

California Bolsters Safeguards from Eviction for Calling 911

California recently passed a law strengthening housing protections for survivors of domestic and sexual violence, among others, who need to call for police or emergency assistance. In August 2018, Governor Jerry Brown signed into law [Assembly Bill 2413](#), the Right to a Safe Home Act, which adds protections for both landlords and tenants from the harmful impacts of nuisance or crime-free ordinances. Such ordinances and policies often penalize property owners and renters for too many calls for police or emergency assistance, and can force landlords to evict tenants who have done nothing wrong, including survivors.

The new law:

- (1) protects a broader set of individuals who need to call for police or emergency assistance from penalties such as eviction;
- (2) provides an eviction defense for tenants being evicted for calling for emergency assistance;
- (3) establishes that state law supersedes local laws that penalize tenants and landlords due to emergency or police calls; and
- (4) improves documentation options for survivors who need to demonstrate abuse in the context of defending an eviction. ▀

NHLP's Nuisance and Crime-free Housing Initiative— Take Our Survey!

NHLP's [Nuisance and Crime-free Housing Initiative](#)

addresses the intersection between local nuisance ordinances and the housing stability of survivors of domestic violence, dating violence, sexual assault, and stalking.



We need your input to help us tailor our work to meet the needs in the field. NHLP has created a brief survey to get advocate input about their experiences with nuisance ordinances and crime-free housing policies, and the impact of these policies on survivors of domestic and sexual violence.

[Take the Survey Here!](#)

NHLP offers training and technical assistance regarding the negative effects of enforcing nuisance laws and crime-free policies against survivors. For more information, see [this fact sheet](#) for advocates, or contact nuisance@nhlp.org. ▀

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Lawsuit Challenges City's Rental Licensing Ordinance as Discriminatory

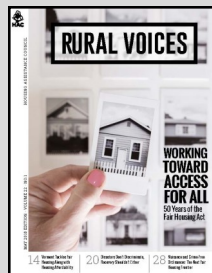
Local nuisance and crime-free ordinances often target survivors of domestic violence, dating violence, sexual assault, and stalking. Such ordinances are also being used to target communities of color and persons with disabilities. Sometimes, cities and towns combine nuisance and crime-free policies with rental licensing requirements—which can, in turn, worsen the harmful effects of these policies. Recently, the American Civil Liberties Union (ACLU) challenged a city's rental licensing ordinance in a lawsuit, alleging that the ordinance discriminates on the basis of race and national origin. The following article summarizes the assertions made in the lawsuit.

Background

The City of Faribault, Minnesota has experienced significant growth in its African-American population—largely driven by gains in the local Somali-American population—in recent years. Faribault's African-American residents are overwhelmingly renters. In response to complaints about “loitering” and alleged criminal activity in the City's downtown area, the City passed a rental licensing ordinance and a crime-free housing program.

The ordinance requires that landlords use lease language that allows the police to order that an entire household be evicted due to the criminal activity of a single household member or guest. The ordinance permits police to order eviction of a household even when no one associated with the household has been actually convicted or arrested in

NHLP Publishes Article in *Rural Voices* on the Problem of Nuisance Ordinances



In the May 2018 issue of the Housing Assistance Council's *Rural Voices*, Renee Williams, NHLP's Staff Attorney who leads the organization's Nuisance and Crime-free Housing Initiative, co-

wrote an article on how fair housing laws may conflict with nuisance and crime-free ordinances that penalize tenants for calling law enforcement or having a history of arrest or conviction. For more information or technical assistance, contact nuisance@nhlp.org.

connection with a crime. Additionally, the ordinance does not include an exception for being a survivor of domestic violence. As the lawsuit points out, under the ordinance, a survivor and their entire family can be evicted due to an act of violence perpetrated against the survivor. Furthermore, the ordinance also requires landlords deny applicants with criminal records regardless of potential safety risk or age of the record. The ordinance also places limits on the number of persons who can live in a rental unit. Failure to comply with these requirements can result in the landlord losing their rental license, placing pressure on landlords to evict these families.

The Lawsuit

In June 2018, the ACLU, representing several Faribault residents and a local non-profit

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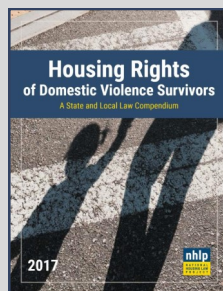
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organization, sued the City. The individual residents had either been evicted or denied rental housing due to the ordinance. The lawsuit includes several claims, including claims under the Fair Housing Act, the U.S. Constitution, and other federal and state statutes.

The lawsuit alleges that both the ordinance and the criminal history screening requirement discriminate on the basis of race and national origin, in violation of the Fair Housing Act. The lawsuit asserts that the City adopted the ordinance in order to deny housing in Faribault to African Americans, specifically targeting the Somali-American community because of their race or national origin. Furthermore, the lawsuit alleges that the criminal history screening requirements have a disproportionate impact on African-American Minnesotans, due to the existing inequities in the criminal justice system. The lawsuit also asserts that the restrictions on how many persons can live in a rental unit violate the Fair Housing Act because of its impact on large Somali-American families with children.

The additional statutory and constitutional claims in the lawsuit allege discrimination on the basis of race and national origin, and assert that Faribault's ordinance treats renters differently from homeowners.

NHLP Publishes Latest Compendium of State Housing Protections for Survivors



NHLP is pleased to announce the publication of our latest edition of *Housing Rights of Domestic Violence Survivors: A State and Local Law Compendium*.

The resource, updated annually, is a compilation of state and local laws that impact the housing rights of domestic violence survivors. These laws often provide critical housing protections for survivors that are not otherwise available. This edition covers state and local laws enacted as of December 2017. ▀

The lawsuit seeks to stop Faribault from enforcing its ordinance, including the crime-free housing program; a declaration by the court that the ordinance, including the crime-free housing program, is “unlawful and invalid”; and other damages. ▀

For technical assistance or requests for trainings or materials, please contact:

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