

Testimony of the Human Trafficking Prevention Project

BILL NO:	House Bill 215
TITLE:	Real Property – Limitations on Summoning Law Enforcement or Emergency Services – Prohibition
COMMITTEE:	Judiciary
HEARING DATE:	February 1, 2023
POSITION:	FAVORABLE

House Bill 215 would prohibit the eviction of tenants for utilizing emergency public services, such as law enforcement, fire department, and emergency medical services, and prohibits local jurisdictions from passing ordinances that penalize owners and tenants of housing who utilize these services. The Human Trafficking Prevention Project supports this bill because it will reduce the likelihood that victims of crime, including those experiencing human trafficking, will be deterred from requesting assistance in times of emergency. Additionally, reducing the likelihood of eviction for any tenant reduces their risk of becoming a victim of human trafficking, as homelessness and housing instability are direct predictors of the crime.

Several local governments in Maryland have enacted laws to penalize property owners for repeated calls for police service to their property. These local laws vary in terms of how they define a nuisance, but many are based on the number of calls for police service, where as few as two calls to the police within a month is grounds for fining the property owner. In reaction to these unwelcome financial outcomes, landlords usually choose to evict the tenant instead, even when the nuisance ordinances do not explicitly require eviction.¹ While these laws are often couched in language around reducing or eliminating criminal behavior, in practice they function as a deterrent for residents calling the police during an emergency for fear of reprisal by their landlord.

Some local ordinances specifically define “excessive” calls for police or emergency services as nuisances, even when the tenant is a victim of a crime that requires police, medical, or other emergency assistance, such as domestic violence or human trafficking.² 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. 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,³ many of whom are also victims of human trafficking. Maryland’s own Office of Crime Control and Prevention has formally recognized the harm these ordinances can cause, listing “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 crime], or allow offenders to escape responsibility for their actions.”⁴

In addition to deterring victims of crime for calling for assistance from law enforcement or emergency services, nuisance laws put these same victims at higher risk of exploitation by a trafficker. Housing instability and homelessness factor heavily into recruitment by a trafficker, who often offers safe shelter as a means of coercive recruitment, then threatens to turn the victim back out on the street as a means of control.⁵ This is particularly dangerous for youth, with 64% of youth survivors of trafficking reporting experiencing homelessness or being unstably housed when they were recruited by their trafficker.⁶ Already struggling with fewer resources,

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

² “Victims’ Dilemma: 911 Calls Can Bring Eviction.” Erik Eckholm, New York Times (2013).

³ “Silenced: How Nuisance Ordinances Punish Crime Victims in New York.” ACLU (2015).

⁴ FY 2019 Services, Training, Officers, and Prosecutors Violence Against Women Formula (STOP VAWA) Grant Program: Notice of Funding Availability. <http://goccp.maryland.gov/wp-content/uploads/FY2019-VAWA-NOFA-1.pdf>

⁵ Brittany Anthony et. al., *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking* (2018).

⁶ *Id.*

LGBTQIA+ youth who are experiencing homelessness are 3-7 times more likely to engage in survival sex to meet their basic needs than their non-LGBTIA+ homeless peers, and are therefore put at even greater risk.⁷

HB 215 would reduce this risk for already vulnerable populations, as well as eliminate eviction as punishment for victims of crime who seek access to emergency services. For these reasons, the Human Trafficking Prevention Project at the University of Baltimore School of Law supports House Bill 215 and respectfully urge a favorable report.

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⁷ See generally Shahera Hyatt, *Struggling to Survive: Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning Youth on the Streets of California* (2011), <https://lgbtqcaucus.legislature.ca.gov/sites/lgbtcaucus.legislature.ca.gov/files/PDF/LGBTQ%20Homeless%20Youth%20in%20California.pdf>