

ACLU of Minnesota

THE PROBLEM WITH CRIME-FREE HOUSING ORDINANCES

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executive director of HOME Line, a nonprofit organization that provides free legal, organizing, educational, and advocacy services so tenants throughout Minnesota can solve their own rental housing problems. Learn more at homelinemn.org (<https://homelinemn.org>).

As a Minnesota-based statewide tenant rights organization that advises roughly 15,000 renter households annually, [our organization](http://homelinemn.org) (<http://homelinemn.org>) has witnessed numerous Minnesota cities adopting rental housing disorderly conduct, nuisance, and/or crime-free ordinances (hereafter abbreviated CFOs) over the past 20 years. In general these types of ordinances provide cities the ability to issue penalties to landlords or revoke rental licenses if there is repeated disorderly, nuisance or criminal behavior occurring at or around their rental property.

A little over a year ago HOME Line initiated a preliminary analysis outlining a list of metro-area communities that have enacted local ordinances governing conduct at rental properties. The research identified nearly 50 cities in the 7-county Twin Cities metro area that regulate such activities within rental housing, most of which penalize landlords in some fashion if they do not pursue lease termination and/or eviction for certain activities. In 18 cities, codes require that landlords include detailed lease language or lease addendums that outline specific “good causes” for termination of the tenancy. This analysis prompted key questions. Are these ordinances actually helping prevent crime? How are tenants notified of such actions? How might CFOs influence tenants perceptions about their ability to seek emergency assistance?

HOME Line is concerned about how CFOs potentially lead to harmful outcomes for tenants—both in their direct enforcement on individual families as well as related to broader implications on renters’ rights to fair, safe, and uninfringed access to police and emergency services. We regularly advise tenants about public safety concerns and we want cities to care about and regulate rental housing to ensure decent, safe, healthy housing. Cities asking tenants to follow the law and requiring landlords to protect their tenants from criminal actions against them is not inherently bad, but certainly the details around implementation and community perception of such regulation could contribute to fear of calling for help or even unjust involuntary displacement.

And details matter—they can mean the difference between a police-related call counting against a landlord or a call for emergency assistance or a response to domestic abuse already exempted from such penalties by [Minnesota state law](#) (<https://www.revisor.mn.gov/statutes/cite/504b.205>). Further, on a national level, the U.S. Department of Housing and Urban Development [issued guidance in 2016](#) (<https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>).

outlining that enforcement of these local policies, depending on the scenario, could be a violation of the Fair Housing Act.

HOME Line supports the [ACLU's legal challenge \(https://www.aclu-mn.org/en/news/minnesota-citys-ordinance-illegally-targets-people-color-rental-housing\)](https://www.aclu-mn.org/en/news/minnesota-citys-ordinance-illegally-targets-people-color-rental-housing) to the City of Faribault's Rental Licensing Ordinance for a number of reasons. First, Faribault's crime-free ordinances are among the most aggressive that HOME Line has reviewed while advising renters throughout Minnesota. The city requires criminal background screening of all adult prospective tenants, retention of that information, and release of the information to the city. Second, landlords are ordered to "actively pursue the eviction of the tenants or termination of the lease with the tenants who violate the terms of the lease and/or the crime-free/ drug-free housing lease addendum." Lastly, the occupancy standards included in Faribault's Rental Licensing chapter are above and beyond what many cities require, and they are enforced only on residential rental properties. These standards, intentionally or not, directly and without cause impact families and children, and they appear to be specifically targeting Faribault's Somali population. In most Minnesota cities, rental properties are simply regulated under the same occupancy standards as other residential properties (commonly within zoning or fire codes).

Considering that Faribault's ordinances are more intrusive than most Minnesota cities where HOME Line advises renters, and that it appears that the drive to enact or intensify these provisions were in response to the changing demographics of the city, we agree that the city should repeal these ordinances immediately and work with renters, advocates, and community stakeholders to reform local rental licensing policies.

Fortunately, some Minnesota cities are taking note of the impacts of CFOs. For example, [Minneapolis city council member Phillipe Cunningham has moved forward on changes \(http://www.startribune.com/minneapolis-reconsiders-its-eviction-oriented-](http://www.startribune.com/minneapolis-city-council-member-Phillipe-Cunningham-has-moved-forward-on-changes)

[approach-to-landlords/485045801/](#)) to the city's Conduct on Premises ordinances following a [critical report on the impact of the policy by the Police Conduct Oversight Commission](#) (<https://lims.minneapolismn.gov/Download/RCA/4711/Eviction%20Study%20v2.1.pdf>).

Other cities should take Minneapolis's lead on evaluating the impacts of their local CFOs (prioritizing a racial equity lens in such reviews), considering amending CFOs to include important tenant protections, and identify other key changes to ensure these ordinances comply with while also affirmatively furthering Fair Housing.