

# 'Crime-free' eviction laws facing scrutiny, lawsuits

**John Hanna**

ASSOCIATED PRESS

Hundreds of communities across the U.S. have for several decades tried to reduce crime, fight gangs and tackle noise and other neighborhood problems through the use of "crime-free" or "public nuisance" laws encouraging and allowing landlords to evict renters when police or emergency crews are repeatedly called to the same addresses.

Long the subject of criticism that such policies are ineffective and enforced more harshly in poor neighborhoods and against people of color, the ordinances are under scrutiny as sources of mental health discrimination.

Last November, the U.S. Department of Justice issued what it called a first-of-its-kind finding, telling a Minneapolis suburb that its enforcement of a crime-free law illegally discriminated against people with mental health disabilities.

Other cities and jurisdictions are joining a growing movement to rethink, rewrite or repeal such laws as criticism and lawsuits escalate.

More than 2,000 cities nationwide have enacted such policies since the 1990s, according to the Chicago-based Shriver Center on Poverty Law. The International Crime Free Association says

at least 3,000 international cities also use them.

Under such ordinances, landlords can be fined or lose their rental licenses if they don't evict tenants whose actions are considered a public nuisance, including those selling drugs or suspected of other crimes. They also can be required to screen potential tenants and limit the number of people living in a home or apartment.

## Every ordinance is different

But every ordinance is different: unique in what it targets, how it is enforced and what kind of consequences are levied for violating it. Many also are vague about who and what is considered a public nuisance.

In Anoka, Minnesota, the Minneapolis suburb scrutinized by the DOJ, the "Crime Free Housing" ordinance covers excessive noise, "unfounded calls to police" and allowing a "physically offensive condition." While the ordinance says a nuisance call involves "disorderly conduct," such as criminal activity and acts jeopardizing others, it doesn't define unfounded calls or physically offensive conditions.

Critics, and courts, say those subjective ambiguities have allowed discrimination against certain groups of people.

Federal fair housing laws bar landlords from asking whether someone has a disability, including a mental health disability, or refusing to rent to them on that basis. But many crime-free laws direct landlords to screen rental applicants, sometimes by the same officials who decide whether emergency calls for help or about an individual's demeanor will count against a tenant or the landlord themself.

Some jurisdictions share detailed information about those calls with landlords, which housing activists say is often further shared among landlords when discussing why they don't view a past tenant as a good rental prospect.

One such law in Hesperia, California, spawned a federal lawsuit after a resident was forced to leave her home and move into a motel after calling for assistance when her boyfriend had a mental health crisis. The town's ordinance required landlords to have potential tenants' applications screened by the local sheriff's office. The agency, according to the lawsuit, then shared with landlords a list of people it flagged as potentially troublesome renters.

Advocates say reluctance to rent to people previously hospitalized for mental health issues, as well as discouraging renting to those who have been arrested, exacerbates the situation.

People face being homeless or "forced to cycle from an institution to a homeless shelter," said Corey Bernstein, executive director of the National Disability Rights Network.

## Where most often enforced?

Critical studies and lawsuits indicate enforcement of nuisance laws frequently occur in poorer neighborhoods and communities of color.

An August 2018 report from the American Civil Liberties Union and New York Civil Liberties Union said data from Rochester and Troy, New York, showed the most vigorous enforcement of "no crime" and "public nuisance" laws was in poor and heavily minority areas.

A 2017 federal lawsuit against Peoria, Illinois, similarly plotted three years' worth of data on a map of the city and found almost all nuisance citations were issued in neighborhoods with larger percentages of residents of color.

Other studies and lawsuits indicate such ordinances are typically in response to an influx of residents of color, often from larger communities such as Cleveland or Los Angeles.

Other lawsuits have concluded crime-free policies hurt domestic abuse victims for repeatedly calling for help from police.