

Crime-Free Programs and Nuisance Property Ordinances and Their Impacts

What are Crime-Free Programs and Nuisance Property Ordinances?

Nuisance Property Ordinances and Crime-Free Programs are local laws or programs enacted by local governments that often impose requirements on property owners for activity on their property that is considered to be a “nuisance” or in violation of the local crime-free program. The primary target of these ordinances and programs are rental property owners and their tenants. These ordinances and programs are often adopted in response to a perceived change in the racial demographics of a community or a fear that the community’s racial demographics will change.

Crime-free programs often require property owners to participate in training, conduct criminal background checks of their tenants and applicants, and use a crime-free lease addendum. Violations of the crime-free lease addendum obligate the property owner to evict all of the tenants for alleged criminal activity, regardless of whether the incident results in a criminal conviction, or if the tenants were the crime victims or innocent third parties. In some jurisdictions, the actions of minors who are guests or household members can be considered a violation of the crime-free lease addendum. In other jurisdictions, the crime-free lease addendum requires the eviction of the entire household for alleged criminal activity by a tenant, regardless of where it occurred. Local governments deploy a variety of tools to encourage or mandate compliance with crime-free programs by property owners, including requiring it as a condition of leasing property in a jurisdiction or promising less oversight over owners who participate.

Nuisance Property Ordinances are local laws defining “nuisance” violations to include a broad category of conduct, from calls to the police, tall grass, and noise, to serious criminal activity. Under the local law, property owners are obligated to “abate the nuisance” – which means in effect to evict or remove the tenants from the property. Property owners who fail to abate the nuisance may be subject to fines, fees, condemnation orders, or a loss of their rental property license.

While generally the property owner only receives notice of the violations of the program or law from the jurisdiction, the tenants suffer the most significant consequences, including eviction and loss of their home.

How Can Nuisance Property Ordinances and Crime-Free Programs Harm Tenants?

- Nuisance ordinance and crime-free programs that consider calls to the police as potential violations deter survivors of gender-based violence from getting help, and force them to choose between seeking safety away from abuse or remaining housed. Ordinances and programs demanding the eviction of everyone in a home, including crime victims and innocent third parties, blame survivors for the abuse.
- Nuisance ordinances and crime-free programs negatively affect renters with disabilities, especially individuals with mental disabilities who may have disproportionate contact with law enforcement.
- Nuisance ordinances and crime-free programs are often used to reinforce racial boundaries and racial segregation in a community. These programs and ordinances allow police and white neighbors to heavily regulate the conduct of renters of color, who already experience disproportionate contacts with law enforcement.

Can Crime-Free Programs and Nuisance Property Ordinances Violate the Law?

Enforcement of crime-free programs and nuisance ordinances may violate laws such as:

- The Fair Housing Act and other laws that prohibit sex, race, and disability discrimination;
- The Violence Against Women Act, which protects survivors of domestic violence, dating violence, sexual assault, and stalking in federal housing programs from being evicted or denied admission to the federal housing programs due to their status as survivors;
- The **new Section 603 of the Violence Against Women Act**, which protects individuals who seek police or emergency assistance in response to criminal activity of which they are a victim or otherwise not at fault;
- The U.S. Constitution, including one's First Amendment right to seek help from the government, the Equal Protection Clause, and the Due Process Clause; and
- Any state laws prohibiting or regulating nuisance ordinances or crime-free programs.

Need More Information?

To request training or technical assistance, please contact Kate Walz, kwalz@nhlp.org, Natalie Maxwell, nmaxwell@nhlp.org, or Marcos Segura, msegura@nhlp.org.

Please note that this fact sheet is provided for informational purposes only, and should not be considered legal advice.

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.