



Newsletter Spring-Summer 2017

Survivor Challenges Maplewood, Missouri's Ordinance

On April 7, 2017, the American Civil Liberties Union (ACLU) filed a lawsuit in federal court against the City of Maplewood, Missouri on behalf of Rosetta Watson, a domestic violence survivor. The lawsuit asserts that Maplewood's nuisance law penalizes domestic violence survivors for calling the police for help. The case, *Watson v. City of Maplewood, et al.*, follows two previous ACLU lawsuits challenging nuisance laws in Norristown, Pennsylvania and Surprise, Arizona. The following article summarizes the complaint filed by the ACLU.

Background

Maplewood law requires its residents to apply for an occupancy permit annually. In 2006, Maplewood passed a law authorizing the City to revoke an occupancy permit for up to 6 months when a property or its occupant was designated as a "nuisance." Revoking one's occupancy permit effectively excludes a resident from the City during that time. Maplewood law would also designate a property as a "nuisance" if police are called to the premises in response to more than two domestic violence or peace disturbance incidents

HUD Seeks Comments on Revised VAWA 2013 Forms

HUD is seeking [public comments](#) about proposed changes to the VAWA 2013 forms (Forms HUD-5380—5383). For example, HUD proposes to amend the HUD VAWA self-certification form to include information about reasonable accommodations and to add a warning for making false submissions to an entity when seeking federal housing subsidies. NHLP and other members of the National VAWA Housing Working Group are submitting joint comments. If you would like to review or sign onto the comments, please contact Karlo Ng (kng@nhlp.org) and Renee Williams (rwilliams@nhlp.org). Comments are due October 2, 2017.

at the property within a period of 180 days. The City's law does not include exemptions for domestic violence survivors or other crime victims who seek police assistance. Consequently, domestic violence survivors can be prevented from renting within the entire City of Maplewood just because they called the police for help too many times. Ms. Watson, the survivor who is the plaintiff in the latest ACLU

IN THIS ISSUE

- HUD Issues VAWA 2013 Regulations and Guidance
- Lawsuit Challenges Eviction Screening Policies Impacting Survivors and Women
- Survivor Challenges Ordinance in Missouri
- Advocates Challenge Chronic Nuisance Ordinance in Peoria, Illinois
- HUD Guidance on Immigrant Eligibility for Homeless Assistance Programs

(Continued from page 1)

lawsuit, asserts that this is what happened to her.

Ms. Watson called the police four times in late 2011 through early 2012 seeking assistance due to acts of abuse committed by a former boyfriend. In September 2011, Ms. Watson's former boyfriend verbally and physically abused her. Fearing more abuse, she fled and called the police. The abuser, who did not live at the property, was arrested. In November 2011, her former boyfriend physically abused Ms. Watson in her home. He was arrested again. In January 2012, Ms. Watson called the police because her former boyfriend was refusing to leave her home, and she feared further abuse. In February 2012, Ms. Watson came back from a trip to find the abuser in her home. Again, he assaulted her. Once again, Ms. Watson fled and called the police for help. The police arrested the abuser. However, police also issued a summons for domestic assault to Ms. Watson due to injuries her former boyfriend sustained while Ms. Watson defended herself from physical attack.

In March 2012, Anthony Traxler, a City official, notified Ms. Watson that the City was holding a hearing under the nuisance law because of her police calls. Mr. Traxler also drafted a memo outlining the reasons why Ms. Watson's circumstances fell within the scope of the Maplewood nuisance law. At the hearing, Mr. Traxler acted as the presiding hearing officer, and determined that Ms. Watson's police calls were a "nuisance." Ms. Watson did not have a lawyer with her at the hearing. Despite being aware of her status as a survivor of repeated domestic violence, the City revoked Ms. Watson's occupancy permit for six months, temporarily banning her from Maplewood until November 2012.

Ms. Watson left Maplewood, and moved to St. Louis. Her former boyfriend tracked her,

NHLP Webinar and Brochure on VAWA 2013

On March 1, 2017, NHLP hosted a [webinar about HUD's VAWA 2013 regulations](#) during which panelists provided a summary and analysis of key parts of the final rule, and discussed VAWA enforcement. Additionally, in February 2017, NHLP updated its brochure, [Know Your Rights: Domestic and Sexual Violence and Federally Assisted Housing](#), which provides information for survivors about their rights under VAWA 2013 in a Q&A format.

broke into her new home, and stabbed her in the legs. Because she was afraid to call the police, Ms. Watson took herself to the hospital. Her abuser was subsequently incarcerated.

Furthermore, Ms. Watson lost her Section 8 Housing Choice Voucher because she could not renew her lease at her home in Maplewood because of the nuisance law. Her Voucher was subsequently reinstated in 2016 after the local housing authority was informed that terminating her Voucher violated the Violence Against Women Act (VAWA) and additional legal protections.

The Lawsuit

The lawsuit argues that the nuisance law violated Ms. Watson's rights, including those under the U.S. Constitution and VAWA. First, the lawsuit asserts that the nuisance law, on its face, violates the First Amendment of the U.S. Constitution because reporting criminal activity and filing complaints with law enforcement are activities that are constitutionally protected. Second, the lawsuit argues that the

(Continued on page 3)

(Continued from page 2)

Maplewood law violates the Equal Protection Clause because the law discriminates against women by singling out domestic violence calls and relies on gender stereotypes about female survivors. Third, the lawsuit asserts that the nuisance law has violated Ms. Watson's constitutional right to travel, which includes the right to establish a residence. Fourth, the lawsuit argues that the law violates the U.S. Constitution's Due Process clause, in part, because Ms. Watson's lost her property without sufficient procedural protections, such as an impartial hearing officer. The lawsuit alleges similar claims under Missouri's state constitution. Finally, the lawsuit asserts that the Maplewood law violates VAWA, because VAWA states that domestic violence is not "good cause" to terminate a victim's occupancy or subsidy rights within covered federally subsidized housing programs. The lawsuit argues that VAWA, as a federal law, supersedes the local nuisance law. In this case, Ms. Watson, a Section 8 Voucher holder, asserts that she lost both her home and her subsidy because of incidents of domestic violence.

Conclusion

Maplewood's nuisance law is far from unique, as a number of cities have adopted



HUD Translates VAWA 2013 Forms

HUD has translated the agency's [Violence Against Women Reauthorization Act of 2013 \(VAWA 2013\) forms](#). Specifically, HUD has translated the Notice of Occupancy Rights (Form HUD-5380); the Model Emergency Transfer Plan (Form HUD-5381); the VAWA 2013 self-certification form (Form HUD-5382); and the Emergency Transfer Request form (Form HUD-5383). Each of these forms is available in Armenian, Cambodian, Creole, Japanese, Korean, Lao, Chinese, Russian, Spanish, Thai, and Vietnamese.

them throughout the United States. Such laws penalize individuals for crimes that occur in their homes when they seek the police's help, and discourage domestic violence survivors and other crime victims from turning to the authorities for assistance. ▪

Resources

[Watson v. City of Maplewood, et al., No. 4:17-cv-01268 \(E.D. Mo. Apr. 7, 2017\).](#)

[Sandra Park, This Missouri City Banishes Domestic Violence Survivors for Calling the Police, ACLU BLOG \(Apr. 7, 2017\).](#)