



THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB 323 Real Property - Limitations on Summoning Law Enforcement or Emergency Services - Prohibition

Every Marylander should be able to summon police or medical services during an emergency. However, 'nuisance laws' enacted by some local governments threaten the ability of a resident to get help when they need it.

A handful of local jurisdictions have enacted laws to penalize property owners for repeated calls for police service to their property. These nuisance laws subject the landlord or property owner to a fine and possible loss of their rental license if the police are called out to a property more than a certain number of times within a specified timeframe—such as two times within 30 days.

No one wants to have neighbors that are engaged in criminal activity, but these local laws also serve as a deterrent for residents calling the police during an emergency for fear of reprisal by their landlord. That's because the landlord will usually evict the tenant after the first call for police service. This can occur even when the tenant did nothing wrong and was the victim of a crime. Even when nuisance ordinances do not explicitly require eviction, landlords resort to eviction nonetheless in order to protect their business and income.¹

Local governments enact 'nuisance laws' in the hopes of addressing repeat criminal activity, but these laws are discriminatory against several protected classes of people.

This bill would ensure the right of residents to get help from police and EMS by barring local 'nuisance laws' from penalizing landlords and tenants for summoning assistance.

Nuisance Laws are Discriminatory

Local nuisance laws often result in discriminatory outcomes for people of color, victims of domestic violence, LGBTQ+ individuals, and people with disabilities.

As noted by the U.S. Department of Housing and Urban Development's Office of General Counsel, local nuisance laws have the effect of being racially discriminatory and often result in

¹ "Silencing Women's Voices: Nuisance Property Laws and Battered Women." G. Arnold & M. Slusser, Journal of the American Bar Foundation (2015).

evictions of people who are either victims of crime or who are never charged with a crime.² Nuisance laws have also perpetuated the legacy of racial segregation in housing³ and disproportionately harm people of color and people with disabilities.^{4,5}

Some local ordinances specifically define “excessive” calls for police or emergency services as nuisances, even when the tenant is a victim of domestic violence, stalking, or another crime that requires police, medical, or other emergency assistance.⁶ This deters the reporting of crime and places victims of crime in heightened danger, resulting in some victims being afraid to call for help for fear of eviction.¹ The existence of a nuisance ordinance can also deter landlords from renting to persons they believe will be a victim of crime, especially domestic violence victims.⁴

Local nuisance ordinances also violate a number of Constitutional and federal protections, thereby opening local governments and landlords to liability. A number of lawsuits have been successfully litigated against municipalities because of their enforcement of a nuisance ordinance.⁴

Even Maryland’s Office of Crime Control and Prevention lists “enforcing or promoting nuisance abatement ordinance, crime-free housing ordinances, or crime-free lease addenda” as an activity that has “been found to jeopardize victim safety, deter or prevent physical or emotional healing for victims [of domestic violence, sexual assault, or stalking], or allow offenders to escape responsibility for their actions.”⁷

Maryland in Context

In Maryland, nine municipalities and five counties have enacted nuisance laws. These local laws vary in terms of how they define a nuisance, but most are based on documented criminal activity, such as a police report or arrests.⁸ Very few of these laws are based on the number of calls for police service.⁹ However, among the jurisdictions with such laws, as few as two calls for police service within a month can be grounds for fining a property owner.

Local laws also vary in the types of calls for service that can be counted towards the designation of a nuisance property. In most Maryland jurisdictions, minor infractions such as littering, alcohol violations, and noise violations are sufficient grounds under local law to initiate penalties, which can result in the eviction of the tenant.

² “Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services.” HUD (2016).

³ “Racial Exclusion Through Crime-Free Housing Ordinances.” Deborah Archer (2019).

⁴ “Silenced: How Nuisance Ordinances Punish Crime Victims in New York.” ACLU (2015).

⁵ “Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women.” Matthew Desmond & Nicol Valdez (2012).

⁶ “Victims’ Dilemma: 911 Calls Can Bring Eviction.” Erik Eckholm, New York Times (2013).

⁷ FY 2019 Services, Training, Officers, and Prosecutors Violence Against Women Formula (STOP VAWA) Grant Program: Notice of Funding Availability. <http://gocccp.maryland.gov/wp-content/uploads/FY2019-VAWA-NOFA-1.pdf>

⁸ Anne Arundel (local law), Baltimore City, Baltimore County, Prince George’s County, Brunswick, College Park, Hampstead, Manchester, Union Bridge, and Westminster.

⁹ Anne Arundel (state law) and Harford Counties, Frederick, Hagerstown, and Smithsburg.

What This Bill Does

This bill would create several safeguards for Marylanders in order to reform overly punitive local nuisance laws.

It would prohibit local governments from enacting nuisance laws that punish landlords and tenants for the summoning of police or emergency services, specifically using the number of calls for police or emergency service as part of their definition of a nuisance property. Examples of prohibited practices include fines against the landlord or loss of rental certificate, as well as the actual or threatened eviction of a tenant or termination of their lease. Nine other states have passed similar legislation.¹⁰

The bill would also prohibit a landlord from evicting or threatening to evict a tenant solely based on the summoning police or emergency assistance. HB 323 would also prohibit residential lease provisions that limit the ability of tenants to seek police or emergency assistance. This would prevent landlords from using a “crime-free” lease addendum. Such addenda are currently used in Hagerstown¹¹ and allow a landlord to evict a tenant for alleged criminal activity by the tenant or their guests, even if they were the victim of a crime. Eleven other states plus the District of Columbia have passed laws to mandate protections in rental agreements that ensure tenants have the right to call for emergency services.¹²

¹⁰ California, Illinois, Indiana, Iowa, Louisiana, Pennsylvania, Nevada, Utah, and Wisconsin.

¹¹ <https://www.hagerstownmd.org/DocumentCenter/View/2319/Crime-Free-Addendum-for-Landlords>

¹² Arizona, Arkansas, California, Colorado, Iowa, Louisiana, Minnesota, New York, South Dakota, Texas, and Utah.