



Newsletter Spring-Summer 2017

Advocates Challenge Chronic Nuisance Ordinance in Peoria, Illinois

Survivors of domestic violence, dating violence, sexual assault, and stalking often must rely upon 911 emergency assistance because of the actions of their abusers. However, a number of localities across the country have adopted ordinances that require landlords to abate nuisance conduct, which is often defined as when police officers are called to a particular property too many times in a specific timeframe. Nuisance ordinances assign a range of penalties to landlords with so-called “nuisance” properties; to avoid these penalties, landlords are forced to evict tenants at these properties – even if the tenants are crime victims simply seeking police assistance. Such ordinances have been enforced against survivors of domestic violence who have sought emergency assistance because of the abuse committed against them. Such ordinances, in turn, deter survivors and other crime victims from seeking police assistance out of fear of losing their housing. Advocates have challenged several nuisance ordinances on the grounds that these laws disproportionately impact domestic violence survivors. Recently, HOPE Fair Housing Center, a local fair housing organization, [filed a lawsuit against](#)

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.

[the City of Peoria, Illinois](#) asserting that its “chronic nuisance” ordinance is unlawful under the Fair Housing Act (FHA) and state law.

Peoria has an ordinance that prohibits owners from allowing their properties to become “chronic nuisance” properties. Generally, a property is eligible to be designated a nuisance property after three police reports chronicling nuisance activity are filed with the city within a one-year period. The advocates’

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lawsuit notes that this number is easily met by large apartment buildings within the span of the year. Advocates assert that, in practice, the police unit that enforces the ordinance exercises a great deal of discretion in designating nuisance properties, with little oversight. Furthermore, Peoria officials have allegedly expressed the view that landlords of designated nuisance properties should, if possible, quickly evict tenants involved with any nuisance conduct, including crime victims – even if that means forgoing the formal eviction process. The lawsuit also asserts that the city pressures the local housing authority to terminate Section 8 voucher assistance to tenants involved in nuisance activity.

According to the lawsuit, Peoria’s nuisance ordinance makes no distinction between perpetrators and crime victims. In one case, the city had designated a tenant’s property as a nuisance because she had called the police to report several incidences of violence committed against her -- including physical assault, property damage, and gunshots. The lawsuit states that the city required that the tenant be evicted. An analysis by HOPE found that domestic violence incidents were the second most common activity for which the city issued nuisance citations, even though the city claimed it did not intend to target domestic or sexual violence survivors. Peoria did amend the ordinance to exclude domestic violence incidents or calls from being categorized as nuisance incidents, in order to comply with state law. However, the lawsuit asserts that the ordinance fails to broadly exclude crime victims, and does not provide a way for domestic violence incidents to be distinguished from other nuisance activities.

Furthermore, the lawsuit alleges that the ordinance is not evenly enforced, as it targets neighborhoods with a substantial number of

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.

African-American residents; for instance, the lawsuit asserts that a property in a majority African-American neighborhood “was more than twice as likely to be cited” as a nuisance when compared to a similar property in a majority-white neighborhood. Even when properties in non-minority neighborhoods are targeted for enforcement of the ordinance, the lawsuit alleges that enforcement action was largely taken against buildings with primarily low-income and African-American residents.

The lawsuit challenges the nuisance ordinance on the grounds that it intentionally enforces the ordinance against survivors of domestic violence and African-American residents of Peoria, in violation of the FHA and state law. Additionally, the lawsuit also alleges that the ordinance has a disproportionate impact on female survivors of domestic violence and African Americans, also in violation of the FHA and state law. The lawsuit asks, among other things, for a federal court to declare portions of Peoria’s ordinance unlawful; to stop the city from enforcing the ordinance; to order the city to take corrective actions re-

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garding the alleged discrimination; and to award monetary damages. ▪