

2014

## Crime-Free Housing Ordinances: One Call Away from Eviction

Nicole Livanos

Follow this and additional works at: <http://lawcommons.luc.edu/pilr>

 Part of the [Housing Law Commons](#)

---

### Recommended Citation

Nicole Livanos, *Crime-Free Housing Ordinances: One Call Away from Eviction*, 19 Pub. Interest L. Rptr. 106 (2014).  
Available at: <http://lawcommons.luc.edu/pilr/vol19/iss2/6>

This Feature is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Public Interest Law Reporter by an authorized administrator of LAW eCommons. For more information, please contact [law-library@luc.edu](mailto:law-library@luc.edu).

Loyola Public Interest Law Reporter

*FEATURE ARTICLE*

**CRIME-FREE HOUSING  
ORDINANCES: ONE CALL  
AWAY FROM EVICTION**

*by* NICOLE LIVANOS

In an attempt to deter criminal behavior and streamline the rental housing business, more than 100 municipalities in Illinois have adopted crime-free rental-housing ordinances.<sup>1</sup> While the intention of the ordinances is to lower the crime rate that takes place on rental properties, the ordinances potentially pose serious ramifications for crime victims.<sup>2</sup> With many of Illinois' ordinances only a couple of years old, enforcement and implementation on a municipality-to-municipality basis is important to watch.

The ordinances all contain a threshold number of arrests, calls to police, or some other measurement of criminal behavior that triggers eviction.<sup>3</sup> “I don’t think the intention [of these ordinances] was to ever prevent victims from calling to report offenders’ behavior—that is the unfortunate consequence of it. I really think they need to seriously look at it and see who is going to be impacted,” said Maria Macaluso, the Executive Director of the Women’s Center of Montgomery County.<sup>4</sup>

The trend of municipalities passing these ordinances is not exclusive to Illinois. Nearly 2,000 cities across 44 states have adopted some form of a crime-free rental-housing ordinance.<sup>5</sup> The ordinances have recently garnered national attention because of Lakisha Briggs — a resident of Norristown, Pennsylvania — who lived under the city’s crime-free rental housing ordinance.<sup>6</sup> Norristown’s ordinance issues strikes against tenants for tenants’ and their guests’ criminal behavior, as well as their calls for emergency assistance.<sup>7</sup> Briggs, who is currently being represented by the American Civil Liberties Union in a case against the municipality, was a victim of domestic violence in her rental property but was deterred from calling the police for fear of eviction.<sup>8</sup> Briggs stated, “If I called the police to get him out of my house, I’d get evicted. If I physically tried to remove him, somebody would call 911 and I’d be evicted.”<sup>9</sup> Municipalities in Illinois should look to the Briggs case as an example of the serious ramifications of crime-free housing ordinances and draft and implement their ordinances carefully, if they choose to pass an ordinance at all.

#### EFFECTS ON LANDLORDS

In addition to reducing crime, cities have attempted to streamline rental housing through the use of crime-free housing ordinances.<sup>10</sup> These ordinances create a licensing program for all landlords in the municipality.<sup>11</sup> The landlords then attend crime-free housing training to learn about their rights and responsibilities, gain access to resources to conduct and understand background checks on tenants, and obtain mandatory boiler-plate lease addendums.<sup>12</sup> Proponents of the ordinances believe that their enforcement will result in a reduction of crime, and as a result, landlords will enjoy an increase in property values, less repair and maintenance costs, an increase in demand for safer rental properties, and more time to perform routine management that would otherwise be consumed by dealing with rowdy tenants.<sup>13</sup> Ordinance rules require landlords to pay fees per buildings and units managed.<sup>14</sup> For example, in the

Loyola Public Interest Law Reporter

city of DeKalb, landlords pay a fee of \$50 for each building they manage, and an additional amount per unit for multi-unit buildings.<sup>15</sup> In addition, landlords face fines and possible revocation of their license to possess rental property if they fail to comply with the ordinance.<sup>16</sup>

Mandatory compliance has raised concerns by landlords and landlord associations as to why such laws only apply to landlords and not all business owners alike.<sup>17</sup> A Collinsville, Illinois landlord saw similar crime problems at large retail stores, and questioned why rental property businesses were being treated differently.<sup>18</sup> Brad Rubeck, President of the DeKalb Area Renters Association, questioned the effectiveness of the fees imposed on landlords, stating that he is “not really sure how [to] do a fair evaluation, the evictions do not lead to people leaving DeKalb, they just get juggled around.”<sup>19</sup> It seems, however, that in Collinsville, there are signs that the ordinance’s requirement of licensing landlords has opened up communication between the landlords and the police.<sup>20</sup> Phil Astraukas, a Collinsville landlord, believes the city’s ordinance should be credited with getting “a better grade of tenants moving into town.”<sup>21</sup> Bill Berger, Collinsville Crime Free Housing Program Coordinator, said the results from the first year of the program show a 30 percent reduction in calls to police in “hotspots,” or troubled property areas.<sup>22</sup> The results must be taken into perspective, however, since Collinsville’s overall crime rate increased by 4.2 percent during 2011, the first year of the ordinance.<sup>23</sup> An alternative explanation for the 30 percent reduction could be that the ordinance created a deterrent for victims in these “hotspots” to seek police assistance in emergency situations out of fear of being evicted.

#### POTENTIAL IMPACT ON VICTIMS OF CRIME

Carl Leoni, Coordinator of the DeKalb crime free housing ordinance program says the intention of the program is to “move the bad guys out of town,” and “all [he] cares about is seeing the crime rate go down.”<sup>24</sup> Despite these intentions, many worry that the ordinances do not distinguish between the ‘bad guys’ and victims.<sup>25</sup> The ordinance in Elgin, Illinois, lists over a dozen types of calls to police that can trigger a strike toward the eviction threshold.<sup>26</sup> The threshold in Elgin can be reached when a single violation occurs.<sup>27</sup> While Elgin’s ordinance does not specifically list domestic violence as counting toward the threshold, tenants, household members, and tenants’ guests could still be victims of crimes such as assault, battery, weapons violence, threats, and intim-

idation.<sup>28</sup> These violations could lead to strikes and possible eviction if the police are notified.<sup>29</sup>

Kate Walz of the Shriver National Center on Poverty Law (“Shriver Center”) claims that these ordinances have “set domestic violence advocacy back 20 years.”<sup>30</sup> According to Walz, advocates’ efforts over the last decades have been focused on educating law enforcement on how to approach victims and how to aid them in escaping the cycle of domestic violence while maintaining their housing.<sup>31</sup> Now, Walz believes all of this work has been “turned on its head when the sole focus of the ordinances is that when a call is made to the police in your alleged crime, everyone [in the household] has got to go.”<sup>32</sup> Alderman Joerg Seifert in Darien, Illinois shares this concern.<sup>33</sup> Darien aldermen implemented a crime-free ordinance with a 5-2 vote.<sup>34</sup> One of the aldermen voting against the program, Joerg Seifert, said he was concerned the ordinance could negatively impact good people in one of the more than 480 rental units in the city.<sup>35</sup> Seifert referenced a situation where a household member commits a crime that does not involve the other household members, yet the entire household will face eviction if the ordinance is enforced.<sup>36</sup>

#### LACK OF PROTECTIONS

While Illinois law does not have housing protections for all victims of crime, state and federal laws do offer some protection for victims of domestic violence. Under the federal Violence Against Women Act (“VAWA”), victims of domestic violence have an affirmative defense against eviction.<sup>37</sup> However, this protection from eviction only applies for victims living in public housing, such as Section 8 housing.<sup>38</sup> Domestic violence victims in private housing are offered protections under the Illinois Safe Homes Act, but only when they wish to change their locks or leave their rental housing prior to the end date on the lease.<sup>39</sup> Without a similar affirmative defense under the VAWA, domestic violence victims living under the jurisdiction of a private crime-free rental housing ordinance have no legal protections from eviction. Gwyn Kaitis, the Director of the Illinois Domestic Violence Helpline, recalls an example where “a woman with five children called to say that her boyfriend had choked her and she was trying to end their relationship, but her landlord had told her that if the police were called one more time, he would evict her.”<sup>40</sup>

Loyola Public Interest Law Reporter



#### HOUSING SHORTAGE

Crime-free ordinances have the potential to majorly impact housing supply. Once an eviction threshold is reached, landlords are forced to evict.<sup>41</sup> If a landlord does not comply, his or her license can be revoked.<sup>42</sup> A revocation results in all of the landlord's rental properties in the city's jurisdiction becoming unlicensed, and therefore, illegal rental properties.<sup>43</sup> Depending on how many units and buildings a landlord owns, a single license revocation can produce a serious decrease in the availability of rental housing.<sup>44</sup> This can impact victims of crime not only because they were victims of crimes that caused the threshold being reached, but also because housing shortages disproportionately impact groups protected by fair housing laws.<sup>45</sup> The 2012 American Community Survey estimates that minorities make up only 22 percent of owner-occupied housing units.<sup>46</sup>

Additionally, the 2010 Census reports female-headed households in Illinois are more than twice as likely to rent than the general Illinois population.<sup>47</sup> With minority groups and women owning homes at lower rates than white males and making up a larger percentage of rental housing occupants, any change to

the availability of rental housing units can have a drastic impact on their quality of life. Walz cautions that due process is required before eviction occurs, as “you are not only depriving the property owner of his or her property interest, but you are also depriving the tenant of a tangible property interest they have as a renter in rental housing.”<sup>48</sup>

#### AVOIDING DELETERIOUS RESULTS

A 2012 American Sociological Association study on the impact of a crime-free ordinance in Milwaukee, Wisconsin, found that domestic violence was the third most common reason police issued citations, making it more common than drug, property and trespassing offenses.<sup>49</sup> With many of the Illinois ordinances in the early years of implementation and many cities considering adopting such ordinances, measures should be taken now to avoid similar impacts. In order to gauge how the ordinances are being implemented, organizations such as the Shriver Center follow a specified process when a complaint is received from an individual regarding their community’s ordinance.<sup>50</sup> If the individual claims they were a victim of crime and received an eviction notice under the ordinance, the Shriver Center issues a Freedom of Information Act request to those communities to confirm the events that led to the tenant’s eviction.<sup>51</sup> Based on this process, the Shriver Center has found that local governments do not appear to be using discretion in enforcing the ordinances.<sup>52</sup> Walz adds that the ordinances “are written in such a way that trash in the yard will be treated the same as a homicide occurring on the property.”<sup>53</sup>

While Walz does not “think this is the tool that local governments believe it is to address problem rental properties,” the Shriver Center advises local governments to provide “front end training of those enforcing the laws in domestic violence, sexual assault, stalking, dating violence, and fair housing laws.”<sup>54</sup> Though providing this type of training will fall short of legislative efforts to protect victims of crime in housing, training and careful enforcement will hopefully help eliminate the negative impacts on victims of crime and, ultimately, help law enforcement efforts focus on reducing criminal activity in communities.

---

#### NOTES

Loyola Public Interest Law Reporter

- 1 Emily Werth, *The Cost of Being "Crime Free": Legal and Practical Consequences of Crime Free Rental Housing and Nuisance Property Ordinances*, Aug. 2013, SARGENT SHRIVER NATIONAL CENTER ON POVERTY LAW, available at <http://povertylaw.org/sites/default/files/files/housing-justice/cost-of-being-crime-free.pdf>.
- 2 Crime Free Rental Housing: Keep Illegal Activity Off Rental Property, [http://www.crime-free-association.org/rental\\_housing.htm](http://www.crime-free-association.org/rental_housing.htm) (last visited Mar. 29, 2014).
- 3 Werth, *supra* note 1.
- 4 Annamarya Scaccia, *How Domestic Violence Survivors Get Evicted From Their Homes After Calling the Police*, RH REALITY CHECK, Jun. 4, 2013, <http://threalitycheck.org/article/2013/06/04/norristown-ordinance-and-impact-on-domestic-violence-victims-2/>.
- 5 Crime Free Multi-Housing: Keep Illegal Activity off Rental Property, <http://www.crime-free-association.org/multi-housing.htm> (last visited Mar. 29, 2014).
- 6 Erik Eckholm, *Victims' Dilemma: 911 Calls Can Bring Eviction*, THE NEW YORK TIMES, Aug. 16, 2013, <http://www.nytimes.com/2013/08/17/us/victims-dilemma-911-calls-can-bring-eviction.html?pagewanted=all>.
- 7 *Id.*
- 8 *Id.*
- 9 *Id.*
- 10 Crime Free Rental Housing, *supra* note 2.
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*
- 14 Katie Dahlstrom, *DeKalb's Crime Free Housing Program Gets Mixed Reviews*, DAILY CHRONICLE, Feb. 26, 2014, [http://www.daily-chronicle.com/2014/02/26/dekalbs-crime-free-housing-program-gets-mixed-reviews/ajjphlv/?\\_\\_xsl=/print.xsl](http://www.daily-chronicle.com/2014/02/26/dekalbs-crime-free-housing-program-gets-mixed-reviews/ajjphlv/?__xsl=/print.xsl).
- 15 *Id.*
- 16 *Id.*
- 17 Roger Starkey, *After Proving Its Value, Crime Free Housing Made Permanent in Collinsville*, THE METRO INDEPENDENT, Feb. 17, 2014, <http://metroindependent.com/2014/02/17/after-proving-its-value-crime-free-housing-made-permanent-in-collinsville/4333/>.
- 18 *Id.*
- 19 Dahlstrom, *supra* note 14.
- 20 Starkey, *supra* note 17.
- 21 *Id.*
- 22 *Id.*
- 23 *Id.*
- 24 Dahlstrom, *supra* note 14.
- 25 Interview with Kate Walz, Director of Housing Justice, Sargent Shriver National Center on Poverty Law, in Chicago, Ill. (Mar. 19, 2014).
- 26 ELGIN, ILL. MUNICIPAL CODE § 6.37.100 (2004).
- 27 *Id.*
- 28 *Id.*
- 29 *Id.*
- 30 Walz, *supra* note 25.
- 31 *Id.*
- 32 *Id.*
- 33 Joseph Ruzich, *Darien Law Seeks to Deter Crime at Apartment Buildings*, CHICAGO TRIBUNE, Mar. 7, 2014, [http://articles.chicagotribune.com/2014-03-07/news/ct-crime-ordinance-darien-tl-0316-20140307\\_1\\_new-ordinance-police-chief-ernest-brown-darien](http://articles.chicagotribune.com/2014-03-07/news/ct-crime-ordinance-darien-tl-0316-20140307_1_new-ordinance-police-chief-ernest-brown-darien).

- 34 *Id.*  
35 *Id.*  
36 *Id.*  
37 Housing Protections for Victims of Domestic Violence and Sexual Assault, [http://www.illinoislegaladvocate.org/index.cfm?fuseaction=home.dsp\\_content&contentID=5432](http://www.illinoislegaladvocate.org/index.cfm?fuseaction=home.dsp_content&contentID=5432) (last visited Mar. 29, 2014).  
38 *Id.*  
39 *Id.*  
40 Dahlia Lithwick, *Public Nuisance: What Happens When Calling 911 Could Cost You Your Home*, SLATE, [http://www.slate.com/articles/news\\_and\\_politics/jurisprudence/2013/09/an\\_aclu\\_lawsuit\\_fights\\_against\\_treating\\_abused\\_women\\_who\\_call\\_911\\_as\\_a\\_nuisance.html](http://www.slate.com/articles/news_and_politics/jurisprudence/2013/09/an_aclu_lawsuit_fights_against_treating_abused_women_who_call_911_as_a_nuisance.html).  
41 Werth, *supra* note 1.  
42 *Id.*  
43 *Id.*  
44 *Id.*  
45 *Id.*  
46 U.S. CENSUS BUREAU, THE 2012 AMERICAN COMMUNITY SURVEY *tbl.S2502*; generated by Nicole Livanos; using American Fact Finder; <http://factfinder2.census.gov>; (2012).  
47 Werth, *supra* note 1.  
48 Walz, *supra* note 25.  
49 Matthew Desmond & Nicol Valdez, *Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women*, 78 AMERICAN SOC. REV. 118 (2012), available at [http://scholar.harvard.edu/files/mdesmond/files/desmond.valdez.unpolicing.asr\\_\\_0.pdf](http://scholar.harvard.edu/files/mdesmond/files/desmond.valdez.unpolicing.asr__0.pdf).  
50 Walz, *supra* note 30.  
51 *Id.*  
52 *Id.*  
53 *Id.*  
54 *Id.*