



Eliminating Crime-Free Programs & Nuisance
Ordinances in Illinois and Nationwide

What is a Crime-Free Program or Nuisance Ordinance?

- **Nuisance ordinances** are generally mandatory local laws that penalize owners and/or tenants for nuisance behavior and criminal activity that occurs on or near a property.
- **Crime-free programs** are often technically voluntary and have three primary components:
 - Training by local PD for owners on things like surveillance of tenants, communication with law enforcement, conducting criminal background checks, and the eviction process.
 - Requiring or encouraging the use of a crime-free lease addendum.
 - Considered the “soul” of these crime-free programs.
 - Certification of participating properties as a crime-free property and use of the designation in signage and marketing materials.
 - Usually conditioned on compliance with above-mentioned program components.
 - Owners who don’t “voluntarily” participate are often targeted.

Common CFNO Features

- Prohibit activities/behavior that is neither criminal or a nuisance by using broad, vague, and/or subjective definitions of “criminal activity” and “nuisance behavior.”
- Require or encourage a tenant to be evicted for alleged criminal activity, even w/o a conviction and/or where the alleged activity did not occur at the property.
- Require or encourage a landlord to evict an entire household.
- Define nuisance to include emergency service calls and mere contact with the police or other law enforcement bodies (i.e., ICE, child welfare).
- Authorize a local jurisdiction to maintain a tenant registry.
- Revocation of landlord license is threatened when non-compliance
- Require criminal background checks of both prospective and existing tenants;
- Require the use of a “crime-free” lease addenda.

Proliferation of CFNOs

- CFNOs gained popularity in the early 1990s.
- First programs were created by the International Crime Free Association (ICFA), founded by a former Meza, AZ police officer.
- ICFA offers:
 - Workshops on crime-free programs for different types of properties (e.g., rental homes, multifamily housing, mobile homes, condos, and motels).
 - Offered to property managers, owners, and police officers.
 - Grant writing support for jurisdictions and individuals looking to establish a “crimefree association.”
 - Model ordinances and crime-free lease addenda.
- There are approximately 2000 municipalities across 48 states that have a CFNO.

CFNO Justification

- Primary justification is crime reduction.
- Other purported benefits:
 - Increased property values.
 - Stronger relationship between law enforcement and the community they serve.
 - Greater community cohesion.
 - Prevention of more serious crime.

Actual Effect of CFNOs

- There is no evidence that CFNOs actually reduce crime.
- Rather, public data suggests that CFNOs are adopted in response to demographic change, with the purpose of stopping and even reversing the shift.
- Milwaukee, WI study found that predominantly Black census tracts were more than three times likely to be targeted by a CFNO, with a particular impact on survivors of color.

California

- A 2020 LA Times Article found that crime was either stable or on the decline in many jurisdictions that adopted a CFNO.
- The big change in these jurisdictions was an increase in the Black and/or Latinx population.
- The clear implication is that CFNOs are often adopted in response to demographic change, not a desire to reduce crime.
 - Public records (e.g., public meeting minutes, public complaints) often confirm this, as was the case in Hemet, CA and Hesperia, CA.)

CFNOs Target Changing Racial Demographics

- The 2023 Rand Corporation study confirmed that CFNOs have virtually no effect on crime rates.
 - The same study also found that jurisdictions with CFNOs have a larger proportion of Black residents than jurisdictions without.
 - And within CFNO jurisdictions, CFNO-covered units are located in neighborhood blocks with lower per capita incomes than in neighborhood blocks not covered by the CFNO.
 - **In short, people of color with low incomes were disproportionately targeted by the CFNOs.**

Nexus Between Demographic Change & Crime-free/Nuisance laws

Nuisance and Crime-Free Policies Often Approved in Response to “Demographic Change,” or in Increase in BIPOC Residents Moving into the Area

■ Cities with housing policies ■ No policy



Most cities with large influx of Black residents approved restrictive rental rules

A Times analysis found that 85% of California cities with the largest increases in Black population since 1990 have approved crime-free housing policies that encourage landlords to evict or exclude tenants who have had some interaction with police.

Liam Dillon, Ben Poston, Julia Barajas, “Black and Latino Renters Face Eviction, Exclusion amid Police Crackdowns in California.” Los Angeles Times (November 19, 2020). Available at:

<https://www.latimes.com/homeless-housing/story/2020-11-19/california-housing-policies-hurt-black-latino-renters>.

Legal Issues

- CFNOs raise a wide range of legal issues, including:
 - Constitutional Issues
 - First Amendment
 - Fourteenth Amendment
 - Statutory Issues
 - Fair Housing Act
 - AFFH Mandate
 - The Violence Against Women Act

AB 1418 Prohibitions

AB 1418 prohibits local governments from **promulgating, enforcing, or implementing an ordinance, rule, policy, program, or regulation**, that:

- penalizes tenants for contact with law enforcement;
- Requires/encourages a landlord to evict if: (1) a HH member has contact with police or a criminal conviction; (2) for an arrest or contact with law enforcement;
- Bars certain lease provisions, including provisions that make a single violation a material and incurable breach;
- Requires landlords to perform criminal background checks;
- Defines as a nuisance emergency service calls;
- Requires persons to obtain an occupancy permit as renters;
- Establishes or promotes a tenant registry for the purpose of discouraging landlords from renting to persons on the registry.

Maryland Advocacy

- Effort led by a broad coalition.
 - Included the disability community, which proved critical.
 - Also included advocates for survivors of human trafficking, in addition to DV/SA, legal aid, and civil liberties groups.
- **MD law prohibits punishing a tenant for summoning emergency assistance in all cases or from punishing a tenant because someone else called.**
- **Critically, the bill also creates Mobile Crisis Teams and other health-related emergency services.**
 - Goal is to support people experiencing a mental health crisis with competent services and to disconnect law enforcement from housing, which is much more likely to be confrontational and to escalate a situation.
 - A vital policy not replicated in any other state.
 - This provision was borne from the experiences of clients at Disability Rights Maryland.
 - Underscores the importance of centering the voices of directly impacted individuals.

Illinois

- Limited impact of 2015 legislation
- Advocacy for Statewide Guidance
- 2024 Legislative Initiative



Fair Housing Implications of Nuisance and Crime-Free Ordinances:

A Guide for Units of Local Government



Community Safety through Stable Homes Act

Support SB 3680 (Sen. Villa) and HB 5314 (Rep. Ford)

The CSSHA will prevent discrimination, help people contact police without fear, and improve responses to crime while also keeping families in their homes. Statewide, at least 145 jurisdictions have enacted CFNOs. Individuals and families harmed include:

- ordering the eviction of domestic violence survivor after her ex-boyfriend was arrested at her apartment in North Chicago for domestic battery and interference with a 911 call.

- selectively enforcing a CFNO against Black residents, Black neighborhoods, and survivors of domestic violence in Peoria. Property owners were often required to evict entire families based upon mere allegations that a member of a household engaged in nuisance or criminal activity.

- requiring a landlord to evict a family in Richton Park after they called to report a shooting on their block and were then retaliated against for attempting to cooperate with law enforcement.

A woman's eviction from Richton Park home shows flaws of crime-free ordinances

If calling police is a step law-abiding citizens are encouraged to do, crime-free ordinances that punish them from doing so only threaten to hinder police investigations.

By CST Editorial Board | Dec 2, 2023, 5:00am CST

X f e SHARE



Diamond Jones, 30, who is challenging Richton Park's crime-free housing ordinance, speaks with a reporter during an interview in her attorney's Loop office, Friday, Nov. 17, 2023. | Ashlee Rezin/Sun-Times

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Diamond Jones should have been granted a thorough explanation the moment she was alerted she was being **evicted from her rental property in Richton Park**.

Giving her a detailed rationale as to why she had to leave her home, plus due process, was the least officials in the south suburb could do.

The little she was told, however, is more information that what some tenants have gotten once they're accused of breaking crime-free and nuisance ordinances, which are often broadly written. Many don't know even know they are being evicted for such violations, as Jenna Prochaska, an assistant professor at University of Illinois Chicago School of Law, told us.

Read the entire Chicago Sun-Times editorial at <https://bit.ly/CSTCFNOED>

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The bill protects civil rights and prevents homelessness by prohibiting local governments and public housing authorities from:

- Forcing/encouraging landlords to evict tenants based on alleged criminal/nuisance behavior.
- Classifying any law enforcement or emergency contact as nuisance behavior, including calls for help.
- Requiring or encouraging landlords to use criminal background checks.
- Requiring or encouraging landlords to evict entire households when one member's contact with law enforcement or conviction, which can tear families apart.
- Landlords are free to still independently evict or screen.

Endorsers

- Access Living
- AIDS Foundation Chicago
- Alliance for Safety and Justice
- Alliance to End Homelessness in Suburban Cook County
- Association for Individual Development (AID)
- Arab American Family Services
- BEDS Plus Inc.
- Campaign Zero
- Chicago Area Fair Housing Alliance
- Chicago Coalition for the Homeless
- Chicago Lawyers' Committee for Civil Rights
- Center for Housing and Health
- Citizen Action/Illinois
- Community Equity Lab at NYU Law School
- Connections for the Homeless
- Crime Survivors for Safety and Justice
- Hesed House
- Home of the Sparrow
- HOPE Fair Housing Center
- Housing Action Illinois
- Illinois Coalition Against Domestic Violence
- Illinois Justice Project
- Illinois Network of Centers for Independent Living
- Law Center for Better Housing
- Legal Action Chicago
- NAMI Illinois
- National Coalition for the Homeless
- National Housing Law Project
- North/Northwest Suburban Housing Task Force
- Open Communities
- Progress Center for Independent Living
- Shriver Center on Poverty Law
- South Suburban PADS
- TASC, Inc. (Treatment Alternatives for Safe Communities)
- The Network: Advocating Against Domestic Violence
- Thresholds
- Uptown People's Law Center

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