

Nuisance Abatement & Crime-Free Housing

Thousands of local governments across the United States have implemented laws intended to curtail problematic properties. Nuisance abatement laws levy penalties on housing providers when their properties require a significant amount of police or other emergency services. In a similar fashion, crime-free housing laws hold apartment owners responsible for the behavior of their residents. In some jurisdictions, crime-free ordinances require owners to utilize lease addenda which prohibit residents from engaging in criminal activity and punish owners who do not evict residents who violate these provisions of the lease. Rather than seeing the need for police and emergency services from the perspective of victims of crime, public officials view certain properties as monopolizing public services that are intended for and financed by the entire community.¹

In jurisdictions that have adopted such policies, the penalties imposed on a property owner who does not remedy violations of the law can include significant fines, forfeiture of business or rental licenses, or mandate the closure of the property.² These punishments are used by the municipality to compel compliance from the apartment owner. Nuisance abatement measures that revoke a property owner's business license or mandate the closure of the rental property lead to a reduction in the supply of rental housing.³ In addition to undermining housing affordability, the fines imposed on the property for noncompliance are likely to be passed-through to the residents in the form of rent increases.

These policies place the onus on the housing provider to police their communities, and unfairly targets rental properties. A study conducted for one NAA affiliate found that the perception of higher crime associated with multifamily housing results from counting police calls by address. In actuality, when police data is analyzed on a per-unit basis, the rate of police activity in apartment communities is no worse than in single-family home areas and in many cases is lower.

In many jurisdictions, abatement laws require the property to evict the resident when law enforcement, fire and rescue services, or paramedics have repeatedly been summoned to the unit.⁴ Ostensibly the intent of these laws is to help reduce criminal activity in a community; however, in practice they can inadvertently subvert public safety by discouraging those in need of

¹ Emily Werth, Sargent Shriver National Center on Poverty Law, *The Costs of Being Crime Free*

² Samantha Madison, Utica Observer-Dispatch, *Are Local Nuisance Ordinances Unconstitutional*: <http://www.uticaod.com/news/20180224/are-local-nuisance-ordinances-unconstitutional>

³ Pam Fessler, National Public Radio, *For Low Income Victims, Nuisance Laws Force Ultimatum: Silence or Eviction* <https://www.npr.org/2016/06/29/482615176/for-low-income-victims-nuisance-laws-force-ultimatum-silence-or-eviction>

⁴ Emily Werth, Sargent Shriver National Center on Poverty Law, *The Costs of Being Crime Free*

assistance, such as victims of crime, from contacting emergency services. The U.S. Department of Housing and Urban Development has issued guidance indicating that local laws which punish renters for contacting emergency services could have a disproportionate negative impact on women, people of color and disabled persons in violation of the federal Fair Housing Act.⁵ For these reasons, a number of states have passed laws that preempt or limit local nuisance abatement policies.

NAA Viewpoint Nuisance abatement ordinances create significant burdens for property owners and punish residents for repeated calls for emergency services. NAA advises policymakers to evaluate other methods for reducing crime that do not penalize housing providers for the behavior of their residents.

⁵ Helen R. Kanovsky, U.S. Department of Housing and Urban Development General Counsel's Office, *Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services*: <https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>