



DOMESTIC VIOLENCE, NUISANCE ORDINANCES & HOUSING

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Objectives

Participants will be able to:

- Describe the facts & legal theory in *Briggs v. Norristown*
- Identify nuisance ordinances & their negative impact on victims of domestic violence & other crime
- Apply legal theories to defend against eviction resulting from nuisance ordinances

Briggs v. Norristown

No. 2:13-cv-02191-ER

Eastern District of Pennsylvania

The Honorable Eduardo C. Robreno

Facts

- Norristown Nuisance Ordinance
 - 3 strikes, Landlord must evict or lose license
 - Lakisha Briggs – 3 strikes
 - Incidents of domestic violence counted as strikes
 - Last incident almost resulted in her death
 - Eviction successfully defended
 - Norristown continued to pursue Briggs' removal

Relief

- Preliminary Injunction
- Declaratory Judgment
- Compensatory Damages
- Punitive Damages
- Order for no discrimination, harassment or retaliation
- Costs & Attorney fees



Legal Arguments

- **Right to Petition**
 - 1st Amendment US Const.
 - Pa. Const. Art. I, § 20
- **Right to be Secure & Free from Unreasonable Searches**
 - 4th Amendment US Const.
 - Pa. Const. Art. I, § 8



Legal Arguments

- **Procedural Due Process**
 - 14th Amendment US Const.
 - Pa. Const. Art. I, §§ 1, 9, 11
- **State Created Danger**
 - 14th Amendment US Const.
 - Pa Const. Art. I, § 26

Legal Arguments

- **Equal Protection**

- 14th Amendment US Const.
- Pa. Const. Art. I, §§ 26, 28

- **Void for Vagueness**

- 14th Amendment US Const.
- Pa. Const. Art. I, §§ 1, 9, 11

Legal Arguments

- **Fair Housing Act & PA Human Relations Act**
 - ▣ FHA, 42 U.S.C. § 3601, *et seq*
 - ▣ PHRA, 43 P.S. § 951, *et seq*
- **Violence Against Women Act**
 - ▣ VAWA,
42 U.S.C. §1437f, *et seq*



Pennsylvania Nuisance Ordinances

25 and counting...

Sampling of Nuisance Ordinances in Municipalities Across Pennsylvania
October 2013

City/Municipality	County	Copy of Ordinance on File with PCADV
1. Allentown	Lehigh	No
2. Borough of Berwick	Columbia	Yes
3. Borough of Coaldale	Schuylkill	No
4. Borough of Colwyn	Delaware	No
5. Borough of Forest City	Susquehanna	Yes
6. Borough of Mahanoy City	Schuylkill	Yes
7. Bridgeport	Montgomery	Yes
8. Carbondale	Lackawanna	Yes
9. Carlisle	Cumberland	No
10. Ford City	Armstrong	Yes
11. Harrisburg	Dauphin	Yes
12. Honesdale	Wayne	Yes
13. Kulpmont	Northumberland	Yes
14. Lancaster	Lancaster	Yes
15. Norristown	Montgomery	Yes
16. Pitcairn	Allegheny	No
17. Pittsburgh	Allegheny	Yes
18. Pottsville	Schuylkill	Yes
19. Reading	Berks	Yes
20. Scranton	Lackawanna	Yes
21. Sunbury	Northumberland	Yes
22. Wilkes-Barre	Luzerne	Yes
23. York	York	No

Preventing /Repealing Ordinances

Success

- Williamsport
- Vandling
- Forest City

Pending

- Wilkes-Barre
- Scranton
- Carbondale
- State College

PA Legislation

HB 1796 Rep. Stephens

- Protection for Victims of Crime
 - Prohibits penalties to landlords or tenants for calls to police
 - If reasonable belief in emergency
 - Preempts inconsistent ordinances or rules

Other States

East Rochester, NY

- 2 cases – victims feared eviction if they called police
- \$100,000 settlement

Milwaukee, WI

- Study revealed
- Enforced in predominately black neighborhoods
- 1/3 citations DV
- Women most affected

PCADV Technical Assistance

Addressing Discriminatory Housing Barriers for Victims of Domestic Violence: A Toolkit for Attorneys





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