



California Assembly Bill 1418 **Frequently Asked Questions**

What does AB 1418 do?

[AB 1418](#) prohibits state and local governments from having or adopting “crime-free” programs and nuisance property ordinances (CFNOs) that have the following features:

- Penalize anyone for contact with law enforcement, whether or not it results in an arrest or conviction, or for calls to emergency services or police
- Require landlords to
 - evict tenants who associate with anyone else who has contact with law enforcement
 - use lease provisions with grounds for eviction that go beyond state or federal law
 - perform criminal background checks on prospective and existing tenants
- Define nuisance to include calls to emergency services or anything that goes beyond existing law
- Require tenants or landlords to secure occupancy permits from the local government before living in a rental home
- The creation of “bad tenant” registries used to prohibit or deter landlords from renting to tenants on the registries

What are “crime-free” programs and nuisance property ordinances?

Generally, [nuisance property ordinances and crime-free programs](#) are used by local governments to force landlords, under the threat of penalties, to evict tenants from any contact with law enforcement, regardless of the circumstances.

Nuisance ordinances are generally local laws that penalize owners and/or tenants for alleged nuisance behavior that occurs on, near, or off a property. The definition of nuisance activity is written broadly, so that any calls to the police, contact with law enforcement, or even disputes with a neighbor, may be counted as a violation of the local ordinance. Local governments enforce these laws by issuing notices to landlords directing them to evict the tenants or not renew their leases. Failure to comply can often result in the landlord being penalized, fined, or threatened with the loss of their rental housing.

“Crime-free” programs, often run by local police or sheriff departments in cooperation with the local government, focus on: 1) landlord training on the surveillance of tenants, communication with law enforcement, conducting criminal background checks, and the eviction process; 2) requiring or encouraging the use of a lease addendum that says the landlord will evict all of the tenants in the home for any contact with the police; and 3) being certified as a participating



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“crime-free” property. While often advertised as voluntary, landlords who fail to participate are often subject to aggressive monitoring by local code enforcement and police.

Both nuisance ordinances and “crime-free” programs use broad, vague, and or subjective definitions of nuisance and criminal activity and require the eviction of an entire household for any contact with police, even if it does not result in an arrest or conviction. Because local governments use calls to the police as evidence of criminal or nuisance activity, tenants are often evicted for calls to emergency services or police, or police calls that do not result in an arrest or conviction.

Who is subject to AB 1418?

“Local government agencies,” as defined in Government Code Section 82401, are covered under AB 1418. This includes counties, cities, and other local municipal jurisdictions. It also includes public housing authorities (PHAs).

Does AB 1418 apply to programs put in place by landlords?

The law is aimed at local governments who have a “crime-free” program or nuisance ordinance on the books. A property owner, on their own, could decide to enact their own program or policy. However, if the landlord is using a local government’s CFNO, AB 1418 means the local government’s policy is no longer enforceable. A tenant or landlord could sue to stop the CFNO.

What programs and ordinances are now in violation of AB 1418?

Generally, any local government that has a law that defines nuisance to include contact with law enforcement or calls to emergency services violates AB 1418. As well, any local government program that requires or encourages landlords to conduct criminal records screening, evict or otherwise penalize tenants for contact with law enforcement also violates AB 1418. Jurisdictions that have these programs and/or laws should immediately repeal them and ensure landlords and tenants are aware that they are no longer in effect.

Even prior to the passage of AB 1418, many CFNOs violated federal and state fair housing law, including the [Fair Housing Act](#) and [Section 603 of VAWA](#).

How can tenants enforce their rights under AB 1418 in order to stop CFNOs?

Residents, tenants, owners, landlords or others, such as nonprofit organizations, can sue local governments that are violating AB 1418. They can stop the local government from implementing or enforcing the CFNO, get a court order declaring the program or ordinance unenforceable, get



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other equitable relief, and seek money damages. They can also have their attorneys fees and costs paid.

NHLP has also developed a [sample letter](#) that advocates can use to alert jurisdictions to a CFNO.

How do I find out if my jurisdiction has a CFNO in place?

It is estimated that at least 130-147 jurisdictions in California have a CFNO. To find out if your jurisdiction does, check city or county municipal codes or submit a [Public Records Act \(PRA\)](#) request to a police department or other appropriate department.

If you are aware of a CFNO in your jurisdiction, a PRA is a useful tool to gather supporting documentation for implementation and monitoring efforts. If you cannot cite to a specific ordinance or program, a more general PRA request can help determine whether a CFNO exists. Such requests might ask for “any and all documents related to any policy or program, whether formally adopted or not, that penalizes (as that term is defined under Gov. Code sec. 53165.1(a)) a tenant, owner, etc. for alleged criminal or nuisance behavior.”

Legal services attorneys may also be able to identify CFNOs through eviction cases, either by seeing whether an ordinance or program is referenced in an eviction notice or by asking clients if they have had recent contact with police and/or received any notices from the city or county regarding alleged criminal behavior or nuisance activity.

For more information on AB 1418, contact Marcos Segura (msegura@nhlp.org) or Sarah Brandon (sbrandon@nhlp.org).