

MEMORANDUM IN SUPPORT
A BILL PROTECTING CRIME VICTIMS FROM NUISANCE ORDINANCES
A.1322

The New York Legal Assistance Group (NYLAG) provides free civil legal services to low-income New Yorkers on myriad issues, including government benefits, immigration, family law, home care, health care, compensation for Holocaust survivors, employment rights, foreclosure prevention, special education, LGBT rights, storm relief and eviction prevention. The Matrimonial & Family Law Unit provides services to domestic violence victims including contested and uncontested divorce, child/spousal support, child custody/visitation, orders of protection, paternity, adoption and child protection. NYLAG is widely considered one of the top providers of civil legal services to domestic violence victims in New York State.

NYLAG strongly supports legislation that would provide protections to crime victims so that they will not be negatively impacted by the overbroad nuisance ordinances enacted throughout the State of New York. These laws, which give municipalities and landlords the right to remove or evict tenants for contacting emergency services and reporting victimization, have a chilling effect on crime victims and often force them to choose between reporting harassing or abusive conduct and losing their homes. Additionally, these local laws are often riddled with legal infirmities that raise Constitutional concerns around due process and petitioning the government, as well as the Fair Housing Act and the Violence Against Women Act protections where they particularly impact victims of domestic violence. Providing these proposed protections for crime victims will give all New Yorkers the equal access to justice to which they are legally entitled.

Nuisance ordinances are often applied to properties where disorderly conduct or a drug or violent crime has occurred or allegedly occurred. Where targeted conduct raises a nuisance ordinance, the local laws often require the nuisance be “abated” which may mean the tenant is warned or 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 these communities are at significant risk, especially when the perpetrators are aware of the ordinances. In these cases, perpetrators know that their 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 victims of domestic violence with children, and the elderly, who are afraid that calling for help will 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 victims' rights to access emergency services will encourage the reporting of criminal activity and achieve greater community safety.

For these reasons, the New York Legal Assistance Group 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.