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# Evicting Victims: Reforming St. Louis's Nuisance Ordinance for Survivors of Domestic Violence

By Nava Kantor and Molly W. Metzger

Nuisance ordinances, established in municipalities nationwide to ostensibly protect the well-being of residents, threaten property owners with fines and jail time if they fail to abate a nuisance occurring on their property. Rather than promoting conflict resolution, such punitive consequences incentivize landlords to simply evict the tenants causing the nuisance. The enforcement of nuisance ordinances can have detrimental and disproportionate effects on already-vulnerable populations, including tenants in domestic violence situations. The City of St. Louis employs a chronic nuisance ordinance, which is based in part on the number of police calls to a property. This ordinance can force survivors of domestic violence to choose between not reporting abuse to avoid homelessness or risking eviction to get the police assistance required to protect their safety. To mitigate these negative effects of the ordinance, the City of St. Louis should (1) ensure that tenants are informed and empowered during the nuisance abatement process; (2) encourage alternative abatement procedures; (3) improve data collection; and (4) add a domestic violence exemption to the ordinance.

## Background and Importance of the St. Louis Nuisance Ordinance

St. Louis City Ordinance 68535, approved by the Board of Aldermen in 2009, establishes procedures for the abatement of public nuisances. According to the ordinance, a nuisance is defined as “detrimental to the safety, health, morals, or repose of any inhabitants of the City of St. Louis” (St. Louis City Ordinance 68535, 2009). The ordinance (2009) states that a public nuisance exists when one or more calls for police service are made within one year regarding the illegal sale, manufacture, storing, possession, distribution, or use of narcotics, drug paraphernalia or precursors, firearms, weapons, or explosive devices. If two or more calls for police service are made within

one year regarding one of the following categories, the property is also deemed a nuisance: prostitution, illegal gambling, illegal sale or consumption of alcohol, violation of business licensing regulations, commission of any offense punishable by at least 90 days of jail time, making a false report to a police officer, any activity that violates a law, or “maintaining or permitting a condition or engaging in an activity which unreasonably annoys, injures, or endangers the safety, health, morals, or repose of any inhabitants of the city” (St. Louis City Ordinance 68535, 2009).

The city enforces the nuisance ordinance through a series of escalating actions. When a property meets or exceeds the requisite number of service calls within a year, a committee of Problem Property Officers from the police force, Neighborhood Improvement Specialists, and the City Counselor's Office review it at a monthly “crackdown” meeting. When a property is observed to have received a high volume of calls, the Director of Public Safety sends a Cease and Desist letter to the person or entity who owns the premises. The letter identifies the activities or conditions causing a public nuisance and lists the “reasonable abatement measures” the landlord must take within 30 days of receipt. Once the Director of Public Safety sends the letter, the city flags the property in its databases and dispatching systems as a nuisance property. A meeting is scheduled with the property owner to discuss the issue and possible abatement measures. Once the property owner receives the Cease and Desist letter, they must attempt to abate the nuisance within 30 days.

If the nuisance continues beyond that timeframe, the property owner may receive a summons for “maintaining a nuisance” or “failure to abate a nuisance.” A defendant who pleads or is found guilty must pay a fine of between \$100 and \$500 or serve up to 90 days in jail; the fine amount increases with each additional offense. Continued failure to abate the



Washington University in St. Louis

nuisance may result in an administrative hearing that may lead to the property being closed and boarded up for a one-year period. Property owners may face additional daily fines and imprisonment if the nuisance is ongoing.

## The Problem: Nuisance Ordinances, Domestic Violence, and Eviction

Resolving potentially dangerous nuisance situations is an important part of developing and maintaining neighborhoods in which people feel safe and comfortable. Key tools in neighborhood revitalization efforts, nuisance abatement and code enforcement ensure that landlords appropriately maintain their buildings and create safer and more orderly living environments for residents (Schilling & Schilling, 2007). By enthusiastically using and strengthening such tools, city governments nationwide have promoted chronic nuisance laws that are overly tough on both property owners and tenants; moreover, such laws allow cities to fine property owners deemed to require “excessive” police attention to recoup the cost of providing these police services (Fais, 2008).

Though the nuisance ordinance is meant to maintain peace and security in city neighborhoods, its enforcement can have detrimental effects on tenants in vulnerable positions, specifically those experiencing domestic violence. Most nuisance ordinances across the country, including that of the City of St. Louis, operate based solely on the number of times a problem on the property is reported to the police, and do not include any exceptions for cases of domestic violence (Fais, 2008). Acts of intimate partner violence tend to occur at home, with over three-fourths of violent crimes committed by spouses occurring at the survivor’s residence (Fais, 2008). Moreover, this violence disproportionately affects women. A recent national survey found that nearly one in five women reported having been raped in their lifetimes as compared with one in 59 men; and one in four women reported having experienced physical or sexual violence from an intimate partner compared to one in 10 men (Centers for Disease Control, 2012). Therefore, the nuisance ordinance, which is aimed specifically at crimes happening in homes, has a disparate impact on female survivors of domestic violence.

The link between domestic violence and homelessness in the United States is well documented. About

half of homeless women and children cite the need to escape an abusive situation as one cause of their state of homelessness; moreover, national studies have shown that survivors of domestic violence are often unlawfully denied housing based on having an order of protection against someone or having lived in a domestic violence shelter (Fais, 2008). One study of the nuisance ordinance in Milwaukee, Wisconsin, found that one-third of all citations over a two-year period were related to domestic violence and that most landlords “abated” these “nuisances” by evicting the tenants (Desmond & Valdez, 2012). Another study demonstrated that low-income African American women have the highest likelihood of being evicted of any demographic group (Desmond, 2012). The Violence Against Women Act has made it illegal for public housing authorities, federally funded housing projects, and private landlords who accept Section 8 vouchers to evict tenants based on criminal activity directly related to domestic violence, but other private landlords are not legally bound to avoid this discrimination (Whitehorn, 2007; National Housing Law Project, 2013).

Chronic nuisance ordinances like the one in St. Louis can force survivors of domestic violence to choose between not reporting abuse to avoid homelessness and risking eviction to get the police assistance required to protect their personal safety. If a tenant is not the person causing the nuisance, but is in fact adversely affected by it, that person may still face the legal repercussions (Swan, 2015). If a landlord pressures a tenant after his or her property lands on the nuisance list, fear of being evicted can prevent the tenant from calling the police when police presence is indeed necessary (Desmond & Valdez, 2012). The ordinance’s punitive interventions (e.g., fines, jail time, loss of income from the city boarding up the building) incentivize property owners to solve the problem quickly by initiating eviction proceedings. This “abatement” measure does not achieve the goal of the nuisance ordinance to resolve criminal and unsafe situations in home settings. Rather, evicting survivors of domestic violence by way of the nuisance ordinance perpetuates cycles of vulnerability and trauma for a population already at risk for homelessness.

The nuisance ordinance may also cause the City of St. Louis to be in violation of its duty to affirmatively advance fair housing in accordance with U.S. Department of Housing and Urban Development regulations (Sargent Shriver National Center on Poverty Law, 2013). The nuisance ordinance’s disparate impact on female survivors of

domestic violence contradicts the city's fair housing obligations and could jeopardize its federal housing and community development funding (Sargent Shriver National Center on Poverty Law, 2013).

## The Unintended Consequences of the Nuisance Law in St. Louis

A recent study by St. Louis University professor Gretchen Arnold showed that the city's nuisance ordinance exacerbated the dangerous situations that female domestic violence survivors face (Arnold, 2015). Nearly all of the women interviewed for the study reported being afraid to call 911 out of fear of being evicted, even in abusive situations. Some of the women stated that their abusers had exploited the fear of calling 911 and possibly getting evicted to continue the abusive behaviors. Some battered women have been forced to seek alternate means of protection, such as barricading themselves into their homes, moving to a different city, or going to a hospital to ask someone there to call the police on their behalf. The women interviewed for the study stated that their landlords, even sympathetic ones, had told them that they could no longer call the police for any reason or they would risk being evicted, which is consistent with national findings from the American Civil Liberty Union's 2015 study of the broad and sweeping negative impact of nuisance laws on people's ability to get help from law enforcement. Arnold's St. Louis study also highlighted the long-term consequences of a nuisance-related eviction for domestic violence survivors, including ongoing housing instability, separation from children, threatened eligibility for low-income housing or Section 8 certification, and negative impacts on mental and physical health.

In contrast to the ways the nuisance ordinance generally harms survivors of domestic violence in St. Louis, some law enforcement officials have intentionally tried to use the ordinance to combat chronic domestic violence (Arnold & Slusser, 2015). In 2009, Problem Property Officers began to forward domestic violence survivors' contact information to the Domestic Violence Intervention Partnership (DVIP)—a collaborative effort between the St. Louis Metropolitan Police Department and a battered women's advocacy organization—so that DVIP advocates could contact them to help with safety planning (Arnold & Slusser, 2015). The enforcement of the nuisance ordinance reveals some domestic violence cases to the police and may connect survivors to resources through DVIP. However, it

leaves the onus to take action (e.g., obtain an Order of Protection, keep the abuser away by other means, move out of the vicinity to stop the abuser's behavior from creating further disruption at that property) on the survivor, rather than holding the abuser accountable (Arnold & Slusser, 2015). Moreover, the structure of the DVIP referral process may set up an adversarial relationship between the survivor and the advocate from the beginning, as the advocate must explain that he or she is calling because the property appears on the city's nuisance list and may be subject to fines (Arnold & Slusser, 2015). Rather than resolve the problem, this process creates a lack of trust that diminishes the effectiveness of DVIP and reinforces that the city's first priority in nuisance cases is to end the 911 calls from or about a property.

## Toward a Need-Responsive Policy: Reforming the Nuisance Ordinance

To mitigate the unduly negative effects of the nuisance ordinance on people who experience domestic violence, the City of St. Louis should consider the following steps.

### 1. Ensure that tenants are informed and empowered in nuisance processes

The way the City of St. Louis's nuisance ordinance is currently implemented does not include renters in the process until the very last step, whereupon they may receive a summons to appear in court; renters receive no information about their rights, whereas property owners are made aware of the law and its potential consequences earlier in the process (Arnold & Slusser, 2015). Tenants are almost never allowed to attend the problem property meetings, leaving them without any representation in the conversation and more vulnerable to eviction (Arnold & Slusser, 2015). By including tenants in these meetings, the city could more effectively and sustainably resolve nuisance situations by reducing the risk that the survivor will end up in a shelter or on the streets and increasing the chances of stopping the abuser. Linking tenants to resources such as the Metropolitan St. Louis Equal Housing and Opportunity Council, Arch City Defenders, Legal Services of Eastern Missouri, and the Missouri Commission on Human Rights could help protect tenants from being inappropriately evicted.

In cases wherein the Problem Property Officer

suspects domestic violence from the start, however, connection to domestic violence advocates for safety planning should occur prior to tenant involvement in the nuisance process. Otherwise, an abusive partner may use knowledge about the nuisance ordinance and risk of eviction to pressure an abused partner into not reporting violence.

An intervention that (1) ensures tenants and property owners receive and understand notices about the beginning of the nuisance abatement process on a property, and (2) educates the tenants on their rights and options in that situation could make some difference in avoiding evictions. This is the minimum the city should do to avoid situations in which tenants are pressured to vacate their homes after receiving misinformation from their landlords.

## 2. Encourage alternative abatement processes

Short of amending the nuisance ordinance with an exemption clause for domestic violence survivors, or until such a clause can be added, the City of St. Louis should use alternative abatement procedures in domestic disturbance cases. Genuine attempts on the part of the landlord to help connect battered or at-risk tenants to social services could also be counted by the Problem Property Officer as a “reasonable attempt” at abatement.

A more intensive—and likely more successful—abatement process for “nuisances” related to domestic disturbance would be for the city to develop a targeted case management system for these cases by expanding the role of DVIP. Case managers could make in-person contact with tenants at the nuisance property and assess whether they would benefit from assistance in finding a new living situation, obtaining an order of protection, or other safety planning. Most Neighborhood Improvement Specialists lack the time and training to perform these specialized duties. Appropriately training staff and police officers to respond to domestic violence cases will likely lead to more sustainable resolutions to “nuisances,” which in turn would help survivors to avoid homelessness and escape dangerous living situations. Based on their interviews with all parties involved in the process of resolving nuisance issues, Arnold and Slusser (2015) suggested that DVIP advocates should work in the same physical space as the police to enhance communication about cases. Arnold and Slusser (2015) further suggested that DVIP advocates attend any problem property meeting stemming from a

database entry labeled “domestic disturbance” to more fully integrate this resource into the whole process.

## 3. Improve data collection

To be effective in resolving dangerous and disruptive situations in home settings, the city government must track the outcomes for tenants of nuisance properties rather than tracking outcomes only for property owners. The city government should explore how it could crosstabulate eviction records, change of address records, and domestic violence incident records. This would enable the city to get a clearer sense of the scope of the problem. For example, in a domestic disturbance nuisance case, the city should monitor whether the tenants turn over after the nuisance process is initiated. Although Arnold and Slusser’s (2015) data point to domestic violence survivors getting evicted via informal processes that may not be recorded by any formal systems, this type of formal data analysis would still help the city government build its understanding of the unintended consequences of enforcing the nuisance law as it is currently written. It would also allow for more targeted and tailored action from the city in appropriately addressing each category of nuisance. This recommendation would require additional staff time, but the knowledge gained would be highly beneficial in improving the efficiency of the city’s response to domestic violence.

An even broader approach would be for the city to map out nuisances related to domestic violence and target social service delivery and agency presence toward neighborhoods with high numbers of these incidents. Improved integration of social service resources with the nuisance response system will require the provision of additional financial resources.

## 4. Add a domestic violence exemption to the ordinance

The nuisance ordinance itself should be reformed to include an exemption for domestic violence survivors. Such an exemption would protect the rights and mitigate the vulnerable status of domestic violence survivors and empower them to call the police for protection. At the same time, the city could continue to use the ordinance as needed to address other nuisance categories (Fais, 2008). On June 29, 2015, the Illinois General Assembly sent Senate Bill 1547 to the governor for signature (Legiscan, 2015). The bill prohibits the enactment

or enforcement of any ordinance that penalizes landlords or tenants for contact with the police or other emergency services if the contact is made to prevent or respond to domestic violence or any other emergency situation (Illinois SB 1547, 2015). The bill neither prohibits the eviction or imposition of penalties against perpetrators of domestic violence nor impairs the abatement of other nuisance categories (Illinois SB 1547, 2015). Minnesota and Pennsylvania have already passed similar laws (Housing Action Illinois, 2015), and now Missouri's neighbor to the east is following suit. A broad coalition of organizations has endorsed Senate Bill 1547, including the American Civil Liberties Union of Illinois, the Illinois Coalition Against Domestic Violence, the Illinois Association of Realtors, the League of Women Voters of Illinois, Lutheran Advocacy-Illinois, and the Sargent Shriver National Center on Poverty Law (Housing Action Illinois, 2015).

The City of St. Louis should set an example for the rest of Missouri by taking the initiative to include an exemption for domestic violence cases in its nuisance ordinance. If the City of St. Louis adds this type of exemption to its nuisance ordinance, law enforcement could immediately begin diverting domestic violence cases to DVIP, preemptively avoiding any entrance into the nuisance abatement process at all. This change will weaken the link between being battered and being evicted, and will enhance DVIP's ability to forge trusting working relationships with their clients. This recommendation would not cause the city to incur any fiscal costs and may in fact save the city the time and resources it would otherwise spend on a nuisance abatement process.

## Conclusion

The nuisance ordinance serves an important function: to grant the city government the authority to intervene in nuisance situations to benefit the health and safety of its constituents, and to give landlords the tools to evict problematic tenants when appropriate and necessary. Working toward a safer community is an essential goal for the city, but penalizing people for calling the police in emergency situations is an ineffective and contradictory way to achieve it. We recognize that the nuisance ordinance has a disparate impact on not only survivors of domestic violence, but also other populations, such as people with disabilities and people with mental illness. We believe that analogous policy changes to those we have outlined

here can protect these vulnerable populations as well. If the city government takes a more people-centered approach to this problem by amending the ordinance and encouraging abatement measures other than eviction, it will move closer to making the City of St. Louis a safer place to live.

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## Authors

### Nava Kantor

Research Assistant, Center for Social Development  
njkantor@wustl.edu

### Molly W. Metzger

Faculty Director, Thriving Communities  
Center for Social Development  
mmetzger@brownschool.wustl.edu

## Contact Us

Center for Social Development  
George Warren Brown School of Social Work  
Washington University in St. Louis  
Campus Box 1196  
One Brookings Drive  
St. Louis, MO 63130  
csd.wustl.edu