

Nuisance Ordinances and Their Impacts on Domestic Violence Survivors

An Introduction for Local Governments

Nuisance ordinances are local laws that often impose penalties (e.g., fines) on property owners for activity on their property that is considered to be “nuisance” activity. While such laws are known for enforcing local rules such as lawn- upkeep, these ordinances may also capture other conduct -- such as making a certain number of calls for police or emergency assistance to a property within a particular time frame. In response to warnings or nuisance citations from a city or town, property owners often evict renters to avoid penalties.

How Can Nuisance Ordinances Negatively Affect Domestic Violence Survivors and Other Populations?

Depending on how specific ordinances are written and enforced, these laws may:

- Count incidents of domestic violence or calls to 911 for assistance as nuisance activity, subject to penalties.
- Miscategorize incidents of domestic violence (e.g., counting incidents as “noise complaints” or “criminal activity”) that may count toward a nuisance designation.
- Discourage domestic violence survivors from calling for police or emergency assistance out of fear of eviction or other penalties, forcing a choice between one’s housing and personal safety.
- Negatively affect persons with mental health disabilities and communities of color.

Can Enforcement of Nuisance Ordinance Violate Other Laws?

Yes -- again, depending on the specific ordinance or policy at issue, enforcement of nuisance ordinances against domestic violence survivors and other populations may violate laws such as:

- The Fair Housing Act and similar state laws that prohibit sex, race, and disability discrimination;
- The Violence Against Women Act, which protects survivors of domestic violence, dating violence, sexual assault, and stalking in federal housing programs;
- The U.S. Constitution, including one's First Amendment right to seek help from the government; and
- Any state laws prohibiting nuisance ordinances that adversely impact survivors or other populations.

Questions about whether a policy violates the law should be referred to an attorney familiar with the specific facts.

What if a Local Nuisance Law Has an Exception So That Domestic Violence Incidents are Not Counted as “Nuisances”?

An exception for domestic violence incidents does not guarantee that survivors are protected from the negative impacts of nuisance laws. As HUD pointed out in 2016 guidance, even in places where laws specifically exclude domestic violence survivors or other crime victims, these victims may still be considered to have engaged in nuisance conduct because “police and other emergency service providers may not log the call as domestic violence, instead categorizing it incorrectly as property damage, disturbing the peace or another type of nuisance conduct.”

Training and Technical Assistance Available for Local Governments

To request training or technical assistance, please contact Renee Williams, rwilliams@nhlp.org.

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