

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/news/when-call-help-can-lead-your-eviction>

Public Facing Advocacy Writing

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When someone calls 911, they expect that a first-responder is going to arrive and provide assistance. One wouldn't expect that an eviction notice could arrive shortly after multiple calls for help, because it simply doesn't make sense. For some Ohioans living in 50 cities with so called nuisance orders, this is their reality.

As a recent study from Cleveland State University and the ACLU of Ohio mentions, [Criminal Activity Nuisance Ordinances](#) (CANOs) are ordinances that seek to address properties with multiple criminal activity incidents over the course of a given time period. At face value, these nuisance orders might appear to curb criminal activity. Yet, when considering the impacts of these laws, it becomes apparent how such ordinances disproportionately impact individuals of racial and ethnic minorities, interpersonal violence situations, subsidized housing voucher recipients/renters, and other vulnerable populations. To look critically at the impacts of these laws, it's important to discuss the various myths that surround the benefits and implementation of such ordinances.

MYTH: These laws can help to address and curb serious criminal activity in communities.

Truth: *In many cases the police are mistaking disturbances or certain types of behavior as criminal activity. Even being disrespectful or using profane language can be ruled as a violation of nuisance ordinances. For example, a [Bedford](#) letter stated a violation of the nuisance ordinance was due to a youth using vulgar and profane language as well as being disrespectful.*

MYTH: These laws require strong and substantial evidence to be reported or classified as a nuisance.

Truth: *These laws often times lack the substantial evidence to even file criminal charges. In many instances, law enforcement or first responders arrive at the property and there is no presence of criminal activity. Yet, they label the property as a nuisance based on their suspicion of criminal behavior. In a [2016 nuisance letter](#), the attached police reports show the officers deemed everything quiet upon arrival. However, a prior incident at this residence made this mere call to 911 an automatic reason to label the property a nuisance. Even though the incident stopped prior to law enforcement personnel arriving at the property, this second 911 call, although minor and resolved, became the reason the eviction process began.*

MYTH: These laws keep all community residents safe.

Truth: *Not all are kept safe by these laws. By design, individuals of racial and ethnic minorities, interpersonal violence situations, subsidized housing voucher recipients, and other vulnerable populations, these ordinances are extremely harmful.*

Therefore, community safety is, in fact, undermined since some members of the community do not have access to 911 services like their neighbors. Crime reduction does not equal less people calling 911.

MYTH: The fines imposed by police ONLY impact the property owner.

Truth: *It is true that property owners and landlords are required to pay a fee if their property is in violation of the nuisance ordinances. However, this need for payment often times results in [abating](#) the situation and tenants. For many landlords or property owners, the threat of a fine or fee results in them evicting the tenants instead of paying. In saying this, the tenants, too, are impacted by the fines imposed associated with these laws.*

MYTH: These laws are the best way to solve the absentee landlord (do not live at the residence or rarely visit) situations.

Truth: *Not entirely. Just making a landlord aware of the situation does not mean that they will be more responsive to tenants' needs or visit the property more frequently. In a way, these laws help to fuel absentee landlords. There is no incentive to keep tenants whose behavior results in fines for nuisance ordinance violations. However, there is an incentive to still stay hands off and just [remedy the situation through an eviction](#).*

MYTH: Those who make the 911 call or seek assistance from law enforcement/first responders (i.e. interpersonal violence situation, drug overdose, etc) are the only ones who face eviction.

Truth: *Unfortunately, all tenants in a residence are at risk of being evicted regardless of their involvement or absence in an incident. For one [Milwaukee resident](#), an argument solely between his two roommates ultimately resulted in his eviction. Although he was not involved or named in any of the police reports, he still was the victim of violating nuisance ordinances due to being a tenant of that residence.*

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