



**CALIFORNIA RURAL LEGAL ASSISTANCE FOUNDATION**  
*Advocates for Justice*



### AB 1418 (McKinnor)

#### *Limiting Racially Motivated “Crime-Free Housing” Programs and Nuisance Ordinances*

**Summary:** This bill would limit local “crime-free housing” programs and nuisance ordinances, which typically include harmful provisions such as requiring landlords to evict tenants for alleged criminal activity. Often touted as crime-fighting tools, these policies represent a new phase in the evolution of segregationist housing laws designed to exclude people of color from communities.<sup>1</sup>

**The Problem:** A Los Angeles Times analysis found that in most cases, California jurisdictions adopted “crime-free housing” programs following an increase in the Black or Latinx population in the community with little or no evidence of rising crime rates, indicating that the motivation for these policies is racial animus rather than addressing crime.<sup>2</sup> These policies are also disproportionately enforced against Black and Latinx renters, impacting their housing stability and increasing their risk of homelessness. The California Task Force to Study and Develop Reparation Proposals for African Americans listed these ordinances as a contributing factor in housing segregation and called for their repeal.<sup>3</sup>

“Crime-free housing” policies additionally harm survivors of domestic violence, victims of sexual exploitation, and persons with disabilities, who often have disproportionate contact with the police. These populations interact more frequently with police who are responding to domestic disputes,

trafficking, or mental health crises, for example. These policies also make it even harder for people with arrest or conviction histories to obtain housing.

The harmful impact of “crime-free housing” policies on Black and Latinx communities and other protected classes runs afoul of existing state and federal laws, including civil rights laws. The federal Department of Justice recently announced a settlement with the City of Hesperia to end the city’s discriminatory crime-free rental housing program.<sup>4</sup> These policies also tend to deny tenants the ability to directly challenge enforcement actions and commonly use overly broad or vague language that makes it hard for tenants to know what behavior may lead to their eviction, raising due process concerns.

**The Solution:** This bill would prohibit cities and counties from enacting local policies that:

- Require landlords to use criminal background checks.
- Make alleged criminal behavior without a felony conviction a basis to evict a tenant.
- Require landlords to evict an entire household when a household member is convicted of a felony.
- Define nuisance behavior to include police contact, police service calls, or anything else

<sup>1</sup> Deborah N. Archer, American Constitution Society, You Can’t Go Home Again: Racial Exclusion Through Crime-Free Housing Ordinances (November 2019) at 3, available at <https://www.acslaw.org/wp-content/uploads/2019/11/Racial-Exclusion-Through-Crime-Free-Housing-Ordinances.pdf>

<sup>2</sup> Liam Dillon, Ben Poston, Julia Barajas, *Black and Latino renters face eviction, exclusion amid police crackdowns in California*, Los Angeles Times, November 19, 2020, available at

<https://www.latimes.com/homeless-housing/story/2020-11-19/california-housing-policies-hurt-black-latino-renters>

<sup>3</sup> California Task Force to Study and Develop Reparation Proposals for African Americans, Interim Report at p. 20, available at <https://oag.ca.gov/system/files/media/ab3121-reparations-interim-report-2022.pdf>

<sup>4</sup> [swq2a1](#)

outside the scope of the existing state definition of a nuisance.

- Require landlords to include lease provisions that provide a basis for eviction beyond those in existing state law.

The bill would give jurisdictions one year to either repeal an existing “crime-free housing” policy or nuisance ordinance or bring it into compliance with the bill’s requirements.

**Support:**

California Rural Legal Assistance Foundation  
(sponsor)

Disability Rights California (sponsor)

National Housing Law Project (sponsor)

Root and Rebound (sponsor)

Western Center on Law and Poverty (sponsor)

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