



How People are Endangered by Ordinances That Punish Property Owners for Repeated Emergency Calls

Kristi Andrasik, Cleveland State University

Across the United States, cities are using municipal laws known as Criminal Activity Nuisance Ordinances to penalize property owners if emergency services visit their property multiple times.

A typical nuisance ordinance will identify the types of activities that qualify as a “nuisance” and set a limit for the number of such activities that may occur within a specific time period. After emergency personnel have responded to a property several times, the city will then send a notification to the property owner, warning of penalties should any additional nuisance calls occur. Fines are the most common penalty, sometimes set according to the city’s estimated cost of deploying emergency responders. A nuisance notification typically informs the property owner that penalties can be avoided if steps are taken to abate the nuisance activity. Research shows that property owners most commonly respond by evicting the property’s tenants.

To better understand the implications of these laws, I worked with a team of researchers who have taken a closer look at the use of these ordinances in a sample of cities in Northeast Ohio. Our findings reveal a worrisome reality – nuisance ordinances frequently impact survivors of domestic violence, people experiencing a mental health crisis, and residents seeking emergency medical help for a drug overdose or other substance use crisis.

Why Criminal Activity Nuisance Ordinances Are Adopted – and Who They Target

Public discussions leading to the adoption of nuisance ordinances often feature resident complaints about the behavior of neighbors and anger at what they view to be an inadequate police response. Although nuisance laws are typically presented as ways to reduce criminal activity, the complaints that commonly lead to these ordinances tend to focus on non-criminal behaviors such as playing basketball in the street, using vulgar language, or gathering in groups in neighborhood areas.

Race and class undertones frequently surface in public discussions about nuisance ordinances – particularly when predominately white communities experience an influx of residents of color. While nuisance ordinances as written apply to any property, some city officials publicly identify renters – especially renters using subsidized housing vouchers – as the primary targets. In practice, these laws are disproportionately used against people of color and renters, as well as to penalize behavior that is not actually criminal.

Who Suffers?

Although nuisance ordinances increase the risk of eviction (and therefore housing instability) for all renters, our research uncovered heightened consequences for households experiencing certain types of crisis:

April 5, 2018

<https://scholars.org>

- **Survivors of Domestic Violence:** Emergency calls for police or medical attention in response to intimate partner violence are one of the most common triggers of nuisance notifications. In one example, a woman was harassed and attacked several times by an intimate partner, culminating in her running to a neighbor's door, bleeding, to ask for help in calling the police. Soon after, the city sent the landlord a notice stating the tenant "is involved in a pattern of behavior that is disruptive to her neighbors and places an undue burden on the resources of the [city police]." Such letters frequently result in evictions of survivors of domestic violence.
- **People Experiencing a Mental Health Crisis:** Nuisance notifications are sent to property owners warning them of repeated emergency responses due to a tenant's "mental health issues" or "psychiatric situation." One city designated a property as a nuisance after police responded several times to a tenant in crisis, including details of a call made to a mobile crisis center to address the tenant's risk of self-harm. The property owner initiated eviction proceedings a few weeks later.
- **People Experiencing a Substance-Related Crisis:** Substance-related crises requiring emergency medical care are considered a nuisance offense by many cities' nuisance ordinances, and thus can trigger the eviction of tenants even when a city is pursuing other penalties or interventions. For example, over the course of a few weeks a man was rushed to the hospital twice after overdosing on heroin in his apartment. Criminal charges were filed by the city prosecutor, resulting in a probation sentence that required he enter drug treatment, yet the city still proceeded to send his landlord a nuisance notification that triggered eviction proceedings.

The Need for Better Policy Solutions

Because nuisance ordinances regularly lead to evictions, a city's use of these laws can undermine the housing stability of its residents – especially residents of color, renters, and households using subsidized housing vouchers. What is more, residents faced with the threat of fines or eviction may avoid reaching out to emergency responders for assistance in times of crisis, further endangering those already experiencing the trauma of domestic violence, substance disorders, or psychiatric crisis. Despite being called into question under the terms of the Fair Housing Act, the Violence Against Women Act, the Americans with Disabilities Act – and even the U.S. Constitution – as many as 2,000 of these laws remain in effect throughout the nation.

Some cities have begun to amend their ordinances to explicitly exempt domestic violence incidents from nuisance penalties – an act which can help reduce harm to marginalized populations. Cities considering adoption of new nuisance ordinances should carefully consider the complexity of the issues they are seeking to address, as these laws may actually endanger the lives and well-being of families and individuals at times when they are most in need of support.

Read more in Joseph Mead, Megan Hatch, Rosie J. Tighe, Marissa Pappas, Kristi Andrasik, and Elizabeth Bonham, "Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio" *Urban Publications* (2017).