

## Crime-free housing ordinances and eviction

Kathryn Ramsey Mason

### TAKEAWAYS

**The eviction risk of vulnerable tenants is increased** by crime-free housing ordinances.

**Local police departments, not landlords, decide when eviction is appropriate** where crime-free housing ordinances are in effect.

**Eviction can lead to many social ills** including homelessness, increased poverty, and neighborhood destabilization.

**Racial inequality is exacerbated by crime-free ordinances** because people of color are both more likely to rent their homes and more likely to face arrest, and are thus at a higher risk of eviction.



**Institute for  
Research on  
Poverty**

UNIVERSITY OF WISCONSIN-MADISON

irp.wisc.edu

### Homeownership and access to high-quality affordable rental

housing are important facets of financial well-being in the United States, but people of color have less access to desirable housing—both historically and currently—than their White counterparts. This inequality stems in large part from policies that created explicitly segregated public housing and New-Deal-era programs that enabled White families to purchase single-family homes in all-White suburban neighborhoods while excluding African American families from becoming homeowners themselves.<sup>1</sup> While the Fair Housing Act of 1968 ostensibly prohibited explicit discrimination, one continuing legacy of past policies is racial residential segregation. More recent policies, reflecting methods of discrimination that are more subtle than those employed in the past, may also exacerbate racial inequities in housing. In this article, I detail the effects of one such set of policies enacted by local governments—crime-free housing ordinances for private-market rental properties.<sup>2</sup> These ordinances put renters—many of them people of color—at an increased risk of eviction. As the consequences of eviction can include homelessness, increased poverty, and neighborhood destabilization, these ordinances can have far-reaching consequences for racial inequality in the United States.

---

Conduct that triggers either a one-strike eviction or a crime-free housing ordinance eviction does not need to be proven in court, and even if the person is never convicted of a crime, they can still lose their home.

---

### The one-strike policy and crime-free housing ordinances

Across the country, municipalities are passing and enforcing nuisance eviction and crime-free housing laws that are ostensibly aimed at preventing and reducing crime, but often result in vulnerable residents being put at risk of losing their housing. These crime-free housing ordinances for rental properties are modeled after a federal statute known as the “one-strike policy” that has been in place for federally subsidized public housing tenants since the late 1980s (see text box). Both the federal one-strike policy and crime-free housing ordinances authorize, encourage, or require landlords to evict tenants for a single instance of actual or alleged criminal conduct. In federal public housing, the criminal activity may be committed by the tenant, any household member, or a guest, on or off housing authority property. The federal law imposes strict liability on the tenant even if they had no knowledge of the activity and could not have prevented it. This is also true for many crime-free housing

## Public housing and the one-strike policy

The one-strike policy evolved from problems that have plagued the administration of public housing since its beginnings as part of President Franklin D. Roosevelt's New Deal agenda. The 1937 Housing Act provided the legal structure and federal funding for the construction of housing intended for working-class families who suffered from high housing prices and slum conditions during the 1930s. Federal and local officials worked together to implement the Housing Act, with deference to local officials on important decisions such as site and tenant selection. However, the leeway given to local governments often resulted in the furtherance of racially segregated neighborhoods.

Although public housing developments in many cities were racially concentrated, the program was initially considered to be a great success by many policymakers. However, within twenty years, many White families and more prosperous African American families had left public housing. White residents were encouraged by racially discriminatory mortgage incentives from the Federal Housing Administration to move to single-family homes in the suburbs. African American families that were more economically prosperous either chose to leave public housing when they could afford other residences, or were made to leave once they exceeded the income threshold required for public housing residents. As a result, remaining public housing residents were largely African American and poor.

The one-strike policy in federal law, the precursor to crime-free housing ordinances at the local level, was developed in response to the proliferation of drugs and crime in public housing. In the early 1980s, the Reagan administration significantly ramped up its efforts to combat illicit drug use in the United States through a number of measures that became known as the War on Drugs. The laws and policies that constituted the War on Drugs included harsh criminal penalties for drug crimes, including lengthy mandatory minimum sentences, along with civil penalties—such as those instituted by the one-strike policy—aimed at deterring and punishing drug users and traffickers beyond the reach of the criminal justice system.

The core mission of public housing is to provide safe and affordable housing to low-income Americans. In order to carry out this mission, housing authorities must be able to carry out evictions against tenants when necessary. However, eviction is a drastic remedy, and housing authorities also have an obligation to take steps to avoid it whenever possible. This suggests a thoughtful and deliberative process in most situations, with eviction being the last resort option for any problem with a tenant. However, the advent of the one-strike policy made it more difficult to avoid eviction, even for housing authorities that wanted to save it for only the worst situations.

ordinances. In public housing, the consequence of violating this policy is the termination of the public housing tenancy, which often leads to eviction.<sup>3</sup> In private-market apartments governed by crime-free housing ordinances, the result of a violation is usually either an eviction action against the tenant or fines levied against the landlord.<sup>4</sup> Significantly, conduct that triggers either a one-strike eviction or a crime-free housing ordinance eviction does not need to be proven in court, and even if the person is never convicted of a crime, they can still lose their home.

I argue that local crime-free housing ordinances are more harmful to residential tenants than the federal one-strike policy on which they are based. Unlike the one-strike policy, which applies only to federal public housing tenants, crime-free housing ordinances put an unprecedented number of private-market tenants across the country at significant risk of eviction. People of color are both more likely to rent their homes and more likely to face arrest than are people who are White.<sup>5</sup> Crime-free housing ordinances thus likely put people of color at a higher risk of eviction than their White counterparts.

### Eviction as a crime-control tool

Policymakers and law enforcement officials have long used eviction as a crime-control tool. In the 1980s and 1990s, violence and crime in urban public housing were extremely high. In an effort to ameliorate these social problems, public officials chose a strategy of removing the so-called criminals from public housing, and letting law-abiding citizens remain. In the civil justice system, eviction has continued to be viewed largely as a civil remedy in response to the breach of a lease contract. However, in practice it has come to be employed as a first-resort method for dealing with the problems of drugs, crime and violence.<sup>6</sup>

While tenant advocates and some policymakers criticized the one-strike policy for public housing tenants, it was ultimately upheld by the Supreme Court in *Department of Housing and Urban Development v. Rucker* (see text box). Following the *Rucker* decision, use of eviction as a crime-control tool expanded to other types of rental housing, as many local governments across the country enacted

### *Department of Housing and Urban Development v. Rucker*

During the 1990s, courts reached different decisions about how the one-strike policy should be applied. Much of the confusion lay in whether Congress had intended for housing authorities to be able to use their discretion to evict “innocent tenants,” who had no knowledge of, or participation in, criminal activity.

This confusion was laid to rest in 2002, when the Supreme Court decided *Department of Housing and Urban Development v. Rucker*. This case concerned four elderly public housing tenants in Oakland, California, who had their tenancies terminated in 1998 by the Oakland Housing Authority because of criminal drug activity committed by their family members or guests. For 63-year-old Pearlie Rucker, the criminal activity was an arrest three blocks away for cocaine possession by her mentally disabled adult daughter who lived with her. Another tenant, 75-year-old Herman Walker, was being evicted because his home health aide who did not reside with him possessed cocaine in his apartment. Finally, 71-year-old Willie Lee and 63-year-old Barbara Hill had their tenancies terminated because their teenage grandsons were caught smoking marijuana in the parking lot of the housing development. It was undisputed that the tenants were all unaware of the criminal activity by their family members and guests, could not have prevented it, and even warned their families not to engage in drug activity because it could result in eviction. Still, the Oakland Housing Authority sought to evict them all under the one-strike policy.

The Supreme Court concluded that the U.S. Congress had in fact intended to allow housing authorities to evict tenants for alleged criminal conduct that they have no actual knowledge of, and thus upheld the constitutionality of the one-strike statute. The Court did not address any issues beyond congressional intent, such as the wisdom or effectiveness of the underlying policy, and it did not indicate that its holding would apply to any situation beyond the federal one-strike policy for public housing residents.

crime-free housing ordinances. These ordinances are modeled on the federal one-strike policy, and are intended to deter and control crime in private-market rental housing. There are currently nearly two thousand municipalities across the country with some version of crime-free housing ordinances, with a large cluster located in the Chicago suburbs (see Figure 1).<sup>7</sup>

While the specifics of crime-free housing ordinances vary by location, two common features are (1) the requirement that landlords make tenants sign a crime-free lease addendum as a condition of the tenancy, which contains language similar to federal public housing leases; and (2) the use of nuisance property ordinances that make it easier for the municipalities to remove residential tenants even without the participation of the landlord. See text box on the Elgin, Illinois ordinance for an example. Crime-free housing ordinances always associate eviction with an accusation of criminal conduct, either by explicitly requiring landlords to evict such tenants, or by permitting the municipality to coerce the landlord into such action. The ordinances contain few legal protections for tenants, putting many at risk of losing their homes without the opportunity to obtain legal counsel or defend against the accusations.

---

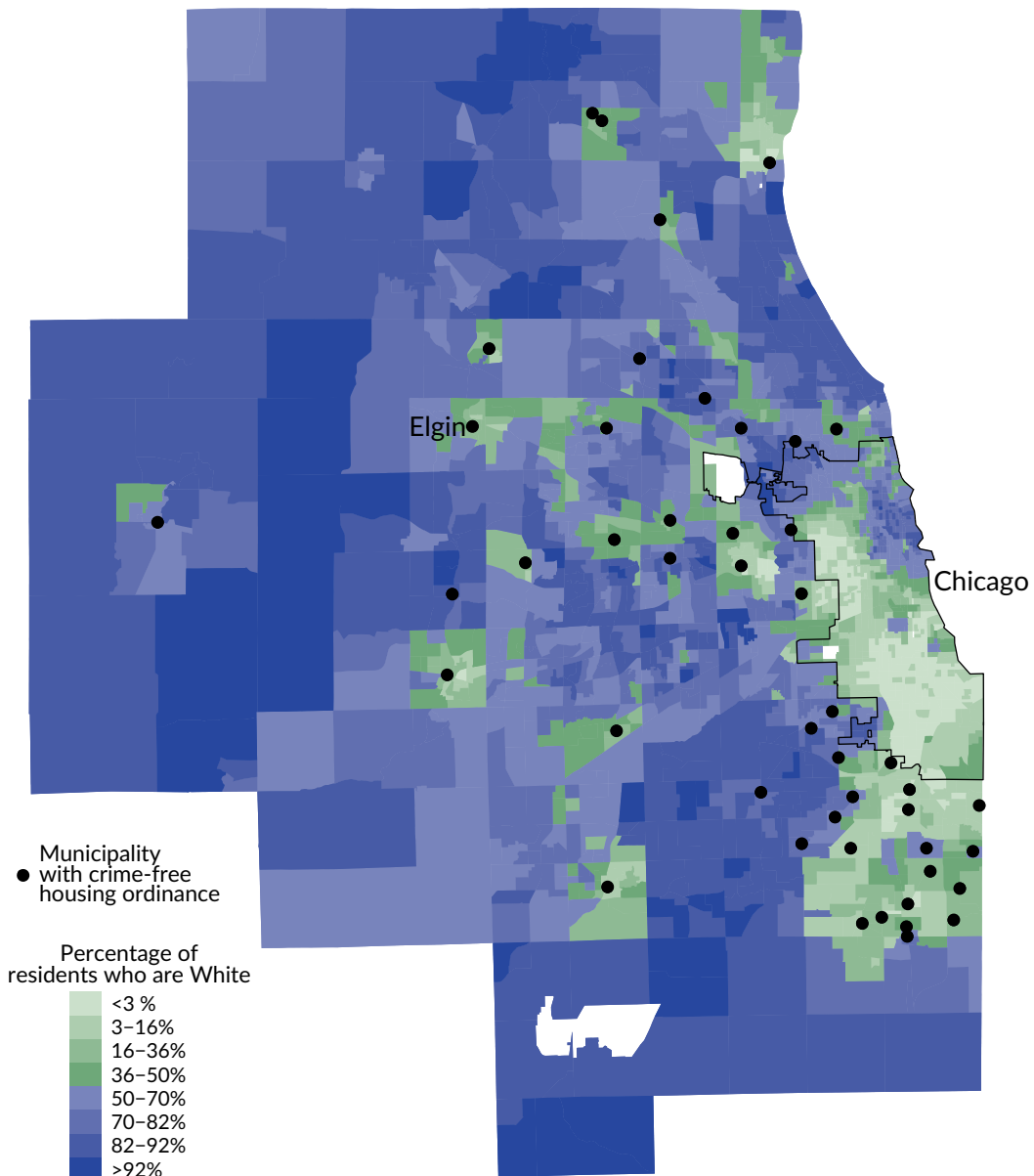
Today, racial justice and civil rights concerns about housing segregation are often less about overt restrictions on people of color, and more about subtler methods of discrimination.

---

### Local government authority and racial justice concerns

The desire for cities to have independent self-governance arose from urban reformers wanting to tackle local problems such as rapid population increases and corruption of local officials.<sup>8</sup> Subsequent changes enabled cities to establish greater autonomy in relation to the states. It is notable that many crime-free housing ordinances exist in suburbs and small cities with high rates of homeownership and relatively low supplies of rental housing, while many large urban areas, with higher proportions of residential renters, have not passed such ordinances.<sup>9</sup> After the end of World War II, an increase in urban crime rates and corresponding fear of crime coincided with efforts by the federal government to promote suburban homeownership among White middle-class Americans while disincentivizing people of color from moving out of cities and into suburbs.<sup>10</sup> Individual municipalities also enacted laws to exclude people of color.<sup>11</sup>

Figure 1. There is a large cluster of municipalities with crime-free housing ordinances in the Chicago suburbs.



**Notes:** Shading indicates percentage of non-Hispanic White residents in each census tract. Unshaded census tracts are those with no permanent residents, such as airports. Illinois counties included on map are Cook, DeKalb, DuPage, Kane, Kendall, Lake, McHenry, and Will.

**Source:** Shriver Center on Poverty Law, "The Cost of Being 'Crime Free,'" 2013, available at <https://www.povertylaw.org/wp-content/uploads/2019/09/cost-of-being-crime-free.pdf>; U.S. Census Bureau, 2014–2018 American Community Survey 5-Year Estimates, Table DP05.

Today, racial justice and civil rights concerns about housing segregation are often less about overt restrictions on people of color, and more about subtler methods of discrimination.<sup>12</sup> Recently, there has been a huge change in public understanding about the connection between race and involvement with the criminal justice system. This is due to the work of scholars such as Michelle Alexander, growing concerns about the social and economic effects of incarcerating millions of people of color, media attention on police shootings of people who are Black, and the rise of social resistance movements

## The Elgin ordinance

The crime-free ordinance from Elgin, Illinois, is representative of such ordinances across the United States. Elgin, which calls itself “the City in the Suburbs,” is a community of approximately 108,000 residents located about 35 miles northwest of Chicago. Nearly 44 percent of Elgin’s population identifies as Hispanic or Latino, while only 7 percent identifies as Black or African American. According to the 2010 census, 70 percent of Elgin residents live in owner-occupied housing.

Elgin’s ordinance, like many others, has four main components: a landlord licensing requirement; a strong encouragement that landlords perform criminal background checks on prospective tenants; a crime-free lease addendum requirement; and nuisance property provisions.

**Landlord licensing requirement:** All landlords who want to rent out residential property in Elgin must apply for a business license, which requires a city inspection, and must renew their rental licenses each year. If the landlord fails to renew the license or has the license revoked for failing the city inspection, the tenants living in the property must vacate within 60 days. The licensing provision increases the risk of eviction for tenants; while the punishment of vacating the property may be aimed at increasing landlord compliance, tenants suffer the drastic consequence of losing their personal residences.

**Criminal Background Check Requirement and Tenant Record Sharing:** While it is not explicitly required in the city code, Elgin also strongly encourages landlords to conduct a thorough background check on all prospective tenants, a process that includes a credit check and a criminal history check. Landlords are encouraged to immediately reject any tenants with certain types of criminal records without giving the tenant the opportunity to explain the circumstances, thus reducing the number of available rental units for a population that already struggles to find safe and affordable housing.

**Crime-Free Lease Addendum:** Landlords in Elgin are required to have tenants sign a crime-free lease addendum. Example text for Elgin’s crime-free lease addendum, which is similar to those in many other communities, is laid out in its city code. Like the federal one-strike policy, the lease addendum applies to the “resident, any member of the resident’s household or a guest or other person under the resident’s control.” Behaviors that can constitute a lease violation include engaging in criminal activity or any act intended to facilitate criminal activity, and permitting the dwelling unit to be used for, or to facilitate criminal activity. The Elgin crime-free lease addendum specifically lists “drug-related criminal activity,” along with a few other illegal acts such as prostitution, criminal street gang activity, assault, and the unlawful discharge of firearms. The behavior that can lead to eviction does not necessarily need to happen in the dwelling unit, but can also occur nearby. Finally, the crime-free lease addendum indicates that a single violation shall be good cause for immediate termination of the lease. The lease addendum creates the possibility that a private-market tenant could be evicted for the behavior of another person that she did not know about and had no control over.

**Nuisance Property Ordinance:** Nuisance property ordinances give the municipal government the right to address allegedly illegal behavior by tenants and the power to punish landlords who do not deal with problem tenants. In Elgin, a chronic nuisance property is defined as a property where there have been three or more instances of documented criminal behavior within a twelve-month period. Activities that can constitute a nuisance include violent felony offenses, drug and gang activity, and a number of local ordinance violations which include loitering, noise, and overcrowding in an apartment. As is common with nuisance property ordinances, the police department is the branch of the municipal government responsible for enforcing Elgin’s ordinance. After two qualifying incidents, the police department can send a written letter to the landlord notifying her that her property is at risk of becoming a nuisance, and giving her the opportunity to abate the nuisance activities giving rise to the violation. This frequently means evicting the tenants.

such as Black Lives Matter.<sup>13</sup> There have even been efforts to change some of the collateral consequences that have resulted from mass incarceration, such as barriers to employment, by enacting “ban the box” laws that prohibit employers from asking about a person’s criminal history on a job application.<sup>14</sup> Some cities have even passed similar laws for initial housing applications, restricting the questions landlords can ask about criminal history and the length of time that they can utilize a criminal conviction to deny housing.<sup>15</sup>

Despite these advances, more and more municipalities pass crime-free housing ordinances every year. In Illinois, where crime-free housing ordinances have been the most systematically catalogued, many towns with crime-free housing ordinances also have documented histories of racial housing segregation, or have drawn attention to low crime rates that do not appear to justify such drastic crime prevention measures.<sup>16</sup> In California, a recent analysis showed that cities with the largest increases in population of Black and Latino residents in the past 30 years were overwhelmingly likely to have approved crime-free ordinances—75 to 85 percent of those cities have such ordinances in place.<sup>17</sup> At the same time, people of color are often twice as likely to face eviction as their White counterparts.<sup>18</sup>

When the one-strike policy was incorporated into federal law for public housing tenants, the effect was immediate and harmful, resulting in the eviction of many tenants based on the behavior of others about which they had no knowledge or control over.<sup>19</sup> Although the federal one-strike policy can be devastating for the public housing tenants who are subject to it, it applies to only a relatively small percentage of the American public. There are only enough public housing units to accommodate 30 percent of those who are eligible for it, and the vast majority of residential

tenants in the United States rent their homes on the private market.<sup>20</sup> Because of this, the expansion of one-strike provisions into private rental housing by means of crime-free housing ordinances puts an unprecedented number of people, many of whom are low-income people of color, at risk of eviction and homelessness.

---

Crime-free housing ordinances also raise concerns about racial justice, especially when eviction decisions by the police department can be based only on an arrest.

---

### Transfer of discretion to evict from landlords to police under crime-free housing ordinances

Municipalities that have implemented crime-free housing ordinances justify them on the grounds that they are aimed at preventing and reducing crime in communities.<sup>21</sup> This follows a trend in recent years of local governments taking on more responsibility for crime control, including new policing tactics, especially “broken windows” policing—which maintains that “visible signs of disorder” like broken windows create an urban environment that encourages more serious crimes.<sup>22</sup> Many of the activities targeted by broken windows policing and similar tactics aimed at maintaining order are regulated by state or federal criminal law, but also often by municipal law. Most notably, many enforcement techniques involve property regulation, such as demolishing property that is considered blighted, inspecting properties for building code violations, and instituting crime-free housing ordinances.<sup>23</sup>

When crime-free housing ordinances require or encourage landlords to evict tenants on the basis of their interactions with the criminal justice system without differentiating between arrests, criminal charges, and convictions, they insert the local police department directly into the relationships between private landlords and their tenants, to the detriment of both. Throughout history, the landlord-tenant relationship has often been contentious, particularly when the tenants are poor. There are many examples of landlords seeking to evict tenants on flimsy and even unlawful grounds.<sup>24</sup> However, our legal system does allow for landlords to exercise their discretion to evict tenants who violate their lease obligations and to do so within the format of a legal process that includes giving tenants notice of a pending eviction and the right to a hearing. Private-market landlords have always been allowed to evict tenants for criminal behavior, even before the rise of crime-free housing ordinances, as long as they could prove a violation of the lease. However, crime-free housing ordinances tie landlords’ hands and interfere with the landlord-tenant relationship by requiring or coercing landlords, at the discretion of the local police department, to use eviction as a *first step* to address an allegation of criminal behavior. This transfer of discretion from the landlord to the police to decide when it is appropriate to evict a tenant is problematic for both tenants and landlords, and some landlords have objected to crime-free housing ordinances for this reason.<sup>25</sup>

Crime-free housing ordinances also raise concerns about racial justice, especially when eviction decisions by the police department can be based only on an arrest. It is well-documented that the police are more likely to arrest people of color than White people.<sup>26</sup> People of color are also more likely to rent their homes.<sup>27</sup> Thus, using arrests as a basis for a police decision about eviction puts people of color at a higher risk of eviction than their White counterparts. In addition, the police may be less likely than the landlord to take any mitigating factors into account—such as the circumstances surrounding the arrest



or the effect of eviction on other household members—when deciding whether eviction is appropriate. The potential for police to abuse their discretion should be a serious concern for municipalities with crime-free housing ordinances.

---

Crime-free housing ordinances arguably tip the scale too far away from ensuring citizen rights, especially when there is sparse evidence that these ordinances do in fact reduce crime.

---

### Balancing crime reduction with the rights of citizens

While one of the basic functions of government is to prevent and reduce crime, this function must be balanced with protecting the rights of citizens. Crime-free housing ordinances arguably tip the scale too far away from ensuring citizen rights, especially when there is sparse evidence that these ordinances do in fact reduce crime. Since their peak in the 1980s and 1990s, crime rates have fallen across the country—including in public housing—and the tough-on-crime policies have also given rise to other serious social challenges, including mass incarceration and the continuing need to advance racial and economic justice. The expansion through crime-free housing ordinances of the one-strike policy into the lives of residential tenants across the country, many of whom are low-income people of color, needs to be recognized as an equally serious issue.

Municipalities considering crime-free housing ordinances, as well as those with them already in place, should consider several questions in order to prioritize not only crime prevention, but also the value of the rights of their citizens: first, how serious the problem of crime in rental housing actually is; second, if facilitating eviction from rental housing is the best way to deal with this problem; and third, whether the ordinance diminishes the legal rights of landlords and tenants.

When the federal one-strike policy was put into place for public housing tenants in the 1980s, it was undisputed that crime was an extremely serious problem. While the one-strike policy was an imperfect solution to this problem, it was designed to address what many public housing tenants, public housing authorities, and policymakers considered to be a crisis. However, in many of the towns that have implemented crime-free housing ordinances, the situation is much less severe, and private-market rental housing is not facing the same challenges of public safety that public housing did thirty years ago. In fact, there is evidence to suggest that many municipalities are implementing crime-free housing ordinance as preventive measures, even in the absence of high crime rates.<sup>28</sup>

---

A reduction in 911 calls could reflect a reduction in crime reporting by tenants who fear eviction—a dangerous situation for victims of domestic violence and other crimes.

---

Municipalities should also consider whether making it easier to evict residential tenants actually reduces crime. While crime rates have fallen in public housing since the federal one-strike policy went into effect, this reduction in crime cannot necessarily be attributed to evictions of alleged criminals. There is also no conclusive evidence to show that

crime-free housing ordinances reduce crime in private-market housing in the places where they exist. Many municipalities cite a reduction in 911 calls as evidence that these ordinances are reducing crime, but this is not necessarily the case.<sup>29</sup> The reduction could also reflect a reduction in crime reporting by tenants who fear eviction—a dangerous situation for victims of domestic violence and other crimes. Crime-free housing policies may also create new problems by reducing community and neighborhood stability. For example, under the federal one-strike policy, many housing authorities encourage public housing tenants to avoid eviction by signing agreements excluding particular family members—often a partner or a child—from the apartment. This can contribute to the breakdown of the very family ties that could strengthen low-income neighborhoods.<sup>30</sup> Eviction from private housing can have the similar negative consequences on both individuals and communities. People who are evicted do not just disappear—they still need a place to live—but eviction can make it even harder for people, especially those without many financial resources, to find decent and affordable housing.

Finally, crime-free housing ordinances may create legal problems for municipalities. The federal government and public housing authorities have already taken some steps to modify how the federal one-strike policy is applied in order to address some of these issues, including limiting the use of arrests to deny access to or evict someone from public housing. There have been some efforts to modify ordinances at the local and state levels to mitigate some of these concerns as well. For example, some states and cities make exceptions for 911 calls made by victims or others to report crimes. It is unclear, however, whether these measures provide meaningful protections for tenants; many domestic violence victims are arrested along with their abusers, and it is possible that such an incident could still lead to eviction.<sup>31</sup>

Given the many serious problems that crime-free housing ordinances present for tenants, landlords, and communities, municipalities that do not yet have crime-free housing ordinances in place should seriously consider whether they are worthwhile, and those that already have them should consider either repealing them or significantly modifying them to address legal and social concerns. The best way to prevent and reduce crime may be investing in social programs that strengthen neighborhoods rather than penalizing and expelling residents whose behavior is deemed undesirable.

## Conclusion

Eviction, for any reason, is mostly likely to affect people of color. The COVID-19 pandemic has put a spotlight on the rise of nonpayment evictions of low-income tenants who were more likely to contract COVID and who were also most likely to have

## Research to watch

### Racial composition and trajectories of upward neighborhood transition in the United States

A new study by Zawadi Rucks-Ahidiana suggests that gentrification—the process of economic change in a low-income neighborhood through the arrival of more affluent residents and businesses—affects different neighborhoods in different ways. Earlier research suggests that middle-income Americans are more likely to move to predominately White, low-income neighborhoods than predominately Black or Latino neighborhoods. Given that Black and Latino neighborhoods are, on average, lower-income and higher in poverty than low-income, White neighborhoods, it may be that gentrification in these neighborhoods represents a different kind of change than that occurring in predominately White neighborhoods.

Using Census data from 1970 to 2010 for 275 Metropolitan Statistical Areas, Rucks-Ahidiana finds that racial composition influences not only *whether* gentrification occurs, but also *how* it occurs and whether it influences racial demographics. When gentrification occurs, majority White areas see an influx of higher-income residents. Majority Black areas, however, are more likely to experience an increase in higher-educated, but not higher-income residents. Across all gentrifying neighborhoods, these class changes are accompanied by more White residents, thus reinforcing White neighborhoods as White and decreasing the racial majorities of Black and Latino residents in Black and Brown communities.

Racial composition thus contributes to the kind of gentrification a tract experiences and the extent to which gentrification produces racial change. These findings suggest that race not only affects where gentrification occurs as previously suggested, but also the kind of class and racial changes that a neighborhood experiences. Rucks-Ahidiana's study is detailed in an *Urban Studies* article.



experienced the economic effects of the pandemic.<sup>32</sup> Even before the pandemic began, Black women with children were more likely than any other group to face eviction.<sup>33</sup> In fact, Matthew Desmond has compared the impact of eviction among Black women to the mass incarceration crisis for Black men, writing, “These twinned processes, eviction and incarceration, work together—black men are *locked up* while black women are *locked out*—to propagate economic disadvantage and social suffering in America’s urban centers.”<sup>34</sup> There are nearly seventy million Americans who have a criminal record, and a disproportionate number of these are people of color.<sup>35</sup> These individuals face many challenges to living and maintaining a stable and productive life, including finding a job, accessing education, and exercising political rights such as voting. The federal one-strike policy added the risk of eviction from public housing to the challenges these Americans face. Many local governments have since passed laws that impose the same risk of eviction on millions of private-market tenants. Because people of color are more likely to be affected by these laws and thus face eviction and its attendant consequences of homelessness, poverty, and neighborhood instability, crime-free housing ordinances can exacerbate racial inequality in the United States. ■

Kathryn Ramsey Mason is Assistant Professor of Law at the University of Memphis Cecil C. Humphreys School of Law.

<sup>1</sup>Institute for Research on Poverty, “A history of residential segregation in the United States,” *Focus* 34, No. 4 (2019): 2–9, available at <https://www.irp.wisc.edu/resource/a-history-of-residential-segregation-in-the-united-states/>.

<sup>2</sup>This article draws on K. V. Ramsey, “One-Strike 2.0: How Local Governments Are Distorting a Flawed Federal Eviction Law,” *UCLA Law Review* 65 (2018): 1146–1199.

<sup>3</sup>E. Jain, “Arrests as Regulation,” *Stanford Law Review* 67, No. 4 (2015): 809–867.

<sup>4</sup>E. Werth, *The Cost of Being “Crime Free”: Legal and Practical Consequences of Crime Free Rental Housing and Nuisance Property Ordinances*, Sargent Shriver National Center on Poverty Law, Chicago, IL, 2013.

<sup>5</sup>R. Florida, “The Steady Rise of Renting,” Bloomberg CityLab, February 16, 2016, available at <https://www.citylab.com/equity/2016/02/the-rise-of-renting-in-the-us/462948>.

<sup>6</sup>See, for example, S. Duffield Levy, “The Collateral Consequences of Seeking Order Through Disorder: New York’s Narcotics Eviction Program,” *Harvard Civil Rights-Civil Liberties Law Review* 43 (2008): 539–580.

<sup>7</sup>Crime Free Multi-Housing: Keep Illegal Activity Off Rental Property, International Crime Free Association, available at <http://www.crime-free-association.org/multi-housing.htm>; Werth, *The Cost of Being “Crime Free.”*

<sup>8</sup>D. J. Barron, “Reclaiming Home Rule,” *Harvard Law Review* 116, No. 8 (2003): 2255–2386.

<sup>9</sup>While most major cities do not require private-market landlords to obtain licenses and pass inspections before renting property or require tenants to sign crime-free lease addenda, they have implemented the one-strike concepts for private-market tenants in other ways. For example, New York City has revived nineteenth-century nuisance laws in order to allow the District Attorney to evict tenants suspected of drug or other criminal activity, often with little or no notice to the tenant. See S. Ryley, “The NYPD Is Kicking People Out of Their Homes, Even If They Haven’t Committed a Crime: And It’s Happening Almost Exclusively in Minority Neighborhoods,” *ProPublica*, February 4, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-evictions>.

<sup>10</sup>J. Simon, “Consuming Obsessions: Housing, Homicide, and Mass Incarceration Since 1950,” *University of Chicago Legal Forum* 2010, No. 7 (2010): 165–204.

<sup>11</sup>J. W. Loewen, *Sundown Towns: A Hidden Dimension of American Racism* (New York: The New Press, 2005)

<sup>12</sup>N. Brown Hayat, “Section 8 Is the New N-Word: Policing Integration in the Age of Black Mobility,” *Washington University Journal of Law and Policy* 51 (2016): 61–93.

<sup>13</sup>See, for example, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010); D. Funke and T. Susman, “From Ferguson to Baton Rouge: Deaths of Black Men and

Women at the Hands of Police,” *L.A. Times*, July 12, 2016, available at <http://www.latimes.com/nation/la-na-police-deaths-20160707-snap-htmlstory.html>

<sup>14</sup>C. O’Connell, “Ban the Box: A Call to the Federal Government to Recognize a New Form of Employment Discrimination,” *Fordham Law Review* 83 (2015): 2801–2835.

<sup>15</sup>Newark, San Francisco, and Washington, D.C., are among the cities that have passed “ban the box” laws for housing.

<sup>16</sup>Werth, “The Cost of Being ‘Crime Free.’”

<sup>17</sup>L. Dillon, B. Poston, and J. Barajas, “Black and Latino Renters Face Eviction, Exclusion Amid Police Crackdowns in California,” *L.A. Times*, November 19, 2020, available at <https://www.latimes.com/homeless-housing/story/2020-11-19/california-housing-policies-hurt-black-latino-renters>.

<sup>18</sup>Dillon, Poston, and Barajas, “Black and Latino Renters Face Eviction.”

<sup>19</sup>L. Weil, “Drug Related Evictions in Public Housing: Congress’ Addiction to a Quick Fix,” *Yale Law and Policy Review* 9 (1991): 161–189.

<sup>20</sup>M. Desmond, *Evicted: Poverty and Profit in the American City*, (New York: Penguin Random House, 2016).

<sup>21</sup>See, for example, the Belleville, Illinois, Code of Ordinance § 154.40, 2016, stating that the purpose of the ordinance is “to decrease the incidents of public safety violations and criminal activity in rental properties.”

<sup>22</sup>D. M. Kahan, “Social Influence, Social Meaning, and Deterrence,” *Virginia Law Review* 83, No. 2 (1997): 349–395.

<sup>23</sup>N. S. Garnett, “Ordering (and Order in) the City,” *Stanford Law Review* 57 (2004): 1–58.

<sup>24</sup>Desmond, *Evicted*.

<sup>25</sup>See, for example, A. Rhodebeck, “Landlords Upset as Cities Work Toward Crime-Free Housing Ordinances,” *Kane County Chronicle*, August 2, 2011, available at <http://www.kcchronicle.com/2011/08/02/landlords-upset-as-cities-work-toward-crime-free-housing-ordinances/aiowoq1/?page=3>.

<sup>26</sup>See, for example, B. Heath, “Racial Gap in U.S. Arrest Rates: Staggering Disparity,” *USA Today*, November 19, 2014, available at <https://www.usatoday.com/story/news/nation/2014/11/18/ferguson-black-arrest-rates/19043207>.

<sup>27</sup>Florida, “The Steady Rise of Renting.”

<sup>28</sup>See, for example, S. Swan, “Home Rules,” *Duke Law Review* (2015): 823–900.

<sup>29</sup>Swan, “Home Rules.”

<sup>30</sup>M. Howard, “Subsidized Housing Policy: Defining the Family,” *Berkeley Journal of Gender, Law & Justice* 22, No. 1 (2007): 97–134.

<sup>31</sup>E. Eckholm, “Victims’ Dilemma: 911 Calls Can Bring Eviction,” *New York Times*, August 16, 2013, available at <http://www.nytimes.com/2013/08/17/us/victims-dilemma-911-calls-can-bring-eviction.html>.

<sup>32</sup>J. Lake, *The Pandemic Has Exacerbated Housing Instability for Renters of Color*, Center for American Progress, October 30, 2020, available at <https://www.americanprogress.org/issues/poverty/reports/2020/10/30/492606/pandemic-exacerbated-housing-instability-renters-color/>.

<sup>33</sup>M. Desmond, “Eviction and the Reproduction of Urban Poverty,” *American Journal of Sociology*, 117, No. 5 (2012): 1295–1335.

<sup>34</sup>Desmond, “Eviction and the Reproduction of Urban Poverty.”

<sup>35</sup>M. Friedman, *Just Facts: As Many Americans Have Criminal Records as College Diplomas*, Brennan Center for Justice, November 17, 2015, available at <https://www.brennancenter.org/blog/just-facts-many-americans-have-criminal-records-college-diplomas>.