

The *Right to a Safe Home Act*: An Overview for California Advocates

Last Updated: December 2018

Effective **January 1, 2019**, the *Right to a Safe Home Act*¹ protects California's victims of crime or abuse, as well as individuals in emergencies, from being evicted or otherwise penalized for calling law enforcement or emergency assistance.

The law also prohibits jurisdictions from penalizing landlords for calls for police or emergency assistance made by tenants at landlords' properties.

Background

Nuisance ordinances (or "crime-free" ordinances) label a property as a "nuisance" due to a certain number of calls for police or alleged nuisance conduct. Such conduct can range from failing to maintain one's lawn to violent crimes occurring at the property. Violation of such laws can result in penalties for landlords and eviction for tenants.

Because such ordinances often do not distinguish between being a victim and a perpetrator of a crime, **these nuisance laws can result in crime victims—including survivors of domestic and sexual violence—being evicted simply for calling for police or emergency assistance due to the actions of an abuser.** Under such laws, groups such as single mothers, women of color, and members of the LGBTQ community (particularly transgender women) are at risk of eviction.

Nuisance ordinances can also jeopardize housing security for persons with disabilities experiencing mental health emergencies who similarly need to call for emergency assistance.

The *Right to a Safe Home Act* was introduced to address gaps in existing law. Governor Brown signed the Act into law in 2018.

What Does the *Right to a Safe Home Act* Do?

The *Right to a Safe Home Act*:

- ✓ Ensures victims of crime, victims of abuse, and individuals in an emergency who call for police or emergency assistance are protected from eviction or other penalties due to such calls.
- ✓ Prohibits local jurisdictions from penalizing landlords and/or tenants because a person at a property called for police or emergency assistance.

¹ The *Right to a Safe Home Act* was California Assembly Bill 2413 (2017-2018). To read the bill text, please see https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2413.

- ✓ Gives landlords and tenants the ability to get a court to order local governments to stop punishing calls for police or emergency assistance.
- ✓ Establishes that state law overrides existing local ordinances that penalize tenants and landlords due to police calls or emergency assistance called to a property.
- ✓ Expands documentation options that survivors of domestic violence, sexual assault, stalking, human trafficking, and elder or dependent adult abuse may use to establish they are entitled to be protected from eviction.

How Can Advocates Help Implement this New Law?

- ✓ Educate tenant clients about their right to call 911 or other emergency services without fear of eviction.
- ✓ Engage landlords, public housing authorities, property managers/management companies, and resident councils to educate these groups about the new law.
- ✓ Check with your local jurisdiction to ensure local officials are aware of what the new law requires.

Where Can Advocates Get More Information?

Partners across California are available to provide information, training, resources, or technical assistance on how the *Right to a Safe Home Act* can impact your clients.

- ACLU of Southern California:
Adrienna Wong, awong@aclusocal.org
- California Partnership to End Domestic Violence:
Krista Niemczyk, krista@cpedv.org
- JVS SoCal:
Jodi Doane, jdoane@jvs-socal.org
- National Housing Law Project:
Renee Williams, rwilliams@nhlp.org
- Western Center on Law & Poverty:
Alexander Harnden, aharnden@wclp.org
- YWCA Silicon Valley:
Linh Tran-Phuong, Ltranphuong@ywca-sv.org
- Family Violence Appellate Project:
Taylor Campion, tcampion@fvapl.org

Additionally, online information is available about the issue of nuisance ordinances and crime-free housing policies more generally:

- National Housing Law Project, Nuisance Ordinances and Crime-Free Housing Initiative: <https://www.nhlp.org/initiatives/nuisance/>
- American Civil Liberties Union, "I Am Not a Nuisance" Website: <https://www.aclu.org/other/i-am-not-a-nuisance-local-ordinances-punish-victims-crime>
- Emily Werth, Sargent Shriver National Center on Poverty Law, The Cost of Being "Crime Free": <http://povertylaw.org/files/docs/cost-of-being-crime-free.pdf>