

# HOUSING JUSTICE

National Housing Law Project

Newsletter October 2014

## Borough Repeals Ordinance Penalizing Survivors Who Called Police

The Borough of Norristown, Pennsylvania has repealed a local law that imposed penalties on landlords with tenants who called the police too many times within a certain period. The ordinance did not contain an exception for domestic violence survivors seeking police assistance, and encouraged landlords to evict tenants seeking help from the authorities.

A domestic violence survivor challenged the ordinance in court. After the initial court case was filed, the Department of Housing and Urban Development (HUD) filed its own Secretary-initiated administrative complaint, due to the law's impact on survivors. In order to settle both of these actions, Norristown has entered into two agreements: the first with the survivor, and the second with HUD. The following article briefly summarizes these two agreements.

### Background

Norristown had an ordinance that would penalize landlords of properties where the police was called three times over a span of four months for "disorderly behavior" (known as the "three-strikes" rule). Such conduct included calls related to domestic violence.

Lakisha Briggs, a domestic violence survivor, called the police seeking protection from an abuser on several occasions. The police began assessing "strikes" against Ms. Briggs, such that her landlord would be penalized if she kept calling the police. According to the complaint filed in court, the police began counting strikes because they were "tired of

### Resources

ACLU Women's Rights Project, Press Release, "Pennsylvania City Agrees to Repeal Law that Jeopardizes Safety of Domestic Violence Survivors" (Sept. 8, 2014), <https://www.aclu.org/womens-rights/pennsylvania-city-agrees-repeal-law-jeopardizes-safety-domestic-violence-survivors>.

ACLU Women's Rights Project, "Victory! Town Will No Longer Treat Domestic Violence Victims as Nuisances" (Sept. 8, 2014), <https://www.aclu.org/blog/womens-rights/victory-town-will-no-longer-treat-domestic-violence-victims-nuisances>.

HUD, Press Release, "HUD and Philadelphia-Area Borough Settle Allegations of Housing Discrimination Against Victims of Domestic Violence" (Oct. 2, 2014), [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2014/HUDNo\\_14-121](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2014/HUDNo_14-121) (includes link to the Conciliation Agreement).

*Briggs v. Norristown*, 2:13-cv-02191-ER, Amended Complaint (Apr. 29, 2013), available at: [https://www.aclu.org/files/assets/2013.04.29\\_-\\_verified\\_first\\_amended\\_complaint.pdf](https://www.aclu.org/files/assets/2013.04.29_-_verified_first_amended_complaint.pdf)

*The Times Herald*, "\$495k court settlement with ACLU, Norristown resident approved by council," <http://www.timesherald.com/general-news/20140902/495k-court-settlement-with-aclu-norristown-resident-approved-by-council>

responding to Ms. Briggs' previous calls to the police." Out of fear of losing her housing, Ms. Briggs did not call the police for assistance. As a result, she suffered extensive injuries by her abuser, and had to

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be hospitalized. In spite of these injuries, the borough repeatedly tried to compel Ms. Briggs' landlord to evict her, against the landlord's wishes. The ACLU brought suit on behalf of Ms. Briggs, asserting that the ordinance was unlawful. Ms. Briggs alleged violations of, among other things, the federal Fair Housing Act (FHA). Specifically, Ms. Briggs asserted that the law's impact on survivors of domestic violence disproportionately impacted women, in violation of the FHA. The suit also alleged that the ordinance violated the Violence Against Women Act (VAWA), as VAWA provides housing protections for survivors who participate in federally-subsidized housing programs, such as Ms. Briggs' Section 8 voucher. After Ms. Briggs filed her suit, HUD initiated its own complaint on the grounds that the ordinance violated the FHA because of its impact on female survivors. The borough settled both actions.

#### **ACLU Settlement Terms**

In order to settle its claims with the ACLU, Norristown agreed to repeal its ordinance. Additionally, the borough will pay \$495,000 to Ms. Briggs and her attorneys. Furthermore, Norristown has agreed to refrain from passing similar ordinances in the future.

#### **HUD Conciliation Agreement Terms**

On October 2, 2014, HUD announced that it had entered into a Conciliation Agreement (Agreement) with Norristown that had requirements supplementing those in the ACLU settlement with Ms. Briggs. HUD will monitor the Agreement, which is in effect for two years and requires periodic reporting by Norristown. The Agreement included additional terms, briefly summarized below.

**Outreach.** Under the Agreement, Norristown must develop an "education and outreach program, including a brochure concerning rights regarding the Fair Housing Act." The brochure must include a statement that the borough "encourages all tenants to call the police when they are in need of assistance and that the Municipality does not discourage victims of crime or disorderly behavior...from calling the police." The brochure must also summarize FHA rights. The Agreement requires Norristown police to provide a copy of the brochure

when responding to certain types of calls; additionally, the borough must provide a copy of the brochure to landlords who are applying for or renewing a rental license.

Furthermore, the Agreement mandates that the town organize an annual community service activity to raise domestic violence awareness, in conjunction with a local domestic violence organization.

Additionally, the Agreement requires that Norristown provide HUD with copies of a published notice alerting the public that the three-strikes ordinance has been repealed.

**Training.** The Agreement also requires certain town officials and employees (such as police officers) to undergo fair housing training, which will emphasize the topics of sex and disability discrimination. The training provider and curriculum must be approved by HUD in advance. New city councilmembers or certain new borough employees must undergo fair housing training within 90 days of assuming their position. The training must be conducted annually while the Agreement is in effect.

**Breach.** If Norristown fails to comply with the terms of the Agreement, HUD may refer the case to the Department of Justice, which could then sue the borough in federal court. ■

#### **Upcoming NHLP Webinar**

Please mark your calendar for NHLP's webinar, "Credit History and Housing Access for Domestic Violence Survivors," on October 23, 2014, 2:00 p.m.—3:30 p.m. EST.

The session will address options for survivors with negative credit history who are seeking to apply for housing. Register online at:

<https://attendee.gotowebinar.com/register/9101743321558457858>