

MINNEAPOLIS

Nuisance property laws in Minneapolis are getting a second look

Crime victims are sometimes caught up in the net, study finds.

By Libor Jany (<http://www.startribune.com/libor-jany/219430401/>) Star Tribune |

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In Minneapolis, as elsewhere, nuisance property laws were conceived as another tool for law enforcement against the scourge of drug-related crime. But in practice they can uproot tenants in low-income and minority neighborhoods, some of whom are themselves crime victims, according to a new study.

If the city puts too much pressure on landlords to deal with problem properties, they are more likely to evict tenants or discourage them from calling 911, according to the preliminary research done by the Police Conduct Oversight Commission, a civilian-led body that makes policy recommendations.

Ryan Patrick, an analyst with the city's Office of Police Conduct Review, said the study of hundreds of management plans showed the nuisance ordinance was applied unevenly after landlords received a warning letter from the city.

"By adding some due-process elements, along with some additional review of the cases, you may be able to avoid vacating some of the tenants — particularly some of those with children, or tenants who weren't necessarily directly involved in the criminal activity," said Patrick, one of the study's authors.

A property can land on a city's nuisance list if police or emergency services respond to an address too frequently, which in Minneapolis means more than once a year on most drug- and weapons-related calls, according to Imani Jaafar, director of the Office of Police Conduct Review. But some of the cases reviewed involved the discovery of small amounts of narcotics, which could trigger an eviction even if the possessor didn't live at the address.

Researchers also found problems with how landlords in trouble with the city were being taught to resolve the issue. A city-sponsored class for property owners who received a warning letter focused on evicting problem tenants, leading some landlords to seek evictions out of fear of facing hefty fines or having their rental licenses revoked for tolerating disturbances — without considering other options, Jaafar said. The trainings, which were led by a Police Department crime prevention specialist, had gone on for years with little oversight, she said.

"What he was doing is that he was training people to say, 'Hey, the easy thing is to get people to vacate,'" said Jaafar, a former housing lawyer. "If you're training them to have an eviction training lens, then they're not going to think any other way."

Still an effective tool

Some of the report's suggestions have already been implemented, including shifting responsibility for the landlord trainings to the city's Regulatory Services division, according to Minneapolis police Cmdr. Charlie Adams. But, he added, the law is still an effective tool for dealing with "gambling, liquor sales, drugs, weapons, loud music, basically dealing with those livability issues."

"I don't think anybody's talking about getting rid of the ordinance," said Adams, head of the department's community engagement efforts. "They're just basically looking at the ordinance to see [if it has] an impact on certain groups."



Imani Jafaar, of the Office of Police Conduct Review, was photographed outside her office at Minneapolis City Hall Wednesday.] AARON

The office of Regulatory Services declined to comment on the study. Statistics from the findings were not yet released, but the final report will be presented to the police oversight commission for approval next week, followed the week after by the City Council's public safety committee.

In some cases, officers were surprised to learn their reports were being used against tenants in housing court, she said. She recounted the story of one cop, who, upon finding out that an East African man was in the process of being evicted after police found a small amount of khat in his apartment, wound up testifying in court that he may have confused the leafy narcotic with spinach.

Proponents of nuisance laws, created in the 1990s to combat the exploding drug trade, argue that these ordinances create safer communities by giving cities tools to get rid of troublesome residents, without meeting the legal burden of convicting someone of a crime.

But critics say that an eviction under any circumstances can send tenants into a downward spiral, pointing out the link between evictions and homelessness. Evictions, they argue, can carry as much of a stigma as a criminal record, not only limiting a tenant's future job and housing prospects but also potentially leading to weakened social ties and lower credit ratings.

This can happen even in cases when the tenant was the victim of the crime or called the police for protection. And while there are certain protections locally for victims of domestic violence, some residents may still avoid calling the police in times of crisis, rather than face potential fines, eviction or other penalties.

"This one stupid call has now spiraled into a whole family getting kicked out," said Patrick. "Do you want to dissuade people from calling 911 because of that possibility?"

Much like in a widely cited study out of Milwaukee, evictions in Minneapolis disproportionately affected poor and minority ZIP codes, researchers say. In fact, eight neighborhoods in north Minneapolis comprise more than half the cases where the ordinance was used, they say.

A 2016 Minneapolis study found that the number of evictions sought by landlords decreased in recent years, from 4,136 in 2009 to 3,140 in 2015 (mostly for nonpayment of rent), although the report's authors pointed out that those figures don't account for a "potentially significant number" of informal evictions.

The focus on court-ordered evictions masks a bigger problem, because far more tenants, when threatened with eviction, leave on their own accord and move in with relatives, according to Joseph Mead, an assistant professor of urban studies at Cleveland State University. Others are forced to move into more rundown apartments or homeless shelters, he said.

"Police are called unevenly — in apartment buildings, for example, the closeness of living space means that people are more likely to call the police on their neighbors than they normally would," said Mead, who has analyzed thousands of nuisance-related public records from around the country. "So punishing people because police happen to be visiting a property, that falls unevenly on a community."

Groups such as the American Civil Liberties Union have sued to challenge several cities' nuisance laws.

"It's not being used against a drug house or problem properties," Mead said. "It's being used against survivors of domestic abuse, it's being used against somebody who called a suicide hotline."



Imani Jafaar, of the Office of Police Conduct Review, was photographed in a conference room near her office at Minneapolis City Hall

Libor Jany is the Minneapolis crime reporter for the Star Tribune. He joined the newspaper in 2013, after stints in newsrooms in Connecticut, New Jersey, California and Mississippi. He spent his first year working out of the paper's Washington County bureau, focusing on transportation and education issues, before moving to the Dakota County team.

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