

MEMORANDUM IN SUPPORT

A BILL PROTECTING CRIME VICTIMS FROM NUISANCE ORDINANCES
A.1322

The Lawyers Committee Against Domestic Violence (“LCADV”), a coalition of almost 200 lawyers from the greater New York City area whose work has supported victims of domestic violence and their children for almost 20 years, strongly supports the proposed New York legislation providing protections for victims of domestic violence from being negatively impacted by local nuisance ordinances. These laws, which give landlords the right to evict tenants for contacting emergency services, have a chilling effect on crime victims and often force them to choose between reporting harassment or abuse and losing their homes. Providing protections for crime victims in these laws will give all New Yorkers the equal access to justice to which they are legally entitled.

Nuisance ordinances were historically created to give property owners and municipalities a greater degree of control over blighted and abandoned properties. Throughout New York State, an increased number of municipalities have expanded the use of nuisance ordinances to regulate and sanction behavior within properties, including properties that are currently occupied. The expanded use of the laws has given municipalities and landlords the ability to remove or evict tenants for contacting emergency services and reporting victimization, with the unintended consequence of creating a chilling effect on crime victims who are often forced to choose between reporting harassing or abusive conduct and losing their homes. Additionally, these local laws are often riddled with legal infirmities that raise concerns for domestic violence survivors under the Fair Housing Act and the Violence Against Women Act, and for the Constitutional rights of crime victims to petition the government and to due process. Providing these proposed protections for crime victims will give all New Yorkers the right to equal access to justice.

Nuisance ordinances are often applied to properties where disorderly conduct or a drug or violent crime has occurred or allegedly occurred. Where targeted conduct is captured under a nuisance ordinance, the local laws often require the nuisance to be “abated” which may mean the tenant is warned, directed to no longer call the police for help, or is removed from the premises through an eviction or code enforcement process. Domestic violence victims and other crime victims living in properties in communities with nuisances ordinances are at significant risk, especially when the perpetrators are aware of the ordinances. In these cases, perpetrators know that victims are unable to reach out to police or other emergency services without the risk of being evicted from their homes. This is especially dangerous to the elderly and victims of domestic violence with children, who would be particularly vulnerable if calling the police were to trigger a nuisance ordinance and cause them to lose their home and the stability it affords. Low-income victims are at an even more substantial risk, as housing in New York is extremely difficult to access for those without significant means. The effects of these laws are truly frightening; no one should be forced to choose between their personal safety and homelessness.

Providing protections for crime victims from nuisance ordinances will not prevent municipalities from otherwise enforcing laws against violent and drug crimes, nor will it disallow landlords from protecting their property rights. It will simply allow crime victims to call for help or receive law enforcement intervention when they have been victimized or threatened. Protecting these rights will achieve greater community safety, as victims will no longer be discouraged from reporting criminal activity.

THE LAWYERS COMMITTEE AGAINST DOMESTIC VIOLENCE

For these reasons, the LCADV strongly supports protections for crime victims from nuisance ordinance laws in New York State and urges the Assembly to pass A.1322 and for a same as bill in the Senate.

If you have any questions, please contact Barbara Kryszko at (718) 250-5104 or barbara@sffny.org or Kate Wurmfeld at (212) 613-5038 or kwurmfeld@nylag.org.