

May 22, 2015

To All Members of the New York State Senate,

In New York State, and nationwide, no victim of domestic violence or other person threatened with a crime should be afraid to access police or emergency assistance because doing so may jeopardize their housing. The below-listed organizations jointly express our strong support of **A.1322 Lavine/S.4955 Robach**, which protects the rights of victims of crime to seek police and emergency aid. This legislation is necessary to ensure that New Yorkers can call for help, avoid homelessness and housing instability caused by the unjust application of nuisance ordinances, and to prevent further acts of violence and abuse against victims of domestic violence and other crimes.

Numerous municipalities throughout New York have passed local “nuisance ordinances” that designate properties as a “nuisance” when they are the site of a certain number of calls for police service or instances of alleged criminal activity. Unfortunately, all too often these laws have an unintended, but extremely detrimental, impact on domestic violence and crime victims and their children. This is because when these ordinances are triggered, property owners and landlords are pressured to evict the occupants at issue (“abate the nuisance”) or face stiff penalties. Generally, these ordinances are applied regardless of whether the occupant was the victim of the crime triggering the ordinance or accessed police assistance out of legitimate fear or concern.

While nuisance ordinances may seemingly seek to deter crime and ensure the quiet enjoyment of community members, they are frequently overbroad and have severe consequences for victims of domestic violence and other crimes. Indeed, nuisance ordinances have been shown to be enforced against incidents of domestic violence far more frequently than the drug, weapon and property offenses that many municipalities intend to target with their local laws¹.

In communities with these ordinances, domestic violence victims often must choose between safety and housing. Many victims feel that they must endure threats, harassment or violence without police intervention when the alternative is the likely eviction, housing insecurity and risk of homelessness that can result from a nuisance citation. Alarming, these local laws have inadvertently served to embolden abusers who use nuisance ordinances’ chilling effect to further terrorize their victims, because victims are aware that they may face eviction based upon the call for emergency intervention, as well as the perpetrator’s acts of violence and abuse.

¹ A 2012 Harvard University study of a Milwaukee nuisance ordinance found that domestic violence was the third most common “nuisance activity” cited under the ordinance. Matthew Desmond & Nicol Valdez, *Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women*, 78 *Am. Soc. Rev.* 117, 131-132 (2012).

When victims do call the police in fear for their safety, landlords most commonly respond to the municipality's subsequent nuisance citation or warning by evicting the victim or threatening to do so. Nuisance ordinances promote such housing discrimination against victims by pressuring landlords to take formal or informal eviction actions in order to avoid penalties that can include exorbitant fines, revocation of rental permits or condemnation of the property. In some cases, landlords have even advised tenant-victims to stop calling the police for help.

Nuisance ordinances' chilling effect on crime victims' reporting is contradictory to one of the most long-standing safety messages around—if you are in danger, call the police for help. However, nuisance ordinances send an opposite, more dangerous message—call for help and you will jeopardize your housing. We are all less safe when our neighbors are scared to call 911 in an emergency situation. While nuisance ordinances have been shown to have a severe impact on victims of domestic violence, they can affect anyone who requires police intervention at their property, such as an elder abuse victim, a parent who is cited when his child's school bullies harass the family at home or a tenant who reports assaults against a neighbor.

This bill will not stop municipalities or landlords from addressing neighborhood crime and quiet enjoyment in their communities. Instead, it promotes public safety and ensures that the enforcement of local laws does not inadvertently penalize victims or run afoul of existing Constitutional, federal and state protections. Municipalities and landlords may still take action against individuals who perpetrate criminal activity or a breach of lease that is independent of a request by a victim of violence for emergency assistance. Municipalities are also free to address drug, weapon and property crimes directly through penal, housing and zoning laws.

The Senate has the opportunity to ensure that here in New York, no crime victim will face losing their home when they seek help from the police. **Please stand on the side of crime victims to ensure that local nuisance ordinances do not undermine existing Constitutional and federal protections and the clear state policy that provides for law enforcement intervention, victim safety and offender accountability.** Please act now to pass **S.4955 (Robach)**, the "same as" version of which passed the Assembly unanimously on April 23, 2015.

Sincerely,

Amy Schwartz
Kristin Brown Lilley
Tamara Frazier
Empire Justice Center

Michaela Wallin
ACLU Women's Rights Project

Connie Neal
Corbin Streett
NYSCADV

Signed in unity with the following 74 organizations across the state:

A New Hope Center

Francis J. Bialy
Executive Director

Affordable Housing Partnership

Tracy Peterson
Housing Counseling Coordinator

**Arbor Housing and Development
The Net Domestic Violence Shelter**

Carrie House
Program Supervisor

Barrier Free Living

Paul B. Feuerstein
President/CEO

**CACHE Agency, Inc.
Safe Passage Domestic Violence Program**

Donna M. Pennino, Director

**Catholic Charities of Herkimer County,
Domestic Violence Program**

Jacqueline Ward, Program Director

**Catholic Charities of Schuyler County,
First Step Victim Services**

Bethany Worrey
Supervisor of Victim Services

Center Against Domestic Violence

Judith Kahan
CEO

Crime Victims Assistance Center, Inc.

Raini Baudendistel
Executive Director

Advocacy Center of Tompkins County

Heather Campbell
Executive Director

**American Association of University Women –
New York State**

Donna Seymour
AAUW-NYS Public Policy Vice President

Aretha G. Clark Ministries

Aretha G. Clark
Reverend

Brighter Tomorrows

Dawn Brown
Executive Director

Catholic Charities of Chenango County

Karen Glasbergen
Crime Victims Program Director

**Catholic Charities of Fulton & Montgomery
Counties, Domestic Violence and Crime Victims
Services**

Mary Carpenter, Program Director

Cayuga/Seneca Community Action Agency Inc.

Patty Weaver
Domestic Violence Services Coordinator

Center for Safety & Change

Michael Mandel
Executive Director

**Crime Victims Treatment Center
Mount Sinai St. Luke's and Roosevelt Hospitals**

Susan Xenarios
Director

Domestic Violence Project of Warren and Washington Counties

Rachel Gartner
Program Director

Equinox Domestic Violence Services

Kathleen Magee
Director of Domestic Violence Services

Family Services of Dutchess County, Inc.

Leah Feldman
Domestic Violence Program Director

Food First Family Project, Inc.

Erin Feely-Nahem
Executive Director

Grace Smith House

Renee Fillette
Executive Director

Greater Rochester Housing Partnership

Jean A. Lowe
President

Her Justice

Heidi Henderson
Senior Director, Legal Services

Jewish Board for Children and Family Services

Thea Jandzio, Executive Program Director for
Adult & Family Residential Services

Liberty Resources, Inc. Victims of Violence Program

Tammy Van Epps
Program Supervisor

Margaret Drew Consulting

Margaret Drew
Attorney

Elmira Police Dept. Victim Services Program

Lori Waters
Victim Services Coordinator

Family Counseling Service of the Finger Lakes, Inc.

Jessica DeFazio
Domestic Violence Program Supervisor

FEGS Health and Human Services

Aileen Hoffman
Assistant Vice President

Frank H. Hiscock Legal Aid Society

Stacey M. Schliffer, Esq.
Senior Attorney, Domestic Violence Project

Good Shepherd Services Safe Homes Project

Catherine Hodes
Safe Homes Project Program Director

HELP USA

Rachel Chazin Halperin, Executive Director of
Domestic Violence Programs

Hope's Door

CarlLa Horton
Executive Director

Legal Services of Central New York, Inc.

Dennis A. Kaufman, Esq.
Executive Director

Long Island Housing Services, Inc.

Michelle Santantonio
Executive Director

Mechanicville Area Community Services Center

Lisa Jorgensen
Domestic Violence Program Director

My Sister's Place
Amy Sinisalchi
Chief Program Officer

New York Asian Women's Center
Yasmeen Hamza
Director of Client Services

Northern Manhattan Improvement Corporation
Jennifer Anzardo
Senior Attorney for Immigration & Family Law

Ohel Children & Family Services
Esther Katz
Shelter Director

People Organized for Our Rights, Inc. (P.O.O.R.)
Eugene Doyle, LMSW
Executive Director

Private Citizen
Shauna Marie O'Toole
Author. Activist.

Safe Harbors of the Finger Lakes, Inc.
Marisa Rube
Assistant Director

Safe Horizon
Ariel Zwang
Chief Executive Officer

Social Welfare Action Alliance – Rochester Chapter
Barbara Kasper
Co-chair

The Arab American Family Support Center
Lena Alhousseini
Executive Director

New Destiny Housing Corporation
Catherine Trapani
HousingLink Director

New York City Anti-Violence Project
Sharon Stapel
Executive Director

Northside Church of Christ Housing Development Fund Company, Inc.
William S. Johnson, Chairperson

PA'LANTE Harlem
Elsia Vasquez
Founder

Pride Center of WNY
Jorien Brock
Senior Director

Putnam/Northern Westchester Women's Resource Center
Ann E. Ellsworth, Executive Director

Safe Homes of Orange County
Kellyann Kostyal-Larrier
Executive Director

Sanctuary for Families
Judy Harris Kluger
Executive Director

Sue Rock Originals Everyone, Inc.
Sue Rock
Founder

The Retreat Inc.
Maria Cristina Banados
Advocacy Director

The Safe Center LI, Inc.
Sandra Oliva and Cindy Scott
Executive Directors

Urban Justice Center
Harvey Epstein
Associate Director

Vera House, Inc.
Randi Bregman
Executive Director

Victims Assistance Center of Jefferson County
Elaina Marra
Executive Director

Violence Intervention Program, Inc.
Cecilia Gastón
Executive Director

Welfare Rights Initiative (WRI) of Hunter College
Maureen Lane
Co-Executive Director

Willow Domestic Violence Center
Jaime Saunders
Executive Director

YWCA Mohawk Valley
Deb Galotti
Crisis Services Director

The Washbourne House
a Program of Family of Woodstock Inc.
Kathleen Welby- Moretti, Director

Urban Resource Institute
Jennifer White-Reid
Vice-President, Domestic Violence Programs

Victim Resource Center of the Finger Lakes, Inc.
Ramona R. Palmer
Executive Director

Victims Information Bureau of Suffolk, Inc.
Clarice Murphy
Interim Executive Director

Volunteers of America - Greater New York
Ana Rolon
Director of Domestic Violence Services

Western New York Conference Women's Missionary Society
Charmaine Cohen-Johnson, WNYC WMS President

YWCA NorthEastern New York
Kim Siciliano
Women and Family Services Director

YWCA of Niagara
Mary Brennan-Taylor
Vice President of Programs