

To whom it may concern:

Assembly Bill 1418 (codified at Government Code section 53165.1 et seq.) limits the use of so called crime-free programs and nuisance ordinances (collectively, “crime free policies”) adopted and enforced by local government entities, including public housing authorities. The bill was enacted by the state legislature in 2023 with overwhelming support from both Democratic and Republican lawmakers. The bill was subsequently signed into law and went into effect on January 1, 2024.

Touted as a means to combat crime and nuisance behavior, local crime-free programs and nuisance ordinances have proliferated throughout California in recent years. However, there is no evidence that such policies do anything to lower crime.¹ Indeed, data shows that crime rates were either steady or on the decline at the time many California jurisdictions adopted their local crime-free policy.² In many of these jurisdictions, adoption of a crime-free policy coincided with an increase in the Black and/or Latinx population, showing that the actual goal of these policies was not to fight crime but rather to fight demographic change.³ This is the case even in where this is not the intended effect.

Consequently, so called crime-free polices are disproportionately enforced against Black and Latinx renters, limiting housing choice and causing housing instability in these communities.⁴ These polices have a similar adverse effect on individuals with disabilities and victims of domestic, sexual and dating violence, populations that tend to have disproportionate contact with law enforcement.

¹ Rand Corp., Research Report, An Evaluation of Crime-Free Housing Policies (2023) at 2, available at [file:///C:/Users/msegura/Downloads/RAND_RRA2689-1%20\(4\).pdf](file:///C:/Users/msegura/Downloads/RAND_RRA2689-1%20(4).pdf).

² Liam Dillon, Ben Poston, Julia Barajas, *Black and Latino renters face eviction, exclusion amid police crackdowns in California*, Los Angeles Times, November 19, 2020, available at <https://www.latimes.com/homeless-housing/story/2020-11-19/california-housing-policies-hurt-black-latino-renters>.

³ *Id.*

⁴ Deborah N. Archer, American Constitution Society, *You Can’t Go Home Again: Racial Exclusion Through Crime-Free Housing Ordinances* (November 2019) at 8, available at <https://www.acslaw.org/wp-content/uploads/2019/11/Racial-Exclusion-Through-Crime-Free-Housing-Ordinances.pdf>.

To mitigate the harm local crime-free policies cause vulnerable California residents, AB 1418 prohibits local governments from promulgating, enforcing, or implementing an ordinance, rule, policy, program, or regulation, that does any of the following:

- Imposes or threatens to penalize⁵ any person as a consequence of mere contact with law enforcement, even if it occurs on or near the property;
- Requires or encourages an owner or landlord to:
 - evict a person for simply associating with someone who has had contact with law enforcement or has a criminal conviction,
 - evict a person for unlawful conduct that is only alleged or solely because of their arrest on or near the property,
 - use lease provisions creating grounds for eviction beyond those provided for or that are in conflict with state or federal law, or
 - to perform criminal background checks of existing and prospective tenants;
- Defines as a nuisance emergency service calls or any act or omission not considered a nuisance under Civil Code section 3479;
- Requires owners, landlords, tenants, or anyone else to obtain an occupancy permit as a condition of leasing rental property within a jurisdiction; or
- Establishes, maintains, or promotes a tenant registry for the purpose of discouraging landlords from either renting to persons on the registry or prohibiting such persons from leasing rental property in the jurisdiction.

Policies not in compliance with the above requirements are void and unenforceable. Jurisdictions found to be in violation will be subject to liability for injunctive relief, attorneys' fees, and any other remedy permitted by law. Crime-free programs and nuisance ordinances also expose local jurisdictions to liability under the federal Fair Housing Act, the Violence Against Women Act, California's

⁵ Penalty means actual or threatened assessment of fees, fines, penalties; actual or threatened eviction or failure to renew tenancy; actual or threatened denial of a housing subsidy; actual or threatened suspension or nonrenewal of a certificate of occupancy, license or permit; designation or threatened closure of a property as a nuisance property or a similar designation; and an actual or threatened nuisance action. Gov. Code § 53165.1(a)(3).

Fair Housing and Employment Act, and the First and Fourteenth Amendments of the federal Constitution.

[Add cite to city/county/PHA crime-free program or ordinance] remains part of **[insert name of city/county/PHA]'s municipal code/adopted policies**. This **policy/ordinance requires/encourages [summarize provisions that violate AB 1418]**, all in violation of AB 1418. Thus, **[city/county/PHA]** is prohibited from further enforcing **[cite ordinance/program/policy]**. We expect that **[city/county/PHA]** will comply with the law.

To ensure that AB 1418 fulfills its promise of providing greater housing choice and stability to vulnerable California tenants, we want to be a partner in ensuring compliance with the law and we stand ready to work with **[city/county/PHA]** by, for example, providing training to relevant staff and engaging in a sustained dialogue with **[city/county/PHA]** on AB 1418 and related issues.

If you would like to further discuss, please do not hesitate to reach out.