODE § 27-09.1-17; N.Y. PENAL LAW § 215.14; OHIO REV. CODE ANN. § 2930.18; 18 PA. CODE § 4957; R.I. GEN. LAWS § 12-28-10; S.C. CODE ANN. § 16-3-1550; TENN. CODE ANN. §4-4-122; Utah Code § 78-11-26; VA. CODE ANN. § 18.2-465.1; VT. STAT. ANN. tit 13, § 5313; 34 V.I. CODE ANN. § 203 (e); WIS. STAT. § 103.87; WYO. STAT. ANN. § 1-40-209(a).

¹³ CAL. LAB. CODE §§ 230 & 230.1; COLO. REV. STAT. § 24-34-402.7; HAW. REV. STAT. § 378-72; 820 ILL. COMP. STAT. 180/1-180/45; ME. REV. STAT. ANN. tit. 26, § 850.

¹⁴ HB 403, 2004 Reg. Sess. (Ky. 2004); SB 1091, 2005 Reg. Sess. (Mass. 2005); HB 953, 2005 Reg. Sess. (Mich. 2005); A-3837 & S-2364 (NJ 2005); A4776 & S3761 (NY 2005); House Bill 1699 & Senate Bill 935 (Okla. 2005); HB24 (Pa. 2005).

¹⁵ CAL. LAB. CODE §§ 230 & 230.1; 820 ILL. COMP. STAT. 180/10(10) (2004).

¹⁶ N.Y. PENAL L. § 215.14; N.C. GEN. STAT. §§ 50-B-5.5, 95-270a.

¹⁷ Letter from Peter M. Gore, Senior Governmental Affairs Specialist, Maine State Chamber of Commerce, to Senator Beth Edmonds, Senate Chair, Representative George Bunker, House Chair, and Members of the Joint Standing Commission on Labor (Jan. 10, 2002) (on file with Legal Momentum).

¹⁸ Letter from Elizabeth Krisen, Legal Aid Society-Employment Law Center to Senators Arlen Specter, Joseph Biden, and Orrin Hatch (June 21, 2005) (on file with Legal Momentum); Letter from Wendy Pollock, Sargent Shriver National Center on Poverty Law to Senators Arlen Specter, Joseph Biden, and Orrin Hatch (June 21, 2005) (on file with Legal Momentum).

¹⁹ Bureau of Labor Statistics, *Employee Benefits Survey: Most Requested Statistics, Benefits* (2004), available at <http://data.bls.gov/cgi-bin/surveymost?eb> (showing 41% of workers in private industry in 2004 had no available paid sick leave).

²⁰ A. Browne & S. Bassuk, *Intimate Violence in the Lives of Homeless and Poor Housed Women: Prevalence and Patterns in an Ethnically Diverse Sample*, 67 AM. J. ORTHOPSYCHIATRY 261-78 (1997); A. Browne, *Responding to the Needs of Low Income and Homeless Women Who Are Survivors of Family Violence*, 53 J. AM. MED. WOMEN'S ASS'N 57-64 (1998).

²¹ *Id.*

²² For a good overview of the history of legislation in this area, see Rebecca Smith, Richard W. McHugh, and Robin R. Runge, *Unemployment Insurance and Domestic Violence: Learning from Our Experiences*, 1 SEATTLE J. SOC. JUST. 503 (2002).

²³ *Id.*

²⁴ ME. REV. STAT. ANN. tit. 26, § 1043(23)(B)(3) (providing “misconduct” may not solely be founded on actions taken by an employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment).

²⁵ ARIZ. REV. STAT. § 23-771; CAL. UNEMP. INS. CODE §§ 1030, 1032 & §1256; COLO. REV. STAT. ANN. § 8-73-108(4)(r); CONN. GEN. STAT. § 31-236(a)(2)(A); DEL. CODE ANN. tit. 19, § 3314(1); D.C. CODE § 51-131; 820 ILL. COMP. STAT. 405/601; IND. CODE § 22-4-15-1(1)(C)(8); KAN. STAT. ANN. § 44-706(A)(12); ME. REV. STAT. ANN. tit. 26, §§ 1043(23)(B)(3), 1193(A)(4); MASS. GEN. LAWS ANN. ch. 151A, §§ 1, 14, 25, 30; MINN. STAT. §§ 268.095(1)(8), 268.095(6)(a)(c); MONT. CODE ANN. § 39-51-2111; NEB. REV. STAT. ANN. § 48-628(1)(a); N.H. REV. STAT. ANN. tit. 23, § 282-A:32(I)(a)(3); N.J. REV. STAT. § 43:21-5(j); N.M. STAT. ANN. § 51-1-7 (A); N.Y. LAB. LAW § 593(1)(a); N.C. GEN. STAT. § 96-14(1f); OKLA. STAT. tit. 40, §§ 40-2-405(5), 40-3-106(G)(8); OR. REV. STAT. § 657.176(12); R.I. GEN. LAWS § 28-44-17.1; 2005 S.C. ACTS 50, to be codified at S.C. CODE ANN. § 41-35-125; S.D. CODIFIED LAWS § 61-6-13.1; TEXAS LAB. LAW. §§ 207.045, 207.046; 2005 VT. ALS § 49; WASH. REV. CODE §§ 50.20.050, 50.20.100, 50.20.240, & 50.29.020; WIS. STAT. § 108.04(7)(s); WYO. STAT. § 27-3-311.

²⁶ See H.B. 05-1105, 65th Gen. Assemb. (Co. 2005); HB 1583, 147th Gen. Assemb. (Ga. 2004); S.B. 936 & H.B.109, 22d Leg. (Haw. 2003); H.F.2250, 79th Gen Assemb. (Iowa 2002); H.B. 360, 2004 Reg. Sess. (Ky. 2004); H.B. 610, 2005 Leg. Sess. (La. 2005); H.B.541, 2002 Reg. Sess. (Md. 2002); H.B. 5508, 2004 Reg. Sess. (Mich. 2004); H.B. 461, 2005 Reg. Sess. (Miss. 2005); H.B. 1302, 59th Leg. Assemb. (N.D. 2005); S.B.1634, H.B.33, 103d Gen. Assemb. (Tenn. 2003-2004); H.B. 661, 2003-2004 Sess. (Vt. 2003); H.B. 840, 2004 Sess. (Vir. 2004); H.B.2127, 78th Leg. (W. Va. 2003-04).

²⁷ National Employment Law Project, “Unemployment Benefits for Domestic Violence Survivors: What Are Its Costs?” (March 2005) (on file with Legal Momentum).

²⁸ See generally *United States & Alvera v. CBM Group, Inc.*, No. 01-857-PA (D. Ore., filed July 10, 2001), available at <http://www.legalmomentum.org/courts/USVAlvera.shtml>.

²⁹ See Secretary, U.S. Dep’t of Hous. & Urban Dev., *ex rel. Alvera v. Creekside Village Apts.*, No. HUDALJ 10-99-0538-8 (U.S. Dep’t of Hous. & Urban Dev., Portland, Or. Apr. 16, 2001), available at <http://www.legalmomentum.org/issues/vio/Alvera%20Charge%20of%20Discrim.pdf>.

³⁰ Amy Correia, *Housing and Battered Women: A Case Study of Domestic Violence Programs in Iowa* (1999), at <http://www.vaw.umn.edu/FinalDocuments/housing.asp>.

³¹ See, e.g., Amy Correia and Jen Rubin, *Housing and Battered Women*, Violence Against Women Online Resources: www.vaw.umn.edu/FinalDocuments/vawnet/arhousing.asp

³² The United States Conference of Mayors, *A Status Report on Hunger and Homelessness in America’s Cities: A 27-City Survey* (Dec. 2004).

³³ A. Browne & S. Bassuk, *Intimate Violence in the Lives of Homeless and Poor Housed Women: Prevalence and Patterns in an Ethnically Diverse Sample*, 67 AM. J. ORTHOPSYCHIATRY 261-78 (1997); A. Browne, *Responding to the Needs of Low Income and Homeless Women Who Are Survivors of Family Violence*, 53 J. AM. MED. WOMEN'S ASS'N 57-64 (1998).

³⁴ See, e.g., *Bouley v. Young-Sabourin*, No. 1:03-CV-320 (D. Vt. Mar. 10, 2005) (finding that termination of lease because the tenant was a victim of domestic violence could constitute sex discrimination under the Fair Housing Act); Formal Op. No. 8F-F15, 1985 Op. Atty Gen. N.Y. 45 (Nov. 22, 1985) (Attorney General’s opinion that sex discrimination provisions of New York State Human Rights Law prohibit denial of rentals to persons based on their status as domestic violence victims); *Winsor v. Regency Prop. Mgmt, Inc.*, No. 94 CV 2349 (Wisc. Cir. Ct. Oct. 2, 1995) (holding that Wisconsin Fair Housing Law, modeled after federal Fair Housing Act, prohibits housing discrimination against domestic violence victims); *O’Neil v. Karahlais*, 13 M.D.L.R. 2004 (Mass. Comm’n Against Discrim. Oct. 21, 1991) (same with respect to Massachusetts law).

³⁵ See ARIZ. REV. STAT. ANN. § 33-1315; COL. REV. STAT. ANN. § 38-12-401; COL. REV. STAT. ANN. § 13-40-107.5(5)(b); IOWA CODE §§ 562A.27A & 562B.25A(3); LA. REV. STAT. ANN. § 40:506(D); MINN. STAT. § 504B.205; N.M. STAT. ANN. § 407-8-33(J); R.I. GEN. LAWS §§ 34-37-1,-2,-2.4,-3,-4; TEX. PROP. CODE ANN. § 92.015; WASH. REV. CODE ANN. § 59.18.352; WASH. REV. CODE ANN. § 59.18.130(8)(b)(ii); WASH. REV. CODE ANN. § 59.18.570 *et seq.*; WIS. STAT. ANN. § 160.50(5m); *see also* CAL. HEALTH AND SAFETY CODE § 34328.1 (requiring public housing authorities to track and report evictions and voucher terminations of domestic violence victims); OR. REV. STAT. CH. 659A, § 90.453 (allowing victims to terminate leases).

³⁶ See <http://www.abanet.org/leadership/recommendations03/106B.pdf>.

³⁷ H.R. Conf. Rpt. 272, 107 Cong. 1st Sess. 120 (Nov. 6, 2001) (directing the Department of Housing and Urban Development to “develop plans to protect victims of domestic violence from being discriminated against in receiving or maintaining public housing because of their victimization”).

³⁸ United States Department of Housing and Urban Development, *Public Housing Occupancy Guidebook* 216-21 (2003), *available at* <http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebooknew.pdf>.