

Local Nuisance Ordinances and Their Impacts on Domestic Violence Survivors: *An Introduction for Law Enforcement*

Nuisance ordinances are local laws that often impose fines or other penalties on property owners for activities occurring at their properties considered to be “nuisance” activity. While such laws exist to enforce local rules (e.g., property upkeep, controlling noise) these ordinances can also designate other conduct as “nuisance” activity, such as making a certain number of calls for police or emergency assistance within a particular timeframe.

What counts as a “nuisance” under local law matters because of the consequences of a nuisance designation – particularly for those who rely on law enforcement to protect them from harm, such as survivors of domestic violence. Fines charged as a result of nuisance ordinances may also negatively impact relationships between residents and law enforcement.

How Can Nuisance Ordinances Harm Survivors of Domestic Violence?

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

- **Result in survivors being evicted simply for being victims of abuse.** Landlords who receive nuisance citations arising out of domestic violence incidents or related 911 calls may choose to evict the entire household, including the survivor, to avoid fines and other penalties.
- **Endanger the lives of survivors.** Nuisance ordinances discourage survivors from calling for police or emergency assistance out of fear of eviction. Instead of promoting public safety, nuisance ordinances can actually cause crimes to go unreported.

Research has also identified persons with disabilities and communities of color as populations who have been negatively impacted by the enforcement of nuisance ordinances.

What if My Jurisdiction’s 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.

Even when nuisance laws specifically exclude domestic violence from a “nuisance” designation, incidents of domestic violence may be miscategorized. For example, if an incident of domestic violence is filed as a “noise complaint” or “criminal activity,” such a designation may trigger a

nuisance citation. In turn, property owners may face penalties for failing to address the nuisance (such as fines or loss of rental licenses).

Oftentimes, in the face of such penalties, landlords feel like they have no choice but to evict the household regardless of the circumstances.

Can a Jurisdiction's Enforcement of Nuisance Ordinances Violate Other Laws?

Depending on the specific ordinance or policy at issue, enforcement of nuisance ordinances against domestic violence survivors may violate laws such as:

- The **Fair Housing Act** and similar state laws that prohibit sex 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, or that protect someone's right to call 911.

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

Where Can Law Enforcement Find More Information, or Request Training or Technical Assistance?

The National Housing Law Project offers training and technical assistance on nuisance ordinances and their impacts on survivors of domestic violence. To make a request, please e-mail nuisance@nhlp.org.

This project was supported by Grant No. 2017-TA-AX-K052, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.