



Domestic & Sexual Violence and Housing Newsletter: Issue 1 (2018)

Ohio Study Details How Nuisance Ordinances Harm Domestic Violence Survivors

Across the United States, crime-free and nuisance ordinances and policies jeopardize the housing security of survivors of domestic violence, dating violence, sexual assault, and stalking. Such ordinances often penalize property owners for so-called “nuisance” conduct that occurs at a property. If that property is a rental property, oftentimes landlords will, in turn, evict tenants who have allegedly engaged in nuisance activity. Such nuisance activity may include calling the police a certain number of times within a specific timeframe. These nuisance activities have been enforced against survivors of domestic violence who are seeking police assistance due to the actions of their abusers. This has led to survivors having to choose between being evicted and ensuring their safety.

A recent study, entitled *Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio*, explores nuisance ordinances in Ohio and their effects. The authors, including Cleveland State University and the ACLU of Ohio,

published the study in November 2017. At the time the report was published, almost 50 cities in Ohio had nuisance ordinances. The report focuses on the more than 20 ordinances in the northwest part of the state. Specifically, the report discusses the (1) adoption of these ordinances, and (2) how they are implemented.

Adoption of Nuisance Ordinances

The first part of the report largely focuses on why nuisance ordinances are adopted. The report notes that nuisance ordinances are often put in place in response to resident complaints. The report offers several reasons why cities adopt nuisance ordinances, such as: (1) giving local police more authority; (2) responding formally to resident complaints concerning neighborhood activities; (3) creating laws that regulate resident conduct in accordance with neighborhood “character”; and (4) making property owners assist with regulating resident activities and conduct. Additionally, the report details how nuisance ordinances can be passed to target certain populations such as communities of color and renters (including Section 8 Voucher households).

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Implementation of Nuisance Ordinances

The second part of the report details how cities implement nuisance ordinances. For example, the authors note that nuisance ordinances are often a way of penalizing activity that would be either difficult to prove, or that is not in fact criminal behavior. Some of the cities examined in the study recommend that owners evict tenants in response to alleged nuisance activity at the property. The study also identifies instances where cities would cross-check nuisance violations with lists of residents served by the local housing authority so that residents with nuisance violations would be terminated from the Voucher program.

The report describes the lack of procedural protections for tenants who are accused of nuisance conduct. Specifically, the report notes that some cities prevent tenants from being able to challenge or appeal the nuisance designation. The report cites several examples of cities that provide appeal rights to owners, but not tenants. Furthermore, in at least one city included in the study, city officials intentionally ensured that notifications concerning nuisance activity would go directly to the owner, not the tenant.

The study also describes how enforcement of nuisance ordinances can negatively impact survivors of domestic violence. At the time the study was published, about half of Ohio cities with nuisance laws considered “domestic violence as a nuisance offense.” According to the report, several Ohio cities have amended their nuisance laws to remove domestic violence being considered a nuisance. The study cites “an extreme example”

Resource

Cleveland State University and ACLU of Ohio, *Who Is A Nuisance? Criminal Activity Nuisance Ordinances in Ohio* (Nov. 2017), available at:

https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=2513&context=urban_facpub

of a city where “almost every nuisance letter [in a particular time frame] was sent to the scene of domestic violence.” The study outlines several examples in which cities notified landlords of nuisance activity occurring at their properties as a result of domestic violence incidents. In one example, the landlord evicted the tenant after receiving a nuisance letter from the city. That city has since changed its law such that domestic violence is not considered nuisance conduct.

The report also outlines examples of how Ohio nuisance ordinances have negative impacts upon persons with mental health challenges and persons struggling with drug addiction – including persons who need medical assistance in an emergency (such as suicide attempts or drug overdoses).

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Conclusion

The report's authors find that nuisance ordinances "disproportionately target and impact residents of color, renters, and residents using housing vouchers." Furthermore, the study also outlines how such ordinances have been enforced against domestic violence survivors, as well as persons experiencing mental health and substance abuse emergencies. Survivors are consistently harmed by the enforcement of these ordinances, and, as the study points out, can contribute to housing instability.

Advocates should review the Ohio study to gain a better understanding of how local nuisance ordinances may be impacting survivors in their communities. ▪

